

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

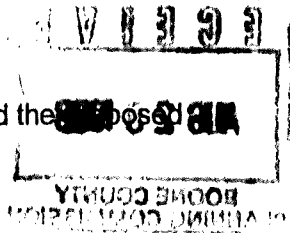
(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
Change in an Approved Concept Development Plan
Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)

- 2. Name of Project Meijer, Inc. Fueling Facility and Convenience Store
3. Location of Project 4990 Houston Road, Florence, Kentucky
4. Total Acreage of Site Less than one acre
5. Current Zoning O-2/C-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) July 21, 1993
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Yes. Houston-Donaldson Study
8. Proposed Uses (please specify each use) (1) automobile fueling facility; (2) convenience store
9. Proposed Building Intensities (please specify) N/A
10. Have you submitted a Concept Development Plan? Yes.
11. Are you also applying for: Conditional Use Permit, Dimensional Variance
12. Name of Applicant(s) Meijer, Inc. Phone Number (616) 791-3409 Fax No.
13. Address of Applicant(s) 2929 Walker Avenue, N.W. Grand Rapids, Michigan 49544-9428
14. Name of Property Owner(s) Meijer, Inc. Phone Number Same Fax No.
15. Address of Property Owner(s) Same
16. Are there any existing buildings on the site? Yes How many? 1
17. Deed Book 566 Page No. 206 Group No. 2033-B
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)



19. Please check the following organizations/agencies which you have discussed the development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton
- Union

21. Applicant's Signature(s)

[Handwritten Signature]
MELBA KENSTLE, S.R. REAL ESTATE REPRESENTATIVE
MEIJER, INC.

22. Property Owner's Signature(s)

[Handwritten Signature]
MELBA KENSTLE, S.R. REAL ESTATE REPRESENTATIVE
MEIJER, INC.

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-28-98 Fee Received 1208.00 R# 18007

2. Check what has been submitted:

- Application Fee Legal Description
- Concept Development Plan Addresses of Adjoining Property Owners
- No. of copies of plan received **

3. Is application complete? YES NO

4. Staff Reviewer KENN WALL

5. Committee Chairperson _____

6. Scheduled Public Hearing Date 9/23/98

7. Boone County Planning Commission Action:

- Approved
- Approved With Conditions
- Denied 11/18/98

8. Other: _____

** Five (5) Copies Required

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

Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT

“A”

STAFF REPORT

Request of **Meijer, Inc. (owner)** for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

September 23, 1998

PROPOSAL

This request is for a Change in an Approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales in an outlot that adjoins the existing Meijer store along Houston Road. The convenience store is a 2,413 square foot one story structure. The proposed store is a masonry structure (largely brick with masonry detailing on all facades) that has a gabled standing seam metal roof. A total of twelve fuel pumps are proposed that would be covered by a 4,488 square foot "flat" roofed metal canopy (footprint dimensions of canopy is 44 feet by 102 feet). Signage for the project is proposed to consist of canopy mounted signage and a change of copy on the existing Meijer monument style sign at the Spiral/Houston intersection to reflect the convenience store and/or gas sales (no building mounted signage or new freestanding signs are proposed).

The facility is proposed to be oriented towards the interior of the Meijer lot (i.e., facing away from Houston Road). The project will necessitate the realignment of the driveway in the Meijer parking lot that parallels Houston Road, and the proposal includes the removal of the first median cut on Spiral Drive from the Spiral/Houston intersection in an effort to alleviate stacking problems on Spiral Drive; this would change the associated curb cut into a right-in/right-out curb cut. The project does not involve any new curb cuts onto any public roads. Rather, the proposed facility is accessed entirely from within the Meijer parking lot. A conceptual landscape plan was submitted with this application. The area in question is less than one acre in size.

A traffic study was submitted with this request (attached). This study basically concludes that traffic impacts associated with the proposal will not be unduly burdensome, and that some current problems will be alleviated with the closure of the first median opening on Spiral Drive.

SITE HISTORY

1987 A request was submitted by the Buchanan Development Corporation for a Zoning Map Amendment and Concept Development Plan for a shopping center (Houston Lakes). This request was revised into a mall concept, and recommended for conditional approval by the Planning Commission. The City of Florence held a public hearing on this request and tabled action indefinitely.

The Houston-Donaldson Study was adopted by the Planning Commission.

1988 The City of Florence adopts the Houston-Donaldson Study.

Buchanan withdraws its request from consideration by the City.

Buchanan initiates a series of pre-application meetings with the Technical Committee of the Planning Commission in an attempt to show that a new Buchanan plan is consistent with the Houston-Donaldson Study, thereby avoiding the public hearing process.

1989 The Technical Committee and Planning Commission find that the new Buchanan plan is not consistent with the Houston-Donaldson Study and needs a public hearing.

Northern Kentucky Management (Newport Steel) buys the 101 acre site.

A second Buchanan and NKS application is reviewed and denied by the Planning Commission and City of Florence because it failed to address potential impacts of the development.

1990 A third Buchanan and NKS Concept Development Plan application was approved for the overall Houston Lakes Development. A retail center was approved for the current Meijer lot and three outlot uses (two restaurants and a bank) were approved for the Houston Road frontage area in front of the retail center (Committee Report and Concept Development Plan are attached). This is the currently approved Concept Development Plan for the site subject to the Zoning Administrator determination mentioned directly below.

1992 In response to a request from representatives of Meijer, the Zoning Administrator determined that the construction of a Meijer store in lieu of the above mentioned retail center was a minor change to the approved Concept Development Plan and was therefore permitted without the review and approval of a new Concept Development Plan. In this same letter, the Zoning Administrator determined that a

convenience store with retail fuel sales was not within the scope of the uses approved for the outlots mentioned above (letter dated 3/10/92 is attached).

The 1992 Houston-Donaldson Study is updated and adopted. The Study incorporated the approved 1990 Concept Development Plan with its conditions and requires that any major changes to that plan be reviewed as a Change in an Approved Concept Development Plan.

1993 A Preliminary Plat and Improvement Plan are approved for the 101 acre Houston Lakes site. A site plan is approved for the 33 acre Meijer site.

ADJACENT LAND USES AND ZONING

- A. WalMart and the affiliated retail strip center are located across Houston to the west/northwest (C-2/PD).
- B. Two furniture/home furnishing stores are located to the west/southwest at the southwest corner of the Spiral Drive/Houston Road intersection (Thomasville and Furniture Fair, C-2/PD).
- C. Two freestanding retail stores are located to the south/southwest, across Spiral Drive and along Houston Road (Just For Feet and Sofa Express, O-2/C-2/PD). A retail center with four large retail users is located to the south across Spiral Drive (Kohl's, OfficeMax, Media Play, and Home Depot, O-2/C-2/PD).
- D. The Meijer store is located to the east of the project site (on the same lot) and the area to the north/northeast along the east side of Houston Road is open space and parking associated with the Meijer facility (O-2/C-2/PD).

SITE CHARACTERISTICS

The site is largely an open grassed area (partially overlaps into the existing Meijer parking area) at the northeast corner of the Spiral Drive/Houston Road intersection. The topography of the site slopes down from the existing parking lot towards Houston Road and Spiral Drive. The existing "Meijer" monument style sign is the one notable feature on the site. All utilities are available within the immediate area.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan designates the site and general area in question as "Commercial." The Plan describes this designation as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The text of the Land Use Element states the following regarding the area (Area D-4: Florence Area, pg. 226):

The northern portion of this section is within the Houston-Donaldson Study area. The Study recommends an employment district which would include a mix of office, commercial, and industrial uses for the existing Houston Road corridor, with a preferred emphasis on office development along I-75 and high-technology industrial uses west of Houston Road. The Houston-Donaldson Study further details these developments.

Another section of the Land Use Element (Area C-4: Camp Ernst Area, pg. 222) states the following relative to the Houston-Donaldson Study area:

The Mall Road area should continue to develop as a regionally-oriented commercial district. This regionally oriented growth should be confined to Mall Road and Houston Road, and should not expand onto US 42, KY 18, or Hopeful Road. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, small facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should include multi-modal transportation amenities. Any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study.

The Business Activity Element of the Comprehensive Plan makes the following statements that relate to the future of the general area (Areas of Future Commercial Activity, pg. 82):

Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. However, two studies, the Houston-Donaldson Study and the Main Street Study have defined the scale and type of commercial uses in the City of Florence and the surrounding area. The Houston Road area will mature with expansion of the retail and office base, additional racetrack uses and the expansion of St. Luke Hospital . . .

The Land Use Element makes the following statements that relate to the proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 210).
- B. Development in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pp. 210 and 211).

- C. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use ("Design, Signs, and Historic Preservation," pg. 211).

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. . . ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective 6).
- D. The needs of Boone County's population base are accommodated through the provision of orderly growth ("Population," Goal).

- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life while allowing a reasonable economic return ("Environment," Goal).
- F. Appropriate locations for business compatible with the surrounding areas are provided in Boone County ("Business Activity," Goal).
- G. Commercial uses shall be limited to strategic locations serving trade area and neighborhood needs and shall have safe and effective access and ample parking space ("Business Activity," Commercial Objective 1).
- H. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial Objective 3).

RELATIONSHIP TO HOUSTON-DONALDSON STUDY

The site in question is located within the Houston-Donaldson Study area. The Houston-Donaldson Study is an adopted guide for planned development within the area that further details and compliments the Boone County Comprehensive Plan. Proposed developments within the Houston-Donaldson Study area shall be evaluated according to the goals, objectives, and policies of the Study. The Individual Site Analysis and Recommendations section of the Study provides the following recommended uses/zoning for the area in question ("Site 9, Houston Lakes," pg. 30). This section was written prior to the 1993 approval of the retail uses on the south side of Spiral Drive (Kohl's, Media Play, etc.).

This Study incorporates the approved Concept Development Plan into the recommended land use and zoning scheme. The approved corporate office center in the southeast section of the site and Campus Office portion along Houston Road are necessary for the development to retain the proper character and maintain a suitable mixture of traffic types and patterns. Without these approved office uses, the Woodspoint Nursing Home site and the World of Sports site will be less likely to develop as office sites because of the emphasis on retail development in surrounding areas. If changes are proposed to the approved Concept Development Plan, they should include less emphasis on retail and greater setbacks on the proposed retail portion immediately at the corner of Houston Road and the I-75 interchange ramps. Existing trees should be designed into the corporate office center. This Study recommends that the approved number of outlots along Houston

Road and along I-75 not be increased. This development was required, through approval of the Concept Development Plan, to include improvements to Woodspoint Drive to accommodate turning movements and eliminate any sight distance limitations. The existing zoning of Office Two/Commercial Two/Planned Development is recommended for the site.

The Houston-Donaldson Study Goals and Objectives include the following pertinent statements:

- A. The future land uses in the Study Area are planned in relation to the overall land use pattern of Boone County, the existing and planned developments within the Study Area, and the sense of the Study Area as a distinct corridor (Goal I, pg. 7).
- B. Consistent with the Boone County Comprehensive Plan's recognition of this area of the county as suitable for a large scale employment and commercial district with unique residential and recreational opportunities, proposed land uses shall be planned in order to provide a logical, realistic development pattern with a mixture of land uses (Goal I, Objective A, pg. 7).
- C. Commercial uses shall be designed in a innovative manner that creates prominent landscaping areas (Goal I, Objective B, pg. 7).
- D. Commercial outlots shall be located near major development access points (Goal I, Objective C, pg. 7).
- E. Each development shall have a central architectural design focus (Goal I, Objective G, pg. 8).
- F. Recommend land uses shall be compatible with transportation-related noise impacts (Goal I, Objective H, pg. 8).
- G. Submitted development requests shall be reviewed in context of Article 15 Planned Development of the Boone County Zoning Regulations and this document (Goal I, Objective I, pg. 8).
- H. Where appropriate, development requests should include some form of recreation opportunity and/or pedestrian network (Goal I, Objective J, pg. 8).
- I. The traffic circulation system serves both destination and through traffic with a minimum of traffic congestion (Goal II, pg. 8).

- J. Individual uses should have access through integrated development driveways, and not have individual access points (Goal II, Objective C, pg. 8).
- K. To ensure that the recommended land uses and the types of development occur in conjunction with appropriate exterior appearances to the general public. This goal is based upon the recognition that the Study Area has an enormous amount of visibility from major public thoroughfares. It also is based upon the idea that development should preserve, where appropriate, the natural terrain and vegetation (Goal III, pg. 9).

STAFF CONCERNS

1. Staff is concerned with the overall appropriateness of the proposed use at this location. The Houston-Donaldson Study (which is incorporated into the Comprehensive Plan by reference) infers that the number of outlots in the Houston Lakes development should be minimized and that any changes to the approved Concept Development Plan should have less emphasis on retail. In addition, the proposed use consists essentially of an automobile oriented, highway commercial type use, rather than office and suburban style retail that is prevalent in the area and that has been the intent for the Houston Lakes development. A similar position is stated in the Zoning Administrator decision (letter dated 3/10/92) which approved the Meijer store as a minor change to the Concept Development Plan but did not approve the convenience store as such. This letter states:

The proposed outlot, a 1,000 square foot convenience store (2,413 sf now proposed) with gasoline pumps, is substantially different than the approved three outlot uses (e.g. two restaurants and a bank). Specific outlot uses were identified on the approved Houston Lakes Concept Development Plan and these uses "blended in" with the professional nature of the office use and complemented the retail center. The Boone County Planning Commission and the City of Florence limited the number of and type of uses in the outlot area . . .

Such convenience facilities with fuel sales are prevalent throughout the community, including areas that border the Houston-Donaldson Study area, in relative close proximity to the site in question. Such uses have also been approved in other portions of the Houston-Donaldson Study area (corner of Cherry Tree Lane/Donaldson Highway and KY 18 in Merchants Square Subdivision) where a "highway commercial" character is prevalent, and for the first location mentioned, redevelopment opportunities were limited for the lot in question.

Staff contends that if the proposed facility is truly intended to serve customers already patronizing the Meijer store, it could be moved much closer to the Meijer building and away from the street frontages, especially the intersection itself. Staff also poses the question that if this proposal were to be approved, will the other approved outlot uses on the Meijer tract be abandoned? Three outlot uses were approved on the original Concept Development Plan.

2. According to both Article 15 "Planned Development District" of the Boone County Zoning Regulations and the Goals and Objectives of the Houston-Donaldson Study, Concept Development Plan proposals shall be reviewed relative to the provisions of Article 15. Specifically, Staff offers the following comments relative to the criteria stated in Section 1514 "Planned Development Standards" that apply to the proposal.

1. Mixed Use Development and Pedestrian Orientation: The proposal would help diversify land uses as there are no convenience stores with fuel sales in the immediate vicinity, however, the use itself must first be deemed appropriate based on all the other applicable policies. The proposal does not help create a pedestrian orientation as the facility is intended and designed exclusively towards auto transportation (creates an "island" which is tangibly accessed only by automobile). As an informational note, a sidewalk is required between the proposed facility and the public street.

2. Compatibility of Uses: A portion of the design elements used in the proposal help integrate it into the overall development. These include the architectural details in the building design (use of masonry, masonry design details, and roofing materials, although Staff does have some comments regarding the architecture below), the fact that the only new signage consists of canopy signs (signage is discussed in more depth below), and the fact that the facility is faced towards the interior of the Meijer lot without any new access points on public streets. However, the proposed use and accompanying facility needed to support the use are fundamentally different in character from the uses in Houston Lakes and the vicinity at large; this point is evidenced by the large, flat roofed canopy that is almost twice as large in footprint area as the convenience store building itself. As eluded to previously, the proposal has a more of a highway commercial character versus the suburban planned development character inherent in the area.

Related to the compatibility issue, should the project be approved, the Commission should consider a condition that would prohibit the outside storage and display of seasonal items such as mulch and firewood, banners, and regular inventory such as soda display racks and oil can racks.

3. Open Space: Open space areas over and above the normal setback requirements are proposed.

4. Multi-Modal Transportation System: As noted several times previously, the use is oriented exclusively to the motorist consumer, although, it is difficult to expect a relatively small project to provide multi-modal facilities that would effect the transportation behavior of the area at large. If approved, the project will be required to provide the sidewalk link mentioned above and a bike rack.

5. Preservation of Existing Site Features: There are no existing features on this site of the nature mentioned in this standard.

6. Landscaping: The proposal is subject to the landscaping requirements of both the Houston-Donaldson Study and Article 36 of the Boone County Zoning Regulations. However, the Commission may want to consider requiring additional, substantial evergreen plantings between the facility and the street frontages (over and above the normal landscape requirements) in order to minimize its appearance from the adjoining streets. This is particularly important when considering that the existing landscaping along the street frontages of the Meijer lot is somewhat sparse.

7. Architecture: As noted above, the design of the convenience store building itself generally relates to the existing Meijer building, however, window openings which are proportionate to their respective facades should be provided on the street facades to provide a favorable "street presence," unless heavy landscaping is provided between the building and the adjoining streets as suggested above. Contrary to the design of the building, the size of the canopy is very imposing and the design doesn't integrate with (or even correlate to) the convenience store building or other structures in the area. There are methods for adding design elements to the canopy that would help overcome the aesthetic design issues, although, adding design elements can not tangibly detract from the large size of the canopy.

8. Historic and Prehistoric Features: Staff is unaware of any such features on the project site.

9. Signage: The proposal involves the installation of new canopy signs and a change of copy on the Meijer monument style sign at the Houston/Spiral intersection. The "reused" monument style sign is larger than is normally allowed for an outlot use (existing sign is 99 square feet, an outlot is permitted 24 square feet), although an outlot is permitted its own monument sign under normal circumstances. Thus, the Commission will need consider the fact that although the reused sign is larger than normally permitted for an outlot, the outlot could otherwise

have its own monument style sign in addition to the existing sign identifying the Meijer store.

10. Transportation Connections and Entry Points: Other than the previously mentioned sidewalk connection that is required by both the Houston-Donaldson Study and the zoning regulations, this standard largely does not relate to a single outlot use.

11. Conformance with Comprehensive Plan: A discussion on the Comprehensive Plan is provided earlier in this report.

3. The current (1990) Concept Development Plan approval is subject to a number of conditions (refer to attached Committee Report). Staff has the following comments regarding the applicable conditions listed below.

Condition #7: This condition states that the architecture of the hotels shall compliment the appearance of the adjacent outlot uses. Conversely, the architecture of the outlot uses which are developing at a later time can be compared to the existing hotels, particularly in light of the comments regarding the canopy noted above.

Condition #9: This condition states that the outlots along Houston Road shall be consistent with the Concept Development Plan in terms of diagonal building orientation to Houston Road, access off of secondary site drives, and amount of green space. It is Staff's conclusion that this condition is met by the submitted plan.

Condition #10: This condition states that all signage within the development shall be consistent with the submitted standards, and meet the objectives of the Houston-Donaldson Study Special Sign Regulations. A discussion on signage is provided above.

4. Staff has the following general issues regarding the proposal.
 - A. The "Blue Rhino Propane" shown on the landscape plan needs to be explained. If this is some sort of propane dispenser (such as the kerosene dispenser shown on the plan) or rack for propane containers, the Commission will need to evaluate the appropriateness of outdoor propane and kerosene sales/storage, much like the outdoor storage/display of seasonal merchandise discussed previously.

- B. Based on the requirements of Article 33 of the Boone County Zoning Regulations, at least sixteen parking spaces must be provided for the project. A total of seven parking spaces are shown on the Concept Development Plan.
5. The applicant has supplied a Traffic Impact Analysis with this application. Based on its content, Staff has the following issues and questions regarding this report.
- A. A relatively high capture rate (i.e., attracting traffic that is already passing by the site in question versus creating completely new trips) of 60 percent is noted in the report for the proposal (and 45% of this 60% is reported to be already patronizing the Meijer store per se). Although Staff understands that the project involves a localized use that attracts little non-local traffic, the 60 percent pass-by adjustment needs to be explained. It also needs to be explained whether this pass-by traffic is from Houston Road, Spiral Drive, or both, because "pass-by" traffic that is not otherwise making a turning movement through the Houston/Spiral intersection will lead to different empirical results when accounted for differently (i.e., is the remaining 55% of the total 60% pass-by trips that is not going to the Meijer store already within the Houston Lakes development?). Without these questions being specifically addressed, the traffic study has concluded that only a marginal increase in traffic is going through the intersection, notably in terms of vehicles making turning movements.
 - B. The study states "based on the current traffic counts at the Spiral/Houston intersection, the total approach volumes for Friday evening and Saturday noon peak hours are relatively equal in terms of signal operating conditions. Therefore, on the Friday PM traffic counts have been used for this analysis" (pg. 10). Staff believes that this conclusion/assumption needs to be justified for purposes of the traffic analysis, especially when considering that the Saturday noon counts are notably higher for left turns from Houston Road (southbound) onto Spiral Drive.
 - C. Based on Staff's knowledge of the Houston/Spiral intersection, Staff agrees that the closure of the first median cut on Spiral Drive would help alleviate existing stacking problems.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the 1995 Boone County Comprehensive Plan, the Houston-Donaldson Study, Article 15 "Planned Development District" of the Boone County Zoning Regulations, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if the Planning Commission and City Council approve this request.

Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services

attachments:

- air photo w/ zoning information
- 1990 Buchanan/N.K. Management Concept Development Plan
- 9/5/90 Buchanan/N.K. Management Committee Report
- 3/10/92 Zoning Administrator determination letter from Kevin P. Costello, AICP to C. Francis Barrett and Anne F. McBride, AICP
- Meijer convenience store application materials including Concept Development Plan and Traffic Impact Analysis Report (w/o appendixes)



200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 21, 1998



Meijer

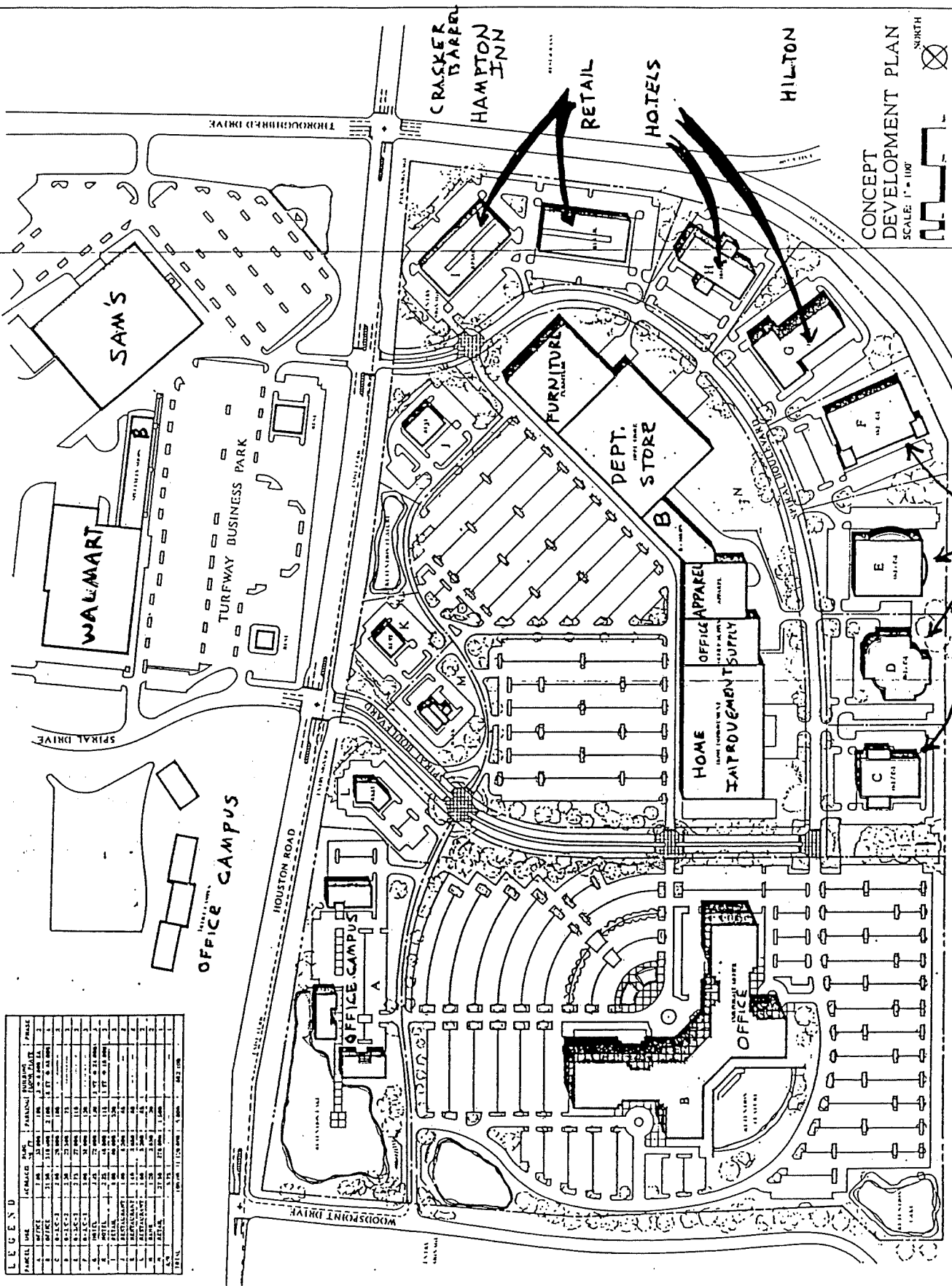
BUCHANAN 7/25/90

0-2/c-2

T-75

INTERSTATE 75

CONCEPT
 DEVELOPMENT PLAN
 SCALE: 1" = 100'
 NORTH



LEGEND

PARCEL NO.	ACRES	AREA	PERMITS	PHASE
1	1.00	43,560	1	1
2	1.00	43,560	1	1
3	1.00	43,560	1	1
4	1.00	43,560	1	1
5	1.00	43,560	1	1
6	1.00	43,560	1	1
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COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: September 5, 1990

RE: Request of GBBN Architects (applicant) for Buchanan Development Corporation and N.K. Management (owners) for the Utilization of an Underlying Zone in Planned Development on a 101 acre site located at the southwest corner of Houston Road and the I-75/Turfway interchange, Florence, Kentucky. The site is currently zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD). Houston Lakes is the commercial and office development being proposed.

REMARKS:

We, the Committee, recommend approval of the Houston Lakes request based upon the following Findings of Fact and with the following Conditions:

Findings of Fact

1. Even though the request does not agree with the specific office/commercial mixture and the commercial density recommendations of the Houston-Donaldson Study, the Committee believes that the Houston Lakes request generally meets the intent and Goals and Objectives of the Boone County Comprehensive Plan and the Houston-Donaldson Study. More specifically:

The applicant has indicated that the type of retail proposed in the Houston Lakes development is not regional in character. The size and type of retail uses are proposed to be consistent with existing retail uses in the Turfway Business Park, and draw customers from areas immediately surrounding the Houston Road area, not from the entire Northern Kentucky Area.

A major focus of the Houston Lakes development is the proposed corporate office section "B". This portion of the development is proposed to be a high-visibility office use that will help set the character of the Houston Road corridor in accordance with the Houston-Donaldson Study. With this corporate office center and with the proposed office campus use, the Committee believes that the Houston Lakes project is appropriate for the site. Without one or the other of these two important parts of the project, the Committee does not believe that the request is appropriate for the site. The Committee is founding its recommendation for approval of this request on the applicant's assurances that these portions of the submitted Concept Development Plan will be developed. These two portions of the development are critical in establishing the proper development character along both I-75 and Houston Road.

