

APPLICATION FOR ZONING ACTION

A

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

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

Applicant: Thomas R. Dunn, Architect  Owner  
 Agent  
Address: 800 Compton Road, Cincinnati, Ohio 45231  
Telephone: 522-8755

Location: Southside of Longbranch Road, 1.5 mile west of 05.127  
Name of Owner: Ameritech Mobile Communications, Inc.  
Address of Owner: 1501 Woodfield Road, Schaumburg, Illinois 60195  
Zone: RSE Area in Acres: 2.001 acres  
Deed Book: \_\_\_\_\_ Page No.: \_\_\_\_\_ Group No.: \_\_\_\_\_

Description of Request: Change of present zoning to Public Facility to accommodate 550 S.F. building and 150 ft. transmission tower for public accessed mobile phone system.

Owner's Signature: [Signature]  
Date 10-17-83 Applicant's Signature: [Signature]

FOR PLANNING COMMISSION USE:  
Application date and fee of \$ \_\_\_\_\_ Received: \_\_\_\_\_  
Referred to: \_\_\_\_\_ For Meeting Date: \_\_\_\_\_  
Action: \_\_\_\_\_ Date: \_\_\_\_\_

ZONE CHANGE REQUEST BY THOMAS R.  
DUNN FOR PROPERTY OFF OF LONGBRANCH  
ROAD, UNION

This is a zone change request by Thomas R. Dunn, Agent for the property owner Ameritech Mobile Communications, Inc. for property located approximately one mile west of U.S. 42 on Longbranch Road and being on the south side of said road. The property gains access off of an easement of 1,348 feet to the real place of beginning of the requested 2.001 acre site. The purpose of the rezoning is to permit the construction of a 550 square foot building and a 150 foot transmission tower for a mobile phone system. The applicant is requesting the current Rural Suburban Estate, RSE, zoning be changed to Public Facilities, P.F.

All adjoining tracts to this site are currently zoned Rural Suburban Estate, RSE.

The current land use of this tract is undeveloped farmland. To the south is undeveloped farmland. To the east, north, and west is a mixture of farmland and residential.

The Boone County Comprehensive Plan Land Use Map shows the property is planned for Low Density Residential. The text of the plan states, "(on page 3.5) Low density residential development is planned around all future urban service areas as densities gradually decline outward from those centers. A large are of low density development is planned north of I-275, east and west of KY 237. Low density development is planned throughout most of the City of Union, west of Richwood, and west of I-71 near Walton and Verona."

Regarding the requested Public Facilities district the plan states on page 3.8, "Public and institutional uses include all public buildings and facilities, schools, semi-public activities such as churches and hospitals, airport facilities, and public lands acquired for permanent open space. This category does not include recreation lands or lands publicly or privately acquired for environmental conservation purposes. Public and institutional uses are also addressed in the infrastructure and community facilities plan element....Individual government service or community-oriented facilities should be located where they best serve their client population and are compatible with adjacent land uses.

Access to the site is available from the 20 foot easement from off of Longbranch Road.

Page Two  
Zone Change Request by  
Thomas R. Dunn  
Longbranch Road, Union

The applicant plans to provide telephone and electric to the site and no provisions for water, sanitary sewer, or gas.

The property lies outside of any effects of operations that could be effected of the Greater Cincinnati International Airport.

Should this request be recommended for approval or approved by the City of Union, it will be necessary to change the Land Use Map from Low Density Residential to Public/Institutional.

A handwritten signature in cursive script that reads "Alvin 'Chip' Block". The signature is written in dark ink and is positioned above a horizontal line.

Alvin "Chip" Block  
Zoning Enforcement Officer

ACB/sr

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

NOVEMBER 30, 1983

8:00 P.M.

Vice Chairman Viox called the meeting to order at 8:05 P.M. and informed the audience of the procedures followed at a Public Hearing.

