

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

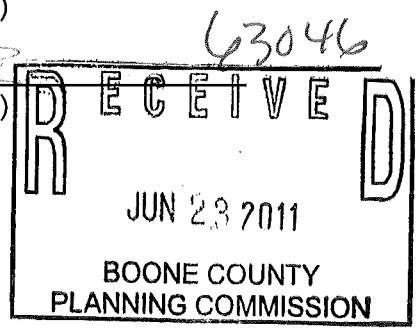
See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 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
Phone Number (513) 891-4724 Fax No. (513) 891-5131
Applicant's Address One Financial Way Suite 310
Cincinnati OH 45242
4. Description of Request: A Conditional Use Permit and Approval For the
operation of a AAA Travel/Insurance Ad Retail and Small Time Service Center
5. Name of Development Walton Travel Center
6. Location of Development KY Highway 16, Walton, KY 41074
7. Acreage Under Review 1.7668
8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot #12 Walton Travel Center
9. Owner of Property AAA-Allied - Walton KY LLC
Address of Property Owner 15 West Central Parkway Phone No. (513) 766-8766
Cincinnati OH 45202
10. City State Zip
11. Proposed Use(s) on Site operation of a AAA Travel/Insurance POB
Service Time Ad Service Center Selling Retail Tires and Automotive Service
12. Total Square Footage of Existing and/or Proposed Buildings 9406 SF
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: Craig D. Samuel
(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)



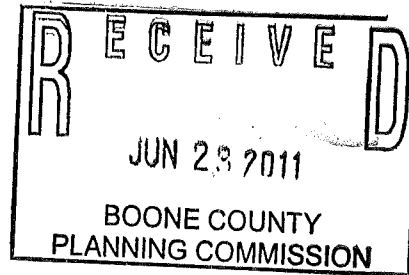
**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

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

63046

1. Date Received 6/23/11 Fee Received 1,082.00
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 8/8/11 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE 8/8/11 Meeting Minutes  
AND CLUR
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: Peter Joseph for Bob Sumerel Tire

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

ZONING: Commercial Two (C-2)

DATE: July 28, 2011

### PROPOSAL

The applicant has submitted a Conditional Use Permit to modify the May 10, 2011 Walton Board of Adjustment conditions for a AAA office and Bob Sumerel Tire and Service Center. A condition was imposed on that approval which required the facility to be constructed per the submitted plans. The following changes are proposed:

1. The approved plan shows that the building will be 8,885 square feet in area at initial construction and that a 950 square foot addition will be added on to the eastern facade at a later date (9,835 square feet total). The proposed plan shows that the building will be 8,445 square feet at initial construction and that a 961 square foot addition will be added onto the eastern facade at a later date (9,406 square feet total).
2. The approved plan showed that the parking lot will contain 52 striped stalls at initial construction and that 2 more stalls will be added once the 950 square foot building addition is constructed. The proposed plan shows a car drop off area in front of the office and 50 striped parking spaces.
3. The approved building elevations show a hipped roof, fabric awnings, brick detailing, 12 garage bays, and a AAA office in the center of the building. The proposed plans show a flat roof, 10 garage bays, and a AAA office on the west side of the building.

### SITE HISTORY

5/10/11 - The Walton Board of Adjustment approved a Conditional Use Permit to modify the 1/13/11 approval. The square footage of the building was increased to 9,835 square feet and the parking was increased to 54 stalls. New building elevations were also approved. The following conditions were imposed on the approval:

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.

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 with 40 parking stalls. 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.

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.

#### 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 use 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

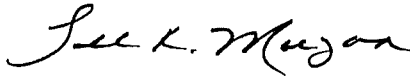
1. Copies of the 1/13/11 and 5/10/11 Walton Board of Adjustment draft meeting minutes have been attached to the Staff Report for review.
2. Staff would like the applicant to address the following:
  - A. Why does the building design keep changing?
  - B. Will any roof equipment be visible from the subdivision or Mary Grubbs Highway?

- C. Explain why a car drop off area is being proposed?
3. Staff believes that the last building was more aesthetically pleasing. The hipped roof and amount of brick detailing gave the building more personality.
  4. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.
  5. Staff recommends that Board should reuse conditions 1 through 9 from the 5/10/11 approval if the request is granted.

