



**KENTUCKIANA**  
— COURT REPORTERS —

**LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT**

**15CUP1012**

**PROJECT NAME:**

**CHAMBERLAIN SENIOR CARE**

**DATE:**

**MAY 4, 2015**



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1 LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

2 15CUP1012

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6 REQUEST: CONDITIONAL USE PERMIT TO ALLOW A HOME FOR  
7 THE INFIRMED AND AGED IN AN R-4 ZONING  
8 DISTRICT

9 PROJECT NAME: CHAMBERLAIN SENIOR CARE  
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21 DATE: MAY 4, 2015, 8:30 A.M.

22 LOCATION: OLD JAIL BUILDING  
23 OLD JAIL COURTROOM  
24 514 WEST LIBERTY STREET  
25 LOUISVILLE, KENTUCKY 40202

<p style="text-align: right;">Page 2</p> <p>1 MEMBERS PRESENT:</p> <p>2</p> <p>3 CHAIRMAN DAVID PROFFITT</p> <p>4 VICE-CHAIRMAN MICHAEL ALLENDORF</p> <p>5 ROSALIND FISHMAN</p> <p>6 FREDERICK LIGGIN</p> <p>7 DEAN THARP</p> <p>8 PAUL BERGMANN</p> <p>9</p> <p>10 MEMBERS ABSENT:</p> <p>11</p> <p>12 BETTY JARBOE</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 site. That's page 2 of your staff report. Here's your</p> <p>2 aerial map. Again, this is the site here. These are</p> <p>3 your photos. If you'll look at your plan, that'll be</p> <p>4 the entrance to the site going up, and then the rest of</p> <p>5 the pictures are going around, so, hopefully, you'll be</p> <p>6 able to get a good idea of where you are. This is along</p> <p>7 the property line and in the background see the Snyder.</p> <p>8 Again, this is just going around the property. In the</p> <p>9 background, you can see some of Norton Commons. And</p> <p>10 that's the existing house on the site that will be</p> <p>11 removed. Again, this is just going along the property</p> <p>12 line. Norton Commons in the background. And this is</p> <p>13 going back out toward the front of the property to the</p> <p>14 entrance. This is your development plan. Again, like I</p> <p>15 said, there's two two-story structures and one three-</p> <p>16 story structure. Here are the elevations, the plans and</p> <p>17 policies in effect, and your conclusions. If you look</p> <p>18 on page 2 and 3 of your staff report, you'll see the</p> <p>19 standard of review for the conditional use permit on</p> <p>20 page 3 under item 4. There are three items listed. Item</p> <p>21 A and B will be met and that item C, you can add any</p> <p>22 restrictions to mitigate nuisances or adverse effects,</p> <p>23 so that'll be up to you. The staff justification</p> <p>24 statement starts on page 6, and that goes through page</p> <p>25 8. And then the neighborhood meeting -- that goes</p>
<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS</p> <p>2</p> <p>3 CHAIRMAN PROFFITT: We'll move on into Case</p> <p>4 Number 15CUP1012, which is the Chamberlain Senior Care</p> <p>5 located at 5217 Chamberlain Lane. The owner is</p> <p>6 Chamberlain LLC. Bill Bardenwerper's office is the</p> <p>7 representative. Jon Crumbe is the applicant. Mr.</p> <p>8 Crumbe, go right ahead. You've already been sworn in.</p> <p>9 MR. CRUMBIE: Right. This is a conditional</p> <p>10 use permit for home for the infirmed located in the R-4</p> <p>11 Zoning District, and what I did on page 1 of your staff</p> <p>12 report, if you'll look under the case summary, this was</p> <p>13 a previous case that was going before the Planning</p> <p>14 Commission, so that first paragraph is that case, that</p> <p>15 it did not go through, did not get approved. So I just</p> <p>16 wanted to give you a little background on that. And</p> <p>17 that's on page 1 of your staff report, first paragraph.</p> <p>18 The current background is this is a home for the</p> <p>19 infirmed and will consist of two two-story structures</p> <p>20 and one three-story structure and the total units would</p> <p>21 be 162. As you see the dot, this is the site. Can you</p> <p>22 see the mouse? So all this is the site here and also, I</p> <p>23 can tell you, previously, there was a nursing home that</p> <p>24 has been approved by BOZA for this particular site, too.</p> <p>25 And that's in your cases on page -- previous cases on</p>	<p style="text-align: right;">Page 5</p> <p>1 through page 13. Excuse me. The neighborhood meeting</p> <p>2 starts on page 14. See, there were a number of people</p> <p>3 in attendance at the neighborhood meeting, which is the</p> <p>4 sign-in sheet on page 15 and 16, and then the</p> <p>5 neighborhood meeting summary is on page 17, and the</p> <p>6 conditions of approval are on page 20. Are there any</p> <p>7 questions?</p> <p>8 CHAIRMAN PROFFITT: Any questions for Mr.</p> <p>9 Crumbe? Okay. Mr. Bardenwerper. If you would, state</p> <p>10 your name and address, please.</p> <p>11 MR. BARDENWERPER: Yes, sir. Good morning,</p> <p>12 Mr. Chairman, members of the Board. Bill Bardenwerper</p> <p>13 with Bardenwerper Talbott and Roberts, 1000 North</p> <p>14 Hurstbourne Parkway, 40223.</p> <p>15 CHAIRMAN PROFFITT: And, Mr. Bardenwerper, do</p> <p>16 you swear or affirm the information you are about to</p> <p>17 give the Board of Zoning Adjustment is the truth?</p> <p>18 MR. BARDENWERPER: Yes, sir.</p> <p>19 CHAIRMAN PROFFITT: Go right ahead.</p> <p>20 MR. BARDENWERPER: Yes. This is a conditional</p> <p>21 use permit. We've had some form of development at this</p> <p>22 site for several years, and I'll just show it. As I go</p> <p>23 through this presentation, I'll let you see what that is</p> <p>24 so that you can see what we have done in the course of</p> <p>25 this. Ken Gootee is going to help me with Mindel, Scott</p>

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1 and David Mindel is here in case there are any  
 2 particular questions about storm water management, water  
 3 quality, and then Brad Pauling is here from the  
 4 architect group out of Columbus, Ohio. They're  
 5 specialists in senior care facilities like this. And  
 6 then we also have the managing partner of the group that  
 7 would be in charge of the operational side of this,  
 8 Oscar Jarnicki, and he's here as well and will have a  
 9 few things to say so that you understand how this would  
 10 operate. In any event, this map here just shows you  
 11 where that site is. It's this little cutout in what is  
 12 otherwise several very large Norton Commons'  
 13 developments. That piece of property was actually, at  
 14 one time -- is currently still owned by a former partner  
 15 in the Norton Commons development. Norton Commons never  
 16 purchased it. It continued to be used by one of the  
 17 previous owner-developers of Norton Commons. And a  
 18 detention basin was placed on that property, and in the  
 19 course of us going through this for an apartment  
 20 development, we ran into the usual thing from people  
 21 don't like apartments, and then we ran into the can't  
 22 use the detention basin because it's allocated  
 23 specifically to Norton Commons, and it ended up in a  
 24 bunch of lawsuits. Everything was thrown our way  
 25 possible to do apartment development here, and we were a

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1 long time in front of the Planning Commission. Chairman  
 2 Proffitt probably recalls seeing us at our last meeting  
 3 there. It was, I don't know, a year or two ago when, I  
 4 think, the Planning Commission was meeting at Memorial  
 5 Auditorium. You may remember. And, for various  
 6 reasons, because we had been in court so long, we were  
 7 told to start over again. Well, at that point in time,  
 8 we started thinking well, there's so many issues that  
 9 have been and roadblocks that have been thrown our way,  
 10 maybe we need to just rethink the entire use of this  
 11 property. And apartments are now located and have been  
 12 built, as you'll see in some photographs, right there  
 13 along I71 right next door to where to where -- Hills  
 14 Communities was going to build apartments here, but --  
 15 and there you see the site. There you can see from the  
 16 aerial both how much has been developed, and Norton  
 17 Commons really has exploded. It has become one of the  
 18 most successful developments in this entire metro area.  
 19 The new apartment community that was built next door by  
 20 another developer, I think, out of Tennessee and then  
 21 this site here, which is the one -- there's this  
 22 detention basin, which became the subject of a  
 23 significant, ongoing dispute, where lawsuits were filed  
 24 against Hills Communities and against MSD and so forth.  
 25 All of that was ultimately resolved in a settlement

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1 agreement that was entered and the cases were dismissed  
 2 in court. This, also, I just provide so that you can  
 3 sort of the original development plan village -- the  
 4 original village PD plan for Norton Commons. Things  
 5 have changed a little bit, but the red was a spine down  
 6 the middle and then along I71 up to where this property  
 7 was, which was where the mixed used commercial, higher  
 8 intensity development would have been, and that's where  
 9 we had proposed originally the apartment community. This  
 10 is looking down at Chamberlain Lane. Just on the FYI --  
 11 just for orientation, this is where you-all recently  
 12 approved a conditional use permit for us for a Kindred  
 13 healthcare facility here right next to the Norton's  
 14 healthcare facility, so we're just a stone's throw from  
 15 a large hospital, physician's offices and a long-term,  
 16 intensive, I guess you'd call it, rehabilitative care  
 17 center, and so it's very close proximity to that, and  
 18 that's very attractive to senior care facilities to be  
 19 located in close proximity to healthcare facilities for  
 20 obvious reasons. So this is going down Chamberlain Lane  
 21 as you get near the access to this property on the other  
 22 side of -- we're on the -- I can't remember our  
 23 directions. I guess this would be the south side of the  
 24 bridge? North side of the bridge. Yeah. That's the I71  
 25 bridge there. So you can see the site is off in the

