

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)
Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project Sam's Club Fueling Station
3. Location of Project Southeastern side of Thoroughbred Blvd at Spiral Dr.
4. Total Acreage of Site 1.63 acres
5. Current Zoning C-2 PD HD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 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) HOUSTON-DONALDSON ROAD STUDY
8. Proposed Uses (please specify each use) MEMBERS ONLY FUELING STATION - RETAIL
9. Proposed Building Intensities (please specify) N/A

- 10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for:
X Conditional Use Permit
Dimensional Variance
12. Name of Applicant(s) CORE STATES, INC
Phone Number 314-843-4320 Fax No. 314 843-4323
13. Address of Applicant(s) 50 CRESTWOOD EXECUTIVE CENTER, SUITE 500
ST. LOUIS MO 63126
City State Zip
14. Name of Property Owner(s) WAL-MART STORES, INC
Phone Number 479-204-0126 Fax No.
15. Address of Property Owner(s) 2001 S.E. 10TH STREET
BENTONVILLE AR 72716-0550
City State Zip
16. Are there any existing buildings on the site? NO
How many?
17. Deed Book 877 Page No. 786 Group No.
18. Have you had a pre-application meeting with BCPC Staff? YES

STAFF REPORT

Request of **Core States, Inc. (applicant)** for **Wal Mart Stores, Inc. (owner)** for a Change in Concept Development Plan for a 1.63 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club). The request is for a Change in Concept Development Plan to allow a gasoline fueling station in a Commercial Two/Planned Development (C-2/PD) zone.

May 7, 2008

PROPOSAL

This request is for a Change in an Approved Concept Development Plan to allow a gasoline fueling station at the Sam's Club store at 4949 Houston Road. The actual site for the fueling station is a grassed area located on the southwest corner of the Spiral Drive/Thoroughbred Boulevard intersection, just north of the auto repair bays in the existing Sam's Club building. This part of the site is currently approved for parking. The facility will have fuel pumps which are available to Sam's Club members only - no convenience store or other retail is proposed as part of this facility.

The proposed station includes a total of six (6) fuel pumps (six lanes with two pump stations per lane for a total of twelve stations). The fueling area is proposed to be covered by a canopy which faces toward Spiral Drive. The canopy is 40 feet by 86.33 feet (3,453 square feet). There are several images of varying canopy designs in the submittal booklet. The one that is shown in an architectural elevation format shows this structure with CMU columns and a "flat roof" with a deep blue metal fascia (one image in the booklet has a notation about a pitched roof). A building height dimension for the canopy was not identified in the submittal materials, but is estimated by Staff at approximately 15 feet based on the relative height to the proposed service building, which is noted as 11' 7". The service building is 192 square feet in area (24' by 8') and is proposed to be a CMU building with a low, brown/earth colored metal hipped roof. The CMU for both the canopy columns and the service building are proposed to be painted brown and beige.

The vehicular area is proposed to connect to the main existing driveway that runs along the north side of the Sam's building. No new curb cuts onto public streets or other internal connections are proposed. The site is arranged to allow for vehicle stacking between the main existing driveway and fuel pumps, then requires drivers to circle back to the main drive after fueling. The overall dimensions for the paved area is approximately 142 feet by 157 feet, or 0.51 acre. The other 1.12 acres of the 1.63 acre site is proposed to largely remain as landscaped and lawn areas.

The paved area is setback approximately 67 feet from the Spiral Drive right-of-way, and the canopy is setback approximately 106 feet from the right-of-way. A proposed landscape strip along the west side of the site scales to 10 feet wide, and a proposed landscape strip along the east side of the site adjoining the existing Sam's Club parking lot scales to 3 feet

wide. No landscape plan was submitted with this application, although the submittal booklet states that the development will meet the requirements of the Houston-Donaldson Study and Article 36 of the zoning regulations. The submittal booklet states "minimum signage per Article 34 will be incorporated in the canopy. No ground sign is proposed." The information in the submittal booklet is substantially the same as that provided with the 2002 application, which includes basic traffic level of service information.

SITE HISTORY

- 1986** A Concept Development Plan was approved for phase 1 of Turfway Business Park (the office/research/light industrial phase). A restaurant was approved at that time for the proposed fueling station site.
- 1987** A Concept Development Plan and Zoning Map Amendment was approved for phase 2 of Turfway Business Park (the commercial phase), which included the Sam's Club structure (originally Price Savers).

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

- 1992** A Change in Concept Development Plan for a 28,990 square foot expansion of the Sam's Club structure was recommended for conditional approval by the Planning Commission, but was denied by the Florence City Council. The approved restaurant site was proposed for a parking lot expansion in that application.

The second and current version of the Houston-Donaldson Study was adopted.

- 1993** A Change in Concept Development Plan for a 10,380 square foot expansion of the Sam's Club structure was conditionally approved (Committee Report is attached). A parking lot expansion was approved for the restaurant site as part of this application.
- 2000** A Change in Concept Development Plan for a 26,448 square foot expansion of the Sam's Club structure was conditionally approved (Committee Report and City Council ordinance are attached).
- 2002** A Change in Concept Development Plan application for a fueling station on the same 1.63 acres as the current application was denied. This proposal included eight pumps (sixteen total fueling stations), a 7,478 square foot canopy, an approximate 100 square foot service building, and parking lot expansions on the remainder of the lot (Committee Report, City Council minutes, and Concept

Development Plan are attached). This application was reviewed under the 2000 Boone County Comprehensive Plan.

ADJACENT LAND USES AND ZONING

- A. A business college and an office/warehouse building are located to the west along Spiral Drive, and additional office and light industrial uses are located further to the west along Spiral Drive (I-1/PD).
- B. An office complex is located to the north/northwest across Spiral Drive (I-1/PD).
- C. A large multi-tenant retail building (Linens and Things, Dick's, etc.) is located to the east/northeast across Thoroughbred Boulevard (C-2/PD). A restaurant is located to the east on the southeast corner of the Thoroughbred Boulevard/Hansel Avenue intersection (C-2/PD).
- D. The Sam's Club store is located immediately to the south and the remaining commercial area of Turfway Business Park (Michael's, Guitar Center, CiCi's Pizza, etc.) is located to the southwest (C-2/PD).

SITE CHARACTERISTICS

The site is an open grassed area at the southwest corner of the Spiral Drive/Thoroughbred Boulevard intersection which adjoins the existing Sam's Club parking lot to the east and south. The topography of the site is relatively level, with down slopes from the adjoining roadways. All utilities are available in the immediate area.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the proposed fueling station site for "Industrial" uses. This designation is described by the Comprehensive Plan as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." The adjoining Sam's Club and the commercial area of Turfway Business Park are designated for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The subject site was designated as Commercial under the 2000 Future Land Use Map when the prior application was reviewed.

The Land Use Element provides the following quotes that relate to the general area.

- A. Development in the area west of I-75 should follow the guidelines of the Houston-Donaldson Study ("Florence Central," pg. 144).
- B. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand on to U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller 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 also 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 Study recommended an employment district to 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 development of the southern portion of the corridor has been more commercial in nature, and contains less office or industrial than recommended in the Study. The northern portion has experienced office, commercial, industrial, and education development.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

Regionally-oriented commercial development should be confined to Mall Road and the Houston Road area ("Florence Commercial Area," pp. 144 and 145).

The Land Use Element's Future Land Use Development Guidelines provide the following general 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 ("Buffering," pg. 141).
- B. Developments 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 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," pg. 141).

- C. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff ("Stormwater Management and Erosion Control," pg. 141).
- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pp. 141 and 142).

- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 142).

The Business Activity Element provides the following remarks which relate to the general area.

- A. 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. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts. Three studies, the Houston-Donaldson Study, the Main Street Study, and the Mall Road Corridor Study, have defined the scale and type of commercial uses in the City of Florence and surrounding area. The Houston Road area will mature with expansion of the retail and office base, and expansions of St. Luke West Hospital ("Recommended Areas of Commercial Activity," pg. 62).

The Transportation Element provides the following comments that relate to the proposal:

- A. The transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities ("Boone County Transportation Plan," pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county ("Boone County Transportation Plan," pg. 128).

The "KY Transportation Cabinet Six-Year Plan" section (pg. 129) of the Transportation Element lists the widening of Turfway Road between Dixie Highway and Turfway Park (now completed) as a Six Year Plan improvement.

The Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).

- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- K. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial Objective 1).
- L. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial Objective 2).
- M. 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).
- N. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).
- O. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

The following passages and information relate to the overall area.

- A. The current level of service (LOS) on Interstate 75, between KY 18 and Turfway Road, is LOS C. The average daily trips on this section of road is 143,173 (Exhibit 2-6).
- B. The current level of service (LOS) on Interstate 75, between Turfway Road and Donaldson Highway is LOS D. The average daily trips on this section of road is 175,437 (Exhibit 2-6).
- C. The current level of service (LOS) on Houston Road, between KY 18 and Turfway Road, is LOS C. The average daily trips on this section of road is 24,570 (Exhibit 2-8).
- D. The current level of service (LOS) on Turfway Road, between Dixie Highway and Thoroughbred Blvd., is LOS F. The average daily trips on this section of road is 25,478 (Exhibit 2-8).
- E. The widening of Turfway Road, from Dixie Highway to Thoroughbred Boulevard is currently on the State's Six Year Plan (Exhibit 3-1). This project has been recently completed.
- F. The redesign of I-71/75/Turfway Road Interchange is a recommended long range transportation improvement (Exhibit 6-1).
- G. The Spiral Boulevard to Cavalier Court Connector is a recommended long range transportation improvement (Exhibit 6-1).

RELATIONSHIP TO HOUSTON-DONALDSON STUDY

The site in question is located within the Houston-Donaldson Study area (i.e., the Houston-Donaldson Study Corridor Overlay [HDO] District). 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 recommendations for the area in question ("Site 10, Turfway Business Park," pg. 31). This section was written prior to the two Sam's Club expansions (approved in 1993 and 2000).

Recommended Uses/Zoning - This development is recommended to continue to develop according to approved plans.

Access/Improvements - Site driveways are already determined by the approved development plans. According to previous agreements, the developer has been adding lanes to Houston Road which will taper back to two lanes south of Woodspoint Drive. Any access to Turfway Road must include adequate deceleration and turn lanes on Turfway Road.

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 development 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 an 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. Recommended 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 COMMENTS

1. Staff is concerned with the overall appropriateness of the proposed use at this location. The Comprehensive Plan's Future Land Use Map illustrates the site for Industrial uses and the Houston-Donaldson Study (which is incorporated into the Comprehensive Plan by reference) states that the Turfway Business Park development "is recommended to continue to develop according to approved plans." The approved plans in question (as of 1992 when this passage was written or currently) do not include any uses which have characteristics common with the proposed fueling station (e.g., exclusive high turnover auto-oriented use, multiple outdoor vehicular lanes/stations which simultaneously service a relatively large number of vehicles, expansive open canopy and its appurtenant lighting, etc.). While the canopy is noticeably smaller than the one proposed in the 2002 application (3,453 sf versus 7,478 sf) and the paved area has been significantly reduced, the number of fueling stations has only dropped from sixteen to twelve.

The application materials contend that the fueling station is an accessory use to the Sam's Club. While the current proposal is arguably more accessory than the 2002 plan, it is basically a moot point when acknowledging that the basic fueling station function is suspect at this location under the adopted planning documents.

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.

Issues of particular relevance which deal with the Comprehensive Plan and Houston-Donaldson Study include:

- A. The Comprehensive Plan's Business Activity Goal states "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas." Thus, the governing bodies will need to determine, based on adopted policies, whether the location is appropriate for the proposed fueling station and whether the use/facility is compatible with the surrounding area. Relative to compatibility, it is Staff's basic conclusion (based on the characteristics mentioned in the first paragraph of this section) that the proposed facility has a fundamental highway or interchange character whereas the adjoining areas are more indicative of a suburban commercial and office park.
- B. The Comprehensive Plan's Business Activity Commercial (Retail and Office) Objective 3 states "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." This objective begs the question as to whether the proposed facility is in fact a "highway commercial use" (use not necessarily being the same thing as "character" as discussed immediately above), and if so, is the site within "close proximity" to a highway interchange.
- C. The Houston-Donaldson Study's Goal I states "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 development within the Study area, and the sense of the Study Area as a distinct corridor." Relative to this goal, the governing bodies will need to determine whether the proposal has a reasonably planned relationship to the existing and planned developments within the Study Area, and whether the proposal will maintain the sense of the Study Area as a distinct corridor, especially when considering that the proposed use and accompanying facility has fundamentally different characteristics than those in the immediate area. As to the relationship of the proposal to the "overall land use pattern of Boone County" noted in the first part of this goal, it is Staff's view that this proposal is inconsequential in this regard, except perhaps for precedent value.

These same basic matters are discussed in the 9/4/02 Committee Report which recommended denial of the 2002 proposal. They are also discussed in the applicant's submittal booklet. The submittal booklet outlines various impacts of the development which it contends have been minimized from the 2002 proposal, and notes that fuel prices have increased tremendously since that time. Staff does not see fuel prices as relevant in the context of a zoning application for an individual fueling station.

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. Staff offers the following comments regarding 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 to diversify land uses as there are no fueling stations 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 toward auto transportation. For informational purposes, a sidewalk link is required between the proposed facility and the public street, although a sidewalk link from the public sidewalk on Thoroughbred Boulevard along the existing drive approach into the parking area would be a more useful pedestrian link. Additionally, the construction of sidewalks along both the Spiral Drive frontage (sidewalk exists on Spiral except for along this undeveloped lot) and along Thoroughbred Boulevard (sidewalk exists between Houston and the existing curb cut, but not between the curb cut and Spiral) are required.

2. Compatibility of Uses: Several basic aspects of the proposal help make it compatible with the site and general area. The siting of the facility at the rear of the Sam's lot (away from Houston Road), the fact that the lot lies notably below the grades of the adjoining roadways, and the fact that the proposal does not propose or use any existing direct access points onto public roads are beneficial in this regard. However, the proposed use and accompanying structures (broad freestanding canopy and guard shed type support building) are fundamentally different in character from the other uses in Turfway Business Park and the area at large. As eluded to previously, it is Staff's view that the proposal has more of a highway commercial character versus the suburban planned development character inherent in the area.

Key issues related to physical compatibility under this standard include the proposed architectural design, landscape plan, and signage. These issues are discussed further below. Also, the submittal booklet states that "lighting has been reduced and directed so as not to be unduly escape the project site," but no details or photometric plan has been provided.

3. Open Space: Open space area over and above the normal setback requirements are generally proposed, particularly along the Thoroughbred Boulevard frontage.

4. Multi-Modal Transportation System: The use will exclusively serve the motorist consumer. When considering this fact, it is difficult to expect a relatively small project to provide multi-modal facilities that would affect the transportation behavior of the area at large. Although a bike rack and a sidewalk link to the public walk are normally required, Staff fails to see any tangible benefit in requiring a bike rack for this project, and recommends that the required sidewalk link be "relocated" as discussed under #1 above.

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. No landscape plan/concept was submitted with this application. There is substantial area for planting along both street frontages and the adjoining yard areas. As the stated intent for this facility is to serve as an accessory use to the Sam's Club and not attract customers from the adjoining areas, Staff recommends that Buffer Yard B (10 small trees, 5 large/medium deciduous or evergreen trees, and 60 small or 20 small and 15 large shrubs per 100 linear feet) be provided in these areas (existing plantings at the Spiral/Thoroughbred intersection could be credited). A portion of these plantings should be provided along the north curb line of the fuel station facing Spiral Drive. Additionally, Buffer Yard A should be provided along the east and west sides of the fuel station per the normal requirements for an outlot type development (10' wide w/ 5 small trees, 3 large/medium deciduous or evergreen trees, and 30 small shrubs per 100 linear feet). The strip along the east side of the development scales to approximately 3 feet, and can be readily widened by approximately 4 feet by reducing the width of the adjoining drive in the existing parking lot to the minimum permitted width of 20 feet. Increasing the landscape strip to the minimum 10 foot required width would involve changes to either the proposed plan or the adjoining, existing parking area.

7. Architecture: There are inconsistencies between the various images of the canopy and the service building. The "hard lined" elevations show CMU columns and a "flat roof" with a deep blue metal fascia for the canopy, and CMU walls with a low, brown/earth colored metal hipped roof for the service building. The CMU for both structures is proposed to be painted.

Staff has several comments relative to these structures. First, the flat roofed canopy bears no tangible relationship with the other structures in the area. This could be improved with the introduction of a more complete roof structure, such as a low hipped or gabled standing seam metal roof that was nestled within the fascia, versus the "stage set" type metal fascia which is currently proposed (an alternate material for the fascia which more directly correlates to the columns and Sam's structure is also suggested). Additionally, the deep blue color shown for the fascia presents itself as a sign or background for a sign where as an earth color would have a direct relationship with the Sam's building. When considering the notable grade difference between the site and adjoining roads, these suggestions would tremendously improve the appearance of this structure from said roads. However, the provision of a pitched roof will not overcome the open, "floating" nature of the canopy that is not inherent in the neighboring structures.

Staff finds the proposed attendant building fairly utilitarian, and it is such a small structure that it will be dwarfed by the Sam's Club building, although the scale between the attendant building and canopy has improved greatly over the 2002 proposal. To improve the cosmetics of this building, masonry detailing should be considered for both this structure and the canopy columns, and masonry with an integral color should be opted over the proposed painted CMU.

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

9. Signage: No signage plans have been provided (except in a very conceptual manner on the elevation drawings), although the application materials state in language carried over from the 2002 application "the proposal involves the installation of a new canopy. Minimum signage per Article 34 will be incorporated in the canopy. No ground sign is proposed." Presuming that these canopy signs are integrated into the design of the structure, Staff has no comments relative to this standard (note - although Article 34 of the Zoning Regulations has specific requirements for "canopy" signage, the Houston-Donaldson Study does not).

10. Transportation Connections and Entry Points: Other than the required sidewalk link which is recommended to be "relocated" if the application is approved, this standard does not largely relate to this proposal.

11. Conformance with Comprehensive Plan: A discussion of the Comprehensive Plan is provided earlier in this report.
3. No traffic study was submitted for this application, although basic pre and post development level of service information was provided, with no real changes to delay times being reported. The technical basis for these conclusions need to be provided for review (is the same information stated on page 10 of the traffic study for the 2002 application).

