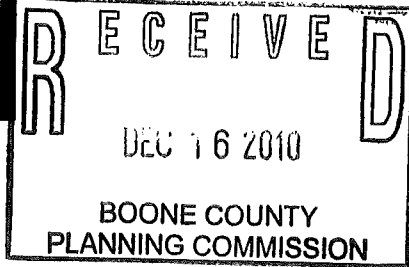


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone \_\_\_ Florence \_\_\_ X Walton \_\_\_ Union \_\_\_
2. (Check One) X Conditional Use Permit \_\_\_ Variance \_\_\_ Appeal \_\_\_
Change in Non-Conforming Use \_\_\_
3. Applicant's Name Ryan Erte/Patrick Kreiss c/o Walton Towne Center, LLC
Phone Number (513) 686-1631 Fax No. (513) 891-2467
Applicant's Address 8044 MONTGOMERY ROAD, SUITE 520
CINCINNATI OHIO 45236
City State Zip
4. Description of Request: REQUESTING CONDITIONAL USE PERMIT AND APPROVAL FROM THE BOARD OF ADJUSTMENT AND ZONING APPEALS FOR THE DEVELOPMENT AND OPERATION OF A BOB SUMEREL TIRE AND SERVICE CENTER.
5. Name of Development WALTON TOWNE CENTER
6. Location of Development KY HIGHWAY 16, WALTON, KY 41094
7. Acreage Under Review 1.9668
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT #12 WALTON TOWNE CENTER
9. Owner of Property WALTON TOWNE CENTER, LLC
Address of Property Owner 8044 MONTGOMERY ROAD, SUITE 520 Phone No. 513-686-1631
CINCINNATI OHIO 45236
City State Zip
10. Proposed Use(s) on Site OPERATION OF A BOB SUMEREL TIRE AND SERVICE CENTER AND AAA TRAVEL OFFICE SELLING FOR RETAIL TIRES AND AUTOMOTIVE SERVICES
11. Total Square Footage of Existing and/or Proposed Buildings 7,748 SQUARE FEET
12. Current Zoning on Property C-2
13. Deed Book 935 Page No. 16 Group No. 2082
14. Is the site subject to a zone change? NO, BUT CONDITIONAL USE PERMIT IS REQUIRED
If yes, give date of approval
15. Have you submitted a Site Plan with this request? YES
16. Have you submitted a list of adjoining property owners with this request? YES
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: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(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 12/14/10 Fee Received \$6,080<sup>00</sup> R# 62001
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
1/13/11 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 1/13/11 WBOA Meeting  
MINUTES + C.L.U.R.
7. Reasons for Denial: \_\_\_\_\_

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

**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

APPLICANT: Ryan Ertel for Walton Towne Center, LLC

LOCATION: Lot #12, Walton Towne Center Subdivision, Walton, Kentucky

ZONING: Commercial Two (C-2)

DATE: January 13, 2011

### PROPOSAL

The applicant submitted a Conditional Use Permit application to allow a Bob Sumerel Tire and Service facility to be constructed on lot 12 of Walton Towne Center Subdivision. The submitted Conceptual Site Plan shows a 7,748 square foot building, a single access point on Chestnut Drive, 40 parking stalls, and perimeter landscaping. The elevation drawings show that the 7,748 building will contain 10 service bays and will be largely constructed of cast brick, split faced CMU, overhead garage doors, aluminum storefront systems, and standing seam metal roofing. The overall building height is 33'-2½". Pictures of similar facilities have also been submitted and are attached to the Staff Report.

### SITE HISTORY

2005 - The Boone County Planning Commission and City of Walton approve a Zoning Map Amendment request from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acre area (Walton Towne Center Subdivision). The following conditions were imposed on the approval: (1) The property owners agree to restrict pawn shops, crematoriums, and funeral homes from the principally permitted use list; and (2) The property owners agree to allow the Zone Change Committee the opportunity to provide input regarding subdivision design (i.e. road network, lot layout, etc.) when the Preliminary Plat is submitted for review.

### APPLICABLE REGULATIONS

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.

Section 1023 of the Boone County Zoning Regulations permits automotive repair facilities and wash services for vehicles as Conditional Uses within the Commercial Two (C-2) district.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 1023 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for 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;
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 not 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 such services;
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;
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, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 1023 of the Boone County Zoning Regulations allows an "automotive repair facility and wash services for vehicles" as Conditional Uses in the Commercial Two (C-2) district provided that:

- a. the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- 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.

Section 3325 of the Boone County Zoning Regulations requires an automotive repair facility to provide 2 parking spaces per service bay and 1 space per company vehicle/tow truck that is kept on site. This section also states that the Zoning Administrator must approve a parking study if the proposed parking is 30% greater than the required minimum number.

Section 4000 of the Boone County Zoning Regulations defines an automotive repair facility as a business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicle inspections.

Section 4000 of the Boone County Zoning Regulations defines a junk yard as the storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered a junkyard.

### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.":

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

### SURROUNDING LAND USES & ZONING

North: Walton Pharmacy (C-2)

South: Undeveloped Lot in Walton Towne Center Subdivision (C-2)

East: Towne Center Drive and Undeveloped Lot in Walton Towne Center Subdivision(C-2)

West: Chestnut Drive and Walton Pharmacy (C-2)

### SITE CHARACTERISTICS

The approximate 1.97 acre site fronts on the northeast side of Chestnut Drive and the west side of Towne Center Drive and is currently undeveloped. Boone County G.I.S. shows that topography of the property falls from 892 feet above sea level at the northeast property line to 868' above seal level at Chestnut Drive. A water main is located along Chestnut Drive and a sanitary sewer main terminates at the southern property line.

