

71-WBOA-003-11

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  Walton  Union
- 2. (Check One)  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
- 3. Applicant's Name Peter Joseph c/o BOB SUMEREL TIRE  
Phone Number (513) 891-4724 Fax No. (513) 891-5131  
Applicant's Address ONE FINANCIAL Way Suite 310  
Cincinnati OH 45242  
City State Zip
- 4. Description of Request: Conditional Use Permit And Approval From Board of Adjustment For the Development And operation of a BOB SUMEREL TIRE And AAA TRAVEL office
- 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 #520 Phone No (513) 636-1631  
Cincinnati OH 45236  
City State Zip
- 11. Proposed Use(s) on Site operation of a BOB SUMEREL TIRE And Service Center And AAA TRAVEL office selling Retail Tires and Service
- 12. Total Square Footage of Existing and/or Proposed Buildings 8885 SF + 950 Additional
- 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: Ryan Cortel  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(over)



## STAFF REPORT

APPLICANT: Peter Joseph for Bob Sumerel Tire

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

ZONING: Commercial Two (C-2)

DATE: May 10, 2011

### PROPOSAL

The applicant has submitted a Conditional Use Permit to modify the January 13, 2011 Walton Board of Adjustment conditions for a Bob Sumerel Tire and Service Center. The following modifications are proposed:

1. Increase the size of the building from 7,748 square foot building to 9,835 square feet. The submitted plan shows that the building will be 8,885 square feet in area when it is constructed and that a 950 square foot addition could be added on to the eastern facade at a later date.
2. Increase the size of the parking lot from 40 stalls to 54 parking stalls. The submitted plan shows that the parking lot will contain 52 striped stalls when the facility is constructed. Two more parking stalls will be added if the 950 square foot building addition is constructed.
3. Changes to the approved building elevations. Major changes include:
  - A. An oversized garage bay and a knock out panel for a future garage bay are shown on the north and south elevations.
  - B. A larger storefront system and a fabric awning for the AAA office are shown on the south Elevation.

### SITE HISTORY

- 2005 - The City of Walton approves 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.
- 1/13/11 - The Walton Board of Adjustment approved a Conditional Use Permit for a 7,748 square foot Bob Sumerel Tire and Service facility. The following conditions were imposed on the approval:
1. The approval is based on the Conceptual Site Plan and revised elevation drawings, except as modified below.

2. The eastern building facade 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.

#### 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 feet above sea level at Chestnut Drive. A water main is located along Chestnut Drive and a sanitary sewer main terminates at the southern property line.

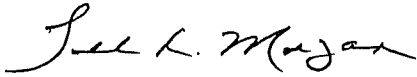
STAFF COMMENTS

1. A copy of the 1/13/11 Walton Board of Adjustment draft meeting minutes have been attached to the Staff Report for review.
2. Staff would like the applicant to address the additional garage bay that is shown on the elevation drawings.
3. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.
4. Staff recommends the following conditions if the request is approved:
  - A. The approval is based on the submitted plans and elevation drawings.
  - B. The future garage bay shall match the other garage bays.
  - C. Auto body and paint work shall not be performed on site.
  - D. No car repairs shall be performed outside the building.
  - E. No vehicle shall be stored in the parking lot for more than fourteen days.
  - F. No vehicles shall be stored outside on blocks or in any disassembled state.
  - G. Outside display or storage of car parts or accessories is prohibited.
  - H. Tow trucks shall not be kept in the parking lot.
  - I. Additional building expansion or parking additions shall be subject to a new Conditional Use Permit hearing.

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/dw

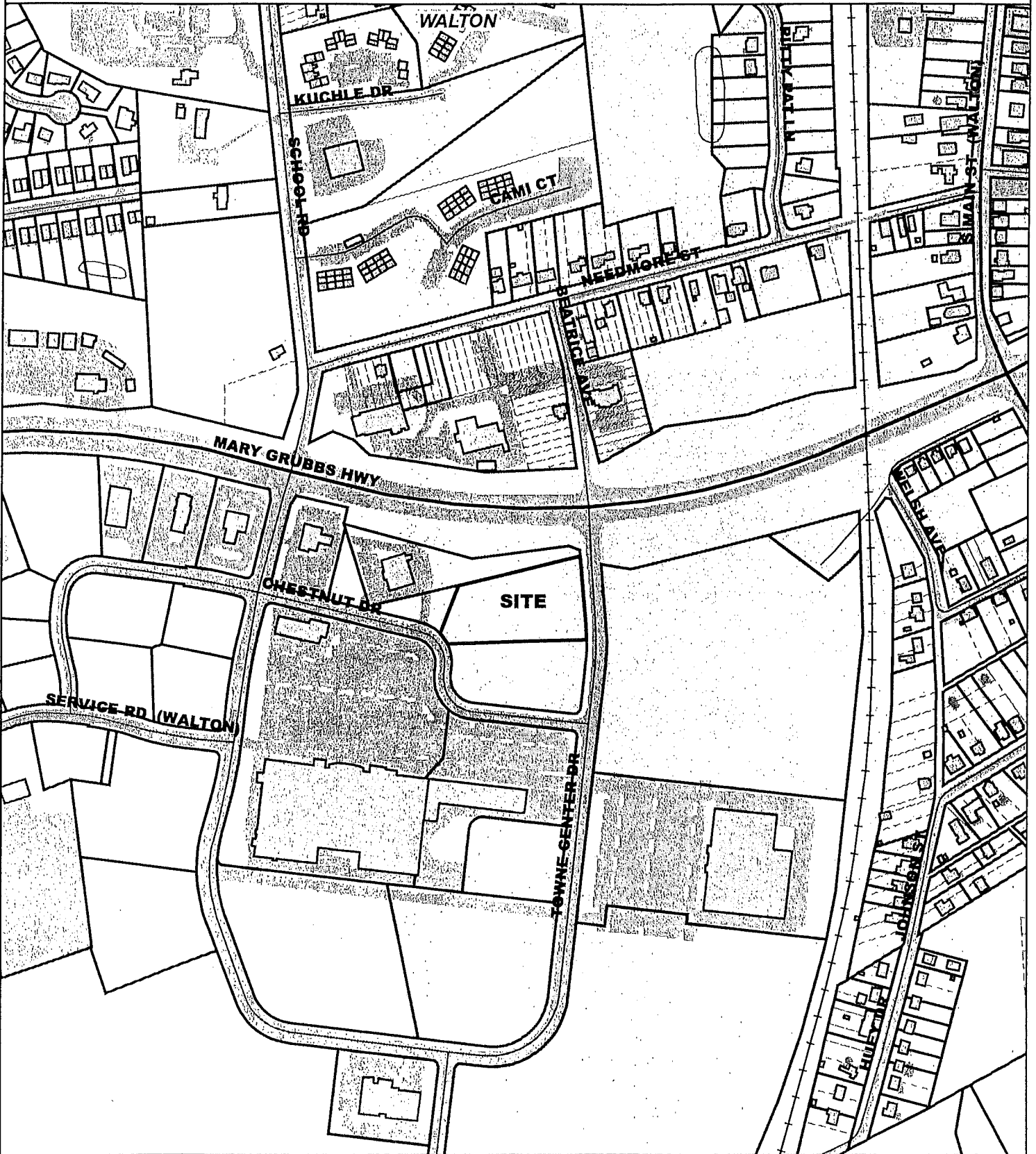
Attachments

- \*Site Vicinity Map
- \*Letter From the Applicant
- \*Conceptual Site Plan
- \*Building Elevation Drawings
- \*1/13/11 Approved Plan
- \*1/13/11 Approved Elevations
- \*1/13/11 Draft Meeting Minutes
- \*2009 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*Application

# SITE VICINITY MAP

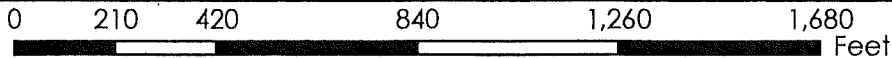
11-003

www.boonecountygis.com



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

April 18, 2011

Boone County Planning Commission  
Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

RE: Walton Towne Center  
Conditional Use Permit (BOA)

Dear Sir or Madam:

We are requesting the consideration of the Board of Adjustment and Zoning appeal to allow for the construction and subsequent operation of a Bob Sumerel Tire and Service Center with an AAA Travel Center on Lot #12 of the Walton Towne Center in Walton, Kentucky.