Vice Chairman Viox preceeded to the Public Hearing for the request of Thomas R. Dunn, Agent for a Zoning Map Amendment from its present zone of Rural Suburban Estates (RSE) to Public Facility (PF) for property located at the southside of Longbranch Road, Union, Ky. on a 2.001 acre site.

Vice Chairman Viox asked if there was anyone in behalf of the request. Mr. Thomas Dunn, of Dunn and Wendall Architects and Engineers, stepped forward and stated that he was proposing a building constructed of pre-cast concrete, one story high, which would not be manned, but be a building that would house equipment for the mobile telephone system and visited once or twice a month by a maintenance person. He stated that there would be no activities occuring that would be visible. He continued that the other feature is a 100 foot monopole, an unintrusive single pole tower, which is not guided or wired in any way. He continued the pole will have no bracing, it will be a pole much like the interstate poles used for lighting devices. He stated that the tower would be part of a network that would cover the Metropolitan Cincinnati Area, with a mobile phone system that would soon be available for automobiles. Mr. Dunn stated he proposed taking the road further back to the site providing adequate drainage that would carry storm water. He pointed out that no other service would be required other than telephone and electric. Mr. Dunn introduced Richard Riley, a representative of AMPS from Chicago. Mr. Riley stepped forward stating he was General Regional Counsel for Ameritech, formerly known as AMPS. He stated the tower would be one of about eleven cell sites in the Cincinnati, Ohio-Northern Kentucky area which is in fact to further a mobile telephone system which will allow telephone usage from cars. He stated the building is 20 X 25 square feet unmanned, housing only the necessary transmission and receiving equipment and ties into the regular telephone lines. Mr. Riley stated the monopole is 150 feet which produces no noise, oder, or traffic congestion. He continued the building is heated by electricity, there is no outside ventilation, only in this case the batteries have a small ventilating fan. Mr. Riley continued that the FCC, about 15 years ago recognized the need for this type of communication and took the top 13 channels off the UHF TV band.

and that range of frequency has been given to the mobile phone industry for transmission use. He pointed out there is no interference caused to the TV or radio reception or any other type of emergency transmission system, in fact the FCC mandates that there be no interference whatsoever. He continued that a construction permit issued by FCC to Ameritech guarantees the FCC that there is no break in coverage. He stated this cell site is an intricate part of all the other sites and mandates to a degree where to locate all cell sites, the location is not by choice. Mr. Riley stated a computer module takes into account the geographic terrain, height of the tower and then mandates the initial grid, with this information suitable sites are found within the search areas. Every site is registered with the FCC by latitude and longitude and if the site is moved it requires reapplication with the FCC. He stated there is a great deal of expense involved in locating any of the sites. In conclusion Mr. Riley stated this particular site was chosen because of its location, in a very small search area, and located behind the house to keep it as far off the thoroughfare as possible, approximately 1400 feet. Vice Chairman Viox asked if there was anyone else in behalf of the request. No one responded. Vice Chairman Viox asked if there was anyone in opposition of the request. Mr. Paul Common stepped forward representing his father Fred Common, an adjoining property owner. In response to Mr. Common, Mr. Dunn stated if homes in the future were to be built within 150 to 200 feet of the tower, there would be no interference, he stated the FCC is very strict in that respect. Mr. Riley stated it is a prerequisite that no interference can be cause with TV channels, etc., if there is any type of interference it is mandated by the FCC that the tower be shut down. Mr. Davenport, property owner on the west of the site, stated it was his understanding that Storer Cable Company brought the property. Mr. Riley stated that they have no relations with Storer Cable, there company is not cable TV, but a mobile telephone system. Mr. Riley displayed to the audience examples of the tower stating they would have no microwave discs, but an unguided monopole. Mr. Riley pointed out that from the base to the top of the tower is a total of 167 feet. Mr. Davenport stated his opposition to the tower. Mr. Richard Wilmhoff of 461 Longbranch Road, inquired when the tower would be constructed. Mr. Riley stated as soon as possible. Mr. Wilmhoff expressed concern of the road, and the drainage problem and stated it is not a stable area. Mr. Dunn stated the road would be rebuilt with new base material and that they will install a culvert. Mr. Wilmhoff asked if he could receive a copy of that in writing. Mr. Riley stated that as a direct result of construction the roadway would be improved tremendously and they have to satisfy the building permit, site plans and the drainage. He stated that all these specifications would be in writing in order to begin construction. Mr. Bill Odgen stepped forward, representing Carrie Odgen, property owner on the East side. In response to Mr. Odgen Mr. Riley stated that fencing would depend on the wishes of the Community and the Planning Commission. He stated in areas industrialized or high vandalized the area is fenced 500 foot square around the building and monopole, but in areas where that is not a concern, for insurance purposes they fence a 10 foot radius at the bottom of the monopole approximately 6 to 7 feet high. He continued that the monopole is not lighted, unless mandated by FCC or the Planning Commission.