### STAFF COMMENTS

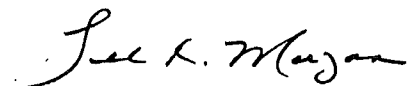
1. Staff has the following questions for the applicant:
  - A. What are the proposed hours of operation?
  - B. What kind of repairs are performed on site?
  - C. Is a 40 stall parking lot needed for this size facility? Please explain the number of employees that will work at the facility at any given time, percentage of customers that wait for repairs or oil changes, and number of cars that can be anticipated in the lot at any given time.
  - D. Will tow trucks be kept on site?
  - E. How long can non-operational vehicles be kept on site?
  - F. Are any vehicle accessories (tires, fluids, etc.) displayed outside during business hours?

- G. Are any outside storage areas (tires, parts, etc.) being proposed?
  - H. Do the elevation drawings clearly reflect the colors of the building and roofing?
  - I. Is the roof equipment shown in the pictures being proposed on the subject building?
  - J. Can something be done to dress up the eastern facade of the building? This facade has little detailing and will be highly visible from Towne Center Drive.
  - K. What type of site lighting is proposed?
  - L. Does the subdivision have any private deed restrictions or covenants pertaining to the use or building design? If so, does the proposal comply with them?
2. Staff recommends the following conditions if the request is approved:
- A. The approval is based on the submitted plans and elevation drawings, except as modified by the conditions below.
  - B. Auto body and paint work shall not be performed on site.
  - C. No car repairs shall be performed outside the building.
  - D. No vehicle shall be stored in the parking lot for more than fourteen days.
  - E. No vehicles shall be stored outside on blocks or in any disassembled state.
  - F. Outside display or storage of car parts or accessories is prohibited.
  - G. The eastern building facade shall contain more brick detailing, windows, or building landscaping.
3. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.

