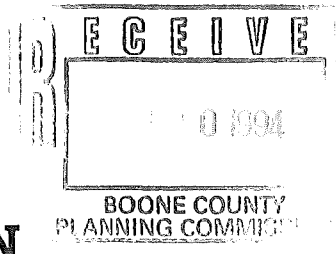


94-PBA-001-A

APPLICATION FORM
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION**



(See Boone County Zoning Regulations)

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's Name Pep Boys
Phone Number (215) 227-9227 Fax No. (215) 229-5083
Applicant's Address 3111 W. Allegheny Ave.
Philadelphia PA 19132
City State Zip
- 4. Description of Request: Requesting conditional use for the service bays of the proposed facility.
- 5. Name of Development Heights Subdivision Lot
- 6. Location of Development Corner of Mall Road & Heights Blvd. next to Builders Square
- 7. Acreage Under Review 356 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
Heights Subdivision Parcel B
- 9. Owner of Property Jaygee Equities Inc.
Phone Number of Owner (313) 358-4476
- 10. Address of Property Owner 3000 Town Center, Suite 1780
Southfield MI 48075
City State Zip
- 11. Proposed Use(s) on Site Auto Parts Retail and Service Center
- 12. Total Square Footage of Existing and/or Proposed Buildings
22,000 SF Proposed Bldg.
- 13. Current Zoning on Property C-2
- 14. Deed Book P.S. 237B Page No. 481 of 203 Group No. ~~3260~~ 2040 B
- 15. Is the site subject to a zone change? No
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.
Applicant's Signature: [Signature] LJB AGENT FOR PEP BOYS
Property Owner's Signature: [Signature] Jaygee Equities, Inc.

(over)

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning
Commission Staff)

1. Date Received Jan 26, 94 Fee Received \$626.00
2. Is application complete? Yes No
3. Staff Reviewer Jeff Hayes
4. Scheduled Board Action Date Feb 9, 1994
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Minutes
7. Reasons for Denial:

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

STAFF REPORT

DEVELOPMENT: Pep Boys

APPLICANT: Pep Boys

LOCATION: Corner of Heights Blvd. and Mall Road next to Builders Square.

ZONING: Commercial Two (C-2)

DATE: February 9, 1994

The applicant is requesting a Conditional Use Permit to construct a 22,000 square feet 11 bay auto parts retail repair service center. (see sheet #1 & 2). The conditional use permit is required only for the auto service area and not for the retail area which is principally permitted within a Commercial Two (C-2) zone. This facility is proposed on a 3.56 acre site and is owned by Jaygee Equities.

The facility will consist of approximately 17,000 square feet of retail space and 5,000 square feet of auto service area. The building will be located to the west of the existing Builders Square which was constructed approximately a year ago and will be visible from Mall Road. There is extensive landscaping around the perimeter of the property which was installed during the development of the Heights Subdivision. The submitted site plan indicates the service bays located between the proposed building and Builders Square. However, the applicant has indicated that they are changing the location of the service bays to the Mall Road side of the building which may make them visible from Mall Road. The loading dock and the dumpster area are located along the north property line and will be visible from the Mall Road/I-75 ramp.

The proposed use is permitted as a conditional use by the Boone County Zoning Regulations which indicates in Article 10, Section 1023 #3: Gasoline service stations and normal maintenance, repair and wash services for vehicles. In determining the appropriateness of the use the Board must also consider:

- a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service;
- b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center;
- c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning (see sheet # 3)

North: Mall Road/I-75 Interchange and vacant land zoned Commercial Two (C-2)

South: Vacant property zoned Commercial Two (C-2)

East: Builders Square zoned Commercial Two (C-2)

West: Midway Strip Center and Lazy-Boy Furniture store zoned Commercial Two (C-2)

The Boone County Comprehensive Plan Future Land Use Map indicates the area as Commercial. The Land Use Text indicates that regionally-oriented commercial development should be confined to the Mall Road area. It mentions the Berkshire Farm and that it should develop in a cohesive manner, both internally and as it relates to other developments in the area. The text does indicate that the visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process.

