

APPLICATION FOR ZONING ACTION

TO: Boone County Planning Commission City of Union Board of Adjustment
 City of Florence Board of Adjustment City of Walton Board of Adjustment
 Boone County Board of Adjustment Zoning Enforcement Officer

FOR: Zoning Text Amendment Zoning Map Amendment
 Comprehensive Plan Change Preliminary Plat Approval
 Improvement Plat Approval Final Plat Approval
 Conditional Use Permit Site Plan Review
 Concept Development Plan Historic District Overlay
 Preliminary Development Plan Sign Permit
 Change of Non-Conforming Use Appeal or Variance
 Design Review Board Hearing and Certificate of Appropriateness

Applicant: Paul Vesper Owner Agent

Address: 28 W. 5th Street, Covington, Kentucky 41011 Telephone: 491-4222

Location: South Side of Kentucky 18 (Burlington Pike) midway between Kenner Drive & Oakbrook Drive.

Name of Owner: Lee J. Vesper, Trustee; Naomi C. Vesper Trust

Address of Owner: 28 W. 5th Street, Covington, KY. 41011

Zone: SR-2 Area in Acres: 3 acres

Description of Request: Zoning Map Amendment changing from present zone to Office One (O-1) zone so as to permit construction of medical office building.

Owner's Signature: [Signature]

Applicant's Signature: [Signature]

FOR PLANNING COMMISSION USE:

Date application and fee of \$ 212.00 Received: September 2, 1981

Referred to: Boone County Planning Com. For Meeting Date: September 2, 1981

Action: Public Hearing Date: September 23, 1981

Committee Appointed: Robert Webster, Chairman, Mr. Vaughn, Mr. Shafer, Mr. Godsey, Mr. Buse.

Approved 11-4-81

Zone Change Request by Paul Vesper
for property located on Kentucky
Route 18, Burlington Pike in Boone
County

This is a zone change request by Paul Vesper for a 2.9878 acre tract owned by Lee J. Vesper, Trustee, Naomi C. Vesper, Trust, and located on the south side of Kentucky 18 about one-tenth of a mile east of Limaburg, in Boone County.

The applicant is requesting a zone change from the current Suburban Residential Two, SR-2 zone to Office One, O-1 zone. The indicated purpose of this request is to permit construction of three medical office buildings. The current zoning of adjoining sites to the north, across Kentucky 18, is Industrial One, I-1. To the east is current zoning of Suburban Residential Two, SR-2. Current zoning to the south is Suburban Residential Two, SR-2 and Suburban Residential One/Planned Development Overlay, SR-1/PD. And to the west is current zoning of Suburban Residential One/Planned Development Overlay, SR-1/PD.

The subject property is currently undeveloped. Adjoining properties to the east, south and west are also currently undeveloped. To the north, across Kentucky Route 18, is current land use of agriculture.

The planned future land use, as shown on the Land Use map of the Boone County Comprehensive Plan, is Medium Density Residential. The text of the Comprehensive Plan states, "Medium density residential development could include the expansion of existing developments in the Florence and Walton service areas. As the Florence service area is expanded, new medium density development is encouraged adjacent to subdivisions existing and committed south of Kentucky 18 and west of Hopeful Road;...." Elsewhere it states, "The development corridor both north and south of Kentucky 18 between Burlington and Florence is a crucial component of the overall land use element. This area is relatively undeveloped, yet is served by a four lane divided highway and planned between two urban centers. The area could easily become congested and overdeveloped if not well planned and coordinated. The impact of the Airport on this corridor must also be anticipated. The area is planned to receive full urban services in the long range plan, further increasing its development potential...Residential land use is planned south of Ky. 18,

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Paul Vesper
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toward Pleasant Valley Road (ky. 237). This planned area encompasses existing developments of Oakbrook, several subdivisions along Beaman Lane, and the Boone-Aire County Club area".

The applicant has submitted a concept development plan for this request. The plan indicates three proposed buildings. One building is initially proposed, with the other two developed sometime in the future. The buildings are planned to be residential-scaled buildings with 5000 square feet maximum area per floor. There are no indicated numbers of floors proposed for the buildings.