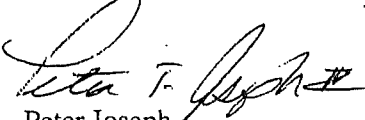
On January 13, 2011 the Walton Board of Adjustment granted a Conditional Use Permit for a 7,748 square foot Bob Sumerel Tire location on Lot #12. Since that approval, Bob Sumerel Tire has increased the foot print of the building to 8,885 square feet. The increase in size is attributable to the main office component, where AAA Travel and Insurance will be operating. Neither the number of bays nor the size of those bays has been increased. It should also be noted that the parking field has increased to 52 parking spaces from the original 40 parking spaces granted. The enclosed site plan shows that the added parking is along the north boundary of the site and gives the site a more squared off look. Secondly, Bob Sumerel Tire/AAA is confident that the Walton location will be a top performing store and the additional parking was added in light of any future expansion of the building. The site plan shows the possibility for future expansion to be roughly 950 square feet.

As to the conditions made in the January 13, 2011 Conditional Use Permit:

- The eastern façade has been changes to reflect the increase in brick detail
- Auto body and paint work will not be performed on site
- No vehicle repair shall be performed outside the building
- No vehicle shall be stored in the parking area for more than fourteen days
- No vehicle shall be stored outside on blocks or in any disassembled state
- Outside display or storage of car parts or accessories will be prohibited
- Tow trucks will not be kept in the parking lot area

It is the hope of Bob Sumerel Tire and Service that their request for the Conditional Use Permit be approved in its current state with the increase to 8,885 SF and 52 parking spaces.

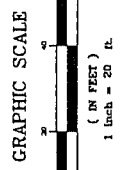
Thank you in advance for your consideration.



Peter Joseph  
Midland Retail

Current Proposal

Mary Grubbs Highway  
(KY HWY. 14 & 16)

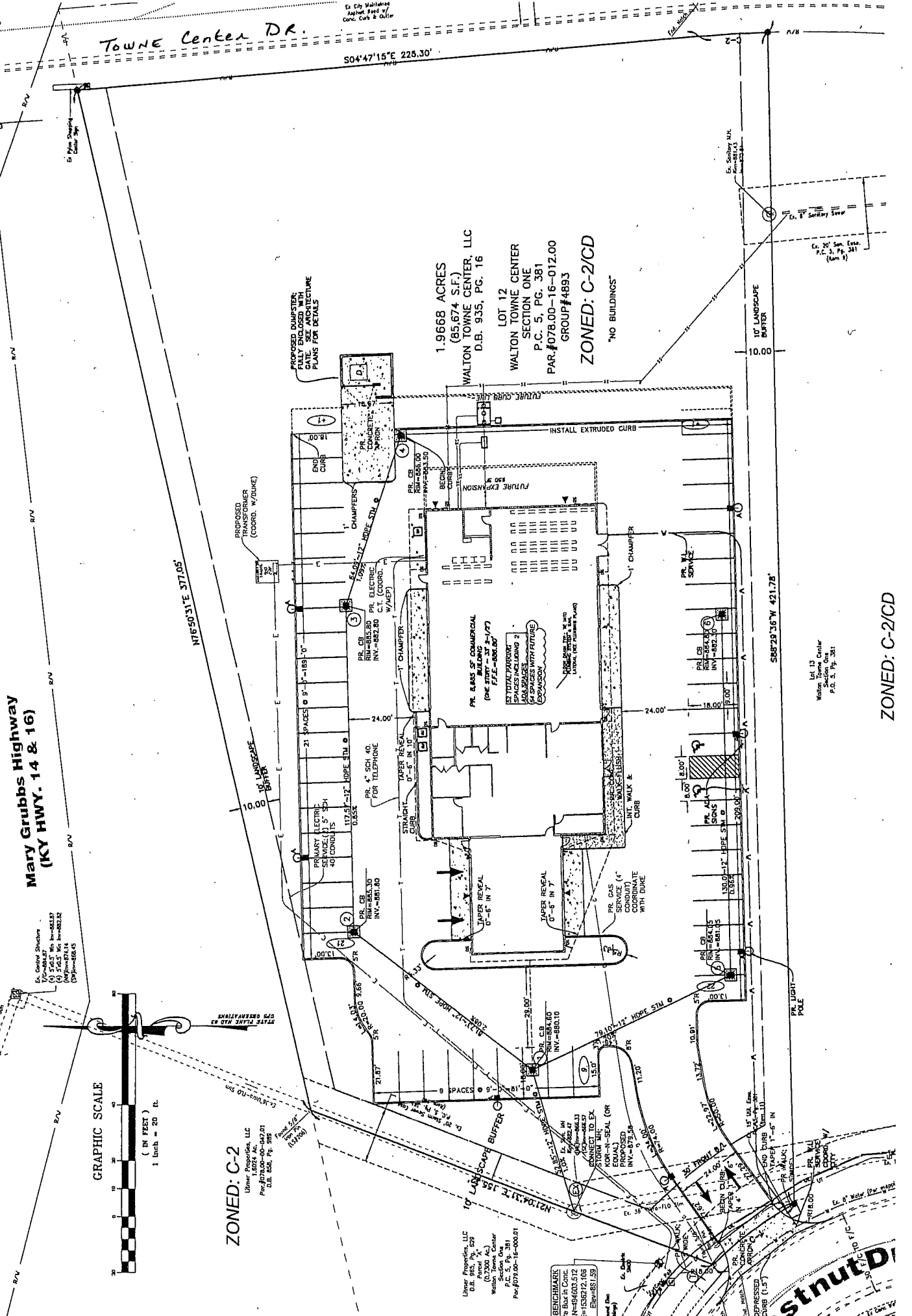


ZONED: C-2

Urban Properties, LLC  
1.8024 AC.  
P.O. #078.00-00-042.01  
D.B. 935, Pg. 399

Urban Properties, LLC  
D.B. 935, Pg. 329  
Parcel X  
Walton Towne Center  
P. Section One  
P. Section One  
P.O. #078.00-16-000.01

BENCHMARK  
At Square Box in Conc.  
N=84683.512  
E=1536212.106  
Elev=881.159



Towne Center DR.