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1 distance there next to I think it's a day care facility.  
 2 This Civic Way would be a primary access through Norton  
 3 Commons for this development, which would also have its  
 4 access off of Chamberlain Lane. This was a picture that  
 5 was taken at the time that those apartments next door  
 6 were under construction. Now they're under construction  
 7 and being occupied. Those are the apartments that are  
 8 built right next door to this development. Just as an  
 9 FYI, we've had a number of neighborhood meetings going  
 10 back to the time when this site was under a proposal for  
 11 an apartment community. Our most recent neighborhood  
 12 meeting involved this group of residents that were  
 13 invited. We always go well beyond the required notice  
 14 list, and we've had our meetings in a large facility at  
 15 Northeast Christian Church which is within close  
 16 proximity. We had a lot of interest from the Wolf Pen  
 17 Preservation Association, which is represented here  
 18 again today. They had a lot of concerns with the earlier  
 19 apartment community, in part because of the use proposed  
 20 at that time by the property of the detention facility  
 21 on there, and that was a point of contention for various  
 22 reasons that no longer are. So this is what was  
 23 previously proposed. There's that large detention basin  
 24 that was the subject of ongoing litigation. And it is  
 25 part of this real estate and always will be part of this

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1 real estate, but we're no longer going to use that  
 2 detention basin because of the fact that it was a  
 3 subject of litigation. I mean, both us and MSD were  
 4 sued because MSD said we could use that basin since it  
 5 was part of this real estate. So that was the proposal  
 6 for the apartment community and this is what it looked  
 7 like. It was designed to very much look like the Main  
 8 Street buildings in Norton Commons. And you can see it  
 9 was very much a resort style apartment community, had  
 10 that flat roof look and so forth. But eventually, just  
 11 because we could not move forward with that, would have  
 12 been in litigation, even if we had been approved, for  
 13 years and years and years, Hills Communities rethought  
 14 this whole thing, and because they are a large developer  
 15 and builder of apartment communities, they had been  
 16 thinking already about getting into the senior living  
 17 business, and what they did is set up a brand new  
 18 company and partnered with Oscar Jarnicki, who's here  
 19 today, to go into the senior care business. So we  
 20 dropped our zoning request and came forward with a  
 21 conditional use permit. They had been getting a lot of  
 22 requests during that period of dispute from others who  
 23 were interested in putting senior care facilities here,  
 24 and having researched the market themselves, they said  
 25 well, let's do it ourselves, and that is what is now

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1 being brought forward to you. So this is the plan. We  
 2 went down from where this apartment community, what did  
 3 I say, had 256 units, four-story buildings, 343,000  
 4 square feet, and now it's been brought down to 168.  
 5 They're really more like bedrooms instead of apartment  
 6 units, a mix of one, two, and three-story buildings.  
 7 This is a three-story unit here. The memory care is  
 8 one-story and then the independent care are, right now,  
 9 two-story buildings. And I'm going to ask Brad Pauling  
 10 here with the architect group to come through and just  
 11 walk you through these, and once he walks through the  
 12 buildings and layout, then I'm going to ask Kent to talk  
 13 through that development plan -- yeah. I'm going to ask  
 14 Kent to talk through that development plan, where there  
 15 may be the most issues. We won't go through ever floor  
 16 plan here, but I just wanted you to have them so that  
 17 you know that this -- and so that the people who had  
 18 problems with this know that it is a very serious  
 19 proposal. I mean, this has been fully designed in  
 20 accordance with what the interior will be -- look right,  
 21 but programmatically, you know, why it's designed the  
 22 way it is. So, Brad, would you come on up here for a  
 23 second and talk to them about that? And then I'm going  
 24 to ask Kent to walk through the site plan at the end,  
 25 which might be the main issue. If you can go through

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1 the design, tell them the building materials, the  
 2 heights, and so forth. Introduce yourself  
 3 CHAIRMAN PROFFITT: State your name and  
 4 address, please.  
 5 MR. PAULING: Brad Pauling, 5239 Whitegate  
 6 Court, Dublin, Ohio and I am representing PH7  
 7 Architects.  
 8 CHAIRMAN PROFFITT: Do you swear or affirm the  
 9 information you're about to give the Board of Zoning  
 10 Adjustment is the truth?  
 11 MR. PAULING: I do.  
 12 CHAIRMAN PROFFITT: Go right ahead.  
 13 MR. PAULING: So what we're proposing and what  
 14 we're looking at here is a -- it's a mini retirement  
 15 community, continuum care retirement community. There  
 16 are a series of components. The first piece is a --  
 17 this is a three-story building that's a shared assisted-  
 18 living and memory care facility. So when you look at  
 19 the building itself, you're looking at a three-story  
 20 facility here, which consists of mostly the assisted  
 21 care, and then this is a memory care facility, which is  
 22 designed with internalized courtyards. Ended up being  
 23 people with cognitive impairment and need slightly more  
 24 assistance.  
 25 MS. FISHMAN: Are those -- I'm sorry. The

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1 ones -- the assisted living and the memory care, are  
 2 they just bedrooms? Is that what it is?  
 3 MR. PAULING: I can show you, but the memory  
 4 care is generally studio units where the -- and I can  
 5 fast forward here. I'll go to memory care first. This  
 6 is looking at what we call a household. So the entrance  
 7 to these facilities most of the time, we're looking at  
 8 making sure that there's circulation where people are  
 9 able to move in what we call a wandering path, but in  
 10 this case, we're looking at trying to minimize dead end  
 11 corridors and whatnot. But these are apartment studio  
 12 units, full baths. The key to memory care is to making  
 13 sure that the people are part of a community, so we're  
 14 really trying to get the residents out of their rooms  
 15 and be part of a social environment. And so the spaces  
 16 inside the memory care are dining here. This is the  
 17 dining room, dining facilities, living spaces, shared.  
 18 There's a series of quiet study places as you move  
 19 around. This happens to be one. Internalized  
 20 courtyards so that people have outdoor space that are  
 21 free to come in and out this way, but we're trying to  
 22 limit people from being able to get out of the facility  
 23 itself. This is just looking at the bottom half of this  
 24 facility -- the memory care. But the entrance to the  
 25 memory care is off of the main building, and it comes

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1 through a generous corridor here. The assisted care  
 2 facility is really everything else that you see. So the  
 3 main drop off and porte-cochere happens here. Reception  
 4 and greeting followed by a lot of amenity spaces,  
 5 restaurants -- multiple different kinds of restaurants -  
 6 - therapy spaces, administration spaces, salon. There's  
 7 a home health center inside of here for inpatient or  
 8 outpatient treatment. And then as you make your way  
 9 down, this happens to be that memory care facility. It's  
 10 a wing of the building, but it's a one-story wing. So  
 11 everything -- yes.

12 MS. FISHMAN: I'm sorry. You have apartments  
 13 and rooms in that place?

14 MR. PAULING: Yes. So the assisted living  
 15 facility, which is everything that you see kind of to  
 16 the right -- this is a prototypical wing -- these  
 17 consist of one bedroom, two bedroom, and studio units.  
 18 And the two bedroom units could consist of one bath, two  
 19 bath, but they're full apartments.

20 MS. FISHMAN: All right.

21 MR. PAULING: But the next two floors up are  
 22 pretty much the same as that with a little bit more  
 23 amenity space. This happens to be the front door you're  
 24 looking at. You come into a cafe and a bistro area. But  
 25 we're looking at multiple different kinds of dining

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1 experiences, multiple different kinds of living  
 2 experiences, and then shared outdoor space. This  
 3 happens to be a courtyard inside the building for  
 4 resident amenities. And then in this particular design,  
 5 we've looked at a series of what we call podium parking.  
 6 So there is covered parking for the residents.  
 7 Generally, this is a resident group that -- some have  
 8 cars, but most do not drive, and the ones that do -- we  
 9 need a very few, limited number of spaces. Otherwise,  
 10 upper levels are pretty much the same. This happens to  
 11 be the second floor. Again, you're looking at more  
 12 amenity spaces in the center, and then three wings off  
 13 of the building. Pretty much repeat itself on the next  
 14 level.

15 MR. BERDENWERPER: You might want to talk  
 16 about the elevations, see what building materials that  
 17 is.

18 MR. PAULING: That's a good one. We're  
 19 talking about a three-story facility. The height  
 20 limitation on this property is 35 feet and we typically  
 21 intend to be below that. The building is predominantly  
 22 we're looking at a brick facility, maybe a couple  
 23 different shades of brick, and then a third material  
 24 might be fiber cement siding that you see up in the  
 25 higher reaches. It's a conceptual rendering at the

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1 moment, but it's pretty accurate to the massing and the  
 2 type of materials that we would envision.

3 MR. BERDENWERPER: This is from Civic Way,  
 4 right?

5 MR. PAULING: Yes. That's correct.

6 MR. BERDENWERPER: And we'll go back to that  
 7 site plan, but on either side is Civic Way. What you  
 8 don't see on here are the independent living buildings  
 9 off to the sides there, and that's where that porte-  
 10 cochere is on Civic Way, right?

11 MR. PAULING: That's correct.

12 MR. BERDENWERPER: And when you go back to  
 13 this, you can see that view we were looking at was from  
 14 this angle here.

15 MR. PAULING: That's correct.

16 MR. BERDENWERPER: I'm trying to remember if  
 17 we have the other sides or not. Well --

18 MR. PAULING: That's the last one.

19 MR. BERDENWERPER: Yeah. Well, Kent will  
 20 mention that cross-section here, because there was an  
 21 interest in what are you going to be able to see from  
 22 Chamberlain Lane, and so Kent will speak to that there.  
 23 Kent, you want to come up here?