Other than a statement on the Concept Plan saying that utilities are planned to be underground, there are no specific plans for the provisions of water to the site. There is currently an 8 inch County water main crossing the front of the site, along Ky. 18.

Sanitary sewage disposal is planned by an on-site treatment plant discharging the treated effluence into the roadside culvert along the front of the site.

One driveway cut is planned along the northwest corner of the site leading to a total of 80 parking spaces being proposed. There is no indication as to the type of surfacing for the circulation area.

Regarding the statement made in the text of the Comprehensive Plan, "the possible impact of the Airport in this area", the subject property lies outside of the Noise Exposure Forecast level of 30 for existing and planned Airport operations. By being in an area planned to have less than a noise level of 30, this tract could be suitable for residential, as planned in the Comprehensive Plan. The site, also, lies outside of the Airport Environs Overlay Zone of the Boone County Zoning Order. This also indicates that the subject property lies outside the area of a value of 30 or more for the Noise Exposure Forecast value based on current and projected aircraft operations at the Greater Cincinnati International Airport.

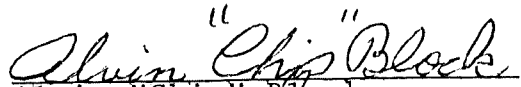
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Another consideration of the Concept Development Plan should be noted. The south and east side of the site will be reduced in grade from five to nearly twenty feet in some areas. While the northwest part of the site will be filled in with up to fourteen feet of dirt to create the proposed finished grades as shown in the plan.

The final note about this request is that this is a request for Office One zoning. Under Office One zoning, the request will be required only to submit an application for a Zoning Permit, to be approved by the Zoning Enforcement Officer, prior to applying for a building permit and beginning construction. This would occur if the request is eventually approved.

In my opinion, the request does not conform with the Comprehensive Plan map and text. If the Commission would consider a recommendation of approval or the legislative body would eventually approve the request, it would be necessary to make the following changes in the map and text of the Comprehensive Plan:

1. Change the Land Use map for the Site to Commercial from Medium Density Residential.
2. Change the text of the Comprehensive Plan on page 3.16, the third full paragraph to indicate that the subject site is planned as a commercial area for predominantly office development.
3. Change Tables 1, 2 and 4 by adding the nearly three acres of land to planned commercial land use and subtracting the same amount of area from planned residential (medium density).


Alvin "Chip" Block
Zoning Enforcement Officer
and Staff Assistant

September 23, 1981

ACB;mf

BOONE COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARINGS SEPTEMBER 23, 1981
Florence City Building

The meeting was called to order by Chairman Kroger. Members present were Mr. Buse, Mr. Godsey, Mr. Hasselbring, Mr. Leicht, Mr. Shafer, Mr. Viox, Mr. Webster, and Chairman Kroger. Also present were Mr. Block, Mr. Clark and Mr. Wilson.

PUBLIC HEARING #1

The public hearing was held to consider the request of Linville and Mary Eades for a zone change from SR-2 to C-1 for a 2.54 acre tract located at 8217 Burlington Pike. This property was located on the map by Mr. Block and he read his report which was accepted and made a part of the minutes. Mr. Block, in his report, stated that there are two buildings on this site, one for commercial uses and the other to be used as a residence. In answer to a question by Chairman Kroger, Mr. Wilson stated that if the property would be rezoned to C-1 and Mr. & Mrs. Eades decided to discontinue the operation of their ceramics business, they would be able to do so and still maintain their residence on this property since the residence was there prior to the new Zoning Regulations going into effect and would be considered pre-existing, non-conforming use. Mr. Wilson further explained that if the Eades would tear the existing house down and build another house, it could be a problem, but they could sell the existing house as a pre-existing, non-conforming use.

Mrs. Eades stated that the driveway and parking lot are not paved and that they have been there since they bought the property. Mrs. Eades further stated that they have not blacktopped the parking lot because the people next door have a problem with the water coming off of Kentucky 18 and the gravel absorbs the water. Mr. Wilson stated that the driveway and the parking lot were there before the new Zoning Regulations went into effect and are also pre-existing, non-conforming use and do not have to be paved, however, if they would enlarge the driveway or parking lot, then they would have to pave it because you cannot enlarge a pre-existing, non-conforming use.