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

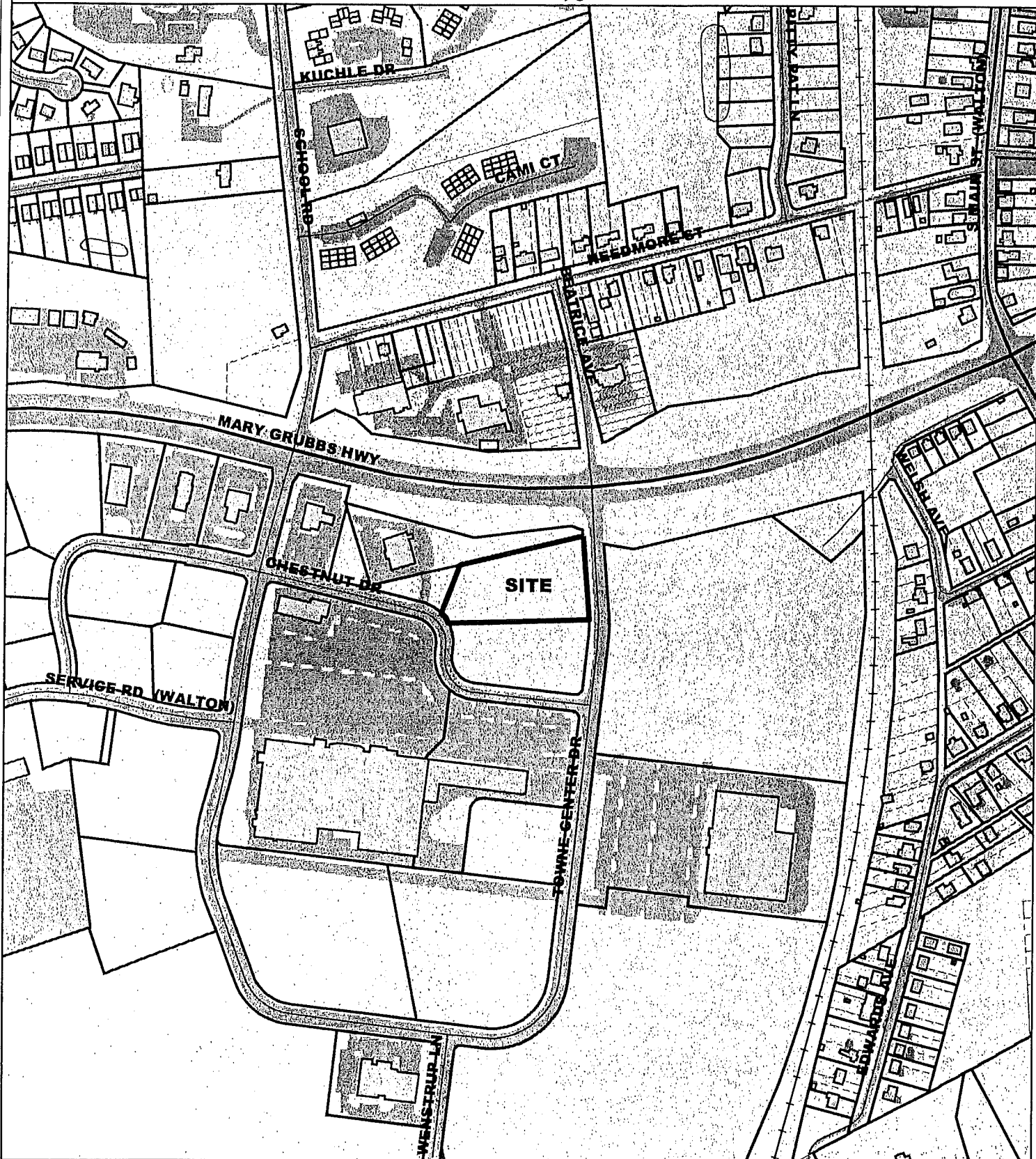
TKM/dw

Attachments

- \*Site Vicinity Map
- \*Proposed Plan
- \*Proposed Building Elevations
- \*1/13/11 Approved Plans
- \*5/10/11 Approved Plans
- \*2009 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*1/13/11 Meeting Minutes
- \*5/10/11 Draft Meeting Minutes
- \*Application

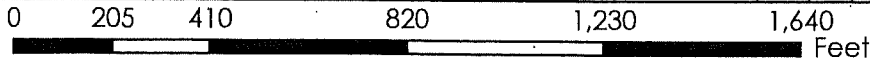
# SITE VICINITY MAP

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1 Inch = 400 feet



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

Map Created: 01/01/2008

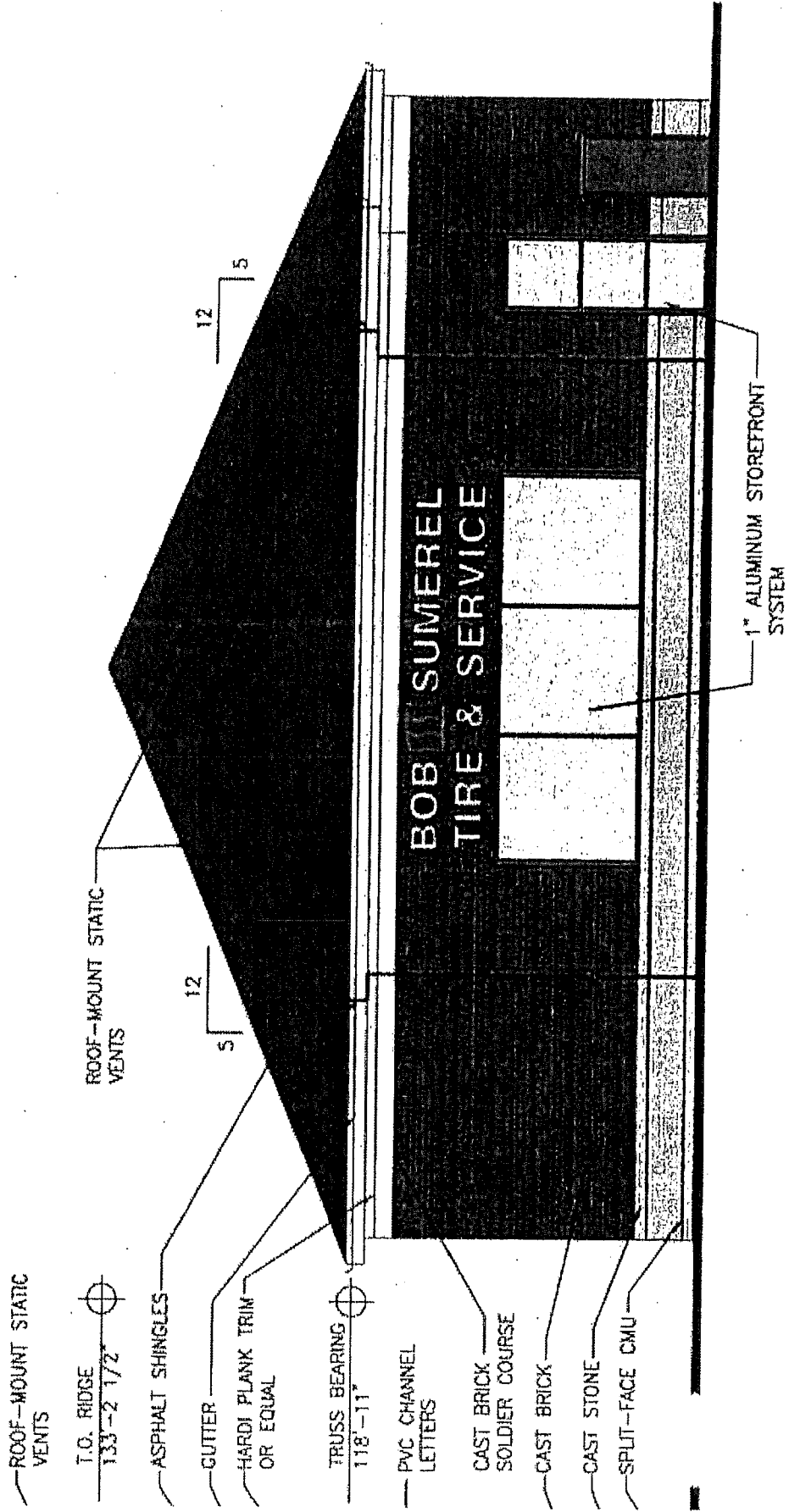
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1/13/11 APPROVAL



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

# 1/13/11 APPROVAL

T.O. RIDGE  
133' - 2 1/2"