S04°47'15"E 225.30'

N16°50'31"E 371.05'

S88°29'36"W 421.78'

1.9668 ACRES  
(85,674 S.F.)  
WALTON TOWNE CENTER, LLC  
D.B. 935, PG. 16  
LOT 12  
WALTON TOWNE CENTER  
SECTION ONE  
P.C. 5, PG. 381  
PAR.#078.00-16-012.00  
GROUP#4893  
ZONED: C-2/CD  
"NO BUILDINGS"

Lot 12 Center  
Section One  
P.O. 5, Pg. 381

ZONED: C-2/CD

hestnut Dr



PROVIDED FOR THE USE OF THE CLIENT AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

**BOB SUMEREL  
TIRE**  
WALTON TOWNE CENTER  
WALTON, KENTUCKY



**Hub + Weber  
Architects, PLC**

143 Creechey Street  
Cincinnati, KY 45201  
PH: 852-487-3144  
FX: 852-487-3213  
hw@hubweber.com

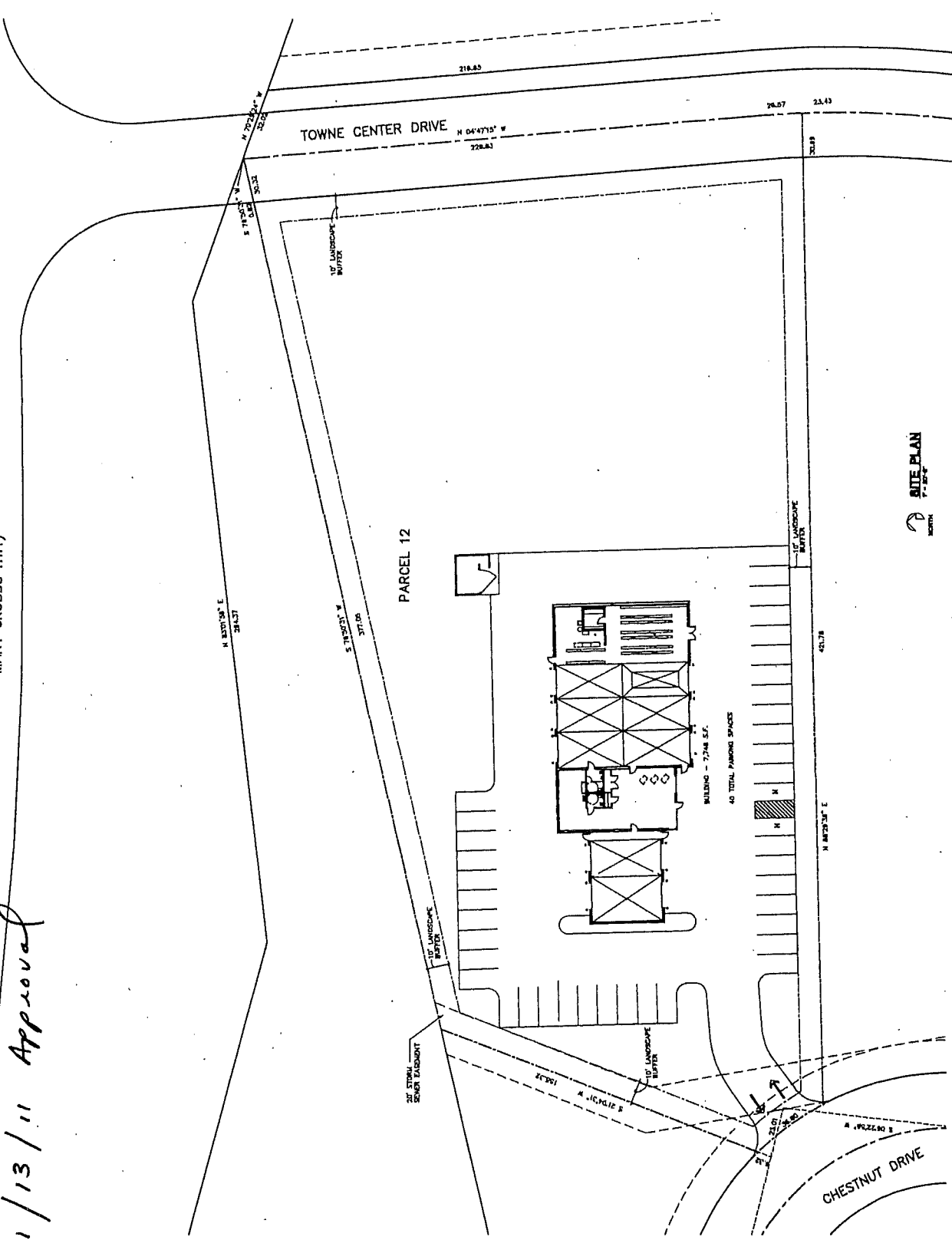
ISSUED: 01.13.11  
PROJECT:

SITE PLAN

**C101**

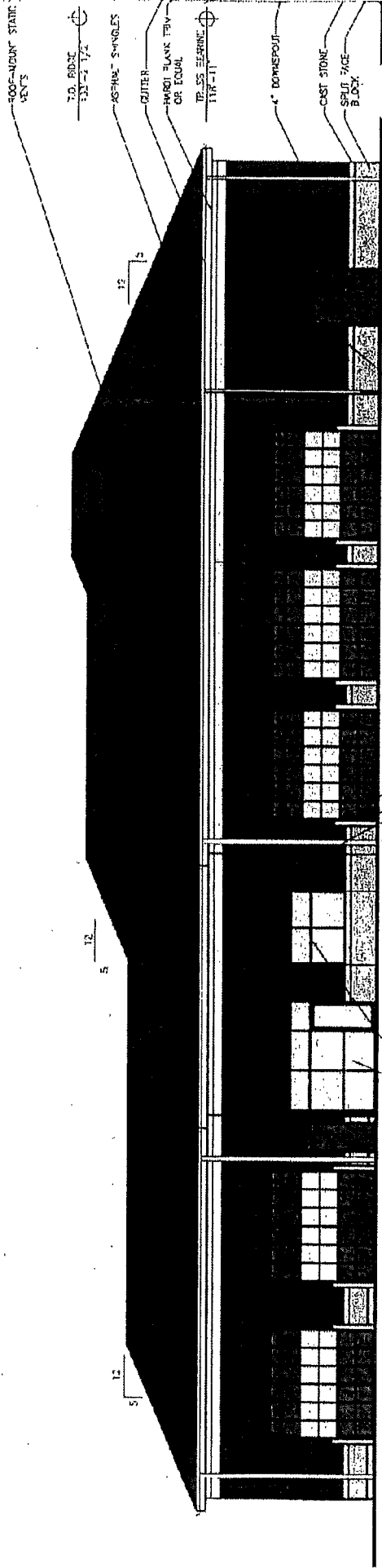
MARY GRUBBS HWY

*1/13/11 Approval*

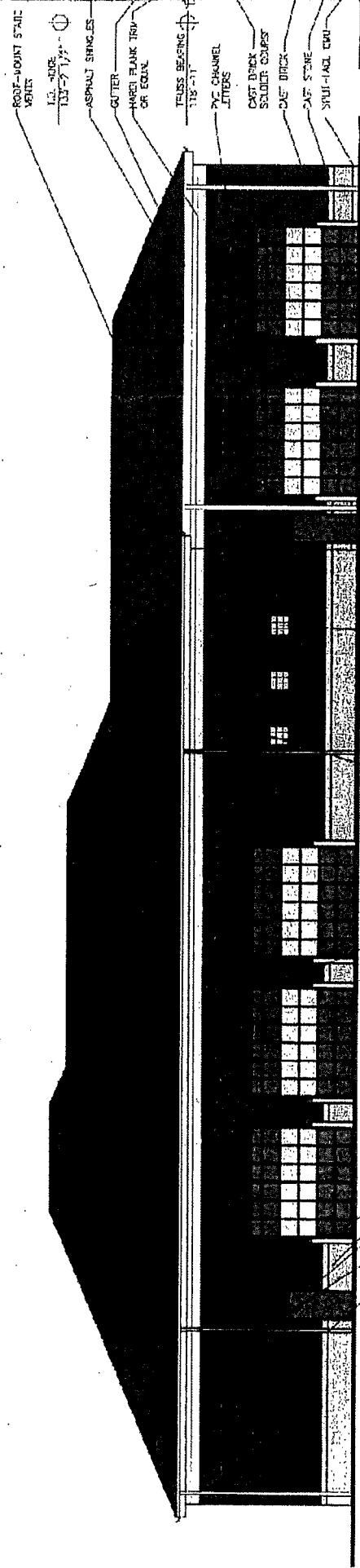


**SITE PLAN  
PART 1**

# 1/13/11 APPROVAL

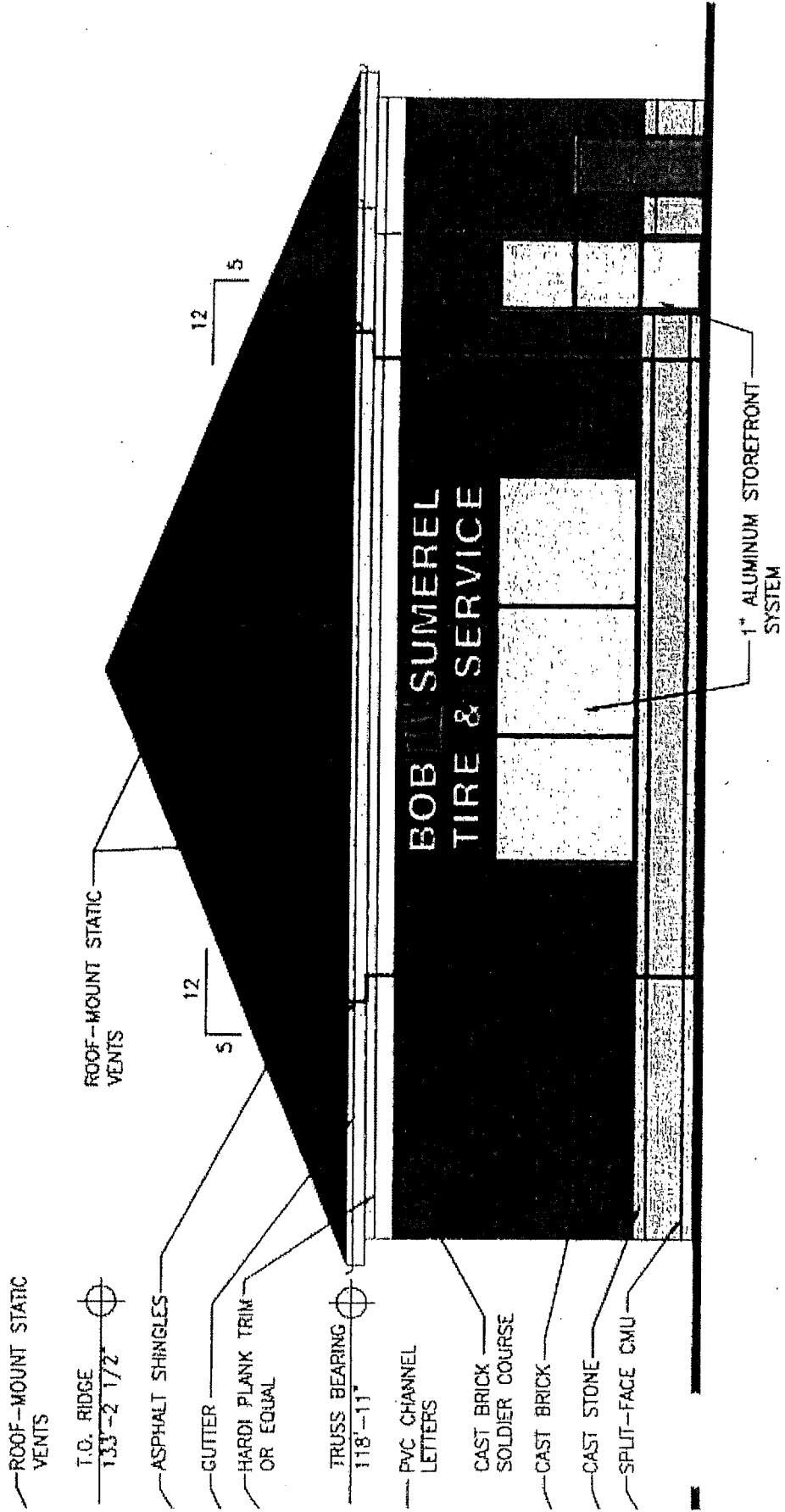


**SOUTH ELEVATION**  
18' - 1'-0"



**NORTH ELEVATION**  
18' - 1'-0"

1/13/11 APPROVAL



**WEST ELEVATION**

1/8" = 1'-0"

# 1/13/11 APPROVAL

I.O. RIDGE  
133'-2 1/2"