Specific references to the Boone County Comprehensive Plan and Houston-Donaldson Study are made in the 7/25/90 Staff Report.

2. With the conditions contained in this report and agreed to by the applicant, the request meets the general objectives of the Houston-Donaldson Study and Article 15 Planned Development of the Boone County Zoning Regulations, for creative development design that includes sufficient green space and appropriate appearance from the public view. Even though many of the uses are not actually proposed as strict office uses, there are enough assurances in the applicant's submitted materials and in the conditions that the overall development will be consistent with the employment district character foreseen for this important corridor area of Boone County. These assurances include the arrangement of outlots along Houston Road, building and parking setback standards, landscaping and signage standards, building design, and additional public review of specific uses.
3. The developer and applicant have agreed to make significant road improvements adjacent to the site that are recommended by the Houston-Donaldson Study, and to phase the retail portion of the development according to the status of the Houston Extension. The developer and property owner have agreed to work with other area developers, owners, the Planning Commission, and the City of Florence to help remedy the existing and forecasted traffic congestion around the Turfway Interchange. These actions are in accordance with the Houston-Donaldson Study which was designed to correlate Study Area development with infrastructure improvements.

CONDITIONS

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan as presented at the 7/25/90 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. Since the submitted traffic analysis and facts presented at the 7/25/90 Public Hearing indicate that the Houston Road Extension to Donaldson Highway is necessary for the area road system to have a near-satisfactory level of service, the applicant and developer agree to not to take occupancy of the retail center, section "N", of the development until construction of the Houston Extension to Donaldson Highway is substantially underway.
2. The four out-parcels "C" through "F" shall undergo additional review when specific uses are proposed by the developer. This additional review shall include Technical Committee evaluation, a recommendation of that Committee to the full Planning Commission, and a Planning Commission recommendation to the City of Florence. These recommendations must determine if the proposed uses are consistent with the submitted Concept Development Plan and traffic generation figures, and present an appropriate appearance from I-75 that is consistent with the Houston-Donaldson Study.

3. The outlots "C" through "F" shall include a minimum building setback of 50 feet from the I-75 right of way and from the Spiral Boulevard right-of-way, as proposed in the submitted restrictive covenants. These setback areas shall include berming and landscaping, and the setback area along I-75 shall include no parking, circulation or other paved areas. The proposed buildings, if retail, shall be consistent in architectural design to be compatible with an office environment. No mechanical equipment, whether on the roof or ground, shall be visible from I-75 or Spiral Boulevard.
4. The proposed retail shown as "I", shall be reconfigured to address comments at the 7/25/90 Public Hearing, and as shown to the Committee. The building nearest Houston Road shall be rotated approximately 90 degrees as shown on the detail drawing submitted to the Committee by GBBN Architects. As indicated by the applicant, the retail buildings in Section "I" shall have store frontages on all sides. All roof equipment shall be screened from public view, and parking areas shall include berms and plantings between the proposed pavement and all adjacent right-of-ways. A water retention or significant landscaping feature shall be located adjacent to the Houston Road and Turfway Interchange ramps to be consistent in appearance with the Turfway Business Park.
5. Since the proposed corporate office complex is essential for the character of the development in terms of the Houston-Donaldson Study Area, the developer shall contract a professional, marketing consultant to develop strategies of attracting potential corporate users to the site. Marketing efforts shall be undertaken on a national basis and coordinated with the Planning Commission and City of Florence. Documentation of marketing efforts shall be provided. The office development shall be a minimum of 5 stories in height.
6. The proposed retail center shall have a continuous facade that is similar in concept to that employed at the Turfway Business Park. The rear and side walls of the retail center shall be constructed of the similar materials as the facade. Roof parapets shall be utilized on all sides of the buildings, as necessary, to screen all roof equipment from public view. Cross section drawings may be required as part of Architectural Design Review. As indicated by the applicant, the rear of the retail center will be screened by berms, evergreen plantings, and service court walls constructed of the finished building materials. The relative amounts of paved area and green space behind the retail center shall be generally consistent with that shown on the Concept Development Plan. The proposed retail center shall be generally consistent with the submitted Concept Development Plan in terms of number and size of users.
7. The architecture of the proposed hotels shall compliment the appearance of adjacent outlot uses.
8. Amenities, such as the pavement treatment at intersections, retention lakes, and entry features, shall be consistent with the submitted Concept

Development Plan. As indicated by the applicant, the development of the 101 acre site shall contain approximately 22 percent green space. Each phase of development submitted for review shall include calculations of green space area. All parking areas shall contain landscaping that is consistent with the Turfway Business Park. These standards include the following:

- a) Provide planting islands between every 10 to 15 spaces to avoid long rows of parked cars. The size should be a minimum of nine feet wide to allow for an adequate planting area. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet. For code required parking, 1 tree and 3 shrubs are to be utilized per fifteen spaces.
 - b) Provide eight-foot wide landscape strips for every four rows of parking, or large planting islands at the ends of parking rows.
 - c) In addition, canopy tree plantings along the public streets of the development shall accompany the proposed berms and 50 foot landscape setbacks submitted as part of the application.
9. Development of the proposed outlots along Houston Road shall be consistent in design with the submitted Concept Development Plan in terms of diagonal building orientation to Houston Road, access off of secondary site drives, and amount of green space.
 10. All signage within the development shall be consistent with the submitted standards, and meet the objectives of the Houston-Donaldson Study Special Sign Regulations.
 11. The developer agrees to reconstruct portions of Woodspoint Drive east of the proposed site access if sight distance limitations are determined to create potential safety hazards, by an independent traffic engineer acceptable to the Planning Commission.
 12. The Spiral Drive entrance will contain dual left turn lanes on south bound Houston Road. The improvements to the Woodspoint Drive and Houston Road intersection will include two south bound through lanes on Houston Road to include a taper back to one travel lane south of Woodspoint Drive. All improvements to public roads described in this report shall be made by the developer or owner of the site during the first phase of development, except to the extent that signalization of Spiral Drive shall be shared with the adjacent property owner as previously agreed. The construction of Spiral Drive and Spiral Boulevard to form the "ring road" shall also accompany the first phase of development. The northernmost access to the site shall be designed as an exclusive right-in and right-out drive. The design of this intersection shall include a ramp-like right turn lane to physically eliminate left turns into the site from Houston Road. The developer shall provide a separate right turn lane from Houston Road onto the southbound I-75 entrance ramp.

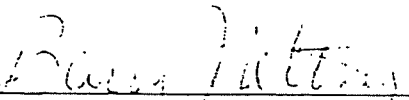
13. Spiral Drive will be connected to Woodspoint Drive along the I-75 right-of-way to allow for traffic to flow between this site and future development on the World of Sports site. All driveway entrances on Spiral Drive and Boulevard shall be properly aligned.
14. The developer agrees to work with the City of Florence, Boone County, and area property owners and developers in arriving at a solution to the existing and forecasted traffic congestion at the Turfway Interchange.
15. The main access drive shall contain three exit lanes. The developer agrees to dedicate additional right-of-way to Woodspoint Drive to allow for a future additional exit lane onto Houston Road. The developer and owner agree to participate financially with the Turfway Business Park in installing the proposed traffic signal at Spiral Drive, and to install the proposed light at Woodspoint Drive.
16. Consistent with the statements made by the applicant at the 7/25/90 Public Hearing that the section "B" office is proposed for Phase IV in four to eight years, the developer agrees to actively pursue and market development of the proposed corporate office section "B" for a period of a minimum of four years from today's date.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

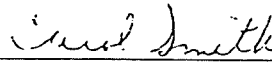


Fred Burch, Chairman

Rector Jones



Barry Neltner



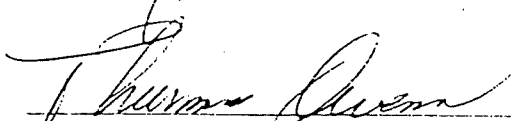
Carol Smith



Larry Barnett



Phil Damstrom

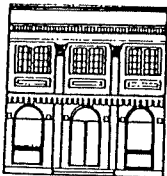


Thurman Owens

KPC

BOONE COUNTY PLANNING COMMISSION

2995 Washington Street Burlington, KY 41005
606-334-2196 FAX 606-334-2264



March 10, 1992

Mr. C. Francis Barrett
and
Ms. Anne F. McBride, AICP
Barrett & Weber
400 Atlas Building
524 Walnut Street
Cincinnati, OH 45202-3114

RE: Proposed Meijer Store
Houston Lakes, Florence, KY

Dear Mr. Barrett and Ms. McBride:

I have examined the contents of your letter dated February 25, 1992 and the plan showing a community retail center with a garden store and a convenience/gasoline service center facility. I have also reviewed the official record and application for approval of the Houston Lakes Concept Development Plan. Finally, I have met with our legal counsel, Mr. Dale Wilson, and with Mr. Roger Rolfes, City Coordinator of the City of Florence, in order to review the Boone County Planning Commission's approval documents and the City's approval documents. This letter is written based upon your official request and not based on other representatives from companies considering the development of the subject property.

In your letter, you have asked me for a determination whether the submitted information is consistent with the approved Houston Lakes Concept Development Plan and zoning conditions. Since the Houston Lakes project is complex in terms of overall size, mixture of land uses and zoning conditions, this letter will be divided into two sections: analysis and conclusion. The analysis of all the submitted information appears below along with my conclusion.

**ANALYSIS OF SEPTEMBER 5, 1990 BOONE COUNTY
PLANNING COMMISSION COMMITTEE REPORT**

Condition 1 - Since the Houston Road extension is open to the public, this condition has been satisfied.

Condition 2 - This condition involves the outparcels along I-75 and does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 3 - This condition again refers to the outparcels along I-75 and does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 4 - This condition deals with Section I, or the proposed building located closest to the intersection of Houston Road and the I-75 southbound entrance ramp. It does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 5 - The Boone County Planning Commission would like to obtain additional written information from NS Group, Inc. to monitor the Company's marketing strategy for office development. For example, what is the name of the real estate broker for the office development? We would also appreciate the submission of any printed material used in marketing the office portion of the development (e.g. brochures, ads in trade magazines, etc.). This information would be helpful in assuring compliance with this zoning condition.

Condition 6 - Generally, the architecture of the proposed Meijer store shall be consistent with the existing architecture in Turfway Business Park and the standards in the Design Review procedure outlined in the Houston-Donaldson Study. This condition may require that Meijer, Inc. change the architecture of its "prototype" store in order to comply with local zoning regulations.

The proposed 206,311 square foot Meijer store with a 24,482 square foot open air garden center includes the same type of users as approved on the Houston Lakes Concept Development Plan, but only under one roof. For example, the typical Meijer store sells furniture items, home improvement items, office supply items and apparel items. It can also be classified as a department store. The proposed Meijer store does not exceed the maximum square footage allowed, or 276,000 square feet and the maximum number of retail uses permitted (6).

The proposed outlot, a 1,000 square foot convenience store with gasoline pumps, is substantially different than the approved three outlot uses (e.g. two restaurants and a bank). Specific outlot uses were identified on the approved Houston Lakes Concept Development Plan and these uses "blended in" with the professional nature of the office use and complemented the retail center. The Boone County Planning Commission and the City of Florence limited the number of and type of uses in the outlot area. Equally important was the fact that both the Boone County Planning Commission and the City of Florence promoted the need for heavy landscaping around the original

Mr. C. Francis Barrett and Ms. Anne F. McBride, AICP
March 10, 1992
Page 3

approved uses and for a water feature as an amenity to the park. All of this is evidenced in the July 25, 1990 Public Hearing minutes, the representations by GBBN, and by the June 20, 1990 application for zoning action. Furthermore, the area labeled as "future parking" infringes on the planned retention feature and landscaping features.

Condition 7 - This condition involves the hotel uses and does not pertain to Meijer, Inc., but rather with NS Group, Inc.

Condition 8 - This condition describes detailed pavement treatment features, amenities such as lakes and entry features, and landscaping features. Generally, it appears that what Meijer proposes is consistent with this condition with the exception of the elimination of the retention feature in the outlot area. These features will be verified at subsequent technical reviews such as Subdivision Review, Site Plan Review and Design Review.

Condition 9 - The proposed use and orientation of use by Meijer, Inc. in the outlot area (lots J, K and M) is not consistent with this condition as a convenience store with fuel pumps was not an approved use and the proposed building is not orientated diagonally.

Condition 10 - The proposed signs by Meijer are not consistent with the adopted Houston-Donaldson Study. For your use, I have enclosed a copy of the signage regulations from the existing text of the Houston-Donaldson Study and the proposed text. The existing text limits the number, size and height of free-standing and monument signs. An option may be to have NS Group, Inc. with Meijer, Inc. apply for a Special Sign District package, a process similar to the Zoning Map Amendment process. For your information, two properties in the Houston Lakes project area have a special sign district (Commonwealth Park and Turfway Commercial Park).

Condition 11 - This condition involving the upgrading of Woodspoint Drive may involve NS Group, Inc. exclusively or both NS Group, Inc. and Meijer, Inc.

Condition 12 - This condition related to road improvements will be implemented by Meijer, Inc. in the first phase of development of the Houston Lakes project.

Condition 13 - The condition related to the connection between Woodspoint Drive and Spiral Drive and who will be responsible for it is uncertain according to your letter.

Condition 14 - Meijer, Inc. and NS Group, Inc. are legally obligated to work with area government officials in order to arrive at a

solution to the traffic congestion problems at the I-75/Turfway Road Interchange.

Condition 15 - This condition describes the design of Spiral Boulevard, the dedication of additional right-of-way along Woodspoint Drive and the financial contribution for traffic signals on Houston Road. Both NS Group, Inc. and Meijer, Inc. will be responsible for this condition.

Condition 16 - This condition discusses marketing the high-rise office use for a period of 4-8 years. This condition does not pertain to Meijer, Inc., but rather with NS Group, Inc.

CONCLUSION/DETERMINATION OF PROPOSED USE

In reviewing the material associated with Houston Lakes Concept Development Plan, I have determined that the proposed 206,311 square foot Meijer store with a 24,482 square foot open air garden center is a permitted use and is generally consistent with the approved Concept Development Plan and specific zoning conditions. Thus, Meijer, Inc. can proceed with submitting an application for Subdivision Review, Site Plan Review and Design Review for the proposed Meijer store with an open air garden center. I have also determined that the proposed 1,000 square foot convenience store with fuel pumps is not an approved use based on the above analysis on page 2, and therefore a Public Hearing would have to be held by the Boone County Planning Commission for the review of a Change in Concept Development Plan application by Meijer, Inc. As an alternative, Meijer, Inc. or NS Group, Inc. could still develop the outlot area according to the approved restaurant and bank uses.

In addition, the submitted signage package for the proposed Meijer store is not consistent with the existing Houston-Donaldson Study. The signage options appear below.

- 1) Amend Meijer signage package to meet the current Houston-Donaldson Study requirements.
- 2) Follow the signage "trade-offs and exceptions" procedure as outlined in the current Houston-Donaldson Study.
- 3) Convince the Boone County Planning Commission and the City of Florence to amend the current signage regulations in the Houston-Donaldson Study as it impacts the Houston Lakes site. The text and zoning map of the Houston-Donaldson Study is currently being re-examined as part of the 1992 update.

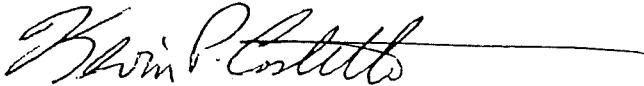
Mr. C. Francis Barrett and Ms. Anne F. McBride, AICP
March 10, 1992
Page 5

- 4) Submit a signage package to the Boone County Planning Commission and the City of Florence for an application of a Special Sign District for the Houston Lakes project (see Sections 1950 and 3440 of the Boone County Zoning Regulations).

In conclusion, the above analysis and determination should give your client a clearer direction in developing a Meijer store on the Houston Lakes site.

If you have any questions concerning this letter, you may contact me at your convenience at 334-2196.

Sincerely,

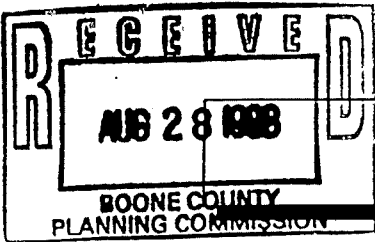


Kevin P. Costello, AICP
Assistant Director / Zoning Administrator

KPC/vlm

Enclosure

cc: William D. Fromm, AICP, Director
David A. Geohegan, Sr. Planner
Roger Rolfes, City Coordinator, City of Florence
Ronald Noel, NS Group, Inc.



APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

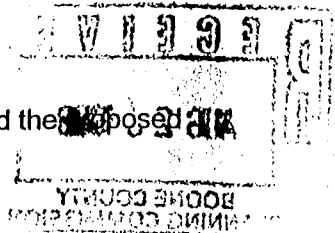
(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)

- 2. Name of Project Meijer, Inc. Fueling Facility and Convenience Store
- 3. Location of Project 4990 Houston Road, Florence, Kentucky
- 4. Total Acreage of Site Less than one acre
- 5. Current Zoning O-2/C-2/PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) July 21, 1993
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Yes. Houston-Donaldson Study
- 8. Proposed Uses (please specify each use) (1) automobile fueling facility; (2) convenience store
- 9. Proposed Building Intensities (please specify) N/A
- 10. Have you submitted a Concept Development Plan? Yes.
- 11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
- 12. Name of Applicant(s) Meijer, Inc.
Phone Number (616) 791-3409 Fax No. _____
- 13. Address of Applicant(s) 2929 Walker Avenue, N.W.
Grand Rapids, Michigan 49544-9428
City State Zip
- 14. Name of Property Owner(s) Meijer, Inc.
Phone Number Same Fax No. _____
- 15. Address of Property Owner(s) Same
City State Zip
- 16. Are there any existing buildings on the site? Yes
How many? 1
- 17. Deed Book 566 Page No. 206 Group No. 2033-B
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)



19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

<input type="checkbox"/> Unincorporated Boone County	<input type="checkbox"/> Walton
<input checked="" type="checkbox"/> Florence	<input type="checkbox"/> Union

21. Applicant's Signature(s) *[Signature]*

22. Property Owner's Signature(s) *[Signature]*
MIKE KENSTLE, SR. REAL ESTATE REPRESENTATIVE
MEIJER, INC.

SECTION B (To be completed by BCPC Staff)

1. Date Received 8-28-98 Fee Received 1208.00 R# 18007

2. Check what has been submitted:

<input checked="" type="checkbox"/> Application	<input checked="" type="checkbox"/> Fee	<input checked="" type="checkbox"/> Legal Description
<input checked="" type="checkbox"/> Concept Development Plan	<input type="checkbox"/> Addresses of Adjoining Property Owners	
<input type="checkbox"/> No. of copies of plan received **		

3. Is application complete? YES NO

4. Staff Reviewer *KEVIN WALL*

5. Committee Chairperson _____

6. Scheduled Public Hearing Date 9/23/98

7. Boone County Planning Commission Action:

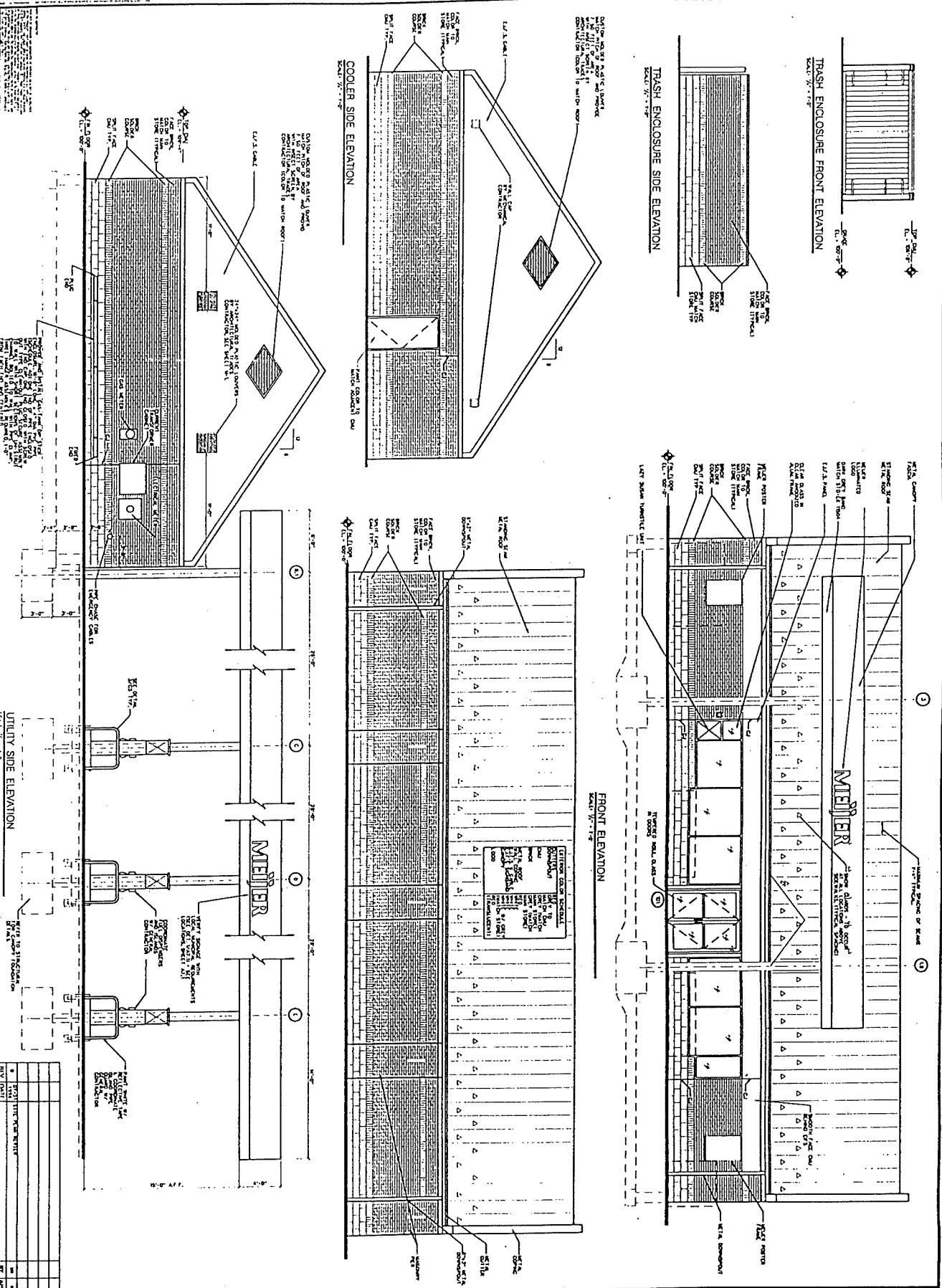
- Approved
- Approved With Conditions
- Denied

8. Other: _____

** Five (5) Copies Required

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

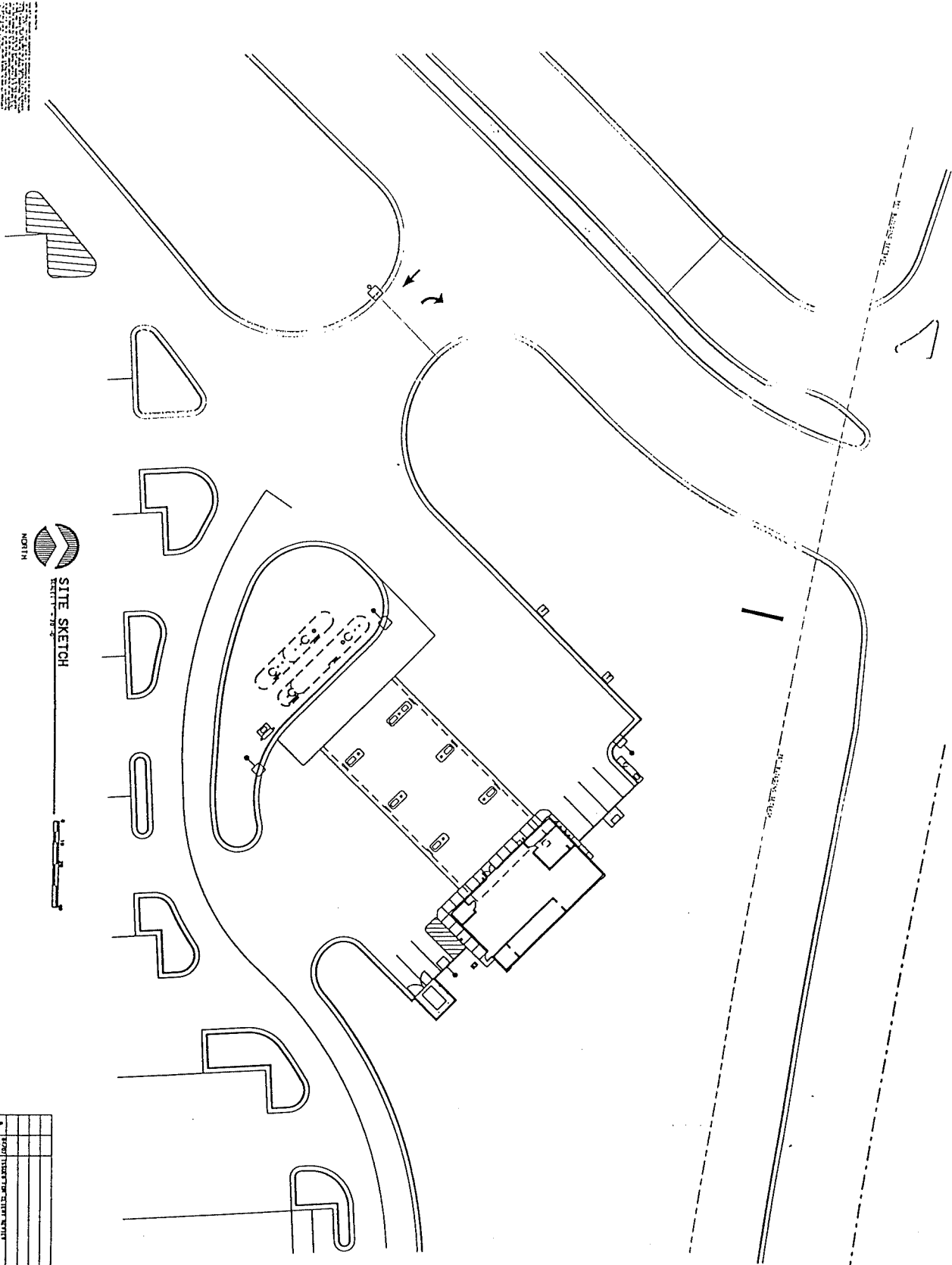
Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.



NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS			
2	ISSUED FOR CONSTRUCTION			
3	ISSUED FOR RECORD			
4	ISSUED FOR ARCHIVE			
5	ISSUED FOR CLOSURE			

MEIJER 151
 GAS & CONVENIENCE STORE
 FLORENCE, KENTUCKY

TechExpress
 1000 S. MAIN ST.
 FLORENCE, KY 40309
 (606) 753-1111



NORTH

SITE SKETCH

NO.	DATE	DESCRIPTION
1	08/03/98	ISSUED FOR PERMIT REVIEW
2		
3		
4		
5		
6		
7		
8		
9		
10		

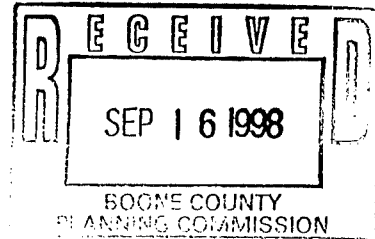
SS-1

SITE SKETCH

MEIJER 151
 GAS & CONVENIENCE STORE
 1998 DESIGN STANDARD

TechExpress.