24 MS. FISHMAN: Okay. And --

25 MR. BERDENWERPER: Go ahead.

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1 MS. FISHMAN: I'm sorry. As you're coming in,  
 2 that one thing with the little oval part where the trees  
 3 and stuff are on there to the right there?

4 MR. PAULING: Uh-huh.

5 MS. FISHMAN: That's what you were just  
 6 talking about. And then the two independent living,  
 7 which are all apartments on both sides; is that correct?  
 8 And then it would come around -- I'm assuming it would  
 9 go around one way and come out the other --

10 MR. PAULING: That's correct.

11 MS. FISHMAN: -- there. And the parking to  
 12 the left where it says the --

13 MR. BERDENWERPER: Over in this area?

14 MS. FISHMAN: Yeah. Well, it's that.

15 MR. PAULING: Yeah. That's designed for staff  
 16 mostly. Staff parking.

17 MS. FISHMAN: Staff? That brown building part  
 18 there?

19 MR. BERDENWERPER: Yeah. This is when -- Brad  
 20 mentioned that covered garage there.

21 MS. FISHMAN: Covered garage. Yeah.

22 MR. PAULING: That's correct.

23 MR. BERDENWERPER: That's your covered garage  
 24 there.

25 MR. PAULING: The parking that's in the back,

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1 this is really designed for the staff parking. The  
 2 staff and service entrances happen to be in the back  
 3 here.  
 4 MS. FISHMAN: So guest parking would be just  
 5 in the front?  
 6 MR. PAULING: Yes. The guest parking is all  
 7 through here and along this boulevard entry, and I think  
 8 Kent can speak to that a little bit more but  
 9 MS. FISHMAN: Okay.  
 10 MR. PAULING: Really, the idea is to make a  
 11 community out of it.  
 12 CHAIRMAN PROFFITT: So is it safe to say that  
 13 the majority of the parking that would be a regular in  
 14 and out type thing will be from the Norton Commons side  
 15 and what's coming off of Chamberlain Lane will be mainly  
 16 staff?  
 17 MR. PAULING: That's correct.  
 18 CHAIRMAN PROFFITT: And it'll be a turnover at  
 19 their individual three shift changes?  
 20 MR. PAULING: Yeah. They'll -- I'm sure Oscar  
 21 can speak to that, but I assume they'll run on a three  
 22 shift. Yeah.  
 23 MS. FISHMAN: Okay. Thank you.  
 24 MR. PAULING: Uh-huh.  
 25 MR. BERDENWERPER: All right. I'll let Kent

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1 and then I'll have Oscar then come up for a minute to  
 2 kind of talk about that operational part of it, but  
 3 Kent, you want to talk about the flow of this detention  
 4 and access off of Chamberlain?  
 5 MR. GOOTEE: Kent Gootee, Mindel, Scott and  
 6 Associates, 5151 Jefferson Boulevard, Louisville,  
 7 Kentucky 40219.  
 8 CHAIRMAN PROFFITT: Do you swear or affirm the  
 9 information you're about to give the Board of Zoning  
 10 Adjustment is the truth?  
 11 MR. GOOTEE: I do.  
 12 CHAIRMAN PROFFITT: You can speak now because  
 13 this is the right case.  
 14 MR. GOOTEE: I appreciate that. The building  
 15 is going to have a Civic Way entrance, so if anybody  
 16 uses the standard way of finding directions nowadays off  
 17 Google or however --  
 18 MR. BERDENWERPER: That is Civic Way.  
 19 MR. GOOTEE: Yeah. This is -- Civic Way comes  
 20 in from Norton Commons, so that means anybody following  
 21 Google or any of the other -- MapQuest or whatever,  
 22 they'll be coming in from Civic Way to get to the  
 23 property. We had some meetings with Norton Commons,  
 24 like Bill had said, and we had planned on it and agreed  
 25 to utilizing the same street trees that they are using

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1 within their development to kind of create a cohesive  
 2 feel coming in off Civic Way. So as a main entrance, we  
 3 come in from Civic Way. We have some parallel parking  
 4 here in front of these independent living buildings and  
 5 along the main boulevard here, and then we'll probably  
 6 have additional street trees and additional plantings on  
 7 the development, but the 18 percent -- the trees we show  
 8 right now are not meeting the 18 percent required for  
 9 the tree canopy. So instead of cluttering up the plan,  
 10 we just basically showed some core plantings. But  
 11 anyway, we'll come in through our -- and have the drop  
 12 off, or the porte-cochere, these little satellite  
 13 parking here on either side, the front one here is  
 14 mainly for visitor parking, but this will be mostly for  
 15 residents for this independent living building, and then  
 16 for the southern independent living, these people can  
 17 park here near front or also park here in the back as  
 18 well. Like Brad had said, most of this in the front is  
 19 planned for visitor parking for the development. And  
 20 then, you can make your way out to Chamberlain Lane if  
 21 you so choose, but most all the employees, we feel will  
 22 be coming in, at least the ones from Westport Road and  
 23 that direction, will be coming in from this entrance off  
 24 Chamberlain Lane to get in. It would be the most direct  
 25 way to get in, but it also would serve for a direct

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1 access for ambulances and service vehicles to get in off  
 2 of Chamberlain Lane instead of taking them all the way  
 3 through Norton Commons and down the front entranceway.  
 4 As far as buffering for -- well, let's go to storm water  
 5 drainage. We're going to take everything from our  
 6 development into this detention basin area right here.  
 7 We have delineated swales to basically pull everything  
 8 in and not allow any of our drainage to get into Norton  
 9 Commons detention basin because we don't want to  
 10 compound any problems that they may have with  
 11 development of their own water quality basins. So we're  
 12 going to take everything to our detention basin and on  
 13 down in the storm piping system to get it over to Wolf  
 14 Pen Branch, the same way all the other areas drain on  
 15 that side of Chamberlain Lane. We will be adhering to  
 16 the new best management practices for green  
 17 infrastructure for the first sixth-tenths of an inch.  
 18 We'll do most of that through either subterranean water  
 19 quality basins or surface bioswales with native plants.  
 20 Let's see here. Since it's fairly high and fairly level  
 21 with Interstate 71, we'll be buffering as best we can  
 22 the upper floors, which sit back a little bit further on  
 23 the assisted living. You'll be able to see those from  
 24 71, but like, for the memory care unit, you'll have a  
 25 hard time seeing that from 71 just because we're trying

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1 to filter as much of that sound as possible from 71. And  
 2 then regarding the service parking and employee parking  
 3 here along Chamberlain Lane, we have about --  
 4 MR. BARDENWERPER: You can go back to these  
 5 ground level photographs, but this really helps to give  
 6 you a sense of what you can and can't see from  
 7 Chamberlain Lane.  
 8 MR. GOOTEE: Chamberlain Lane is pretty low  
 9 relative to adjacent properties, and you can see the  
 10 three-story portion of the assisted living. You'll have  
 11 a very hard time seeing that from Chamberlain Lane not  
 12 to say you won't. When you're coming in from like,  
 13 where the roundabout is on Chamberlain from Norton  
 14 Commons, you might be able to see up that access drive  
 15 and see some of the assisted living building, but, you  
 16 know, as you saw from those photographs, the existing  
 17 vegetation in the right of way -- our right of way line  
 18 is way back here from Chamberlain Lane, so we have no  
 19 intention of constructing our entrance of disturbing  
 20 that area. This is actually a swale to take some water  
 21 off of 71 down into the Wolf Pen Branch watershed.  
 22 Working with Wolf Pen Branch Neighborhood Association,  
 23 we agreed to -- we do have to provide VUA screening for  
 24 parking, so we're proposing deciduous and evergreen  
 25 trees, mostly evergreen trees, since we have the space

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1 along our Chamberlain Lane portion of the property. I  
 2 guess that's about it.  
 3 MR. BARDENWERPER: I'd say go back to just an  
 4 aerial view here.  
 5 MR. GOOTEE: Okay. And I'll just talk about  
 6 pedestrian connection real quick and access throughout  
 7 the site. We have our sidewalks connecting into Civic  
 8 Way to access Norton Commons and be able to get into the  
 9 commercial developments within the Norton Commons. But  
 10 we have a looped sidewalk around here. It would come  
 11 down. You can get through and come all the way back  
 12 down here to Chamberlain Lane. We're only proposing  
 13 this section of the sidewalk along Chamberlain Lane and  
 14 then you can get all the way around the roundabout. We  
 15 are requested a fee in lieu of for the sidewalks along  
 16 Chamberlain Lane because of the grade issue. Now, when  
 17 Norton Commons put their development in, they hit the  
 18 same issue as far as grade. So when they did the  
 19 widening for Chamberlain Lane to do the improvements on  
 20 the west side of Chamberlain Lane, they pregraded a  
 21 section for a future sidewalk. So that's what the fee  
 22 in lieu of is for is to provide sidewalks on the west  
 23 side of Chamberlain Lane.  
 24 MR. ALLENDORF: Have you discussed that with  
 25 MetroWorks?

