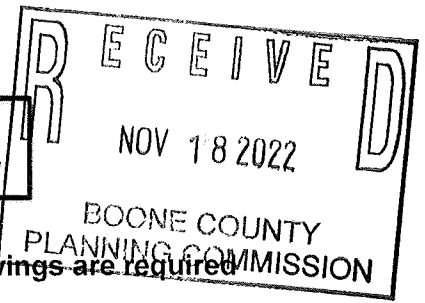


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

**SECTION A:** (To be completed by applicant)

1. Check One  Boone  Florence  Walton  Union

2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: Jonathan Wochoer, McBride Dale Clarion

Address: 5721 Dragon Way, Suite 300

Cincinnati OH 45227  
City State Zip Code

Phone Number: 513-561-6232 x 4 Fax Number: \_\_\_\_\_

Email: jwochoer@mcbridedale.com

4. Description of Request: Conditional use permit requested to allow a truck stop on 4.3 acres.

5. Name of Development: QuikTrip #7168

6. Location of Development: Portion of 10018 DIXIE HWY

Ft Mitchell KY 41017  
City State Zip Code

7. Acreage Under Review: Truck stop on 4.3+/- acres of a 8.309 acre parcel

8. Lot Number and Name of Subdivision (if part of a subdivision):  
TBD

9. Current Owner: Walter Hayes, LLC

Address: 2512 Dixie Highway


Ft Mitchell KY 41017  
City State Zip Code

Phone Number: 859-331-31121 Fax Number: \_\_\_\_\_

Email: jahayes@reharchitects.com

10. Proposed Use(s) on Site: truck stop
11. Total Square Footage of Existing and/or Proposed Buildings: 8,292 SF store proposed
12. Current Zoning: C-3 Commercial Service District
13. D1000 1000 PG990 990 2058  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

**ORIGINAL Property Owner's Signature:**  JOSEPH HAYES, member  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:**   
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 11-18-20 Fee Received: \$1116.00 Receipt #: 87375

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: M. Schurz

4. Scheduled Board Action Date: 12/19/2022

5. Board Action: 12/19/2022

Approved

Approved with Conditions (see #6)

Denial (See #7)

6. Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Reasons for Denial: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#4

APPLICANT: McBride Dale Clarion, per Jonathan Wocher, on behalf of Walter Hayes, LLC

LOCATION: 10018 Dixie Highway, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: December 19, 2022

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the development of a retail facility with automotive gas sales and truck fuel sales on approximately half of the site in question.

### SITE HISTORY

1990 Information contained in the Boone County GIS indicates that the site was zoned C-3

### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1033 of the Boone County Zoning Regulations.
1. Findings listed in Section 262 (Findings for all Conditional Uses):
    - a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
    - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
    - c. Will not be hazardous to existing or future neighboring uses;
    - d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
    - e. Will not create excessive additional requirements at public cost for public

facilities and services and will not be detrimental to the economic welfare of the community;

- f. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
  - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
2. Criteria listed in Section 1033 of the Boone County Zoning Regulations (C-3 district):
- a. The activity is an integral and subordinate function of a permitted commercial use or service; or
  - b. The arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district.
- C. Section 1030 of the Boone County Zoning Regulations states that “The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in ARTICLE 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.”
- D. Section 1033.2 of the Boone County Zoning Regulations identifies “Truck Stops” as a Conditional Use within the C-3 district.
- E. Section 4000 of the Boone County Zoning Regulations defines “Truck Stop” as a facility designed to provide services to the trucking industry including but not limited to dispensing of fuel, restaurants, showers, and associated retail sales. The permitted uses do not include truck repair, washes, or the sale of vehicles unless such activities are expressly listed as a permitted use for the zone in question, and a conditional use permit must be obtained for any activity to be conducted at a truck stop that is listed as a conditional use for the zone in question.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question

for "Commercial" uses, which is defined as Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
  2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  4. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
  5. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
  6. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  7. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
  8. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
- C. Dixie Highway and Mt. Zion Road are state maintained arterial streets providing for two-way traffic.