MEIJER



Traffic Impact Analysis

Meijer, Inc.
Store #151

Florence, Kentucky

28 July 1998

Prepared For:

Meijer, Inc.

2929 Walker Avenue, N.W.
Grand Rapids, Michigan 49544

Prepared By:

Pflum, Klausmeier & Gehrum Consultants, Inc.

5533 Fair Lane
Cincinnati, Ohio 45227
513.272.5533

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Appendices

- Appendix A - Turning Movement Summaries
- Appendix B - ITE Land Use Excerpts
- Appendix C - Level of Service Analysis

Included in this study and summarized in this report is an analysis of circulation, safety, and traffic signal analysis and traffic-volume capacity. Turning-movement counts, field observations and measurements were included in the work tasks.

The overall objective of this report is to define the recommended traffic-related infrastructure improvements (on-site/off-site), through the applications and use of the traditional traffic engineering measures and practices, which should mitigate the traffic issues/concerns created by this development.

This report is based upon the following referenced sources:

- A site development plan provided by Meijer, Inc., dated 3 December 1997;
- Site reconnaissance, traffic counts and field observations conducted by Pflum, Klausmeier & Gehrum Consultants, Inc. (PKG);
- Applications of the Traffic Engineering Standards accepted and practiced by the Federal Highway Administration;
- Reference to the Ohio Department of Transportation (ODOT) Location and Design Manual (L&D) and the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 6th Edition;
- The Highway Capacity Software (HCS) for signalized intersections (Release 2.4e) and unsignalized intersections (Release 2.1e); and
- The application of accepted and normal traffic safety and engineering standards.

Project Location and Description

The proposed site development is located in Florence, Kentucky and is bordered by Houston Road on the north and Spiral Boulevard on the west. The proposed land use included in this development is in compliance with the established zoning and is listed below:

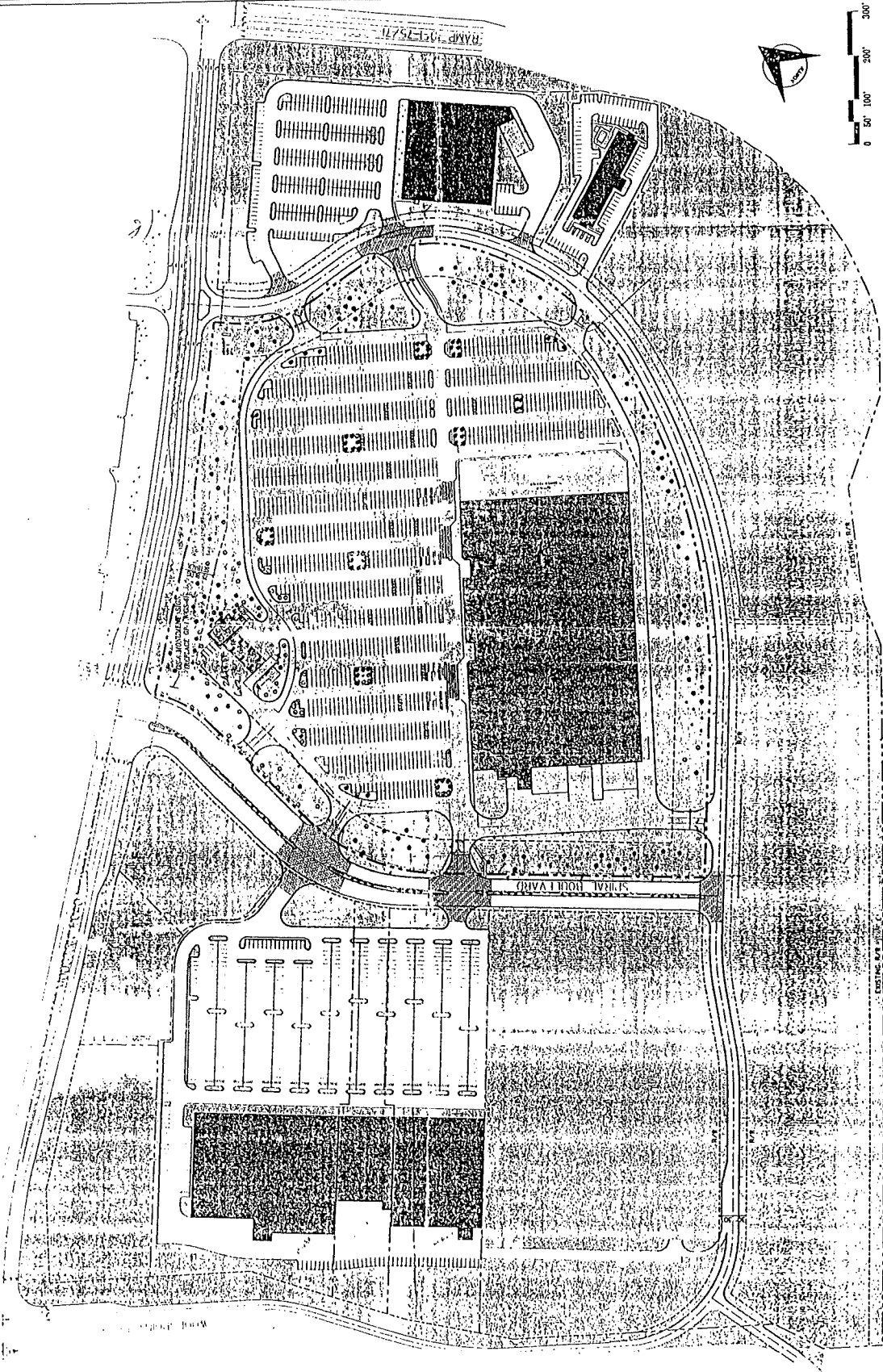
Land Use	Size
Meijer Fueling Facility	12 Pumps
Including: Convenience Market	2,413 Square Feet

The land use is being proposed as an addition to the existing Meijer store. The fueling facility is to be located north of the Meijer store on the northwest corner of the existing Meijer site. This location is presently undeveloped. No new access roads are to be constructed and the fueling facility site plan does not require any access from the major road. The proposed Site Plan has been provided as Figure 2.

PROJECT NUMBER SK-3	
DATE 12-20-87	AS SHOWN DATE: 12-20-87
PROJECT NUMBER SK-3	
THE NUMBER OF SHEETS: 4	

FIGURE 2
SITE PLAN

151



NOTE:
A LOSS OF APPROX. 66 PARKING SPACES.

Existing Traffic Conditions

Houston Road is a four- (4) lane roadway intersecting I-75/71 in Florence, Kentucky. Spiral Boulevard intersections Houston Road west of I-75/71 and provides access to those roadways from a commercial area.

Information regarding existing peak hour traffic volumes was obtained through turning movement counts by PKG on Friday and Saturday, 10 and 11 July 1998. The turning movement count summaries are contained in Appendix A. Figure 3 illustrates the Friday evening peak hour turning movement volumes while Figure 4 illustrates the Saturday noontime turning movement volumes.

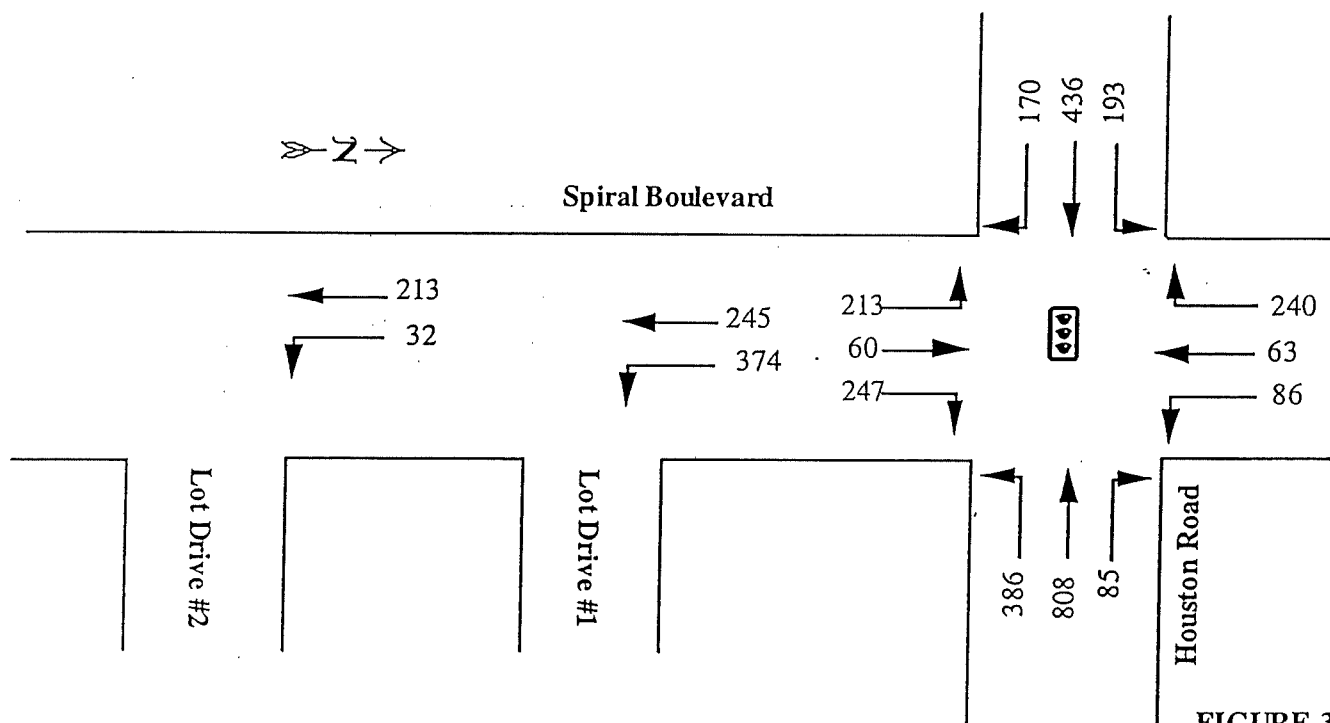


FIGURE 3
 Current Intersection Movements
 Friday Evening - 4:45 - 5:45 PM

Figure 5 has been provided to illustrate the existing geometry at the signalized intersection of Houston Road and Spiral Boulevard.

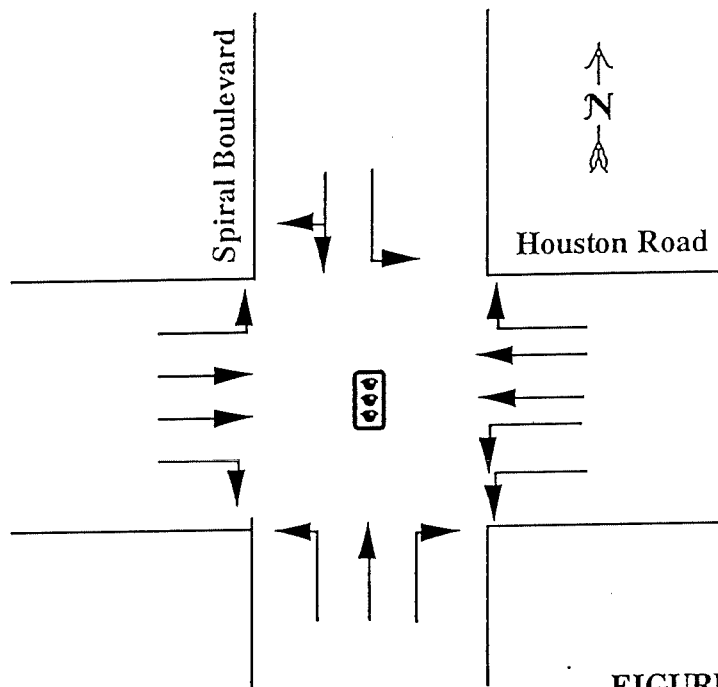


FIGURE 5
Existing Intersection Geometry
Houston Road and Spiral Boulevard

Traffic Forecast

The total number of trips to be generated by the proposed development during an average weekday was estimated using empirical data consistent with similar types of proposed land uses. The Institute of Transportation Engineers' (ITE) Trip Generation Manual, Sixth Edition, was used as a basic source of reference. A summary of the trip generation estimates is shown in Table 1.

Table 1
 Forecasted Trip Generation*

ITE LAND USE & CODE	Vehicle Fueling Positions	Wednesday	AM Peak			PM Peak		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Gasoline/Service Station with Convenience Market (#845)	12	1,953	61	60	121	80	81	161
Adjustment for Pass-By Trips = 60% **		1,172	37	36	73	48	49	97
Primary (New) Trips		781	24	24	48	32	32	64

* Trip Generation Manual, Institute of Transportation Engineers, 6th Edition. See Appendix B.

** Includes Meijer store patrons using gas fueling facility based on statistics from other store operations.

The gasoline/service station with convenience market land use is being utilized based on the primary business of fueling motor vehicles. Convenience items are sold, which are usually consumed in the car.

An important element of trip generation is the consideration of trip capture or pass-by trips. The ITE rates are based on actual counts of traffic volumes at driveways to the various lands uses. Pass-by trips, as defined by the ITE Trip Generation Manual, are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. Therefore, for this development, two types of trips were considered as follows:

- *Primary Trips*

A primary trip destined to the site is one in which the purpose of the trip is shopping and the trip pattern is generally home-to-shopping-to-home.

- *Pass-By-Trips*

The pass-by-trip comes directly from the traffic stream passing the facility on the adjacent street system and does not require a diversion from another roadway.

Based on the information provided in the ITE Manual, it was determined that 60 percent of the Meijer gasoline/convenience market customers would be pass-by trips. Of those pass-by trips, 45 percent would typically be generated by the existing Meijer Store, therefore, accessing the proposed gasoline/convenience market by way of the parking lot and not having to enter via the public roadway system. The remaining trips to the proposed development would be primary trips. This accounts for 80 inbound trips and 81 outbound trips during the Friday PM peak hour. The primary trips for the total development would be 32 inbound and 32 outbound trips during the same peak hour (see Table 1).

Site Access

The current Site Plan for the Meijer gasoline/convenience market proposes a right-in/right-out driveway from the adjacent parking lot drive to/from Spiral Boulevard. This driveway is existing, located approximately 200 feet south of Houston Road, and currently operates as a full-access driveway. The Site Plan proposes closure of the median curb cut at this first driveway on Spiral Boulevard to eliminate left turn movements in and out of this driveway. These left turning movements would then utilize the full movement driveway located approximately 250 feet south of the proposed right-in/right-out driveway, alleviating any threat of left turning traffic stacking into the signalized intersection of Houston Road and Spiral Boulevard.

At the present time, a conflict often occurs at this first drive due to the southbound dual left-turn movements from the signalized intersection at Houston Road. A weaving or lane change often occurs, which delays the traffic flow on Spiral Boulevard and affects the intersection operations.

Trip Distribution/Assignment

A trip distribution assignment was made using the travel patterns of existing traffic demands of the area. The forecasted primary trips generated by this development were assigned to Spiral Boulevard and Houston Road during the critical Friday PM peak hour and are shown in Figure 6, while Figure 7 illustrates the forecasted pass-by trips. Figure 8 illustrates the existing plus site generated traffic for the Friday PM peak hour. Based on the current traffic counts at the Spiral/Houston intersection, the total approach volumes for Friday evening and Saturday noon peak hours are relatively equal in terms of signal operating conditions. Therefore, only the Friday PM traffic counts have been used for this analysis.

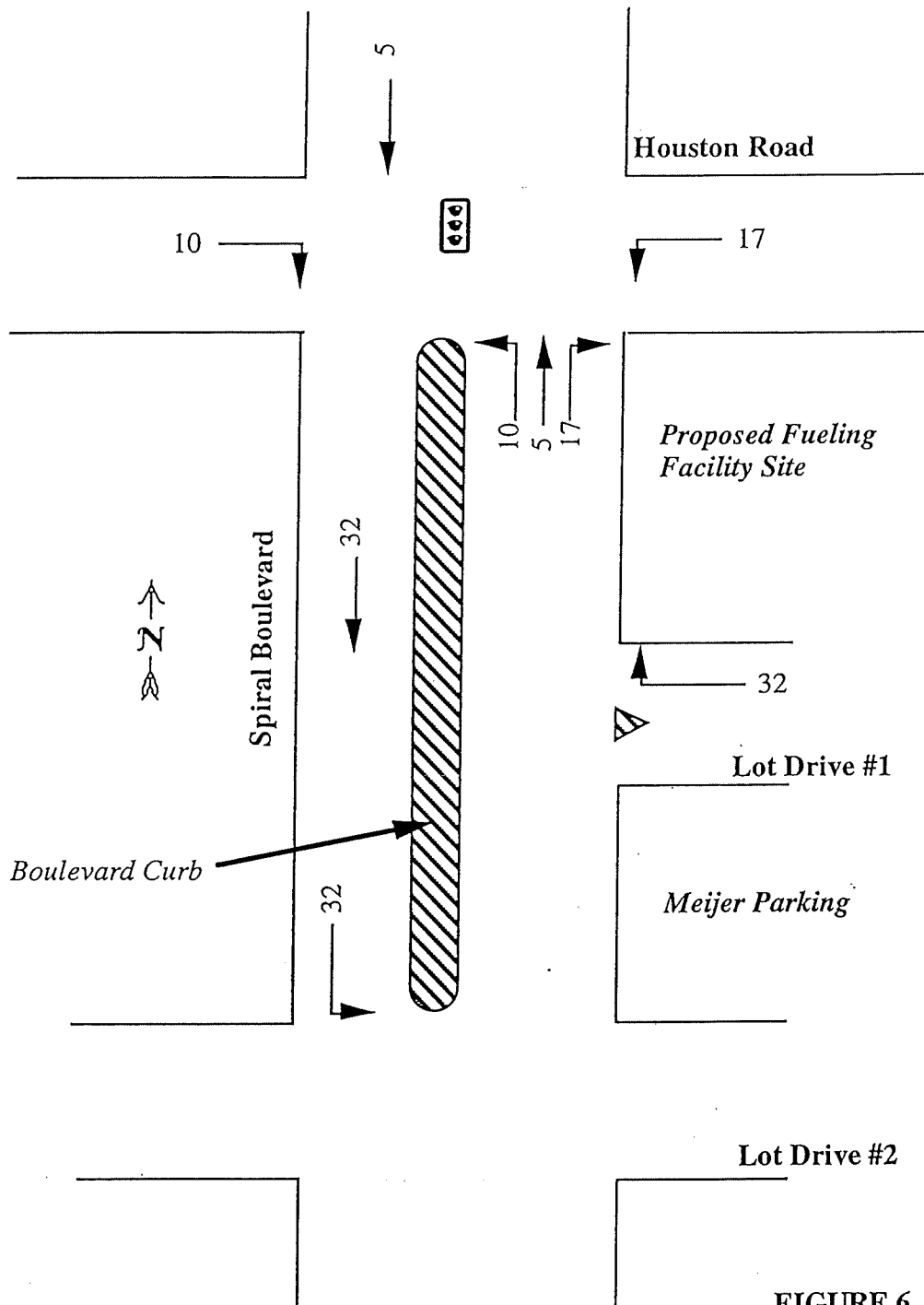


FIGURE 6
Site Generated Primary Traffic
PM Peak Hour

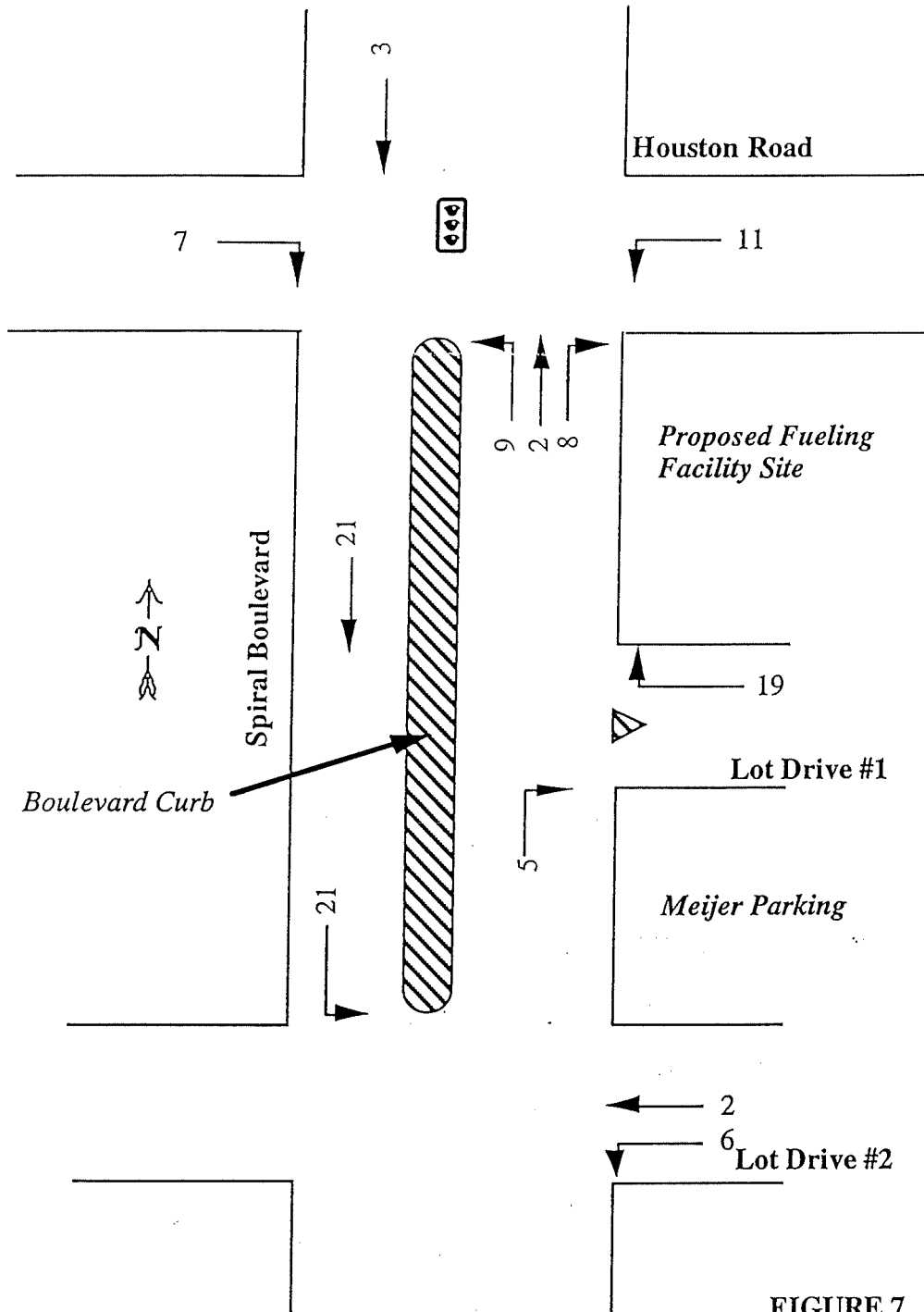
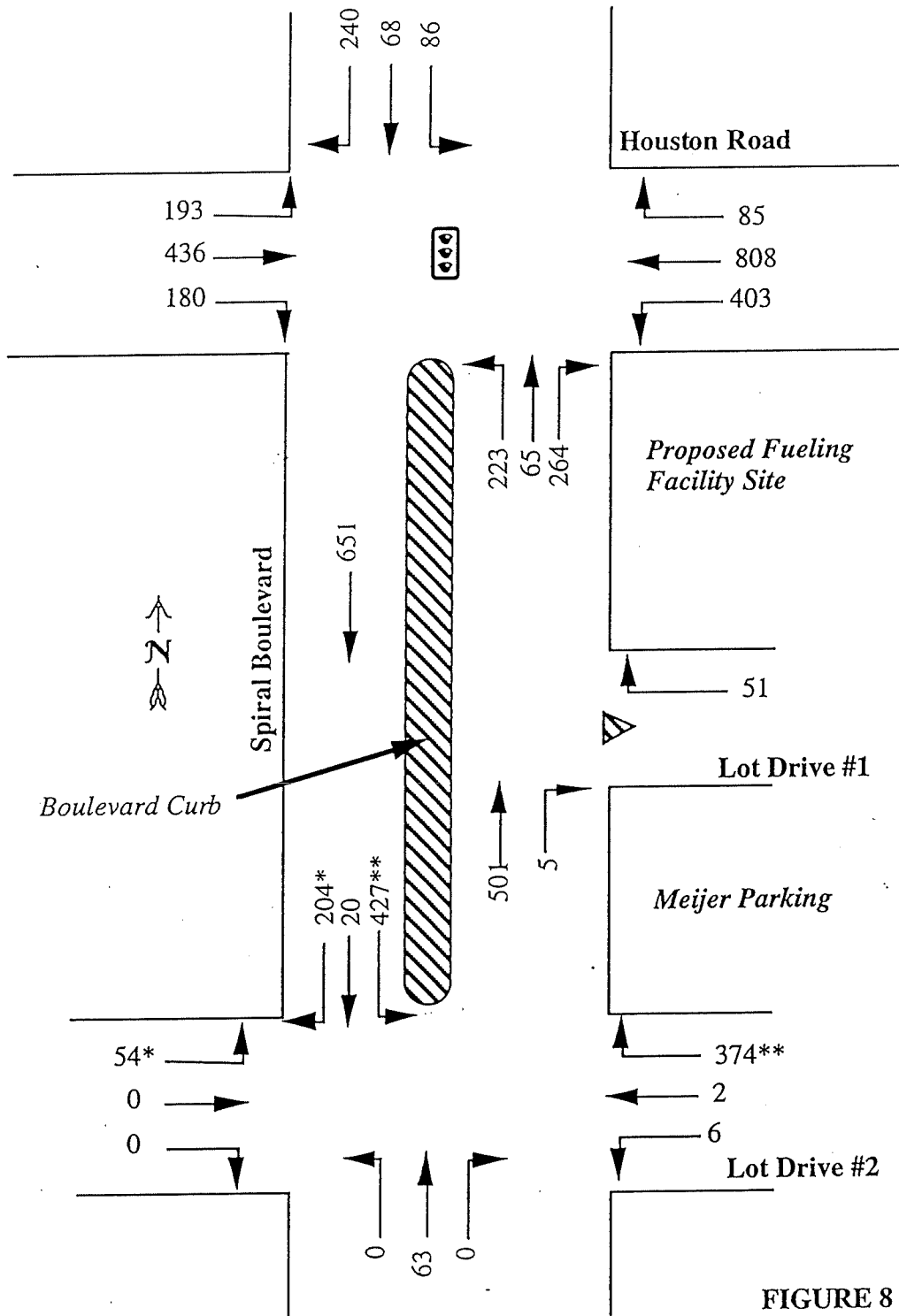


FIGURE 7
Site Generated Pass-by Traffic
PM Peak Hour



*Estimates made using ITE Manual.
 **Based on left-turn count made on 10 July 1998.

