

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

SEP 19 2011

(See Boone County Zoning Regulations)  
SECTION A (To be completed by applicant)

- 1. Name of Project Blair Office
- 2. Location of Project South West Corner of Old KY 18 & New KY 18
- 3. Total Acreage of Site 1.74
- 4. Current Zoning of Site Commercial Services (C-3)
- 5. Proposed Zoning (Classification being requested) Office One (O-1)
- 6. Proposed Uses (please specify each use) Multi Tenant Professional  
Office Park

- 7. Names of Applicant(s) Bill Toebben / Toebben Construction  
Phone Number 331-1560 Fax No. 331-9702
- 8. Address of Applicant(s) 541 Buttermilk Pike, Suite 104  
Crescent Springs, KY 41017  
City State Zip

- 9. Name of Property Owner(s) Charlene Combs  
Phone Number 331-9979 Fax No. 647-7266
- 10. Address of Property Owner(s) 904 Willowdale Drive  
Villa Hills, KY 41017  
City State Zip

- 11. Proposed Building Intensities (please specify) 7,500 square feet of office  
space situated on 1.74 acres of land

- 12. Are there any existing buildings on the site? NO  
How many? -0-

- 13. Deed Book 479 Page No. 266 Group No. 2031

- 14. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance

- 15. Have you submitted a Concept Development Plan? Yes
- 16. Have you had a pre-application meeting with BCPC Staff? Yes

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

# EXHIBIT

“A”

## STAFF REPORT

Request of **Bill Toebben/Toebben Construction (applicant)** for **Charlene Combs (owner)** to consider a Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) for a 1.74 acre tract located on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18)/Taylor Drive intersection, Boone County, Kentucky. The request is for a zone change to permit an office building.

October 25, 2000

### **Request/Concept Development Plan**

The applicant is requesting a Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) to permit an office building. The submitted Concept Development Plan proposes an approximate 7,500 square foot office building on the 1.74 acre tract with an approximate finished floor elevation of 836 feet. As a comparison the Heritage Bank is at approximately 846. The proposal shows the building and parking lot improvements along the easternmost portion of the site with the storm water detention to the west as that portion of the site is the lowest part of the property and it abuts the Mid-Valley Pipeline Easement.

### **Surrounding Zoning and Land Uses**

- North: Across Old Florence Pike, the Heritage Bank, an insurance office, undeveloped land, the Genever property and the Florence Baptist Temple zoned Commercial Two (C-2).
- East: The Flick's complex zoned Commercial Two (C-2).
- South: The Shoppes at Burlington zoned Commercial Four/Planned Development/Concept Development (C-4/PD/CD).
- West: The remaining Combs property zoned Commercial Three (C-3), the Chambers and Grubbs Funeral Home zoned Commercial One (C-1) and Urban Residential Two (UR-2).

### **Relationship to the Boone County Comprehensive Plan**

The Future Land Use Map shows the subject property as Commercial (C), which is defined in the adopted Comprehensive Plan as:

- Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element within the 1995 *Boone County Comprehensive Plan* refers to this area generally by stating:

"The area bound by KY 18 to the south, KY 237 to the west; Limaburg Road to the east and Conrad Lane to the north currently contains a variety of uses. This area should continue to develop in a residential fashion, providing low to high density housing opportunities. The intersection of KY 18 and KY 237 should develop as low traffic-generating office uses."

The recently adopted 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper future growth management for Boone County is implemented ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- E. *A public process of visioning, which shall include the selection of specific areas of Boone County, shall be pursued as a means of recommending a theme or character for future land use planning and development design ("Overall," Objective 5).***
- F. Boone County shall have a sustainable economy that both restores and protects the environment and also brings forth innovation and prosperity with meaningful employment opportunities for all its citizens ("Economy," Goal).
- G. Employment opportunities shall be encouraged for the citizens of Boone County ("Economy," Objective 1).
- H. Base industries-(agriculture, mining and manufacturing activities) and non-base industries (education, commerce, service, health, government, etc.) Shall be promoted in suitable locations exemplifying how the county is a vital part of a strong regional, metropolitan economy ("Economy," Objective 2).
- I. The benefits of an international airport shall be optimized to promote appropriate economic development ("Economy," Objective 3).

- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
- L. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).
- M. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals or other regulatory agencies ("Business Activity," Industrial Objective 2).

### **Staff Concerns/Comments**

1. Staff has concluded that the pre-existing, non-conforming and off-premise sign for the Florence Baptist Temple is located on this property and would need to be removed in order to allow this development its own monument sign.
2. If approved, the Future Land Use Map would not need to be adjusted.