ASPHALT SHINGLES

12

GUTTER

HARDI PLANK TRIM  
OR EQUAL

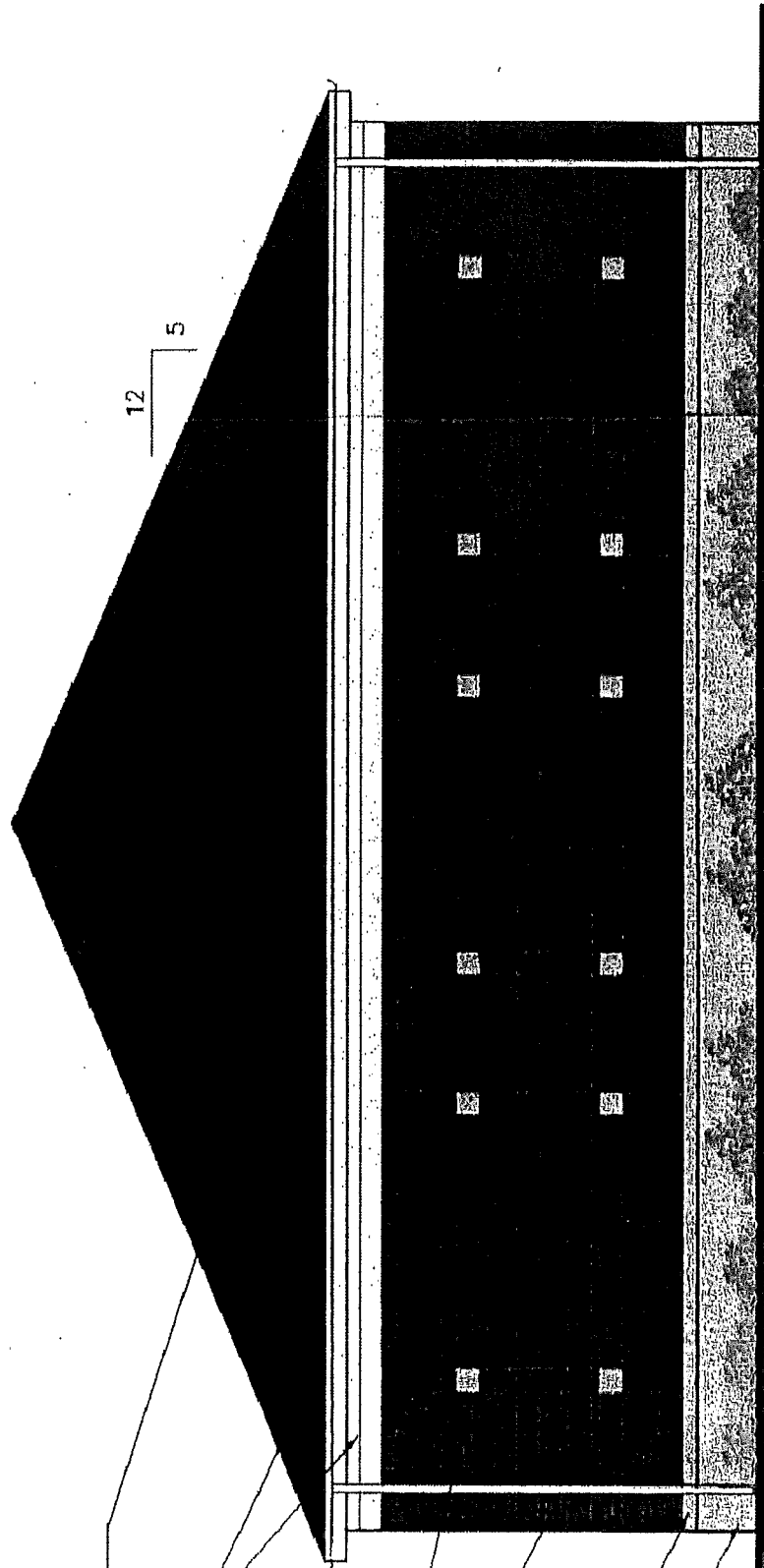
TRUSS BEARING  
118'-11"

CAST STONE  
ACCENT

4" DOWNSPOUT

CAST STONE

SPLIT FACE



EAST ELEVATION - SCHEME A  
3/8" = 1'-0"

Motorcycle Program owns the motorcycles and they loan them to Balance Dynamics during the training season. They thought it would be a good idea to have a motorcycle or two for sale instead of recommending a trainee to a dealer. They do not plan on servicing motorcycles or selling accessories. They are going to buy motorcycles at auction and he will do repairs at his house. There isn't a lot of space in their building when the training motorcycles are there. He thinks they will have up to two motorcycles in the garage that will be for sale. They will not be making any exterior changes to the building. They are not thinking about displaying motorcycle Motorcycle Program owns the motorcycles and they loan them s at the street because they usually have their backs turned when training is going on. Somebody in a pickup could take a bike very quickly. They are only intending to sell to students and will only sell bikes when classes are being offered. He thinks they will sell one or two motorcycles a month during training season (April to November).

Mr. Heckel introduced Dinah Meister. She is one of the owners of Balance Dynamics Motorcycle Training. Ms. Meister said they would be glad to any questions the Board had.

Mr. Turner asked if anybody in the audience wanted to speak in favor or in opposition to the request? There was no response.

Mr. Turner asked the Board if they had any questions?

Mr. Bridges asked what would happen if the sales were to expand? Mr. Morgan said Staff would have to look at what they were proposing to do. Outside sales would probably have to come back through the process because their application indicates they would only sell motorcycles inside the building. Staff may call it a minor revision if a building expansion were proposed and motorcycle sales remained in the building.

**Mr. Turner asked for a motion. Mr. Bridges moved to grant the Conditional Use Permit as requested and Mr. Flynn seconded the motion. Mr. Turner asked for a vote and it carried unanimously.**

2. **Request of Ryan Ertel for Walton Towne Center, LLC for a Conditional Use Permit to allow the construction of a Bob Sumerel Tire and Service Center on Lot 12, Walton Towne Center Subdivision, Walton, Kentucky. The property has frontage on Chestnut Drive and Towne Center Drive and is located immediately to the east of Walton Pharmacy. The property is currently zoned Commercial Two (C-2).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Turner asked the applicant if he would like to speak regarding the proposal? Mr. Ryan Ertel, with Regency Centers, said they were the current property owners. He said Paul Simon, with Bob Sumerel Tire and Service, was present with him.

Mr. Ertel said they would start by addressing Staff's questions:

- A. What are the proposed hours of operation? Monday and Wednesday - 7:30 AM to 7:30 PM; Tuesday, Thursday, and Friday - 7:30 AM to 6:00 PM; Saturday - 8:00 AM to 4:30 PM; Sunday 9:00 AM to 3:00 PM.
- B. What kind of repairs are performed on site? Mr. Simon said Bob Sumerel doesn't do any body or paint work. The majority of their work is tires, oil changes, preventative maintenance, and other light repairs. They usually have a Master Technician on duty so they can diagnose and repair any car that comes in.

DRAFT

He said one correction he would like to mention is that the building has 8 service bays. There are only two oil change bays. The oil change entrances are on one side of the building and the exits are on the other.

**DRAFT**

- C. Is a 40 stall parking lot needed for this size facility? Mr. Ertel said the current zoning requirement is two spaces per service bay and they would be required to provide a minimum of 16 spaces. The 40 stalls they are proposing are consistent with other Bob Sumerel facilities. On average they utilize 10 spaces for their employees. This store is also being proposed with a AAA office and they will utilize 2 more stalls. The remaining 28 stalls would be utilized by customers. Mr. Simon added that they typically work on 25 to 40 cars a day. A lot of customers will drop cars off and pick them up at the end of the day. The extra stalls help keep this many cars on site. Mr. Ertel stated approximately 75% of the customers wait for their vehicles and the average wait time is 2 hours. Mr. Simon said most customers that wait are there for tire repairs and that typically takes 25 minutes. Mr. Ertel said there is typically 20 vehicles on site at any given time.
- D. Will tow trucks be kept on site? Mr. Ertel stated that Bob Sumerel does not keep any tow trucks on site.
- E. How long can non-operational vehicles be kept on site? Mr. Ertel said 99% of the vehicles are gone within two weeks. Mr. Simon clarified there is occasionally an issue with a customer leaving a vehicle. They start charging a storage fee after 3 days. This allows to apply for the title legally and remove the vehicle from site. This may happen once or twice a year.
- F. Are any vehicle accessories (tires, fluids, etc.) displayed outside during business hours? Mr. Ertel said nothing will be displayed outside.
- G. Are any outside storage areas (tires, parts, etc.) being proposed? Mr. Ertel said no outside storage areas are proposed.
- H. Do the elevation drawings clearly reflect the colors of the building and roofing? Mr. Ertel submitted revised elevation drawings (see Exhibit 1). He stated that Regency Centers has recommended a shingle roof to Bob Sumerel Tire so the building would be more consistent with the Bank of Kentucky, Heritage Bank, and Walton Pharmacy. They have also made some revisions to the east elevation based on Staff's recommendations.
- I. Is the roof equipment shown in the pictures being proposed on the subject building? Mr. Ertel said there will be some roof equipment but they are hoping to do as little as possible. Mr. Simon said the pictures show so many vents because Hamilton Township and Warren County required a special evacuation system. This is the only facility where they had to use that system. He isn't sure what Boone County requires but they usually use a much less obtrusive system to exhaust the 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. Mr. Ertel referred to the revised elevation drawings.
- K. What type of site lighting is proposed? Mr. Ertel said they will be doing the standard light poles and wall packs. Mr. Morgan if they had an approximate height on the light poles. Mr. Simon said a real approximate estimate is 20 feet.
- 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? Mr. Ertel said they do have building material guidelines for the subdivision. He submitted a copy of the recorded document (see exhibit 2).