This site is part of the Mall Road Study area which examines the aesthetic and functional components of the Mall Road Corridor. The aesthetic components include such items as landscaping, buffering and signage that visually define the area to the traveling public. The functional component addresses the operation of the roadway and surrounding developments in terms of traffic movement.

Staff Concerns:

1. The proposed site plan indicates that there will be some parking located along Mall Road at the crest of the hill. This parking would be visible from Mall Road and therefore staff recommends that a solid hedge be planted in front of the parking that fronts along Mall Road.
2. The loading dock will be visible from the Mall Road/I-75 Interchange and therefore should have some additional evergreen vegetation planted to screen the view of this loading/dumpster area for the motoring public.
3. Staff would recommend that the building materials be consistent with the materials used for Builders Square. This would help to create a unified development image for the Heights Subdivision.
4. The Boone County Zoning Regulations do not permit an independent building or establishment with direct frontage along Mall Road to have a free-standing sign. This business would be permitted to have building mounted signs and to utilize the existing Heights identification/tenant sign located at the subdivision entrance.
5. Staff believes, that the service bays should be located in their originally submitted location between the proposed building and Builders Square. The reason for staff's concern on this matter is the possible view of the service bays from Mall Road.

Conclusion

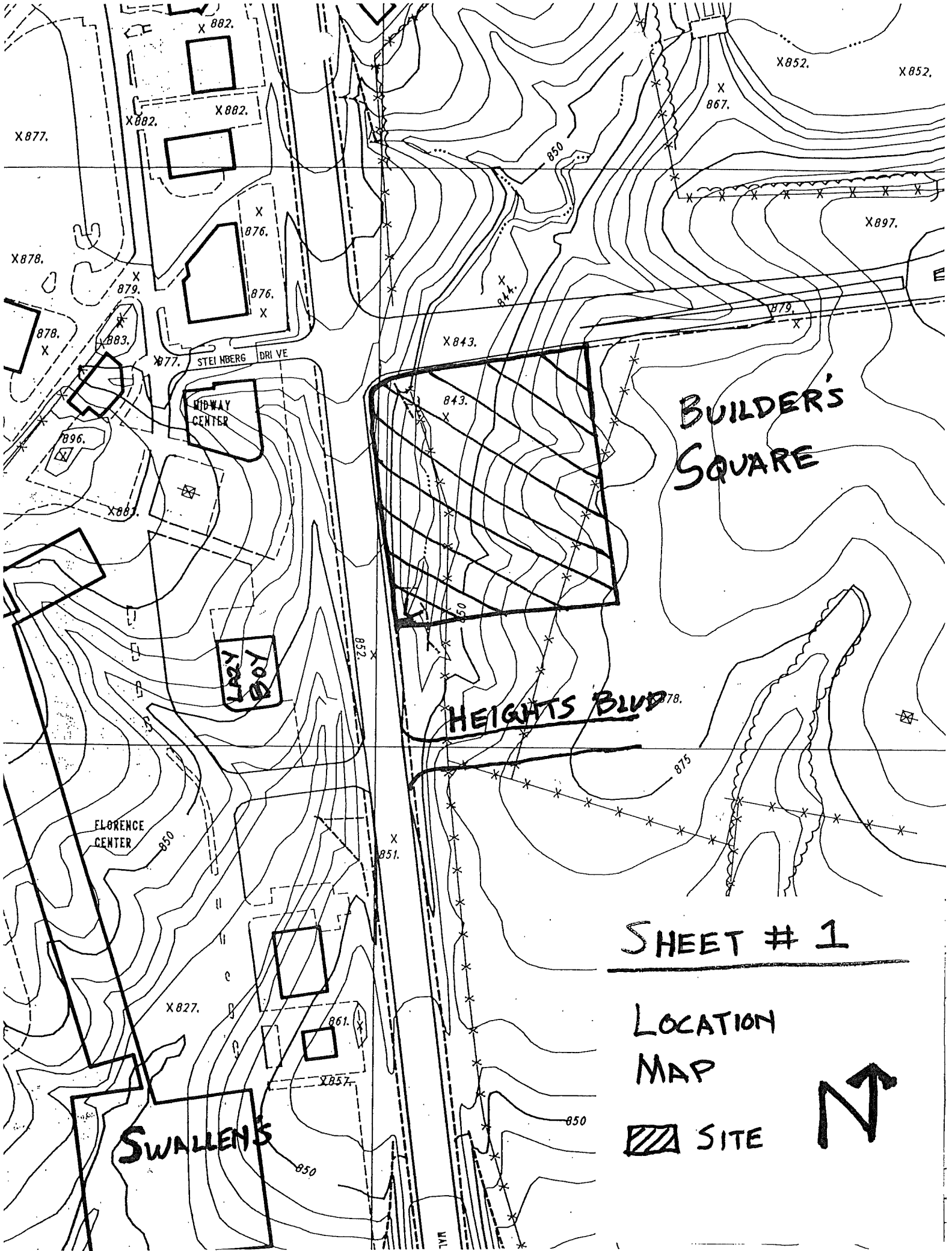
Staff believes that the auto parts retail and service center will be compatible and in accordance with the objectives of the County Comprehensive Plan. Any impact created by this facility should be minimal. The design of the building, landscaping and the materials used should be given special attention so as to enhance the aesthetic character of the area rather than be a detriment.