In response to Mr. Buse, Mr. Riley stated the property was purchased by Hamwarbut, a corporation formed by Cincinnati, and Ohio Bell. He stated when this property was purchased it was obvious that ATT was going to be broken up and in order to prevent the property from being in legal entanglements they formed a separate corporation solely for the purpose of acquiring the property. He stated that Hamwarbut was developed from the names Hamilton, Warren and Butler Counties, the partner is Cincinnati Bell and Ohio Bell. He continued that Ameritech is still part of ATT until January 1, 1984, and Ohio Bell will be part of Indiana and Illinois Bell. In response to Mr. Buse, Mr. Riley stated this system is in operation around the Chicago area, which is a cellular system, which will end the congestion problems with TV and radio channels. Mr. Riley displayed a picture of the prototype units installed in cars, stating they are installed at a rate of over 200 per day, and you can dial directly into the telephone system. In response to Mr. Buse, Mr. Riley stated he has been awarded the construction permit, the entire engineering package has been reviewed and accepted. In response to Mr. Barnett, Mr. Riley stated that the diameter of the search areas is approximately 1 mile radius from the center, and that all pertinent information is fed into a computer which produces an ideal layout of tower heights and locations to insure full coverage and then they begin to locate certain areas and draw up search area maps. He continued that latitude and longitude up to a second is fed into a computer and new search area maps are produced for remaining sites, as sites are acquired the actual search areas diminish and change. He stated he could not say which order the sites were acquired, but initially the search area is approximately two miles in diameter. He pointed out the site can only be moved approximately 100 feet to the north/south axis and about 75 feet to the east/west. In response to Mr. Barnett, Mr. Riley stated the company is called American Information Technologies Inc., he did not know if they have condemnation powers. Mr. Riley stated they will be a public utility within the State of Kentucky and are now a public utility in Ohio. He stated they are before Kentucky's Public Service Commission the 15th of December and the result of that hearing will be an issuance of a certificate of Public Necessity and Convenience. In response to Mr. Barnett, Mr. Block stated this use is a listed conditional use in a Public Facility zone, and that a (PF) zone is located on Old Toll Road, in Florence, approximately two miles away. Mr. Greene asked if they would have to pay county and state taxes. Mr. Riley stated it has not been established as of yet, but they would pay land tax. He stated the tax structure has simply not been determined due to it being a brand new industry. In response to Mr. McMillian, Mr. Riley stated the road would be upgraded and built before construction on the site begins in order to get equipment back to the site. Mr. Dunn stated it would be a solid 8 to 10 inch base to service concrete trucks and accommodate a 40 ton crane. Mr. Dunn stated that access to the site is a concern of theirs and they understand it is the only access for two homes and stated they are willing to stipulate or make it a condition that the road will be maintained and left in a satisfactory condition. Vice Chairman Viox hearing no further comments,

closed the Public Hearing at 8:45 P.M. and informed the audience it would appear on the Agenda, December 7, 1983.