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1 MR. GOOTEE: Yes. We've discussed that with  
 2 MetroWorks, and they're in agreement with that.  
 3 MR. ALLENDORF: All right.  
 4 CHAIRMAN PROFFITT: Question while we've got  
 5 --  
 6 MR. BARDENWERPER: Yes, sir. Yep.  
 7 CHAIRMAN PROFFITT: Talk about the landscaping  
 8 just a minute. What are you doing for screening from  
 9 the Norton Commons area, anything particularly?  
 10 MR. GOOTEE: Well, I won't say what we're  
 11 going to do. We're going to do the minimum as far as  
 12 plantings as required by the -- you know, one tree per  
 13 --  
 14 CHAIRMAN PROFFITT: You're going to meet the  
 15 --  
 16 MR. GOOTEE: Yeah. We're going to meet the  
 17 landscape buffer requirements as far as the CUP against  
 18 the PD, but it'll be mostly deciduous trees within an  
 19 area and some shrubs mixed in there for that. This is  
 20 really -- they're going to be planting most of the basin  
 21 with native plants and I don't know that we really need  
 22 to compound their problem with maintaining the native  
 23 plants within their development, so we'd like to -- kind  
 24 of stuff that's not so weedy in that area, so that we  
 25 don't have to, you know, introduce seeds and stuff into

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1 their basin area.  
 2 CHAIRMAN PROFFITT: Well, I was just --  
 3 MR. GOOTEE: But we will screen this area  
 4 right through here fairly heavily between the two  
 5 developments just to, you know, put up a natural barrier  
 6 between the two.  
 7 CHAIRMAN PROFFITT: My concern more was more  
 8 for the scale over your front buildings. I guess  
 9 they're what, two-story; is that all  
 10 MR. BARDENWERPER: Yeah. This here is that  
 11 building that I showed you earlier, which was, I think --  
 12 - it looked like a two-story. I'd have to go back to  
 13 it. Let's see. Yeah. That building there. That's  
 14 that building that's right next to our entrance there  
 15 and, of course, --  
 16 CHAIRMAN PROFFITT: Right.  
 17 MR. BARDENWERPER: -- these are the three-  
 18 story apartments along there. So when you look at how  
 19 this all lays out here, these are all three-story  
 20 buildings. That's that two-story building there. This  
 21 is a three, I think it is -- that's that Goldberg and  
 22 Simpson --  
 23 CHAIRMAN PROFFITT: Right.  
 24 MR. BARDENWERPER: -- law firm office building  
 25 and then some other tenants in there, so this is office

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1 building, and, of course, as you go down, it's the main  
 2 drag there of Norton Commons, larger buildings along  
 3 there. Now, these are the single-family homes that back  
 4 up to this property, but this is the area that is  
 5 basically -- as part of the settlement agreement we  
 6 entered into is not only is it an area that we're  
 7 supposed to leave untouched, not utilize that basin, but  
 8 I think it calls for us to grant a long-term easement,  
 9 or put a long-term restriction on that in favor of the  
 10 Norton Commons developer so that they had -- one of  
 11 their points of contention we disagreed with, but  
 12 ultimately, we settled it, so it's no longer a point of  
 13 dispute, was they had entered into an agreement with the  
 14 Wolf Pen folks at the time they did their development  
 15 that called for a lot of water quality measures within  
 16 the area of that basin. So it wasn't just a storm water  
 17 issue; it was a water quality issue before there were  
 18 the water quality standards that MSD has now  
 19 implemented. So they didn't want us interfering with  
 20 what they thought would be their obligations under their  
 21 binding elements as to the larger community as to water  
 22 quality. So I don't know whether you're planting in  
 23 that area or relying on them to still implement some  
 24 water quality measures.  
 25 MR. GOOTEE: We'll have to do our plantings

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1 within the LBA along that property line.  
 2 MR. BARDENWERPER: And otherwise, they'll do  
 3 their water quality --  
 4 MR. GOOTEE: They'll end up doing all the  
 5 maintenance and plantings within that easement line,  
 6 which kind of goes down here -- or actually, it starts  
 7 real close here and gets a little narrower and then  
 8 hooks around that area right like that.  
 9 MR. BARDENWERPER: Is that already serving as  
 10 an detention basin or is it still a soil erosion --  
 11 sediment basin?  
 12 MR. GOOTEE: I believe it's still a sediment  
 13 basin.  
 14 MR. BARDENWERPER: It's kind of rough still,  
 15 but it'll be improved and have a high visual quality.  
 16 Right now, it's just -- as I think you said, you think  
 17 it's still serving as a sediment basin because of all  
 18 the construction that's obviously going around there, so  
 19 they've got to catch some sediment while this  
 20 construction occurs in that area. Diane Zimmerman is  
 21 here -- just stay up here one more second -- if you have  
 22 questions of her. But she did a generation distribution  
 23 study multiple times. Obviously, when it was an  
 24 apartment community, we were talking about a lot more  
 25 trip generation distribution and those were added issues

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1 as to the conditions along Chamberlain Lane. In the  
 2 final analysis, because they're such low generation and  
 3 from a senior living facility like this and a high  
 4 dependency on Civic Way, which goes directly to Highway  
 5 1694, we were able to actually eliminate a deceleration  
 6 lane. Do you want to just mention that, because that  
 7 was an issue, I think?  
 8 MR. GOOTEE: Yeah. Originally, when we had to  
 9 zone it as an apartment community, we had a right  
 10 deceleration lane 100 feet tapered and 100 foot stacking  
 11 lane, both in this location and later we had an interim  
 12 plan to use this location as far as accessing the site,  
 13 so we just used the same criteria as 100 foot decel and  
 14 100 foot taper. Since the volume is going to be so low  
 15 and also to prohibit destroying the trees along  
 16 Chamberlain Lane in that vegetative buffer, the existing  
 17 vegetative buffer in the right of way, we chose to  
 18 eliminate that deceleration lane, and you can hear  
 19 Diane, that we really won't need it.  
 20 CHAIRMAN PROFFITT: Just out of curiosity, why  
 21 wouldn't you keep that, what it's primary use is, which  
 22 is for employees, on that back side and guests on the  
 23 front, and other than the paved requirement for fire  
 24 access, I guess on the lower part closest to 71, why  
 25 wouldn't you put up some sort of gate to keep somebody

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1 from going around that? You can put a crash gate there  
 2 and they --  
 3 MR. GOOTEE: Yeah.  
 4 MR. BARDENWERPER: Well, I think the main --  
 5 it isn't a big issue. Diane can address it in terms of  
 6 any trapping impacts at the intersection and so forth.  
 7 The main interest in having this was to have the  
 8 proximity to the hospital, and so we wouldn't want to  
 9 have it as a gate that made it difficult for --  
 10 CHAIRMAN PROFFITT: Well, but your --  
 11 MR. BARDENWERPER: Fire --  
 12 CHAIRMAN PROFFITT: -- your ambulance access  
 13 is in the rear anyway, though, right?  
 14 MR. BARDENWERPER: Yeah.  
 15 CHAIRMAN PROFFITT: I'm not saying get rid of  
 16 it, Bill. I'm saying down here on the bottom, the  
 17 horizontal piece now that's parallel to 71, why wouldn't  
 18 you have that blocked so that you wouldn't have  
 19 potential thru traffic?  
 20 MR. BARDENWERPER: Oh, you mean down in here?  
 21 CHAIRMAN PROFFITT: I'm not talking about in  
 22 the back. I understand that.  
 23 MR. BARDENWERPER: Yeah.  
 24 CHAIRMAN PROFFITT: That's where your  
 25 ambulances would come and everything else and employees.

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1 I guess where I'm coming with it is I just see a  
 2 potential for people who live in that apartment complex  
 3 to know a shortcut to Chamberlain Lane and guess what?  
 4 It's going to be through your property. And then  
 5 Diane's --  
 6 MR. GOOTEE: Well, we tried to make it --  
 7 CHAIRMAN PROFFITT: -- dollars go out the --  
 8 MR. GOOTEE: -- the most secure route  
 9 possible, so you really wouldn't -- I understand, but if  
 10 you -- let's say you were going to make it a cut-through  
 11 and you're going to come out onto Chamberlain Lane, you  
 12 would probably have to come back around the roundabout  
 13 to get back out so  
 14 MR. BARDENWERPER: See, they not only have --  
 15 this is literally a real straight shot, Civic Way to  
 16 1694, but they've also got access down -- what is that  
 17 road there?  
 18 CHAIRMAN PROFFITT: Oh, I understand, Bill.  
 19 MR. BARDENWERPER: Which you'd be smarter  
 20 going out this way and around the roundabout than trying  
 21 to make the left hand turn here against the traffic, but  
 22 I hear what you're saying. We just didn't -- we know  
 23 that we can install traffic --  
 24 CHAIRMAN PROFFITT: I'm just playing the human  
 25 nature thing.

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1 MR. BARDENWERPER: Yeah. Sure. If it became  
 2 a problem, these guys have the right to install traffic  
 3 control measures like speed humps and so forth because  
 4 it's all a private, internal development, so --  
 5 CHAIRMAN PROFFITT: Okay.  
 6 MR. BARDENWERPER: Obviously, with elderly  
 7 people, some of these people are going to be very mobile  
 8 and will probably find this a very attractive facility  
 9 because it's a very short walk to downtown Norton  
 10 Commons, which is a very pleasant place to spend time.  
 11 CHAIRMAN PROFFITT: Okay.  
 12 MR. BARDENWERPER: And so I would say if it  
 13 became an unsafe situation for the elderly residents,  
 14 maybe they'd come back with a gate just to stop that  
 15 very thing.  
 16 CHAIRMAN PROFFITT: Okay. Thanks.  
 17 MR. BARDENWERPER: Oscar, do you want to say  
 18 just a few things about the operations?  
 19 CHAIRMAN PROFFITT: State your name and  
 20 address, please, Mr. Jarnicki.  
 21 MR. JARNICKI: I'm Oscar Jarnicki. My address  
 22 is 10025 Trail Lane, Cincinnati, Ohio.  
 23 CHAIRMAN PROFFITT: Mr. Jarnicki, do you swear  
 24 or affirm the information you're about to give the Board  
 25 of Zoning Adjustment is the truth?