No one was present in opposition to this zone change. There being no further discussion, this public hearing was declared closed.

PUBLIC HEARING #2

The public hearing was held to consider the request of Paul Vesper for a zone change from SR-2 to O-1 for a 3 acre tract located on Kentucky Route 18. This property was located on the map by Mr. Block and he read his report which was accepted and made a part of the minutes. Mr. Frederick Wolnitzek, architect, was present on behalf of this request and stated that a concept development plan has been submitted for this request and that it indicates three proposed buildings but only one building will be developed initially with approximately 3500 square feet on the ground floor with the second floor to be developed at a later date. Mr. Wolnitzek further stated that the parking area would be paved with either blacktop or concrete. Mr. Wolnitzek also pointed out that the sewer system proposed is an on-site treatment plant discharging into the Route 18 surface drainage swale. Mr. Wolnitzek further stated that they have discussed with The Drees Company the possibility of connecting to the OakBrook sewer system. Chairman Kroger then read a letter to the Planning Commission from The Drees Company regarding this request. This letter was accepted and made a part of the minutes. Mr. Wolnitzek also pointed out that the proposed building would be a Pediatrics Office and would maintain the residential character of the area and that the traffic generated would be compatible with the residential area.

Dr. Vesper (father of the applicant) was also present on behalf of this request and stated that there are approximately 500 dwellings in the OakBrook Subdivision and that this development would serve and improve this area. Dr. Vester further stated that they would work with Dr. Leathers and The Drees Company.

Mrs. Leathers was present and pointed out that on the concept development plan part of the driveway is shown on her property. Mr. Wolnitzek stated that the corner line separating Dr. Vesper's property from Dr. Leather's property falls directly on the curb cut and that he thought the driveway could be used for both properties. In answer to a question by Chairman Kroger, Dr. Leathers stated that he does not plan to develop his property until sometime in the future. Mr. Wilson stated that if Dr. Leathers does not want to develop his property, then the driveway will have to be moved.

Mr. Viox stated that he is opposed to the sewage treatment plant, as proposed, discharging into the Route 18 drainage swale and would be in favor of some other solution.

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In answer to a question by Chairman Kroger, Mr. Wolnitzek stated that they would prefer to connect with the OakBrook sewer system but that when they met with The Drees Company to discuss this possibility, it was their feeling that both the Vesper property and the Leathers property should be developed at the same time and Dr. Leathers indicated he does not want to develop his property until sometime in the future. In answer to a question by Mr. Shafer, Chairman Kroger stated that approvals for the sewer system would have to be obtained from the State Department of Natural Resources and the Boone County Water and Sewer Department. In answer to a question by Chairman Kroger, Mr. Wilson stated that the Commission does have the right to consider infrastructure but that in this case you are going from a heavier use (SR-2 zone allows eight dwelling units per acre) to a lighter use and all that would be required would be approval from the Boone County Water and Sewer Department. There being no further discussion, this public hearing was declared closed.

The meeting adjourned at 8:50 p.m.

APPROVED: 10-7-81

Respectfully submitted,

Paul E. Kroger

Mary Lewis

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY PLANNING COMMISSION
MINUTES OF MEETING NOVEMBER 4, 1981
Florence City Building

The meeting was called to order by Chairman Kroger. Roll call was taken showing 13 members present, 2 absent. Those 2 absent being Mr. Vaughn and Mr. Viox. Also present were Mr. Block, Mr. Clark and Mr. Wilson.

Mr. Shafer moved the minutes of the meeting held on October 21, 1981, be approved as reviewed. Mr. Jones seconded. Roll call vote of 13 for, 0 against. Motion passed.

COMMUNICATIONS AND BILLS:

Communications were received from Vincent & Skees, Boone County Finance Department and W. P. Butler Company.