FIGURE 8
 Existing Plus Proposed
 Site Generated Traffic
 PM Peak Hour

Level of Service Analysis

The Level of Service (LOS), as defined in the most recent Highway Capacity Manual (HCM), is a function of average delay encountered by the motorist. Delay, of course, is a measure of drive discomfort, frustration, fuel consumption and the cost of lost travel time. Level of service is given in terms of average delay per vehicle for signalized and unsignalized intersections. The criteria that is used by the American Association of State Highway and Transportation Officials (AASHTO) and the Ohio Department of Transportation (ODOT) is the following:

TABLE 2

LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS

Level Of Service*	Delay/Vehicle (Second)	Description
A	< 5.0	Most vehicles do not stop at all.
B	5.1 to 15.0	More vehicles stop than for LOS A.
C	15.1 to 25.0	The number of vehicles stopping is significant, although many pass through without stopping.
D	25.1 to 40.0	Many vehicles stop. Individual cycle failures are noticeable.
E	40.1 to 60.0	Considered to be the limit of acceptable delay. Individual cycle failures are frequent.
F	> 60.0	Unacceptable delay.

*LOS "C" and "D" are generally accepted as a reasonable design criteria. LOS "E" and "F" are generally unacceptable.

TABLE 3

LEVEL OF SERVICE CRITERIA FOR UNSIGNALIZED INTERSECTIONS

Level Of Service	Average Delay/Vehicle (Second)
A	≤ 5.0
B	> 5 and ≤ 10
C	> 10 and ≤ 20
D	> 20 and ≤ 30
E	> 30 and ≤ 45
F	> 45

By utilizing the Highway Capacity Software, LOS "B" was generated at the signalized intersection of Houston Road and Spiral Boulevard for both the Friday PM peak hour and the Saturday noon hour. With the addition of the generated traffic for the Meijer fueling facility to the existing Friday PM peak hour traffic, the LOS remains "B". The LOS analysis at the full-access driveway reveals acceptable delays for all movements with site generated average total delays ranging from 3.4 seconds per vehicle to 10.8 seconds per vehicle. See Appendix C for the Level of Service analyses.

Table 4 has been provided to summarize the Level of Service results at the signalized intersection of Houston Road and Spiral Boulevard for the Friday evening, Saturday afternoon, and "opening day" peak hours.

TABLE 4

Level of Service Summary
 Houston Road and Spiral Boulevard Intersection

<u>Intersection Movement</u>	<u>Friday PM Peak</u>	<u>Saturday Noon Peak</u>	<u>"Opening Day"</u>
<i>Eastbound</i>			
Left Turn	C	B	C
Through	B	B	B
Right Turn	B	B	B
<i>Westbound</i>			
Left Turn	B	B	B
Through	C	B	C
Right Turn	B	B	B
<i>Northbound</i>			
Left Turn	D	D	D
Through	B	B	B
Right Turn	B	B	B
<i>Southbound</i>			
Left Turn	B	B	B
Through/Right Turn	C	C	C
Overall	B	C	C
Delay (Seconds)	14.9	15.4	15.1

Figure 9 illustrates the "opening day" level of service conditions for each of the movements.

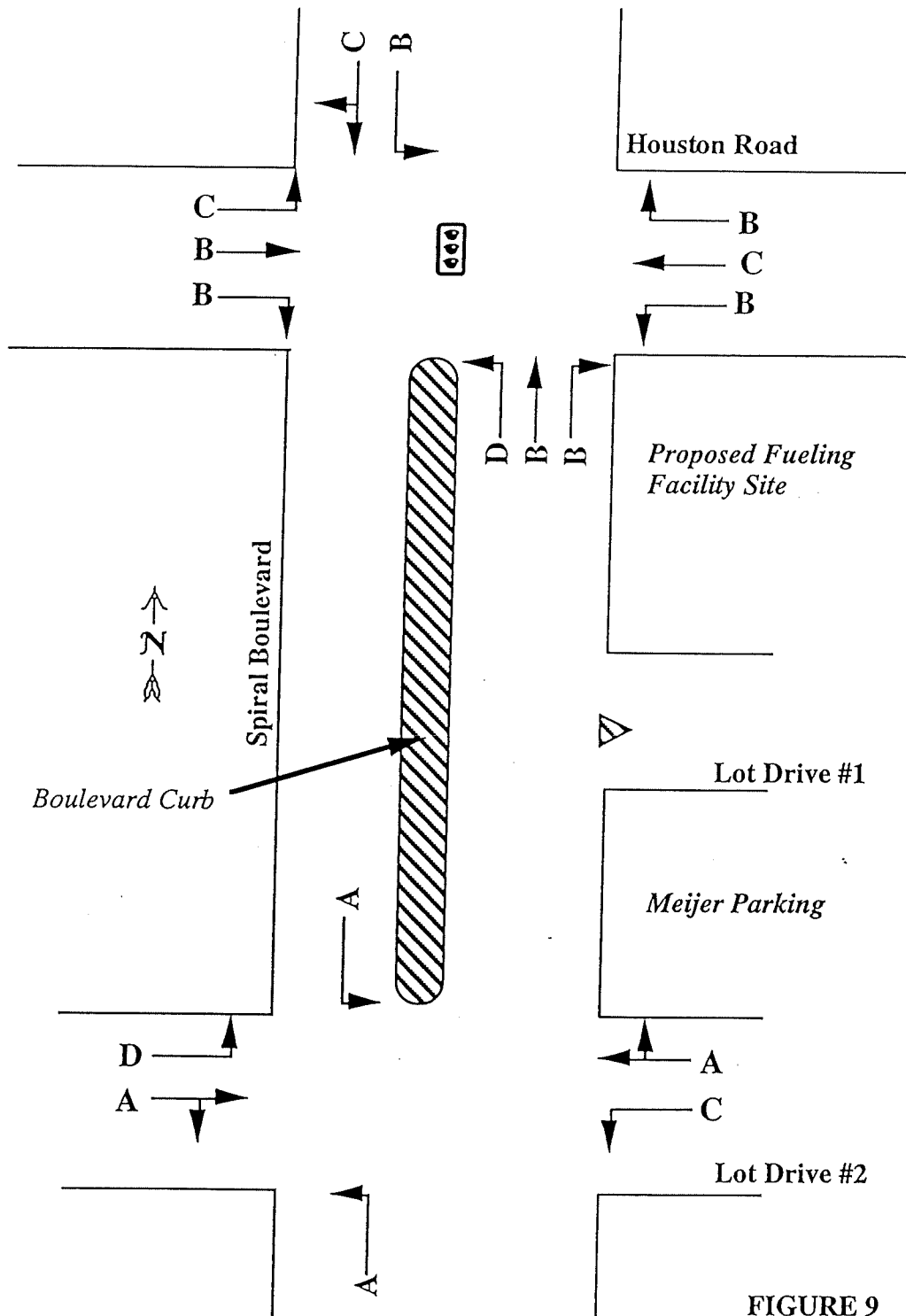


FIGURE 9
"Opening Day"
Level of Service Conditions

Conclusions & Recommendations

As part of the implementation of the Meijer fueling facility, the preceding analysis was conducted for the purpose of presenting the traffic impact of the proposed site on the signalized intersection of Houston Road/Spiral Boulevard and to evaluate the impact of the median closure at Lot Drive #1. It has been proposed that the existing median access to Lot Drive #1 be closed, therefore utilizing a right-in/right-out driveway at that location along with a full-access driveway at Lot Drive #2. As part of this impact analysis, the existing Meijer store vehicle trips have been re-routed in order to evaluate this proposed median modification.

Level of Service analyses were conducted at the signalized intersection of Houston Road/Spiral Boulevard and at the full-service Lot Drive #2. These analyses indicate the following:

- The current analysis at the signalized intersection of Houston Road and Spiral Boulevard indicates a Level of Service of "B" during both the Friday PM peak hour and the Saturday noon hour;
- The "opening day" analysis at the signalized intersection of Houston Road and Spiral Boulevard indicates a Level of Service of "B" during the Friday PM peak hour. Therefore, this intersection continues to work with the addition of the site generated traffic; and
- The Level of Service at Lot Drive #2 indicates acceptable delays for all movements.

The elimination of the median access to Lot Drive #1 is an improvement to southbound Spiral Boulevard. It improves the situation caused by traffic changing lanes in order to turn left into Lot Drive #1. By closing the median at Lot Drive #1, drivers have more time and distance to maneuver should they decide they need to change lanes in order to turn into Meijer.

Closure of the median access also creates a longer storage area between Houston Road and Lot Drive #2 for those left turn movements. The 427 left turning vehicles at the full service driveway during the Friday PM peak hour require 275 feet of storage area per the ODOT L&D Manual - less than the 350 feet of available storage. Adequate space is therefore available.

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White.

Chairman Millay introduced the fourth item on the Agenda:

3. Applicant: Meijer, Inc. (owner)

Request: Change in Concept Development Plan

The request of Meijer, Inc. (owner) for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Jay Fossett with the law firm of Coors & Bassett was present representing the applicant. Mr. Fossett introduced Mr. Mike Kinsel, Senior Real Estate Representative with Meijer, Inc., as well as land use expert, Attorney Tom Breidenstein, and traffic expert, Mr. Jack Pflum with Pflum, Klausmeier & Gehrum. Mr. Fossett presented two exhibit boards and stated that in order to understand the history of the project, you have to look back at the 1990 Concept Development Plan. Reviewing the exhibit of the 1990 Concept Development Plan, Mr. Fossett stated that there was retail strip center and three outlots -- a restaurant, a restaurant, and a bank. The development they are proposing is located where the bank outlot is now. He stated that when the 1990 Concept Development Plan was approved, there was a plan for an office tower and an office park -- but that area is now retail. The Concept Development Plan for that portion of the site has changed dramatically. He stated that when Meijer was approved in 1993, the "strip mall concept" was changed to a "super store concept". He stated that there have been major changes to the Concept Development Plan approved in 1993. He presented and reviewed the Preliminary Plat from 1993 showing the Meijer facility and a 70,000 sq. ft. reduction in retail space on the site. He stated that in 1993, they made it clear that they would at some time develop this outlot. He quoted from the plan "Potential convenience store not a part of this application" and stated that fuel tanks are indicated on the plan.

Mr. Fossett stated that they are seeking a change in the Concept Development Plan to allow convenience store and gasoline store on the lot. They are willing to forego development of the two restaurant outlots -- forego the high volume restaurant uses and the bank. In place of the three outlots which could be developed now, they will develop the one outlot as a gasoline/convenience store. They will agree to this as a condition. He stated that reducing the development that fronts Houston Road from three lots to one lot will reduce the overall traffic impact. The traffic impact was also reduced when they changed the retail strip space to the superstore.

Mr. Fossett stated that a Concept Development Plan has some flexibility. The Concept Development Plan has gone through some major changes. They believe that the proposed development is compatible with what is currently approved on the Meijer development site.

Mr. Mike Kinsel presented an exhibit and stated that the proposed gasoline/convenience store was shown on the plan that was submitted, but it was not part of the application. He stated that the fuel pumps and the canopy were oriented toward the intersection of Houston Road and Spiral Drive, but one of the changes to the plan was to orient the convenience store towards Houston Road and orient the gas pumps toward the Meijer parking lot. They will screen the site with low berming and heavy landscaping all around the perimeter. A hedge would screen all of the operations underneath the canopy from the intersection of Houston Road and Spiral Drive. This is a significant change in the impact the use would have on the exterior of the Meijer site.

Mr. Kinsel stated that Meijer currently operates 107 convenience stores with fuel pumps in five Midwest states. The convenience store is an integral part of the Meijer one-stop shopping concept. The convenience store and fuel pumps have proven to be compatible with the Meijer store. He stated that they have attempted to make the site more compatible. He presented an exhibit showing the proposed facility to be all masonry and block, and the same color as the Meijer store. He noted the raised masonry detailing used to break up the expanse of the wall. He presented another exhibit and stated that the canopy has to be large because of the space required between the pumps. They have incorporated some of the same colors into the canopy. He noted that Star Bank across the street has a large canopy and a lot of the hotels in the area also have canopies over their entryways to protect guests from the weather. Canopies are not new to the area. Because of the orientation away from Houston Road, they feel that this use will have very little impact on the traffic going by on Houston Road -- particularly with the berming and landscaping. There would be signage on the canopy and they will add the price cabinet to the existing monument sign for the Meijer Store. The monument sign will remain the same size. They do not propose any new freestanding signage. Access will be within the existing access

points. They will close the first median cut to alleviate stacking into the intersection. He indicated the drive that will function as right-in/right-out only.

Mr. Kinsel stated that the use is very compatible with the Meijer facility and with the surrounding shopping facilities. They currently operate five stores in Kentucky and all of them have convenience stores. The facility under construction in Cold Spring will also have a convenience store. They have convenience stores in their Louisville and Lexington facilities, which have a lot of the same tenants as this facility and a lot of the same uses, and they feel that the use is very compatible at those sites and will function much the same way at this site. The use may even be more compatible at this site because of the orientation of the building toward the Meijer development versus the exterior of the site.

Mr. Fossett questioned commitment from Meijer in regard to developing the two other outlots. Mr. Kinsel stated that their commitment would be "if this is approved, we will not seek to develop the other two outlots".

Mr. Fossett asked Mr. Kinsel to explain the propane system. Mr. Kinsel stated that people pull in and park to drop off propane tanks and pick up a new one. There is a metal cage approximately 5' x 5', which would be screened and not visible from the roadway. The facility would only be accessible from the parking area and should not impact outside the site.

Mr. Fossett asked Mr. Kinsel to address Staff's comment that there were not enough parking spaces. Mr. Kinsel stated that 16 spaces are required and they are only showing seven -- but there are 12 fueling stations that would act as parking spaces. He stated that the majority of the guests who use the convenience store do so after they fill up their car at the pump. He stated that there are 19 parking spaces within the site and, if needed, they also have all of the parking on the Meijer lot.

Mr. Fossett questioned outside storage. Mr. Kinsel explained that they do not display or sell mulch. He noted that there is a garden center as part of the Meijer's store. He stated that they will commit not to have anything displayed for sale, except along the front of the facility under the canopy where they would periodically have convenience store related items on display.

Mr. Fossett asked Mr. Kinsel to comment regarding the sidewalk and the bike rack. Mr. Kinsel stated that they have no problem with a sidewalk to the roadway and a bike rack at the facility.

Attorney Tom Breidenstein with the law firm of Deters, Benzinger & LaVelle in Covington, stated that he has a Bachelor's Degree in Urban and Regional Planning and was the Zoning Enforcement Officer for the Boone County Planning Commission from 1986 - 1992. He is accredited by the American Institute of Certified Planners and a member of the Kentucky and Ohio Chapters of the American Planning Association. He has passed both the Kentucky and Ohio bars and dedicates over half of his practice to planning and land use issues.

Mr. Fossett asked Mr. Breidenstein if in his professional opinion the proposed development is appropriate for the site and complies with the Zoning Regulations and the Comprehensive Plan. Mr. Breidenstein responded "yes" and stated that it complies with both the Zoning Regulations and the Comprehensive Plan. He noted that the property is zoned C-2 and O-2 and has a Planned Development Overlay. Gasoline filling stations are principally permitted uses within the C-2 text. The purpose of the C-2 zoning district is to allow some convenience goods required for normal living needs. Gasoline filling stations are a conditional use within the O-2 zone and serve employees of the district. The PD Overlay says that the use is evaluated to determine if it is compatible with the overall planned development and he believes it is. Article 15 gives the criteria to evaluate whether a particular use is compatible (Section 15.14). He stated that Mr. Wall was very thorough in his review of the criteria and agrees that the criteria are fulfilled. He stated that this development matches Section 15.14 -- which tells him that this project is appropriate. He stated that the Houston-Donaldson Study is a Comprehensive Plan for this development. The first goal of the Houston-Donaldson Study is to create a distinct corridor and that the future land uses are planned in relationship to the overall land use pattern of Boone County. He reviewed the objectives of that goal, including that the commercial uses shall be designed in an innovative manner that creates prominent landscaping areas. He commented that more landscaping than would be required is provided. He quoted "Commercial outlots shall be located near major development access points" and stated that they meet that criteria. He continued to quote from the Houston-Donaldson Study that "there should be a central architectural design focus" he stated that the plans and the Staff Report indicate that there is continuation of the existing architectural theme. He stated that another goal is traffic circulation systems serving both destination and through traffic with a minimum of traffic congestion. He stated that the design of this development, with the closing of the access, satisfies that goal. He stated that the traffic being drawn to this use is already there. The third goal of the Houston-Donaldson Study is to have appropriate exterior appearance. He stated that he has addressed this and so has Mr. Wall's report. Mr. Breidenstein stated that there is a Design Review process to address minor details and the architectural plans can be reviewed at that level.

Mr. Breidenstein stated that there is nothing in the Houston-Donaldson Study that specifically and clearly states that gasoline filling stations should not be permitted in the Houston-Donaldson Study area or on this site. He stated that the Houston-Donaldson Study says on Page 26 that gasoline service stations are not recommended for Site 5 -- but no such language appears for this site (Site 9). He stated that when you look at the signage provisions, gasoline stations are contemplated. He referred to Page 65 regarding types of signs contemplated for gasoline service stations.

Mr. Fossett asked "Is the proposed development in compliance with the Houston-Donaldson Study? Mr. Breidenstein responded "yes". Mr. Fossett asked if it is in compliance with the Comprehensive Plan. Mr. Breidenstein responded "yes". Mr. Fossett asked if it is in compliance with the Planned Development section of the Zoning Regulations and the underlying zones. Mr. Breidenstein responded "yes -- it is in compliance with C-2, O-2, and Planned Development provisions". Mr. Fossett asked if the proposed development is appropriate when looking at the Concept Development Plan as initially approved and as changed through the development of retail facilities in the area. Mr. Breidenstein responded "yes" and explained that there is less retail space for the Meijer site, and now there is no office development to the south of the property as was initially anticipated. When the Houston-Donaldson plan was written in 1992, it was written with the contemplation of office developments -- which is an unanticipated and significant change that occurred after the adoption of the Houston-Donaldson Study.

Mr. Jack Pflum, President of Pflum, Klausmeier, and Gehrum, stated that Houston Road carries a great deal of traffic. Based on their traffic counts of July, 1998, there are approximately 4,000 cars during the Friday evening peak hour. Saturday afternoon peak hour is about the same. He stated that they are adding about 64 cars to the 4,000 -- which is less than two percent. He noted that there is an allowance of +/- 5% or 6% for errors in the forecasts. He stated that the estimate of 60% of pass-by or capture traffic is not unusually high. They have done traffic work for similar facilities and the figure can be as high as 80%. He stated that people do not drive far out of their way to fill up with gasoline. They applied the pass-by factor to the traffic on Houston Road and the difference is relatively modest. The 45% split talked about in terms of traffic internal to the site is information received from Meijer based on the operation of 107 stores -- it is traffic internal to the site which will not affect the roadway system. He stated that they counted Friday evening peak hour and Saturday afternoon peak hour. He stated that the total volume is approximately the same and is within a 100-vehicle difference. The left turn is significantly different. He stated that they provided a Level of Service analysis for both conditions (see Appendix C-1 and C-2) and in each instance it is Level of Service B -- which is more than satisfactory. They did not use Saturday traffic because the ITE does not give Saturday figures

(they used Friday data). In the capacity analysis, they found that they met all of the standards required by the Kentucky Transportation Cabinet and the Institute of Transportation Engineers. He stated that the intersection will continue to operate as it does today. The existing landscape median in Spiral Drive will be closed to eliminate existing problems or future problems.

Mr. Fossett asked Mr. Pflum to use the exhibit to show the difference between the proposed development and the situation if the three lots were developed for a bank and two restaurants. Mr. Pflum referred to the exhibit and explained that the new traffic for the proposed development is only 64 trips -- but if the three outlots were developed for a bank and two fast food restaurants, there would be slightly more than 300 trips generated during the same peak hour. He stated that there will be a substantial reduction in the amount of traffic as a result of the gasoline station and convenience store.

Mr. Fossett questioned how much the proposed development will increase traffic overall on Houston Road. Mr. Pflum responded "approximately 2%". He stated that 64 cars would be added to the approximate 4,000 existing.

Counselor Wilson asked if the 64 additional trips is based on calculations from the ITE Manual. Mr. Pflum responded "yes" and stated that their report includes copies of the appropriate trip generation tables (see Appendix D). Counselor Wilson asked if this edition of the ITE Manual generated figures based on a sampling throughout the United States. Mr. Pflum responded "yes" and stated that they used the 6th Edition, which follows the same format.

Mr. Costello asked if they evaluated current sites to test whether the figure is correct. Mr. Pflum responded "not for this particular study". He stated that they have been engaged by other users of these types of sites (McDonald's, Marathon, Ashland) to evaluate the ITE trip generation rates and almost without exception the actual studies they performed showed higher rates than the ITE gives. He stated that the ITE figures would be conservative and 25% - 30% higher than the counts they have made on similar type facilities.

Mr. Fossett stated that Meijer's is making a major concession in agreeing not to develop the two additional outlots. They are in the retail business and the fuel station/convenience store is part of their concept for almost all of their stores in the United States. He stated that the evidence shows this is an appropriate use under the Houston-Donaldson Study and the Comprehensive Plan. He requested approval of the application.

The Chairman asked if there was anyone else present who wished to speak in regard to this request -- either for or against or having questions. There being no response, the Chairman asked if there were any comments or questions from the Planning Commission.

Mr. Ries stated that the City of Florence does not want gas stations in this area and this will set a precedent. There are no gas stations in this area now.

In response to a question from Mr. McMillian, Mr. Kinsel stated that the facility would be owned and operated by Meijer's.

Mr. McMillian questioned why there would be a bike rack at a gas station. Mr. Wall explained that the idea is to create a multi-modal orientation within the commercial areas. In the Houston-Donaldson Study area there are people who walk and use bikes. Chairman Millay also questioned the bike rack. Mr. Costello explained that there is a bike lane on Houston Road and it will continue. When Houston Road is widened to five lanes, there will be bike lanes on both sides. Turfway Road will be expanded and will have bike lanes.

Mr. Damstrom questioned the hours of operation. He also asked the applicant to provide a picture of a similar facility to the Committee.

Mr. Kinsel responded that the facility will be open 24 hours. He agreed to bring pictures of similar facilities to the Committee meeting.

Mr. Damstrom noted that the applicant indicated 12 pumps -- he asked if they are referring to six double-sided pumps. Mr. Kinsel responded "yes" and stated that there will be twelve fueling stations.

Mr. Damstrom questioned the square footage of the sign on Houston Road. Mr. Wall responded that it is 99 square feet.

Mr. Damstrom stated that it is hard to tell from the plan, but he is assuming the entrance is wide enough for a tractor trailer to make the turn into the convenience store. Mr. Wall stated that it will be measured if they get to Site Plan level. Mr. Damstrom asked to have the information for the Committee meeting. Mr. Wall stated that the applicant can put the turning radii on the plan.

Mr. Damstrom stated that an increase of 64 cars during peak hour does not sound like much. He questioned the average total traffic into the site on a daily basis. He commented that a low-priced discount gas facility will attract a lot of attention in the Florence area. He questioned the number of cars that would come to the site just for the gasoline. Chairman Millay asked that the applicant provide this information to the Committee.

Mr. Damstrom questioned the unique design of the building that is required in Planned Development. He asked that this be addressed at the Committee meeting and asked that the applicant bring a picture to show what would be there if the request is approved.

Mr. Damstrom stated that the specific uses should have been designed in the whole Houston-Donaldson site so we would not be having Concept Development Plan changes and would know what every building would be at this particular site.

Mrs. Smith asked for clarification regarding the entrance from Spiral Drive that would be closed and how people turning right off Houston Road would get into the site. Mr. Wall explained that the cut in the median would be closed and people would have to go down to the other two curb cuts to turn into the site. Mrs. Smith asked if they would be making a U-turn. Mr. Wall responded "no" and explained how they would turn into the site on the exhibit. He explained that to get into the convenience store, they would need to drive within the site.

Mr. Neltner questioned if they would be within the 22% green space area with the additional roof area and blacktop. Mr. Wall commented that there is also consideration of the area to be left open for the outlots. Mr. Costello stated that Staff will provide green space information to the Committee.

Mr. Neltner asked if there is an issue of getting permission to close the first entrance into the Meijer site since it is a dedicated roadway. Mr. Wall stated that they would have to get the Improvement Plan approved. They will need approval from the city, but he believes that this was the city's recommendation when the applicant met with them. Mr. Costello stated that it was a city staff recommendation. Mrs. Schaffer stated that the applicant came before City Council and two issues were brought up -- the issue brought up by Mr. Ries that once this is put here, then it will go into other developments. She stated that if you look at a draft of the Houston-Donaldson Study, at one time gasoline stations were a permitted use, but they were taken out before it was adopted because it was determined that they were not an appropriate use in this area. She noted that the Staff Report says that it is not appropriate or compatible with the surrounding uses and is fundamentally different than the uses in the Houston-Donaldson Study area. She stated that Staff also pointed out that it is more of a highway commercial type use.

Mr. Newman questioned the three outlots. Mr. Wall explained that the 1990 Concept Plan was approved with three outlots (two restaurants and a bank). There was a minor modification to the original plan and they integrated the retail into one store that has the multi-product component and is similar in square footage. He noted Mr. Costello's letter in the packet mentions the outlot uses, which are still there and still valid. Mr. Newman stated that the diagram did not show the

outlots. Mr. Costello stated that he was the Zoning Administrator in 1992 and a decision was made, after consulting with the City of Florence, that Meijer's could have a super store instead of having individual stores. Initially there was discussion that one of the three outlots was proposed for a convenience store with gasoline station, but in his letter of March 10, 1992 he states that gasoline/convenience store was not allowed based on the original Concept Development Plan -- but they could develop the outlots that showed two restaurants and a bank.

Mr. Newman stated that at the Meijer's stores he has visited, it seems like the convenience store is already there. He questioned why this convenience store was not on the original plan. Mr. Kinsel stated that when they were going through the approval, they were under some time constraints. There was an opportunity to get the Meijer store approval as a minor change, which they had to do to meet their contractual obligations on timing -- with the idea of coming back at a later time for the gas station.

Chairman Millay asked if anyone else wished to speak regarding this application.

Mr. Ries asked if a parking spot at a gas pump can be counted as a parking space for a facility. Mr. Wall responded that they cannot be counted towards the parking requirement. He stated that typically we count required parking for the pumps at one space per two pumps and count the retail component separately.


Mr. Ries stated that often these facilities start out as a gas station, but then there is pizza, a Subway, fast food, etc.. He asked if there are any plans for other operations at this facility. Mr. Kinsel responded "no".

There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on October 1, 1998 at 5 PM in the second floor conference room. This item will be on the Agenda for the Business Meeting on October 7, 1998 at 7:30 PM. The Chairman closed this Public Hearing.

APPROVED:


Robert Millay, Chairman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
December 20, 2000
6:30 P.M.**

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney, Vice Chairman
Mr. Mark Hicks
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson

COMMISSION MEMBERS NOT PRESENT:

Mr. Charlie Reynolds
Mr. Robert Ries, Temporary Presiding Officer
Mr. David Zimmer

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

settlement was reached. The main issue was **Item F – The building shall be composed of a minimum of sixty percent brick and be of a residential appearance.** Mr. Light displayed the current elevation which is 63% brick. He showed samples of the building materials (brick and drivet in a yellow shade), which meet the Design Review requirements and those of the settlement agreement.

Mr. Knock asked if the city is satisfied with the design. Mr. Light responded that he has shown it to the city staff and they are satisfied with it. He noted that the requirement was for 60% brick, but the other 40% was not specified. He stated that the building is three stories and eighty-nine rooms. He showed the front elevation on Woodspoint Drive and the ramp. Mr. White stated that the Committee worked through it and the main issue was the 60% brick.