Conclusion

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

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/pr

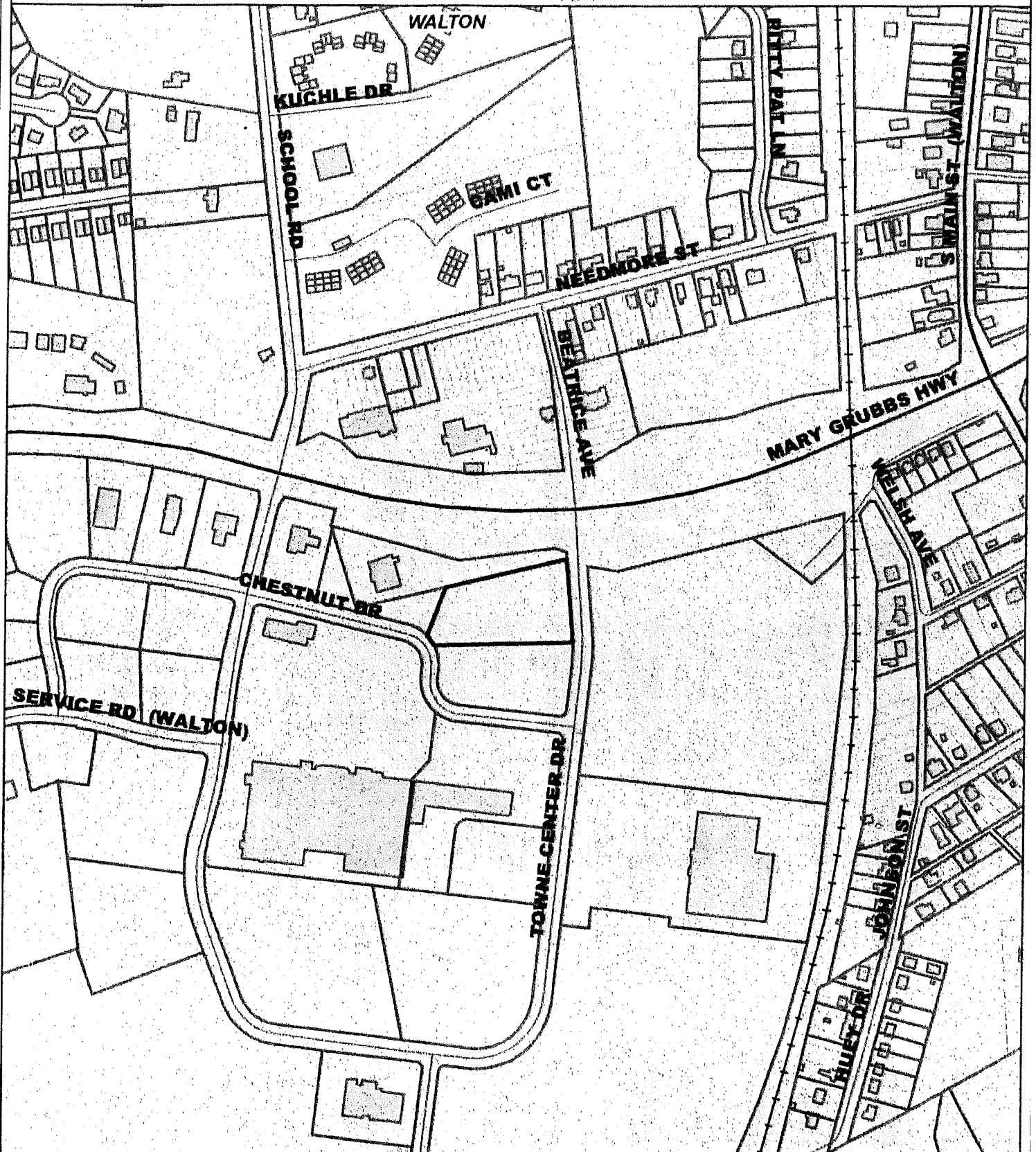
Attachments

- \*Site Vicinity Map
- \*Conceptual Site Plan
- \*Building Elevation Drawings
- \*Pictures of Similar Facilities
- \*2009 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*Application.



# SITE VICINITY MAP

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





BOB SUMEREL  
TIRE

WALTON TOWNSHIP OFFICE  
WALTON, KENTUCKY



Hub + Weber  
Architects, PLC

100 South Main Street  
Covington, KY 40202  
P: 502-481-3844  
F: 502-481-3843  
h@hwb.com

Scale: 1/8" = 1'-0"