A bill was presented from Cincinnati Bell for \$117.39 for telephone service. A bill from the City of Florence was presented for \$100.00 for photostat copies. A bill from the Boone County Recorder was presented for \$120.90 for notices of public hearings. A bill from Jerry W. Rouse was presented for \$23.10 for recording fees. A bill from the Cincinnati Enquirer in the amount of \$148.32 was presented for classified advertising. A bill from Village Square Office Products for \$46.23 was presented for office supplies. A bill was presented from Vincent & Skees for \$162.50 for professional services in the Erpenbeck case. A bill from Olsten Temporary Service was presented for \$718.67 for secretarial service. Mr. Block submitted a bill for \$72.42 for auto expense and Mr. Clark submitted a bill for \$105.47 for professional service. The employees were to be paid and the clerk requested a total of \$34.10 for certified letters for the public hearings and Boards of Adjustment. Mr. Godsey moved these bills be paid. Mr. Buse seconded. Roll call vote of 13 for, 0 against. Motion passed.

The following receipts were accepted and given to Mr. Godsey for deposit:

Sign and zoning permit fees	\$	300.00
turned in by Mr. Tobergte		

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Workingman's Fried Oil Co. Florence Board of Adjustment	\$	121.00
Mike McKinney Zoning map	\$	1.00
Safi & Franks Development Co. Convenience plat	\$	25.00
MacDonald Defense Copies	\$	1.00

REPORTS OF OFFICERS:

Mr. Godsey gave the treasurer's report showing a current balance of \$12,054.96 in the checking account and a balance of \$ 445.55 in the savings account. This report was accepted and made a part of the minutes.

Mr. Rieger reported he issued building permits 3351 through 3368 for total construction costs of \$155,188.00. Mr. Tobergte reported he issued building permits 3885 through 3911 for total construction costs of \$873,550.00.

The progress report from the Enforcement Officer was read, accepted, and made a part of the minutes.

Mr. Clark reported he has reviewed and approved for signature 1 convenience plat during the month of October. It is as follows:

- (1) 0.896 acre tract located on Burlington Pike (Ky. 18), Boone County, to be conveyed by Erwin Cox, Robert Taylor and Thomas Taylor. Plat stamped by William R. Viox L.S., and dated October 16, 1981.

This report was accepted and made a part of the minutes.

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Mr. Viox and Mr. Block are working with and that the applicant has voluntarily submitted the revised site plan in order to comply with the regulations. Mr. Block stated in his report that while the applicant will meet the minimum parking space requirements, the site plan also shows an additional parking area that will be surfaced in gravel to be paved sometime in the future. Mr. Block further stated that the area of 5000 square feet will be used for nighttime storage of vehicles. In answer to a question by Mr. Buse, Mr. Block stated that the site plan is in conformance with the zoning regulations except for the gravel parking lot. The zoning regulations require that all parking areas be surfaced with either asphalt concrete or portland cement concrete. In answer to another question by Mr. Buse, Mr. Block stated that he discussed this matter with the applicant. Mr. Buse stated that he thought it would be better to defer this request until the next meeting in order to give the applicant the chance to revise their site plan because there may have been some misunderstanding on the applicant's part. Chairman Kroger stated that this is the first firm in the Lubrecht Industrial Park to come forth voluntarily. Mr. Wilson stated that Mr. Block stated in his report that the applicant meets the parking requirements as to the number of spaces and that the gravel lot was in addition to the required number of spaces. Mr. Buse moved to defer this request until the next meeting. Mr. Hasselbring seconded. Roll call vote of 13 for, 0 against. Motion passed.

The staff report was read, accepted and made a part of the minutes regarding the request of Cook United, Inc. (Rink's) for site plan approval for additions to existing buildings located at 6825 Burlington Pike in a C-2 zone. Mr. Greene gave an oral committee report recommending approval be granted subject to the staff report. Mr. Shafer then moved to grant this request subject to the staff report. Mr. Jones seconded. Roll call vote of 13 for, 0 against. Motion passed.

