

APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

BOONE COUNTY
MAY 18 1993

SECTION A (To be completed by applicant)

1. Name of Project 1st Chiropractic Medical Center
2. Location of Project 7392 Burlington Pike, Florence, KY 41042
3. Total Acreage of Site _____
4. Current Zoning of Site RIF
5. Proposed Zoning (Classification being requested) O-1
G-2 Section 2021, Article 10 - #22, Page 62
6. Proposed Uses (please specify each use) _____

Health Care Services - Chiropractic

7. Names of Applicant(s) Michael Thompson, D.C.
Phone Number 282-1991 Fax No. 282-1880
8. Address of Applicant(s) 8150 Mall Road
Florence, Kentucky 41042
City State Zip
9. Name of Property Owner(s) Nora Dempsey
Phone Number 491-8027 Fax No. _____
10. Address of Property Owner(s) 201 Riverside Drive
Covington, Kentucky 41011
City State Zip
11. Proposed Building Intensities (please specify) _____

12. Are there any existing buildings on the site? yes
How many? one

13. Deed Book _____ Page No. _____ Group No. _____

14. Are you also applying for:
 Conditional Use Permit (if applicable)
 Dimensional Variance

15. Have you submitted a Concept Development Plan? _____

16. Have you had a pre-application meeting with BCPC Staff? _____

17. Please check the following organizations/agencies which you have discussed the proposed development with in 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

(over)

EXHIBIT "A"

STAFF REPORT

Request of Michael Thompson D.C. (applicant) for Nora Dempsey (owner) for a Zoning Map Amendment on a ±1 acre site located at 7392 Burlington Pike, Florence, Kentucky. The request is to rezone the site from Residential One Family (R1-F) to Professional Office One (O-1A) in order to use the existing structure as an office.

July 21, 1993

This is the request of Michael Thompson D.C. for a Zoning Map Amendment to change the current zoning designation of Residential One Family (R1-F) to Professional Office One (O-1A) to allow the conversion of an existing single family dwelling unit into an office. The less than one acre site is located at 7392 Burlington Pike (KY 18), Florence, Kentucky. The property is currently owned by Nora Dempsey.

SURROUNDING LAND USES AND ZONING

The properties immediately to the north and east are currently zoned R1-F. The property directly to the west is zoned Commercial Two/Planned Development (C-2/PD) and the property to the south is zoned Commercial Two (C-2). The existing land uses in the area consist of the following:

- North: Low Density Residential (Kathryn Avenue/Cutterbeck Subdivision).
- South: Burlington Pike, Commercial (Aunt Jannie's Fudge Shoppe, Styles By Janice, Lifecare Health Agency and Boone County Realty).
- East: Low Density Residential (Kathryn Avenue/Cutterbeck Subdivision).
- West: Open Space.

SITE FEATURES

One single-family dwelling unit with an attached two car garage presently exists on the site. The dwelling unit faces Burlington Pike although access to the site is via Kathryn Avenue. A sidewalk is located in front of the dwelling unit along Burlington Pike. Some landscaping is also located throughout the site.

PROPOSED CONCEPT DEVELOPMENT PLAN

The proposed Concept Development Plan indicates that the exterior of the existing structure will remain unaltered. Parking is illustrated to be provided between the existing structure and Kathryn Avenue. Access to the site is to remain via Kathryn Avenue. A single row of evergreen trees is illustrated along the northern property line between this parcel of property and the single family dwelling unit immediately to the north.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 1990 Boone County Comprehensive Plan Future Land Use Map indicates the future use of the property to be Commercial (C). Commercial (C) is described as including "non-base land uses such as retail, wholesale, services, finance, insurance, and real estate, along with all other office uses. Determination of commercial usage was aided by the County house numbering system and directories." (p. 197)

The Comprehensive Plan describes the future commercial development in Florence as:

"Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented development must be contained to specific areas adjacent to the arterial roads and interstate." (p. 220)

Two additional excerpts from the Comprehensive Plan relate to the future development in this area:

"Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development within the city." (p. 220)

"In summary, growth in this section of Boone County must be balanced among three major land users, commercial, industrial, and residential development. Growth in one land use must consider the location of existing and planned developments of the other two." (p. 222)

STAFF CONCERNS

1. Under the current Office One (O-1) zoning district, existing residential structures located within the City of Florence that are zoned O-1 can not be reused for an office use. As part of this request, the applicant is proposing to remodel the existing single-family dwelling unit for use as a professional office. At the present time, the Planning Commission is reviewing a request of the City of Florence to evaluate this restriction.
2. The proposed parking lot layout as illustrated by the submitted Concept Development Plan does not appear to meet the minimum standards of the Boone County Zoning Regulations. If the Zoning Map Amendment is approved, a more detailed review of the site improvements will be made during Site Plan review.
3. An adequate stormwater management system for the site must also be proposed by the applicant. This will be reviewed under the Site Plan review process.
4. The proposed landscaped buffer along the rear property line is not very detailed and does not appear to meet the requirements of the Zoning Regulations. Section 3165 states that a 15 foot wide landscaped buffer is required between O-1 and R1-F zoning districts. The submitted Concept Development Plan also fails to indicate the planting or retaining of any other landscaping features on the site. If this Zoning Map Amendment is approved, further review of the landscaping will occur during the Site Plan review process.

5. The applicant is proposing to utilize the existing driveway access from Kathryn Avenue. This street is principally utilized for residential purposes and may not be appropriate for the traffic generated by an office use. The existing commercial and office buildings along Burlington Pike utilize access points directly from Burlington Pike.

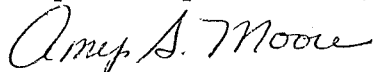
CONCLUSION

The Boone County Planning Commission must evaluate this and all Zoning Map Amendments in terms of the three findings of fact prescribed in Article 3 of the Boone County Zoning Regulations, namely:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; 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 area's character.

Should the Planning Commission recommend, and the City of Florence ultimately approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan will not need to be altered.

Respectfully Submitted,



Amy S. Moore
Planner II

ASM\par

FIRST COMMERCIAL REALTY INC.