#### SITE CHARACTERISTICS

- A. The approximate 8.3 acre property is located at the southeast corner of the intersection of Dixie Highway with Mt. Zion Road.
- B. The site has 309.28 feet of frontage along Dixie Highway and 829.60 feet of frontage along Mt. Zion Road.
- C. The site is currently occupied by a florist with a gravel driveway.
- D. Access to the site is currently from a curb cut onto Dixie Highway.
- E. The center of the site is relatively flat and then slopes downward to the east and south

#### SURROUNDING LAND USES AND ZONING

North: Mt. Zion Road, UDF (C-1), and Welding Alloys USA (I-1)

South: Carter Lumber Company (C-3)  
East: Norfolk Southern Railroad and Kentucky Rebuild (I-2)  
West: Shehan Pools (C-3)

STAFF COMMENTS

- A. The submitted site plan indicates that the western half of the site will be developed with the following:
  - 1. An 8,292 square foot retail store.
  - 2. Eight (8) automobile gas pumps with a canopy.
  - 3. Access from Dixie Highway and Mt. Zion Road.
  - 4. Five (5) truck fuel pumps with a canopy.
- B. The eastern half of the site is to remain undeveloped.
- C. The Kentucky Transportation Cabinet is currently constructing roadway improvements to both Dixie Highway and Mt. Zion Road.
- D. While a detailed review of the submitted Concept Plan was not conducted, the plan meets the requirements of the zoning regulations as they pertain to intensity, setbacks, buffer yard widths, and parking requirements.

CONCLUSION

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully Submitted,



Michael D. Schwartz  
Director, Zoning Services

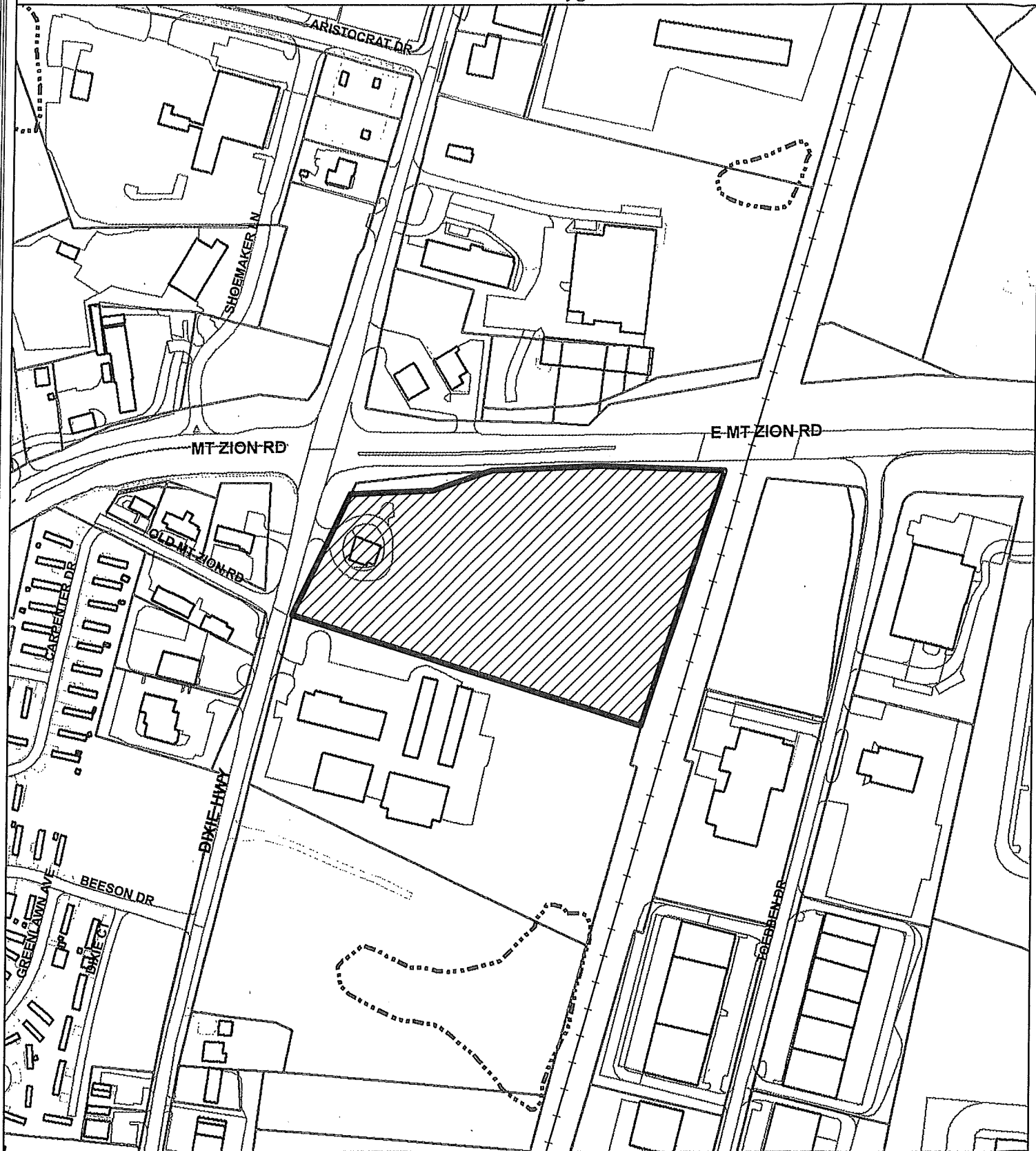
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Project Narrative
- \*Concept Development Plan