The staff report was read, accepted and made a part of the minutes regarding the request of Zollars, Inc. for site plan approval for development of a parking area at 951 Constance Road in a C-3 zone. Mr. Block stated in his report that the site plan does not provide a principally permitted use for which the parking area would be an accessory use. Chairman Kroger read a letter from Mr. Zollars stating

see if they agreed that this was an accessory use to the principally permitted use and if so, he would have recommended approval. Mr. Buse stated that unless Mr. Zollars has a problem, he would recommend that this item be deferred for two weeks in order to give Mr. Block time to meet with the committee to discuss this matter. Mr. Tobergte stated that he is on the committee and that he is satisfied with Mr. Zollars' letter. Mr. Tobergte then moved to grant this request. Mr. Greene seconded. In answer to a question by Mr. Shafer, Mr. Wilson stated that if the committee is convinced from what was presented in the application for site plan review and what was presented to the Fiscal Court for the zone change request it would go a long way to show that what was on the Concept Development Plan is an accessory use. In answer to a question by Chairman Kroger, Mr. Block stated that there were five other changes made on the site plan. Chairman Kroger stated that he was concerned that all of the information was not received prior to noon on Friday, however, when the rule was established, it was determined that it would not be a hard and fast rule and that there would be some latitude in enforcing it. Roll call vote was taken on the motion to approve the site plan. Roll call vote of 11 for, 2 against. Those 2 against being Mr. Buse and Mrs. Patrick. Motion passed.

NEW BUSINESS:

The following request was read and accepted:

1. Request of the City of Florence for the following amendments to the City of Florence Zoning Ordinance:
 - A. To establish a new zoning district entitled Residential One Family, R1F, and to rezone areas within the City of Florence to this new zoning district.
 - B. To establish a regulation within the City of Florence Zoning Ordinance for the minimum required floor area for a dwelling unit for the proposed zone

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Chairman Kroger stated that the auditors have completed their report and that this item should be published in the Boone County Recorder. Mr. Godsey moved to accept the report and to publish it in the Boone County Recorder. Mr. Buse seconded. Roll call vote of 13 for, 0 against. Motion passed.

Chairman Kroger stated that he has asked the Administrative Committee to review the tapes of the meeting of October 7, 1981 in view of Mr. Godsey's request that his position be clarified in regards to a zone change that was before the Commission at that time.

Mr. Block requested permission to take a day of vacation on Friday, November 13, 1981. Mr. Buse moved to grant this request. Mr. Jones seconded. Roll call vote of 13 for, 0 against. Motion passed.

Mr. Shafer then moved to go into closed session to discuss the Phelps and the Erpenbeck court cases. Mr. Buse seconded. Roll call vote of 13 for, 0 against. Motion passed.

Mr. Shafer then moved to go back into open session. Mr. Buse seconded. Roll call vote of 13 for, 0 against. Motion passed.

Chairman Kroger then read the report of the Technical Committee and the letter they prepared regarding the request of the Boone County Fire Chief's Association to have construction plans approved by them prior to final approval by the Planning Commission. Mr. Viox moved to send the letter to the Fire Chief's Association. Mr. Jones seconded. Roll call vote of 13 for, 0 against. Motion passed.

Chairman Kroger congratulated Scott Hasselbring on his election to Mayor of the City of Union, Bill Leicht on his election to City Council of the City of Walton and Mrs. Patrick on her re-election to the Fiscal Court.

November 4, 1981

TO: Boone County Planning Commission
FROM: R. L. Buse, Jr.
SUBJECT: Request of Paul Vesper

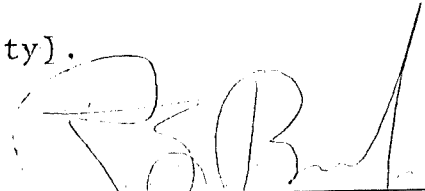
In regards to the request of Paul Vesper for a zone change from SR-2 to O-1 for a 3 acre tract located on Kentucky 18, the committee recommends to the Commission approval of this zone change based on the following findings of fact:

1. That the present zoning is inappropriate because the area in question is being developed intensively and there is a demonstrated need for office complexes to serve the areas that are being developed.
2. The area immediately to the north is zoned Industrial One (I-1) and the Office One (O-1) zone would be an appropriate buffer between the residential and the industrial area.
3. A Concept Development Plan has been submitted which provides for proper use of the infrastructure in the development of this site.
4. In addition an agreement has been reached between the applicant and the Drees Company so that all sewage would be discharged into the Oakbrook Sewage Plant and would not be a problem in the area.