Mr. Ertel offered to answer any questions that the Board had.

Mr. Flynn asked if the AAA office that was being contemplated in the building would involve 24 hour roadside assistance or wreckers bringing cars to the facility 24 hours a day. Mr. Simon and Mr. Ertel said the AAA office would be a retail office that would sell travel packages and insurance products. It would not be a dispatch operation.

Mr. Flynn asked if the submitted plans would follow through to another user if the Board approved the request and Bob Sumerel Tire did not construct or occupy the building. Mr. Wilson said the plans would be part of the approval as long as the Board made them part of the conditions.

Mr. Bridges asked if the pictures and Conceptual Site Plan could be shown again. He said the area immediately to the east of the proposed parking lot is pretty flat. He asked if there was any plan to expand the parking lot? Mr. Ertel said they initially identified Bob Sumerel Tire for this lot because it's the least visible from Mary Grubbs Highway. The facility could fit on a 1 or 1.25 acre lot and this lot is two acres in area. They contemplated subdividing the lot but there would be issues with sanitary sewer, access, and cross parking. Subdividing the lot really isn't a good alternative because the lot in the back would be hidden after Sumerel Tire was built. The extra land will give Sumerel Tire and the AAA office the flexibility to expand in the future. Mr. Bridges asked if the additional space would be a lawn? Mr. Ertel said it would be green space until such time that Bob Sumerel Tire or the AAA office wished to expand.

Mr. Morgan said the Board could impose a condition stating that the approval is based on the submitted plans and elevation drawings if Mr. Ertel's response concerns them. That way the parking area would be limited to 40 parking stalls.

Mr. Turner said he understands that there can be an issue with abandoned vehicles and there is a time associated with getting the title free and clear. He asked if there could be a condition allowing one vehicle to stay on the lot for 30 days? Mr. Morgan said the junk yard definition states that it's the presence of two or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days. Mr. Turner said if they repair the car it's operational. Mr. Morgan agreed.

Mr. Wilson said it sounds like they are considering a condition dealing with operational vehicles and how long they can stay there. Mr. Morgan stated that they should discuss his recommended condition (2D.) which deals with this issue. The recommended condition reads that "no vehicle shall be stored in the parking lot for more than fourteen days." He said that condition would not prohibit them from keeping nonoperational vehicles inside the building.

DRAFT

Mr. Flynn asked how Sumerel Tire handles situations where repairs are made, a bill is disputed, and the vehicle sits in the lot? Mr. Simon said the more likely scenario is a vehicle comes to the facility, it's not worth fixing, and the owner leaves it on site. He said this might happen once or twice a year. He said there are also occurrences where an owner doesn't come back for a couple of weeks because they don't have the money to pay for the repairs. These vehicles are moved inside and out of the building each day so they just aren't sitting on the lot.

Mr. Turner asked if they should condition what scheme they would like to see for the east elevation? Mr. Morgan said that is something the Board can discuss. The Board can select the original drawing, Scheme A, Scheme B, or give them the option of doing any 1 of the three alternatives. Mr. Turner said he was ok with either Scheme A or B.

Mr. Bridges stated they would certainly have oil and antifreeze capture. He asked if the Board had to worry about any of the environmental requirements? Mr. Morgan responded those issues would be addressed when they submitted for Building Permit.

Mr. Turner asked if there was anybody else in the audience that wanted to speak in favor or in opposition to the request? There was no response.

Mr. Bridges asked if Towne Center Drive could be used for access? Mr. Morgan responded that would be a major change that would be subject to another Conditional Use Permit. The submitted plans do not show an access point on Towne Center Drive. He recommended that the Board could further clarify his condition by stating that any future building or parking additions would have to come back to the Board.

Mr. Morgan said he would also recommend a condition stating that tow trucks cannot be kept on site. This recommendation is based on earlier testimony that Sumerel Tire doesn't have tow trucks.

Mr. Flynn asked if they should have a condition dealing with a junk yard? He added it would it would be good to have a condition in case Sumerel Tire left the building sometime in the future. Mr. Turner asked if Staff's recommended condition (2D.) would prevent a junk yard? Mr. Morgan said it would.

Mr. Bridges said he would be ok with tow trucks as long as they were not stored outside. Mr. Morgan stated that Bob Sumerel's operation only involves tow trucks dropping vehicles off at the facility. No tow trucks stay on site.

Mr. Bridges asked if the AAA office is a conforming C-2 use. Mr. Morgan said it is a principally permitted use and one parking space is required for every 250 square feet of office area. Mr. Bridges said a Conditional Use Permit would not be needed if the building was only a AAA office. Mr. Morgan agreed.

**Mr. Bridges made a motion to approve the request based on the Staff Report and with the following conditions:**

- 1. The approval is based on the Conceptual Site Plan and revised elevation drawings, except as modified below.**

DRAFT

**DRAFT**

- 2. The eastern building facade 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.

Mr. Flynn seconded the motion. Mr. Turner asked for a vote and it carried unanimously.

**Adjournment**

Mr. Turner asked for a motion to adjourn. Mr. Flynn so moved and Mr. Bridges seconded the motion. The motion carried by unanimous consent at the meeting adjourned at 7:26 p.m.

**APPROVED**

---

**Steve Turner**  
Chairman

**Attest:**

---

**Todd K. Morgan, AICP**  
Senior Planner, Zoning Services

**Exhibits**

- #1 - Revised Building Elevation Drawings
- #2 - Walton Towne Center Approved Building Materials

# 2009 AERIAL MAP

www.boonecountygis.com



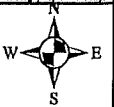
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0 210 420 840 1,260 1,680 Feet