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1 MR. JARNICKI: I do.  
 2 CHAIRMAN PROFFITT: Go right ahead.  
 3 MR. JARNICKI: As was indicated through  
 4 previous presentations as well as the staff report, you  
 5 know, Norton Commons is a very fast and growing  
 6 development, and this proposed project allows the  
 7 residents of Norton Commons to continue to live in place  
 8 as their needs might change. What's being proposed is  
 9 state of the art in every way, shape, or form in that if  
 10 a person chooses to live there until their last days,  
 11 they can because we have put in the necessary supports  
 12 in place. There is an area for a home care agency that  
 13 will have their offices on the premises. There's an  
 14 aquatic therapy pool area that's proposed to be put in  
 15 the complex as well so that anybody that has any type of  
 16 therapy needs can have it right there without having to  
 17 leave the community. So it allows not only current  
 18 residents of Norton Commons, but future generations to  
 19 continue to live in the area. And what we've tried to  
 20 do is blend not only healthcare with hospitality, which  
 21 is the current trend and will continue to be the trend  
 22 as time goes on. What we knew was acceptable through  
 23 previous generations obviously is not going to be  
 24 acceptable to today's consumer or future consumers. So  
 25 what we've tried to do is think ahead and come up with

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1 what we believe is a blend of meeting someone's  
 2 healthcare needs but as well as doing it in a  
 3 hospitality type environment.  
 4 MR. BARDENWERPER: Real quickly, so they  
 5 understand your background in it, you came in as a  
 6 program planner on this in conjunction with the  
 7 architects who did the design plan for this elderly care  
 8 facility. What was your background in --  
 9 MR. JARNICKI: Sure.  
 10 MR. BARDENWERPER: -- this sort of thing?  
 11 MR. JARNICKI: I have been in the senior  
 12 living business for the past 32 years, currently am in  
 13 Cincinnati as well. Many, many years ago, I was a  
 14 hospital administrator. So my entire professional  
 15 career has been devoted to healthcare in some form or  
 16 fashion.  
 17 CHAIRMAN PROFFITT: Any questions for Mr.  
 18 Jarnicki? Okay. Thank you.  
 19 MR. BARDENWERPER: So with that, I'm going to  
 20 go back to the site plan here. Diane did a traffic  
 21 analysis. It was included in your handouts of your  
 22 materials. If you have any questions about that, she's  
 23 there. Otherwise, I'll -- I think she said you heard  
 24 some traffic testimony earlier today, so you maybe heard  
 25 enough traffic testimony. But she's here if you have

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1 questions on any of that and can take those questions as  
 2 can Dave Mindel, who's here as well.  
 3 CHAIRMAN PROFFITT: Okay.  
 4 MR. BARDENWERPER: Otherwise, when we filed  
 5 this, we did file a detailed statement of compliance  
 6 with all the applicable guidelines and policies of the  
 7 comprehensive plan because that's the test. We did also  
 8 file in this booklet some proposed findings of fact,  
 9 which we always recommend for your consideration, which  
 10 takes what you heard today plus our compliance statement  
 11 and turns it into some findings that would demonstrate  
 12 compliance for purposes of helping us in the event there  
 13 were any more litigation in court, which we don't expect  
 14 since we think that we have placated all of the  
 15 residents, the adjoining developer, and the Wolf Pen  
 16 Preservation Association, although they are the one  
 17 group that are here today and may have something to say  
 18 on this so  
 19 CHAIRMAN PROFFITT: Okay.  
 20 MR. BARDENWERPER: We'll take any questions,  
 21 but that is our testimony. Hoping to have your support  
 22 of this today.  
 23 CHAIRMAN PROFFITT: Thanks, Bill. One quick  
 24 question in terms of signage. That will only be on the  
 25 Civic Way side; is that correct?

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1 MR. BARDENWERPER: Let me look and see what we  
 2 have on the plan.  
 3 MR. GOOTEE: I thought we had covered this.  
 4 There's one small sign right here. I just want to make  
 5 sure people know.  
 6 MS. FISHMAN: I'm sorry. Could you show me  
 7 again?  
 8 MR. BARDENWERPER: Where at, Kent?  
 9 MR. GOOTEE: Right here on Chamberlain Lane,  
 10 we were proposing a small sign here on Chamberlain Lane.  
 11 CHAIRMAN PROFFITT: And the purpose of that  
 12 sign is? Is it a employee-delivery entrance sign only  
 13 or is that to actually advertise for the site? And if  
 14 it is --  
 15 MR. BARDENWERPER: Well, it was meant to  
 16 identify the site. We don't want people to think they  
 17 can't come in here. On the other hand, we also didn't --  
 18 -- we think -- this is the most obviously direct route to  
 19 I71 at the healthcare facilities and so forth, but we  
 20 didn't care to just label it as a delivery because it  
 21 kind of gives a bad connotation because people are just  
 22 thinking this is the delivery entrance. It's an  
 23 entrance. We think it's the logical entrance for going  
 24 back and forth between healthcare facilities and for  
 25 employees and deliveries, but anybody can use either

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1 entrance.  
 2 CHAIRMAN PROFFITT: I get it for employees and  
 3 deliveries. That's not at issue.  
 4 MR. BARDENWERPER: Yeah.  
 5 CHAIRMAN PROFFITT: My concern is that --  
 6 MR. BARDENWERPER: Yeah.  
 7 CHAIRMAN PROFFITT: I'm going to ask Diane to  
 8 come up because I do want to ask her one quick question  
 9 since she's been extremely patient and no one has talked  
 10 to her today. So we're going to give her that  
 11 opportunity. You're welcome. If you would, state your  
 12 name and address for the record, please, ma'am.  
 13 MS. ZIMMERMAN: Yes. I will. Diane Zimmerman  
 14 with Jacobs Engineering Group, 11940 US 42 in Goshen  
 15 40026.  
 16 CHAIRMAN PROFFITT: And do you swear or affirm  
 17 the information you're about to give the Board of Zoning  
 18 Adjustment is the truth?  
 19 MS. ZIMMERMAN: Yes, sir.  
 20 CHAIRMAN PROFFITT: Okay. Quick question.  
 21 Your traffic counts and study based on exit and entry at  
 22 Chamberlain were based more for that entrance on what  
 23 would be utilized for staff; is that correct?  
 24 MS. ZIMMERMAN: That is correct. The trip  
 25 generation for this type of facility is 32 a.m. trips --

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1 CHAIRMAN PROFFITT: Right.  
 2 MS. ZIMMERMAN: -- and 45 p.m. trips.  
 3 CHAIRMAN PROFFITT: So --  
 4 MS. ZIMMERMAN: The only thing I could  
 5 logically draw from that was that that was going to be  
 6 staff coming and going.  
 7 CHAIRMAN PROFFITT: Okay. With that said, if  
 8 that were changed and they, let's say, put a sign there  
 9 that said hey, this is the property and now, all of the  
 10 sudden, it became the main entrance and exit -- quasi  
 11 main entrance and exit for the site, wouldn't that pull  
 12 your numbers way up? And the numbers aren't bad on  
 13 either side, but I'm just saying.  
 14 MS. ZIMMERMAN: I only projected 10 percent of  
 15 the traffic going to and from Norton Commons. I put the  
 16 90 percent using the Chamberlain Lane.  
 17 CHAIRMAN PROFFITT: For visitors and staff?  
 18 MS. ZIMMERMAN: All of these numbers. Yes.  
 19 We're assuming most of these numbers are generated by  
 20 staff, but I have to believe that if my mother was in  
 21 that facility, I would be coming in and out Chamberlain  
 22 Lane --  
 23 CHAIRMAN PROFFITT: Chamberlain Lane.  
 24 MS. ZIMMERMAN: -- because of where I live in  
 25 proximity to this facility. If you live in Norton