Respectfully Submitted,



Jeffrey F. Hayes
Planner I

JFH\par



**BUILDER'S
SQUARE**

HEIGHTS BLVD

**LADY
FOOT
BOY**

**FLORENCE
CENTER**

SWALLENS

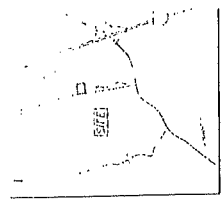
SHEET # 1

**LOCATION
MAP**

SITE



I-75 RAMP



VICINITY MAP
1/4" = 10' SCALE

BENCHMARK:
SOUTH BOUNDARY CORNER
OF BUILDING A

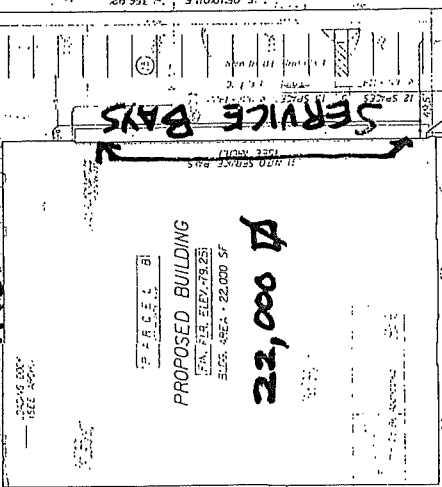
N 7500' ± E - 12.61'

N 8372.00' ± E - 430.00'

N 05190' ± E - 306.37'

BUILDERS SQUARE
PARCELS A

LOADING AREA



SERVICE BAYS

PROPOSED BUILDING
FLOOR AREA: 22,000 SF
EST. AREA: 22,000 SF

MALL ROAD
7111'

SHEET # 2

SITE PLAN



HEIGHTS BLVD

VARIANCE

The following reviews the seven criteria the Board must use to judge each variance request:

1. If the Variance is granted, it would not adversely affect the public health, safety or welfare.
2. The Variance will not alter the essential character of the general vicinity.
3. The Variance will not cause a hazard or a nuisance to the public.
4. The Board should decide if the Variance will allow an unreasonable circumvention of the requirements of the Zoning Regulations.
5. The requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
6. The Board should decide if the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
7. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation from which relief is sought.

CONDITIONAL USE PERMIT

The following reviews the seven criteria the Board must use to judge each conditional use request:

1. Will be harmonious with and in accordance with the general objective of the County comprehensive plan, a specific corridor plan and or the zoning order.
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.
3. Will be hazardous to existing or future neighboring uses.
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.
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
6. Will 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 odor.
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.