The Chairman stated that the settlement does not reduce any of the requirements of the Planning Commission. Mr. Light agreed and noted that the Houston-Donaldson Study allows different types of finishes. They were held to the 60% brick at the city level, and the rest of the building can be any of the other allowable materials.

There being no further discussion, Mr. White moved to approve the project as presented. Mr. Schwenke seconded the motion. A vote on the motion found all voting members in favor. Mr. Chaney was not yet present. The motion carried.

4. **Concept Development Plan**

The request of Meijer, Inc. (owner) for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a zone change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

Chairman Caddell stated that the Commissioners were mailed a packet in regard to this request. He stated that a Joint Statement Regarding Meijer Rezoning Request will be read by Counselor Dillon, followed by a brief presentation by Mr. Fossett (representing Meijer). Mr. Fossett will submit a position statement. Any questions should be based upon the previous record, which the Commissioners received in their packets. There will be no introduction of any evidence or any changes to what was presented previously.

At this time, Counselor Dillon read the Joint Statement Regarding Meijer Rezoning Request (see Exhibit I).

Attorney Jay Fossett read Meijer Statement Regarding Rezoning Request (see Exhibit II). He presented an exhibit of the 1990 Concept Development Plan and an exhibit of the architectural features of the proposed development. He stated that the Statement is a summary, but there is a transcript of all the testimony from Riverside Recording. He submitted four laminated exhibits labeled Exhibit C, Exhibit D, Exhibit E, and Exhibit F (see Exhibit III). Mr. Fossett

encouraged the Commissioners to review these materials and offered to answer any questions.

Mr. Barlow stated that he read that from the beginning it was made clear that they were proposing the potential fuel station, but in reading the record he did not see that that was made clear. Mr. Costello responded that he made the decision based on the record that it was not an approved use and was a significant change to what was approved. The decision was not appealed and stands. He stated that even though Meijer at the time expressed interest in developing it, they knew they would have to come through the Public Hearing process. The use was never approved by the Planning Commission and that letter is of record. He noted that Mr. Fossett did not represent Meijer at that time. Mr. Fossett responded that the original plan presented the superstore and this development. Meijer developed the superstore and about six years later they came back and said they would like to put in the gas station like they do at their other stores. He stated that the Development Plan indicates possible outlot development in the future. Mr. Barlow noted that the proposal before the Commissioners says "potential outlot development", but what is in the handout says "potential convenience store". He asked if it was called a potential fuel store when this was originally done. Mr. Fossett referred Mr. Barlow to the final Site Plan that was approved. He stated that the original letter indicated that they wanted to put a convenience store in there.

Chairman Caddell questioned at what point the other plan with the three outlots was denied. Mr. Fossett explained that in 1990 when this was Buchanan Development and Houston Lakes, what was originally approved is what is shown on the exhibit -- a strip center and the three outlots. He stated that the superstore has gone in instead, but they can develop the three outlots based on the Development Plan. He stated that they are willing to forego two of the outlots to develop the one.

In response to questions from Mr. Knock, Counselor Dillon explained that this item is before the Planning Commission for approval or disapproval through the Committee process. Chairman Caddell stated that the city did not act on this request. He explained that part of the reason why this has come back to the Planning Commission has to do with a member of the Planning Commission who also served on Florence City Council.

Mr. Fossett stated that the Site Plan was approved. Mr. Costello agreed but noted that there has been an amendment and the one shown is not the one of record. Mr. Fossett agreed and stated that it was already done when Meijer came into the scenario and wanted to do the superstore, not the strip center. Mr. Newman stated that they knew that plan was in effect when they purchased the property. Mr. Fossett agreed.

Mr. Newman questioned how many stores Meijer owns. Mr. Kinstle responded that they own 143 stores. Mr. Newman questioned how many have opened without a convenience store. Mr. Kinstle responded "about a dozen". Mr.

Newman asked if there are plans to have convenience stores in those locations. Mr. Kinstle responded that there are for the ones that have the land area.

Mr. Knock asked if there are traffic problems with the design. He questioned the basis for turning it down previously. Mr. Wall responded that that is part of what is excluded from the discussion.

Mr. Fossett stated that we cannot address anything beyond the Public Hearing. Chairman Caddell questioned if the Commissioners would have access to the minutes of the Business Meeting. Mr. Fossett referred to the Joint Statement. Chairman Caddell questioned who agreed to the Joint Statement. Mr. Fossett responded that all the attorneys involved agreed to it. He explained that the court wants the Commissioners to make a decision based on the record made at the hearing.

Counselor Dillon explained that this matter was reversed and sent back because at some point the procedure became tainted because there was a member of Council who was also a member of this Commission. The Joint Statement says to go back before the process became tainted. He stated that basically the Joint Statement incorporates the ruling of the Circuit Court and takes away any taint from the process. It has the Commission consider matters up to and including the Public Hearing. Mr. Fossett agreed. The Chairman discussed the procedure with Counselor Dillon, Mr. Costello, Mr. Wall, and Mr. Fossett.

Mr. Knock asked if a filling station of this type is permitted under the Houston-Donaldson Study. Mr. Wall explained that the Houston-Donaldson Study uses broader terminology regarding regional commercial and local commercial and what that means specifically needs to be decided through this process.

Mr. Fossett responded that there was expert testimony that it is not prohibited by the Houston-Donaldson Study and that a gasoline station can be put there. The testimony was that the underlying zoning is commercial and it is a Permitted Use in a commercial zone.

Mr. Knock questioned the traffic flow in and out and asked if there are any studies that say this will compound the problems. Mr. Fossett responded that it is just the opposite since they are closing an entrance that creates a problem with people going back and forth. There will be a right-in entrance that will improve stacking. He stated that they are filling in an island.

Mr. Knock asked if approving this will automatically open up the Houston-Donaldson Study to these kinds of stores and other facilities like them. Mr. Wall reviewed how the Houston-Donaldson Study sets up an area of about 27 sites and it breaks up the whole area into different sites planned for different uses. He noted the discussion in the Staff Report regarding Highway Oriented Commercial and other uses and stated that closely reviewing that information will give the Commissioners a better feel for what the Houston-Donaldson Study says about the issue and how the use tends to be characterized.

Mr. Newman noted his earlier question and the response that of their 143 locations about a dozen do not have gas stations and convenience stores. Mr. Newman asked if this site is included in that number. Mr. Kinstle responded "yes". Mr. Newman asked how many of the twelve sites are planned to have convenience gas stations. Mr. Kinstle responded that they would like to have convenience stores and gas stations at all the sites, but for different reasons some will never have gas stations. Some sites will not accommodate them. Mr. Newman asked how many of the twelve do not have the proper land for gas stations. Mr. Kinstle responded that he does not know, but estimates four or five. Mr. Newman stated that when they put their store in and when the plan was approved for those sites, they knew a gas station or convenience store was not approved. Mr. Kinstle responded that in some cases he thinks they did. He does not know the background of every store, but from his personal experience he knows they have purchased property and built a Meijer store without having specific approval to build a gas station and knowing that they would go back at some point in the future and ask to build a gas station. Mr. Newman asked if, when they purchased this property and accepted the approved plan, it was their plan to come back at a later time for the convenience store. Mr. Kinstle responded "yes".

Mr. McMillian stated that when the applicant says that C-2 allows filling stations, that is probably true, but C-2/PD probably does not. Mr. Fossett responded that their expert looked at the underlying zoning and the underlying zoning allows gas stations.

Mr. Chaney arrived at this time.

Mr. White stated that he was involved with the original decision. There were several meetings and he was involved in the decisions. He asked if he should excuse himself from this process. He stated that he would like to be able to answer all the questions. He is perplexed as to what he can say when it goes to Committee. Chairman Caddell responded that there is nothing that says anyone has to be excluded. He stated that he also sat on the Committee and there are some other Commissioners who have a history with this site. Mr. Fossett stated that the Judge's intent was not to exclude anyone.

Mr. Costello stated that there was a concern at the Public Hearing about the visual appearance and some discussion about the grade and elevation of the building, the landscaping, and how the site sets relative to Houston Road. He stated that there was some discussion that Meijer was interested in improving Houston Road along there. He asked if that commitment is still there. Chairman Caddell asked that this be discussed in Committee rather than at this time.

Chairman Caddell referred to Page 4 of Exhibit II (Meijer Statement Regarding Rezoning Request) and Jack Pflum's testimony regarding trip generations. He noted that it says that there would only be sixty-four trips a day generated to this



proposed development of this single lot. He asked if that is sixty-four trips in addition to those already at Meijer shopping or does it include those shopping at Meijer. Mr. Fossett responded that he believes it is sixty-four additional trips. Mr. Kinstle agreed. Mr. Knock asked if their primary market for the convenience store is shoppers at Meijer. Mr. Kinstle responded "yes".

Mrs. Wilson asked if the locations and numbers of their stores is on their web site. Mr. Kinstle did not know and offered to provide a list of all their stores.

Mr. Barlow stated that he was not on the Planning Commission when the original application was made. He noted the comments as to what cannot be introduced into this process and stated that Exhibit B (attached to Meijer Statement) implies that it was in the record of the original hearing, but there is new information written on it. He stated that they are representing it as old information. Mr. Fossett responded that he believes it was presented at the hearing. He stated that a number of other exhibits were also presented, but he just brought a few of them. Mr. Barlow stated that it is misleading.

Mrs. Arnett referred to Exhibit D and asked if the Meijer sign shown is at the corner. Mr. Fossett responded that it is the existing sign at Spiral Drive and Houston Road. He stated that they will use the same sign and just change the face. There will be no pole signs.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on January 3, 2001 at 4 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on January 17, 2001 at 7:30 P.M.. Mr. White asked that legal counsel attend the Committee Meeting. Mr. Costello agreed.

Mr. Fossett thanked the Commissioners for their time.

NEW BUSINESS: None.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin Costello, AICP, Executive Director, recommended that Lisa Wilson serve as the Planning Commission's OKI representative. Mr. Knock so moved. Mr. Hicks seconded the motion and it carried unanimously.

COMMITTEE REPORTS:

Airport: Mr. Ries

No report.

Administrative/Personnel: Mrs. Arnett

No report.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
February 7, 2001
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Charlie Reynolds
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. W. Thomas Chaney, Vice Chairman
Mr. Robert Ries
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Hicks and it carried unanimously.

3. **Concept Development Plan**

The request of Meijer, Inc. (owner) for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

Staff Member Kevin Wall presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. White moved by resolution to the City of Florence that the request be denied based on the Committee Report. Mr. Zimmer seconded the motion.

In response to a question from Mr. Knock, Mr. Wall explained that they have three outlot uses approved (a bank and two restaurants) and want the convenience store with fuel sales in lieu of the other approved uses.

Mr. Knock stated that Finding of Fact 2.C. states that the proposal is not in agreement with the Comprehensive Plan. He questioned if that is by reference to the Houston-Donaldson Study but not specifically stated in the Comprehensive Plan. Mr. Wall responded "yes" and stated that the 1995 Comprehensive Plan references the Houston-Donaldson Study. Mr. Knock asked that the record show that it is just by reference in the adopted Comprehensive Plan.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. White and it carried unanimously.

4. **Technical/Design Review: Sugarcamp Development – KY 237**

Staff Member Todd Morgan presented the Design Review request for Sugarcamp Development. This Design Review request is a result of a condition of the July 19, 2000 zone change. He stated that site drawings and elevations are available. The site is adjacent to Rightway Nursery. The elevations show all brick and stone construction. They have not addressed free-standing signage and will have to come back in that regard. There is no equipment on the roof and it is all on the ground. The Committee recommends approval of the request.

In response to a question from the Chairman, Mr. Morgan explained that a condition of the zone change from SR-2 to C-2 was that they had to come before the Design Review Committee and show the elevations for the entire building.

Mr. McMillian moved to approve the request as presented. Mrs. Poston seconded the motion.

EXHIBIT
“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: February 7, 2001

RE: Request of **Meijer, Inc. (owner)** for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

REMARKS:

We, the Committee, after reviewing the previous record for this request and the presentation made by the applicant's counsel at the December 20, 2000 Planning Commission Business Meeting, recommend denial of this request based upon the following findings of fact. These findings, originally prepared by the Planning Commission's staff without the participation of any Commissioner, are the same findings originally used by the Planning Commission to recommend denial of this request on November 18, 1998. These findings were considered by the Zone Change Committee at their January 17, 2001 meeting after the applicant's counsel consented to a review of the previous Committee Report which recommended conditional approval of this request.

Findings of Fact

1. The proposal is not in agreement with the 1995 Boone County Comprehensive Plan due to the following reasons:
 - A. The Goals and Objectives (Business Activity, Commercial Objective 1) state "appropriate locations for business compatible with the surrounding areas are provided in Boone County." Because the request entails a retail convenience use with a highway/interchange commercial character and the surrounding area has a large-scaled, suburban commercial park character, the proposal is not compatible with the surrounding area.
 - B. The Goals and Objectives (Business Activity, Commercial Objective 3) state "highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impacts to the community in terms of traffic congestion, local commuting patterns and access." This proposal is not in agreement with this objective because it involves placing a highway commercial use at a high volume intersection within the Houston-Donaldson Study area and at a site that is not in close proximity to a highway interchange. There are several existing convenience stores with gas sales within the Houston-Donaldson Study area that are in close proximity to interchanges.

- C. Section "Area C-4: Camp Ernst Area" of the Land Use Element states "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study." Therefore, the Study is incorporated into the Comprehensive Plan by reference. Regarding Houston Lakes, the Houston-Donaldson Study states "this Study incorporates the approved Concept Development Plan into the recommended land uses and zoning scheme." The Concept Development Plan currently in effect for the site includes regionally-oriented commercial uses including regionally oriented retail establishments and hotel uses. The hotels in question adjoin a highway interchange as sought by the Comprehensive Plan's Goals and Objectives for highway commercial uses. Thus, the addition of a highway commercial use such as a convenience store with retail fuel sales at the proposed location is not in agreement with the intent of the current Concept Development Plan, the Houston-Donaldson Study, and in turn, not in agreement with the Comprehensive Plan.
 - D. The Goals and Objectives for the Houston-Donaldson Study (Goal I, pg. 7) state "the future land uses in the Study Area are planned in relation to the overall land use pattern of Boone County, the existing and planned developments within the Study Area, and the sense of the Study Area as a distinct corridor." Because the character of a convenience store with retail fuel sales is fundamentally different from the planned and established uses and character of the area, approval of this request would erode the sense of the Study Area as a distinct corridor, as these types or retail convenience uses are typical in other types of corridors with less destination oriented traffic.
2. The proposal does not fulfill the standards in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations due to the following reasons:
 - A. Standard #2 "Compatibility of Uses" states "measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent areas." As explained under 1.A above, the character of the proposed use is fundamentally different from the surrounding uses in the area. Because of these basic differences in the character of the use, no reasonable measures can be taken to assure compatibility of the proposed use with the surrounding areas.
 - B. Standard #7 "Architecture" notes that the architecture within Planned Developments shall use a consistent architectural theme. Due to the small stature of the proposed convenience store, the design of the building is inconsistent with the established architectural theme of the area due to this

small stature and lack of scale. In addition, the size of the proposed canopy over the fuel pumps dominates the site and dwarfs the convenience store building. There are no other canopies with such a dominating scale in the immediate area. Large-scale canopies covering retail fuel pumps within the Houston-Donaldson Study area have been limited to sites with a highway commercial character, such as those along KY 18 and Donaldson Highway.

- C. Standard #11 "Conformance with Comprehensive Plan" states "all planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitation of existing or planned infrastructure." As explained above, the proposal is not in agreement with the adopted Comprehensive Plan.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

PUBLIC HEARING ITEM NO. 4:

Commission members present: Mrs. Arnett, Secretary/Treasurer, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith, and Mr. White.

Chairman Millay introduced the fourth item on the Agenda:

3. Applicant: Meijer, Inc. (owner)

Request: Change in Concept Development Plan

The request of Meijer, Inc. (owner) for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Attorney Jay Fossett with the law firm of Coors & Bassett was present representing the applicant. Mr. Fossett introduced Mr. Mike Kinsel, Senior Real Estate Representative with Meijer, Inc., as well as land use expert, Attorney Tom Breidenstein, and traffic expert, Mr. Jack Pflum with Pflum, Klausmeier & Gehrum. Mr. Fossett presented two exhibit boards and stated that in order to understand the history of the project, you have to look back at the 1990 Concept Development Plan. Reviewing the exhibit of the 1990 Concept Development Plan, Mr. Fossett stated that there was retail strip center and three outlots -- a restaurant, a restaurant, and a bank. The development they are proposing is located where the bank outlot is now. He stated that when the 1990 Concept Development Plan was approved, there was a plan for an office tower and an office park -- but that area is now retail. The Concept Development Plan for that portion of the site has changed dramatically. He stated that when Meijer was approved in 1993, the "strip mall concept" was changed to a "super store concept". He stated that there have been major changes to the Concept Development Plan approved in 1993. He presented and reviewed the Preliminary Plat from 1993 showing the Meijer facility and a 70,000 sq. ft. reduction in retail space on the site. He stated that in 1993, they made it clear that they would at some time develop this outlot. He quoted from the plan "Potential convenience store not a part of this application" and stated that fuel tanks are indicated on the plan.

Mr. Fossett stated that they are seeking a change in the Concept Development Plan to allow convenience store and gasoline store on the lot. They are willing to forego development of the two restaurant outlots -- forego the high volume restaurant uses and the bank. In place of the three outlots which could be developed now, they will develop the one outlot as a gasoline/convenience store. They will agree to this as a condition. He stated that reducing the development that fronts Houston Road from three lots to one lot will reduce the overall traffic impact. The traffic impact was also reduced when they changed the retail strip space to the superstore.

Mr. Fossett stated that a Concept Development Plan has some flexibility. The Concept Development Plan has gone through some major changes. They believe that the proposed development is compatible with what is currently approved on the Meijer development site.

Mr. Mike Kinsel presented an exhibit and stated that the proposed gasoline/convenience store was shown on the plan that was submitted, but it was not part of the application. He stated that the fuel pumps and the canopy were oriented toward the intersection of Houston Road and Spiral Drive, but one of the changes to the plan was to orient the convenience store towards Houston Road and orient the gas pumps toward the Meijer parking lot. They will screen the site with low berming and heavy landscaping all around the perimeter. A hedge would screen all of the operations underneath the canopy from the intersection of Houston Road and Spiral Drive. This is a significant change in the impact the use would have on the exterior of the Meijer site.

Mr. Kinsel stated that Meijer currently operates 107 convenience stores with fuel pumps in five Midwest states. The convenience store is an integral part of the Meijer one-stop shopping concept. The convenience store and fuel pumps have proven to be compatible with the Meijer store. He stated that they have attempted to make the site more compatible. He presented an exhibit showing the proposed facility to be all masonry and block, and the same color as the Meijer store. He noted the raised masonry detailing used to break up the expanse of the wall. He presented another exhibit and stated that the canopy has to be large because of the space required between the pumps. They have incorporated some of the same colors into the canopy. He noted that Star Bank across the street has a large canopy and a lot of the hotels in the area also have canopies over their entryways to protect guests from the weather. Canopies are not new to the area. Because of the orientation away from Houston Road, they feel that this use will have very little impact on the traffic going by on Houston Road -- particularly with the berming and landscaping. There would be signage on the canopy and they will add the price cabinet to the existing monument sign for the Meijer Store. The monument sign will remain the same size. They do not propose any new freestanding signage. Access will be within the existing access

points. They will close the first median cut to alleviate stacking into the intersection. He indicated the drive that will function as right-in/right-out only.

Mr. Kinsel stated that the use is very compatible with the Meijer facility and with the surrounding shopping facilities. They currently operate five stores in Kentucky and all of them have convenience stores. The facility under construction in Cold Spring will also have a convenience store. They have convenience stores in their Louisville and Lexington facilities, which have a lot of the same tenants as this facility and a lot of the same uses, and they feel that the use is very compatible at those sites and will function much the same way at this site. The use may even be more compatible at this site because of the orientation of the building toward the Meijer development versus the exterior of the site.

Mr. Fossett questioned commitment from Meijer in regard to developing the two other outlots. Mr. Kinsel stated that their commitment would be "if this is approved, we will not seek to develop the other two outlots".

Mr. Fossett asked Mr. Kinsel to explain the propane system. Mr. Kinsel stated that people pull in and park to drop off propane tanks and pick up a new one. There is a metal cage approximately 5' x 5', which would be screened and not visible from the roadway. The facility would only be accessible from the parking area and should not impact outside the site.

Mr. Fossett asked Mr. Kinsel to address Staff's comment that there were not enough parking spaces. Mr. Kinsel stated that 16 spaces are required and they are only showing seven -- but there are 12 fueling stations that would act as parking spaces. He stated that the majority of the guests who use the convenience store do so after they fill up their car at the pump. He stated that there are 19 parking spaces within the site and, if needed, they also have all of the parking on the Meijer lot.

Mr. Fossett questioned outside storage. Mr. Kinsel explained that they do not display or sell mulch. He noted that there is a garden center as part of the Meijer's store. He stated that they will commit not to have anything displayed for sale, except along the front of the facility under the canopy where they would periodically have convenience store related items on display.

Mr. Fossett asked Mr. Kinsel to comment regarding the sidewalk and the bike rack. Mr. Kinsel stated that they have no problem with a sidewalk to the roadway and a bike rack at the facility.

Attorney Tom Breidenstein with the law firm of Deters, Benzinger & LaVelle in Covington, stated that he has a Bachelor's Degree in Urban and Regional Planning and was the Zoning Enforcement Officer for the Boone County Planning Commission from 1986 - 1992. He is accredited by the American Institute of Certified Planners and a member of the Kentucky and Ohio Chapters of the American Planning Association. He has passed both the Kentucky and Ohio bars and dedicates over half of his practice to planning and land use issues.

Mr. Fossett asked Mr. Breidenstein if in his professional opinion the proposed development is appropriate for the site and complies with the Zoning Regulations and the Comprehensive Plan. Mr. Breidenstein responded "yes" and stated that it complies with both the Zoning Regulations and the Comprehensive Plan. He noted that the property is zoned C-2 and O-2 and has a Planned Development Overlay. Gasoline filling stations are principally permitted uses within the C-2 text. The purpose of the C-2 zoning district is to allow some convenience goods required for normal living needs. Gasoline filling stations are a conditional use within the O-2 zone and serve employees of the district. The PD Overlay says that the use is evaluated to determine if it is compatible with the overall planned development and he believes it is. Article 15 gives the criteria to evaluate whether a particular use is compatible (Section 15.14). He stated that Mr. Wall was very thorough in his review of the criteria and agrees that the criteria are fulfilled. He stated that this development matches Section 15.14 -- which tells him that this project is appropriate. He stated that the Houston-Donaldson Study is a Comprehensive Plan for this development. The first goal of the Houston-Donaldson Study is to create a distinct corridor and that the future land uses are planned in relationship to the overall land use pattern of Boone County. He reviewed the objectives of that goal, including that the commercial uses shall be designed in an innovative manner that creates prominent landscaping areas. He commented that more landscaping than would be required is provided. He quoted "Commercial outlots shall be located near major development access points" and stated that they meet that criteria. He continued to quote from the Houston-Donaldson Study that "there should be a central architectural design focus" he stated that the plans and the Staff Report indicate that there is continuation of the existing architectural theme. He stated that another goal is traffic circulation systems serving both destination and through traffic with a minimum of traffic congestion. He stated that the design of this development, with the closing of the access, satisfies that goal. He stated that the traffic being drawn to this use is already there. The third goal of the Houston-Donaldson Study is to have appropriate exterior appearance. He stated that he has addressed this and so has Mr. Wall's report. Mr. Breidenstein stated that there is a Design Review process to address minor details and the architectural plans can be reviewed at that level.

Mr. Breidenstein stated that there is nothing in the Houston-Donaldson Study that specifically and clearly states that gasoline filling stations should not be permitted in the Houston-Donaldson Study area or on this site. He stated that the Houston-Donaldson Study says on Page 26 that gasoline service stations are not recommended for Site 5 -- but no such language appears for this site (Site 9). He stated that when you look at the signage provisions, gasoline stations are contemplated. He referred to Page 65 regarding types of signs contemplated for gasoline service stations.

Mr. Fossett asked "Is the proposed development in compliance with the Houston-Donaldson Study? Mr. Breidenstein responded "yes". Mr. Fossett asked if it is in compliance with the Comprehensive Plan. Mr. Breidenstein responded "yes". Mr. Fossett asked if it is in compliance with the Planned Development section of the Zoning Regulations and the underlying zones. Mr. Breidenstein responded "yes -- it is in compliance with C-2, O-2, and Planned Development provisions". Mr. Fossett asked if the proposed development is appropriate when looking at the Concept Development Plan as initially approved and as changed through the development of retail facilities in the area. Mr. Breidenstein responded "yes" and explained that there is less retail space for the Meijer site, and now there is no office development to the south of the property as was initially anticipated. When the Houston-Donaldson plan was written in 1992, it was written with the contemplation of office developments -- which is an unanticipated and significant change that occurred after the adoption of the Houston-Donaldson Study.

Mr. Jack Pflum, President of Pflum, Klausmeier, and Gehrum, stated that Houston Road carries a great deal of traffic. Based on their traffic counts of July, 1998, there are approximately 4,000 cars during the Friday evening peak hour. Saturday afternoon peak hour is about the same. He stated that they are adding about 64 cars to the 4,000 -- which is less than two percent. He noted that there is an allowance of +/- 5% or 6% for errors in the forecasts. He stated that the estimate of 60% of pass-by or capture traffic is not unusually high. They have done traffic work for similar facilities and the figure can be as high as 80%. He stated that people do not drive far out of their way to fill up with gasoline. They applied the pass-by factor to the traffic on Houston Road and the difference is relatively modest. The 45% split talked about in terms of traffic internal to the site is information received from Meijer based on the operation of 107 stores -- it is traffic internal to the site which will not affect the roadway system. He stated that they counted Friday evening peak hour and Saturday afternoon peak hour. He stated that the total volume is approximately the same and is within a 100-vehicle difference. The left turn is significantly different. He stated that they provided a Level of Service analysis for both conditions (see Appendix C-1 and C-2) and in each instance it is Level of Service B -- which is more than satisfactory. They did not use Saturday traffic because the ITE does not give Saturday figures

(they used Friday data). In the capacity analysis, they found that they met all of the standards required by the Kentucky Transportation Cabinet and the Institute of Transportation Engineers. He stated that the intersection will continue to operate as it does today. The existing landscape median in Spiral Drive will be closed to eliminate existing problems or future problems.

Mr. Fossett asked Mr. Pflum to use the exhibit to show the difference between the proposed development and the situation if the three lots were developed for a bank and two restaurants. Mr. Pflum referred to the exhibit and explained that the new traffic for the proposed development is only 64 trips -- but if the three outlots were developed for a bank and two fast food restaurants, there would be slightly more than 300 trips generated during the same peak hour. He stated that there will be a substantial reduction in the amount of traffic as a result of the gasoline station and convenience store.

Mr. Fossett questioned how much the proposed development will increase traffic overall on Houston Road. Mr. Pflum responded "approximately 2%". He stated that 64 cars would be added to the approximate 4,000 existing.