SITE PLAN

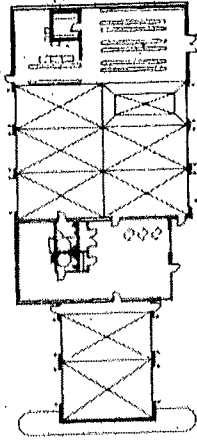
C101

MARY GRUBBS HWY

TOWNE CENTER DRIVE

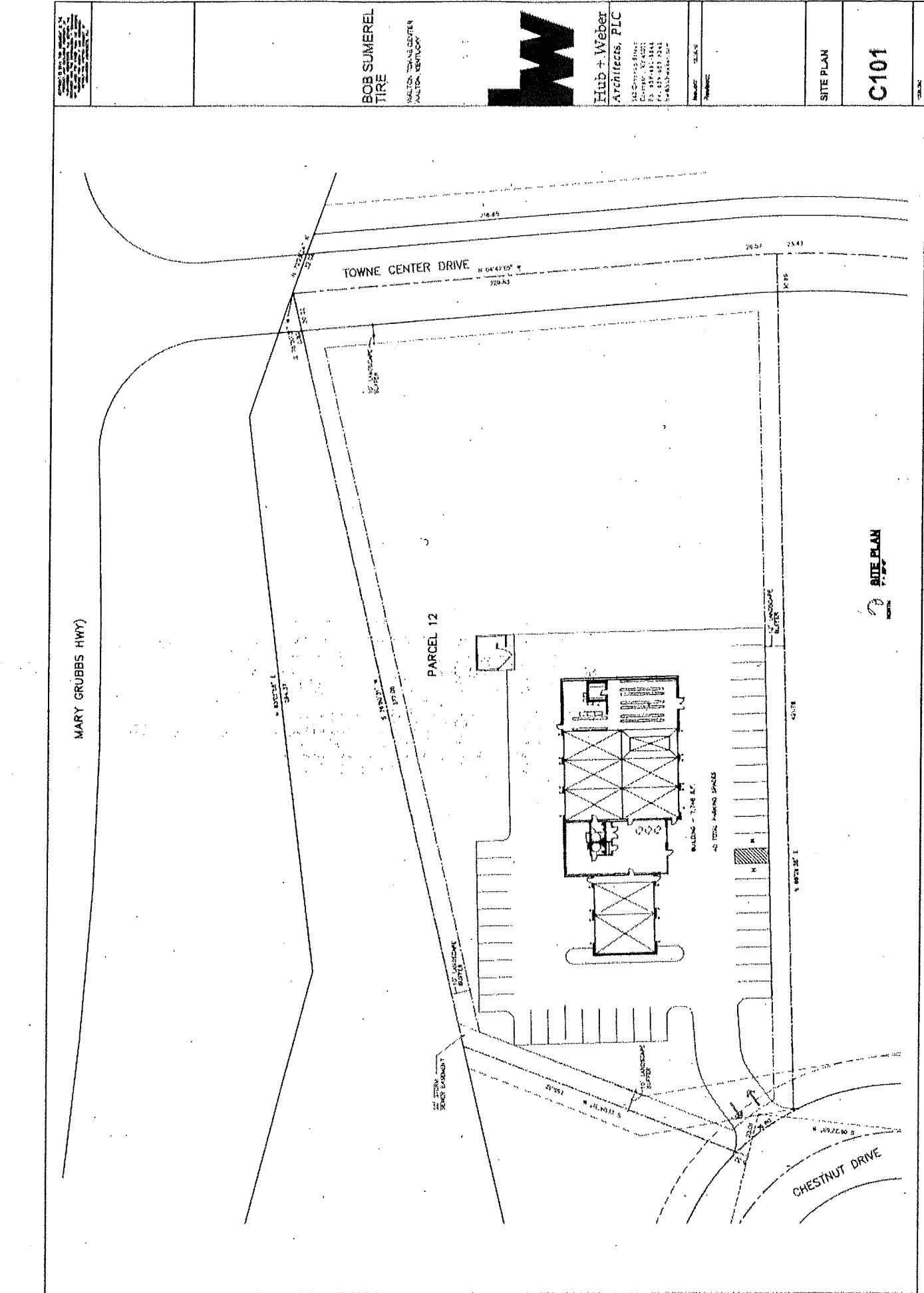
PARCEL 12

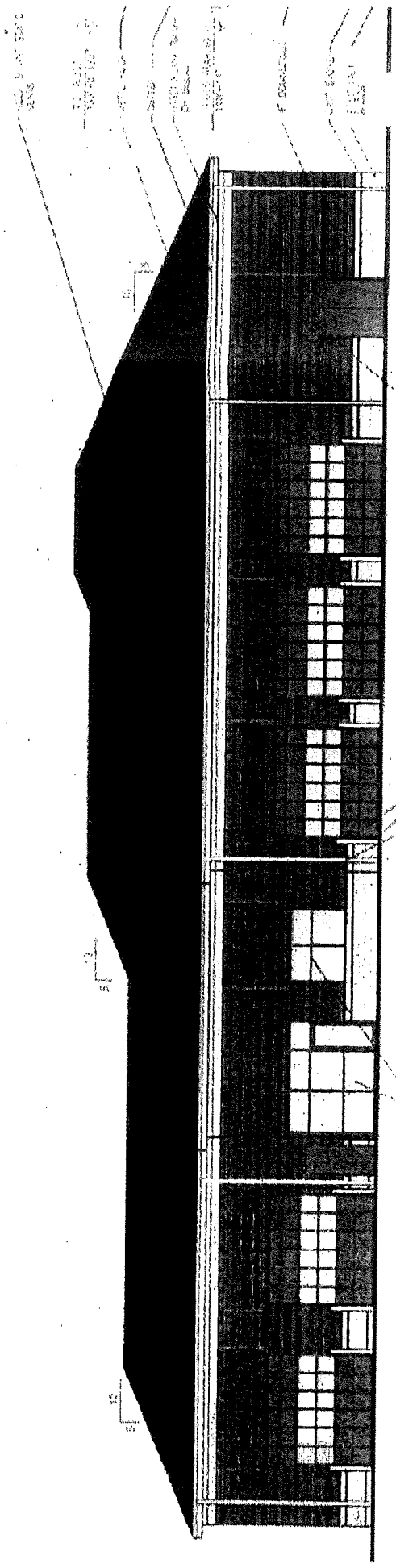
CHESTNUT DRIVE



BUILDING - 2,704 SF  
40 TOTAL PARKING SPACES

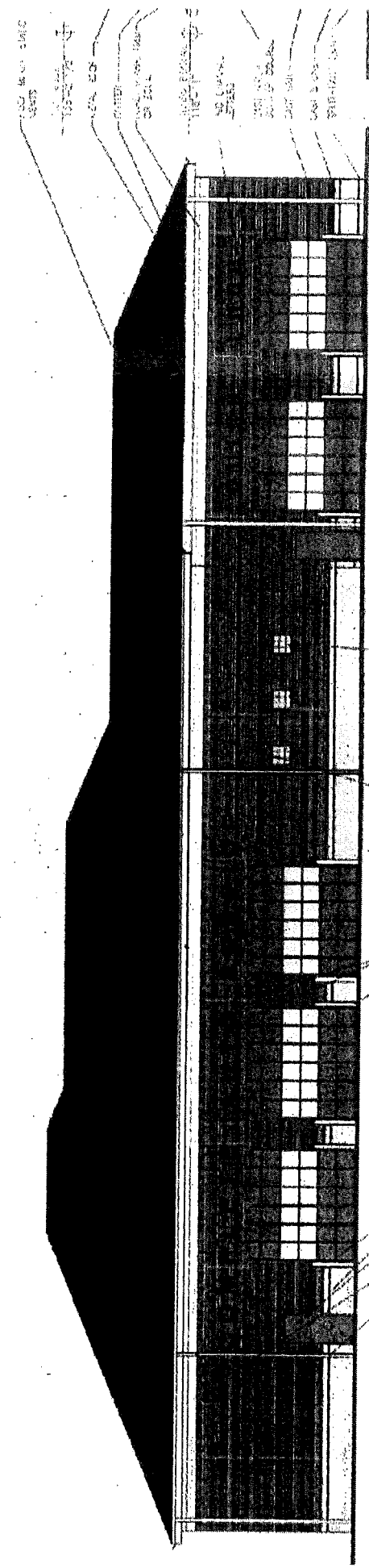
SITE PLAN





**SOUTH ELEVATION**  
1/8" = 1'-0"

**FACING VACANT LOT**



**NORTH ELEVATION**  
1/8" = 1'-0"

**FACING MARY GRUBBS HWY**

10'-0" WIDE  
12'-0" HIGH  
STATIC  
ROOF

12'-0" WIDE  
12'-0" HIGH  
STATIC  
ROOF

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STATIC  
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12'-0" WIDE  
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### FACING TOWNE CENTER DRIVE