1 Inch = 400 feet



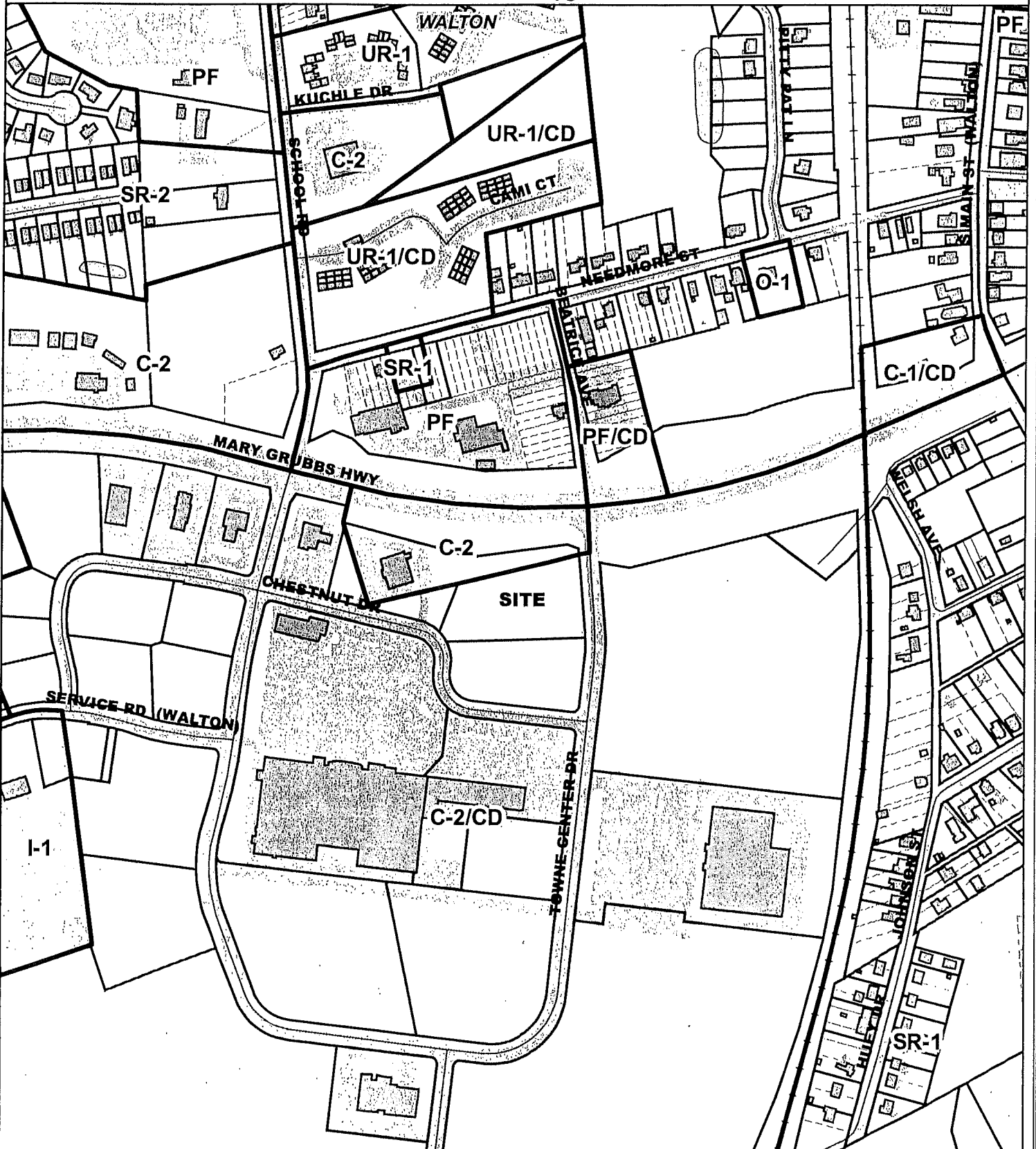
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Map Created: 01/01/2008

Boone County GIS - Putting Northern Kentucky on the Map  
ArcMap Document: \*.mxd

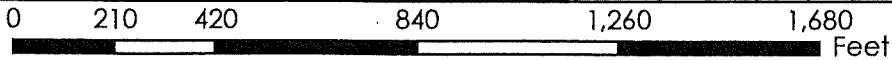
# ZONING MAP

www.boonecountygis.com

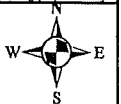


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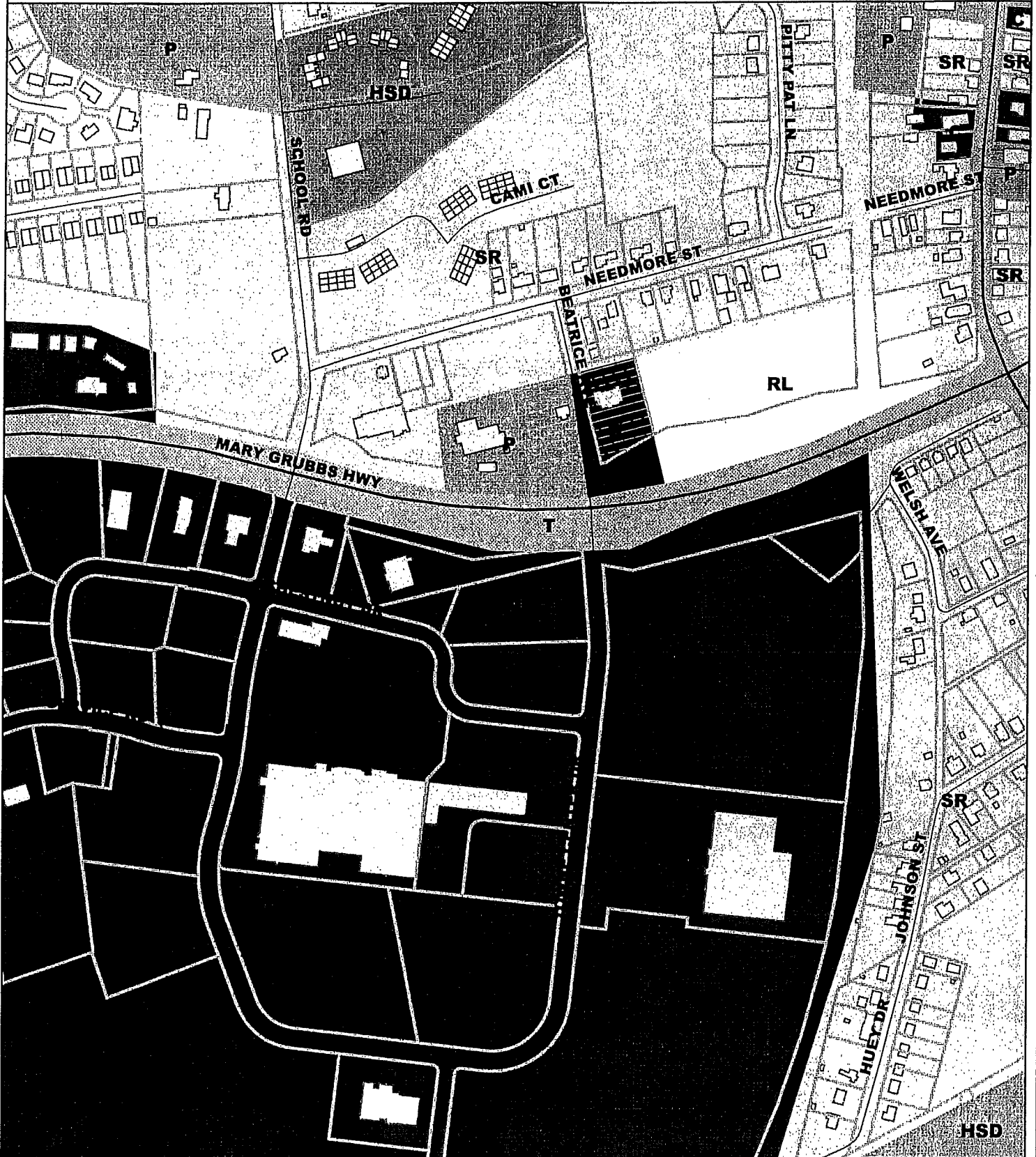
1 inch = 400 feet