Chairman Kroger opened the Public Hearing at 8:46 P.M. for the request of Thomas R. Dunn, Agent for a Zoning Map Amendment from its present zone of Rural Suburban Estates (RSE) to Public Facility (PF) zone for property located at the west side of Graves Road, Hebron, Ky. on a 1.000 acre site. Mr. Block read the Enforcement Officer's Report and made a slide presentation. Chairman Kroger asked if there was anyone present in behalf of the request. Mr. Thomas Dunn stepped forward and stated this request is much like the previous one with the same identical building and tower of the same height. He stated the building and tower will be setback approximately half way back on the property with the monopole at the northeast side of the site. He continued that the road would need at least two culverts to properly drain the farm from the south end and they will again be building a road that will be able to sustain a 40 ton crane. Mr. Riley stepped forward and stated that everything on this site with regard to the first site is an identical installation with no changes whatsoever. Mr. Riley noted that there is a tower directly behind this property, but he does not know the height. Chairman Kroger asked if there was anyone else in behalf of the request. No one responded. Chairman Kroger asked if there was anyone in opposition. Mr. Bill Graves expressed concern of the taxes and property valuation of the adjoining property and how would it be affected. Mr. Wilson stated that Mr. Graves should contact Chester Henderson of the Property Valuation regarding taxes. In response to Mr. Graves, Mr. Riley stated that their tower would have no affect on the REA Power Lines and the monopole will only be lighted if requested by the Planning Commission or the FCC. Mr. Bob Graves, stated that he felt he was being towered in, that there were five (5) towers around his farm and he was in opposition of this tower. In response to Mr. Joe Spaulding, Mr. Riley stated that due to the contour of the land it would be a problem to move the tower further to the back of the property, it would create an access problem. He continued that the tower was approximately 80 feet from the electric lines. Mr. Riley continued that he felt there would be no need to fence the tower due to a barb wire fence encompassing the property. He also stated that the monopole cannot be climbed, and that the only fencing would possibly be around the bottom of the monopole for insurance purposes. In response to Chairman Kroger, Mr. Riley stated this tower would communicate with the other tower, the heart of the system is called the Main Terminal Switching Office, located in Cincinnati, Ohio. In response to Chairman Kroger, Mr. Riley stated the poles are at an 8 mile diameter grid and there could possible be another request within Boone County, if sales warrant. He pointed out there are only two companies in this type of field. In response to Chairman Kroger, Mr. Riley stated he has not communicated with the Public Service Communication Commission. Chairman Kroger stated the Commission has been asked by the PSCC that anytime there is a request coming before the Commission for towers or buildings of certain heights

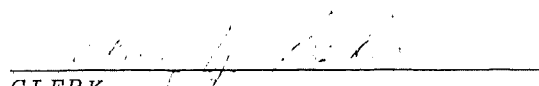
that the PSCC either be notified or that the applicant contact that group to make sure there will be no difficulties. Mr. Riley agreed to communicate with PSCC and agreed to a report from PSCC being made part of the Public Hearing minutes if he has a chance to comment or review the report. Chairman Kroger stated that Mr. Riley would have a chance to comment on the report. Chairman Kroger directed Mr. Lynn to set up a communication between PSCC and the applicant. Mr. James Graves expressed concern of the view from his property being obstructed by the tower. Mr. Riley illustrated the location of the tower to the audience stating that it would not affect the view of Mr. Graves. Mr. Riley stated that they would disturb the property no more than necessary, if there is an easier access it will be considered. In response to Mr. Greene, Mr. Bob Graves stated that he felt the towers would decrease their property value. In response to Mr. Neltner, Mr. Riley stated he did not know how far apart his competitors towers would be located. Mr. Riley stated that their company has never been found in the same jurisdiction as their competitor. Mr. Dave Patterson, 1770 Graves Road, wanted to know if consideration was given to mounting this antenna to the existing tower, by doing that the County could possibly recoup some funds. Mr. Riley stated that he did not know if the existing tower could be used, or if there was enough area in which to construct their building at the base of the tower which must be 12 feet from the monopole. Chairman Kroger stated those questions could be considered with the conversations between PSCC and the applicant. In response to Mrs. Sue Spalding, Mr. Riley stated they purchased the property before it was properly zoned, because the FCC required that the property be under their control before a construction permit would be granted. Mrs. Spalding asked what sympathy there is for the families that have owned the property for 13 generations in this area. Mr. Riley stated that they try to be sensitive to the needs of the people. Discussion followed concerning power line easements. Mrs. Joyce Graves stepped forward to state her opposition to the request. Chairman Kroger asked if there were any further comments, hearing none, Chairman Kroger closed the Public Hearing at 9:50 P.M. stating the request would appear on the agenda December 7, 1983.