ASPHALT SHINGLES

GUTTER

HARDI PLANK TRIM  
OR EQUAL

TRUSS BEARING

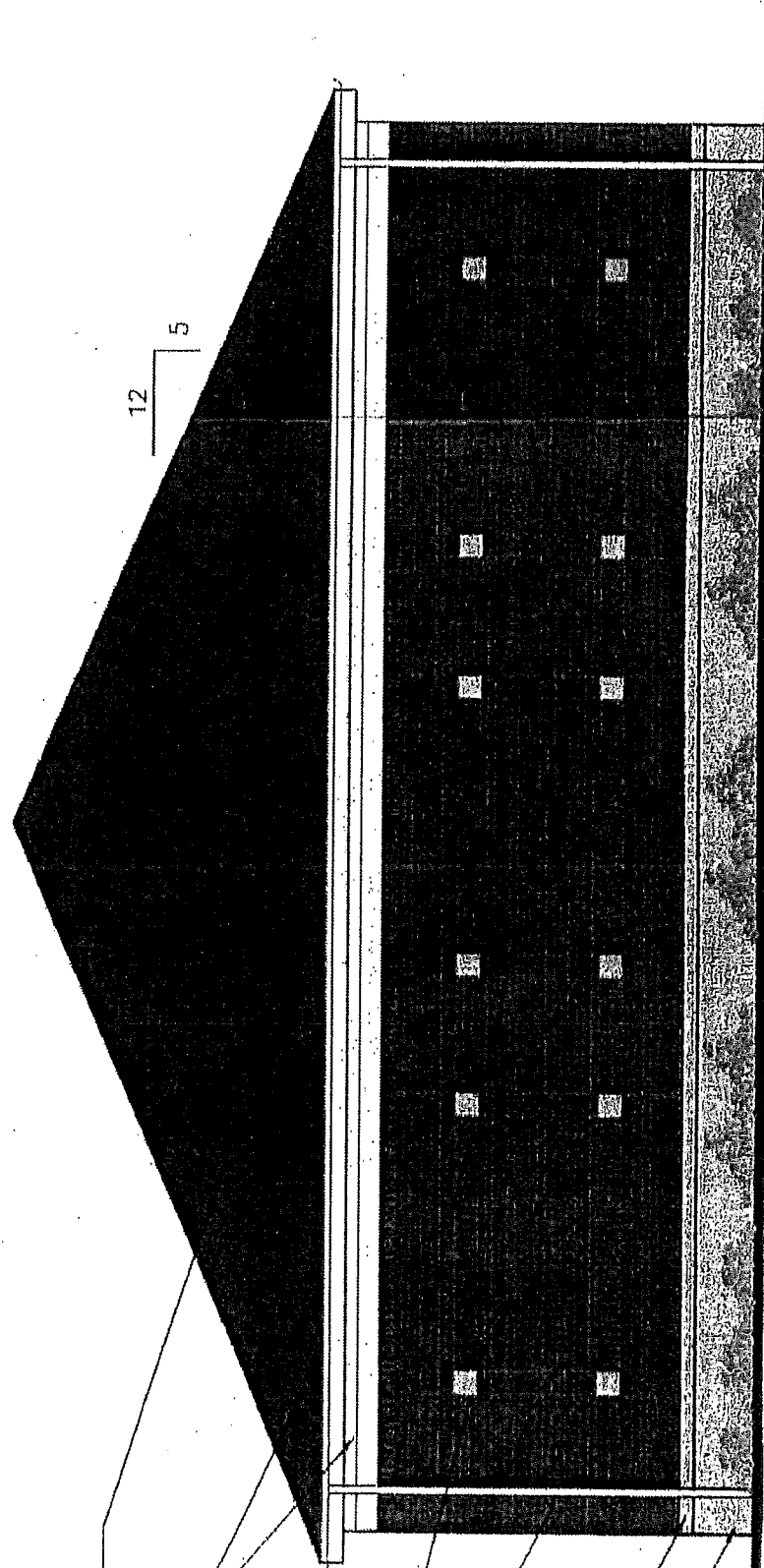
118' - 11"

CAST STONE  
ACCENT

4" DOWNSPOUT

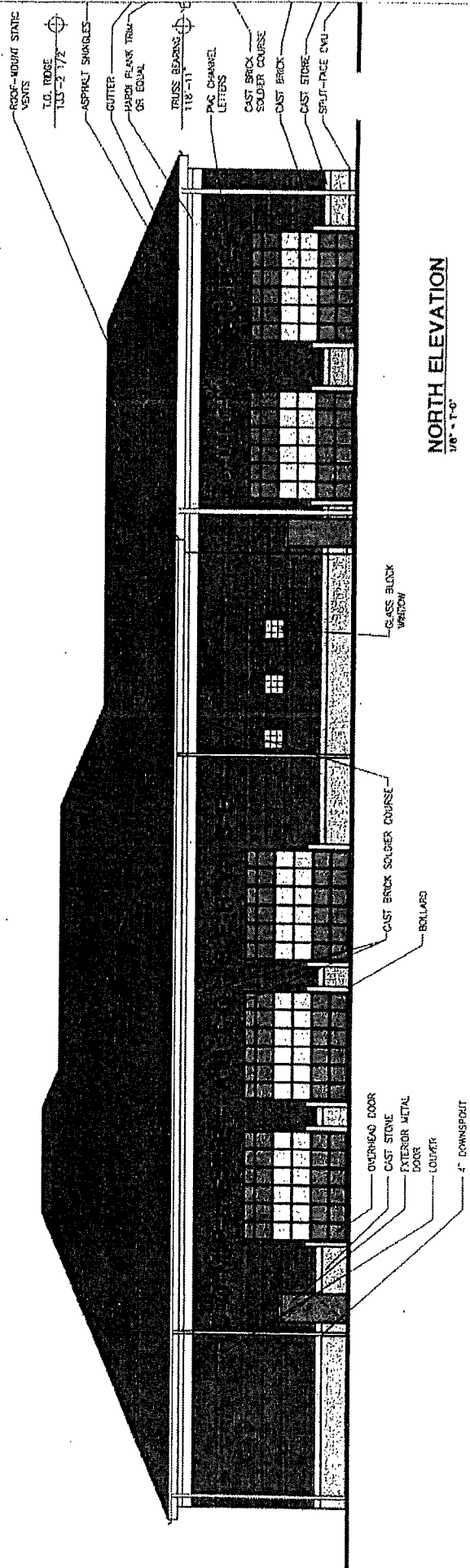
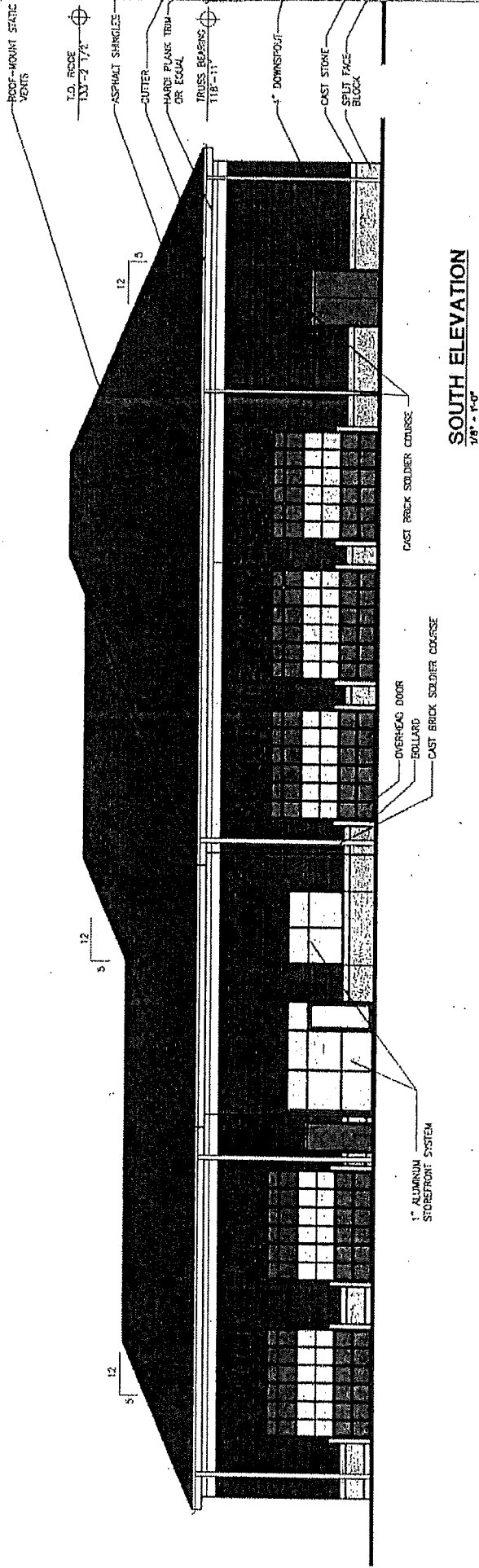
CAST STONE