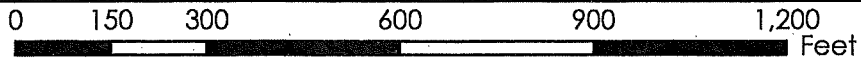
# Vicinity Map

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



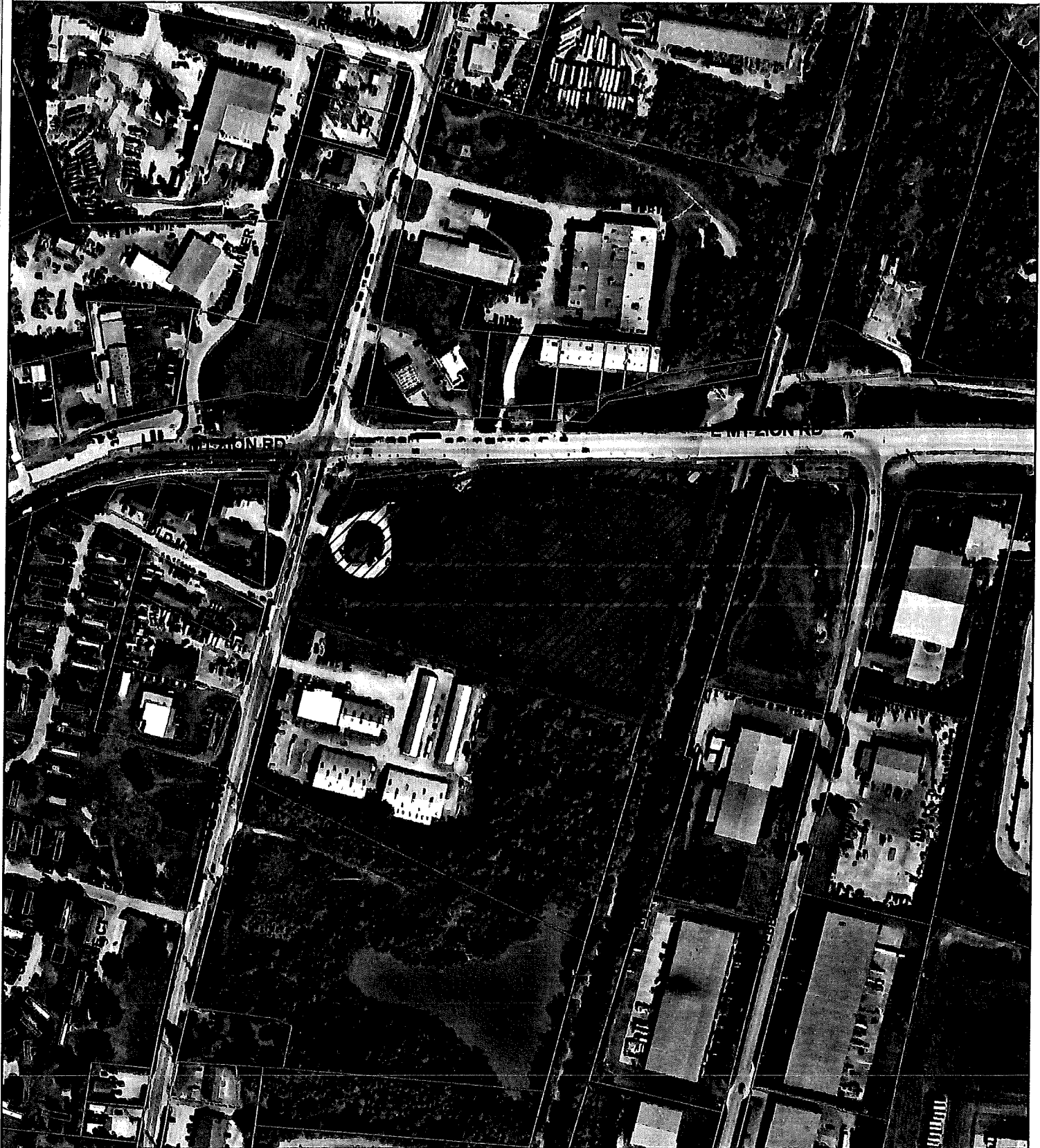
1 inch = 300 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