#### EAST ELEVATION

12'-0" WIDE  
12'-0" HIGH  
STATIC  
ROOF

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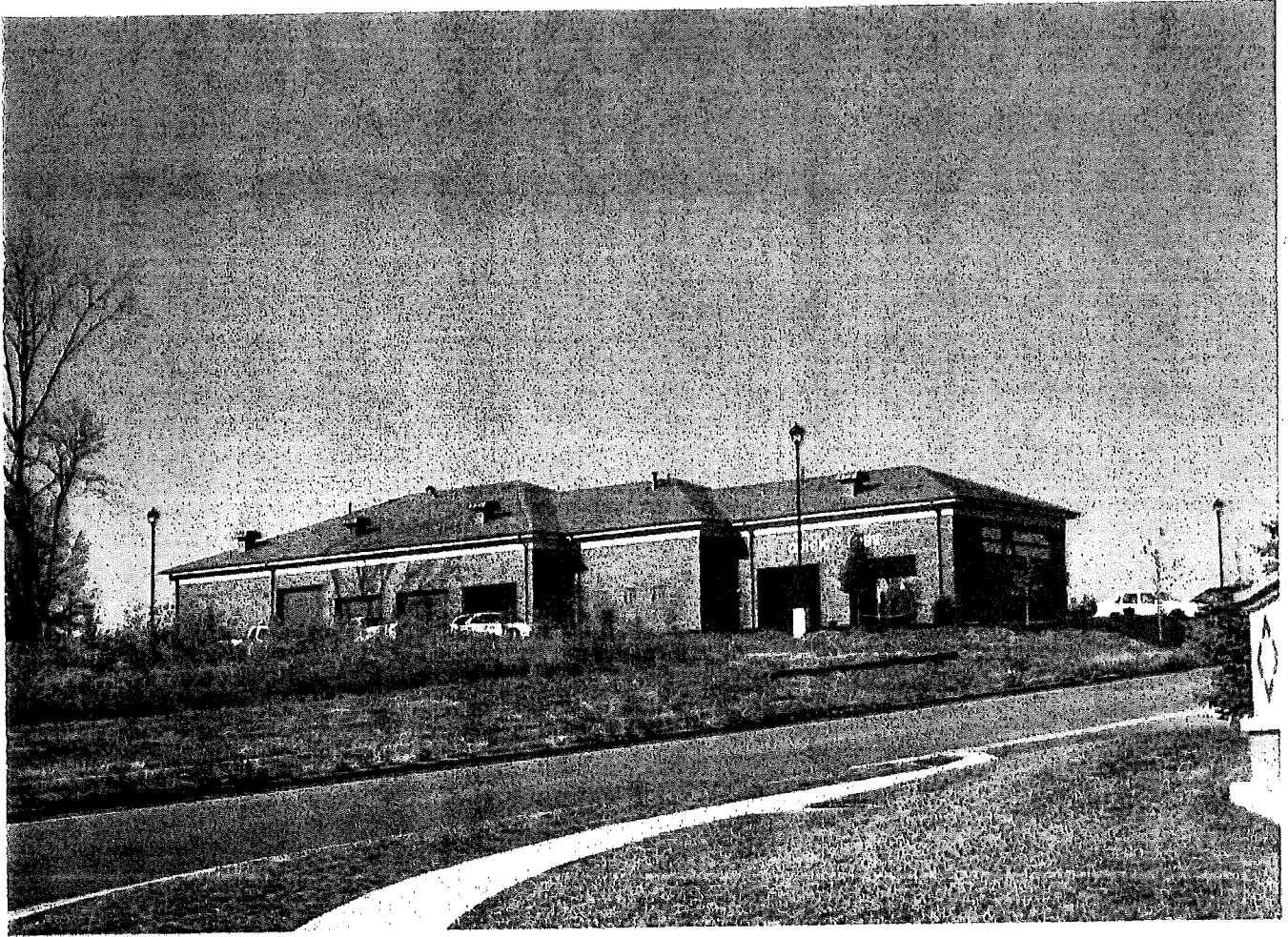
12'-0" WIDE  
12'-0" HIGH  
STATIC  
ROOF