<p style="text-align: right;">Page 38</p> <p>1 Commons, you -- there are not very many places that you 2 can live --</p> <p>3 CHAIRMAN PROFFITT: Right.</p> <p>4 MS. ZIMMERMAN: -- and want to come through 5 Civic Way. You'd have to live in far western Oldham 6 County, far eastern Jefferson County that you'd be 7 coming in that way. So, for me, providing analysis of 8 what might be the worst case scenario was, if at all, 9 went to and from Chamberlain Lane.</p> <p>10 CHAIRMAN PROFFITT: Hang on Bill. The numbers 11 that you had generated for Chamberlain Lane, would you 12 repeat those again?</p> <p>13 MS. ZIMMERMAN: Thirty-two a.m. trips, 45 p.m. 14 trips.</p> <p>15 CHAIRMAN PROFFITT: Okay. And that's based on 16 an 8:00 to 5:00, but not necessarily a 3:00 --</p> <p>17 MS. ZIMMERMAN: Right. Well, again, you'd 18 have to assume that the counts were made at other 19 facilities operating on a three-shift type of thing, so 20 these counts were made at similar type facilities so</p> <p>21 CHAIRMAN PROFFITT: Okay. That sort of 22 answers my question. Kent, if you would, come back up. 23 I'd like to ask you your question. With this glorified 24 entrance that you've got -- and I'm not saying that in a 25 negative way. I'm saying you've highlighted it and</p>	<p style="text-align: right;">Page 40</p> <p>1 --</p> <p>2 CHAIRMAN PROFFITT: Something to delineate 3 that that's what that entrance is for.</p> <p>4 MR. BARDENWERPER: Right. I mean, this, again 5 is -- this is the main entrance. This is looking at 6 Civic Way, so if you come in this way, you're going to 7 be driving along the back of the building, along the 8 side of the building and approaching down here.</p> <p>9 CHAIRMAN PROFFITT: Now, will that change your 10 philosophy then on adding a sign then to the -- do you 11 have one at the front -- at the Civic Way entrance as 12 well?</p> <p>13 MR. BARDENWERPER: Yes.</p> <p>14 CHAIRMAN PROFFITT: Okay.</p> <p>15 MR. BARDENWERPER: And so this would be -- if 16 I was going to do it, this would be -- not only because 17 this is an attractive entrance to Norton Commons, but 18 I'd either come in like this or because I know --</p> <p>19 CHAIRMAN PROFFITT: Down here past 71.</p> <p>20 MR. BARDENWERPER: -- 22 parallels 71 there --</p> <p>21 CHAIRMAN PROFFITT: Right.</p> <p>22 MR. BARDENWERPER: -- so you come in and then 23 you come in the main entrance. If you go right past the 24 fire station, you come down Civic Way and then you see 25 this entrance.</p>
<p style="text-align: right;">Page 39</p> <p>1 you've made it a spectacular entry. It's my assumption 2 that in basic site planning, that's where you want the 3 majority of the visitors to come into the site?</p> <p>4 MR. GOOTEE: This is where we want the 5 employees to come into the site.</p> <p>6 CHAIRMAN PROFFITT: I'm sorry.</p> <p>7 MR. GOOTEE: We don't really want -- 8 obviously, when you get directions to the site, you're 9 going to come in off Civic Way. Once you figure out 10 there's a second entrance, you might say oh, yeah, I can 11 cut through.</p> <p>12 CHAIRMAN PROFFITT: But I guess my point is 13 now it goes back to the signage issue. If you put a 14 sign down there that you just allow anybody and 15 everybody to come through there, that goes directly 16 against what you just said relative to anybody and 17 everybody wanting to come into the site and it being 18 primarily for staff entry and delivery, ambulance, et 19 cetera, et cetera. Now, you've got that as actually the 20 quasi main entrance for your facility, correct?</p> <p>21 MR. BARDENWERPER: Well, one thing we could 22 do, if it would help, I mean, we could put on the sign, 23 if you want, employees and delivery entrance.</p> <p>24 CHAIRMAN PROFFITT: Something to --</p> <p>25 MR. BARDENWERPER: Put that on the sign to say</p>	<p style="text-align: right;">Page 41</p> <p>1 MS. FISHMAN: Stop.</p> <p>2 MR. BARDENWERPER: So that's a logical way for 3 people to come in if you don't want to come in the back 4 way .</p> <p>5 CHAIRMAN PROFFITT: I'm just concerned about 6 --</p> <p>7 MR. BARDENWERPER: Right. Well, why don't we 8 do that? Why don't we put on that sign something, an 9 identifier underneath the name of the sign that says 10 employee and delivery entrance?</p> <p>11 CHAIRMAN PROFFITT: And you'll take that as a 12 condition --</p> <p>13 MR. BARDENWERPER: A condition of approval.</p> <p>14 CHAIRMAN PROFFITT: Okay.</p> <p>15 MR. BARDENWERPER: I think it's a good idea.</p> <p>16 MS. FISHMAN: So let me make sure I 17 understand. If you go to the map showing the --</p> <p>18 MR. BARDENWERPER: Yes, ma'am.</p> <p>19 MS. FISHMAN: -- transportation thing -- 20 either way. That's fine. So the one on the -- by the 21 roundabout coming down that way, on Chamberlain Lane, 22 coming down through here, that's mainly for --</p> <p>23 CHAIRMAN PROFFITT: Staff and delivery.</p> <p>24 MS. FISHMAN: -- staff and delivery; is that 25 correct?</p>

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1 MR. BARDENWERPER: Again, let me answer it  
 2 this way. That's the way we've identified it. Diane,  
 3 whose job is to always look at the worst case scenario,  
 4 took most of the traffic there so that she could  
 5 determine what is the impact going to be if we take most  
 6 of the traffic there.  
 7 CHAIRMAN PROFFITT: But  
 8 MR. BARDENWERPER: And so that's why -- but  
 9 her testimony was --  
 10 CHAIRMAN PROFFITT: But that's now going to  
 11 have a sign --  
 12 MR. BARDENWERPER: Right.  
 13 CHAIRMAN PROFFITT: -- that clearly delineates  
 14 that that --  
 15  
 16 MR. BARDENWERPER: Right.  
 17 CHAIRMAN PROFFITT: -- is an employee and --  
 18 MR. BARDENWERPER: Right.  
 19 CHAIRMAN PROFFITT: -- delivery sign and --  
 20 MS. FISHMAN: Then --  
 21 CHAIRMAN PROFFITT: -- unfortunately, what  
 22 Diane's numbers don't always include is what human  
 23 nature says will happen at the end.  
 24 MR. BARDENWERPER: Right.  
 25 MS. FISHMAN: And then the one from Civic Lane

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1 (sic), it'll come down and then right in front of there,  
 2 they'll have a sign that says --  
 3 MR. BARDENWERPER: Right.  
 4 MS. FISHMAN: -- this is the place?  
 5 MR. BARDENWERPER: And when we were going  
 6 through discussions, because we had several groups we  
 7 needed to talk with. We needed to talk with residents,  
 8 we needed to talk with the Norton Commons developer,  
 9 which was the biggest obstacle to the development of  
 10 this site for reasons that I sort of hinted at earlier,  
 11 and then the Wolf Pen people. The Wolf Pen people asked  
 12 us not to have this access.  
 13 MS. FISHMAN: Not to have -- I'm sorry.  
 14 MR. BARDENWERPER: The Norton Commons people  
 15 required us to have this access because we said okay, if  
 16 we get rid of this and this -- no. I shouldn't say they  
 17 required us to have this. When we made this connection,  
 18 they required us to leave this one open. Okay. They  
 19 did not want us to have all of our delivery vehicles and  
 20 the ambulances and so forth coming all the way through  
 21 Norton Commons, so it made practical sense to us because  
 22 of the proximity to the hospital here to have this, but  
 23 it was also a requirement of the settlement agreement  
 24 that we have that access. We couldn't eliminate it  
 25 altogether, although we could have lived without it,

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1 okay? So we were constantly in sort of a Catch-22. We  
 2 had to work our way through satisfying everybody, so we  
 3 ended up doing these two points of access. But I think  
 4 you've nailed it exactly, Mr. Chairman, is that if this  
 5 becomes a source of shortcut for apartment developer,  
 6 we'll put up a gate or some other devices to stop that  
 7 because that would become then unsafe for the residents  
 8 and vice versa as well if all of the sudden, you know,  
 9 everybody wants to come home this way. Then I think  
 10 your idea of putting a gate or something that would  
 11 prohibit that and then that sign that says employee and  
 12 --  
 13 CHAIRMAN PROFFITT: Delivery.  
 14 MR. BARDENWERPER: -- delivery might end up  
 15 becoming a sign that says employees and deliveries only.  
 16 MS. FISHMAN: Now, this is private property;  
 17 is that correct?  
 18 MR. BARDENWERPER: Yes.  
 19 MS. FISHMAN: So could a sign go on there that  
 20 says private property, no cut-throughs allowed as part  
 21 of --  
 22 MR. BARDENWERPER: Yeah. We could do that,  
 23 too. Yeah. Uh-huh.  
 24 MS. FISHMAN: That would seem to me, besides  
 25 having the fact that it's employee-delivery

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1 MR. BARDENWERPER: Yeah. That's probably a  
 2 good idea to have something like that. I don't think  
 3 anybody would be offended by no cut-throughs, do they?  
 4 MR. GOOTEE: What are you going to do when you  
 5 see no cut-through? You're going to cut through.  
 6 CHAIRMAN PROFFITT: You're right, Kent.  
 7 Sometimes it entices people to want to do something that  
 8 they shouldn't.  
 9 MR. BARDENWERPER: That's just like Kent. That  
 10 wouldn't ever occur to me to do that.  
 11 CHAIRMAN PROFFITT: That automatically tells  
 12 you that there's a cut-through there, that people will  
 13 MR. GOOTEE: Yeah. I missed something in my  
 14 mapping, so I  
 15 CHAIRMAN PROFFITT: Yeah. Exactly. Okay.  
 16 Anything else for Mr. Bardenwerper or any of his  
 17 speakers?  
 18 MR. BERGMANN: You've brought up a point which  
 19 is sort of interesting to me. Let's assume there's an  
 20 emergency vehicle coming to pick someone up. Do they  
 21 come around to the front or do they pick up by the  
 22 garage area?  
 23 MR. GOOTEE: The rear of the building is  
 24 designed for, we say, service. It is back-of-house as  
 25 well for ambulance and whatnot. There is --

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1 CHAIRMAN PROFFITT: Do you have a medical  
 2 triage back there?  
 3 MR. GOOTEE: There's an elevator designed for  
 4 patients as well in the back. Those elevators will  
 5 function. The idea would not be to put ambulances at  
 6 the front door. That's generally not encouraged by the  
 7 operator.  
 8 MS. FISHMAN: They'll come in the same place  
 9 as the --  
 10 CHAIRMAN PROFFITT: Employees.  
 11 MS. FISHMAN: -- delivery and employees?  
 12 MR. GOOTEE: Sure.  
 13 CHAIRMAN PROFFITT: But ambulance companies  
 14 that they deal with would typically know that unless  
 15 they happen to be over on the 1643 side and they get a  
 16 call immediately. They'll cut through. I mean, that's  
 17 just --  
 18 MR. BARDENWERPER: Yeah.  
 19 CHAIRMAN PROFFITT: That's  
 20 MR. BARDENWERPER: These guys explained to us  
 21 earlier in one of our meetings that it's not a real good  
 22 sales tool to have ambulances coming to the front door  
 23 on a regular basis, even though these are elderly people  
 24 and there's a lot of ambulances.  
 25 CHAIRMAN PROFFITT: Michael, you had a