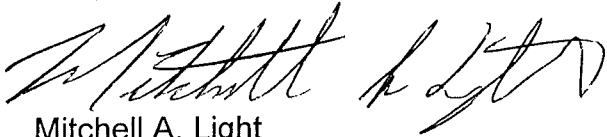
### **Conclusion**

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the *Boone County Comprehensive Plan* for the location in question; or,

2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully Submitted,

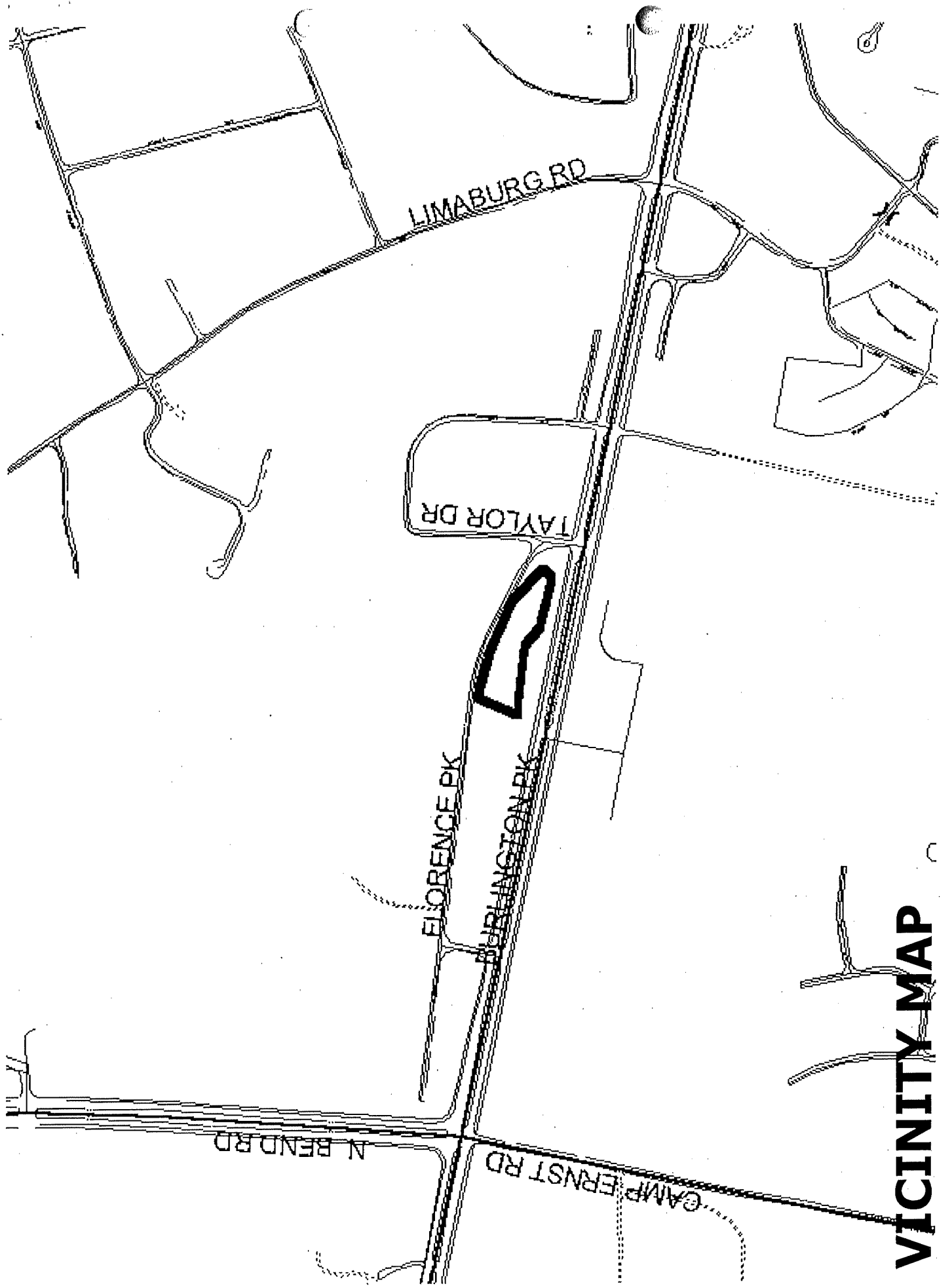


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

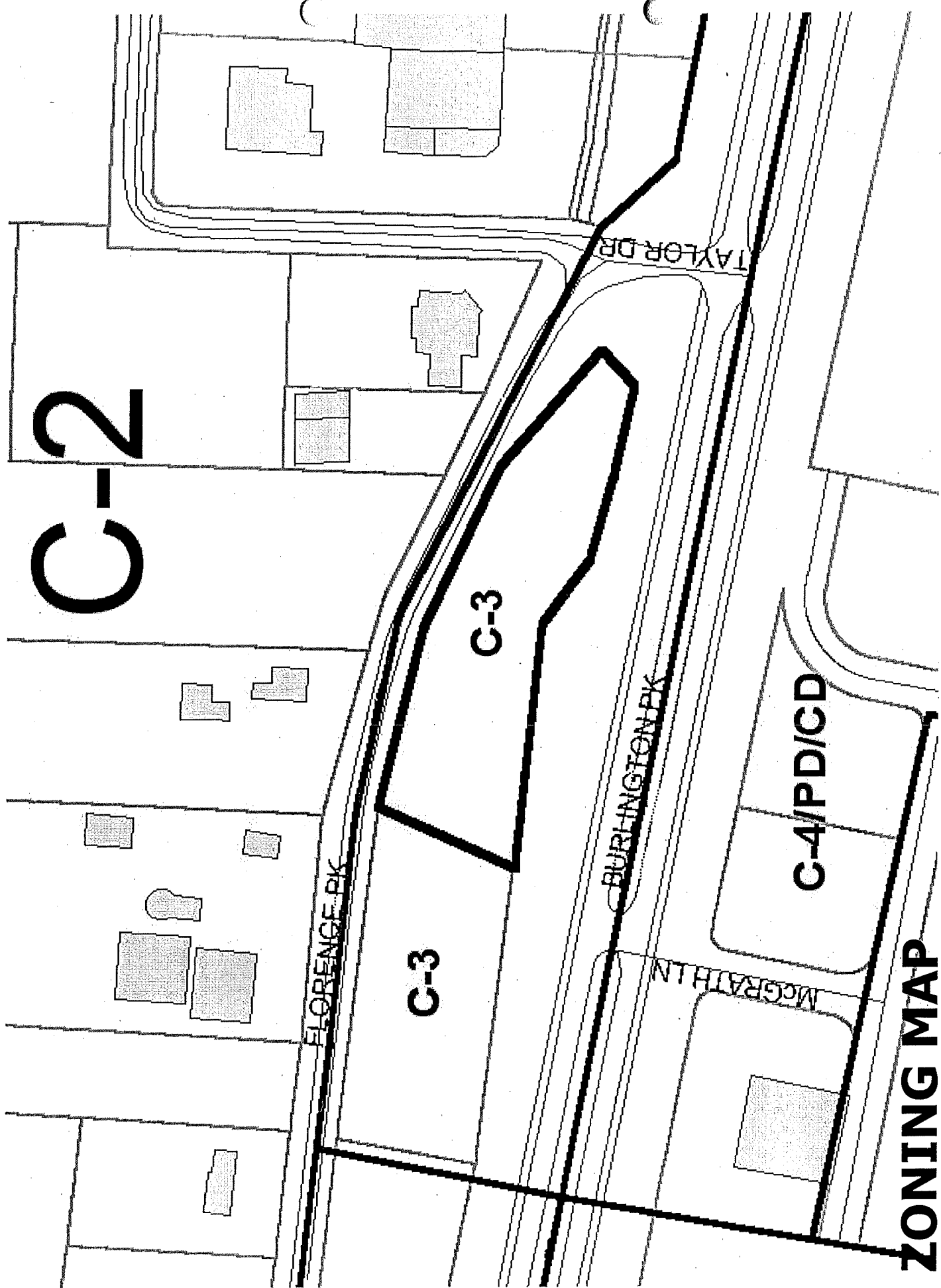
MAL/par

Attachments:

- Vicinity Map
- Zoning Map
- Existing Topography
- Concept Development Plan
- Application