8136 Mall Road Center • Florence, Kentucky 41042 • Telephone 606-371-9000 • FAX 606-371-6365

9465 Montgomery Road, Cincinnati, Ohio 45242

TO: AMY MOORE

FROM: SUSAN TRAVIS, FIRST COMMERCIAL REALTY, INC.
PHONE: 371-9000

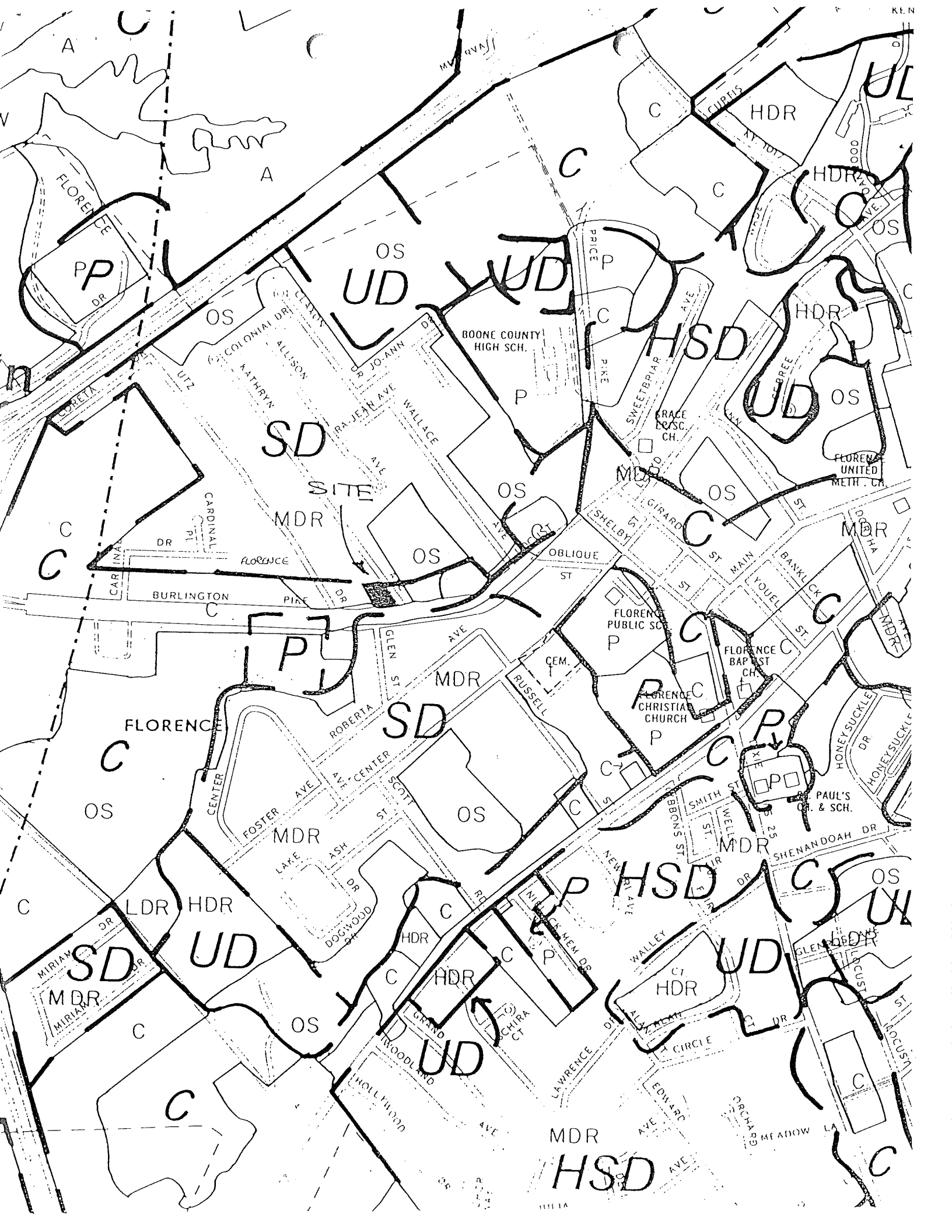
PROPERTY ADDRESS: 7392 BURLINGTON PIKE
FLORENCE, KENTUCKY

ATTACHED EXHIBIT A: Concept Development Plan

- a. Add eight (8) new paved parking spaces to existing four (4) concrete parking spaces or driveway, marked in black on Exhibit A.
- b. Add evergreens across back property line marked "x" on Exhibit A.
- c. Storm Water Management will be addressed and meet all current regulations in zoning book. See Ray Erpenbeck, Engineer.

ATTACHED EXHIBIT B: Plan of Treatment Rooms

No remodeling needed, only cleaning, painting and carpeting.



Following the Public Hearing for Agenda Item #2, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Michael Thompson, D.C. for
Nora Dempsey (owner)
Request: Zoning Map Amendment

The request of Michael Thompson, D. C. (applicant) for Nora Dempsey (owner) for a Zoning Map Amendment on an approximate one-acre site at 7392 Burlington Pike, Florence, Kentucky. The request is to rezone the site from Residential One Family (R1-F) to Office One (O-1) in order to use the existing structure as a physician's office.

Staff Member Amy Moore presented the Staff Report which included a slide presentation, review of the Concept Plan submitted by the applicant, the zoning map, and the Future Land Use Map. Mrs. Moore noted that also attached to the Staff Report are comments from the real estate agent, Susan Travis. (See Staff Report).


Chairman Viox asked if the applicant was present.