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the Planned Development requirements stated in Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

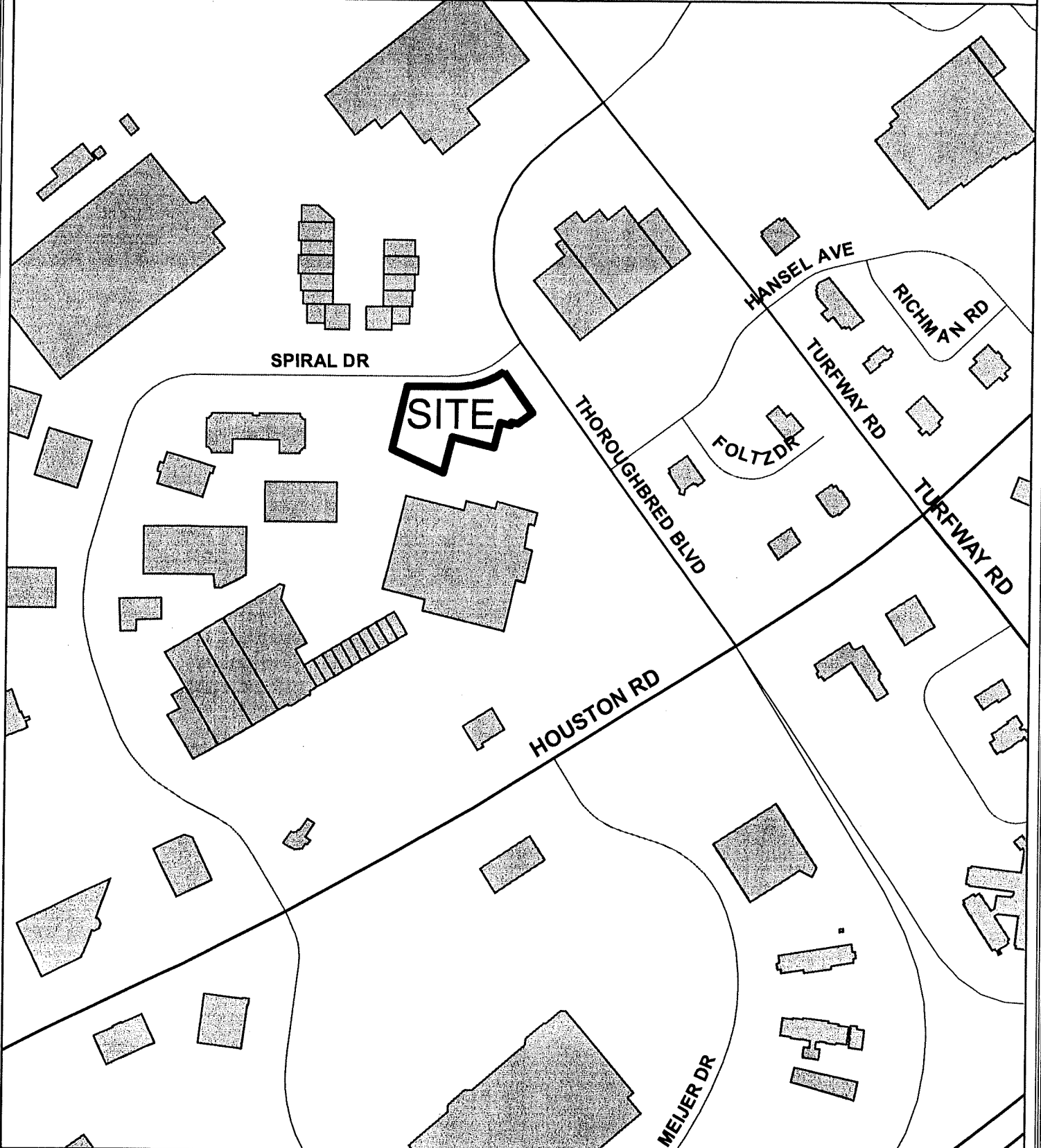
KTW/pr

attachments:

- * location map
- * aerial photo w/ zoning
- * Future Land Use Map excerpt
- * topographic map
- * 3/17/93 CEI Engineering/TRP Associates Committee Report
- * 2/23/00 Carlson Consulting Engineers Committee Report and Ordinance #0-13-00
- * 9/4/02 Sam's East, Inc. Committee Report, 10/8/02 City Council minutes, and 2002 Concept Development Plan
- * application materials including narrative booklet

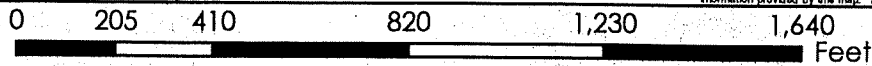
Location

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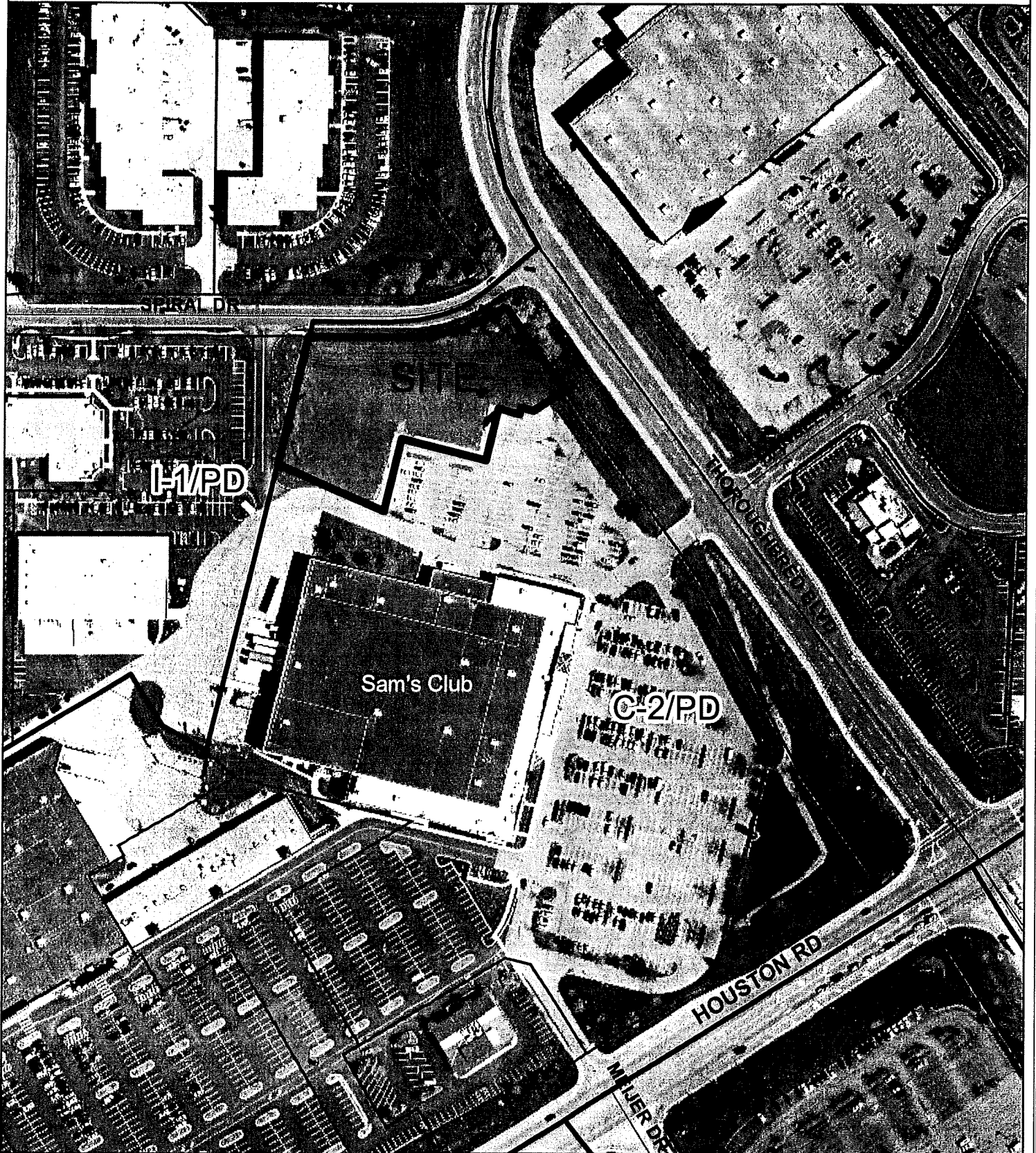
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Boone County GIS - Putting Northern Kentucky on the Map

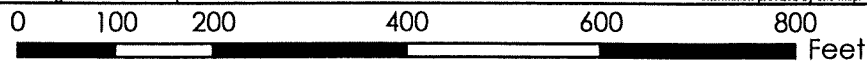
Zoning

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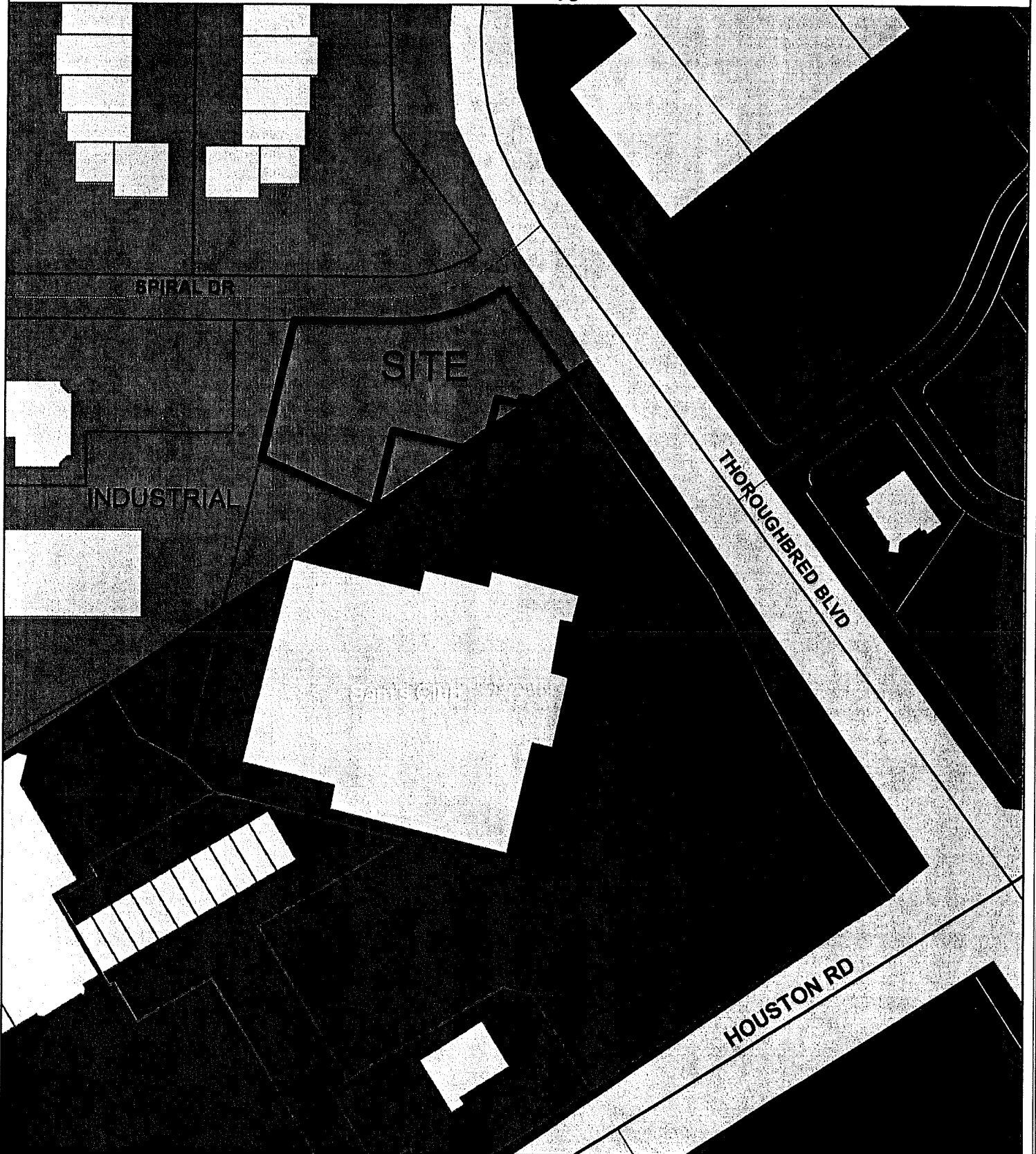
1 inch equals 197 feet



Boone County GIS - Putting Northern Kentucky on the Map

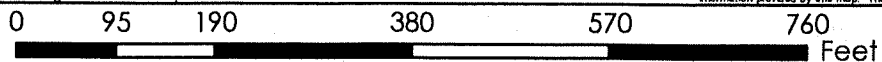
Future Land Use

www.boonecountygis.com



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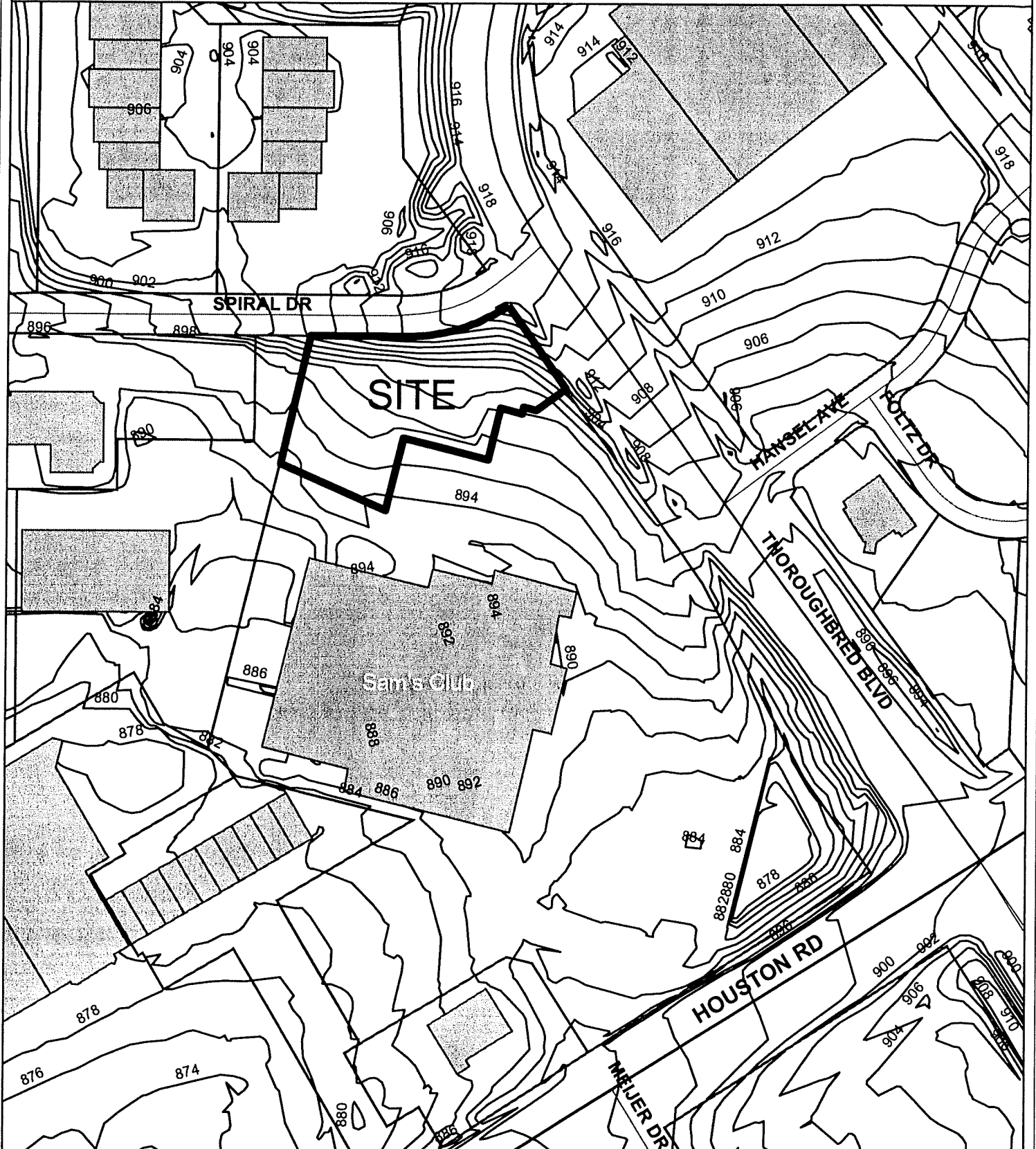
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Boone County GIS - Putting Northern Kentucky on the Map

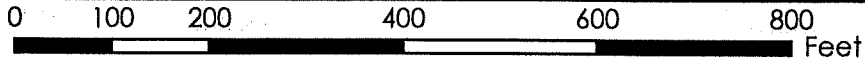
Topography

www.boonecountygis.com

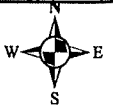


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1 inch equals 197 feet



Boone County GIS - Putting Northern Kentucky on the Map

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ralph Rush, Chairman

DATE: March 17, 1993

RE: Request of CEI Engineering Associates, Inc. (applicant) for Tineb Associates and TRP Associates (owners) for a Change in a previously approved Concept Development Plan for a 14.85 acre area located at Thoroughbred Boulevard and Houston Road, Florence, Kentucky. The site is currently zoned Commercial Two/Planned development (C-2/PD). The request is to increase the square footage of the Sam's Wholesale Warehouse Club building.

REMARKS:

We, the Committee, recommend approval of the request based on the following findings of fact and with the following conditions:

Findings of Fact

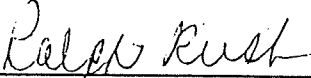
1. The proposed development would result in a decrease of forecasted traffic when compared to existing and approved uses on the site. Since minimizing traffic impact is a primary objective of the Houston-Donaldson Study, the request is in conformance with the Study. Specific references to the Study are made in the 3/10/93 Staff report.
2. The proposed development indicates improvements to the overall layout and circulation of the parking lot. These improvements help make the proposed plan appropriate for the site.

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 presented at the March 10, 1993 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan."

1. Any exterior storage facilities shall be enclosed with masonry walls to match the building facade in color and materials.
2. Landscaping and building facade design are subject to Architectural Design Review.

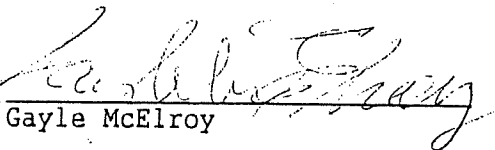
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Ralph Rush, Chairman



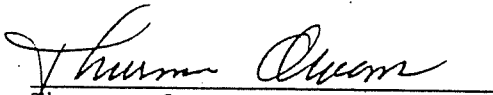
Fred Burch



Gayle McElroy



Phil Damstrom



Thurman Owens



Barry Neltner

Carol Smith

:par

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: February 23, 2000

RE: Request of Carlson Consulting Engineers (applicant) for Benenson Capitol Co. (owner) to consider a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 14.65 acre lot that is located at 4949 Houston Road, Florence, Kentucky. The request is for a change in an approved Concept Development Plan to allow an expansion of the existing Sam's Club store.

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

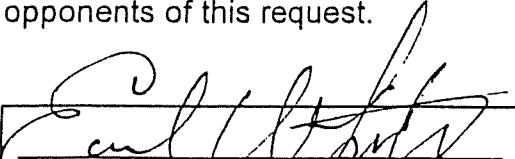
Findings of Fact

1. The Committee has concluded that the proposed Change in Concept Development Plan is in general agreement the Houston-Donaldson Study. The expansion is in agreement with the approved plans for the area in question. The conditions recommended by the committee will promote the overall character of the development.
2. The Committee has concluded that the request is in general agreement with the 1995 Boone County Comprehensive Plan; which was consulted in the evaluation of this request as prescribed by the "Goals and Objectives" section (page 4) of the Houston-Donaldson Study. The expansion does not conflict with current or future land use plans for the area in question.
3. The proposed uses and Change in Concept Development Plan generally meet the objectives of the Planned Development District.
4. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan and the Houston-Donaldson Study, as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions

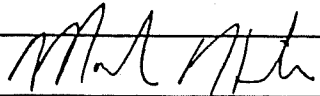
1. The driveway and parking lot layout in the area adjoining the southeast corner of the building shall be reconfigured to create a four way intersection with stop signs provided in each direction. A concept of this reconfiguration is illustrated on the attached "Attachment A."
2. A customer loading zone shall be provided along the front of the building in addition to a full two-way driveway. The alignment of this two-way driveway shall jog near the building entrance in effort to slow vehicular speed in this area. A different paving surface shall be provided on this driveway in the areas at both ends of the front of the building, also in an effort to slow vehicular speed in this area. A concept of the requirements outlined in this condition is illustrated on the attached "Attachment A."
3. The design of the facades of the building addition shall be architecturally enhanced, articulated, and developed beyond the single mass, large-scaled design of the existing structure. This shall be accomplished by methods such as, but not limited to: providing multiple roof lines between the existing building and the addition; providing tangible jogs in the facades of the addition; constructing the overall addition out of multiple, smaller scaled building massings - the height of these smaller massings could exceed the height of the existing building as to disrupt a long, continuous parapet line; providing tangible wall openings and architectural details on the facades which help create a pedestrian scale; emphasizing the main customer entrance into the building through the use of an over-scaled entry feature; etc.

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.