Counselor Wilson asked if the 64 additional trips is based on calculations from the ITE Manual. Mr. Pflum responded "yes" and stated that their report includes copies of the appropriate trip generation tables (see Appendix D). Counselor Wilson asked if this edition of the ITE Manual generated figures based on a sampling throughout the United States. Mr. Pflum responded "yes" and stated that they used the 6th Edition, which follows the same format.

Mr. Costello asked if they evaluated current sites to test whether the figure is correct. Mr. Pflum responded "not for this particular study". He stated that they have been engaged by other users of these types of sites (McDonald's, Marathon, Ashland) to evaluate the ITE trip generation rates and almost without exception the actual studies they performed showed higher rates than the ITE gives. He stated that the ITE figures would be conservative and 25% - 30% higher than the counts they have made on similar type facilities.

Mr. Fossett stated that Meijer's is making a major concession in agreeing not to develop the two additional outlots. They are in the retail business and the fuel station/convenience store is part of their concept for almost all of their stores in the United States. He stated that the evidence shows this is an appropriate use under the Houston-Donaldson Study and the Comprehensive Plan. He requested approval of the application.

The Chairman asked if there was anyone else present who wished to speak in regard to this request -- either for or against or having questions. There being no response, the Chairman asked if there were any comments or questions from the Planning Commission.

Mr. Ries stated that the City of Florence does not want gas stations in this area and this will set a precedent. There are no gas stations in this area now.

In response to a question from Mr. McMillian, Mr. Kinsel stated that the facility would be owned and operated by Meijer's.

Mr. McMillian questioned why there would be a bike rack at a gas station. Mr. Wall explained that the idea is to create a multi-modal orientation within the commercial areas. In the Houston-Donaldson Study area there are people who walk and use bikes. Chairman Millay also questioned the bike rack. Mr. Costello explained that there is a bike lane on Houston Road and it will continue. When Houston Road is widened to five lanes, there will be bike lanes on both sides. Turfway Road will be expanded and will have bike lanes.

Mr. Damstrom questioned the hours of operation. He also asked the applicant to provide a picture of a similar facility to the Committee.

Mr. Kinsel responded that the facility will be open 24 hours. He agreed to bring pictures of similar facilities to the Committee meeting.

Mr. Damstrom noted that the applicant indicated 12 pumps -- he asked if they are referring to six double-sided pumps. Mr. Kinsel responded "yes" and stated that there will be twelve fueling stations.

Mr. Damstrom questioned the square footage of the sign on Houston Road. Mr. Wall responded that it is 99 square feet.

Mr. Damstrom stated that it is hard to tell from the plan, but he is assuming the entrance is wide enough for a tractor trailer to make the turn into the convenience store. Mr. Wall stated that it will be measured if they get to Site Plan level. Mr. Damstrom asked to have the information for the Committee meeting. Mr. Wall stated that the applicant can put the turning radii on the plan.

Mr. Damstrom stated that an increase of 64 cars during peak hour does not sound like much. He questioned the average total traffic into the site on a daily basis. He commented that a low-priced discount gas facility will attract a lot of attention in the Florence area. He questioned the number of cars that would come to the site just for the gasoline. Chairman Millay asked that the applicant provide this information to the Committee.

Mr. Damstrom questioned the unique design of the building that is required in Planned Development. He asked that this be addressed at the Committee meeting and asked that the applicant bring a picture to show what would be there if the request is approved.

Mr. Damstrom stated that the specific uses should have been designed in the whole Houston-Donaldson site so we would not be having Concept Development Plan changes and would know what every building would be at this particular site.

Mrs. Smith asked for clarification regarding the entrance from Spiral Drive that would be closed and how people turning right off Houston Road would get into the site. Mr. Wall explained that the cut in the median would be closed and people would have to go down to the other two curb cuts to turn into the site. Mrs. Smith asked if they would be making a U-turn. Mr. Wall responded "no" and explained how they would turn into the site on the exhibit. He explained that to get into the convenience store, they would need to drive within the site.

Mr. Neltner questioned if they would be within the 22% green space area with the additional roof area and blacktop. Mr. Wall commented that there is also consideration of the area to be left open for the outlots. Mr. Costello stated that Staff will provide green space information to the Committee.

Mr. Neltner asked if there is an issue of getting permission to close the first entrance into the Meijer site since it is a dedicated roadway. Mr. Wall stated that they would have to get the Improvement Plan approved. They will need approval from the city, but he believes that this was the city's recommendation when the applicant met with them. Mr. Costello stated that it was a city staff recommendation. Mrs. Schaffer stated that the applicant came before City Council and two issues were brought up -- the issue brought up by Mr. Ries that once this is put here, then it will go into other developments. She stated that if you look at a draft of the Houston-Donaldson Study, at one time gasoline stations were a permitted use, but they were taken out before it was adopted because it was determined that they were not an appropriate use in this area. She noted that the Staff Report says that it is not appropriate or compatible with the surrounding uses and is fundamentally different than the uses in the Houston-Donaldson Study area. She stated that Staff also pointed out that it is more of a highway commercial type use.

Mr. Newman questioned the three outlots. Mr. Wall explained that the 1990 Concept Plan was approved with three outlots (two restaurants and a bank). There was a minor modification to the original plan and they integrated the retail into one store that has the multi-product component and is similar in square footage. He noted Mr. Costello's letter in the packet mentions the outlot uses, which are still there and still valid. Mr. Newman stated that the diagram did not show the

outlots. Mr. Costello stated that he was the Zoning Administrator in 1992 and a decision was made, after consulting with the City of Florence, that Meijer's could have a super store instead of having individual stores. Initially there was discussion that one of the three outlots was proposed for a convenience store with gasoline station, but in his letter of March 10, 1992 he states that gasoline/convenience store was not allowed based on the original Concept Development Plan -- but they could develop the outlots that showed two restaurants and a bank.

Mr. Newman stated that at the Meijer's stores he has visited, it seems like the convenience store is already there. He questioned why this convenience store was not on the original plan. Mr. Kinsel stated that when they were going through the approval, they were under some time constraints. There was an opportunity to get the Meijer store approval as a minor change, which they had to do to meet their contractual obligations on timing -- with the idea of coming back at a later time for the gas station.

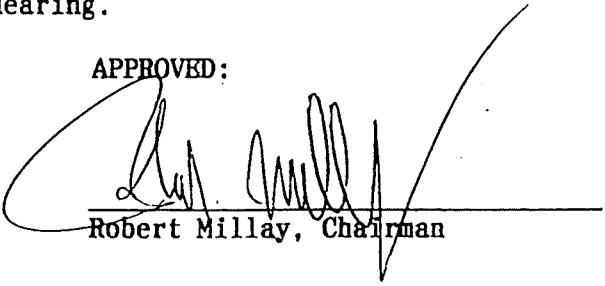
Chairman Millay asked if anyone else wished to speak regarding this application.

Mr. Ries asked if a parking spot at a gas pump can be counted as a parking space for a facility. Mr. Wall responded that they cannot be counted towards the parking requirement. He stated that typically we count required parking for the pumps at one space per two pumps and count the retail component separately.

Mr. Ries stated that often these facilities start out as a gas station, but then there is pizza, a Subway, fast food, etc.. He asked if there are any plans for other operations at this facility. Mr. Kinsel responded "no".

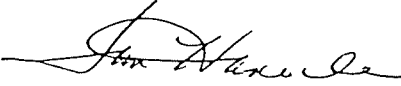
There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on October 1, 1998 at 5 PM in the second floor conference room. This item will be on the Agenda for the Business Meeting on October 7, 1998 at 7:30 PM. The Chairman closed this Public Hearing.

APPROVED:



Robert Millay, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Earl White, Committee Chairman

DATE: January 17, 2001

RE: Request of Meijer, Inc. (owner) for a Change in Concept Development Plan in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone at 4990 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to permit a freestanding convenience store with retail fuel sales.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Meijer, Inc.
January 17, 2001

Earl White

Earl White, Chairman

For _____ Against

Abstain _____ Absent _____

Deferred _____

W. Thomas Chaney

For _____ Against _____

Abstain _____ Absent _____

Deferred _____

Mark Hicks

Mark Hicks

For _____ Against

Abstain _____ Absent _____

Deferred _____

Bob Newman

Bob Newman

For _____ Against

Abstain _____ Absent _____

Deferred _____

David Zimmer

David Zimmer

For _____ Against

Abstain _____ Absent _____

Deferred _____

Bob Schwenke (Alternate)*

For _____ Against _____

Abstain _____ Absent _____

Deferred _____

Lisa Wilson

Lisa Wilson (Alternate)*

For _____ Against

Abstain _____ Absent _____

Deferred _____

Don McMillian (Alternate)*

For _____ Against _____

Abstain _____ Absent _____

Deferred _____

TOTAL: DEFERRED FOR 5 AGAINST ABSTAIN

 ABSENT

SUPPORTING INFORMATION

ROUSE, SKEES, WILSON & DILLON

ATTORNEYS AND COUNSELORS AT LAW

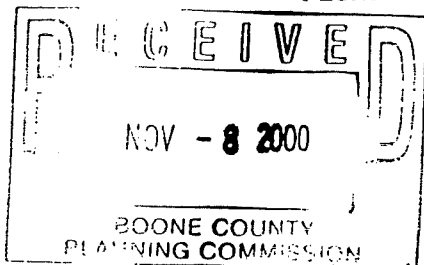
7699 EWING BOULEVARD

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November 7, 2000

Kevin Costello, AICP, Executive Director
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

In re: Meijer, Inc. v. City of Florence, et al (Boone Circuit Case No. 99-CI-00300)

Dear Kevin:

Enclosed is a copy of the Agreed Order entered by the Court. I mentioned this to you a few weeks ago that discussions were occurring among counsel of record as to procedure for remanding this matter back to the Planning Commission. You will recall that the reason for the remand is that Linda Schaffer was on the Planning Commission simultaneously with her service as a council member for the City Council of Florence. A recent Kentucky case has held that dual membership on a city council and a planning commission constitutes a conflict.

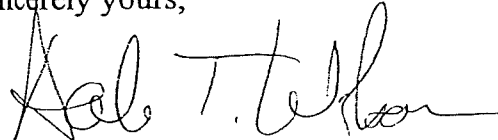
Since it is Linda's participation as a Planning Commission member that has rendered invalid the action taken on the Meijer request, the remand is back to the Planning Commission. You will recall that the City Council took no action on Meijer's application. The purpose of the remand is simply to review the existing record, not to conduct a new public hearing. I anticipate hearing from Jay Fossett soon as to what procedure can be used.

My thoughts are to allow Mr. Fossett on a given occasion a short time to address the Commission, without making a full presentation like at public hearing. The entire record of the prior proceeding would be introduced and the matter could then be referred to a committee of the Commission. The committee could then review and report back to the Commission as a whole and a recommendation on the application made. The Agreed Order calls for a joint statement to be introduced to the Commission along with the existing record. That joint statement would be prepared by attorneys of record in this case. The point would be to explain how this matter has gotten to this point and inform the Commission that it should render its decision based on the existing record.

November 7, 2000
Page Two (2)

After review, let me know your thoughts. Before this matter comes before the Commission as a whole, you may want to bring this matter up to the Executive Committee. If you wish to do that, we should probably invite Mr. Fossett to attend that Executive Committee so that he can observe and answer any questions the Committee may have of him.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dale T. Wilson". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

DALE T. WILSON

DTW/sk
Enclosure

JOINT STATEMENT REGARDING MEIJER REZONING REQUEST

A. Introduction

This zoning request was originally before the Boone County Planning Commission in the fall of 1998. Meijer appealed the denial of this zoning request by the City of Florence to the Boone Circuit Court. The circuit court reversed this decision and remanded this matter to the planning commission to render a new recommendation, based upon the record made before the planning commission on September 23, 1998. This joint statement, prepared pursuant to Court order, discusses the background of this case and the procedure to be followed before the Commission.

B. Background

Meijer, Inc. is the owner and developer of a 33 acre tract located at 4990 Houston Road in the City of Florence, Kentucky, which will be referred to as the subject property. The subject property is part of a larger 101-acre tract, known as Houston lakes. In 1990, the Florence City Council approved a concept development plan utilizing the underlying zone in planned development for the tract. The 1990 PD concept development plan showed strip-style retail in the center of the 101-acre tract with commercial outlets fronting along Houston Road and I-75 and office uses on the southern portion of the site. (See Houston Lakes Concept Development Plan, Exhibit "A").

In 1992, Meijer informed the Boone County Planning Commission that it wished to develop a community retail store on 33 acres of the Houston lakes site. Meijer proposed construction a 206,311-square-foot "superstore" retail center instead of the "strip style" retail center shown on the 1990 concept development plan, a 24, 482-square-foot open-air garden center, and a 1,000-square-foot convenience store with gasoline service.

On March 10, 1992, the planning commission zoning administrator informed Meijer that he had determined that the construction of the 206, 311-square-foot Meijer store with a 24,482-square-foot garden center was a minor change to the 1990 approved PD concept development plan, but that the convenience store with gasoline service was not a minor change to the development plan and would require a public hearing before the planning commission for a change in the plan. (See Meijer Final Site Plan, Exhibit "B").

Thereafter, Meijer developed its superstore and garden store at the subject property but withheld development of the convenience store with gasoline service until a later date. On August 28, 1998, Meijer applied to the planning commission for a change in the PD concept development plan to allow it to build a 2,413-square-foot convenience store with gasoline service on the southwest corner of Meijer's 33-acre tract. It is this request that is the basis of this hearing.

C. Procedure

A new public hearing in this matter will not be held. Instead, a review by the members of the Planning Commission of the following documents will substitute for the usual public hearing:

1. September 23, 1998, Boone County Planning Commission Staff Report;
2. September 23, 1998, Boone County Planning Commission Public Hearing Minutes;
3. August 28, 1998, Meijer, Inc. Fueling and Convenience Store application form;
4. Transcript of September 23, 1988, Meijer Public Hearing (Riverside Reporting Service);

5. This Joint Statement regarding Meijer's Rezoning Request;
6. Applicant's Summary of Testimony at the Public Hearing.

Items 1, 2, 3 and 4 above correspond to Exhibits 4, 6, 9 and 10 supplied to Commission members with the Memorandum from Kevin P. Costello dated November 29, 2000. The remaining exhibits supplied with that Memorandum are excluded from this procedure and shall not be considered by Commission members in reaching their decision.

After attorney for the applicant has presented the Summary of Testimony at the Public Hearing, members of the Commission will have the opportunity to question the applicant.

At the conclusion of the period for questions, the hearing phase will be concluded. The matter will then follow the same procedure as any other zone change request with referral to a committee, a committee report to the Commission, and ultimately a vote by the Commission on a new recommendation to the Florence City Council.

BOONE COUNTY PLANNING AND ZONING HEARING

SEPTEMBER 23, 1998

RIVERSIDE REPORTING SERVICE
Certified Court Reporters
P.O. Box 949
Covington, Kentucky 41012
(606) 291-6110

ORIGINAL

1 MR. MILLAY: The next item is a change
2 of concept development plan for a change in
3 concept development plan in an office
4 two/commercial two plan development zoned at
5 4990 Houston Road, Florence, Kentucky. The
6 request is for a change in an approved concept
7 development plan to permit a freestanding
8 convenience store with retail fuel sales.
9 Kevin.

10 MR. WALL: Mr. Chairman and members of
11 the commission, as was mentioned, this is a
12 change in an improved concept plan to allow a
13 freestanding convenience store with retail gas
14 sales in an outlot that adjoins the existing
15 Meijer store at the intersection of Houston and
16 Spiral Drive.

17 The convenience store is about a 2400
18 square foot structure and there are over 12 gas
19 pumps proposed. The store is a masonry
20 structure, largely brick with masonry detailing
21 that correlates to the existing Meijer store,
22 has a gabled standing sheet metal roof. The
23 gas pump canopy is a little bigger than that,
24 almost 4500 square foot with the dimensions of
25 about 44 by 102 feet.

1 Signage for the project is proposed to
2 consist of canopy-mounted signage and a change
3 of copy on the existing Meijer sign at Houston
4 and Spiral Drive. There is no new --
5 completely brand new freestanding sign, big,
6 mounted sign going to be added.

7 The proposal is intended to be oriented
8 towards the interior of the Meijer lot, facing
9 away from Houston and Spiral. The project will
10 necessitate the realignment of the driveway in
11 the Meijer parking lot. That one closest to
12 Houston Road will be rerouted a bit, a little
13 bit of change in the parking area. And the
14 proposal does include removal of the first
15 median opening on Spiral Drive as you go
16 eastward from the Spiral/Houston intersection
17 in an effort to cut down from the stacking
18 problem that exists now.

19 The project doesn't involve any new
20 curb cuts onto the public road, rather they're
21 just going to use the access from within the
22 existing parking lot.

23 There was a traffic study that was
24 submitted with the proposal and it is attached
25 to your report with the exception of the

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appendices because that's a lot of laborious kind of technical stuff.

Now, we have most of the existing, the front Meijer side as well as the intersection of Spiral and Houston. You see across Houston Road is the existing WalMart center. That's kind of to the north, northwest is the Star Bank across the street.

To the west, southwest you have the two furniture stores, being Thomasville and Furniture Fair. Directly across Spiral Drive you have a couple of outlet uses, Sofa Express and Just For Feet and also the four retail buildings that are in the larger center behind that.

And to the east, kind of southeast is the existing Meijer store. As you can see from the slide, the current characteristics really is an open grass area and the one notable feature on the site is really kind of the topography which rolls down towards the street from the existing sign.

I'll show you some slides to give you a better idea of what is going on. This is looking across the intersection of Houston and

1 Spiral, basically you see that group of trees
2 kind of right under the traffic signal is
3 basically the area of the site we're looking
4 at.

5 That's looking out the first curb cut
6 and the median cut that is proposed to be
7 eliminated. They'll basically fill that in
8 with another segment of raised median.

9 This is looking at kind of east,
10 northeast across the site. This is standing
11 right at the Houston Road frontage looking back
12 across the site of the existing store. Looking
13 the other way towards the development across
14 the street, the furniture stores and the
15 Turfway Business Park. Another view of Turfway
16 Business Park with WalMart.

17 This is looking back -- this is across
18 -- straight across Spiral Drive, the two outlot
19 uses on Houston and Houston Road. Those are
20 the other retail uses in the vicinity now.

21 The comprehensive plan and the Houston-
22 Donaldson are noted fairly extensively in the
23 original report. I won't go through those in
24 the oral report, just note that they are there
25 for the commission's review and we'll touch

1 upon them a little bit in the staff's concerns.

2 The staff's concerns start on page
3 eight of your written report and they start
4 with, number one, the staff is concerned with
5 the overall appropriateness of the proposed
6 use. In the Houston-Donaldson study, which is
7 noted or incorporated into the comp plan by
8 reference, inferred that the number of outlots
9 in the Houston Links development should be
10 minimized and any changes that are approved to
11 the concept plan should have less emphasis on
12 retail.

13 In addition, the proposed use consists
14 essentially of auto oriented highway commercial
15 type use rather than office and suburban style
16 retail as prevalent in the area and has been
17 the intent for the Houston Lakes development.

18 A similar position is stated in the
19 zoning administrator letter, which is mentioned
20 a little bit earlier in your report, when it
21 approved the Meijer store's minor change to the
22 concept development plan. It touched on the
23 convenience store issue but did not approve it
24 as such.

25 There is a quotation now which goes

1 along a similar vein of the thought I just gave
2 you and I'll skip over reading that into the
3 record.

4 Such convenience facilities and fuel
5 stores are prevalent throughout the community,
6 including areas that border the Houston-
7 Donaldson study in relative close proximity to
8 the site and we also have a few that is in the
9 study area itself where we have more of a
10 highway commercial character. And for one in
11 particular, up near Donaldson Road, up near
12 Cherry Tree Lane, it was a redevelopment site
13 and it really had fairly limited opportunities
14 on that site.

15 The staff contends that if the proposed
16 facility is truly intended to serve customers
17 already patronizing the Meijer store, it could
18 be moved much closer to the Meijer building and
19 away from the street frontages, especially the
20 intersection.

21 So the staff would pose the question
22 that if this proposal were approved, will the
23 other approved outlot uses on the Meijer tract
24 be abandoned. There are three outlot uses
25 approved from the 1990 concept development

1 plan, including two restaurants and a bank.

2 Concern number two, article 15, planned
3 development district of the zoning regulations,
4 and on the goals and objectives of the Houston-
5 Donaldson study state the concept and
6 development plan shall be reviewed according to
7 the provisions of article 15.

8 And relative to the standards in
9 section 15.14, which is kind of the core about
10 article for reviewing development proposals,
11 I'll go through those standards now.

12 Number one, mixed use development and
13 pedestrian orientation. The proposal would
14 help diversify land uses as there are no
15 convenience stores with fuel sales in the
16 immediate area. However, the commission needs
17 to decide whether the use is appropriate,
18 first, based on all the other applicable
19 policies.

20 Relative to pedestrian orientation, the
21 proposal doesn't help that in any tangible way.
22 The facility is intended and designed
23 specifically towards auto transportation.

24 Now, as an informational note, a
25 sidewalk is required between the proposed

1 facility and the public street. That's a site
2 plan requirement.

3 Compatibility of uses, number two, a
4 portion of the design elements used in the
5 proposal help integrate it into the overall
6 development. These include the architectural
7 details of the building. Some of those are
8 noted in the staff report, although staff does
9 have some comments regarding the architecture a
10 little bit later.

11 Also the fact that the only new signage
12 consists of canopy signage and the fact that
13 the facility is faced towards the interior of
14 the Meijer lot without any new access points
15 from the public streets.

16 However, the proposed use of the
17 accompanying facility needed to support the use
18 are fundamentally different in character than
19 the uses that are used in Houston Lakes and the
20 vicinity in large. And that's really evidenced
21 -- emphasized by the large flat-roofed canopy
22 that is almost twice as large a footprint area
23 as the convenience store building itself. And,
24 as alluded to previously, the proposal has more
25 of a highway commercial character versus the

1 suburban plan development character that we
2 have in the area.

3 Relative to that compatibility issue
4 under this criterion, should the project be
5 approved, the commission should consider a
6 condition that would prohibit the outside
7 storage and display of seasonal items such as
8 mulch and firewood, banners and regular
9 inventory such as soda display racks and oil
10 can racks, those kind of things being stacked
11 up around the edges of the side and around the
12 fuel pumps. And there is a similar condition
13 for the Tolle project which is the four retail
14 centers across Spiral Drive, a similar
15 prohibition.

16 Criteria number three, open space.
17 Open space areas over and above normal setback
18 requirements have been shown on the plan.
19 Multi-modal transportation system, standard
20 number four, as noted several times already,
21 the use is oriented exclusively to the motorist
22 consumer, although it is difficult to expect a
23 relatively small project providing multi-modal
24 facilities that will effect the transportation
25 behavior of an area at large. And, as I

1 mentioned before, they would be required to
2 provide a sidewalk link as well as a bike rack.

3 Number five, preservation of existing
4 site features, there are no such features as
5 mentioned in that criteria accrued.

6 Number six, landscaping, the proposal
7 is subject to the landscaping requirements of
8 both the Houston-Donaldson study and article 36
9 of the zoning regs; however, the commission may
10 want to consider requiring additional
11 substantial evergreen plantings between the
12 facility and the street frontages over and
13 above the normal landscape requirements which
14 is a buffer in order to minimize the appearance
15 of the facility to the adjoining street.
16 That's particularly important when considering
17 that the existing landscaping along the street
18 frontages of the Meijer lot is somewhat sparse
19 relative to the large scale nature of the
20 facility.

21 Number seven, architecture, as noted a
22 little bit already, the design of the
23 convenience store building itself generally
24 relates to the existing Meijer building with
25 window openings, which are proportionate to the

1 respective facades should be provided on the
2 street facades to combine a favorable what I
3 deemed as street presence in the report unless
4 heavy landscaping is provided between the
5 building and the streets as noted already.

6 Contrary to the design of the building,
7 the size of the canopy is fairly imposing and
8 the design doesn't integrate with or really
9 even correlate to the convenience store
10 building or other structures in the area.

11 There are methods for adding design
12 elements to the canopy that would help overcome
13 the aesthetic design issues, although added
14 design elements do not visibility detract from
15 the large size of it.

16 Criterion number eight, dealing with
17 historic and prehistoric features, there aren't
18 any on the site the staff is aware of.

19 Criterion number nine, dealing with
20 signage, the proposal involves the installation
21 of new canopy sign and changing copying on the
22 existing monument sign, as noted a little bit
23 earlier.

24 One aspect for the commission to
25 consider, the reused monument style sign is

1 larger than what is normally allowed for an
2 outlot use. The existing sign is 99 square
3 feet based on our permit records and that
4 outlot is permitted 24 square feet, although an
5 outlot is permitted its own monument sign under
6 normal circumstances. So you'll need to
7 consider the fact that although the reused sign
8 is larger than what we normally allow for an
9 outlot, the outlot could otherwise have its own
10 monument style sign in addition to the Meijer
11 sign we have out there and is proposed to be
12 reused.

13 Number ten, transportation connections
14 and entry points, other than the previously
15 mentioned sidewalk connection, the standard
16 actually doesn't relate to a signal small-scale
17 outlot use.

18 Number 11, performance of the
19 comprehensive plan, there is a discussion on
20 the comprehensive plan provided in the report
21 that the commission can review at their
22 leisure.

23 Concern number three, the current
24 concept development plan approval as of 1990 is
25 subject to a number of conditions that are

1 outlined in the committee report and that's
2 attached to the staff report and the staff
3 offers the following comments regarding the
4 ones that relate to this proposal.

5 Condition number seven states the
6 architecture of the hotel shall complement the
7 appearance of adjacent outlot uses by
8 conversantly the architecture of the outlot
9 uses which are developing at a later time can
10 be compared to the existing hotel and we
11 touched on that a little bit earlier.

12 Condition number nine states that the
13 outlots along Houston Road shall be consistent
14 with the concept development plan in terms of
15 diagonal building orientation, the use of the
16 road, access of secondary site drives and the
17 amount of green space. It's the staff's
18 conclusion that that condition is generally met
19 by the plan that has been submitted.

20 Condition number ten states that all
21 signage within the development shall be
22 consistent with the submitted standards and
23 meet the objectives of the Houston-Donaldson
24 study. We already talked about signage as
25 well.

1 Number -- staff has some general issues
2 regarding the proposal. The first one is
3 there's something called a Blue Rhino Propane
4 showed on the landscape plan. That needs to be
5 explained. If it's some sort of dispenser or
6 rack for cans that are rented, the commission
7 will need to evaluate the appropriateness of
8 outdoor propane and/or kerosene sales storage.
9 There's also a kerosene dispenser shown on the
10 plan, much like the outdoor storage and display
11 of seasonal merchandise talked about.

12 And the second one under that issue,
13 requirements of article 33, the zoning
14 regulations require at least 16 parking spaces
15 for the project and we have a total of seven
16 shown on the concept plan. So that would need
17 a little bit of reworking to the plan should it
18 be approved.

19 Number five, there was a traffic impact
20 analysis provided with the application. Staff
21 does have a few issues or I guess more or less
22 questions regarding the report.

23 The first one is: There's a relatively
24 high capture rate that's attracting traffic
25 that's already passing by the site in question

1 versus this proposal creating new trips all of
2 its own. The capture rate noted is 60 percent;
3 45 percent of that 60 percent is reported to be
4 already patronizing the Meijer store per se.

5 Although staff understands that the
6 project involves a localized use that attracts
7 little non-local traffic, the 60 percent pass-
8 by adjustment does need to be explained as far
9 as where that figure came from and what the
10 basis of it is.