**VICINITY MAP**



C-2

C-3

C-3

C-4/PD/CD

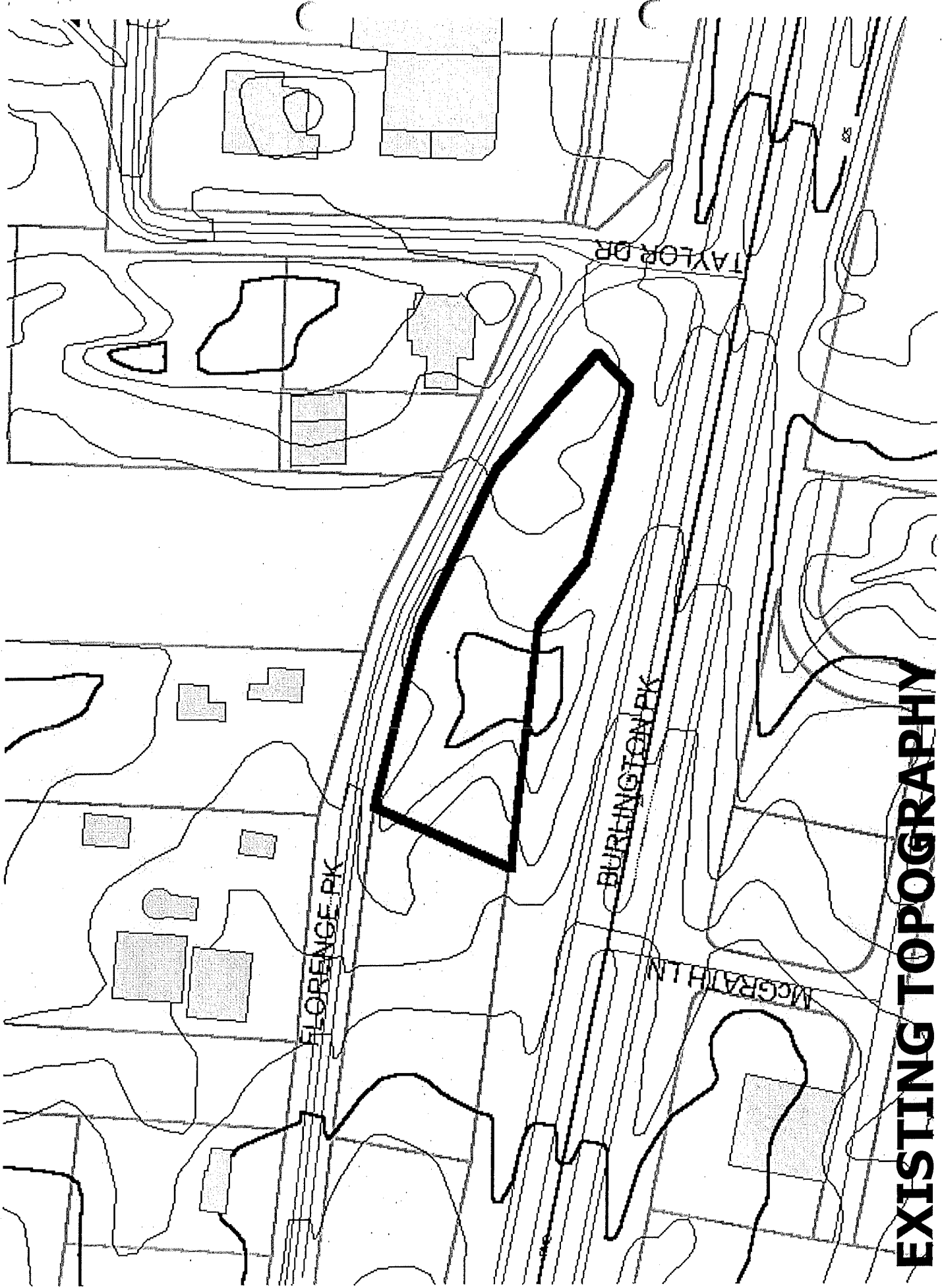
FLORENCE PK

BURLINGTON PK

TAYLOR DR

MCGRATH LN

ZONING MAP



**EXISTING TOPOGRAPHY**



**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Chaney - Vice Chairman, Mr. Hicks, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, and Mrs. Wilson.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, Planner.

**Legal Counsel Present:** Mr. Larry Dillon

Mr. Ries introduced the second item on the Agenda:

1. **Applicant:** **Bill Toebben/Toebben Construction** for  
**Charlene Combs (owner)**  
**Request:** **Zoning Map Amendment**

**The request of Bill Toebben/Toebben Construction (applicant) for Charlene Combs (owner) to consider a Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) for a 1.74 acre tract on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18)/Taylor Drive intersection, Boone County, Kentucky. The request is for a zone change to permit an office building.**

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report). He added a Staff Comment in regard to free-standing signage in the C-3 Zone. He explained that this parcel would be permitted a 30-foot high sign since it has more than 201 feet of road frontage on KY 18. In the O-1 zone, a 10-foot high sign with 150 square feet of signage would be allowed. Rezoning this site from C-3 to O-1 will get rid of a possible 30-foot tall sign. He reviewed the signage in the area and stated that Flick's has a taller sign but on that side from Flick's to Burlington there are no other large pole signs. He stated that there will be a total of three tenants in the development. Mr. Light noted the attachments to the Staff Report.