Earl White, Chairman

For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____



Mark Hicks

For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____

Bob Schwenke
Bob Schwenke
For Against
Abstain Absent

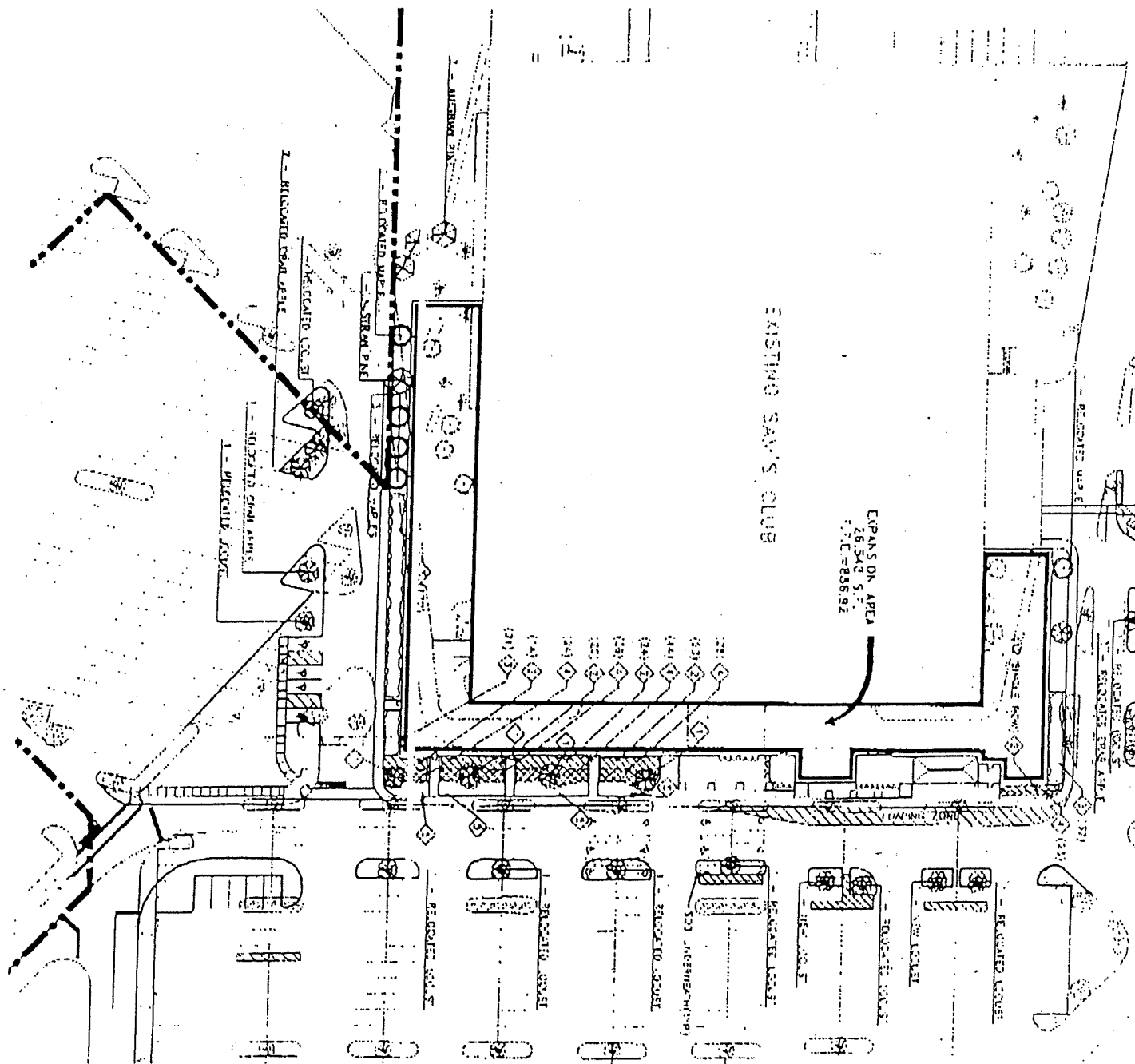
Lisa Wilson
Lisa Wilson
For Against
Abstain Absent

David Zimmer
David Zimmer
For Against
Abstain Absent

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

ATTACHMENT A

RECEIVED
 MAR 8 2000
 BOONE COUNTY
 PLANNING COMMISSION



Post-It Fax Note	7871	Date	3-7-00	# of pages	2
To	MIKE HOMER	From	JOE SUSTIS		
Co./Dept.		Co.			
Phone #		Phone #			

ORDINANCE NO. 0-13-00

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 14.65 ACRE SITE LOCATED AT 4949 HOUSTON ROAD, FLORENCE, KENTUCKY TO ALLOW AN EXPANSION OF THE EXISTING SAM'S CLUB STORE FOR PROPERTY CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD). (BENENSON CAPITAL CO.-SAM'S CLUB STORE PROPERTY)

WHEREAS, the City of Florence, Kentucky is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a change in concept development plan for an approximate 14.65 acre site located at 4949 Houston Road in the City of Florence, Kentucky to allow an expansion of the existing Sam's Club Store, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution of Recommendation, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That the requested change in concept development plan for the approximate 14.65 acre site located at 4949 Houston Road in the City of Florence, Kentucky shall be and is hereby approved to allow an expansion of the existing Sam's Club Store, subject to the concept development plan and other agreed conditions for this site currently zoned Commercial Two/Planned Development (C-2/PD). The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be changed to reflect the approval of this concept development plan.

SECTION II

The approval of this change in concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-00-007-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendations of the Boone County Planning Commission, this approval of the City of Florence, Kentucky through its City Council shall be and is hereby subject to those additional conditions that have been agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-00-007-A, marked Exhibit "B", and incorporated herein as if fully set out.

SECTION V

If this approval for this change in concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

SECTION VI

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 30th DAY OF May, 2000.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 6th DAY OF June, 2000.

APPROVED:

Dean E. Whal
MAYOR

ATTEST:

Patricia Conrad
CITY CLERK

May 18, 2000

Diane E. Whalen, Mayor
City of Florence, Kentucky
8100 Ewing Boulevard
Florence KY 41042

In re: Request of Carlson Consulting Engineers (Applicant) for Benenson Capitol Co. (Owner) for a Change in Concept Development Plan for a 14.65 Acre Site Located at 4947 Houston Road, Florence, KY

Dear Mayor Whalen:

As you know the above application is presently before Florence City Council for action upon a unanimous recommendation by the Boone County Planning Commission for approval, with conditions.

On May 16th in a meeting with the Zoning Committee of the Florence City Council and also during a caucus session of Florence City Council, certain additional conditions were discussed in connection with this application. This will advise that we hereby consent to and agree to abide by the following conditions in connection with this application:

- A 6" raised curb/sidewalk will be provided along the sidewalk on the southern (left elevation) side of the building. The raised area will delineate the area between the driving surface and the pedestrian walkway. The raised curb/sidewalk will extend the entire length of the south side (left elevation) and wrap around the radius of the east side (front elevation) of the building.
- Proposed signage will not exceed the current total square footage of existing signage.
- The applicant agrees to enhance the facade of the building with some of the following elements: use of pilasters, varying roof heights, using brick and block construction materials, eliminate continuous red horizontal stripe, and

Exhibit "C"

May-24-00 08:36A CA SON CONSULTING ENG.
05/23/2000 09:59

90 384-0710

P.03

May-22-00 03:32P CARLSON CONSULTING ENG.
MAY-19-00 11:23 AM CITY OF FLORENCE

901 384-0710
809 047 0411

P.03

May 18 2000
Page Two (2)

enhance the overhead doors for carts with architectural treatments. We understand that Council strongly supports condition #3 of the Boone County Planning Commission Committee Report and that this requirement is not intended to replace the condition, but to enhance it.

All existing Boone County Planning Commission conditions and regulations remain in full force and must be met.

We request that the Council approve our application with the addition of these conditions.

Sincerely yours,



DEAN CARLSON
Carlson Consulting Engineers, Applicant



CHARLES B. BENENSON, Chairman
Benenson Capital Co. Owner

as agent for Benenson
Capital Co.

Leonard S. Kueppel

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

RE: Request of Sam's East, Inc. (applicant) for Wal-Mart Stores, Inc. (owner) for a Change in Concept Development Plan for a 1.62 acre site located at 4949 Houston Road, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow a gasoline fueling station in a Commercial Two/Planned Development (C-2/PD) zone.

DATE: September 4, 2002

REMARKS:

We, the Committee, recommend denial of the above referenced request based upon the following findings of fact.

FINDINGS OF FACT

1. The Committee has concluded that the proposal is not in agreement with the 2000 Boone County Comprehensive Plan for the following reasons.
 - A. The Goals and Objectives (Business Activity Goal) state "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas." The Committee has determined that the proposed facility has a fundamental highway or interchange character and nature whereas the adjoining areas are more indicative of a suburban commercial and office park. This highway or interchange character and nature is characterized by a continuous, high turn over stream of customers who visit the fueling station for very short durations while never leaving the proximity of their vehicles, multiple vehicular lanes which are stacked side by side and create wide expanses of pavement, and a broad, expansive canopy which "hangs" over the facility. A suburban commercial and office park character and nature is depicted by lower turn over, destination oriented businesses where the patron invests time within the facility, integral building types which cloak the specific business activity from public view, and vehicular areas which are broken by landscaping, grades, or other features within them, even parking spaces, which soften the harsh view of broad areas of open pavement. Thus, the proposal is not in agreement with this Goal.

- B. The Goals and Objectives (Business Activity Commercial [Retail and Office] Objective 2) state "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." The proposal is not in agreement with this objective because it involves placing a highway commercial use within the Houston-Donaldson Study area at a site that is not in close proximity to a highway interchange. Rather, the site is across Houston Road from the closest interchange - Houston Road is a major urban style arterial roadway that acts as boundary between Turfway Business Park and the separate development along I-75. There are several existing fueling stations within the Houston-Donaldson Study area that are in close proximity to interchanges, and the Study expressly recommends a fueling station for an additional site within the overall Study Area (Site 22).
- C. Both the "Florence Central" and "Florence Commercial Area" sections of the Land Use Element state that development in this area should follow the Houston-Donaldson Study. Regarding the recommended uses and zoning for "Site 10, Turfway Business Park," the Study simply states "this development is recommended to continue to develop according to approved plans." The approved plans in question, as of 1992 when this passage was written or currently, do not include any uses which have characteristics comparable to the proposed fueling station, such as the fact that it is a high turnover, exclusively auto-oriented facility, has many vehicular lanes/stations which simultaneously service a relatively large number of vehicles, and the expansive open canopy and its appurtenant lighting. Rather, the approved Concept Development Plans both for this specific site and the overall Turfway Business Park development permit destination oriented commercial development and office/research/light industrial development that are in accordance with the Goals and Objectives discussed under paragraphs 1.A and 1.B above. Therefore, the addition of a fueling station at the location in question is not in agreement with the uses and character approved in the adopted Concept Development Plans, 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 and operational characteristics of a retail fueling station 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 this type of use is typical in other types of corridors with less destination oriented traffic.

- E. The application materials contend that the fueling station is an accessory use to the Sam's Club. The Committee has determined that this contention is moot when considering that the basic fueling station function at this location is not supported by the adopted advance planning documents.
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 and 1.C 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 uses.
 - 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 utility building (approximately 100 square feet in area and approximately 11 feet high), which bears strong resemblance to a guard shack or toll booth, the design of this utility 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 fuel station site and would dwarf the utility 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.

3. The Zone Change Committee has discussed a number of potential conditions of approval with the applicant which should be applied to the development if the application were to be approved. These conditions pertained to following a revised plan which downsized the canopy and reduced the number of fueling pumps, following a revised architectural concept for the canopy, measures to control the volume of customers and vehicles using the site, appropriate signage and traffic control measures, the construction of a traffic signal on Thoroughbred Boulevard, and landscaping. However, the Committee has determined that the application should be denied, regardless of any conditions of approval, because the application has failed to fulfill the necessary Concept Development Plan criteria and/or requirements.

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 Committee Vote.

FLORENCE CITY COUNCIL

MINUTES – REGULAR MEETING

October 8, 2002

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, October 8, 2002 at 7:00 p.m. in the Florence Government Center with Mayor Diane E. Whalen presiding in the Chair.

Mayor Whalen called the meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following members registered present: Mel Carroll, Melodee Merrell, David A. Osborne, Dale Stephens, and Ted Bushelman. Absent was Dr. Julie Metzger.

Also present were Mayor Diane E. Whalen, City Coordinator Jeffrey Koenig, City Attorney Larry Dillon, Assistant Police Chief Tom Szurlinski, Acting Fire/EMS Chief Gary Zumbiel, Information Systems Director Valerie Bowman, Finance Director Ronald Epling, Public Services Director Robert Townsend, Parks and Recreation Administrator Vanessa Leneer, Florence Water & Sewer Commission Interim General Manager Robert Hall, Administrative Assistant Donna Smith, H.B. Deatherage, Code Enforcement Board Member Floyd Sharp, Administrative Clerk Joe Christofield, and City Clerk/Human Resources Director Betsy R. Conrad.

Mayor Whalen called for a motion to approve the **minutes of September 24, 2002** Regular Meeting of Council. Councilmember Bushelman so moved, with second from Councilmember Carroll. **Council approved by unanimous vote.**

Mayor Whalen read a proclamation designating the week of October 6-12 as Fire/EMS Week in the City of Florence.

Mayor Whalen then presented the following Ordinance for second reading:

ORDINANCE NO. O-23-02: AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 0.41 ACRES LOCATED ON THE EAST SIDE OF LONGBRANCH ROAD, ADJACENT TO THE CITY LIMITS. (CISNEROS PROPERTY)

Mayor Whalen read the following summary of the Ordinance: *This Ordinance annexes and makes a part of the City a tract of approximately 0.41 acres located on the east side of Longbranch Road, adjacent to the City limits. This annexation is in response to a request by Modesto Cisneros and Carmela Cisneros, the owners, to have the property become part of the City. The annexation will be complete upon second reading and publication of this Ordinance. After annexation the property will remain subject to the same land use restrictions as applied prior to annexation.*

Councilmember Stephens moved, with second from Councilmember Carroll, that Ordinance No. O-23-02 be approved on second and final reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Whalen presented the following Ordinance for first reading:

ORDINANCE NO. O-24-02: AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 5.903 ACRES LOCATED ON THE SOUTHWEST SIDE OF LONGBRANCH COUNTY ROAD AND ON THE NORTHWEST SIDE OF U.S. HIGHWAY 42, ADJACENT TO THE CITY LIMITS. (HUMPHREYS PROPERTY)

Mayor Whalen read the following summary of the Ordinance: *This Ordinance annexes and makes a part of the City a tract of approximately 5.903 acres located on the southwest side of Longbranch County Road and on the Northwest side of U.S. Highway 42, adjacent to the City limits. This annexation is in response to a request by Robert G. Humphreys and Bethany J. Humphreys, the owners, to have the property become part of the City. The annexation will be*

FLORENCE CITY COUNCIL
MINUTES – October 8, 2002
PAGE 2

complete upon second reading and publication of this Ordinance. After annexation the property will remain subject to the same land use restrictions as applied prior to annexation.

Councilmember Bushelman moved, with second from Councilmember Merrell, that Ordinance No. O-24-02 be approved on first reading and be held for second and final reading at the next meeting of Council. Council approved by unanimous vote.

Mayor Whalen presented the following Ordinance for first reading:

ORDINANCE NO. O-25-02: AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 5.02 ACRES LOCATED ON THE NORTHEAST SIDE OF LONGBRANCH ROAD AND ON THE EAST SIDE OF CAMP ERNST ROAD, ADJACENT TO THE CITY LIMITS. (MATHEW PROPERTY)

Mayor Whalen read the following summary of the Ordinance: *This Ordinance annexes and makes a part of the City a tract of approximately 5.02 acres located on the northeast side of Longbranch Road and on the east side of Camp Ernst Road, adjacent to the City limits. This annexation is in response to a request Nancy S. Mathew and Daniel W. Mathew, the owners, to have the property become part of the City. The annexation will be complete upon second reading and publication of this Ordinance. After annexation the property will remain subject to the same land use restrictions as applied prior to annexation.*

Councilmember Osborne moved, with second from Councilmember Stephens, that Ordinance No. O-25-02 be approved on first reading and be held for second and final reading at the next meeting of Council. Council approved by unanimous vote.

Mayor Whalen advised that first reading on the Baker annexation Ordinance was put on hold temporarily because the owners of the property, the Bakers, are in the process of selling a small portion located in the back of the lot. She added that once it is sold they would need a new parcel description and plat.

Councilmember Carroll commented that the above annexations speak well for the City and the three families who recognize the advantages that they will receive by having their property annexed into the City.

→ **Consideration of a recommendation from the Boone County Planning Commission regarding the request of Sam's East Inc. (applicant) for Wal-Mart Stores, Inc. (owner) for a Concept Development Plan change for 4949 Houston to allow a gasoline fueling station.**

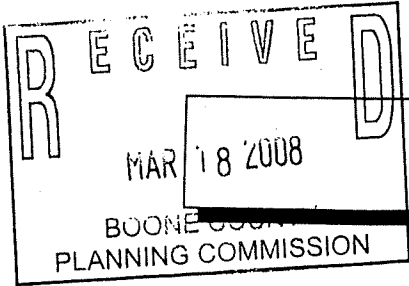
Mayor Whalen recognized Councilmember and Planning and Zoning Committee member Dale Stephens, who advised that the request had been reviewed in caucus. He read the Planning and Zoning Committee Report, and moved to accept the Planning Commission's recommendation to deny the request. Councilmember Osborne offered second to that motion and Council approved by unanimous vote.

Consideration of a recommendation to the Boone County Planning Commission regarding the request of James W. Berling (applicant) for R.C. Durr and Richard Crist (owners) for a Concept Development Plan for an approximate one acre site generally located on the north side of Bankers Street, immediately east of 8810 Bankers Street, Florence Kentucky, to allow a car wash.

Councilmember Stephens read the Planning and Zoning Committee Report.

City Coordinator Jeff Koenig advised that he had received the condition letter signed by the appropriate applicants, which did include the additional condition concerning no gasoline pumps being placed on the car wash property.

Mayor Whalen asked for a motion from Council to place Ordinance O-26-02 on the agenda for first reading. Councilmember Bushelman moved, with a second from Councilmember Stephens. Council approved by unanimous vote.



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)
Long Range Planning Committee Review (As stated in the Union Town Plan)

- 2. Name of Project Sam's Club Fueling Station
3. Location of Project Southeastern side of Thoroughbred Blvd at Spiral Dr.
4. Total Acreage of Site 1.63 acres
5. Current Zoning C-2 PD HD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 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) HOUSTON-DONALDSON ROAD STUDY
8. Proposed Uses (please specify each use) MEMBERS ONLY FUELING STATION - RETAIL
9. Proposed Building Intensities (please specify) N/A

- 10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for:
X Conditional Use Permit
Dimensional Variance
12. Name of Applicant(s) CORE STATES, INC
Phone Number 314-843-4320 Fax No. 314 843-4323
13. Address of Applicant(s) 50 CRESTWOOD EXECUTIVE CENTER, SUITE 500
ST. LOUIS MO 63126
City State Zip
14. Name of Property Owner(s) WAL-MART STORES, INC
Phone Number 479-204-0126 Fax No.
15. Address of Property Owner(s) 2001 S.E. 10TH STREET
BENTONVILLE AR 72716-0550
City State Zip
16. Are there any existing buildings on the site? NO
How many?
17. Deed Book 877 Page No. 786 Group No.
18. Have you had a pre-application meeting with BCPC Staff? YES

Concept Development Plan
Page 2

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

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: BOONE CO. JUDGE EXECUTIVE

20. Concept Development Plan Jurisdiction/Location
 Unincorporated Boone County
 Florence
 Walton Union

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

22. Property Owner's Signature(s) [Signature]

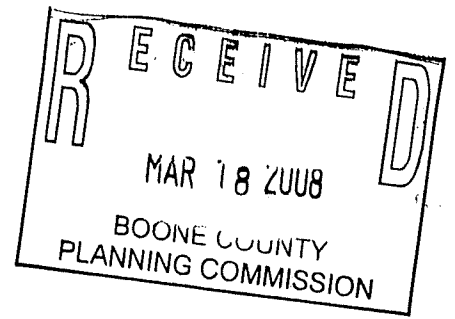
SECTION B (To be completed by BCPC Staff)

1. Date Received 3-18-08 Fee Received \$ 1,661.00 RA 55838
2. Check what has been submitted:
 Application Fee Legal Description
 Concept Development Plan Addresses of Adjoining Property Owners
5 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 5/7/08
7. Boone County Planning Commission Action:
 Approved Approved With Conditions
 Denied
8. Other: _____

** Five (5) Copies Required

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

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.