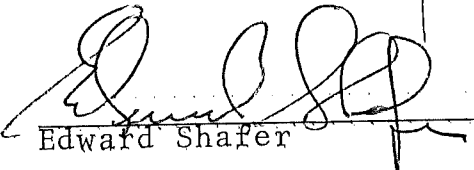
We also recommend that if this zone change is approved by the Fiscal Court, that the following changes would be made

in the map and text of the Comprehensive Plan:

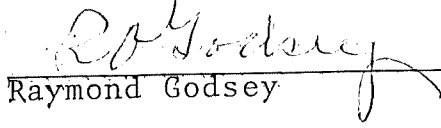
1. Change the Land Use map for the site to Commercial from Medium Density Residential.
2. Change the text of the Comprehensive Plan on Page 3.16, the third full paragraph to indicate that the subject site is planned as a commercial area for predominantly office development.
3. Change Tables 1, 2 and 4 by adding the nearly three acres of land to planned commercial land use and subtracting the same amount of area from planned residential (medium density).



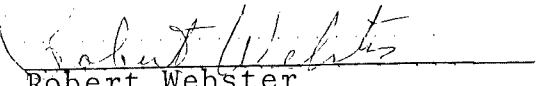
R. L. Buse, Chairman



Edward Shafer

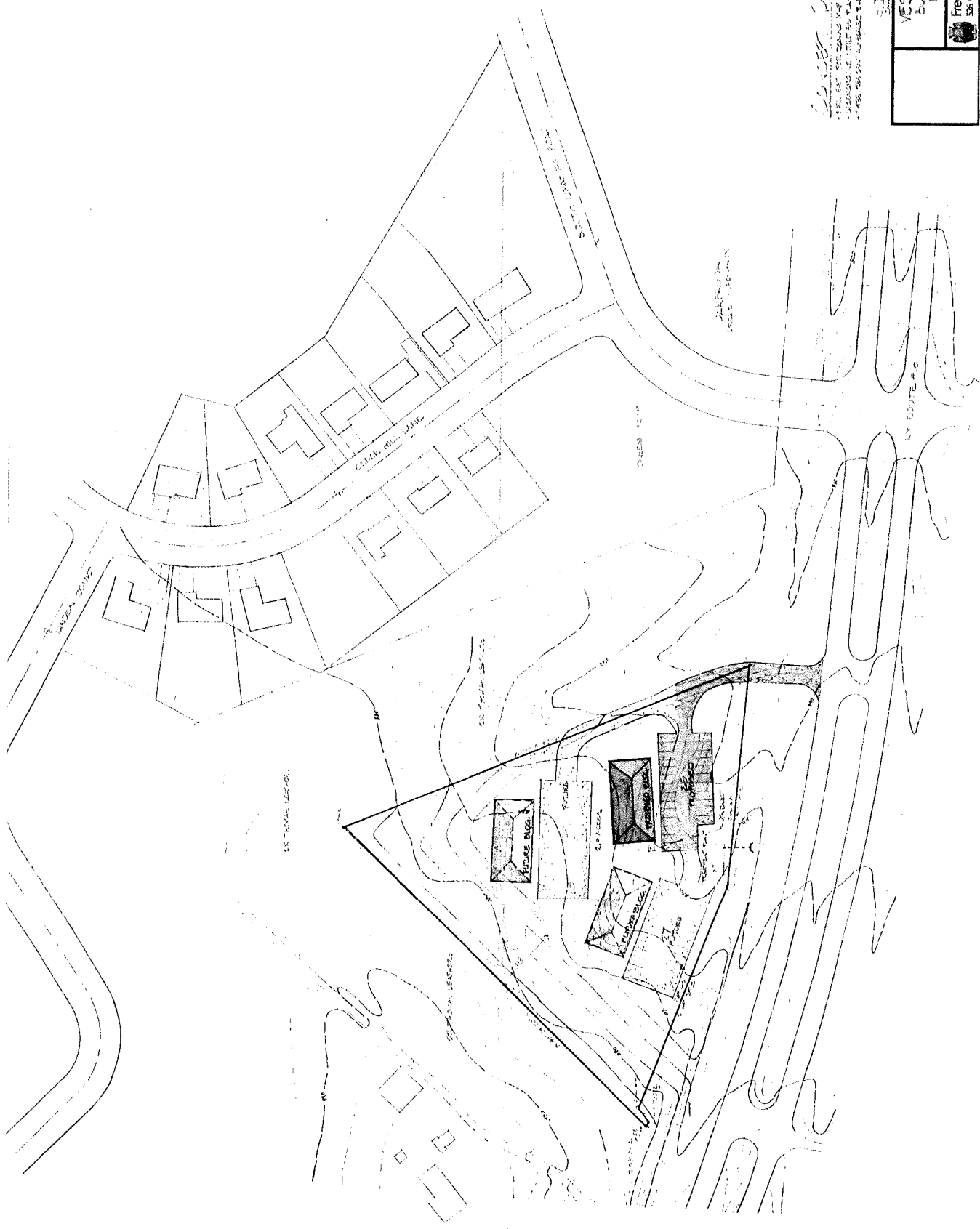


Raymond Godsey




Robert Webster

Roy Vaughn



COUNCIL DEVELOPMENT
 * SUBJECT TO ZONING DEPARTMENT FROM HERE TO DATE
 * ACCORDING TO THE ZONING PLAN
 * THIS IS NOT A GUARANTEE TO BE USED IN ANY WAY

SITE PLAN	
Sheet	1
VESPER PROPERTY BURLINGTON PIKE BOONE COUNTY, KY	
Date	2-26-87 21
 Frederick W. Mohr, Inc. Architect 536 Campbell St. Covington, Kentucky 40301	

October 29, 1981

Boone Co. Planning & Zoning Commission
P.O. Box 457
7431 U.S. 42
Florence, KY: 41042

Re: Vesper Zone Change Requests

Gentlemen:

Attached is a copy of an agreement reached between the Owners of the subject property and the Drees Company. The subject property is three acres of land along Kentucky 18 for which an application for zone change was submitted on September 2, 1981, by Paul Vesper, applicant.

The above property is the property subject to the attached agreement and is also the subject of the zone change request.

Both parties acknowledge the intent of the attached Memorandum Agreement is as stated in the Purpose clause of that document.