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1 question?  
 2 MR. ALLENDORF: Real quick, have you-all  
 3 started the State application through the Commonwealth  
 4 for licensing or are you waiting on us?  
 5 MR. BARDENWERPER: We have the application. We  
 6 haven't completed it yet pending, you know, the results  
 7 of today's meeting, yes. But we will be filing that,  
 8 the certificate of need application for personal care  
 9 licensure.  
 10 MR. ALLENDORF: Thank you.  
 11 CHAIRMAN PROFFITT: Okay. Any other questions  
 12 for the applicants? Seeing none, we'll move to those  
 13 that might be neutral to the party's application. Anyone  
 14 neither for nor against the applicant's proposal? Is  
 15 there anyone in opposition to the applicant's proposal?  
 16 Okay. I have Ms. Gunnison. Were you other, against,  
 17 for?  
 18 MS. GUNNISON: Well, let me just tell you --  
 19 CHAIRMAN PROFFITT: Okay. Then we'll --  
 20 MS. GUNNISON: -- since I'm the only other  
 21 person who wants to speak. I'm Alice Gunnison,  
 22 president of Wolf Pen Preservation. My address is 7849  
 23 Wolf Pen Branch Road in Prospect 40059.  
 24 CHAIRMAN PROFFITT: And, Ms. Gunnison, do you  
 25 swear or affirm the information you're about to give the

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1 Board of Zoning Adjustment is the truth?  
 2 MS. GUNNISON: I do.  
 3 CHAIRMAN PROFFITT: All right. Go right  
 4 ahead.  
 5 MS. GUNNISON: I wanted to do a little  
 6 background first to remind you that Wolf Pen  
 7 Preservation Association was a party to the lawsuit that  
 8 was concerned about the management of the water in the  
 9 retention basin that is currently owned also by Norton  
 10 Commons. Because this property proposed is on the  
 11 periphery of the Wolf Pen Neighborhood Plan, we were  
 12 very concerned about the effects of any water that would  
 13 spill off into our area. We did, willingly, sign a  
 14 settlement agreement stating that we supported this type  
 15 of plan. It's certainly far preferable to the multi --  
 16 the many apartments that have been previously proposed.  
 17 We agreed that we support the plan as currently proposed  
 18 in terms of footprint, height, all the other  
 19 requirements. We realize there may be some tweaking  
 20 that needs to be done, but we do support this plan. Our  
 21 concern still remains keenly on the management of water  
 22 flow. It was stated today that the details of that have  
 23 not been worked out, so we want to work with the group  
 24 to make sure that the water is managed because we're  
 25 concerned about the Old Wolf Pen Mill that sits less

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1 than a mile downstream and water flow can very  
 2 negatively impact that. Overall, we do support the  
 3 plan. And, going back to what you were talking about a  
 4 minute ago with the entrances, I'm wondering if I'm  
 5 going out to visit someone there, if I Google-search the  
 6 entrance, my question would be where would it take me,  
 7 but I imagine that's a detail that can be worked out  
 8 later.  
 9 CHAIRMAN PROFFITT: I think one of the  
 10 speakers spoke to it. I think Kent was the one that  
 11 actually spoke to that, that it would have the address  
 12 of Civic Way, so if you Google it --  
 13 MS. GUNNISON: Oh, okay. So that does it.  
 14 CHAIRMAN PROFFITT: -- it should take you in  
 15 that direction, correct, Kent? And he's shaking his  
 16 head in the affirmative. Yes. Okay. All right. Okay.  
 17 Is that all, Ms. Gunnison?  
 18 MS. GUNNISON: Yes.  
 19 CHAIRMAN PROFFITT: Any questions for Ms.  
 20 Gunnison? Ms. Gunnison, thank you for coming today.  
 21 It's always good to see a private citizen show up and,  
 22 unfortunately, have to spend the time that you spend  
 23 going through the process that we have to go through, so  
 24 thank you. Okay. Anyone else in the audience that  
 25 wishes to speak to this case either for, against, or

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1 neutral to? Okay. Our MSD folks are here, one of them  
 2 anyway. Do you want to -- come on up just so that  
 3 you're here. Just like Diane, we're going to give you a  
 4 chance to speak because you've been so patient and  
 5 nobody's spoke to you and, of course, nobody likes to  
 6 speak to MSD but  
 7 MR. BARRY: It does not hurt my feelings.  
 8 CHAIRMAN PROFFITT: Okay. Good.  
 9 MR. BARRY: Pat Barry, Metropolitan Sewer  
 10 District, 700 West Liberty, Louisville 40203.  
 11 CHAIRMAN PROFFITT: And, Pat, do you swear or  
 12 affirm the information you're about to give the Board of  
 13 Zoning Adjustment is the truth?  
 14 MR. BARRY: Yes. I do.  
 15 CHAIRMAN PROFFITT: All right. I'm assuming,  
 16 Pat, that you've done a preliminary review of this  
 17 project and that their design intentions for water  
 18 runoff, storm water retention-detention is adequate?  
 19 MR. BARRY: Yes. I have. They are meeting  
 20 all requirements as far as detention and water quality.  
 21 CHAIRMAN PROFFITT: Okay.  
 22 MR. BARRY: Without going into much detail,  
 23 the previous plan was taking the runoff to the lake. You  
 24 see up there?  
 25 CHAIRMAN PROFFITT: Uh-huh.

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1 MR. BARRY: That was a problem. This one is  
 2 taking no water there, providing their own detention,  
 3 doing their own water quality, discharging to  
 4 Chamberlain Lane, eventually into a distributary of Wolf  
 5 Pen Branch and into the Wolf Pen Branch.  
 6 CHAIRMAN PROFFITT: Pat, is that pond up  
 7 there, is that the sole detention basin for Norton  
 8 Commons?  
 9 MR. BARRY: It's one of their detention basins  
 10 and one of their water quality basins and as Mr.  
 11 Bardenwerper said, they have a previous requirement when  
 12 Norton Commons was developed years ago, a binding  
 13 element that was proposed before our water quality  
 14 requirement, so they're handling their own water  
 15 quality. And yes, that is one of their detention  
 16 basins.  
 17 CHAIRMAN PROFFITT: Okay. Any other questions  
 18 for Mr. Barry? Pat, thank you so much for coming. We  
 19 appreciate your effort today. And, Diane, the same for  
 20 you. Thank you for coming and appreciate your patience.  
 21 Okay. Seeing no other persons in the audience that  
 22 wishes to speak, we'll go into business session.  
 23 Michael, you want to start?  
 24 MR. ALLENDORF: I think the project, for me,  
 25 is pretty -- it looks okay. The secondary exit off of

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1 Chamberlain, considering the distance from that exit to  
 2 where the building Metro Ordinance addressing, they  
 3 would have had to put a sign up there regardless, just  
 4 adding the verbiage, which I guess we're going to do as  
 5 conditional approval for employees and delivery and then  
 6 mindful, if they start having the cut-throughs. If they  
 7 do, put a gate on the property, which they're allowed to  
 8 do. There are some parameters that they would be  
 9 required to follow, which I would suggest they call the  
 10 Worthington Fire Department to work that out because of  
 11 --  
 12 CHAIRMAN PROFFITT: Yeah. Well, they've got a  
 13 main station right up by Nortons there.  
 14 MR. ALLENDORF: Yeah. And more than likely,  
 15 they'll be coming in through the main entrance, so, I  
 16 mean, trying to dictate you can only go through the back  
 17 is not going to work.  
 18 CHAIRMAN PROFFITT: Yeah. I like loading up  
 19 that bottom end with traffic bump --  
 20 MR. ALLENDORF: That's all I have.  
 21 CHAIRMAN PROFFITT: Roz.  
 22 MS. FISHMAN: Yes. Explanations helped me  
 23 understand a lot of stuff that you're talking about in  
 24 doing, and I appreciate you having patience to listen to  
 25 all my questions. And I'm glad you've got two signs;

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1 one will specify employee and delivery and the other one  
 2 for visitors and something like that. I know there --  
 3 you know, something saying private property, no cut-  
 4 through, I know that could be an issue with people with  
 5 people saying oh, there is a cut-through, but at least  
 6 they know it's private property.  
 7 MR. THARP: Looks like a wonderful retirement  
 8 community, elder care, looks like it's been well thought  
 9 out, well planned. I have no problems with anything.  
 10 CHAIRMAN PROFFITT: Fred.  
 11 MR. LIGGIN: No problems.  
 12 CHAIRMAN PROFFITT: Paul.  
 13 MR. BERGMAN: No problems. Looks like a good  
 14 plan.  
 15 CHAIRMAN PROFFITT: Okay. All right. I don't  
 16 have a problem for it as along as -- the only one I had  
 17 was the issue that had been ongoing out there about  
 18 entrance and exit off of Chamberlain, and I think if we  
 19 do the signage thing, that's about as good as we can  
 20 get. And if it does become a problem, then they've  
 21 assured us that they'll put in some kind of traffic  
 22 control devices on that bottom place. So, with that  
 23 said, there was a condition of approval added that the  
 24 sign located on the Chamberlain Lane entrance would read  
 25 something to the effect of employee -- besides the

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1 facility, it would clearly delineate employee and  
 2 delivery access only.  
 3 MR. ALLENDORF: Ready for motion?  
 4 CHAIRMAN PROFFITT: Yes, sir.  
 5 MR. ALLENDORF: Mr. Chair, in the case of  
 6 15CUP1012, the Chamberlain Senior Care Home located at  
 7 5217 Chamberlain Lane, I move that we grant a  
 8 conditional use permit to allow a home for the infirmed  
 9 and aged in an R-4 Zoning District. Within this motion,  
 10 we'll incorporate the standard of review and staff  
 11 analysis for conditional use permits found on page 2 and  
 12 3 of the staff report as well as the applicant's  
 13 justification statement under tab 12 of their handout.  
 14 Also with this motion, we incorporate three condition of  
 15 approvals. On page 20 of our staff report, there are  
 16 two already listed. We will add a third to the effect  
 17 that on the sign to the entrance off of Chamberlain  
 18 Lane, it shall have some type of wording or verbiage  
 19 added to the sign which states employee entrance and  
 20 deliveries only to that effect. As long as it mentions  
 21 that, I think we should be okay with it unless anybody  
 22 wants any additional wording added.  
 23 MS. FISHMAN: I second that with a question.  
 24 CHAIRMAN PROFFITT: I don't think he's  
 25 finished with his motion.