Mr. Ries asked for the applicant's presentation.

Mr. Bill Toebben, Toebben Construction, 759 Forest Hill Drive, Crescent Springs, stated that he was representing the owner of the property. He stated that they are contracting for a design/build project for a general office use on the property. The use will be strictly professional office. He stated that they can get into possibly mitigating some of the objectionable uses in the zone. It will be a multi-tenant office set up for three separate users with a total of 7,500 square feet. He stated that the site is awkward and there is a vast amount of right-of-way

between the site and KY 18. The site is 570 feet long, but a lot of it is a stormwater detention area. There are two drainage pipes under old KY 18 into the area. He stated that they will leave as much of the existing vegetation as possible. He presented a rendering of the property showing 42 parking spaces. He noted that the code would require 30 parking spaces. He stated that they show access off Old KY 18. He reviewed the on-site traffic flow and stated that they will not direct it to be one-way traffic. There will be landscaping across the rear of the building to buffer it from the neighbors. He passed around the elevations showing what the front of the building would look like.

Mr. Ries asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions. There was no response.

Mr. Ries asked if there were any comments or questions from the Commissioners.

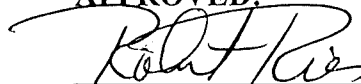
Mrs. Wilson stated that the applicant said there would be three users, but the drawings indicated six users. Mr. Toebben responded that the worst case scenario would be five users. They could have 1,250 square foot users, but the ultimate design is for 2,500 square foot users.

Mr. McMillian noted the drainage area to the west of the building. Mr. Toebben stated that they will retain that area as a low area. Mr. McMillian stated that he thought the detention area was on the other side of Flick's. Mr. Light reviewed the slide with Mr. McMillian. He explained that the idea is not to strip the site and create a detention pond somewhere else. He noted that there are already pipes under KY 18. The inlet and outlet are there and all they will have to do is cut into the site.

Mr. McMillian asked if the site is in front of the church. Mr. Light responded that the property is in front of the bank and the State Farm Office. It is not in front of the church.

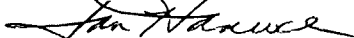
There being no further comments, Mr. Ries stated that the Committee Meeting for this item will be on November 1, 2000 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 15, 2000 at 7:00 P.M.. Mr. Ries closed this Public Hearing at 7:55 P.M..

APPROVED:



Robert Ries  
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
November 15, 2000  
7:00 P.M.**

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Mr. Arnold Caddell, Chairman, called the meeting to order at 7:03 P.M..

**COMMISSION MEMBERS PRESENT:**

Mr. Arnold Caddell, Chairman  
Mr. W. Thomas Chaney, Vice Chairman  
Mr. Mark Hicks  
Mr. Richard Knock  
Mr. Don McMillian  
Mr. Robert Newman  
Mrs. Susan Poston  
Mr. Charlie Reynolds  
Mr. Robert Ries, Temporary Presiding Officer  
Mr. Bob Schwenke  
Mr. Earl White  
Mrs. Lisa Wilson  
Mr. David Zimmer

**COMMISSION MEMBERS NOT PRESENT:**

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Randy Barlow

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light, Assistant Zoning Administrator/ZEO  
Mr. Todd Morgan, Planner  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

**Approval of the Minutes:**

Chairman Caddell stated that the Commissioners each received a copy of the Minutes of the November 1, 2000 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Ries moved that they be approved as mailed. Mr. Zimmer seconded the motion. A vote on the motion found all voting members in favor. Mrs. Wilson was not yet present. The motion carried.

**ACTION ON PLAN REVIEWS:**

**1. Change in Concept Development Plan and Variance**

**The request of G. Sharpco Inc. (applicant) for Mt. Zion Properties Inc. (owner) to consider a Change in Concept Development Plan in a Commercial Four (C-4) zone for a 0.33 acre lot on the southwest corner of the Mt. Zion Road/Investment Way intersection, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow a retail building and a Variance for reductions in the side yard setbacks.**

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

There being no discussion, Mr. Hicks moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Schwenke seconded the motion. A vote on the motion found all voting members in favor. Mrs. Wilson was not yet present. The motion carried.