Chairman Kroger recessed the Public Hearing for 10 minutes.

Chairman Kroger recalled the Public Hearings at 10:00 P.M. in order to hear the request of Shell Oil Company for a zoning map amendment from its present zone of Urban Residential Two (UR-2) to Commercial Three (C-3) on property located at 8104 Highway 42, Florence, Ky. on a 1.5066 acre site. Mr. Block read the Enforcement Officers' Report and made a slide presentation. Chairman Kroger asked if there was anyone present in behalf of the request. Mr. Walter Lundwall, representative of Shell Oil, stepped forward stating that Shell Oil purchased the property approximately 20 years ago and built a service station. He continued that during the rezoning of the County the property was changed from Commercial to Residential, which made them a non-conforming use, putting limitations on the property when repairs or improvements needed to be made. Mr. Lundwall stated

they have quite a large track of land, but are using a small portion. Mr. Lundwall showed plans of the present station and plans for their future project. Mr. Lundwall pointed out that they were surrounded by Commercial property and they are requesting a change from (UR -2) to (C-3) zone. Chairman Kroger asked if there was any one else in behalf of the request. No one responded. Chairman Kroger asked if there way anyone in opposition. No one responded. In response to Mr. McMillian, Mr. Block stated there are no residences by the property, only an apartment building to the rear. In response to Mr. Buse, Mr. Block stated the application was submitted with a concept development plan showing both the existing and future development plans. In response to Mr. Neltner, Mr. Block stated that the property in the rear slopes approximately 5 feet, and would require some grading and filage. Mr. Block stated that the concept development plan shows that the car wash is on the same general plateau as the site , along with a retaining wall. In response to Mr. McMillian, Mr. Lundwall stated construction would be in the futre, approximately two years. Mr. Lundwall stated the basic request is to get the zoning back to commercial as it was previously before the rezoning of the County, to alleviate the restrictions of a non-conforming use. In response to Mrs. Smith, Mr. Lundwall stated the property has 176 feet road frontage and the depth of approximately 400 feet, they will only be using approximately 225 feet of the depth. In response to Chairman Kroger, Mr. Block stated the existing station is in a (UR-2) zoning district. Chairman Kroger asked for further comments, hearing none, Chairman Kroger closed the Public Hearing at 10:25 P.M., informing Mr. Lundwall the request would be on the Agenda, December 7, 1983.

RESPECTFULLY SUBMITTED:

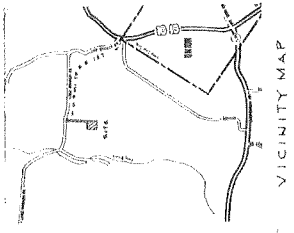
  
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CLERK

APPROVED: \_\_\_\_\_

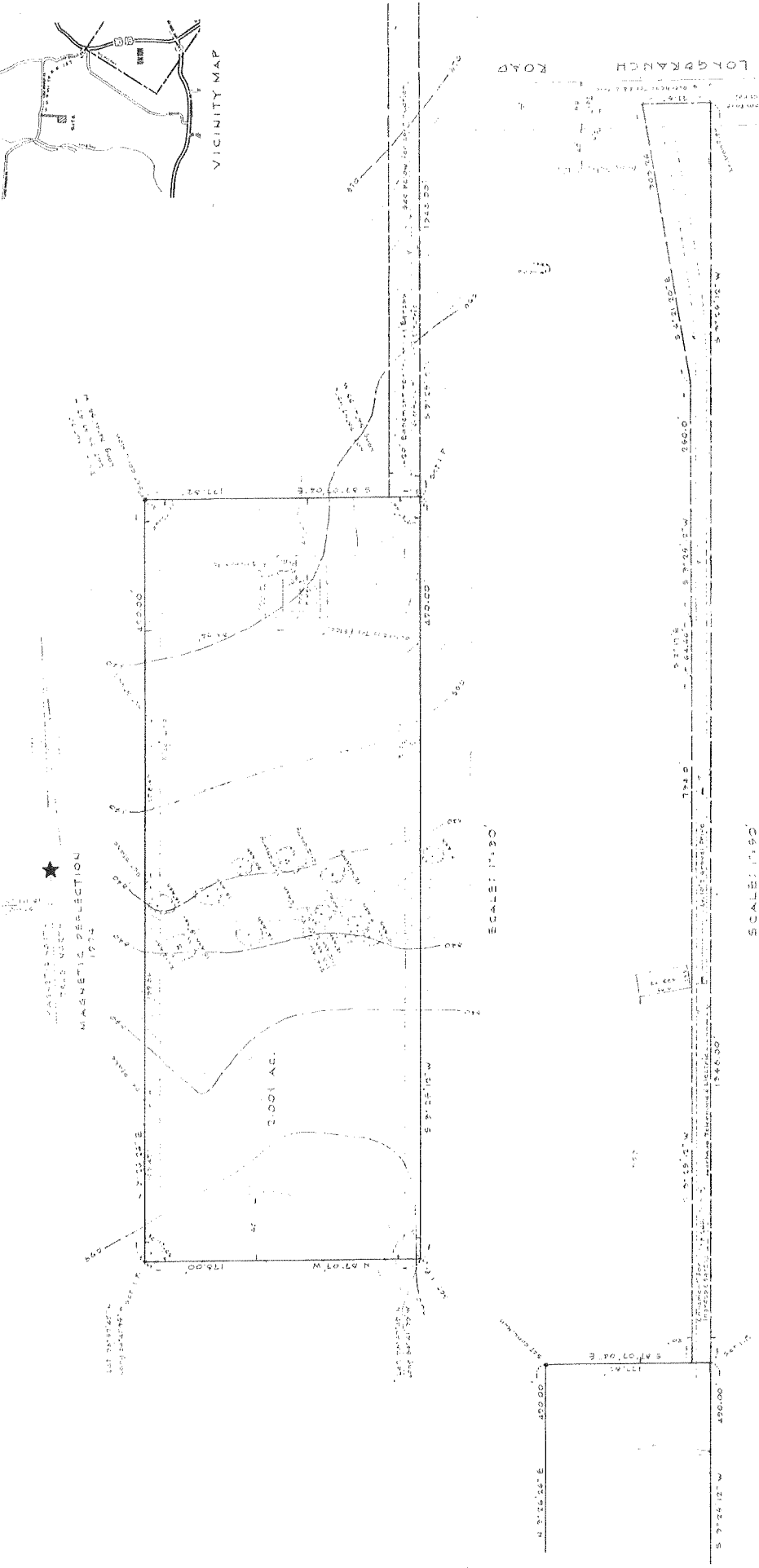
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CHAIRMAN

FINDINGS OF FACT

1. *That it is in conformance with the Text of the Comprehensive Plan.*
  
2. *That the Committee finds that it is in conformity with existing land uses and planned land uses in the area.*



★  
MAGNETIC DELECTION  
1974



PLAT OF SURVEY  
UNION ARKANSAS COUNTY  
BOONE COUNTY, MISSOURI

JOHN J. DUFFY & ASSOCIATES Engineers - Surveyors 6201 S. ENCLIST STREET    DIXONVILLE, MO 65718	
PROJECT NO. DATE SHEET NO.	REGION COUNTY TOWNSHIP RANGE SECTION