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1 MR. ALLENDORF: No. I'm not.  
 2 CHAIRMAN PROFFITT: Go ahead and finish your  
 3 motion.  
 4 MS. FISHMAN: Oh, I'm sorry. Finish. Sorry.  
 5 MR. ALLENDORF: And with that -- oh, that's  
 6 okay. And with that being said, this motion is based  
 7 off the staff report, PowerPoint presentation, the  
 8 testimony, as well as the site plan today.  
 9 MS. FISHMAN: Okay. I will second it and the  
 10 question I have is do we need to say anything about if  
 11 it becomes a really bad cut-through that they will do  
 12 something about it or --  
 13 MR. ALLENDORF: Legally, they can do that on  
 14 their own.  
 15 MS. FISHMAN: All right. That's okay with me.  
 16 CHAIRMAN PROFFITT: We either have to tell  
 17 them that we want traffic control features there or not,  
 18 I think, at this point in time.  
 19 MS. FISHMAN: We don't.  
 20 CHAIRMAN PROFFITT: Because we don't --  
 21 MS. FISHMAN: Okay. That's fine.  
 22 CHAIRMAN PROFFITT: I'm not saying it's not  
 23 warranted. I'm just saying that it's hard to do ifs.  
 24 MR. ALLENDORF: Yeah.  
 25 MS. FISHMAN: Ands or buts.

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1 CHAIRMAN PROFFITT: Yeah. Okay. So we have a  
 2 motion and a second. Any other further discussion? If  
 3 not, roll call vote, please Beth.  
 4 MS. STEVENSON: Fishman?  
 5 MS. FISHMAN: Yes.  
 6 MS. STEVENSON: Tharp?  
 7 MR. THARP: Yes.  
 8 MS. STEVENSON: Bergmann?  
 9 MR. BERGMANN: Yes.  
 10 MS. STEVENSON: Proffitt?  
 11 CHAIRMAN PROFFITT: Yes.  
 12 MS. STEVENSON: Liggin?  
 13 MR. LIGGIN: Yes.  
 14 MS. STEVENSON: Allendorf?  
 15 MR. ALLENDORF: Yes.  
 16 CHAIRMAN PROFFITT: I guess that's it, right?  
 17 Yeah. That's it. Okay. Thank you very much. Any  
 18 other business to come before the Board of Zoning  
 19 Adjustment? If not, is there a motion to adjourn?  
 20 MS. FISHMAN: So moved.  
 21 CHAIRMAN PROFFITT: Motion is made.  
 22 MR. BERGMANN: Second.  
 23 CHAIRMAN PROFFITT: Seconded and we're  
 24 finished.  
 25 (END OF HEARING)

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1 CERTIFICATE OF REPORTER  
 2 COMMONWEALTH OF KENTUCKY AT LARGE  
 3  
 4 I do hereby certify that the said matter was reduced to  
 5 type written form under my direction, and constitutes a  
 6 true record of the recording as taken, all to the best  
 7 of my skill and ability. I certify that I am not a  
 8 relative or employee of either counsel, and that I am in  
 9 no way interested financially, directly or indirectly,  
 10 in this action.  
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 22  
 23 COURTNEY BUSICK, COURT REPORTER / NOTARY  
 24 COMMISSION EXPIRES ON: 10/18/2017  
 25 SUBMITTED ON: 1/18/2017

<p style="text-align: center;"><u>1</u></p> <p><b>1</b> 3:11,17</p> <p><b>10</b> 37:14</p> <p><b>100</b> 28:10,13,14</p> <p><b>1000</b> 5:13</p> <p><b>10025</b> 31:22</p> <p><b>11940</b> 36:14</p> <p><b>12</b> 54:13</p> <p><b>13</b> 5:1</p> <p><b>14</b> 5:2</p> <p><b>15</b> 5:4</p> <p><b>15CUP1012</b> 3:4 54:6</p> <p><b>16</b> 5:4</p> <p><b>162</b> 3:21</p> <p><b>1643</b> 46:15</p> <p><b>168</b> 11:4</p> <p><b>1694</b> 28:5 30:16</p> <p><b>17</b> 5:5</p> <p><b>18</b> 20:7,8</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>2</b> 4:1,18 54:11</p> <p><b>20</b> 5:6 54:15</p> <p><b>22</b> 40:20</p> <p><b>256</b> 11:3</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p><b>3</b> 4:18,20 54:12</p> <p><b>32</b> 33:12 36:25</p> <p><b>343,000</b> 11:3</p> <p><b>35</b> 15:20</p> <p><b>3:00</b> 38:16</p>	<p style="text-align: center;"><u>4</u></p> <p><b>4</b> 4:20</p> <p><b>40026</b> 36:15</p> <p><b>40059</b> 47:23</p> <p><b>40203</b> 50:10</p> <p><b>40219</b> 19:7</p> <p><b>40223</b> 5:14</p> <p><b>42</b> 36:14</p> <p><b>45</b> 37:2 38:13</p> <hr/> <p style="text-align: center;"><u>5</u></p> <p><b>5151</b> 19:6</p> <p><b>5217</b> 3:5 54:7</p> <p><b>5239</b> 12:5</p> <p><b>5:00</b> 38:16</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p><b>6</b> 4:24</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p><b>700</b> 50:10</p> <p><b>71</b> 21:21,24,25 22:1,21 28:24 29:17 40:19,20</p> <p><b>7849</b> 47:22</p> <hr/> <p style="text-align: center;"><u>8</u></p> <p><b>8</b> 4:25</p> <p><b>8:00</b> 38:16</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p><b>90</b> 37:16</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p><b>a.m.</b> 36:25 38:13</p>	<p><b>ability</b> 57:7</p> <p><b>acceptable</b> 32:22,24</p> <p><b>access</b> 8:21 9:2,4 19:4 21:1 22:14 23:6,8 28:24 29:12 30:16 43:12,15, 24 44:3 54:2</p> <p><b>accessing</b> 28:12</p> <p><b>accordance</b> 11:20</p> <p><b>accurate</b> 16:1</p> <p><b>action</b> 57:10</p> <p><b>add</b> 4:21 54:16</p> <p><b>added</b> 27:25 53:23 54:19,22</p> <p><b>adding</b> 40:10 52:4</p> <p><b>additional</b> 20:6 54:22</p> <p><b>address</b> 5:10 12:4 29:5 31:20,21 36:12 47:22 49:11</p> <p><b>addressing</b> 52:2</p> <p><b>adequate</b> 50:18</p> <p><b>adhering</b> 21:15</p> <p><b>adjacent</b> 22:9</p> <p><b>adjoining</b> 34:15</p> <p><b>adjourn</b> 56:19</p> <p><b>Adjustment</b> 5:17 12:10 19:10 31:25 36:18 48:1 50:13 56:19</p> <p><b>administration</b> 14:6</p> <p><b>administrator</b> 33:14</p>	<p><b>adverse</b> 4:22</p> <p><b>advertise</b> 35:13</p> <p><b>aerial</b> 4:2 7:16 23:4</p> <p><b>affirm</b> 5:16 12:8 19:8 31:24 36:16 47:25 50:12</p> <p><b>affirmative</b> 49:16</p> <p><b>aged</b> 54:9</p> <p><b>agency</b> 32:12</p> <p><b>agreed</b> 19:24 22:23 48:17</p> <p><b>agreement</b> 8:1 24:2 26:5,13 43:23 48:14</p> <p><b>ahead</b> 3:8 5:19 12:12 16:25 32:2,25 48:4 55:2</p> <p><b>Alice</b> 47:21</p> <p><b>Allendorf</b> 23:24 24:3 47:2,10 51:24 52:14,20 54:3,5 55:1,5,13,24 56:14,15</p> <p><b>allocated</b> 6:22</p> <p><b>allowed</b> 44:20 52:7</p> <p><b>altogether</b> 43:25</p> <p><b>ambulance</b> 29:12 39:18 45:25 46:13</p> <p><b>ambulances</b> 21:1 29:25 43:20 46:5,22, 24</p> <p><b>amenities</b> 15:4</p> <p><b>amenity</b> 14:4, 23 15:12</p> <p><b>analysis</b> 28:2 33:21 38:7</p>	<p>54:11</p> <p><b>Ands</b> 55:25</p> <p><b>angle</b> 16:14</p> <p><b>answers</b> 38:22</p> <p><b>apartment</b> 6:19,25 7:19 8:9 9:11,19 10:6,9,15 11:2, 5 13:11 27:24 28:9 30:2 44:5</p> <p><b>apartments</b> 6:21 7:11,14 9:5,7 14:12,19 17:7 25:18 48:16</p> <p><b>applicable</b> 34:6</p> <p><b>applicant</b> 3:7</p> <p><b>applicant's</b> 47:14,15 54:12</p> <p><b>applicants</b> 47:12</p> <p><b>application</b> 47:3,5,8,13</p> <p><b>approaching</b> 40:8</p> <p><b>approval</b> 5:6 41:13 52:5 53:23</p> <p><b>approvals</b> 54:15</p> <p><b>approved</b> 3:15,24 8:12 10:12</p> <p><b>aquatic</b> 32:14</p> <p><b>architect</b> 6:4 11:10</p> <p><b>architects</b> 12:7 33:7</p> <p><b>area</b> 7:18 14:24 17:13 21:6 22:20 24:9,19, 24 25:1,3 26:4, 6,16,23 27:8,20 32:12,14,19 45:22 48:13</p>
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