12'-0" WIDE  
12'-0" HIGH  
STATIC  
ROOF

### FACING WALTON PHARMACY

#### WEST ELEVATION

12'-0" WIDE  
12'-0" HIGH  
STATIC  
ROOF



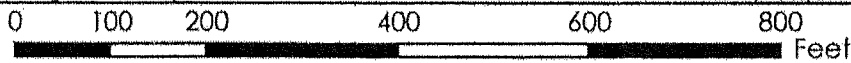
# 2009 AERIAL MAP

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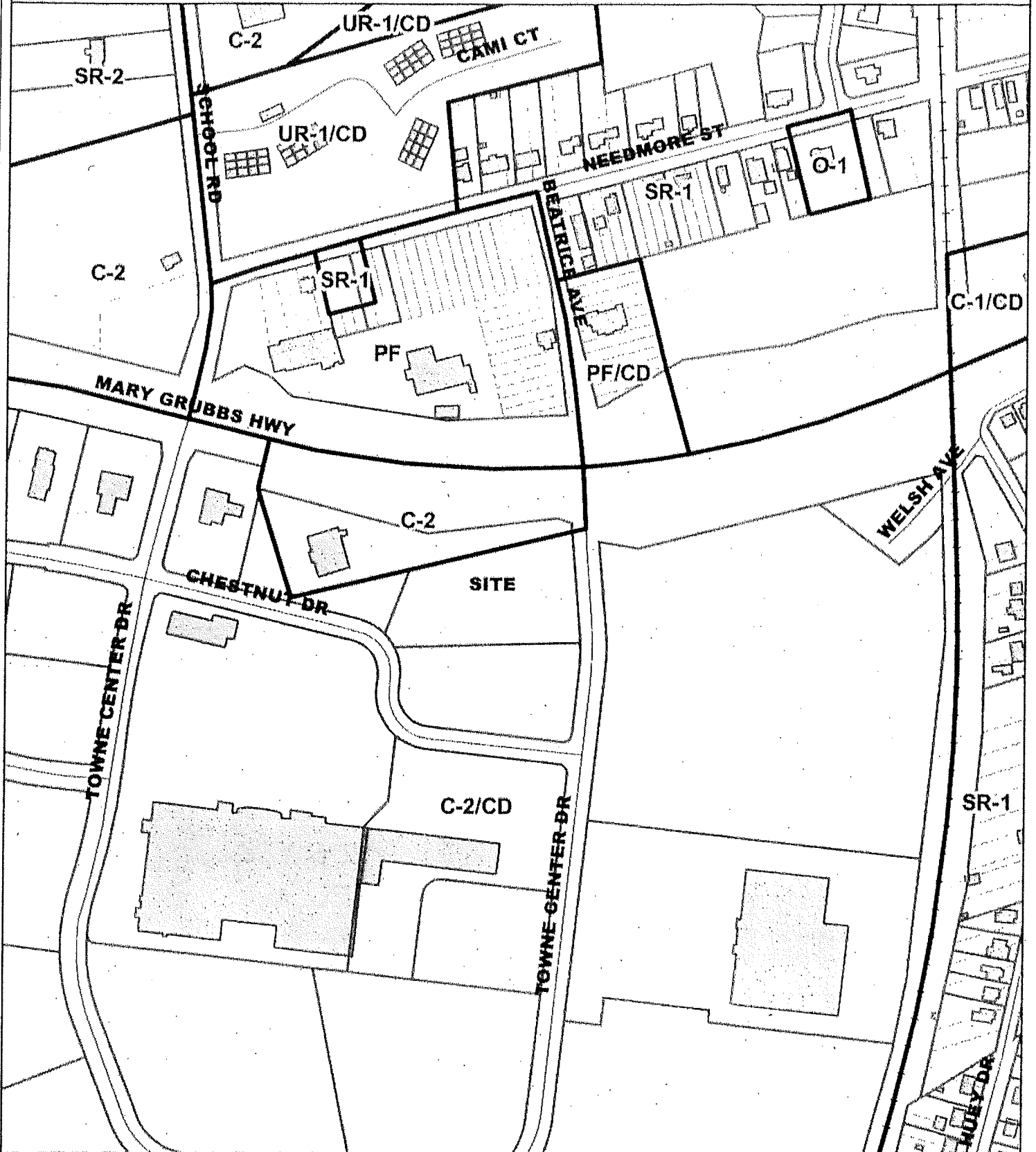
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**Boone County GIS - Putting Northern Kentucky on the Map**

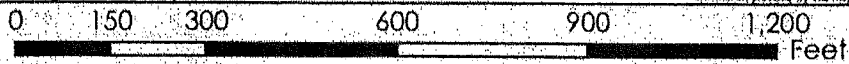
# ZONING MAP

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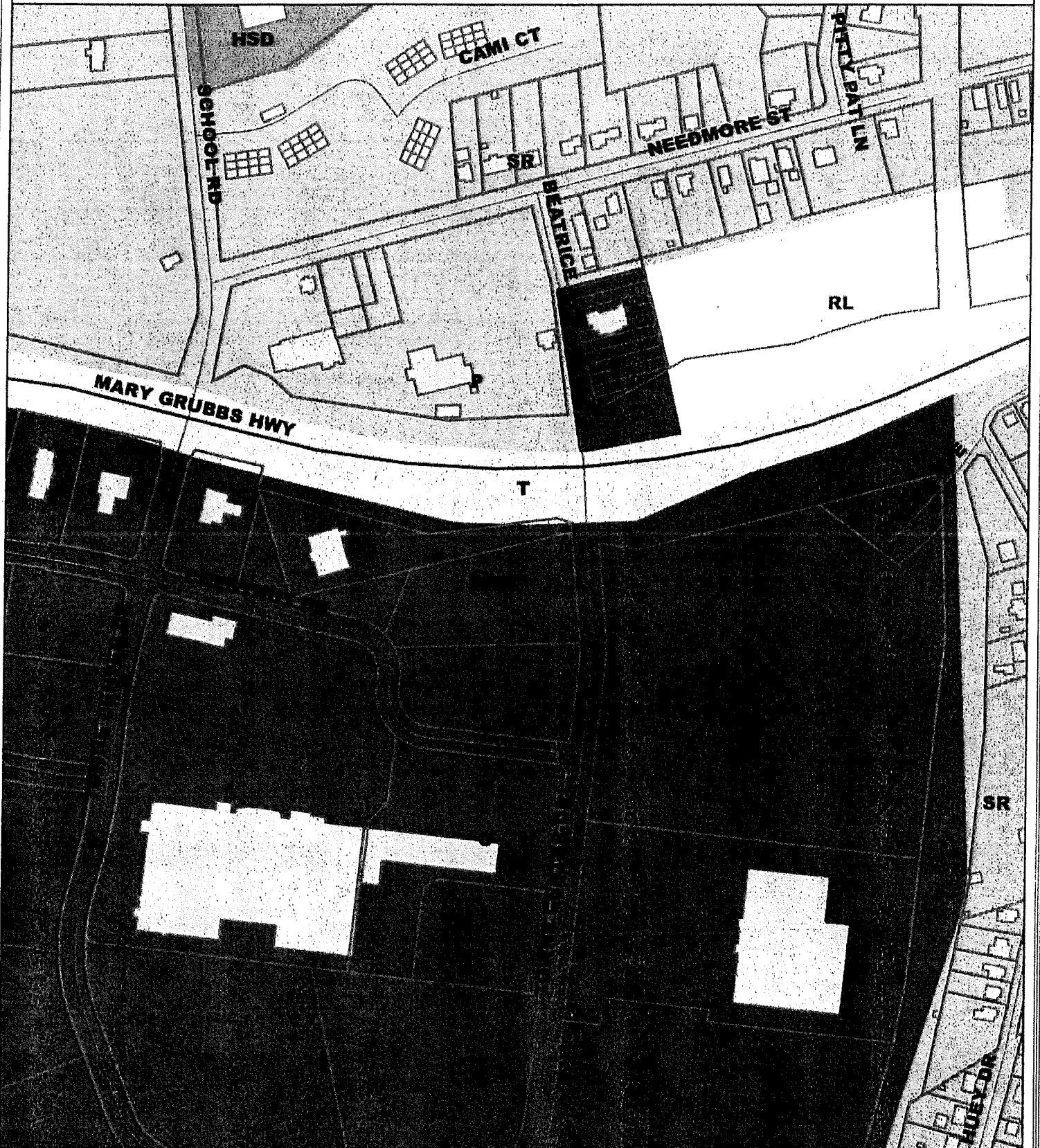
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**Boone County GIS - Putting Northern Kentucky on the Map**