The Chairman stated that he has a conflict in regard to Item #2 as he is an adjoining property owner. He asked the Vice Chairman to chair the meeting and left the room at this time. Mr. Chaney introduced the second item on the Agenda:

**2. Zoning Map Amendment**

**The request of Bill Toebben/Toebben Construction (applicant) for Charlene Combs (owner) to consider a Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) for a 1.74 acre tract on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18)/Taylor Drive intersection, Boone County, Kentucky. The request is for a zone change to permit an office building.**

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition (see Committee Report). The property owner has signed the letter agreeing to the condition.

There being no discussion, Mr. Zimmer moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. McMillian seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell was not present and did not vote. The motion carried.

Chairman Caddell returned at this time and introduced the next item on the Agenda:

3. **Houston-Donaldson Review Donaldson Road Center II  
Donaldson Road**

Staff Member Mitch Light presented the Committee Report which recommended that the proposal follow the short review process, subject to conditions, based on the findings of fact (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mr. Hicks moved that the request follow the short review process based on the Committee Report. Mr. Zimmer seconded the motion.

Mr. Newman asked if the interpretation of the word "substantial" (Condition #3) is a problem. Mr. Light responded that it would be a Staff review and Staff will not allow anything less than "substantial". Mr. Wall stated that there are code requirements and "substantial" to him means a good chunk over the requirements. Mr. Newman asked if the applicant agrees with this interpretation of "substantial". The applicant was present and agreed.

Mr. Knock stated for the record that Mr. Zimmer chaired this request due to his absence.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Hicks and it carried unanimously.

4. **Technical/Design Review PetsMart Signage  
1060 Hansel Avenue**

Staff Member Todd Morgan presented the Technical/Design Review request for PetsMart. The proposal is to add a Banfield Pet Hospital sign that is 13.74 square feet in size. They were granted the State Line Tax sign and the PetsMart sign last July. He explained that the Houston-Donaldson Study allows a store this size 100 square feet of signage. This additional (third) sign would put them over an additional 13 square feet. He stated that the Committee felt that the proposed sign would add balance to the façade and the Committee recommends approval.

Mr. Costello asked if the proposed use (a veterinarian) is a permitted use. Mr. Wall responded that it sounds like it is accessory to the pet store. Mr. Costello questioned the size of the use.

**EXHIBIT**  
**“B”**

## COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Tom Chaney, Chairman

**DATE:** November 15, 2000

**RE:** Request of **Bill Toebben/Toebben Construction (applicant)** for **Charlene Combs (owner)** to consider a Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) for a 1.74 acre tract located on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18)/Taylor Drive intersection, Boone County, Kentucky. The request is for a zone change to permit an office building.

### REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

#### Findings of Fact

1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classification of Commercial Services (C-3) is inappropriate and that the proposed zoning classification of Office One (O-1) is appropriate. When considering that the C-3 zone is generally intended for large-scale commercial uses of a regional nature, the Committee has concluded that due to the site's location in a growing local commercial service area and the fact that the lot is very narrow therefore limiting its development with an appropriate use under the C-3 zone has demonstrated compliance with this criterion.
2. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map. Specific references to the Comprehensive Plan are provided in the Staff Report for this request.
3. The Committee has concluded that the applicant has adequately demonstrated that there have been major changes of an economic, physical, or social nature that alters or change the character of the area.
4. The Committee has concluded that the attached condition is necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Condition

1. The eastern-most curb cut/access point shall be aligned with the exit curb cut for Heritage Bank on the opposite side of Old Florence Pike.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Chaney - Vice Chairman, Mr. Hicks, Mr. McMillian, Mrs. Poston, Mr. Reynolds, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, and Mrs. Wilson.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, Planner.

**Legal Counsel Present:** Mr. Larry Dillon

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Mr. Ries asked for the applicant's presentation.

Mr. Bill Toebben, Toebben Construction, 759 Forest Hill Drive, Crescent Springs, stated that he was representing the owner of the property. He stated that they are contracting for a design/build project for a general office use on the property. The use will be strictly professional office. He stated that they can get into possibly mitigating some of the objectionable uses in the zone. It will be a multi-tenant office set up for three separate users with a total of 7,500 square feet. He stated that the site is awkward and there is a vast amount of right-of-way

between the site and KY 18. The site is 570 feet long, but a lot of it is a stormwater detention area. There are two drainage pipes under old KY 18 into the area. He stated that they will leave as much of the existing vegetation as possible. He presented a rendering of the property showing 42 parking spaces. He noted that the code would require 30 parking spaces. He stated that they show access off Old KY 18. He reviewed the on-site traffic flow and stated that they will not direct it to be one-way traffic. There will be landscaping across the rear of the building to buffer it from the neighbors. He passed around the elevations showing what the front of the building would look like.