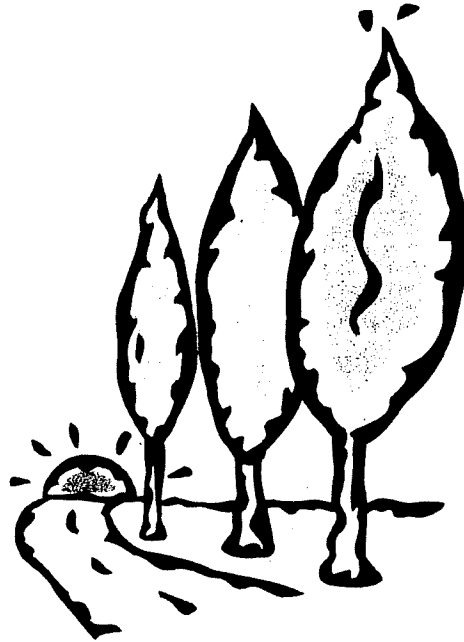


SAM'S CLUB FUELING STATION

FLORENCE, KENTUCKY

Request for change in Approved Concept Development Plan - 2008

SMART GROWTH JUSTIFICATION REFERENCING



- **2000 COMPREHENSIVE PLAN**
- **HOUSTON-DONALDSON STUDY**
- **BOONE COUNTY ZONING REGULATION**
- **ADDENDUM W/CHANGES & UPDATES 2008**
- **PHOTOS, MAPS, DESIGN, TRAFFIC**

PROJECT GOAL:

Sam's Club, a division of the Wal-Mart corporation, seeks to obtain an amendment to the existing comprehensive project plan to allow the construction of a fueling station on property owned by the Wal-Mart corporation to meet the demands of Sam's Club members.

HISTORY:

This project was originally submitted for consideration by the Boone County Planning Commission in 2002.

That application was rejected by the Commission by a vote of 3 to 2.

CHANGES JUSTIFYING RECONSIDERATION OF THIS APPLICATION:

This submission contains significant changes in scale and design. The design now calls for only six pump stations, and has a new design for the canopy and operations building.

Efforts have been made to recognize and implement suggestions made by Board Members during the prior application process.

Lighting has been reduced and directed so as not to be unduly escape the project site.

Signage has been kept to a minimum.

Sam's Club will work closely with the Planning Commission to landscape the site to segregate it from Houston Road and Thoroughbred Road.

Since the prior application the Kentucky Transportation Cabinet has completed substantial highway improvements on Houston Road and on Thoroughbred Road.

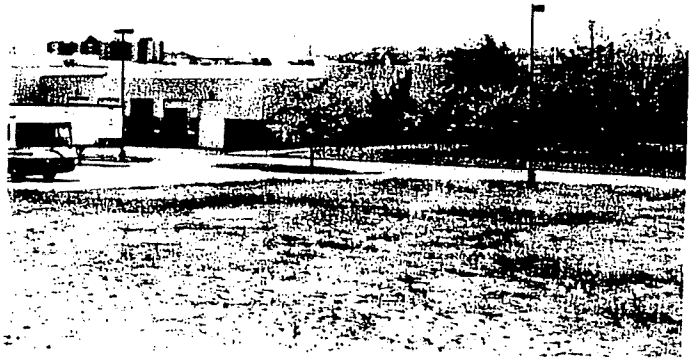
Traffic on this site has been substantially reduced due to the move of the Wal-Mart store that previously shared this site, to another location one-half mile to the south on Houston Road.

In the event of a disaster effecting the City of Florence or Boone County, Sam's Club is now able to provide priority access for refueling of first responders (i.e. Fire & Police and other emergency equipment), by implementation of Wal-Mart resources that can be called in from a wide area.

The price of crude oil has risen 440% since 2002. The Wal-Mart corporation through it's purchasing power, can assure an economical price for fuel. The savings realized will directly benefit Sam's Club members, but can also be expected to indirectly stabilize and lower the price of fuel for other Boone County citizens.

PROJECT DESCRIPTION/ SITE CHARACTERISTIC

This request is for a change in the Approved Concept Development Plan on a 1.63-acre site located at 4949 Houston Road, Florence, Kentucky. This request involves the elimination of over-flow parking for the Sam's Club along the north side of the existing store. The Approved Concept Development Plan under Resolution R-93-010-A showed this 1.63 acre site was changed from a proposed restaurant site to over-flow parking for the recent expansion of the Sam's Club. This plan exceeded the required parking ratio as indicated in the Boone County Zoning Regulations.

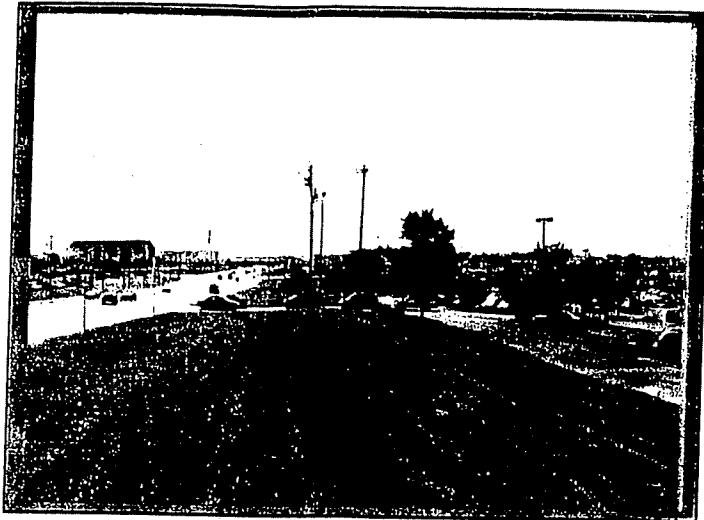


A subsequent change in the above mentioned Approved Concept Development Plan took place under Resolution R-00-007-A on 14.65 acres. The 1.63-acre site was not a part of this change to the concept plan. The parking requirement for the existing Sam's Club is exceeded by this recently approved concept plan.



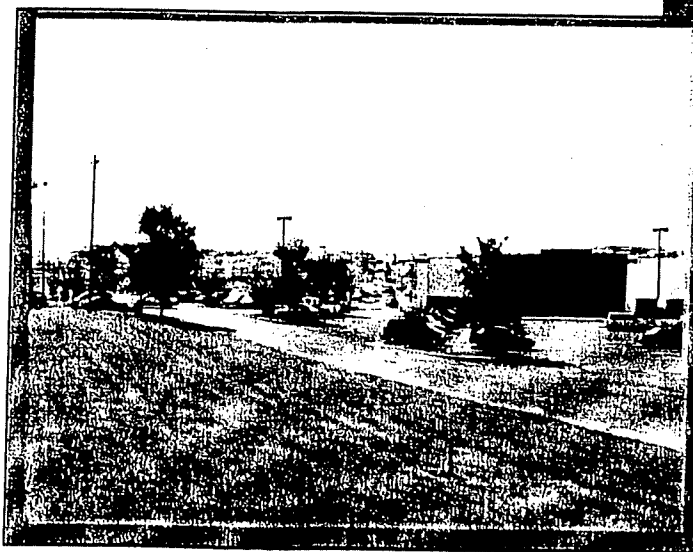
This particular site is located at the intersection of Thoroughbred Boulevard and Spiral Drive. The site is flat and graded to reflect the existing pavement area around the Sam's Club. The site is heavily landscaped along the Thoroughbred Boulevard and Spiral Drive frontages and has no direct access to either of these transportation facilities. All access to this site is internal the Sam's Club site. The proposed fueling station consists of eight (8) fueling stations and one unattended structure for security and observation. This

facility is a self-serve facility for the members of Sam's Club and not available to the general public.



Looking East along Thoroughbred Boulevard at the access point to the Sam's Club.

Looking West along Thoroughbred Boulevard from Houston Road Intersection.



Looking Southeast from Thoroughbred Boulevard towards the front of Sam's Club.

EXHIBIT

“A”

No Ex. B
(Comm. Rpt.)

BOONE COUNTY PLANNING COMMISSION
FINDINGS OF FACT FOR DENIAL

June 18, 2008

Core States, Inc. (applicant) for Wal Mart Stores, Inc.:

1. The proposal is not in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The Goals and Objectives (Business Activity Goal) state “Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas”. The proposed facility has a fundamental highway or interchange character and nature, whereas, the adjoining areas are more indicative of a suburban commercial and office park. This highway or interchange character and nature is characterized by a continuous, high turnover stream of customers who visit the fueling station for very short durations while never leaving the proximity of their vehicles, multiple vehicular lanes which are stacked side by side and create wide expanses of pavement, and a board, expansive canopy which “hangs” over the facility. A suburban commercial and office park character and nature is depicted by lower turnover, destination oriented businesses where the patron invests time within the facility, integral building types which cloak the specific business activity from public view, and vehicular areas which are broken by landscaping, grades, or other features within them, even parking spaces, which soften the harsh view of broad areas of open pavement. Thus, the proposal is not in agreement with this Goal.
 - B. The Goals and Objectives (Business Activity Commercial [Retail and Office] 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 impact to the community in terms of traffic congestion, local commuting patterns and access”. The proposal is not in agreement with this objective because it involves placing a highway commercial use within the Houston-Donaldson Study area at a site that is not in close proximity to a highway interchange. Rather, the site is across Houston Road from the closest interchange – Houston Road is a major urban style arterial roadway that acts as boundary between Turfway Business Park and the separate development along I-75. There are several existing fueling stations within the Houston-Donaldson Study area that are in close proximity to interchanges, and the Study expressly recommends a fueling station for an additional site within the overall Study Area (Site 22).

Core States, Inc. (applicant) for Wal Mart Stores, Inc.

- C. Both the "Florence Central" and "Florence Commercial Area" sections of the Land Use Element state that development in this area should follow the Houston-Donaldson Study. Regarding the recommended uses and zoning for "Site 10, Turfway Business Park", the Study simply states "this development is recommended to continue to develop according to approved plans". The approved plans in question, as of 1992 when this passage was written or currently, do not include any uses which have characteristics comparable to the proposed fueling station, such as the fact that it is a high turnover, exclusively auto-oriented facility, has many vehicular lanes/stations which simultaneously service a relatively large number of vehicles, and the expansive open canopy and its appurtenant lighting. Rather, the approved Concept Development Plans both of this specific site and the overall Turfway Business Park development permit destination oriented commercial development and office/research/light industrial development that are in accordance with the Goals and Objectives discussed under Paragraphs 1.A and 1.B above. Therefore, the addition of a fueling station at the location in question is not in agreement with the uses and character approved in the adopted Concept Development Plans, 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 1, page 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 and operational characteristics of a retail fueling station 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 this type of use is typical in other types of corridors with less destination oriented traffic.
- E. The application materials contend that the fueling station is an accessory use to the Sam's Club. This contention is moot when considering that the basic fueling station function at this location is not supported by the adopted advance planning documents.

Core States, Inc. (applicant) for Wal Mart Stores, Inc.

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 and 1.C 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 uses.
 - 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 utility building (192 square feet in area and 11' 7" high), which bears strong resemblance to a guard shack or toll booth, the design of this utility 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 fuel station site and would dwarf the utility 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.



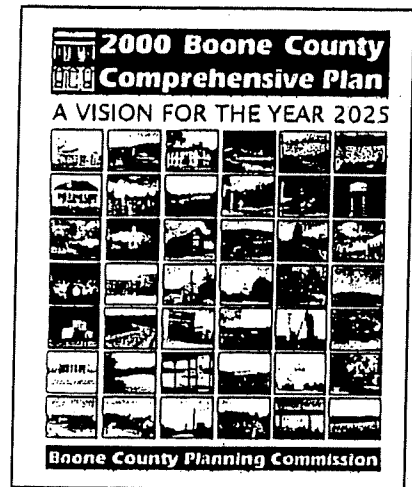
Looking West
from Sam's
Club Access
Drive off
Thoroughbred
Boulevard
towards site.

Looking
Southwest from
Thoroughbred
Boulevard
towards Sam's
Club.



RELATIONSHIP TO THE 2000 BOONE COUNTY COMPREHENSIVE PLAN

The comprehensive plan consists of a map and text. The maps identify both existing and future land uses. The map plan portion of the comprehensive plan identifies the subject site as existing commercial land use located within the Florence Commercial geographic area and the Houston-Donaldson Study Area. 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 that any development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study. This study recommends a mixture of uses from office, commercial to industrial.



The hallmark of a successful community plan is a foundation that reflects both community values and vision. The goals and objectives is a mechanism whereby these community values are articulated. These goals and objectives embody the idea that growth is healthy but that it should be managed for the community good. The following is an evaluation of these goals and objectives that pertain to this Change in the Approved Concept Development Plan.

GOALS & OBJECTIVES

Goal: OVERALL

Proper future growth management for Boone County is implemented.

Objective 2: Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments.

Objective 3: Proper design principles shall be applied in development.



Objective 4: Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed.



Objective 9: Boone County, as a community, shall examine and support through incentives, innovative development design methods to allow a well designed urban to rural development transition in conformance with the adopted Comprehensive Plan.

Analysis: This change to an approved Concept Development Plan is in agreement with the above-mentioned goal and objectives. The site in question is part of a larger existing development pattern along Houston Road and Thoroughbred Boulevard. A mixture of uses already exists predominately in this area. The proposed addition of a fueling station made available only to the members of this private club will be keeping with these objectives. The location of this fueling station is located along the north side of the existing structure and tucked within a grade change to Spiral Drive and Thoroughbred Boulevard. This use is accessory to the main use of Sam's Club and also is accessory to the existing automotive services area.

Goal: ENVIRONMENT

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.

Objective: Physical 1 Future development and redevelopment of areas shall include an evaluation of the physical factors identified in this Plan as part of the review of the site being considered for development. The suitability ratings identified in the Environment Element for each physical factor shall be taken into consideration as part of any development review process. Promote a compact urban growth area, avoiding urban sprawl.

Objective: Physical 2 New developments or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used.

Objective: Social 1
Future development and redevelopment of areas shall include an evaluation of the social factors identified in this Plan as part of the review of sites being considered for development. The suitability ratings for each social factor shall be taken into consideration as part of any development review process.

Objective: Social 4 Existing vegetation shall be considered as both an important site characteristic and a community resource.



Analysis: When you evaluate the proposed site against these objectives of physical and social Environmental considerations the proposed fueling station complements these objectives. The Physical Factors Classification for the proposed site would be that of Capable. This classification of the physical factor of the environment can support all types and intensities of urban use, subject to some site-specific restrictions on design. The Social Factors Classification for the proposed site would be that of Suitable. This classification of the social factor is appropriate for all types and intensities of urban use, subject to site-specific design restrictions.



The proposed site utilizes existing topography, and transportation access point. Existing landscaping will be maintained and enhanced to provide a buffered transition between the surrounding land uses. Allowing this development to be in close proximity to the Sam's Club is in keeping with these goals and objectives of promoting a compact growth area, integrated design, and functions well within the surrounding environment. Visibility of this fueling station would be minimal from Houston Road and Thoroughbred Boulevard because of grade differentiation, landscaping and the orientation of the existing structure.

Goal: BUSINESS ACTIVITY

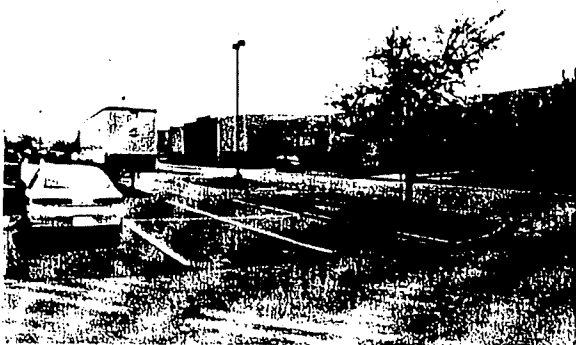
Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas.

Objective Commercial 1: Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space.

Objective Commercial 2: The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large-scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses.

Objective Commercial 3: Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while maintaining impact to the community in terms of traffic congestion, local commuting patterns and access.

Analysis: The addition of a fueling station to the services provided to the members of the Sam's Club would be in compliance with this goal and objectives as mentioned above. The location of the fueling station is located in an area that is not visible from the transportation corridors and is heavily screened by landscaping and grade separation. The site is located to the rear of the existing structure and adjacent to the automotive service area. This location is compatible to the surrounding area. No convenience store is proposed and all stations are self-serve with a credit card type transaction. This site is located within a large Planned Development known as Turfway Business Park. The fueling station is complementary to the existing services already provided at this site (automotive services) and is auxiliary to the primary use.



The proposed fueling station is not considered a highway commercial use. This facility is not open to the general public. It's a benefit to the members of the Sam's Club. No additional increase in traffic is anticipated. This facility would not attract the traveling public due to its private membership status and would not increase or change the traffic patterns or congestion in the area. No new access points are being created, only the current access points utilized by Wal-Mart and Sam's Club are to be used. This would have the practical affect of decreasing any effect to the commuting patterns in the area or cause access issues to arise.



Goal: PUBLIC SERVICES AND FACILITIES

Safe, efficient and environmentally sound public services and facilities shall exist for all development.

Objective 1: Existing infrastructure and services (e.g. systems and facilities for: water treatment, and distribution, wastewater collection and treatment, natural gas distribution, electric power, communication lines, police and fire services, public roads and storm water management) shall be utilized efficiently.

Objective 15: The elimination of overhead utility services shall be encouraged.

Analysis: The proposed fueling station is located within an existing business park known as Turfway Business Park Phase 2. All necessary infrastructure and utilities are in place to serve this proposed development. All utilities are underground and no new public roads are needed to serve this proposed development.

Goal: TRANSPORTATION

Boone County shall continue as vital member of an evolving, regional transportation system that needs active cooperation between the private and public sectors to enable the transition to an economically and energy efficient yet environmentally sound and equitable mutlimodal (automobile, rail, air, river, bus, bicycles, pedestrian) transportation system.



Objective 11: Priority shall be given towards maintaining, protecting and improving the capacity and safety of the existing road system.

Analysis: The proposed fueling station is located on North side of the existing Sam's Club. It is located next to the automotive service area and will function well within the existing traffic patterns internal to the development. Access points to this proposal would be consistent with the existing points serving Wal-Mart and Sam's Club. No additional access points are being created. This will protect the existing roadway pattern and circulation and will not affect the traffic patterns on the existing roadway network.



**TABLE 2
 LEVEL OF SERVICE COMPARISON**

	Existing Traffic		Forecast Traffic	
	LOS	Delay	LOS	Delay
Thoroughbred Blvd/Sam's-Hansel Dr.				
EB left	A	7.5	A	7.5
WB left	A	8.4	A	8.4
NB left	C	20.2	C	21.8
NB thru-right	C	20.3	C	22.3
SB left	C	23.8	D	26.5
SB thru-right	C	17.9	C	19.1
Overall	C	20.3	C	21.9
Thoroughbred Blvd/Spiral Drive				
WB left	A	8.1	A	8.1
NB left-right	B	11.6	B	11.7
Overall	B	11.6	B	11.7

The comparison of Table 2 shows that the addition of the "new" traffic to result from implementation of the Sam's Club fueling facility will have little if any significant impact on the existing intersections on Thoroughbred Boulevard. No new roadway improvements are required due to the forecasted traffic operations.

LAND USE

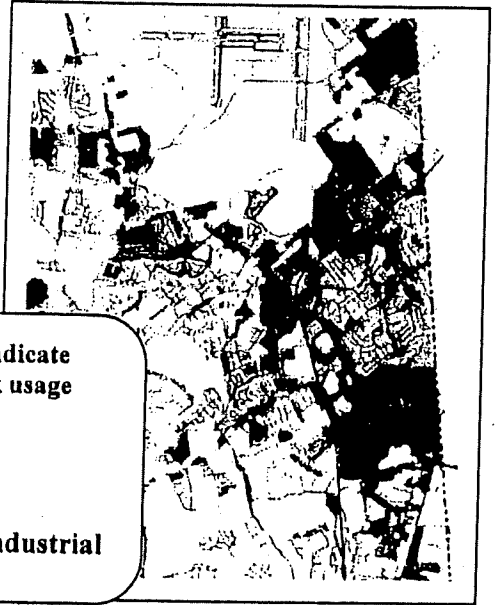
The Comprehensive Plan is intended to be a tool for the management of growth and development in Boone County. The growth of the county can have positive benefits for the present and future population if it takes place within the context of a comprehensive plan, which recognizes and integrates the various elements that comprise Boone County. Growth management is directed through its Goals and Objectives as discussed above. These goals and objectives require that growth and development be coordinated and well planned. The Land Use Element recognizes this relationship between existing uses and future uses and that growth is a healthy part of any community. The Land Use Element is intended to provide general guidelines for all future development and to permit the management of growth in Boone County.