Susan Travis, First Commercial Realty, Inc., stated that she was representing the applicant, Mr. Michael Thompson. Ms. Travis stated that Mr. Thompson is willing to put in the buffer zones. She stated that it is a very low density type of complex and they will have only one or two doctors there. The inside of the building will not change. On the outside, they will only have to add the parking and the buffer, which they are willing to do at Site Plan Review. Ms. Travis requested approval of the request. She added that this is a beautiful home, but the residential value has been decreased. They cannot even get someone to rent it for residential purposes and they have been trying for a long time. It is difficult to get someone with a family to rent a property on a major thoroughfare. She stated that the office situation is the next best use in their opinion and is better than the commercial zone which is right across the street.

Chairman Viox asked if there were any further comments or questions. There being no response, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on August 4, 1993 at 8 P.M.

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

August 4, 1993 - 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Viox stated that each Commission member had received copies of the Minutes of the Business Meeting of July 21, 1993 and the Public Hearings of July 21, 1993 and July 28, 1993. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

1. Zoning Map Amendment

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Staff Member Amy Moore read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Mr. Ries moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion and it carried unanimously.

3. Zoning Map Amendment and Conditional Use Permit

The request of James D. Grubbs and Janice O. Grubbs (applicants) for Ryan Lawn, Garden and Tractor Sales (owner) for a Zoning Map Amendment to change the zoning from Commercial Services (C-3) to Commercial Two (C-2) on a 2.64-acre site at 8461 Dixie Highway, Boone County, Kentucky; and a Conditional Use Permit on the same site to allow a funeral home.

Staff Member Dave Geohegan read the Committee Report which recommended approval of the Zoning Map Amendment and the Conditional Use Permit based on the findings of fact, but subject to conditions (see Committee Report). Mr. Geohegan advised that the owner/applicant has signed the letter agreeing to the conditions.

Mr. Geohegan stated that after the applicant signed the letter agreeing to the conditions, the Staff received a call from a Committee member about a utility pole near the access point. Mr. Neltner, Chairman of the Committee, stated that he was not aware of the pole until this evening. Mr. Geohegan advised that he did not look at the site after receiving the call.

Mr. Damstrom stated that the pole is on the property and takes the electric from the street to the building. It is immediately adjacent to the building. He questioned if the pole would be a problem in relation to the turnaround traffic in the gravel driveway. It is the pole with the transformer on it.

Mr. Grubbs stated that the pole is on the side of the building and there would not be any turnaround there. The pole is not on the gravel drive.

Mr. Geohegan provided a copy of the plan to Mr. Damstrom to locate the pole.

Mr. Grubbs stated that the pole is on the side of the building, probably 30 feet behind the building. There is no interference with the traffic and it will not create any problem. The pole is in the green area between the drive and the building.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: August 4, 1993

RE: Request of Michael Thompson, D.C. (applicant) for Nora Dempsey (owner) for a Zoning Map Amendment on a ±1 acre site located at 7392 Burlington Pike, Florence, Kentucky. The request is to rezone the site from Residential One Family (R1-F) to Professional Office One (O-1A) in order to use the existing structure as a physician's office.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the July 21, 1993 Public Hearing, recommend approval of this request based on the following Findings of Fact:

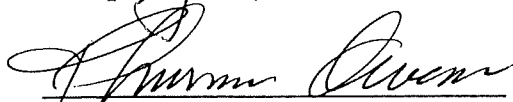
Findings of Fact

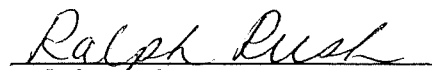
1. The Committee believes that the proposed Zoning Map Amendment is in agreement with the 1991 Boone County Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan indicates the anticipated use of the site to be Commercial (C).
2. The Committee believes that the proposed office use is compatible with the residential area located along Kathryn Avenue, immediately to the north of the site. A landscaped buffer will be required and reviewed during the Site Plan review process.