Mr. Ries asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions. There was no response.

Mr. Ries asked if there were any comments or questions from the Commissioners.

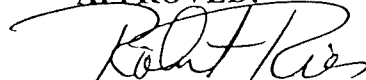
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Mr. McMillian asked if the site is in front of the church. Mr. Light responded that the property is in front of the bank and the State Farm Office. It is not in front of the church.

There being no further comments, Mr. Ries stated that the Committee Meeting for this item will be on November 1, 2000 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 15, 2000 at 7:00 P.M.. Mr. Ries closed this Public Hearing at 7:55 P.M..

APPROVED:

  
\_\_\_\_\_  
Robert Ries  
Temporary Presiding Officer

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: November 1, 2000

RE: Request of **Bill Toebben/Toebben Construction (applicant)** for **Charlene Combs (owner)** to consider a Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) for a 1.74 acre tract located on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18)/Taylor Drive intersection, Boone County, Kentucky. The request is for a zone change to permit an office building.

### REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE  
Toebben/Combs/KY 18 & Old Florence Pike  
November 1, 2000

~~Tom Chaney, Chairman~~

For	___	Against	___
Abstain	___	Absent	✓
Deferred	___		

*M Hicks*  
Mark Hicks

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

Bob Newman

For	___	Against	___
Abstain	___	Absent	✓
Deferred	___		

Earl White

For	___	Against	___
Abstain	___	Absent	✓
Deferred	___		

*D Zimmer*  
David Zimmer

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

Bob Schwenke (Alternate)\*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

*Lisa Wilson*  
Lisa Wilson (Alternate)\* *Chairman*

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

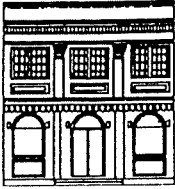
*Don McMillian*  
Don McMillian (Alternate)\*

For	✓	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: \_\_\_ DEFERRED 4 FOR \_\_\_ AGAINST \_\_\_ ABSTAIN  
3 ABSENT

# SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

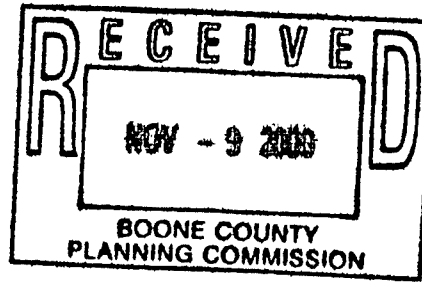
Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

November 3, 2000

Ms. Charlene Combs  
c/o Mr. Bill Toebben  
541 Buttermilk Pike  
Suite 104  
Crescent Springs, KY 41017



RE: Condition of Approval for the request of **Bill Toebben/Toebben Construction (applicant)** for **Charlene Combs (owner)** to consider a Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) for a 1.74 acre tract located on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18)/Taylor Drive intersection, Boone County, Kentucky. The request is for a zone change to permit an office building.

Dear Ms. Combs:

The following represents the condition of approval for the above referenced application as agreed by the Boone County Planning Commission's Zone Change/Concept Plan Committee. If you agree to this condition, please indicate so by providing the signature of the property owners on the agreement stated at the end of this letter. Please return the original, signed condition letter to the Planning Commission's office by Monday, November 13, 2000.

Condition

1. The eastern-most curb cut/access point shall be aligned with the exit curb cut for Heritage Bank on the opposite side of Old Florence Pike.

Sincerely,

Mitchell A. Light  
Asst. Zoning Administrator/Enf. Officer

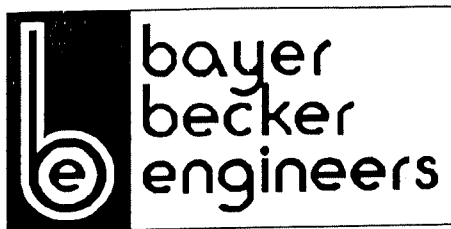
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Ms. Charlene Combs  
c/o Mr. Bill Toebben  
November 3, 2000  
Page 2

Agreement

I, Charlene Combs, do hereby agree to the condition of approval stated above for the Zoning Map Amendment from Commercial Services (C-3) to Office One (O-1) for a 1.74 acre tract located on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18)/Taylor Drive intersection, Boone County, Kentucky.