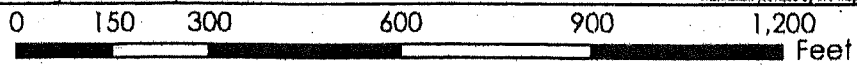
# FUTURE LAND USE MAP

www.boonecountygis.com



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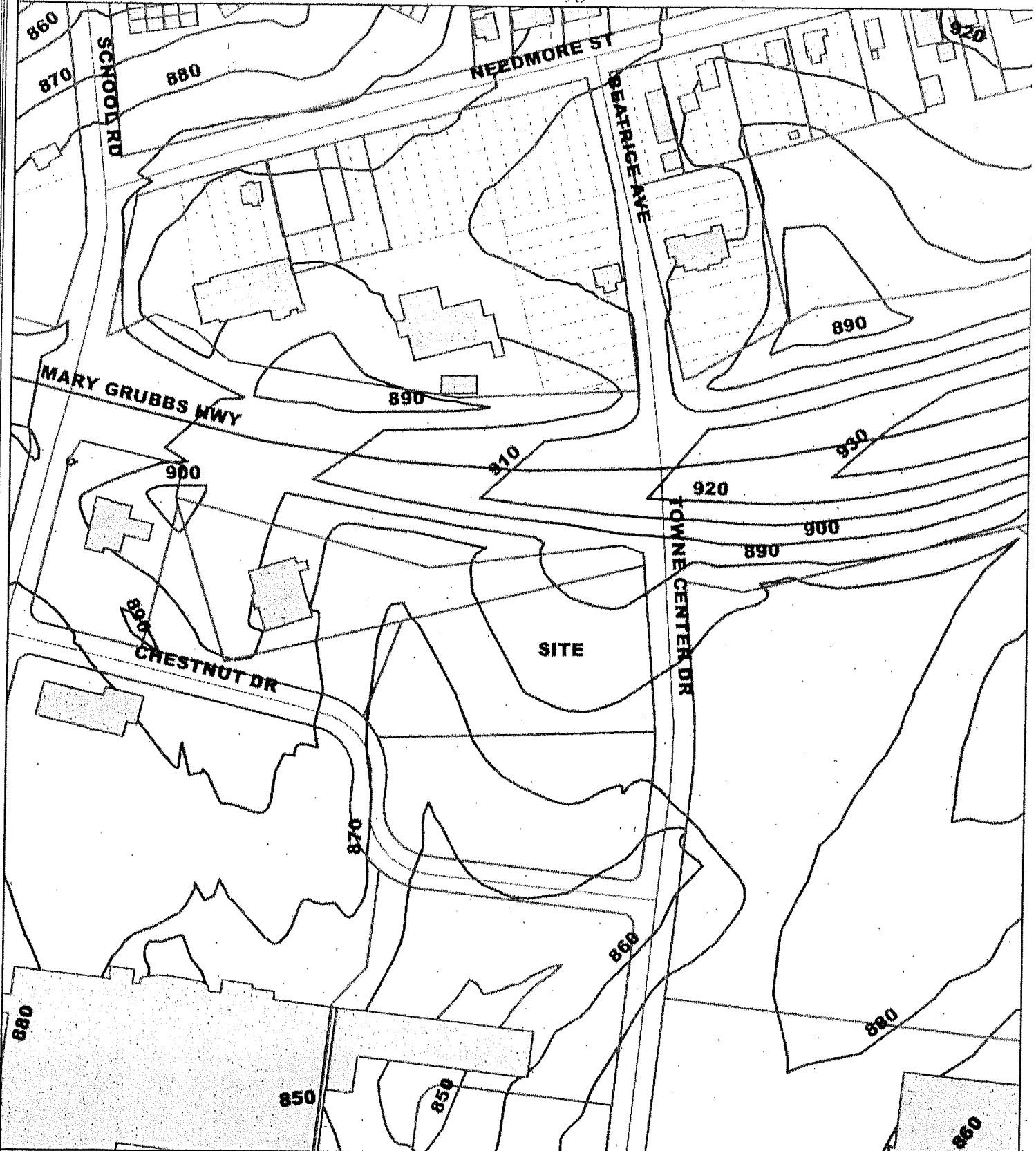
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**Boone County GIS - Putting Northern Kentucky on the Map**