Existing & Future Land Use Indicate
Commercial and Business Park usage
adjoining Industrial Use.



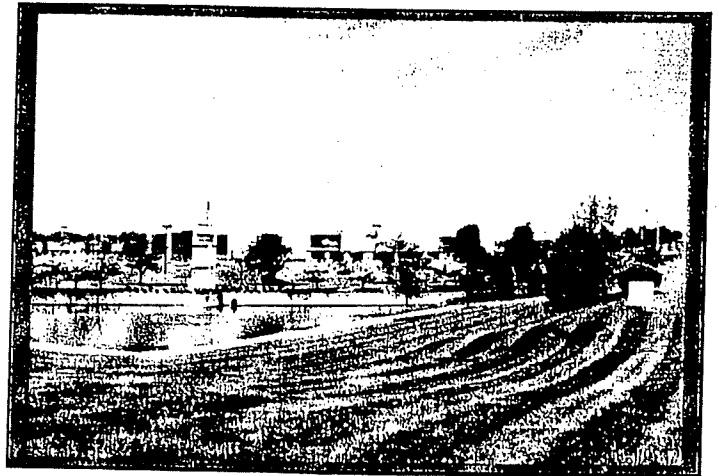
Commercial

Business Park/Industrial



Existing Land Use

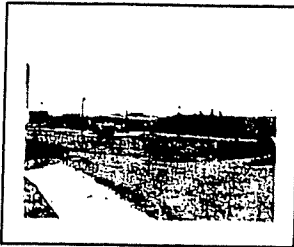
The existing land use for the proposed development is classified as **Commercial (C)** which allows: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." This area is also a part of an existing business park known as Turfway Business Park. The classification of **Business Park (BP)** allows: A mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaping areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."



Future Land Use

Several general development guidelines are applicable to all future growth in Boone County. These guidelines are intended to mitigate the impacts of growth on the existing land uses, adjoining properties, public infrastructure, and the quality of life and safety in the County. Evaluations of these guidelines pertinent to this development are discussed below.

Utilization of existing Vegetation and Topography



Development in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features, which should or can be preserved.

Buffering



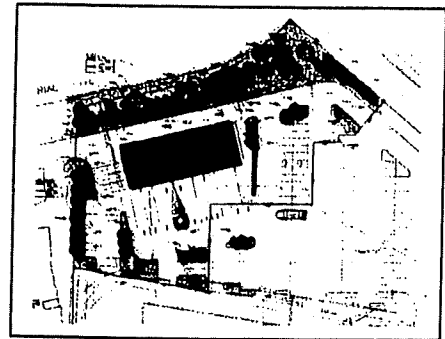
Development in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/ or landscaping to minimize these impacts. Existing site features should be used to mitigate impacts. Development should provide buffering along public roadways, to soften the visual impact.

Landscaping

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.



Existing site features should be used to mitigate impacts. Development 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.

Access Management



Development in Boone County must recognize the potential of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the exiting roadway network, and to plan improvements to accommodate new development and travel patterns. Access Management provisions include the coordination of curb cuts, site distance for access points, shared access points and parking facilities.

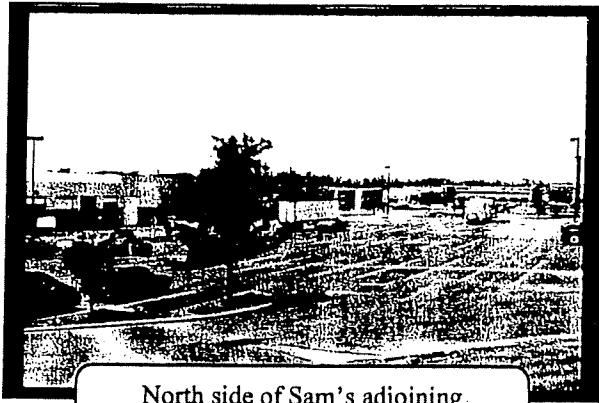


Design, Signs and Historic Preservation

Development in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use.

Analysis: The existing site is graded to match the surrounding area. The site sits to the North side of the existing structure and abuts the intersection of Spiral Drive and Thoroughbred Boulevard. Steep grade separates this site from the roadways. Existing landscaping is in place at that intersection and will be preserved. Additional landscaping and buffering will be provided to mitigate the visual impact from Thoroughbred Boulevard and Houston Road. Eight (8) additional landscaped islands are being proposed to further break up the impervious surfaces around the development, which would reduce energy costs and help purify the air of pollutants. The landscaping would improve the view of the development from within and without. The proposal would be fully integrated into the existing traffic circulation internal to the Sam's Club. Access to the development would be entirely from within the existing development. Only existing access points to Houston Road and Thoroughbred Boulevard will be utilized to serve this site.

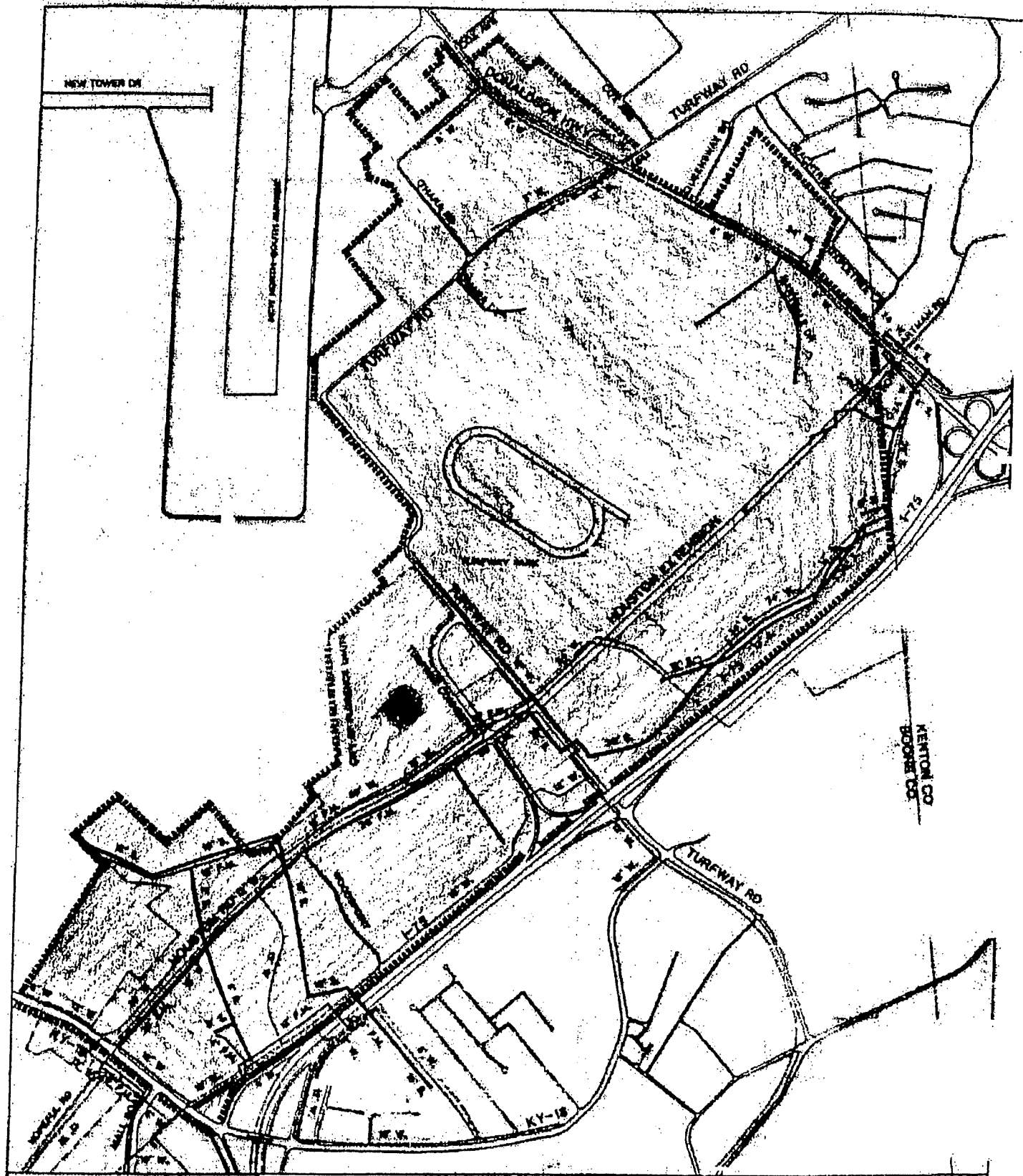
The surrounding area consists of light industrial uses, retail commercial stores and support commercial. The proposed fueling station is located adjoining the automotive service area of Sam's Club and to the rear of the structure. The proposed fueling station is an accessory use to the overall development of Sam's Club. The location was chosen because of its relatively inconspicuous location, which is not directly visible from Houston Road. The fueling station is a benefit to the members of the club only and not the general public. The design and layout of the facility relative to the surrounding uses was evaluated to minimize potential impact. The main canopy covering the fueling station is located parallel to Spiral Drive with landscaped islands to further minimize the visual line of site.



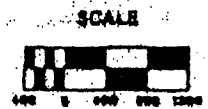
North side of Sam's adjoining existing service center.



Existing screening & buffering as seen from front of Sam's Club.

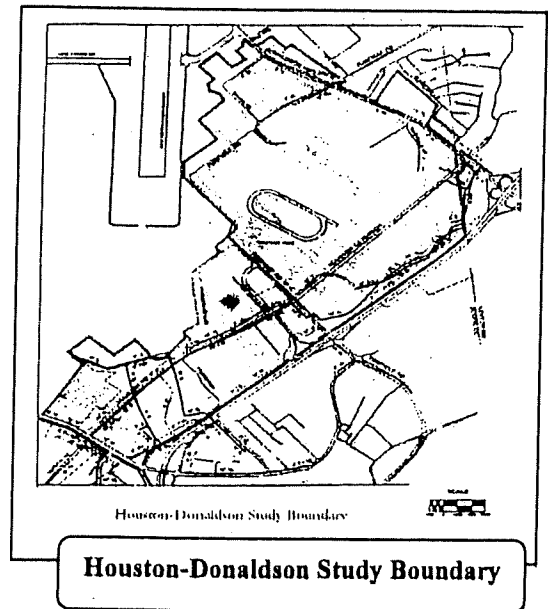


Houston-Donaldson Study Boundary



RELATIONSHIP TO THE HOUSTON-DONALDSON STUDY

The proposed site is located within the Houston-Donaldson Study area. The intent of the Houston-Donaldson Study is to create a distinct, mixed employment, commercial, residential, entertainment, and recreational district, and then provide a guide for the provision of adequate infrastructure improvements. 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 polices of the study. The Individual Site Analysis and recommendations section of the Study provides the following recommended uses/zoning for the area in question.



"This development is recommended to continue to develop according to approved plans."

It is further discussed in this study that the following impacts on land use and access management were determined in the Site Analysis and Recommendations Section:

"Commercial uses are recommended for areas that can accommodate suitable side street access, as opposed to direct access from KY 18, Turfway Road, Donaldson Highway, or Houston Road in order to protect these roadways that serve both local and through traffic."

The Houston-Donaldson Study Goals and Objectives include the following pertinent statements relative this proposal.

Goal I: 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.

Objective B: Commercial uses shall be designed in an innovative manner that creates prominent landscaping areas.

Objective C: Commercial outlots shall be located near major development access points.

Objective I: Submitted development requests shall be reviewed in context of Article 15 Planned Development of the Boone County Zoning Regulations and this document.

Goal II: The traffic circulation system serves both destination and through traffic with a minimum of traffic congestions.

Objective C: Individual uses should have access through integrated development driveways, and not have individual access points.

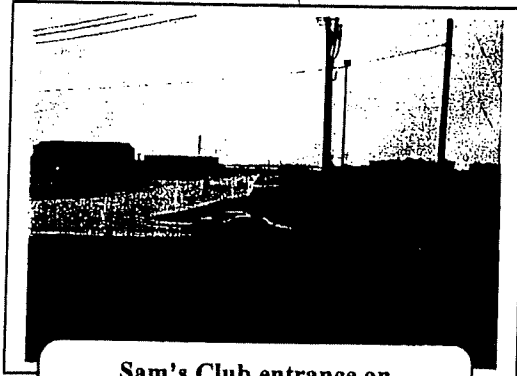
Goal III: To ensure that the recommended land uses and the types of development occur in conjunction with appropriate exterior appearances to the general public. This goal is based upon the recognition that the study area has an enormous amount of visibility from major public thoroughfares. It also is based upon the idea that development should preserve, where appropriate, the natural terrain and vegetation.



Objective A: To institute a design review mechanism whereby the design of any structure and site should compliment neighboring developments and the surrounding landscape. This mechanism would serve as a guideline for aesthetics or amenities in a specified area.

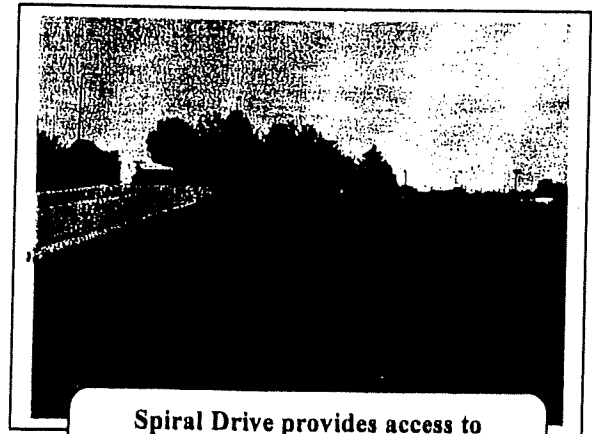
Analysis: The existing conditions and site analysis portion of the study indicates that the approved planned development establishes a variety of uses generally indicative of healthy business districts. The site driveways are already determined by the approved development plan. The proposed fueling station is in keeping with the recommendations of the Houston-Donaldson Study in that the existing access points will serve as access to this portion of the larger Sam's Club site. Also, the original plan indicated a restaurant on a outlot at the location of this proposed fueling station. Immediately to the west is industrial uses which would not be consistent with an outlot parcel for a restaurant use. By providing a fueling station for Sam's Club it would not increase trip generations and would not require additional transportation improves to Houston Road, Thoroughbred Boulevard or

Spiral Drive. These types of fueling station are established for the benefit of the members in the private club and not open to the general traveling public. One then can make the conclusions that no additional trips would be generated then what the club itself generates. An argument could be made that membership might experience a slight increase but this increase would not be realized in additional trip generated or traffic counts on a noticeable scale. Furthermore, the specific development guidelines section of the Houston-Donaldson Study recommends that any commercial development near the corner of Houston Road and Thoroughbred Boulevard be subordinate to other uses in the area and not be regional in character. The proposed fueling station is subordinate to the overall use of the Sam's Club. The fueling station will only be used by the members of the club and not available to the general public and thus it's not regional in character.

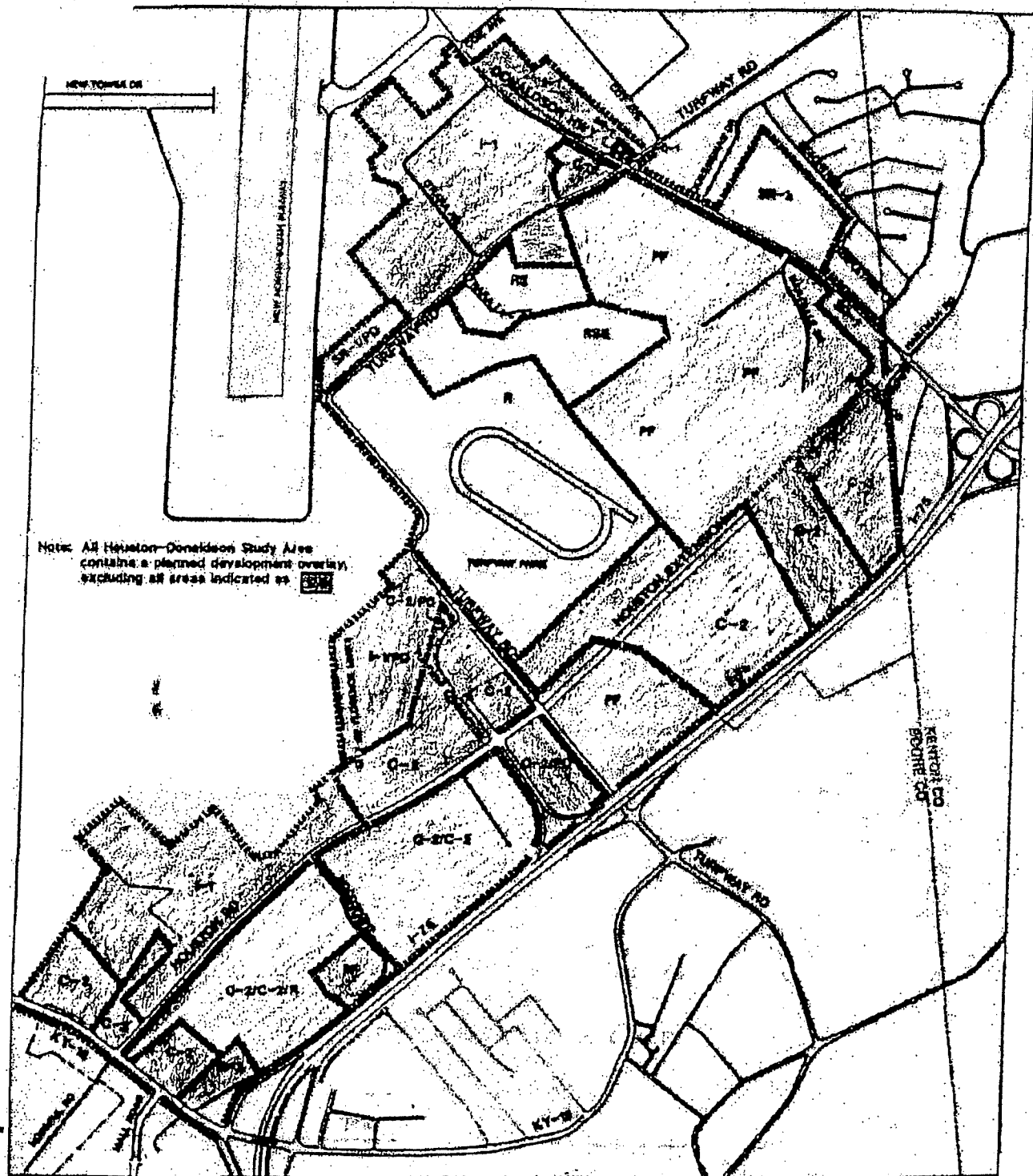


Sam's Club entrance on
Thoroughbred Boulevard

Access to the proposed site is through side streets or frontage type roadway facilities such as Spiral Drive and Thoroughbred Boulevard. These frontage type roadways have access points with the major thoroughfare roadways as discussed in the study area.

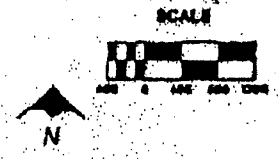


Spiral Drive provides access to
fueling station and rear of Sam's
Club



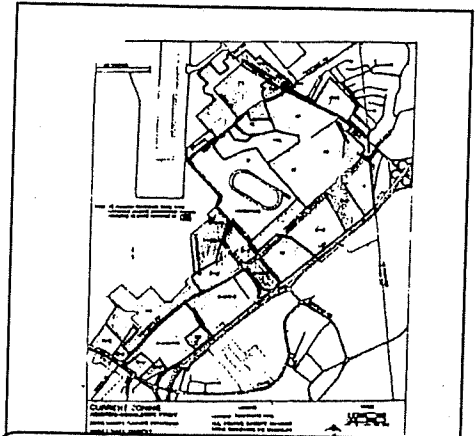
CURRENT ZONING
HOUSTON-DONALDSON STUDY
 BOONE COUNTY PLANNING COMMISSION
 BOONE COUNTY, KENTUCKY
 1992

LEGEND
 dashed line Zone District Bary.
 ALL ZONING EXCEPT SHADED
 AREA CONTAINS PD OVERLAY



BOONE COUNTY ZONING REGULATIONS

This site is located within a Planned Development District as allowed under Article 15 of the Boone County Zoning Regulations. The underlying zoning for this site is Commercial Two (C2). The Planned Development (PD) is a special overlay district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, comprehensive plan and other pertinent study areas. This development is proceeding under the requirements of Article 1522 of the Boone County Zoning Regulations.