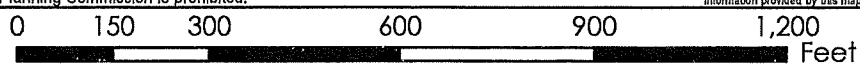
# Aerial Map

www.boonecountygis.com



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1 inch = 300 feet



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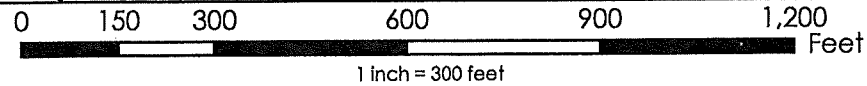
# Topographical Map

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2021

ArcMap Document: \*.mxd

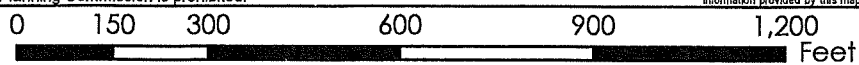
# Zoning Map

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

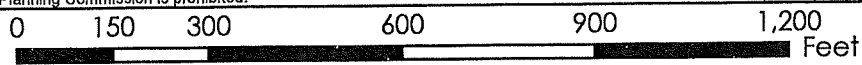
# 2040 Future Land Use Map

www.boonecountygis.com



UD  
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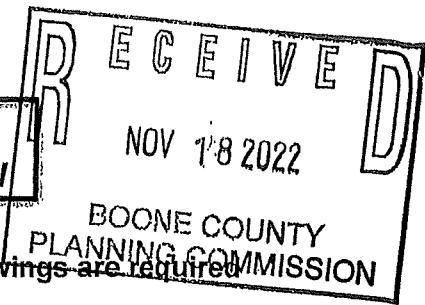
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xx/xx/2021

Map File: F:\mxd\2040 Future Land Use Map.mxd  
ArcMap Document: \*.mxd

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

**Site Plan Review is not granted by the appropriate Board of Adjustment**

**An application consists of all fees paid in full, submitted drawings, and a completed application form**

**SECTION A: (To be completed by applicant)**

1. Check One  Boone  Florence  Walton  Union

2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: Jonathan Wochoer, McBride Dale Clarion

Address: 5721 Dragon Way, Suite 300

Cincinnati OH 45227  
City State Zip Code

Phone Number: 513-561-6232 x 4 Fax Number: \_\_\_\_\_

Email: jwocher@mcbridedale.com

4. Description of Request: Conditional use permit requested to allow a truck stop on 4.3 acres.

5. Name of Development: QuikTrip #7168

6. Location of Development: Portion of 10018 DIXIE HWY

Ft Mitchell KY 41017  
City State Zip Code

7. Acreage Under Review: Truck stop on 4.3+/- acres of a 8.309 acre parcel

8. Lot Number and Name of Subdivision (if part of a subdivision): TBD

9. Current Owner: Walter Hayes, LLC

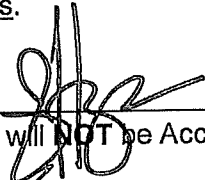
Address: 2512 Dixie Highway

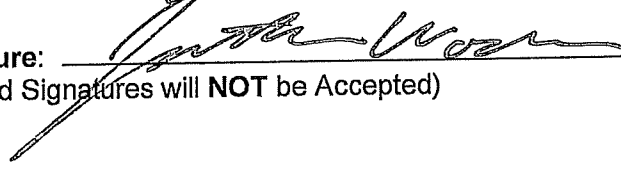
Ft Mitchell KY 41017  
City State Zip Code