11 There also needs to be known whether
12 the pass-by traffic is on Houston Road, Spiral
13 Drive or both because pass-by traffic that's
14 not otherwise making a turning movement through
15 the Houston-Spiral intersection will lead to a
16 different result when we account for it
17 differently. That really is -- the question is
18 that remaining 55 percent of that total 60
19 percent that's not going to the Meijer store
20 already was in the Houston Lakes development.

21 The next issue of the traffic study is
22 it's based on current traffic counts at the
23 Spiral and Houston intersection. The total
24 approach volumes for Friday evening and
25 Saturday noon peak hours are relatively equal

1 in terms of signal operating conditions.

2 Therefore, on the Friday p.m. traffic counts --

3 excuse me, therefore -- that is what it says.

4 Therefore, Friday p.m. traffic counts have been

5 used for this analysis. Again, that's another

6 thing that the staff believes should be

7 justified or explained, especially when

8 considering that Saturday noon counts versus

9 the Saturday noon counts are notably higher for

10 the turning movement from Houston Road

11 southbound on Spiral Drive.

12 And lastly, relative to the traffic
13 report, there's a conclusion or a contention in

14 it that the closure of the median cut on Spiral

15 Drive would help alleviate existing stacking

16 problems and staff does concur with that

17 conclusion.

18 In conclusion of this report, the

19 request needs to be evaluated by the planning

20 commission and city counsel concerning the comp

21 plan, the Houston-Donaldson study and article

22 15, planned development district of the zoning

23 regs and the potential impacts on the existing

24 and planned uses in the area. The future land

25 use map will not need to be amended if this

1 request is approved. That concludes the staff
2 report.

3 MR. MILLAY: Thank you, Kevin. Is the
4 applicant here who wishes to make an app -- a
5 --

6 MR. FOSSETT: Yes, Mr. Chairman. My
7 name is Jay Fossett with the law firm of Cors &
8 Bassett. We're here on behalf of Meijer.

9 With me is Mike Kinstle from Meijer,
10 Tom Breidenstein, who is our land use expert,
11 and Jack Pflum, our traffic expert. We had
12 some exhibits to use. Is there any preference
13 as to where we should do it so that everybody
14 can wee?

15 MR. MILLAY: Right in the middle.

16 MR. FOSSETT: Right in the middle is
17 okay? Give me a second to set up.

18 MR. MILLAY: Actually left of middle.

19 MR. FOSSETT: Left of middle a little
20 bit?

21 MR. MILLAY: My left of middle.

22 MR. FOSSETT: Okay. Can you all see
23 that? Okay. Really, to understand the history
24 of this plan --

25 MR. MILLAY: Mr. Fossett, the

1 microphone is portable. If you wouldn't mind
2 using it.

3 MR. FOSSETT: Okay. Not at all. To
4 understand the history of this project, you've
5 got to look back to the 1990 concept
6 development plan which Kevin referred to in his
7 presentation. This is the plan that was
8 approved in 1990 and at that time there was a
9 strip center of retail in this facility and
10 three outlots here that Kevin discussed, a
11 restaurant outlot, a restaurant outlot and then
12 a bank outlot. The area in which we are
13 proposing the development is in this area here
14 where the bank lot is now.

15 Also at the time that the 1990 concept
16 plan was approved, there was a plan to put an
17 office tower here and then an office park here.
18 As we all note, this development has now been
19 made retail and therefore this concept
20 development plan has changed dramatically on
21 this portion of the site.

22 In addition, when Meijer was approved
23 in 1993, the strip mall concept was changed to
24 a superstore concept which Meijer proposed and
25 that was approved in 1993. So there have been

1 some major changes to the concept development
2 plan approved in 1993.

3 Here is the plan that was approved in
4 1993. Well, actually this was the preliminary
5 plan that we submitted in 1993 showing the
6 Meijer facility which is a total of 206,000
7 square feet.

8 It was then approved by the -- in the
9 concept plan was 276,000, so this is 70,000
10 reduction in retail space on this site.

11 But at the time we submitted this
12 preliminary plan in 1993, we made it clear that
13 we at some point were going to want to develop
14 this outlot here. It says potential
15 convenience store not a part of this
16 application and it indicates fuel tanks here.
17 So this has always been something that Meijer
18 has looked at doing and, in fact, has proposed
19 in doing for quite a while.

20 A few months later after the
21 preliminary plan was approved, the final plan
22 was approved for this site and, again, it shows
23 here a possible outlot development. And that
24 is what we're here today to do is to talk about
25 this and seek approval for a change of the

1 concept development plan to allow a convenience
2 store and gasoline store on this lot.

3 What Meijer is willing to do is we're
4 willing to forego the development of these two
5 lots, these two restaurant lots. And these
6 were for high volume, which I would suspect
7 would be fast-food type restaurants. Meijer
8 wants -- and they're also willing to forego the
9 bank development.

10 So in place of these three lots, the
11 three outlots which could be developed now,
12 we're willing to develop the one as a gasoline
13 convenience store and we'll make that a
14 condition of any approval of the concept
15 development amendment.

16 Our traffic engineer will talk about
17 this in a minute, but by reducing the
18 development on the front of Houston Road from
19 three lots to one, we're going to reduce the
20 overall traffic impact that would otherwise
21 have been created by the development of three
22 outlots. Of course, it also was reduced when
23 we reduced the total retail space for the
24 superstore here.

25 One thing I would like to mention about

1 the concept development plan is it is a concept
2 development plan; it's not in stone. It's kind
3 of like a land use map. It's not stagnant.
4 It's subject to -- it's got some flexibility.
5 It's a dynamic type of thing.

6 Obviously in this case, this concept
7 plan has gone through some major changes. It
8 was discovered -- and I was involved early on
9 in this concept development plan with Buchanan
10 Development and we had always argued that
11 office space was not a feasible development
12 here and I think it came out to be true --
13 beared to be true and it's been developed in
14 retail fashion.

15 Obviously there have been some major
16 changes here and some major changes with
17 respect to this type of retail here. So this
18 plan has evolved into what this plan here now
19 shows and that is why we believe that the
20 proposed development is compatible with what is
21 being currently approved on the Meijer
22 development site.

23 At this time I would like to introduce
24 Mike Kinstle. He's going to talk specifically
25 about the plans for the convenience store and

1 the gas fueling station.

2 MR. KINSTLE: Good evening. My name is
3 Mike Kinstle. I'm a senior real estate
4 representative with Meijer.

5 One thing I wanted to show to start out
6 here, the plan that was submitted and we got
7 preliminary approval on that showed the gas
8 station convenience store proposed but not part
9 of the application -- shows it right in here.

10 At the time that we submitted this, we
11 had the convenience store located back in this
12 area with the fuel pumps and the canopy
13 orientated towards the intersection here of
14 Houston and Spiral Drive.

15 One of the major changes that we've
16 made now to this plan is to reverse that and
17 orientate the convenience store towards Houston
18 Road with pumps and canopy into the Meijer
19 parking lot.

20 As part of that proposal then, what we
21 would anticipate doing is heavily screening
22 this area back here. There would be some low
23 serpentine berming with heavy landscaping as
24 this plan over here shows. We would be doing
25 heavy landscaping all around the perimeter of

1 the back side of the convenience store. This
2 would be a hedge in this area here that would
3 screen all of the operations underneath the
4 canopy and the parking facilities and drive-
5 through facilities here from the intersection
6 of Houston and Spiral Road.

7 There's a significant change in the
8 impact that this would have on the exterior of
9 the Meijer site.

10 Meijer currently operates 107
11 convenience stores with fuel pumps at our
12 stores in five midwestern states. The
13 convenience store is an integral part of the
14 Meijer shopping concept which is a one-stop
15 shopping concept which provides as many
16 services for our guests as we can.

17 The convenience store fuel pumps have
18 proved to be very compatible with the Meijer
19 store. The design of the facility is an
20 integral part of the design of the Meijer
21 store.

22 This one we have attempted to make it
23 even more compatible. The facility itself, the
24 all-masonry brick the same color as the Meijer
25 store with a lot of masonry details to break up

1 the expanse particularly on the back of the
2 wall here, these areas here would be a raised
3 feature so it doesn't look like just a
4 straight, flat brick wall.

5 The standing seam metal roof -- if
6 you're familiar with the Meijer store, at the
7 entry ways to the store itself there is a
8 standing seam metal feature on the roof
9 structures that are over the entry ways.

10 So the intent is to make this an
11 integral part. The ifus material on here is
12 the same color material that's on the front of
13 the Meijer store, so it does bring out the
14 architectural features of the Meijer store into
15 the convenience store facility.

16 On the canopy, it is a fairly large --
17 the dimensions are mentioned in the report.
18 The intent is to protect the guests that are
19 filling up their car at the fuel pumps. It has
20 to be large because of the space required
21 between the pumps so that cars can safely pass
22 beneath here.

23 What we have done is incorporated some
24 of the same colors into the canopy. We brought
25 the grays that are in the store itself with a

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band on the canopy here.

I would like to note that right across the street here there's a Star Bank right here that showed up on the aerial photo that Kevin put up there. It has a fairly large canopy also, so a canopy is not a new introduction to this area. There are other facilities that have them. I believe a lot of the hotels in the area have canopies in front of their entry way. When you pull in, customers can go into check into the hotel without -- if it's raining without being affected by the weather.

So we don't think that that's a -- something new for this area. Because of the orientation away from Houston Road, we think that this may have very little impact on the traffic going by Houston Road, particularly with the introduction of the berming and landscaping that we would be talking about.

The signage that we're proposing would be signage on the canopy. There would be a Meijer sign on this side of the canopy and then one facing into the parking lot on the end of the canopy.

The freestanding sign, basically what

1 we would be doing is taking the existing
2 monument sign for the Meijer store and changing
3 that out, adding the price cabinets to it, so
4 it would function as both identification for
5 the Meijer store and for the service --
6 convenience store. The size would remain the
7 same size as what's out there today. We are
8 not proposing any new freestanding signage for
9 this facility.

10 Again, the access is going to be
11 strictly within the existing access points with
12 the exception of closing off the first median
13 cut here to help alleviate -- as was mentioned
14 -- the stacking problems into the intersection
15 or that occur occasionally. That would then
16 indicate that this drive here would function as
17 a right in, right out only drive.

18 We think that this use is very
19 compatible with the Meijer facility and with
20 the surrounding shopping facilities. We
21 currently operate five stores in the state of
22 Kentucky: three in Louisville, one in
23 Lexington and then this one in Florence. All
24 of those other stores have our convenience
25 store in them.

1 MR. FOSSETT: You're building one in
2 Cold Spring too?

3 MR. KINSTEL: We're building one in
4 Cold Spring. It's under construction. It will
5 have a convenience store also.

6 One thing I wanted to note, if anybody
7 ever gets to Lexington or to Louisville
8 occasionally, we opened two stores there this
9 year that are in large shopping complexes,
10 brand new shopping complexes. They have a lot
11 of the same tenants in them that this facility
12 has, a lot of the same uses: restaurants, out
13 parcels, Kohl's, Targets in both of those
14 facilities and we have a convenience store in
15 both of those facilities and it is a very
16 compatible use for those and we think that it
17 would function the same way as it does here.

18 We actually think from the community
19 standpoint this may even be more compatible
20 because of the orientation of the building and
21 making it more of a facility orientated towards
22 the Meijer development versus the exterior of
23 the site.

24 I'll let Tom address the land issues
25 and Jack will address traffic questions and

1 then be available for questions afterwards.

2 MR. FOSSETT: Mike, before you do that,
3 I want to ask you a couple of other questions.
4 In terms of commitment from Meijer about
5 developing those two other outlots, can you
6 tell the commission about your commitment?

7 MR. K: My commitment would be that if
8 this is approved, we would not seek to develop
9 those other two outlots. The only thing that
10 we would develop is the convenience store and
11 that would be it then.

12 MR. FOSSETT: A couple of other things
13 that were raised in the report I would just
14 like to address. One is this Blue Rhino
15 propane stand, would you explain what that is?

16 MR. K: This area right up here is the
17 Blue Rhino propane tank. Basically what that
18 is, it's a drop-off facility where people can
19 drop off tanks, get a new one. It's in kind of
20 a metal cage that's about five feet by five
21 feet. It would be in this area right here. We
22 would screen that so it would not be visible
23 from the roadway. It would only be accessible
24 then from this parking area here and should not
25 have any impact at all on anything outside the

1 site.

2 MR. FOSSETT: Is there a reason why
3 it's near the parking spots there instead of
4 like the building itself?

5 MR. K: Well, it's convenient for the
6 guests to pull up into a parking spot here and
7 pick up and drop off the used one, which are
8 kind of heavy.

9 MR. FOSSETT: Speaking of parking, one
10 of the issues raised was parking too and the
11 suggestion that maybe there wasn't enough
12 parking spaces. Can you address that?

13 MR. K: Yeah. They indicated that 16
14 spaces are required and we're only showing
15 seven. There are four on the one side and
16 three on the other wide of the building. What
17 that doesn't include is each of the pumps --
18 there's 12 fueling stations -- would act as a
19 parking spot. A majority of the guests that
20 use a convenience store do so after they've
21 filled up their car at a pump and then they
22 walk in to pay for the gas and also to buy
23 convenience items.

24 So, in essence, there are 19 spaces or
25 parking areas within the site. In addition to

1 that, because of the layout here, we've got all
2 of the parking on the exterior of the Meijer
3 lot here, that if there ever needed to be, it
4 would be convenient enough for people to park
5 out in that.

6 MR. FOSSETT: Two other issues raised
7 in the report. One is outside storage. What
8 are you all willing to do with regard to that?

9 MR. K: Well, we don't -- we don't
10 display or sell any mulches or anything like
11 that. We have our home and garden center as
12 part of our Meijer store, so we deal with that
13 there.

14 We would commit that we wouldn't have
15 anything displayed for sale out in the area
16 here. The only thing that we do have is right
17 along the front of the facility, underneath the
18 canopy, there would be every once in a while
19 that are convenience store related on display
20 out there, but that would, be the extent of it.

21 MR. FOSSETT: Okay. The last thing I
22 guess would be discussion regarding a sidewalk
23 from the facility to the street and a bike
24 rack.

25 MR. K: The only reason that that's not

1 shown on here is that was -- I may have
2 misunderstood when we met with Kevin. There
3 was a comment about it. There was an existing
4 sidewalk along Houston and I recall -- we
5 couldn't recall at that meeting if there was a
6 sidewalk and if there was one, we would tie in
7 a sidewalk with the existing sidewalk. There's
8 not a sidewalk, so we did -- I see on the
9 report they want one to the roadway. We have
10 no problems doing that and providing a bike
11 path -- or a bike rack at the facility.

12 MR. FOSSETT: Okay. If you want to sit
13 down. We'll let Tom do his presentation and
14 then Jack and then we'll field any questions
15 you all may have. Tom, if you would, just give
16 your name and your background.

17 MR. BREIDENSTEIN: Sure. Thank you,
18 Mr. Chairman. As you know, I'm Tom
19 Breidenstein with the law firm of Deters,
20 Benzinger & Lavelle, physical address of 2701
21 Turkeyfoot Road, Covington, Kentucky 41017.

22 As a way of further background, I have
23 a bachelor of arts degree in urban and regional
24 planning from Miami University, graduated in
25 1984. From there I went on to be the zoning

1 enforcement officer here at the Boone County
2 Planning Commission. I served in that capacity
3 from March of 1986 until the end of June, 1992.

4 Shortly thereafter I became accredited
5 by the American Institute of Certified
6 Planners, retain that certification to this
7 day. Also have membership in the Kentucky
8 chapter of the American Planning Association as
9 well as the Ohio chapter of the American
10 Planning Association.

11 In 1993 I received my juris doctorate
12 from Chase Law School. Since that -- in 1994
13 -- excuse me, '93 I passed the Kentucky bar.
14 In 1994 I passed the Ohio bar. Since passing
15 the Kentucky bar I've dedicated over half I
16 think of my practice to planning and land use
17 issues and I am here today in that capacity.

18 MR. FOSSETT: Tom, I wanted to ask you
19 a few questions and then kind of let you
20 explain your answer. But based upon your
21 training and experience as a certified land
22 planner and attorney working in the land use
23 field, do you have an opinion tonight whether
24 the proposed development is appropriate for
25 this site as applied to the Boone County zoning

1 regulations and the Boone County comprehensive
2 plan?

3 MR. BREIDENSTEIN: Yes, I do.

4 MR. FOSSETT: If you would, would you
5 tell the commission the basis for your opinion?

6 MR. BREIDENSTEIN: Well, the opinion is
7 that it does comply and it is compatible with
8 the planning and zoning schemes for this area.

9 A little bit of a lesson, if you will
10 -- and I think it's maybe touched upon in
11 Kevin's report, but I'd like to expand upon it.

12 This does have a -- this probably does
13 have a plan development overlay and within the
14 plan development, under article 15 of your
15 code, there are underlying zoning districts
16 which sort of serve as touchstones to tell the
17 commission and the community the types of uses
18 that should be and ought to be permitted within
19 that property. We happened to have this
20 property zoned C2 and O2.

21 Within the C2 text gasoline filling
22 stations are principally permitted uses. And
23 for that even the purpose of the commercial two
24 zoning district -- and I'll just paraphrase --

1 is to allow some convenience goods required for
2 normal living needs. The lands for C2
3 districts are primarily central to regional
4 trade areas and to some extent the community as
5 a whole.

6 These districts are also organized to
7 provide central community collection vehicles,
8 pedestrians and multi-modal forms of
9 transportation.

10 Again, the -- we have the O2 underlying
11 zone which is, again, a touchstone for this
12 particular property. Within the O2 as a
13 conditional use we find gasoline filling
14 stations, again, are permitted as a conditional
15 use. And it goes on to say that those filling
16 stations are provided that the use is in direct
17 support of and primarily trades from the
18 employees of the district.

19 So, again, Mr. Chairman, I think that
20 the essence of the current zoning district
21 allows these things, but the planned
22 development also goes on to say that the uses
23 are evaluated to determine whether they are
24 compatible with the overall plan development
25 and I believe that it is.

1 Article 15 gives you the criteria to
2 evaluate whether or not a particular use is
3 compatible and those are found in section
4 15.14. Mr. Wall was very thorough in his
5 review of those criteria and I won't belabor
6 the point because I think that point by point
7 he agrees that in every sense the criteria are
8 fulfilled and that this development matches
9 section 15.14 in a sense telling me that this
10 project is appropriate for this planned
11 development for the overall project.

12 He didn't go over so much in his oral
13 report the other criteria -- the last criteria
14 about the conformance of the comprehensive
15 plan. I would like to just touch upon a few
16 things in the Houston-Donaldson plan that are
17 in a sense, as you know, the comprehensive plan
18 for this development.

19 First of all, the first goal of the
20 Houston-Donaldson plan is to create a distinct
21 corridor in that future land uses are planned
22 in relationship to the overall land use pattern
23 for the county.

24 The objectives that gets you to that
25 goal are some of them that apply here. The

1 commercial uses shall be designed in an
2 innovative manner that creates prominent
3 landscaping areas. As you've seen from the
4 plants, this is quite a bit of landscaping
5 that's being provided, more so than would be
6 required under a typical outlet development.

7 Commercial outlots shall be located
8 near major development access points. We have
9 that in this case.

10 There should be a central architectural
11 design focus. Again, the plans and Mr. Wall's
12 review indicate that there is a continuation of
13 the existing architectural theme.

14 Another goal is the transportation or
15 traffic circulation systems serve both
16 destination and through traffic with a minimum
17 of traffic congestion. Again, I think that the
18 design of this particular development, with the
19 closing of the access as you've seen earlier,
20 satisfies that goal. And also, as you've heard
21 from Mr. Kinstle and you'll hear from Mr.
22 Pflum, the traffic that is being drawn to this
23 particular development, this particular use, is
24 already there.

25 The third and final goal of the overall

1 plan, Houston-Donaldson plan, is to have --
2 it's really kind of an aesthetic thing, that
3 the appropriate exterior appearances be
4 developed. And, again, I touched upon that and
5 I think Kevin Wall touched upon that as well.

6 Even if there are concerns -- and I
7 think Mr. Wall has expressed those concerns --
8 there is a design review process built into.
9 So any of the minor details that were not
10 touched upon in the architectural plan can be
11 reviewed at that level.

12 Another important thing in the Houston-
13 Donaldson plan that I don't think is in Kevin's
14 report is that there is nothing in the report
15 that specifically and clearly states that
16 gasoline filling stations should not be
17 permitted in Houston-Donaldson or certainly not
18 on this site.

19 That kind of language would not be
20 foreign to this report. On page 26 in a
21 discussion under cite five there is a sentence
22 that says "Gasoline service stations are not
23 recommended for cite five." No such language
24 in that regard appears in the description of
25 site nine.

1 There is further support for our
2 argument that gasoline statins are considered
3 or are contemplated for the Houston-Donaldson
4 area when you look at the sign provisions of
5 the Houston-Donaldson plan. In particular at
6 page 65 there is a reference to the types of
7 signs that are contemplated for gasoline
8 service stations.

9 Do you have anything? That's all that
10 I --

11 MR. FOSSETT: Tom, just a few follow-up
12 questions, if you could.

13 MR. BREIDENSTEIN: Sure.

14 MR. FOSSETT: In your opinion is the
15 proposed development in compliance with the
16 Houston-Donaldson study?

17 MR. BREIDENSTEIN: Yes, it is.

18 MR. FOSSETT: And is it in compliance
19 with the Boone County comprehensive plan?

20 MR. BREIDENSTEIN: Yes, it is.

21 MR. FOSSETT: And is it in compliance
22 with the plan development section of the zoning
23 regulations and the underlying zones for this
24 particular site?

25 MR. BREIDENSTEIN: It's in compliance

1 with both, PD and the -- actually all three,
2 the C2, the O2 and the plan development
3 provisions.

4 MR. FOSSETT: Then finally, is this
5 proposed development appropriate when you look
6 at the concept development plan as initially
7 approved and then as changed through the
8 development of various retail facilities in
9 that area?

10 MR. BREIDENSTEIN: I think it is
11 appropriate to answer your question,
12 especially, as you stated at the beginning,
13 that there's less retail space for the Meijer
14 site, there is no -- now there is no office
15 development to the south end of the property as
16 was initially anticipated. As a matter of
17 fact, the Houston-Donaldson plan when it was
18 written in 1992 was written with the
19 contemplation of the construction of the office
20 developments. That has been a significant
21 change, perhaps even an unanticipated change
22 since the -- which happened after the adoption
23 of the Houston-Donaldson plan which gave us the
24 comprehensive plan for this development.

25 MR. FOSSETT: So your opinion is that

1 it is appropriate?

2 MR. BREIDENSTEIN: It is appropriate,
3 yes, sir.

4 MR. FOSSETT: That's it. Thank you.

5 MR. BREIDENSTEIN: Thank you, sir.

6 MR. FOSSETT: Jack, if you want to give
7 your presentation. I apologize for the length
8 of this, but we have the obligation of coming
9 to you and putting on this proof, so that's
10 what we're doing.

11 MR. PFLUM: I hope mine is the shortest
12 part of the presentation. I'm Jack Pflum. I'm
13 president of a consulting, traffic engineering,
14 planning firm, Pflum, Klausmeier & Gehrum. I
15 think you probably know some of the work that
16 we've done in this area previously.

17 Our report should be put in
18 perspective. I think all of you probably
19 realize that and know that Houston Road has got
20 a great deal of traffic.

21 Based on the actual traffic counts that
22 we conducted in July of this year, Houston Road
23 is presently carrying approximately 4000 cars
24 during the peak hour. That's Friday evening
25 peak hour and we also counted the traffic

1 during Saturday afternoon peak hour; it's about
2 the same amount. So 4000 cars and we're adding
3 about 64 cars to this 4000 stream of vehicles
4 that are going through that intersection.
5 That's less than two percent of the total
6 amount and I think all of you probably realize
7 we -- our forecasts and our analytical
8 procedures in traffic engineering isn't within
9 two percent.

10 Talk about poling areas of plus or
11 minus five percent or six percent? Well,
12 traffic forecasting has errors in that
13 magnitude as well. So that being said, trying
14 to keep this in perspective, let me address the
15 concerns that were identified by Kevin in his
16 report.

17 It is true and I believe that the
18 estimate of the pass-by or capture traffic that
19 we use of 60 percent is not unusually high.
20 This type of facility is, as was previously
21 indicated, an integral part of the Meijer
22 facility.

23 Other types of facilities of this type
24 that we have prepared traffic work for other
25 types of facilities similar to this indicate

1 that it can be as high as 80 percent in some
2 instances. People just don't drive very far
3 out of their way to fill up with gasoline in
4 these kinds of areas. They have primary
5 destinations and Meijer is that primary
6 destination, as well as some of the other
7 activities in proximity.

8 To answer the technical question in the
9 report, we applied the pass-by factor to the
10 traffic on Houston Road, which is the highest
11 volume that we had there and that's really the
12 technical answer to that question. And, again,
13 the difference is going to be relatively modest
14 no matter how you look at it.

15 The 45 percent split that was talked
16 about here in terms of traffic that is internal
17 to the site is information that we received
18 from the Meijer people based on the operation
19 of -- how many stores? A couple of hundred at
20 least.

21 MR. K: Well, 117.

22 MR. PFLUM: Yes. And, again, I think
23 that's reasonable. So that's the traffic
24 that's already internal for the site and really
25 won't affect the roadway system.

1 The second thing that Kevin brought up
2 is certainly legitimate. We counted on Friday
3 evening peak hour and we counted on Saturday
4 afternoon which is also a peak hour. The total
5 number of volume of traffic counted in that is
6 approximately the same, not very different at
7 all, not more than -- within about 100 vehicles
8 different. The left turn Kevin spoke of in the
9 report is significantly different.

10 We did provide a level of service
11 analysis for both of those conditions. It's
12 contained in appendix C1 and appendix C2. In
13 each instance the level of service was more
14 than satisfactory; it's a level of service B.
15 And by adding an additional 17 cars to several
16 hundred cars, again, doesn't make very much
17 difference. So we believe that we did address
18 that difference in between the Friday evening
19 and the Saturday.

20 Why didn't we use Saturday traffic?
21 It's pretty simple. The answer to that: The
22 ITE trip generation tables that we all use in
23 this, for this type of land use doesn't give us
24 Saturday data, so we used Friday data to be
25 consistent with that.

1 The last item -- or, again, in the
2 analysis, the capacity analysis, we found that
3 it met all of the standards required-by the
4 Kentucky Transportation Cabinet as well as the
5 Institute of Transportation Engineers and so
6 that the intersection will continue to operate
7 pretty much as it is today, high volumes of
8 traffic, but it will be satisfactory.

9 The last item, and I think we all agree
10 on that, is the median that's existing in the
11 Spiral Drive landscape meting will be closed
12 and that should alleviate existing problems as
13 well as to prevent any problems in the future.

14 I think that covers all the items
15 unless there are any questions, Jay.

16 MR. FOSSETT: Yes. Using this chart
17 here can you show the commission the difference
18 between those development in what would be in
19 terms of traffic if the three lots were
20 developed as initially conceived in the concept
21 development plan?

22 MR. PFLUM: Yes. Remember that our
23 total traffic, the new traffic being generated
24 by this is only 64 trips, so that's not very
25 many.