SPLIT FACE



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

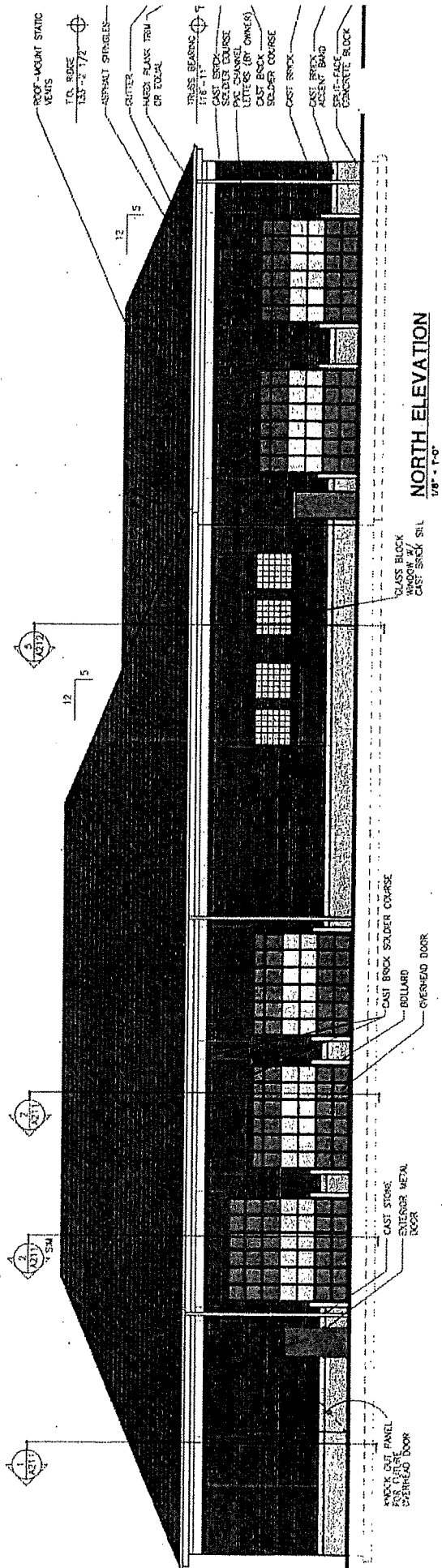
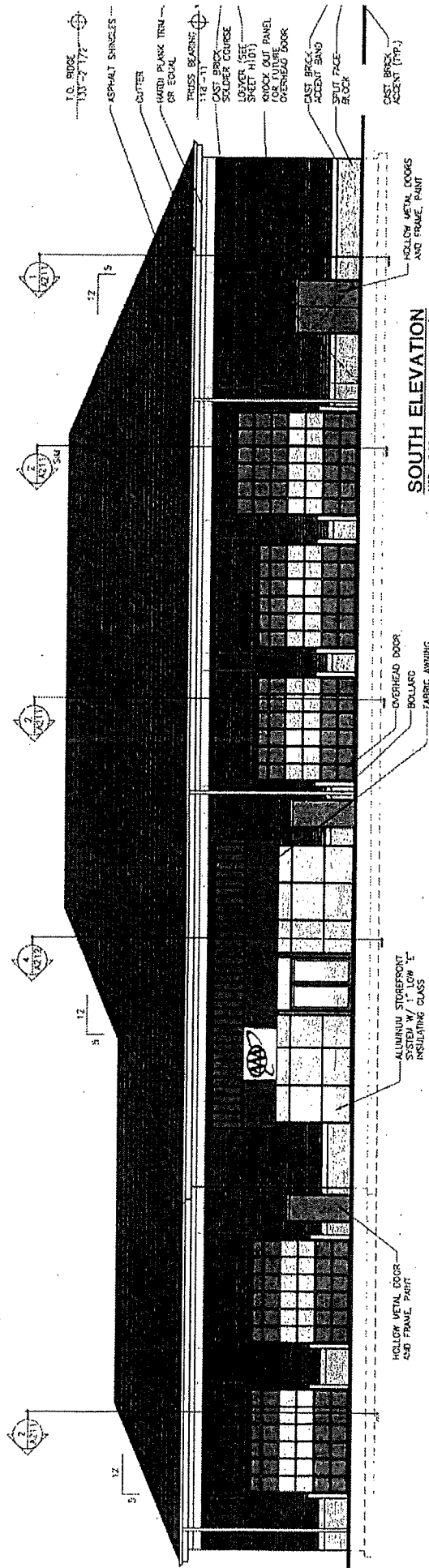
# 1/13/11 APPROVAL