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

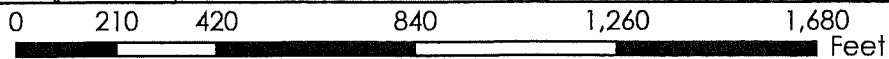
# FUTURE LAND USE MAP

www.boonecountygis.com



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1 inch = 400 feet



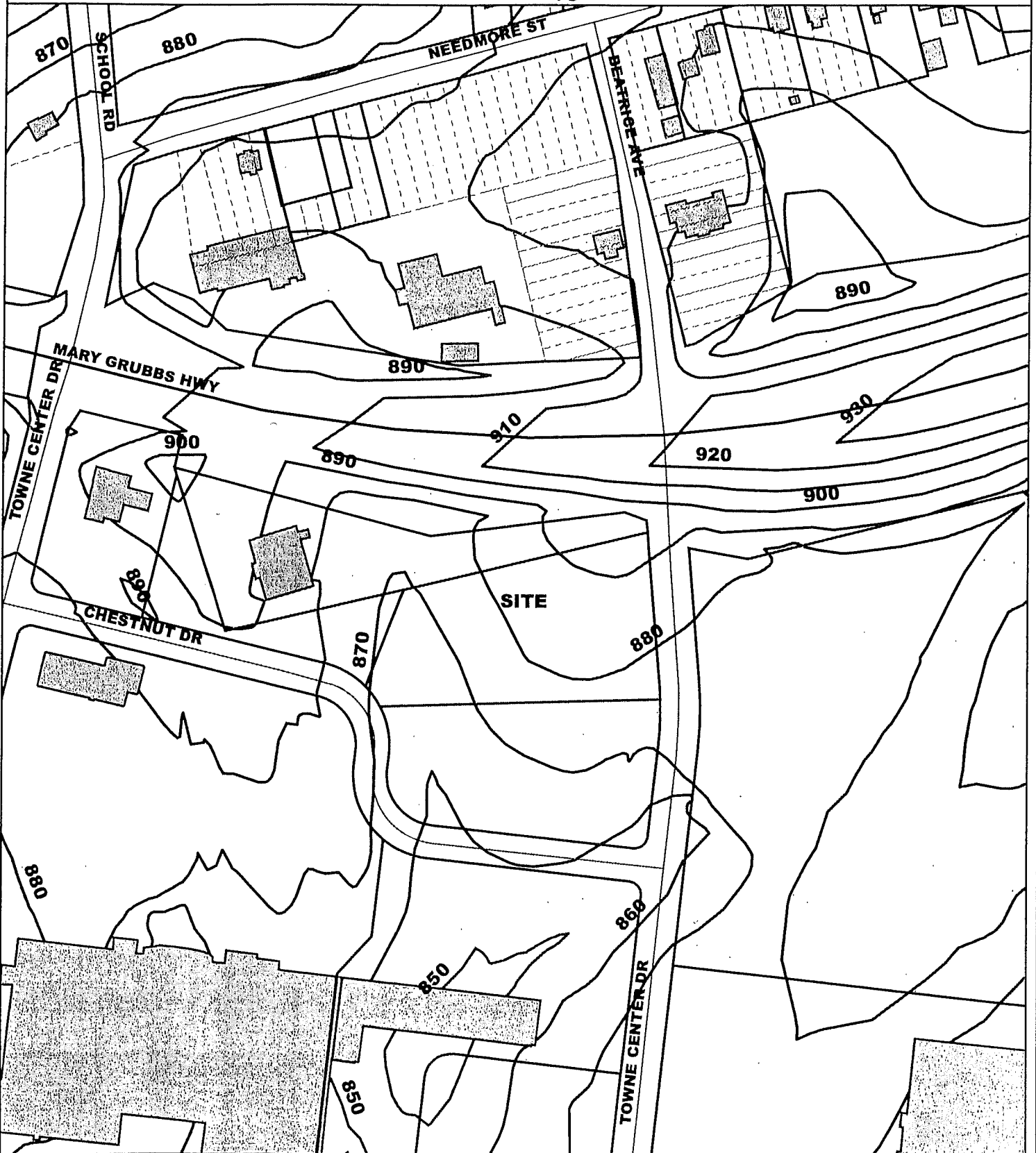
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Map Created: 01/01/2009

Boone County GIS  
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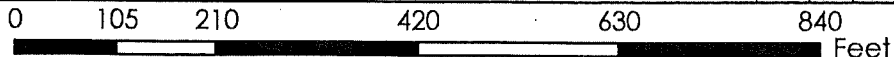
# TOPOGRAPHICAL MAP

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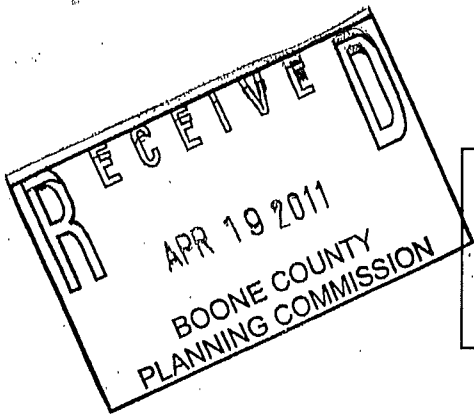


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**Boone County GIS - Putting Northern Kentucky on the Map**



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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 Peter Joseph c/o BOB Sumner Tire
Phone Number (513) 891-4724 Fax No. (513) 891-5131
Applicant's Address ONE FINANCIAL Way Suite 310
Cincinnati OH 45242
City State Zip
4. Description of Request: Conditional Use Permit And Approval From Board of Adjustment For the Development And operation of a BOB Sumner Tire And AAA TRAVEL office
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 #320 Phone No (513) 686-1631
Cincinnati OH 45236
City State Zip
11. Proposed Use(s) on Site operation of a BOB Sumner Tire And Service Center And AAA TRAVEL office selling Retail Tires and Service
12. Total Square Footage of Existing and/or Proposed Buildings 8885 SF + 950 Additional
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: Ryan Cortel
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(over)

COPY

CLUR #11-WBOA-003-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)  
Bob Sumerel Tire and Service Center

4. DEED BOOK 935                      PAGE NO. 16                      GROUP NO. 2082

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:                       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

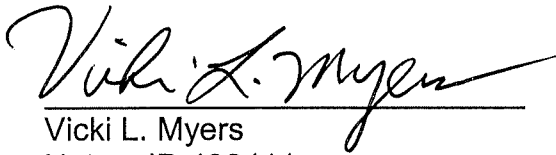
  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

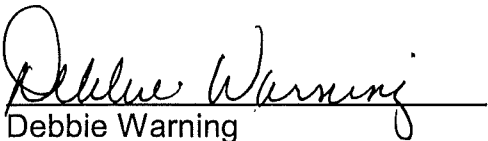
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 11 day of May, 2011.



Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie 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 May 10, 2011 Certificate of Land Use Restriction (#11-WBOA-003-A), for Walton Towne Center, LLC, Property Owner(s).

The following conditions will apply:

- 1) The approval is based on the submitted plans and elevation drawings.
- 2) The future garage bay shall match the other garage bays.
- 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) Additional 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