The only conditions precedent is the approval of the zone change request.

DREES COMPANY

BY John P. Drees
TITLE President

DATE: 10/30/81

NAOMI C. VESPER, TRUSTEE

Naomi C. Vesper
TRUSTEE

DATE: _____

MEMORANDUM AGREEMENT

The following represents a summary of the parties understandings:

Parties: The Drees Company, as owners of a sanitary sewer treatment plant at the Oak Brook Subdivision, grantor, Naomi C. Vesper Trustee, Lee J. Vesper, Trustee, its successor or assigns, grantees.

Purpose: To allow grantees to connect into the Sanitary Sewer System of the Drees Company according to the standard terms and conditions of grantor for granting such easements.

Considerations: Grantee to pay \$7,500.00 subject to certain conditions precedent.

Conditions Precedent: Grantees obligation to pay consideration is subject to obtaining of zoning change, approved by Boone Fiscal Court, to allow use of grantee's land for office use development and construction be begun within a specified time.

Easement Use: The easement will allow grantee to construct office facilities on the approximately three acres of land and accomodate sanitary sewer needs for such construction in accordance with designation as Office One (O-1).

Additional Parties: Additionally a service agreement, with prescribed rates, for sewer services will be executed in standard form with McKnight Utilities, Inc.

Use of this agreement is to demonstrate an understanding of the parties to formalize an easement agreement along the terms provided herein in a final form at the earliest possible date. The signators state they have full authority to initial this agreement of understanding.

DREES COMPANY

BY John P. ...
TITLE Paul J. Vesper, Trustee

DATE: 10/30/81

NAOMI C. VESPER, TRUSTEE

Lee J. Vesper
TRUSTEE

DATE: 10/29/81