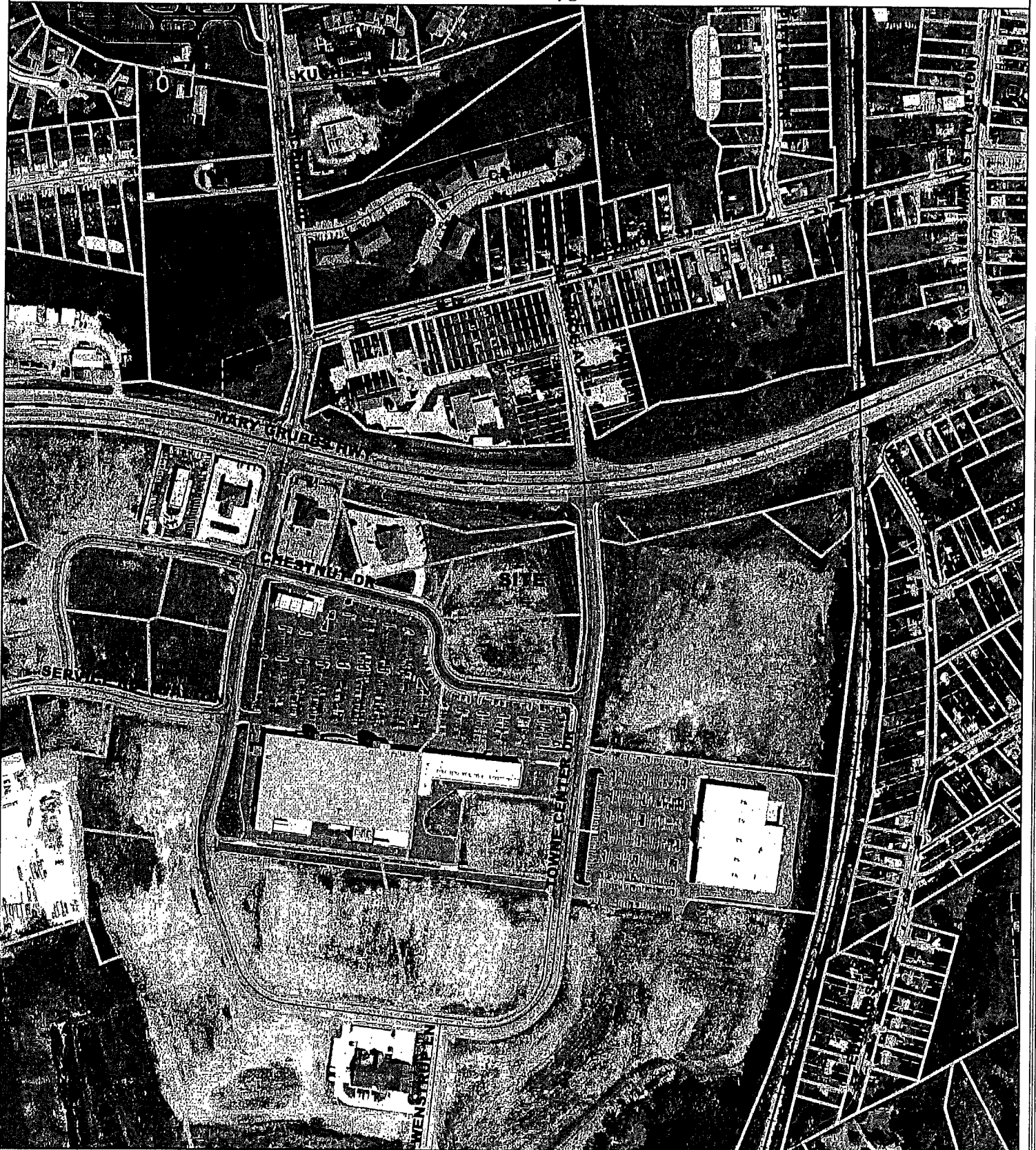


# 5/10/11 APPROVAL



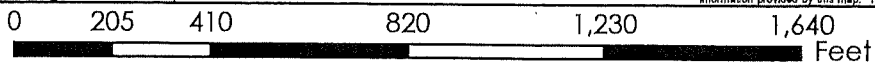
# 2009 AERIAL MAP

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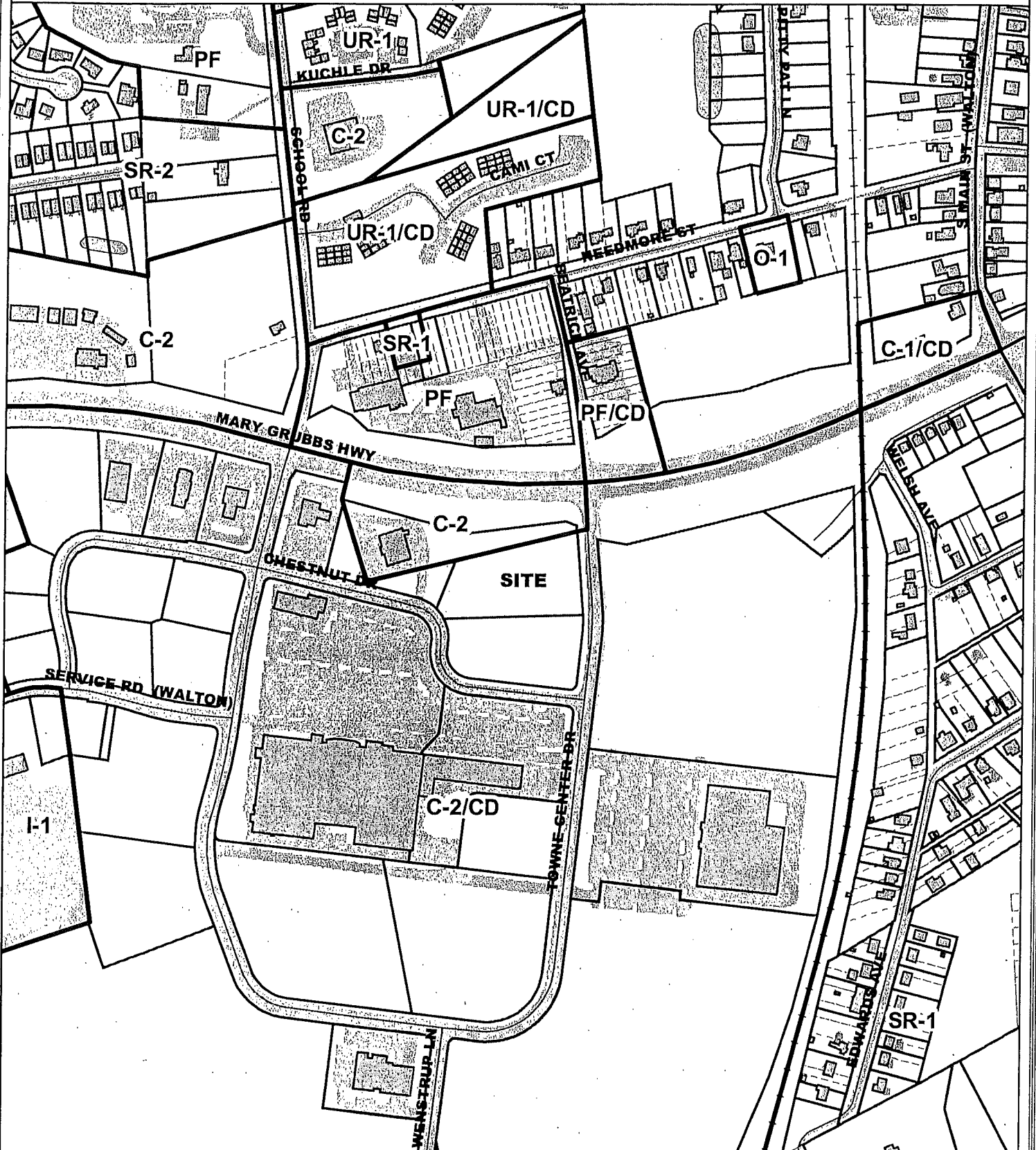
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**Boone County GIS - Putting Northern Kentucky on the Map**