Zoning Map of Houston-Donaldson
Study Area with Planned Development
Overlay

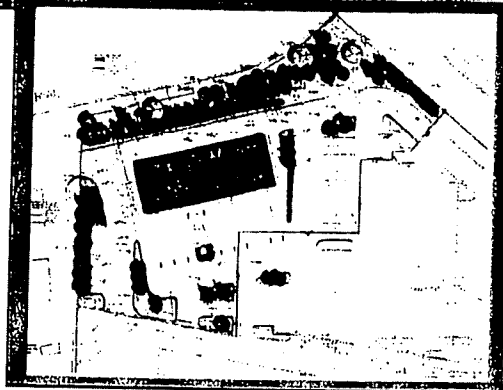
Developments approved under the Planned Development District shall consider the criteria of Article 1514 as it applies in whole or part to the proposed development. An analysis of each of the following criteria is discussed below relative to the proposed Fueling Station.

1. **Mixed Use Development and Pedestrian Orientation:** The proposed site would help diversity land uses, as there is no fueling station within the immediate area. By the addition of a fueling station as part of the services Sam's Club offers to its members it would have the practical affect of reducing additional trips generated by its members to various other fueling stations in the vicinity. Given the fact that in this mixed use development including a Wal-Mart, Sam's Club and a proposed fueling station it would provide a one-stop shopping opportunity. This type of development would aid in reduced trip generations and traffic congestions in the area. Pedestrian Orientation is not relative to this proposal given it is designed for the automobile as a fueling station. No convenience store products will be available at this facility.
2. **Compatibility of Uses:** A portion of the design elements used in this proposal will help integrate this project into the overall development. These include architectural details in building design, and the fact that the facility is positioned around the side of the existing Sam's Club and adjacent to the automotive service area.

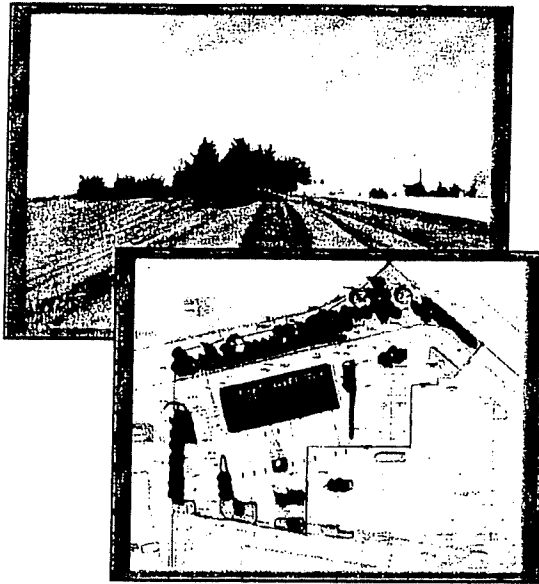


The other developments in the area consist of the same owner/tenant relationship (Wal-Mart; Sam's Club). That fact will aid in providing continuity from the Wal-Mart on one end to the Sam's Club on the other. To the west of the proposed site are light industrial uses along Spiral Drive. Compatibility with the surrounding uses appears to be in compliance with this development. No new access points on public streets are proposed. This accessory use to the main Sam's Club would provide a suburban planned development character rather than a highway commercial character in that it is accessory to the main club, it does not provide any convenience store sales, is open only to the members of the club and not the general traveling public and is located in a very discreet location of the site and not emphasized in the manner a typical convenience fueling station is marketed.

3. Open Space: Open space areas over and above the normal setback requirements are proposed. The proposed change to the Approved Concept Development Plan is considered more of an infill type of change and no major land is being developed that would yield the need for quality open space. Large landscape islands are being provided that would be coordinated with the existing islands of the Sam's Club. These islands coupled with the existing and proposed landscaping along Spiral Drive and Thoroughbred Boulevard will act to buffer and screen the proposed fueling station.

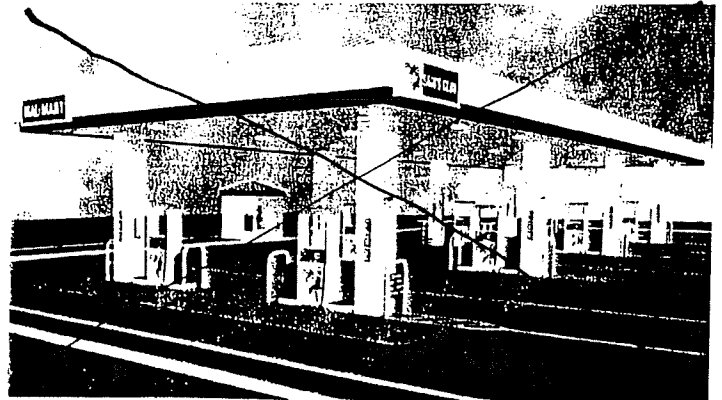


4. Multi-Modal Transportation System: The proposed fueling station is within an existing and well-established development. The location of the station is located adjoining the automotive service area and no direct impact to the existing transportation system is anticipated by this revision to the Approved Concept Development Plan.
5. Preservation of Existing Site Features: There are no features on this site of the nature mentioned in this standard.



6. Landscaping: This development will meet the requirements of both the Houston-Donaldson Study and Article 36 of the Boone County Zoning Regulations. Sam's Club recognizes the need to provide a visually attractive surrounding that would enhance the appearance of the development. Additional landscaping will be provided along the streetscapes of Spiral Drive and Thoroughbred Boulevard as well as providing additional landscaping strategically located on the adjoining Sam's Club lot. These enhancements would provide a visual barrier for travelers on Houston Road.

7. Architecture: The design of the fueling station facility will be an extension of the existing Sam's Club in relation to color schemes, design and style. The canopies will also be integrated as much as possible to meet the current flavor of the Sam's Club and angled in such a manner that it would not appear to be imposing on the surrounding landscape. The emphasis is to provide fueling services to the members of the club without attracting undue attention to the facility itself.



HARRISON FRENCH
ARCHITECTURE



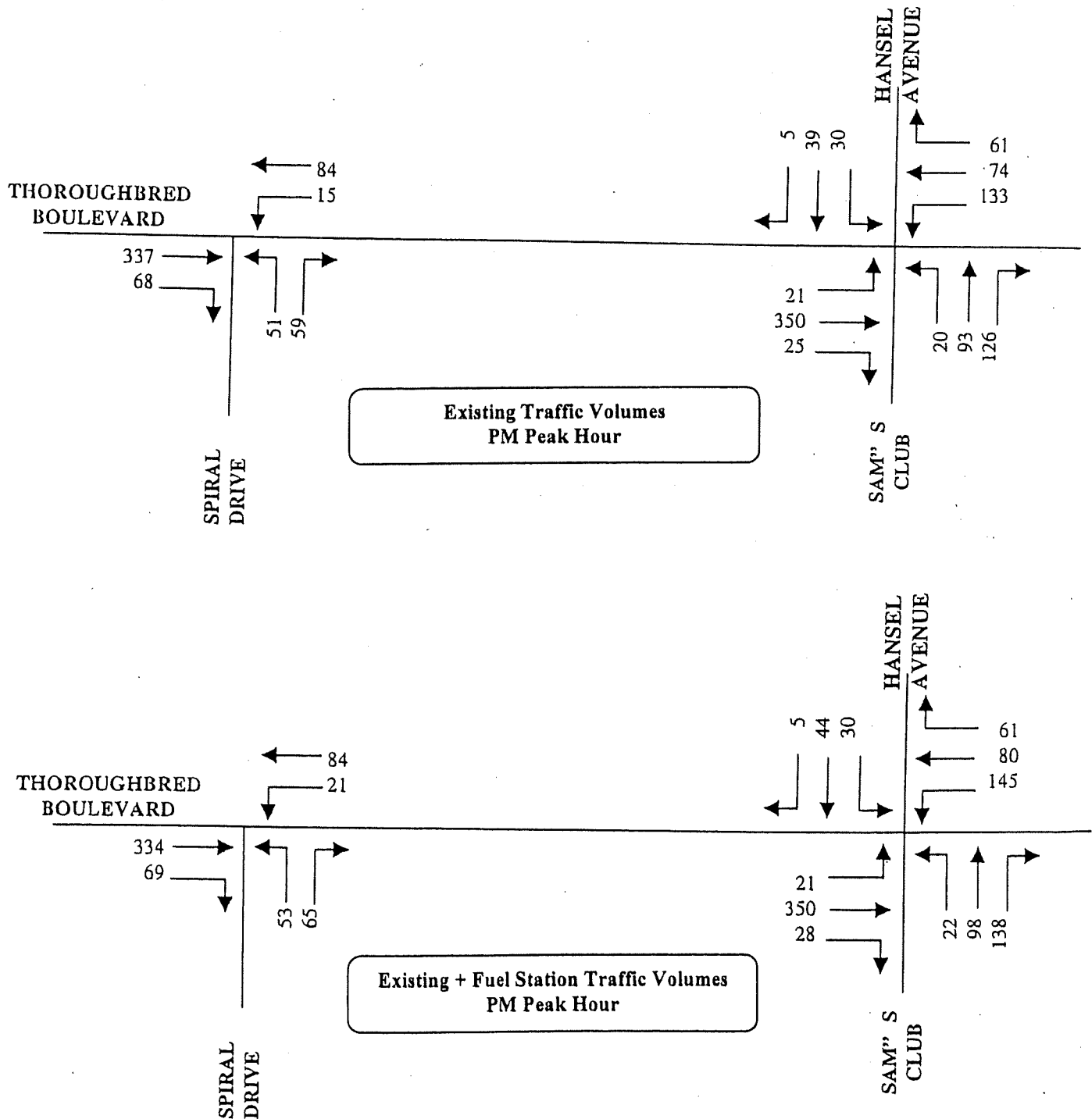
Florence Kentucky
Case #113

8. Historic and Prehistoric Features: No known features exist on the project site.



9. Signage: The proposal involves the installation of a new canopy. Minimum signage per Article 34 will be incorporated in the canopy. No ground sign is proposed.

10. Transportation Connections and Entry Points: The proposed development is small in nature to the existing development of Wal-Mart and Sam's Club. The proposed project will be an accessory use to the principal use of the development. Given the nature of this infill development to the larger development, all necessary transportation connections exist and function relative to pedestrians, paths, sidewalks and streets. No new access point is being provided with this development.



11. **Conformance with Comprehensive Plan: A discussion on the Comprehensive Plan is provided earlier in this Smart Growth Justification.**

The underlying zoning classification for this site is found under Article 10 of the Boone County Zoning Regulations and is identified as Commercial Two (C-2). The purpose of the Commercial Two District is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchases opportunities. The proposed use falls under the Principally Permitted Uses Section 1021 Number 36 "Gasoline filling station".

Upon approval of this Concept Development Plan revision a Site Plan Review will be prepared in accordance with Article 30 of the Boone County Zoning Regulations. Parking, Signage and Landscaping will be more specifically addressed under the Site Plan Review pursuant to Articles 33, 34 and 36 respectively. Also, the site will be evaluated against the Site Design Standards in the Houston-Donaldson Study Area.

ADDENDUM – TO SAM'S CLUB APPLICATION

This addendum amends and updates the application previously submitted in 2002.

SMART GROWTH JUSTIFICATION REFERENCE

Proposed Sam's Club Fueling Station
4949 Houston Road
Florence, KY 41042
CSE Job# SAM-1745

March 11, 2008

Last revised

Prepared for:
Wal-Mart Realty Company
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Bentonville, AR 72716-0550

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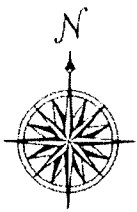
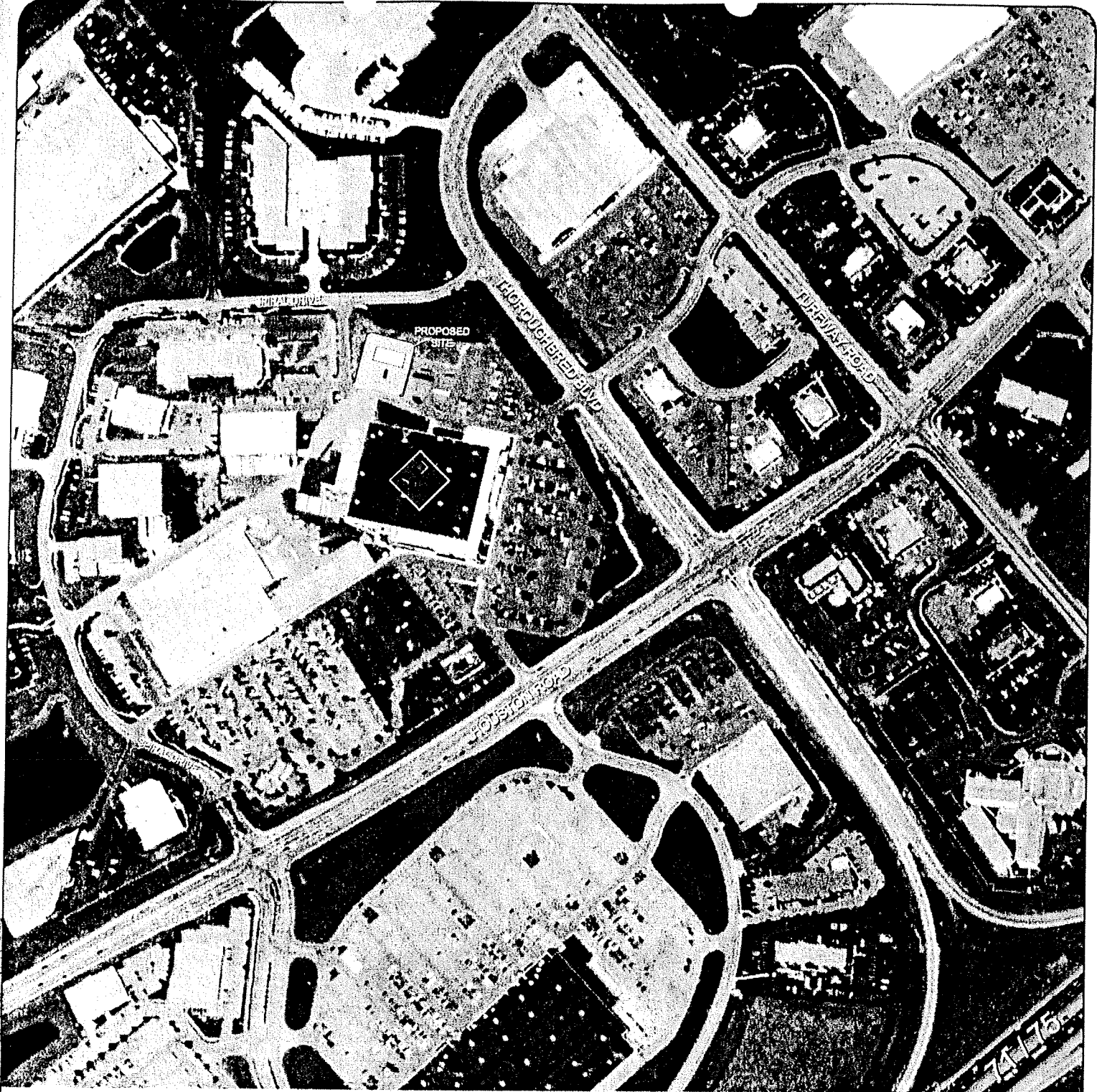
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Sam's Real Estate Business Trust
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Job#	SAM-1745
Scale	1"=400'
Date	03-07-08
Drawn By	JMB
Checked By	ELA

PROJECT DESCRIPTION/SITE CHARACTERISTIC

The proposed development is a Sam's Club Fueling Station, consisting of six dispensing islands, one 3,453 sf canopy, one 224 sf kiosk, and three – 20,000 gallon underground storage tanks. This development is located on a 1.63 Acre lot located at 4949 Houston Road, Florence, Kentucky. The fueling station is intended to serve Sam's Club members, and is not open to the general public.

Sam's Club had previously submitted an application for this fueling station in 2002. This submittal is an update of the 2002 request for a change in the Approved Concept Development Plan.

COMPARISON TO PREVIOUS SUBMITTAL

This proposed development compares with the 2002 application as follows:

1. This original request involved the elimination of over-flow parking for the Sam's Club along the north side of the existing store. This portion of the Sam's parking lot has never been built. The new fueling station design would not eliminate any of the currently existing parking spots from the parking lot layout.
2. As with the original request, all access to this site is internal through the Sam's Club site.
3. The proposed fueling station has been redesigned and now consists of six (6) fueling station islands and one unattended structure for security and observation in lieu of the eight (8) fueling stations that were previously proposed.
4. Previous concerns regarding traffic have been mitigated by the following:
 - a. Houston Road has been improved to three lanes in each direction.
 - b. Intersection improvements have been completed at the intersection of Houston Road and Thoroughbred Blvd.
 - c. The Wal-Mart store has been relocated one-half mile to the south on Houston Road, significantly reducing the traffic on spiral drive and Thoroughbred Blvd. to the site.
5. The Approved Concept Development Plan under Resolution R-93-010-A showed this 1.63 acre site was changed from a proposed restaurant site to over-flow parking for the recent expansion of the Sam's Club. This plan exceeded the required parking ratio as indicated in the Boon County Zoning Regulations.
6. This facility will be available to emergency first responders in the event of an emergency with a backup generator to ensure the station will remain operable during a disaster. The Cincinnati-Northern Kentucky International Airport Authority has expressed their support of this project.

RELATIONSHIP TO THE 2005 BOONE COUNTY COMPREHENSIVE PLAN

The previous submittal addressed the "Relationship to the 2000 Boone County Comprehensive Plan". In 2005 the county has released and updated Comprehensive Plan. Below are some of the additional/revised goals and objectives that this submittal will help meet.

GOALS & OBJECTIVES

Goal: OVERALL

Proper planning is achieved through specific land use regulations tools and coordination with public infrastructure

Objective 2: Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments.

Objective 3: Proper design principles shall be applied in development.

Objective 4: Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed.

Objective 9: Innovative development design methods shall continue to be pursued.

Analysis: This change to the approved concept Development Plan is in agreement with the above-mentioned goal and objective. The site in question is part of a larger existing development pattern along Houston Road and Thoroughbred Boulevard. A mixture of uses already exists predominately in this area. The proposed addition of a fueling station made available only to the members of this private club will be keeping with these objectives. The location of this fueling station is located along the north side of the existing structure and tucked within a grade change to Spiral Drive and Thoroughbred Boulevard. This use is an accessory to the main use of Sam's Club and also is accessory to the existing automotive service area.

Goal: ENVIRONMENT

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 enhanced. Development within Boone County preserves and promotes a better quality of life.

Physical Objective 1: Future development and redevelopment of areas shall include an evaluation of the physical factors identified in this Plan as part of the review of the site being considered for development. The suitability ratings indemnified in the Environment Element for each physical factor shall be taken into considerations as apart of any development review process.

Physical Objective 2: New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the

land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used.

Social Objective 1: Future development and redevelopment of areas shall include an evaluation of the social factors as identified in this Plan as part of the review of sites being considered for development. The suitability ratings for each social factor shall be taken into consideration as part of any development review process.

Social Objective 4: Existing vegetation shall be considered as both an important site characteristic and a community resource.

Social Objective 5: Minimum standards shall be established to specify methods during construction to properly manage the impacts of dust, erosion, noise, or others nuisances or environmental hazards.

Social Objective 7: The incremental effects of developments on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed.

Analysis: The County's Physical and Social Objectives have been considered while developing the revised site layout. The site design utilizes existing access points to the Right-of-Way. The customers and fuel trucks would access the site from the existing Sam's Club parking lot. The natural grades of the site allow the fueling station to sit lower than Spiral Drive. The grades, combined with additional landscaping, would help to screen the fueling station from view. The proposed site would incorporate some of the existing vegetation in the landscape plan for the site as well as add trees and other cover. Sam's Club is very concerned about the environmental impact that their sites have on their surroundings during and after construction. They have implemented a Storm Water Pollution Prevention Plan (SWPPP) that addresses the stormwater runoff quality for all of their developments. By requiring SWPPP's and including landscape plans in the designs of the Sam's Club Fueling Stations, the proposed fueling station will meet the objectives set forth by the Boone County Comprehensive Plan.