Charlene Combs 11-9-00  
Ms. Charlene Combs (owner) (date)



engineers  
planners  
architects  
surveyors

14 East Eighth Street  
Covington, Kentucky 41011  
p.859.261.1113  
f.859.261.1710  
covington@bayerbecker.com

DESCRIPTION: Lot Split – 1.74 Acres  
Charlene F. Combs

LOCATION: South Side Old Ky #18

DATE: September 19, 2000

Situated in the County of Boone, Commonwealth of Kentucky, lying on the North side of Kentucky Highway #18 as revised and relocated, about 0.2 mile East of Camp Ernst Road and more particularly described as follows:

Begin at a PK nail, the Northwest corner of the Stith parent tract of 75 Acres, in the centerline of Florence Pike; thence with said centerline South 83°24'21" East, 399.01 feet; thence leaving said centerline South 06°35'39" West, 30.00 feet to a point in the South right-of-way of Florence Pike (Old Ky #18) and the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING with said right-of-way South 83°24'24" East, 3.31 feet;

thence South 76°14'44" East, 211.48 feet;

thence South 65°06'04" East, 243.94 feet;

thence South 48°35'59" East, 155.61 feet to the intersection of the right-of-way of Florence Pike and the right-of-way of Taylor Road;

thence with the right-of-way of Taylor Road South 45°42'06" West, 55.64 feet to the intersection of the right-of-way of Taylor Road and the right-of-way of Kentucky Highway #18;

thence with the right-of-way of Kentucky Highway #18 North 78°45'09" West, 100.80 feet;

thence North 74°25'09" West, 119.32 feet;

thence North 52°09'09" West, 91.07 feet;

thence North 84°27'09" West, 199.87 feet;

thence with a new division line North 16°23'51" East, 166.72 feet to the TRUE POINT OF BEGINNING.

Containing 1.74 acres and subject to all easements and rights-of-way of record. The reference meridian is Deed Book 569, Page 142.

The above description was prepared by Gil W. Whitacre, Licensed Professional Surveyor #3275 in the Commonwealth of Kentucky for rezoning purposes only. No monuments will be set.

Prior Instrument Reference: Deed Book 569, Page 142.



**Ordinance**  
**Of**  
**The Boone County Fiscal Court**

**Ordinance No. 01-02**

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL, WITH ONE CONDITION, FOR A REQUEST OF BILL TOEBBEN / TOEBBEN CONSTRUCTION (APPLICANT) FOR CHARLENE COMBS (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL SERVICES (C-3) TO OFFICE ONE (O-1) ON A 1.74 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF KY 18 AND ON THE SOUTHWEST CORNER OF THE OLD FLORENCE PIKE (OLD KY 18) / TAYLOR DRIVE INTERSECTION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (12-0, with 1 abstention), VIA RESOLUTION NO. R-00-029-A.

**WHEREAS**, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Commercial Services (C-3) to Office One (O-1) on a 1.74 acre site generally located on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18) / Taylor Drive intersection, Boone County, Kentucky, which is more particularly described below; and,

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with one condition, for the Zoning Map Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:**

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with one condition, this Zoning Map Amendment being a zone change from Commercial Services (C-3) to Office One (O-1) on a 1.74 acre site generally located on the north side of KY 18 and on the southwest corner of the Old Florence Pike (Old KY 18) / Taylor Drive intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial Services (C-3) zone is more particularly described in DEED BOOK 479; PAGE NO. 266 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and one condition of the Boone

**Ordinance**  
**Of**  
**The Boone County Fiscal Court**

**Ordinance No. 01-02**

County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

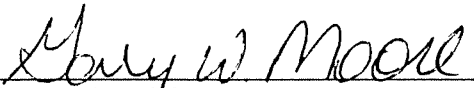
The Committee recommended approval for this request based on the findings of fact and condition as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B".

**SECTION III**

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

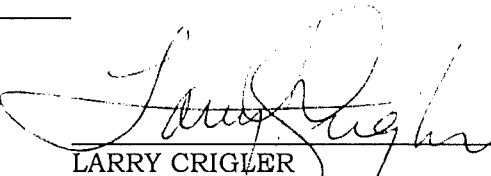
Introduced and given First Reading on the 2nd day of January, 2001.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 16th day of January, 2001, and on the same occasion signed in open session by the County Judge-Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

  
\_\_\_\_\_  
GARY W. MOORE  
BOONE COUNTY JUDGE-EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
ROBYN R. COBB  
FISCAL COURT CLERK

  
\_\_\_\_\_  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

01-25-01  
\_\_\_\_\_  
DATE PUBLISHED