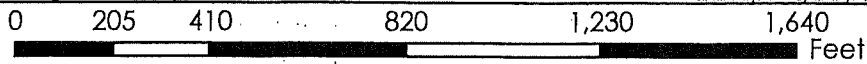
# ZONING MAP

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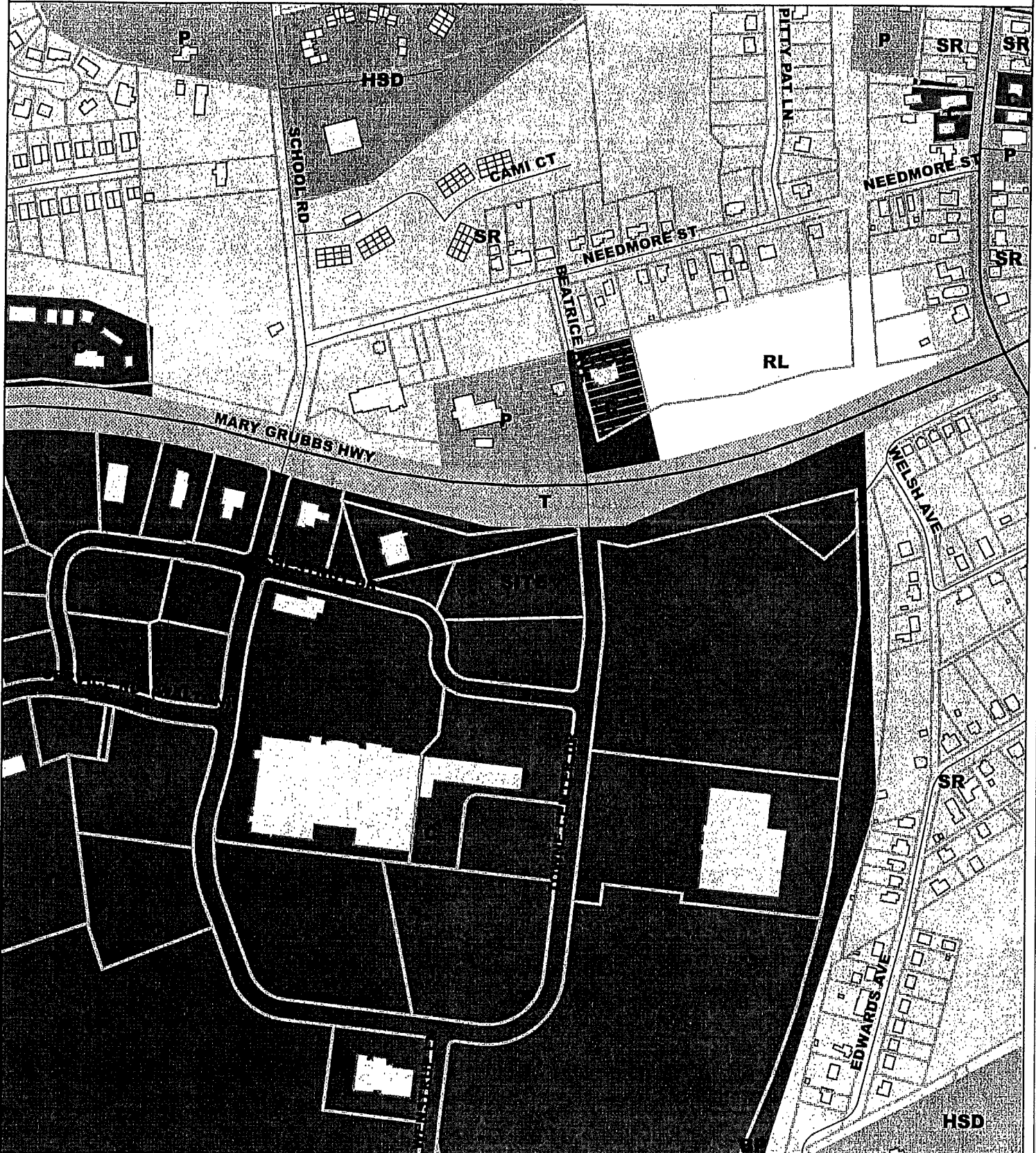


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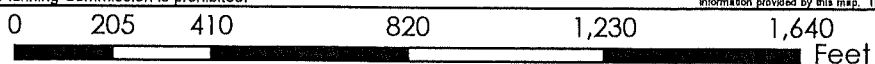
# FUTURE LAND USE MAP