1 If those three outlots would have been
2 developed, which is a bank and two of the fast-
3 food restaurants -- this is a table from the
4 Houston-Donaldson study -- there would have
5 been slightly more than 300 trips that would
6 have been generated during the same peak hour
7 if those three outlots were developed. So
8 there's going to be a substantial reduction in
9 the amount of traffic as a result of the
10 gasoline station and convenience store.

11 MR. FOSSETT: My one other question is:
12 In terms of the traffic currently on Houston
13 Road, this proposed development, how much will
14 that increase that traffic overall?

15 MR. PFLUM: Well, I think I made that
16 statement at the beginning. It's approximately
17 two percent, so we have 4000 cars during the
18 peak hour and we're adding another 64 cars.

19 MR. FOSSETT: Thank you. That's all I
20 have.

21 MR. PFLUM: All right. Thank you.

22 MR. WILSON: Mr. Chairman, while he's
23 there, may I ask him --

24 MR. MILLAY: Sure.

25 MR. WILSON: You mentioned 64

1 additional new trips generated by this proposed
2 use. Is that based on calculations from the
3 ITE manual?

4 MR. PFLUM: That's correct. Our report
5 gives you copies of the appropriate ITE
6 generation tables. That's in appendix B.

7 MR. WILSON: The ITE manual -- I know
8 earlier editions, I don't know about the sixth
9 edition -- but it generated figures based on
10 sampling throughout the United States.

11 MR. PFLUM: Correct.

12 MR. WILSON: This is the same edition,
13 same sampling?

14 MR. PFLUM: It is the sixth edition,
15 yes.

16 MR. WILSON: Follows that same format?

17 MR. PFLUM: Same format, that's right.

18 MR. RIES: Just to follow-up that
19 question by Council Wilson, was there any
20 attempt to evaluate per site to test whether
21 that 64 was 64?

22 MR. PFLUM: There was not an attempt
23 for this particular study. I can tell you that
24 we have been engaged by various other users of
25 these types of sites: McDonald's, Marathon and

1 Ashland Oil to evaluate the ITE trip generation
2 rates and those studies have been performed for
3 those corporations and been provided to them.

4 I can tell you that all those without
5 exception, the actual studies we perform for
6 Marathon, Ashland Oil and so on show higher
7 rates than generally the ITE gives. So the ITE
8 would be conservative. And ITE seems to be 20
9 to 30 percent higher than the actual counts
10 that we've made on similar types of facilities.

11 MR. FOSSETT: Thank you, Jack. Just to
12 finish, Meijer is making a major concession
13 here in agreeing not to develop these two
14 additional outlots. They would like to develop
15 those development as presented tonight.
16 They're not in the business of developing
17 property for other people. They're in the
18 business of retail and this fuel station,
19 convenience store is part of their concept for
20 almost all their stores in the United States.

21 I think the evidence has shown that
22 this is an appropriate permitted use under the
23 zoning regulations under the Houston-Donaldson
24 study and under the comprehensive plan and we
25 just ask that the commission vote, when it's

1 time to vote, in favor of the request.

2 We would be happy to answer any
3 questions and we thank you for your patience.

4 MR. MILLAY: Is there anybody in the
5 audience that wishes to speak in favor of this
6 change in concept development? Anybody in the
7 audience opposed? Commission?

Meijer's Statement Regarding Rezoning Request.

Testimony Provided at he Public Hearing

On September 23, 1998, the planning commission held a public hearing on the Meijer zoning request. At the public hearing, Kevin Wall, of the planning commission staff, discussed the staff report. In the report, the staff discussed Meijer's proposed zoning request, the Site History, Adjacent Land Uses and Zoning, Site Characteristics, Relationship to the Comprehensive Plan, Relationship to the Houston-Donaldson Study, and Staff Concerns. The staff report is part of the record provided to you.

At the public hearing, Mike Kinstle, a senior real estate representative for Meijer, Tom Breidenstein, an expert in land and planning, Jack Pfulm, an expert in the area of traffic engineering, as well as Meijer's attorney, Jay Fossett, testified on behalf of the applicant. No one testified in opposition to the zoning request.

Meijer's attorney informed the planning commission that the 1990 approved concept development plan showed three out lots for the subject property, two restaurant out lots and one bank out lot. (See Exhibit "A"). He told the planning commission the strip mall concept was changed to a superstore concept when Meijer's 1993 zoning request was approved and that many other changes to the original PD concept development plan since it was approved in 1990. In 1993, when the planning commission approved Meijer's site plan for a superstore at the subject property, Meijer made it clear in its final site plan that it intended to develop the out lot located on the northwest corner of the subject property in the future. (See Exhibit "B").

At the September 23, 1998, public hearing, Mr. Kinstle informed the commission that Meijer was willing to forego development of the two remaining out lots that had been approved

on the original concept development plan for the subject property if the planning commission and city would approve the proposed development of a convenience store with gasoline service. The applicant offered to make this a condition of the approval of the concept development plan amendment.

Mike Kinstle testified that Meijer's 1992 proposal showed a gas station convenience store on the subject property with the fuel pumps and canopy orientated towards the intersection of Houston and Spiral Drive. In the 1998 proposal, Meijer changed the orientation of the store toward Houston Road with pumps and canopy projecting into the Meijer parking lot. The 1998 proposal also showed berming and heavy landscaping around the perimeter of the backside of the convenience store. This reorientation of the store and the berming and landscaping are shown in Exhibits "C" and "D" and "E".

Mr. Kinstle told the commission that Meijer operates 107 convenience store with fuel pumps at its stores in five Midwestern states and that the convenience store is an integral part of Meijer's one-stop shopping concept, which provides as many services for its guests in a single visit as it can. Meijer incorporated the store's architectural features and colors in the proposed convenience store and canopy so that it would blend into existing buildings, he said. (See Exhibit "F".)

Addressing a concern of the staff, Mr. Kinstle noted that the Star Bank office on the west side of Houston Road also has a large canopy over its drive-through windows. Mr. Kinstle told the planning commission that the canopy would have a Meijer sign on it but that the company was not proposing constructing any additional free standing signs. It would change the existing monument sign for the Meijer store and put price cabinets on it. This is seen in Exhibits "C" and "D".

Mr. Kinstle testified that Meijer has opened superstores in Lexington and Louisville with convenience stores with gasoline service and that these facilities were very compatible with the large shopping complexes in which they were located. Mr. Kinstle also indicated that, including the fueling stations, 19 parking spaces are available at the convenience store proposed at the subject property.

Tom Breidenstein, an expert in zoning and land-use matters, testified at the hearing on behalf of Meijer. Mr. Breidenstein has a degree in urban and regional planning from Miami University, is accredited as a land planner by the American Institute of Certified Planners, served as a zoning enforcement officer for the Boone County Planning Commission for six years, has a law degree, and devotes approximately one-half of his legal practice to planning and land use issues.

Mr. Breidenstein told the board, that in his opinion, Meijer's zoning request complies with and is compatible with the planning and zoning schemes for this area. Specifically, he testified that although the subject property is located in a planned development overlay district, the underlying zoning districts in this district "serve as touchstones to tell the commission and the community the types of uses that should be and ought to be permitted within that property." The underlying zoning classifications for the subject property are C2 and O2. Gasoline filling stations and convenience stores are principally permitted uses under the C2 zone and they are conditional uses in the O2 zone.

Mr. Breidenstein testified that the proposed development complies with Article 15 of the Boone County Zoning Regulations. He also stated that the proposed development satisfies many of the goals of the Houston Donaldson Study. Specifically, he stated that the proposal satisfied the goals of the Study that commercial uses be designed in an innovative manner that creates

prominent landscaping areas and that there be a continuation of the existing architectural theme. It also satisfies the goal of placing commercial out lots near major development access points and making sure that transportation and traffic circulation systems serve both destination and through traffic with a minimum of traffic congestion, he said.

Nothing in the Houston Donaldson Study prohibits gasoline filling stations in the Study area or at the subject property, he said. In fact, according to Mr. Breidenstein, the Study clearly contemplates that gasoline service stations may be located in the Study area. Mr. Breidenstein further testified that, in his opinion, the proposed development complied with the Houston-Donaldson Study, the Boone County Comprehensive Plan, and the Boone County Zoning Regulations.

Jack Pflum, president of Pflum, Klausmeier & Gehrum, testified on behalf of Meijer as a professional traffic engineer. Mr. Pflum prepared a Traffic Impact Analysis, which was submitted to the planning commission. (This report is contained in the Staff Report). Mr. Pflum testified that Houston Road carries approximately 4,000 cars during the peak hour. He testified that the proposed development would add approximately 64 cars, which is less than two percent and not a significant increase in traffic.

Mr. Pflum also testified that by reducing the out lot development at the subject property from two fast-food restaurants and one bank to one convenience store, the overall traffic impact at the subject property is significantly reduced. Development of all three out lots as contemplated in the original approved development plan would generate approximately 300 daily trips, compared to 64 trips generated by the proposed development of only one out lot.

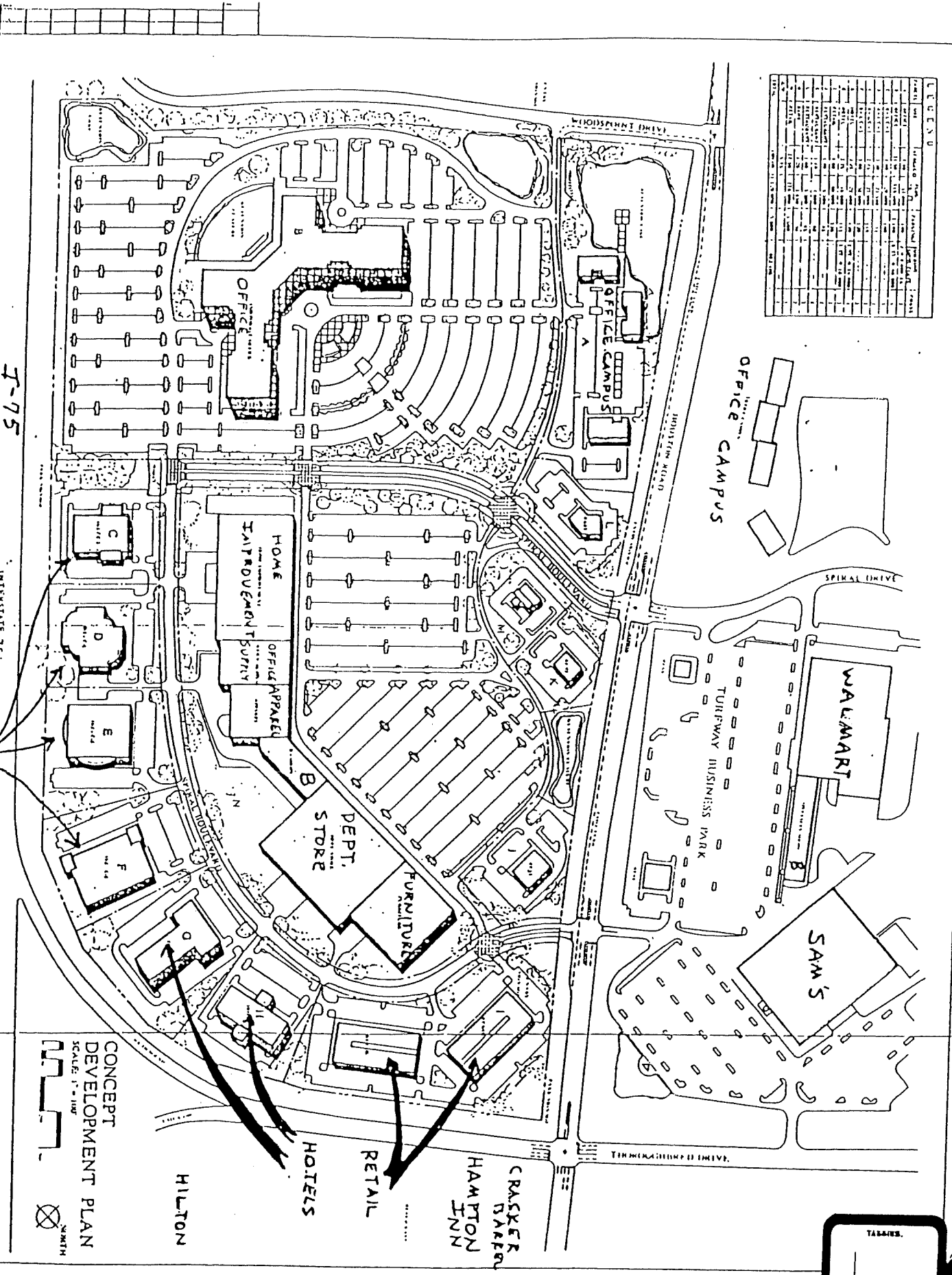
The proposed development would change access to and realign the driveway in the Meijer parking lot that parallels Houston Road and improve traffic flow at the site, according to

Mr. Pfulm. The proposed development requires removal of the first median cut on Spiral Drive from the intersection of Spiral Drive and Houston Road and makes access to the Meijer parking lot as a right-in/right-out only curb cut. (An illustration of these changes can be found in the staff report.) Mr. Pflum testified that these changes would alleviate stacking problems that currently exist on Spiral Drive.

No other testimony was given at the public hearing.

LEGEND

Symbol	Description
[Symbol]	Proposed Office Building
[Symbol]	Proposed Retail Building
[Symbol]	Proposed Hotel Building
[Symbol]	Proposed Warehouse Building
[Symbol]	Proposed Parking Lot
[Symbol]	Proposed Road
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Utility Lines
[Symbol]	Proposed Stormwater Management
[Symbol]	Proposed Security Features
[Symbol]	Proposed Access Points
[Symbol]	Proposed Signage
[Symbol]	Proposed Fencing
[Symbol]	Proposed Lighting
[Symbol]	Proposed Fire Protection
[Symbol]	Proposed Other Features



I-75

INTERSTATE 75

0-2/C-2

BUCHANAN 7/25/90

CONCEPT DEVELOPMENT PLAN
SCALE: 1" = 100'
NORTH

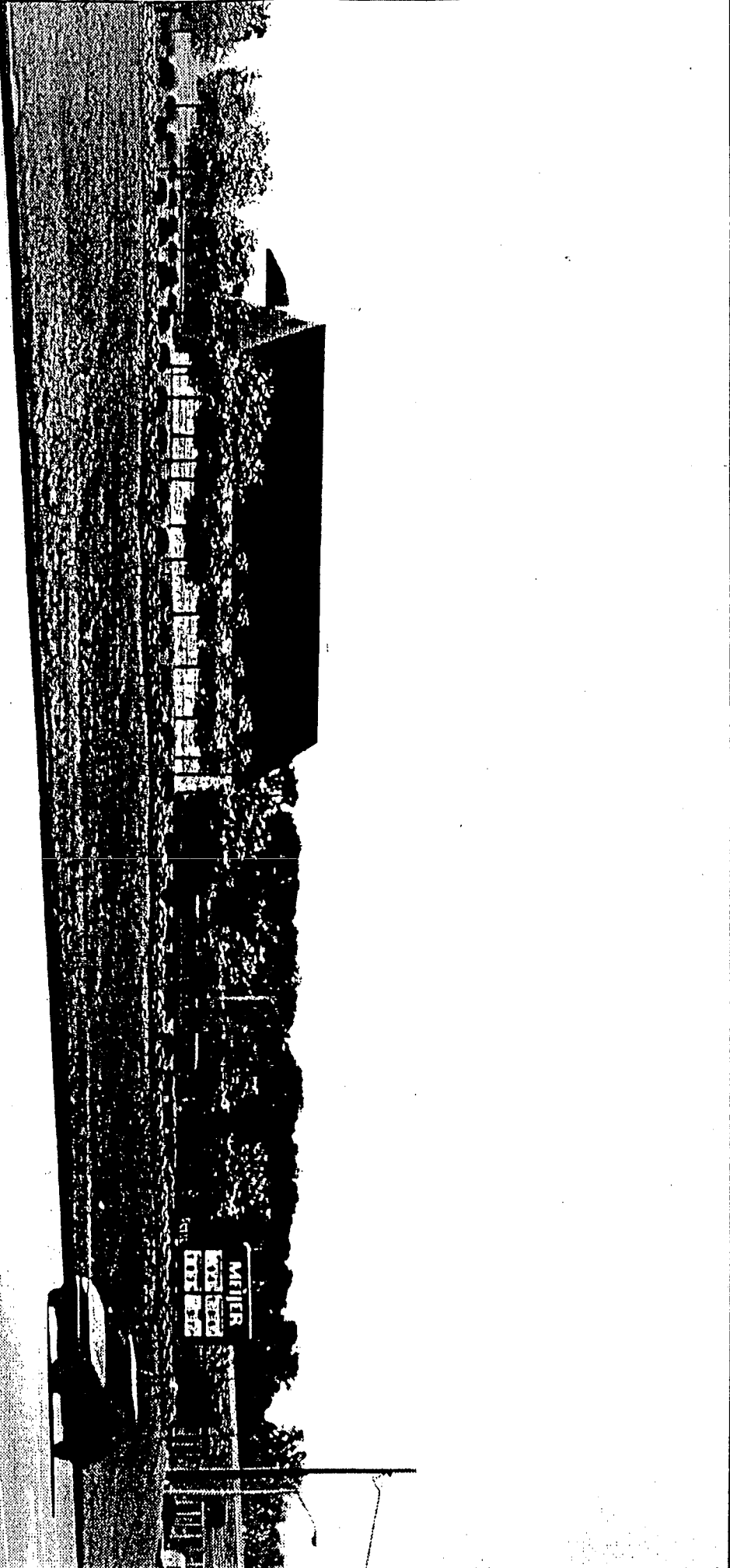
HOUSTON LAKES
FLORENCE, KENTUCKY
BUCHANAN DEVELOPMENT CO.

GBBN

EXHIBIT
"A"

TECH EXPRESS

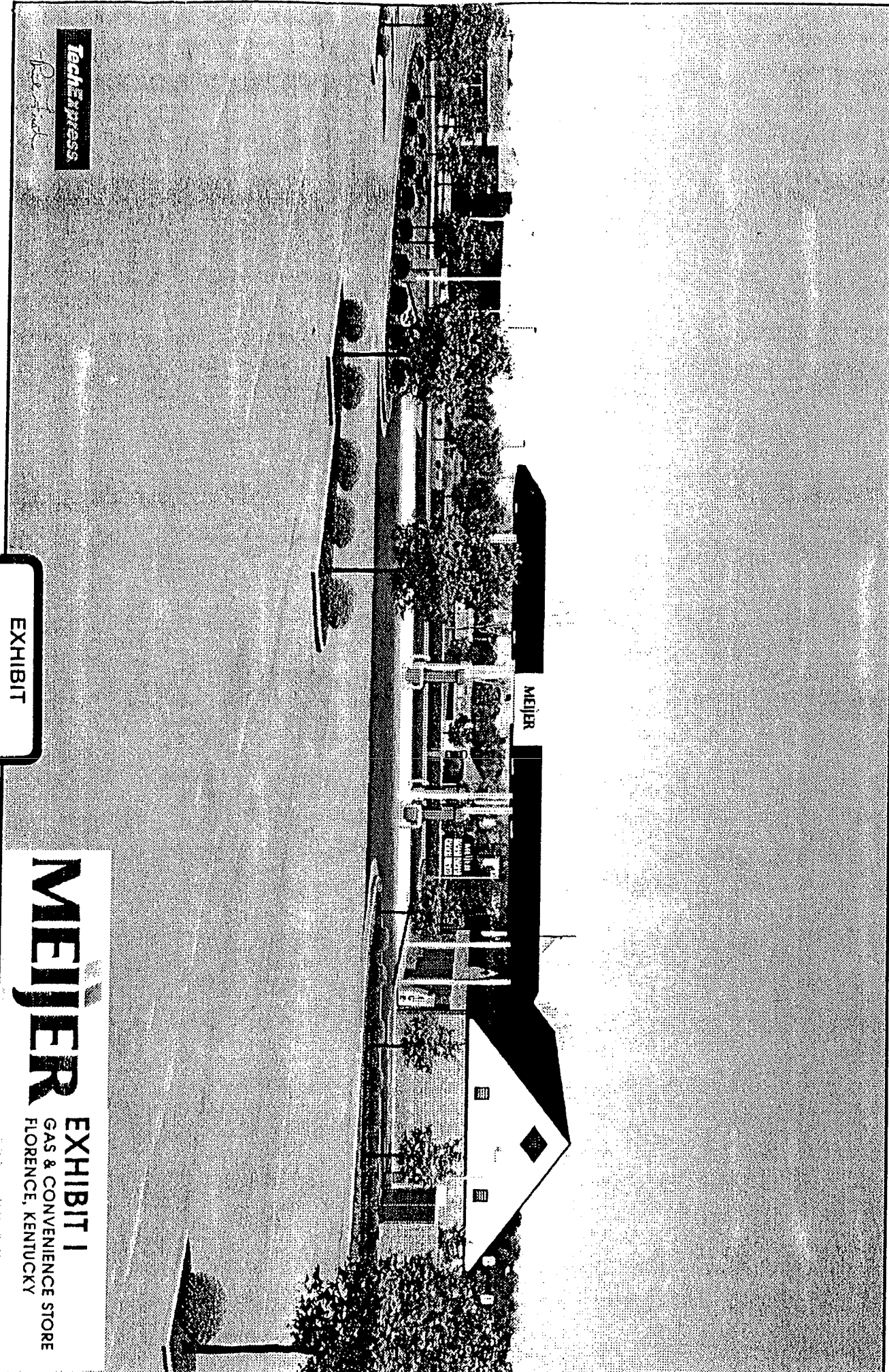
Patricia



TABLER.
EXHIBIT
"C"

MEIJER

EXHIBIT II
GAS & CONVENIENCE STORE
FLORENCE, KENTUCKY



TeckExpress

MEIJER
EXHIBIT 1
GAS & CONVENIENCE STORE
FLORENCE, KENTUCKY

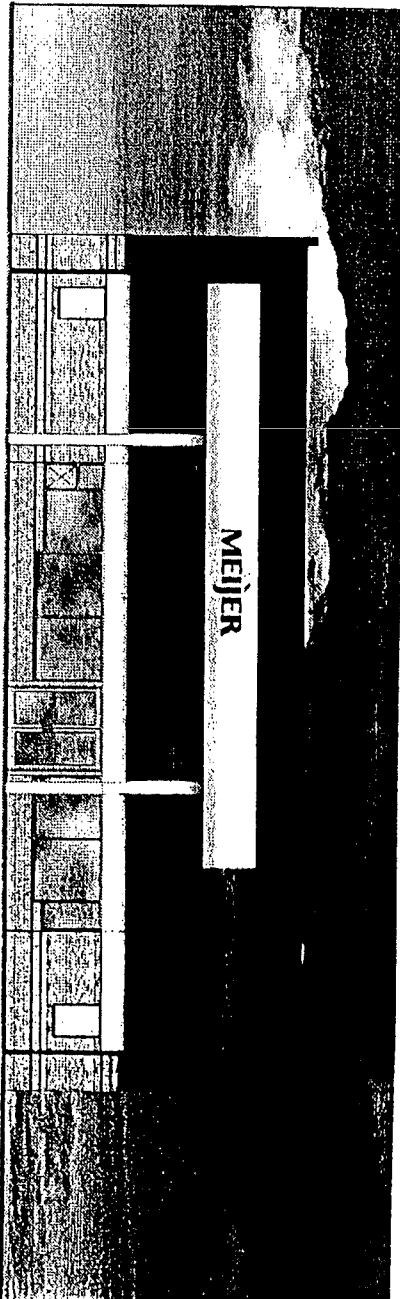
EXHIBIT
"E"



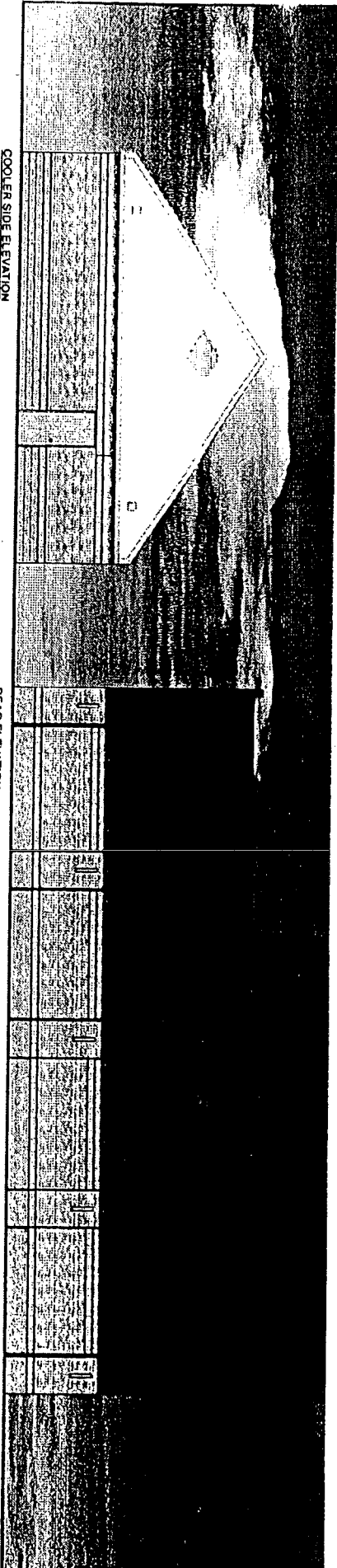
TRASH ENCLOSURE FRONT ELEVATION



TRASH ENCLOSURE SIDE ELEVATION

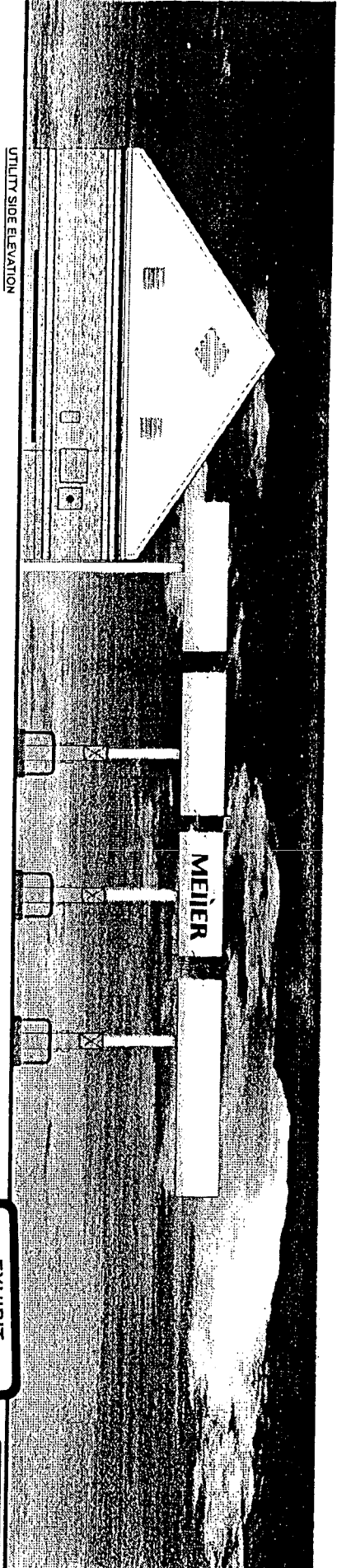


FRONT ELEVATION



COOLER SIDE ELEVATION

REAR ELEVATION



UTILITY SIDE ELEVATION

DATE: 1/11/11

EXHIBIT
"E-11"