Phone Number: 859-331-31121 Fax Number: \_\_\_\_\_

Email: jahayes@reharchitects.com

10. Proposed Use(s) on Site: truck stop
11. Total Square Footage of Existing and/or Proposed Buildings: 8,292 SF store proposed
12. Current Zoning: C-3 Commercial Service District
13. D1000 PG990 2058  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

**ORIGINAL Property Owner's Signature:**  JOSEPH HAYES, member  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**ORIGINAL Applicant's Signature:**   
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 11-18-20 Fee Received: \$1116.00 Receipt #: 87375

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: \_\_\_\_\_

5. Board Action: \_\_\_\_\_

\_\_\_\_\_ Approved

\_\_\_\_\_ Approved with Conditions (see #6)

\_\_\_\_\_ Denial (See #7)

6. Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Reasons for Denial: \_\_\_\_\_

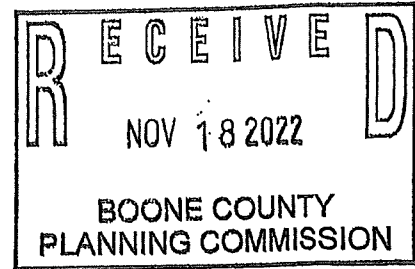
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Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)



November 17, 2022

Michael Schwartz  
Zoning Administrator  
Boone County  
2950 Washington Street, Room 317  
Burlington, Kentucky 41005



Via Overnight Delivery

RE: Conditional Use Permit – QuikTrip #7168 Mt. Zion Road at Dixie Highway, Boone County, KY

Mr. Schwartz:

On behalf of QuikTrip Corporation, I am transmitting this letter and enclosed materials requesting a conditional use permit for the property at 10018 Dixie Highway (parcel 074.00-00-051.00). QuikTrip has a contract with Walter Hayes, LLC to purchase 8.3 acres. QuikTrip plans to develop the western 4.3 acres for a convenience store/truck stop and have 4.0 acres to the east as a residual property. The property is in the C-3 Commercial Zone.

At this location QuikTrip is proposing to develop a truck stop which would include a new 8,292 SF convenience store and fuel sales facility with eight double-sided auto fuel dispensers in front of the store and six truck diesel lanes to the rear of the store. The proposed QuikTrip store will not have truck repair, truck wash, shower, laundry or lounge facilities that are often associated with large truck stops.

I am transmitting the following to initiate this conditional use request:

- Completed “Board of Adjustment Application” with original signatures.
- Project description and statement of conditional use standards.
- Deed for the property.
- Adjoining property owners list.
- Five (5) full sized copies of the concept plan and one (1) reduced 11x17 copy.
- Six (6) 11x17 sized copies of the store building elevations.
- Six (6) 11x17 sized copies of the survey for the 8.3 acres.
- A check in the amount of \$1,116.00 for fees associated with this request.
- A flash drive containing PDFs of the enclosed material.

It is my understanding that the conditional use application will be reviewed by the Boone County Board of Adjustment on December 14, 2022. Please transmit a copy of the meeting agenda and staff report when available.

Please review and contact me if additional information is needed. I can be reached at 513-561-6232x4 or [jwocher@mcbridedale.com](mailto:jwocher@mcbridedale.com). Thank you for your assistance and our team looks forward to working with you.

Sincerely,

Jonathan Woche, AICP, LEED GA  
MDC #4831

Planning • Zoning • Development Services

**QuikTrip – Conditional Use  
Project Description and Justification Statement  
10018 Dixie Highway**

QuikTrip has a contract to purchase the approximately 8.3-acre property at 10018 Dixie Highway (parcel 074.00-00-051.00) at the southeast corner of Mt. Zion Road and Dixie Highway from Walter Hayes, LLC. QuikTrip proposes to develop a convenience store/truck stop on the western 4.3 acres and to create a 4.0-acre residual parcel to the east. This property is zoned C-3 Commercial Service Zone which allows for truck stops as a conditional use. QuikTrip Corporation is requesting approval of a Conditional Use Permit to allow for a truck stop at this location.