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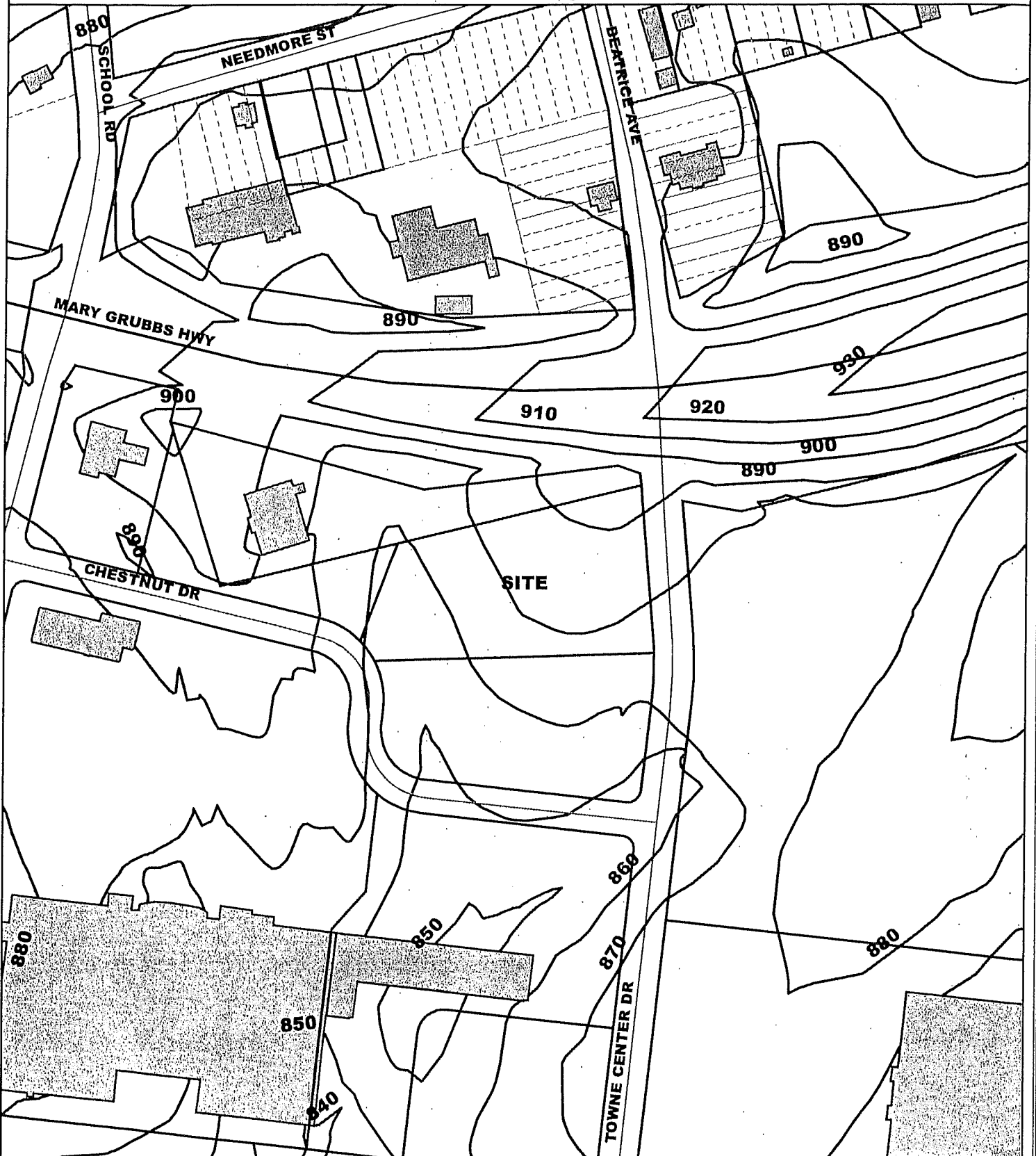
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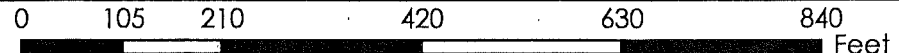
# TOPOGRAPHICAL MAP

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1 inch = 200 feet



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

Map Created: 01/01/2008

See Plans Record Book 218-983  
ArcMap Document: \*.mxd

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.

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.

- 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.

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.

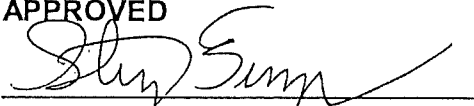
2. The eastern building facade shall be constructed per "Scheme A" on the revised elevation drawings.
3. Auto body and paint work shall not be performed on site.
4. No car repairs shall be performed outside the building.
5. No vehicle shall be stored in the parking lot for more than fourteen days.
6. 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.

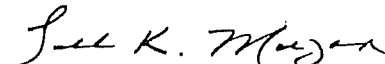
#### Adjournment

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

**DRAFT**  
**SUBJECT TO CHANGE**

WALTON BOARD OF ADJUSTMENT  
WALTON SENIOR CENTER  
BUSINESS MEETING

May 10, 2011

6:30 P.M.

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Mr. Turner, Chairman, called the meeting to order at 6:30 P.M.

**BOARD MEMBERS PRESENT:**

Mr. Steve Turner, Chairman  
Mr. Jim Bridges  
Mr. Kevin Flynn

**BOARD MEMBERS NOT PRESENT:**

Mr. Bill Conatser  
Mr. Thomas Luebbe

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**APPROVAL OF MINUTES:**

Mr. Turner stated that the Board members received copies of the minutes of the Walton Board of Adjustment meeting of January 13, 2011. He asked if there were any comments or corrections. There being no changes to the minutes, Mr. Bridges moved that they be approved as mailed and Mr. Flynn seconded the motion. Mr. Turner asked for a vote and it carried unanimously.

**AGENDA ITEMS:**

1. **Request of Peter Joseph to modify the 1/13/11 Conditional Use Permit conditions for a Bob Sumerel Tire Service Center proposed at lot 12, Walton Towne Center Subdivision. The property has frontage on Chestnut Drive and Towne Center Drive and is immediately to the east of Walton Pharmacy. The modifications would allow additional building square footage, additional parking and changes to the approved building elevations. 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. Bridges stated that he was contacted about a week ago by Mr. Jim Litmer. Mr. Litmer owns Walton Pharmacy and his family has done business with him for a number of years. Mr. Litmer obtained his e-mail address from someone at the pharmacy and voiced several concerns. Most of the concerns dealt with planning and zoning issues that were not pertinent to the Conditional Use Permit application being sought tonight. He immediately

forwarded the e-mail to Planning Commission Staff and Mr. Dale Wilson. He informed Mr. Litmer that he could not consider the e-mail unless it was presented at the Walton Board Adjustment meeting. This seemed to quell the issue and he believes he can vote on the proposal objectively.