Goal: BUSINESS ACTIVITY

Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas.

Commercial Objective 1: Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces.

Commercial Objective 2: The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses.

Commercial Objective 3: 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.

Analysis: The proposed development will coordinate with the surrounding land uses and does not remove any existing parking spaces from the current Sam's Club or surrounding businesses. The fueling station itself does not have a convenience store and only accepts credit cards so the development will not require any additional parking. The proximity of the station to Thoroughbred Boulevard will make the station easily accessible for Sam's Club members and first responders

This fueling station will not be open to the general public, as it is accessible only to members of Sams Club.

Goal: PUBLIC SERVICES AND FACILITIES

Safe, efficient and environmentally sound public services and facilities shall exist for all development.

Objective 1: Existing infrastructure and services (e.g. systems and facilities for: water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and storm water management) shall be utilized efficiently.

Analysis: The proposed fueling station is located within an existing business park known as Turfway Business Park Phase 2. All necessary infrastructure and utilities are in place to serve this proposed development. All utilities are underground and no new public roads are needed to serve this proposed development.

Goal: TRANSPORTATION

Boone County shall continue as vital member of an evolving, regional transportation system that needs active cooperation between the private and public sectors to enable the transition to an economically and energy efficient yet environmentally sound and equitable multi-modal (automobile, rail, air, river, bus, bicycles, pedestrian) transportation system.

The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system.

Objective 2: Airport master planning and the community comprehensive plan shall be coordinated to allow greater efficiency in the local transportation system as well as the regional system.

Objective 11: Priority shall be given towards maintaining, protecting and improving the capacity and safety of the existing road system.

Objective 17: The displacement of people, the relocation of businesses and community facilities, and the disruption of communities shall be minimized.

Objective 3: Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

Analysis: The proposed fueling station is located within an existing business park and will use the existing roads and utilities. The proposed site shall be accessed through the existing Sam's Club parking lot. The construction of the site will not require any work within the Right-of-Way, nor will it displace any people or existing businesses. Tanker truck traffic will access the site from Spiral Drive, which is the same route used by delivery trucks to the Sam's Club. By the use of a backup generator the proposed fueling station will remain operational and available to first responders in the case of an emergency/disaster.

The traffic burden at this site will be dramatically decreased compared to the prior application, due to the downsizing of this project from eight dispenser islands to six dispenser islands and the move of the Wal-Mart store from this site to its new site one-half mile to the south on Houston Road. In addition, the recent completion of highway improvements on Thoroughbred Boulevard provide more than adequate access lanes.

Land Use

The existing and future land use for this site has not changed since the previous submittal in 2002. The 2005 Comprehensive Plan has not changed the future land use of the property from the 2000 Comprehensive Plan, which was the current reference document during the previous submittal.

Analysis: The current proposed plan shows the Sam's Club fueling station that has a smaller footprint than the previous design, allowing for additional buffer space between the roadway and the fueling station. The move of the Wal-Mart store from this site has resulted in a dramatic reduction in traffic to this development site.

COMMUNITY BENEFIT

Since the prior application for a fueling station at this location, the national energy crisis has resulted in a rise in gasoline prices averaging almost 300%. In some communities the price of gasoline has reached \$4.00 a gallon. Sam's Club approach to selling fuel to members only would add a new dimension to the gasoline market in Boone County and Northern Kentucky. Approval of this application could directly result in lower gasoline prices to Sam's Club members, and will provide competition in the marketplace, which could indirectly encourage lower prices.

FOR REFERENCE ONLY



SPIRAL DRIVE 60' R/W

N 90°00'00" E
136.11'

Benchmark
IP&C Rec'd
Elev = 908.65

L=158.91'
R=260.04'
Δ=35°00'48"
C LEN=156.45'
BRG=S 72°29'36" W

WAL-MART Realty Company
D.B. 877 Pg. 786
71026.92 SQ. FT.
1.6306 ACRES

N 13°38'23" E
198.12'

IP&C
Set

N 66°53'53" W
109.89'

S 13°38'23" W
109.58'

MAG
Set

MAG
Set

FUEL DELIVERY ROUTE



Sam's Real Estate Business Trust
2001 S.E. 10th Street, Bentonville AR 72716-0500
Fuel Center
at Sam's Club #8133
4949 Houston Road, Florence, KY 41042

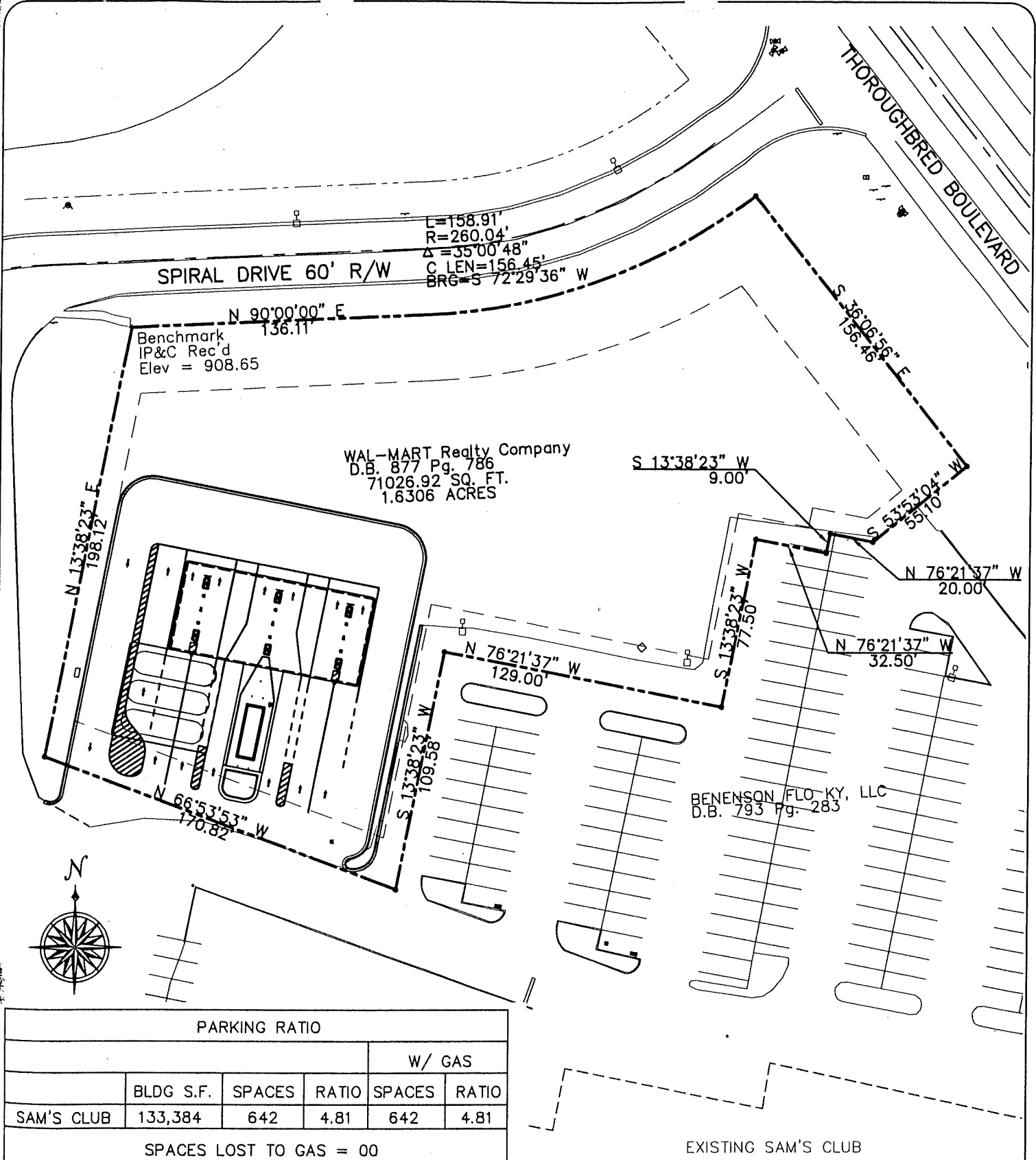


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Job#:	SAM-1745
Scale:	1"=40'
Date:	03-07-08
Drawn By:	MAB
Checked By:	ELA

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PARKING RATIO					
				W/ GAS	
	BLDG S.F.	SPACES	RATIO	SPACES	RATIO
SAM'S CLUB	133,384	642	4.81	642	4.81
SPACES LOST TO GAS = 00					

PARKING COUNT INCLUDES HANDICAP AND CART CORRAL SPACES

Sam's Real Estate Business Trust
 2001 S.E. 10th Street, Bentonville AR 72716-0500

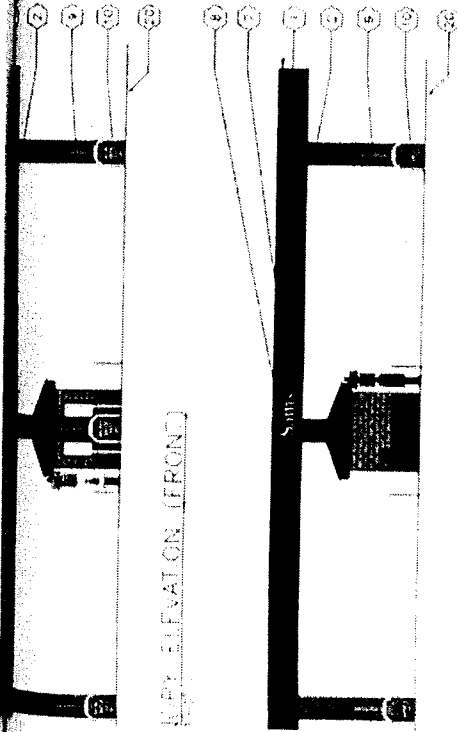
**Fuel Center
 at Sam's Club #8133**
 4949 Houston Road, Florence, KY 41042

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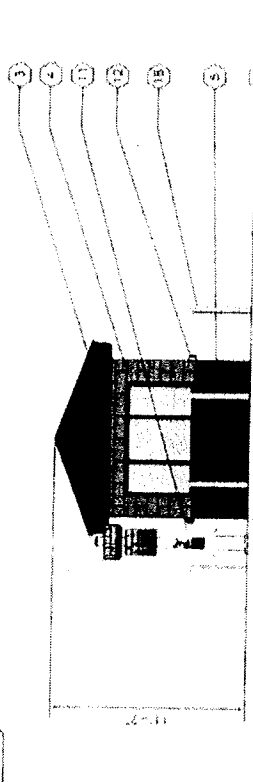
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Scale:	1"=60'
Date:	03-07-08
Drawn By:	MAB
Checked By:	ELA

Documents prepared by Core States Engineering are to be used only for the specific project and specific use for which they are intended. Any extension of use to other projects, by owner or any other party, without the expressed, written consent of Core States Engineering is done at the user's own risk. If used in a way other than that specifically intended, user will hold Core States Engineering harmless from all claims and losses.

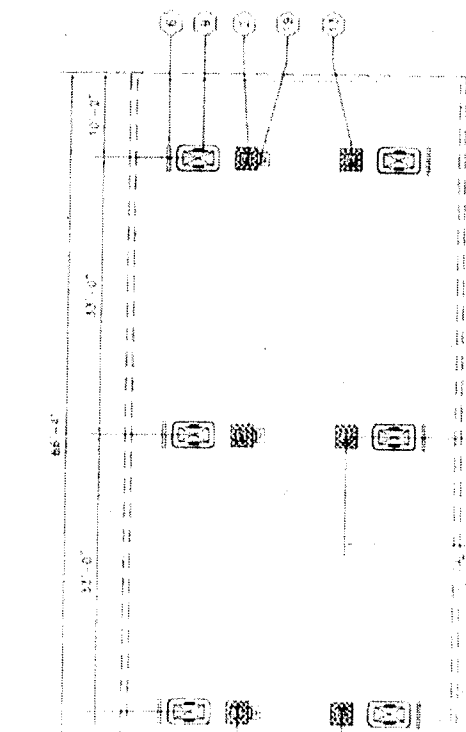
1 COPY ELEVATION (FRONT)



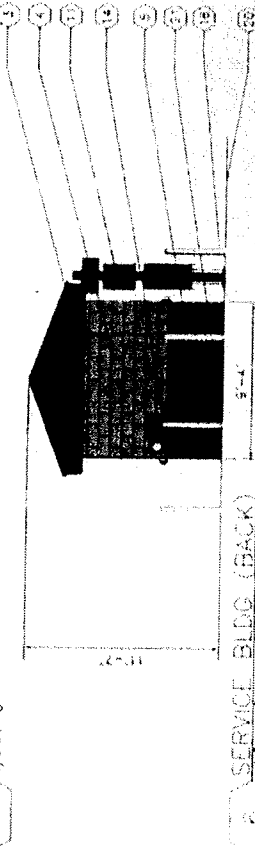
8 CANOPY ELEVATION (SIDE)



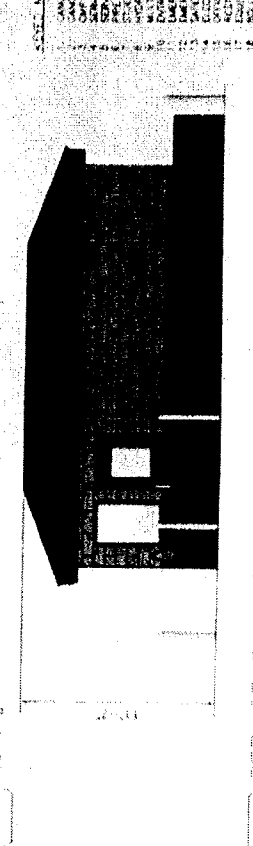
10 ELEVATION (BACK)



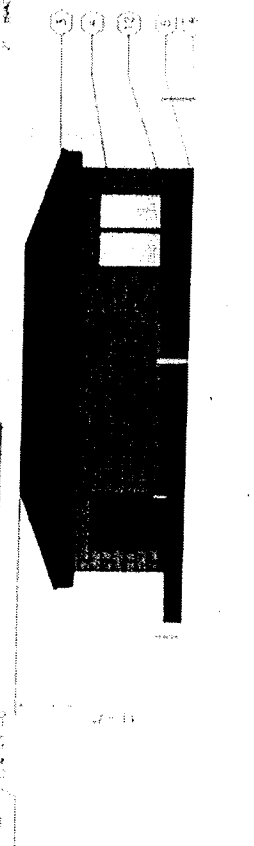
7 SERVICE BLDG (FRONT)



6 SERVICE BLDG (BACK)



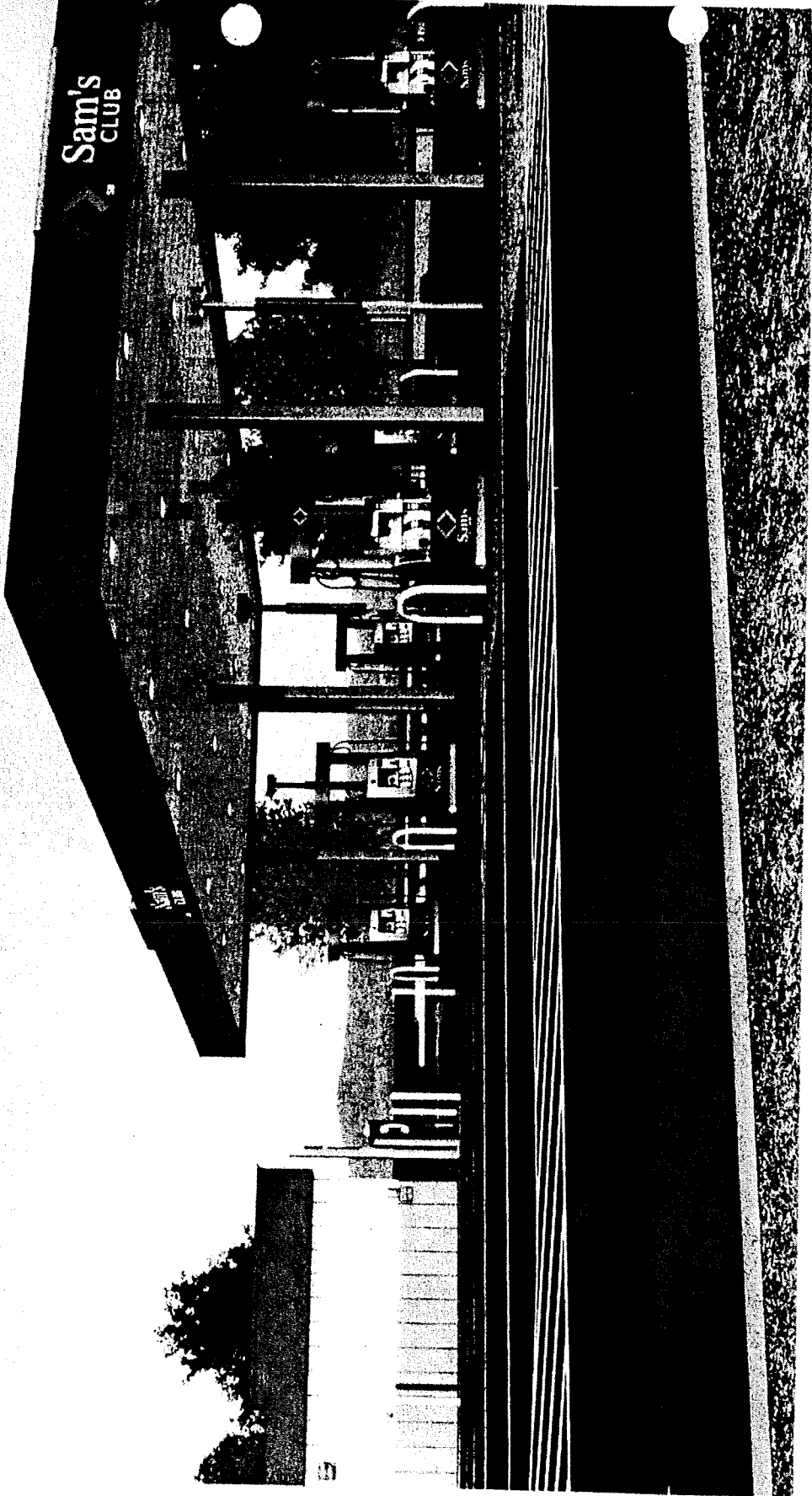
5 SERVICE BLDG (RIGHT SIDE)



SCALE NOTES

- 1. CANOPY PANELS TO BE PAINTED WITH ANTI-RUST PAINT
- 2. ALL METALWORK TO BE GALVANNEAL
- 3. ALL WOODWORK TO BE TREATED WITH ANTI-RUST PAINT
- 4. ALL WOODWORK TO BE TREATED WITH ANTI-RUST PAINT
- 5. ALL WOODWORK TO BE TREATED WITH ANTI-RUST PAINT
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- 15. ALL WOODWORK TO BE TREATED WITH ANTI-RUST PAINT

Sam's CLUB



FLC





**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

**May 7, 2008
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Patrick Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 8:20 PM and introduced the item on the Agenda:

Applicant: Core States, Inc. for
Wal Mart Stores, Inc. (owner)

Request: Change in Concept Development Plan

The request of Core States, Inc. (applicant) for Wal Mart Stores, Inc. (owner) for a Change in Concept Development Plan for a 1.63 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club). The request is for a Change in Concept Development Plan to allow a gasoline fueling station in a Commercial Two/Planned Development (C-2/PD) zone.

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

Mrs. Poston asked for the applicant's presentation.

Mr. Stan Billingsley, attorney for Core States, Inc., representing Wal Mart and Sam's Club, stated that the intent is to have lighting that hits the ground and has very little glare outside. They will use LED technology to minimize the glare. They will provide safety lighting under the canopy. He stated that they tried to base this application on comments made by Staff in 2002. At that time, there was a recommendation to be more compatible with the existing building. He noted that the existing building has a blue stripe around it and this facility will have a

stripe around the canopy. They are willing to change the color of the stripe. He stated that the kiosk can have a masonry façade as recommended by Staff. Wal Mart wants this project and will do whatever it takes to make it compatible with what the Planning Commission believes is appropriate, with reasonable constraints.