**Project Description**

QuikTrip proposes to construct a new 8,292 square foot convenience store and fuel sales facility. The project will feature eight double-sided automobile fueling dispensers to the west of the convenience store and six truck fueling lanes to the rear of the store. A truck scale is proposed south of the truck fueling canopy. The existing building will be demolished. The site will have a total of 83 parking spaces, including spaces for both automobiles (75) and trucks (8). Two driveways are proposed – one on Mt. Zion Road and one on Dixie Highway. A shared, cross-access easement with the residual land to the east is proposed for the Mt. Zion Road driveway.

The convenience store will have customer entrances on all four building elevations. The front elevation facing Mt. Zion Road will have 4 outside tables for customer seating. The overall height of the convenience store is 20-feet with a parapet style roof. A flat roofed metal canopy is proposed over both fuel dispenser areas. Landscaping will be provided in accordance with the zoning regulations.

While the proposed use falls under Boone County's definition of a truck stop, the facility does not have showers, laundry services, lounges, truck repair or truck wash facilities typical of large truck stops.

Please consider the following when reviewing this conditional use request as they relate to Section 252, General Standards Applicable to All Conditional Uses:

- 1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order.*

The new QuikTrip will align with Boone County's Comprehensive Plan. The plan's Future Land Use Map designates this property for commercial development to be surrounded by industrial development. The proposed truck stop will provide a transitional use to the neighboring industrial businesses that will benefit from this facility.

- 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.*



The proposed use will be consistent with the character of the surrounding area. There are several auto-related uses near this property including: Mt. Zion Auto and Tire Service, Rider's Automotive, Prestige Auto Body and Golf Carts, AutoZone, and United Dairy Farmer. The proposed QuikTrip store building materials include masonry brick with accents of EIFS, brushed aluminum (fascia) and red polycarbonate. This aligns with other materials used in this area.

3. *Will be hazardous to existing or future neighboring uses.*

The neighboring properties will not suffer hazardous effects from the proposed use. Neighboring industry and commercial uses will benefit from the additional option for automobile and commercial vehicle fueling. While the proposed use falls under the definition of a truck stop, the facility does not have showers, laundry services, lounges, or repair to accommodate long truck driver stays.

4. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*

Public services will adequately serve the property and on-site structures. Plans will be reviewed by the Fire Department, Engineering Department, and Utility Department(s) for confirmation of sufficient availability and capacity. Ample internal circulation is provided to provide access for fuel trucks and commercial vehicles, and therefore fire vehicles and garbage trucks will be able access and serve the site.

5. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*

QuikTrip will not strain public facilities/services or the economic welfare of the community. Service demands for this operation are typical to that of a standard convenience store.

6. *Will not involve uses, activities, process, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.*

The facility will follow county landscape buffering and light standards in order to avoid nuisance to neighboring properties. The facility does not abut residential uses. QuikTrip is primarily a trip capturing use (rather than a trip generating use) so roadways will not see a substantial increase in traffic.

7. *Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.*

Access to the site is proposed via Mt. Zion Road and Dixie Highway. A shared, cross-access easement is proposed for the eastern driveway for the residual land to the east of the QuikTrip site. Necessary Encroachment Permits will be applied for, and driveways will be reviewed by KYTC and/or the Boone County Engineering Department.







CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Walter Hayes, LLC  
2512 Dixie Hwy  
Fort Mitchell, KY 41017
2. ADDRESS OF PROPERTY  
10018 Dixie Hwy  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
QuikTrip #7168
4. DEED BOOK 1000                      PAGE NO. 990                      GROUP NO. 2058
5. TYPE OF RESTRICTION(S) (Check all that apply)
- \_\_\_ Zoning Map Amendment:                      X Conditional Use Permit  
    From \_\_\_\_\_ To \_\_\_\_\_
- \_\_\_ Development Plan                                      \_\_\_ Conditional Zoning
- \_\_\_ Subdivision Plat                                      \_\_\_ Other:  
    (Not Recorded)
- \_\_\_ Variance
6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Director, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone  
County Planning Commission this 21<sup>st</sup> day of December, 2022.

---

Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:

Nicole Dierna  
Nicole Dierna  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)