Mr. Wilson said Mr. Bridges is not automatically disqualified because he has no financial interest in the project. Mr. Wilson said the only other reason Mr. Bridges should remove himself is if his relationship with Mr. Litmer is so strong that it would influence him and prevent him from acting on the request based on its merits. Mr. Bridges said it would not.

Mr. Turner asked the applicant if he would like to make a presentation?

Mr. Peter Joseph, with Midland Retail, said Bob Sumerel Tire was purchased by AAA and the new prototype stores are going to be offering travel and insurance products along with auto repair. This is the reason the size of the store and parking lot have been expanded. The knock out bay is being shown for future expansion. Bob Sumerel Tire will be a great addition to the subdivision and City of Walton.

Mr. Turner asked if the Board members had any questions? Mr. Bridges asked Mr. Joseph if he could explain the reason for the increase again? Mr. Joseph said the building was originally 7,748 square feet. The new proposal is for a 8,835 square foot building so they can sell travel and insurance products in a AAA office. The proposal also includes a future 950 square foot addition which would allow an additional garage bay on the north and south facades. The parking addition will allow the northernmost parking row to be squared off. Mr. Morgan presented the PowerPoint slides showing where parking spaces were being added.

Mr. Turner asked if the signage met code? Mr. Morgan responded they will need to apply for Sign Permits and demonstrate that their signs are meeting code. He added that is normal for a business to apply for Sign Permits during building construction.

Mr. Bridges asked if anything else regarding the project could come before the Board? Mr. Morgan replied that he is not anticipating anything.

Mr. Turner asked if anybody in the audience would like to speak for or against the proposal? There was no response.

Mr. Flynn said during the first Board meeting, the applicant stated the reason they liked the lot so much is that it offered the possibility for expansion. Mr. Morgan replied that the initial conditions limited the size of the auto repair use. However, those conditions would not prohibit another principally permitted use from developing on the lot.

Mr. Morgan informed the Board they could use Staff Comments 4 A. through 4 I. to replace the original conditions if that is what they wanted to do. Mr. Bridges asked if Staff Comment 4 A. through 4 I. would supercede the conditions from January 13, 2011? Mr. Morgan replied that was correct.

**Mr. Bridges made a motion to approve the request with the following conditions:**

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.

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

2. Request of James W. Berling for a Conditional Use Permit to allow the construction of an automotive repair facility (Tire Discounters) on lot 10, Walton Towne Center Subdivision, Walton, Kentucky. The lot is located at the southwest corner of the Towne Center Drive/Chestnut Drive intersection and is to the south of Heritage Bank. 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. Tuner asked if the applicant would like to speak? Mr. Jim Berling said he is one of the development partners and development engineer. With him tonight are Jim Wenstrup, one of the development partners, and Dave Wilson, with Tire Discounters. He will start by addressing the Staff question about doing a shared access point on Towne Center Drive. Traffic generation was built into the subdivision design because Towne Center Drive is a three lane road. He doesn't want to have a shared driveway because there is plenty of room. He doesn't believe the Tire Discounters access point on Towne Center Drive will generate a lot of traffic because it serves the back service bays. He said Mr. Dave Wilson will address the other Staff questions.

Mr. Dave Wilson, said he is general counsel for Tire Discounters. He went through the Staff questions.

- A. What are the proposed hours of operation? Monday through Friday from 8:00 AM to 7:00 PM. Saturday from 8:00 AM to 4:00 PM. They are closed on Sunday.
- B. Other than tires, what kind of repairs are performed on site? They focus on the retail sale of tires and wheels. However, they do brake repair, oil changes, shocks, struts, alignments, ball joints, tie rod ends, and steering components. They do not do transmission repairs or major engine overhauls. Vehicles are typically in an out within an hour or two.
- C. Will any non-operational vehicles be kept on site? Non-operational vehicles will not be kept on site. There are occasions where someone has a vehicle towed into the store and then abandons the vehicle. Those situations are addressed as quickly as possible.
- D. Will tow trucks be kept on site? No tow trucks are kept on site.

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

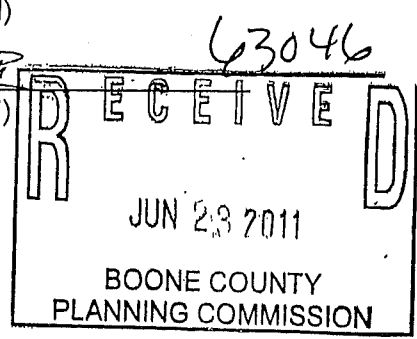
SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence X Walton Union
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name Peter Joseph
4. Description of Request: A Conditional Use Permit And Approval For the operation of A AAA TRAVEL/INSURANCE And BOB Smearl Time Service Center
5. Name of Development WALTON TOWN 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 TOWN CENTER
9. Owner of Property AAA-Allied - Walton KY LLC
10. Address of Property Owner 15 West Central Parkway Cincinnati OH 45202
11. Proposed Use(s) on Site operation of A AAA TRAVEL/INSURANCE BOB Smearl Time And Service Center selling Retail tires and Automotive Service
12. Total Square Footage of Existing and/or Proposed Buildings 9406 SF
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
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: Craig D. Smearl (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

(over)

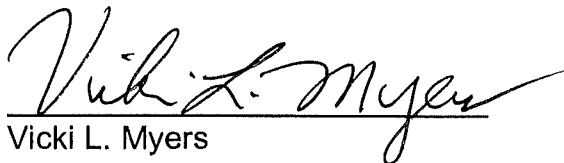




COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

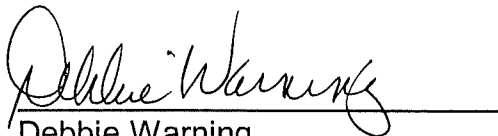
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 16 day of August, 2011.



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 August 8, 2011 Certificate of Land Use Restriction (#11-WBOA-007-A), for AAA-Allied-Walton KY LLC, Property Owner(s).

The following conditions will apply:

- 1) The approval is based on the submitted plans, elevation drawings, and cross sections.
- 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