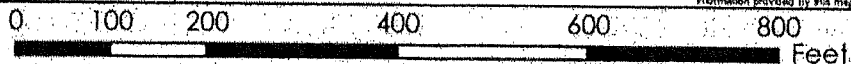
# TOPOGRAPHICAL MAP

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

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

RECEIVED  
DEC 16 2010  
BOONE COUNTY  
PLANNING COMMISSION

See Boone County Zoning Regulations  
SECTION A (To be completed by applicant)

(Check One)

1. \_\_\_\_\_ Boone \_\_\_\_\_ Florence  Walton \_\_\_\_\_ Union

(Check One)

2.  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use

3. Applicant's Name Ryan Eric/Patrick Kreis c/o Walton Towne Center, LLC  
Phone Number (513) 686-1631 Fax No. (513) 891-2467  
Applicant's Address 8044 MONTGOMERY ROAD, SUITE 520  
CINCINNATI OHIO 45236  
City State Zip

4. Description of Request: REQUESTING CONDITIONAL USE PERMIT AND APPROVAL FROM THE BOARD OF ADJUSTMENT AND ZONING APPEALS FOR THE DEVELOPMENT AND OPERATION OF A BOB SUMEREL TIRE AND SERVICE CENTER.

5. Name of Development WALTON TOWNE CENTER

6. Location of Development KY HIGHWAY 16, WALTON, KY 41094

7. Acreage Under Review 1.9668

8. Lot Number and Name of Subdivision (if part of a subdivision)  
LOT #12 WALTON TOWNE CENTER

9. Owner of Property WALTON TOWNE CENTER, LLC  
Address of Property Owner 8044 MONTGOMERY ROAD, SUITE 520 Phone No. 513-686-1631

10. CINCINNATI OHIO 45236  
City State Zip

11. Proposed Use(s) on Site OPERATION OF A BOB SUMEREL TIRE AND SERVICE CENTER AND AAA TRAVEL OFFICE SELLING FOR RETAIL TIRES AND AUTOMOTIVE SERVICES

12. Total Square Footage of Existing and/or Proposed Buildings 7,748 SQUARE FEET

13. Current Zoning on Property C-2

14. Deed Book 935 Page No. 16 Group No. 2082

15. Is the site subject to a zone change? NO, BUT CONDITIONAL USE PERMIT IS REQUIRED  
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.

ORIGINAL Property Owner's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(over)

COPY

CLUR #11-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Walton Towne Center, LLC  
8044 Montgomery Road, Suite 520  
Cincinnati, OH 45236
  
2. ADDRESS OF PROPERTY  
Chestnut Drive  
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Walton Towne Center, Lot 12
  
4. DEED BOOK 935                      PAGE NO. 16                      GROUP NO. 2082
  
5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:  
From  To  Conditional Use Permit  
 Development Plan                       Conditional Zoning  
 Subdivision Plat  
(Not Recorded)                       Other:  
 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

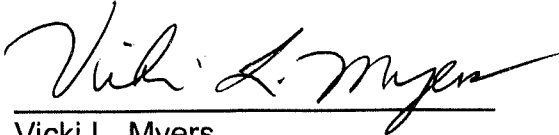
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

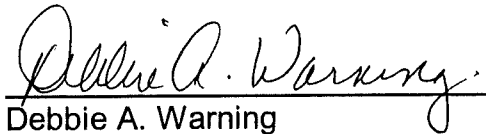
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 26 day of January, 2011.



Vicki L. Myers  
Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Debbie A. Warning  
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of January 13, 2011 Certificate of Land Use Restriction (#11-WBOA-002-A), for Walton Towne Center, LLC, Property Owner(s).

The following conditions will apply:

- 1) The approval is based on the Conceptual Site Plan and revised elevation drawings, except as modified below.
- 2) The eastern building façade shall be constructed per "Scheme A" on the revised elevation drawings.
- 3) Auto body and paint work shall not be performed on site.
- 4) No car repairs shall be performed outside the building.
- 5) No vehicle shall be stored in the parking lot for more than fourteen days.
- 6) No vehicles shall be stored outside on blocks or in any disassembled state.
- 7) Outside display or storage of car parts or accessories is prohibited.
- 8) Tow trucks shall not be kept in the parking lot.
- 9) Any building expansion or parking additions shall be subject to a new Conditional Use Permit hearing.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 935

PAGE NO. 16

GROUP NO. 2082