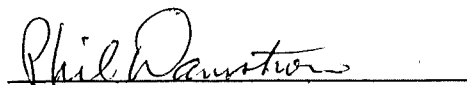
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

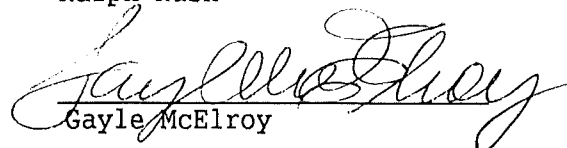

Barry Neltner, Chairman

Fred Burch


Thurman Owens


Ralph Rush


Phil Damstrom


Gayle McElroy

Carol Smith

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Chairman Viox asked if there were any further comments or questions. There being no response, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on August 4, 1993 at 8 P.M.

The Chairman closed this Public Hearing.

APPROVED:

William R. Viox, Chairman

Attest:

Jan Hancock, Recording Secretary

ORDINANCE NO. 0-25-93

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATELY 1 +/- ACRE SITE LOCATED AT 7392 BURLINGTON PIKE, THIS REZONING BEING FROM ITS PRESENT ZONE OF RESIDENTIAL ONE FAMILY (R1-F) TO PROFESSIONAL OFFICE ONE "A" (O-1A), SUBJECT TO A CONCEPT DEVELOPMENT PLAN (DEMPSEY-THOMPSON).

WHEREAS, the City of Florence, Kentucky, is a member of a county-wide planning unit known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended that a requested zone change for an approximate 1 +/- acre parcel located at 7392 Burlington Pike in the City of Florence, Kentucky, be granted, subject to an agreed concept development plan, and this zone change being from the current zoning of Residential One Family (R1-F) to a Professional Office One "A" (O-1A) zone, and

WHEREAS, the recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the requested zone change for the real estate which is more particularly described below shall be and is hereby approved to rezone an approximate 1 +/- acre parcel to a Professional Office One "A" (O-1A) zoning classification, subject to an agreed concept development plan. The subject real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

SECTION II

That the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the rezoning of the subject property.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change and its concept development plan shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the

Boone County Planning Commission.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including the development plan as presented before the Boone County Planning Commission and agreed to by the applicant/property owner. This zone change is conditioned upon the foregoing as provisions agreed to as part of the development plan.

SECTION V

In the event that this rezoning of this property should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from this rezoning on this particular piece of property, and are intended to continue to have effect regardless of any invalidity relating to this particular rezoning.

SECTION VI

Publication of this Ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF September, 1993.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF September, 1993.

APPROVED:

Evelyn Kell
MAYOR

ATTEST:

Patricia Conrad
CITY CLERK

KNOW ALL MEN BY THESE PRESENTS:

That

JOHN O. McEVoy, Executor of the Estate of
Bessie F. Gardner, deceased, See Will Book 23, page 686
of the Boone County Clerk's records.

for and in consideration of SIXTY THOUSAND (\$60,000.00) dollars and other consideration
to him paid by the grantee herein

Property Transfer Tax Paid \$ 60.00
JERRY W. ROUSE, Clerk n.c.

the receipt whereof is hereby acknowledged, do

hereby bargain, sell and convey to the said

Nora L. Dempsey, her

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

Grantee Mailing Address _____

Group No. 233

Present Street Address # 72 Locust St., Florence, Kentucky

Plat No. 1/128

Being Lots Nos. FOURTEEN (14), FIFTEEN (15), and
SIXTEEN (16) of the CLUTTERBUCK SUBDIVISION,
according to the plat of same recorded in Plat
Book 1, page 128 of the Boone County Clerk's
records at Burlington, Kentucky.

Being the same property conveyed to Kitty C. Tanner and
Bessie Gardner August 31, 1960 and recorded in Deed Book 144
page 444 of said County records.
Bessie F. Gardner takes Kitty C. Tanner's interest in said
property by Will recorded in Will Book 23, page 601 of
the said County records.

Bessie F. Gardner died testate December 7, 1975, and under
the terms of her will empowered her Executor, John O. McEvoy,
with full power to sell and convey real estate.

Being the same property conveyed to the Grantor by ---SEE ABOVE---
by deed dated _____ day of _____ 19 _____ and recorded in deed book _____ page _____ in the
office of the Clerk of the Boone County Court, Burlington, Kentucky.
Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said
Nora L. Dempsey, her