Mr. Anthony Dodson, Realty Manager, Fueling Station Development, for Wal Mart at 2001 Southeast 10th Street, Bentonville, AR 72716 introduced Dan Gross one of the operators at Sam's Club who handles all aspects of prototype approval, underground storage tanks, and environmental compliance. He also introduced Tim Carren with Core States Engineering who will discuss the technical aspects of the project. Mr. Dodson stated that they are committed to partnering with others on emerging alternative fuels and it is important to them that put tanks in the ground when they have an opportunity to do so. He stated that this is a members-only gas station. They do not anticipate additional traffic, other than from increased memberships. They have historically seen memberships increase 2% to 4% which helps them be more competitive with other retailers.

Mr. Billingsley stated that the Comprehensive Plan and the Houston-Donaldson Study recommend redevelopment of vacant buildings and he believes the same theory would apply to vacant lots. The Comprehensive Plan suggests that land should be filled in before leap-frogging to another area. He stated that the Sam's Club building is immediately adjacent to this site. The building there has three bay doors so that automobiles can pull in for tires and limited services, which is very compatible with the proposed use. He stated that since the time of the original submittal in 2002, highway work has been completed in the Thoroughbred Road area and the Turfway Road area. There are six lanes on Thoroughbred Road and eight lanes on Houston Road. The Wal Mart store that was there in 2002 has moved one-half mile down the road, vastly reducing the traffic in this shopping area. He stated that there would be a very slight increase in traffic from the proposed facility. It will not be a 24-hour facility. It will be open from 6 AM to 9 PM during the week and 9 AM to 7 PM on Sunday. When the Sam's Club Store closes, this facility closes. He stated that there will be no sales of gum, cigarettes, newspapers, or soft drinks – the facility is to sell gasoline. The kiosk is necessary for safety. No one will be able to come up and buy gasoline or fuel without an attendant – there will be no automatic card machines to allow people to pump gas without an attendant being there. He stated that the Comprehensive Plan recommends this area for high-density mixed use. He stated that Wal Mart will do whatever is necessary to comply with the Staff Recommendations and the only qualification on that is the question of moving over a little for landscaping along the east boundary. They need to look at that. He stated that people virtually cannot see the site from Houston Road due to the angle of the road. The lot sits down below Thoroughbred Road and Spiral Drive. Beckfield College is approximately 400 feet from the site and there is a berm between the site and the college that partially shelters the sight and sound. The additional buffering vegetation will further buffer the sight and sound from the

neighbors. He stated that Staff mentioned that they had talked about low gas prices and that it was not a relevant consideration, which is correct. He stated that in 2002 one of the "no" votes was because the Commissioner felt that they had cheap gas. He stated that the price of gas may get to \$5 or \$6 by the summer. He stated that they will probably have the cheapest gas that people can get, which may affect the price of gasoline in the area. This concluded the applicant's presentation.

Mrs. Poston noted that there was no one else in the audience. She asked if there were any comments or questions from the Commissioners.

Mr. Breetz questioned how many tanks they plan to put in the ground. Mr. Gross responded that they will put in three 20,000 gallon tanks. Three or four years ago they started compartmentalizing the third tank which gives them the flexibility, with little capital investment, to adjust to innovative fuels. Adding a tank to an existing station runs a couple hundred thousand dollars in capital investment.

Mr. Breetz asked if they anticipate attracting truck traffic and tractor trailers by offering diesel fuel. Mr. Gross responded that they retail diesel fuel in approximately 65 of their fuel stations currently and they have never had an issue with semi trucks trying to get in to fill up. Mr. Breetz stated that introducing tractor trailer traffic in this vicinity is not a good idea. He asked the Committee to further address this question. Mr. Gross stated that if it becomes an obstacle, they can drop that offering.

Mr. Rolfsen asked the applicant to be prepared when they come to the Committee meeting to show how they will stripe the parking lot to control the traffic flow from the tire change facility to the pumps. He stated that the area there is congested. He stated that his understanding is that the attendant will be there if people need change, but not to sell anything else. Mr. Dodson agreed. Mr. Rolfsen stated that people will put their Sam's card in at the pump to pay for the fuel. Mr. Dodson agreed.

Mr. McMillian asked if the Houston-Donaldson Study has changed since 2002. Mr. Wall responded that the plan in effect at the time of the last application is still in effect.

Mrs. Arnett asked if gas prices will be shown on the pumps only, or will there be a sign visible from the road? Mr. Gross responded that they are members-only and, for members-only, a sign visible to the street is not usually part of their marketing.

Mr. Costello questioned what happens if the Sam's concept changes and they are no longer members-only. He asked if they would be willing to be restricted to members-only versus selling to the general public. Mr. Gross responded that he has not seen anything that would imply that they might be anything other than

members-only. Mr. Dodson stated that existing facilities have been open to the public at sites in tandem with a Wal Mart and they were combination clubs. They do not have stand-alone locations open to the public, except in New Jersey where it is mandated by state law.

Mr. Bunger questioned how this application is different from the previous application, which was not approved. Mr. Dodson responded that the need for this type of facility is substantially greater than it was six years ago. He stated that the footprint is smaller and there is decreased traffic to the shopping center from the removal of Wal Mart. There were issues in the prior application where Wal Mart did not agree with Staff – issues of color, lighting and texture, but they are willing to adjust to the needs of the Planning Commission and Staff.

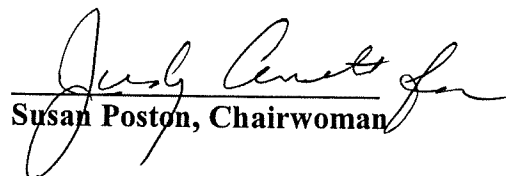
Mr. Mike Walker, General Manager, Sam's Club, 4949 Houston Road, Florence, stated that in a time of crisis they provide services to the public. They opened to the general public and the local fire and police departments during hurricane Katrina. He stated that they do not carry change at the kiosk. All the sales are done by card. He has been with the company almost twenty years and they have never sold to the public – people have to join and have a card.

Mr. Billingsley stated that when there is a natural disaster or a plane crash in an area they can guarantee the best possible fuel supply for first responders. He does not know of anyone else who makes that service available. He stated that Wal Mart is the most likely company to bring innovative alternative energy to this community.


Mr. Gross stated, in regard to the lights on the canopy, that LED lights use 70% less energy and can be focused on the point of sale or shined downward.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on May 21, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on June 4, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:05 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
June 18, 2008
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Vivian Llambi
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Patrick Reynolds
Mr. Charlie Rolfsen, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Mrs. Poston stated that Agenda Item #3 has been withdrawn by the applicant.

4. Change in Concept Development Plan

The request of Core States, Inc. (applicant) for Wal Mart Stores, Inc. (owner) for a Change in Concept Development Plan for a 1.63 acre site located at 4949 Houston Road, Florence, Kentucky (Sam's Club). The request is for a Change in Concept Development Plan to allow a gasoline fueling station in a Commercial Two/Planned Development (C-2/PD) zone.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mrs. Poston asked if the applicant wanted to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request. Comments are limited to a total of five minutes.

Mr. Stan Billingsley, attorney for Core States, Inc., Tasha Scott, Anthony Dodson, and Mike Walker were present. Ms. Scott submitted colored renderings of the proposed facility (see Exhibit 1). Mr. Billingsley stated that Wal Mart agrees to all of the conditions. He offered to answer any questions.

Mrs. Poston asked if there was anyone else present who wished to make a summary statement before the Planning Commission takes action on this request. There was no response.

Mr. Bunger moved by Resolution to the City of Florence that the request be approved based on the Committee Report with the conditions. Mr. Schwenke seconded the motion.

Mr. Poe thanked the Committee for their work on this project. He stated that he is not in favor of the project because he worked on the Committee in the past and they recommended denial for some of the same reasons being brought forward at this time. He is concerned, if this request is approved, about what will happen when Meijer's, Bigg's and Wal Mart come back and request this use. He stated that in the past the Planning Commission has guarded the Houston-Donaldson Study area against fueling stations, especially independent fueling stations. If this request is approved, he would like to see Condition #4 amended so that the fueling station could not be open 24 hours if Sam's Club changes its hours. In the past in dealing with Kroger's and others, a limit has been put on the hours.

Mr. McMillian agreed with Mr. Poe. He stated that the Houston-Donaldson Study does not allow this use. He noted that the Committee Report says that two other fueling stations have been approved. He does not recall those approvals. Mr. Wall responded that there is a SuperAmerica on KY 18 and a Sunoco station on Donaldson Road at Cherry Tree, adjacent to the City of Erlanger. Mrs. Poston stated that there have not been any fueling stations approved on Houston Road. Mr. Wall agreed. He noted that the two stations are on each end of the Houston-Donaldson Study area, but there are no fueling stations in the Houston Road/Turfway Road area.

Counselor Wilson asked if Mr. Poe is proposing an amendment to the motion. Mr. Poe responded that he would like to amend the condition.

Mr. Charlie Reynolds agreed with Mr. Poe and Mr. McMillian. He stated that the traffic there is not good now and this facility would increase the traffic flow and congestion within the lot. He is opposed.

Mrs. Poston stated that the two fueling stations located within the Houston-Donaldson Study area have greater access to I-75 via the Erlanger exit and the Florence/KY 18 exit than the Houston Road area has, which pertains to why they were approved and others were not approved at this exit.

Mrs. Llambi agreed with Mr. Poe and Mr. Charlie Reynolds. She shops at Sam's. She stated that the parking lot is bad now and this would further congest the parking lot. She stated that we have carefully stayed away from gas stations on Houston Road and this use is not appropriate.

Mr. Billingsley stated that the property is zoned C-2 and a gasoline station is a Permitted Use. The industrial zoning is a future potential use. He stated that the facility will be limited to members of the Sam's Club – it will not be open to the general public. He stated that there will not be a great increase in traffic based on their studies. He stated that within the last two years, the Wal Mart site has moved down the road and the traffic is considerably less. He stated that one of the Committee members stated that this facility would help reduce the traffic because some of the traffic would go to this fueling station as it leaves the site. He stated that the Turfway Road expansion to six lanes has been completed and Houston Road has been completed. The traffic is much less than it was two years ago. He stated that if this was not a Permitted Use, it is clearly an Accessory Use and over 3,400 stores across the nation have this type of facility. He stated that gas prices currently exceed \$4 a gallon and this is the first opportunity in Boone County to help bring down the gas price for the community, which directly affects quality of life.

Mr. Costello stated that there was a use approved there some years ago for Tipton-Hemmer Associates. Mr. Wall responded that it was originally a restaurant and a latter expansion changed this area to a parking lot.

Mr. Anthony Dodson with the Realty Division of Wal Mart, stated that they will agree to a limit on the hours of operation. They do not operate any Sam's Club gas stations 24 hours a day. Their normal operating hours are 7:00 AM to 9:00 PM. He stated, in regard to setting a precedent, that Wal Mart does not have a fueling station program and there is no possibility of a fueling station at Wal Mart.

Mr. Carmichael stated that there is a fueling station at the Wal Mart in Hopkinsville. Mr. Dodson responded that there were eight Wal Mart gas stations in the United States, but they were sold off and the fueling station program was cancelled. Mr. Carmichael responded that the sign says "Wal Mart".

At this time, Mr. Poe moved to amend Condition #4 to limit the hours of operation to 7:00 AM to 9:00 PM. Mr. Breetz seconded the motion and it carried unanimously.

The motion to amend having passed, Mrs. Poston asked for a roll call vote on the main motion on the floor to approve the request with the conditions, which found Mr. Breetz and Mr. Bunger in favor. Mr. Carmichael, Mrs. Herald, Mrs. Llambi, Mr. McMillian, Mr. Poe, Mr. Charlie Reynolds, Mr. Schwenke, and Mrs. Poston were opposed. There were two votes in favor and eight opposed. The motion did not carry.

Mrs. Poston asked if there are Findings of Fact for Denial. Mr. Wall responded that there are Findings from the 2002 proposal and the wording of the quoted sections of the Comprehensive Plan Goals and Objectives has not changed. Counselor Wilson asked that the 2002 Findings be read into the record so that the Commissioners can debate if they want to adopt those or other findings. Mr. Wall read the 2002 Findings of Fact for Denial. Counselor Wilson stated that the Commissioners need to determine if the Findings of Fact for Denial that applied in 2002 apply to this application and, if so, why. If not, the Commissioners may make other findings. (See attached Findings of Fact for Denial).

Mr. Poe stated that the 2002 Findings of Fact for Denial are still the basis for why he made his decision and they are still applicable today. The conditions (such as downsizing the canopy) are not in line with the Houston-Donaldson Study, but the facts are still relevant today. Mrs. Poston stated that the facts are still relevant today, minus the specifics of the 2002 application.

Counselor Wilson advised that if there is a motion to deny, Mr. Billingsley should be given an opportunity to address that motion.

At this time, Mr. Schwenke moved by Resolution to the City of Florence to accept the Findings of Fact for Denial with the corrections to the specifics (see attached Findings of Fact for Denial). Mr. McMillian seconded the motion.

Mr. Mike Walker, Store Manager of Sam's, stated that he bought gas in Cincinnati today for \$3.86 a gallon and it was \$3.89 at a station in Boone County. He stated that they want to keep gas prices down for the community.

Mrs. Poston asked if there was anyone else present who wished to make a summary statement before the Planning Commission takes action on this request. There was no response.

There being no further discussion, **Mrs. Poston asked for a roll call vote on the motion made by Mr. Schwenke to deny the request, which found Mr. Carmichael, Mrs. Herald, Mrs. Llambi, Mr. McMillian, Mr. Poe, Mr. Charlie Reynolds, Mr. Schwenke, and Mrs. Poston in favor. Mr. Breetz and Mr. Bunger were opposed. The motion carried by a vote of 8 to 2.**

Counselor Wilson advised that the City of Florence may follow the Planning Commission's recommendation or over turn it.

5. Concept Development Plan

The request of Paul Hemmer Companies (owner by contract) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.501 acre site located at 8572 Old Toll Road, Boone County (annexation into the City of Florence pending), Kentucky. The request is for a Concept Development Plan to allow restaurant and retail uses.

Mr. Carmichael stated that he would not participate in regard to Agenda Item #5 due to a conflict of interest. He left the room at this time.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mrs. Poston asked if the applicant wanted to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Mike Hargis with Paul Hemmer Companies, owner of the property, stated that they have been working with the Highway Department over the last year and a half to determine the best access routes and have agreed to the right-in and the full access out onto Old Toll Road. The Highway Department is in agreement with the traffic pattern. They have worked with the Committee and agreed to the architectural character. He stated that there are some physical limitations on the site and they cannot get into the construction area that the state will be using to do the improvements to Pleasant Valley Road, which is why they talked about the cut

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

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

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

May 22, 2008

Wal Mart Stores, Inc.
c/o Core States Engineering
50 Crestwood Executive Center
Suite 500
St. Louis, MO 63126

FAX: 314-843-4323

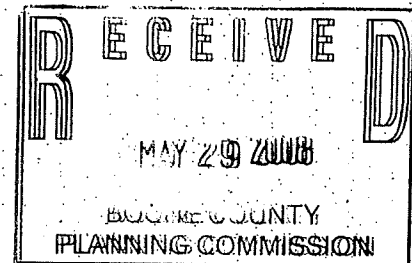
RE: Recommended Conditions of Approval for Sam's Club Fueling Station Change in Concept Development Plan, 4949 Houston Road, Florence, Kentucky

To Whom It May Concern:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 5/21/08 meeting. If agreed by the property owner, an authorized representative of the property owner needs to so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, May 30, 2008.

CONDITIONS

1. The proposal shall follow the revised Concept Development Plan that was presented at the 5/21/08 Zone Change Committee meeting in response to the issues raised at the Public Hearing for this request, except as modified below (set of 5 sheets is attached).
2. A full, enclosed hipped roof shall be provided on the canopy versus the mansard shown on the revised elevations. An earth tone color complimentary to the body of the Sam's Club building shall be used on the canopy fascia versus the blue shown on the revised elevations. Lighting on the site shall be limited to fixtures which are recessed in the underside of the canopy and which are directed downward into the pump area only.
3. In addition to the sidewalks required along both adjoining street frontages, a handicap accessible sidewalk link shall be provided along the main Sam's Club access drive from Thoroughbred Boulevard as shown on the revised Concept Development Plan.



Wal Mart Stores, Inc.
May 22, 2008
Page 2

4. The fueling facility shall only be open for business during the same hours as the adjoining Sam's Club.
5. Landscaping for the site shall include:
 - A. The plantings from Buffer Yard B as outlined in Article 36 of the Boone County Zoning Regulations along the entirety of both street frontages on the 1.63 acre site; existing plantings in these areas may be credited towards these requirements.
 - B. The plantings from Buffer Yard A as outlined in Article 36 of the Boone County Zoning Regulations in the landscape areas along the east and west sides of the fueling station itself.

Sincerely,



Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

AGREEMENT

I, the property owner's authorized representative for the 1.63 acre tract at 4949 Houston Road, Florence, Kentucky, agree to the conditions listed herein for the above referenced Change in Concept Development Plan application.

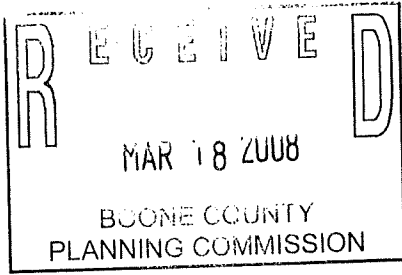
ROY COVERT

Authorized Representative
Wal Mart Stores, Inc.

5/26/8

Date

(Please Sign and Print Name and Title)



Legal Description of Wal-Mart property at 4949 Houston Road, Florence, Ky.

Exhibit A

Store #1510 Florence, KY

Property Address: 4999 Houston Road, Florence, KY. 41042

Group # 2033B

A parcel of land lying on the northwesterly side of Houston Road and the northeasterly side of Spiral Drive in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the northwesterly right-of-way line of Houston Road, said point also being S 57-03-27 W - 348.48 feet and S 73-03-59 W - 30.72 feet from the common front corner of Lots 17 and 13-A of Turfway Business Park, and running thence:

S 73-03-59 W, along the northwesterly right-of-way line of Houston Road, a distance of 120.35 feet, to a point, thence S 55-08-13 W, continuing along the aforementioned northeasterly right-of-way line, a distance of 209.55 feet, to a point, thence N 30-56-33 W, a distance of 46.88 feet, to a point, thence N 59-03-27 E, a distance of 35.00 feet, to a point, thence N 30-56-33 W, a distance of 130 feet, to a point, thence S 59-03-27 W, a distance of 220 feet, to a point in the northeasterly right-of-way line of Spiral Drive, thence N 30-56-33 W, along the northeasterly right-of-way line of Spiral Drive, a distance of 5 feet, to a point, thence Northwestwardly, continuing along the northeasterly right-of-way line of Spiral Drive as it curves toward the west, a chord bearing of N 46-37-32 W, a chord distance of 80.91 feet, an arc distance of 81.93 feet (radius of 149.66 feet), to a point, thence N 62-18-30 W, a distance of 173.62 feet, to a point, thence Northwestwardly, continuing along the northeasterly right-of-way line of Spiral Drive as it curves toward the north, a chord bearing of N 41-27-00 W, a chord distance of 287.01 feet, an arc distance of 293.45 feet (radius of 403.04 feet), to a point, thence

BOONE COUNTY

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N 20-35-30 W, a distance of 134.77 feet, to a point, thence
 N 59-03-27 E, a distance of 731.19 feet, to a point, thence
 S 30-56-33 E, a distance of 88.49 feet, to a point, thence
 S 59-36-20 E, a distance of 78.32 feet, to a point, thence
 S 45-53-42 E, a distance of 58 feet, to a point, thence
 S 59-03-27 W, a distance of 198.53 feet, to a point, thence
 S 30-56-33 E, a distance of 16.75 feet, to a point, thence
 S 59-03-27 W, a distance of 60 feet, to a point, thence
 S 30-56-33 E, a distance of 140 feet, to a point, thence
 N 59-03-27 E, a distance of 8 feet, to a point, thence
 S 30-56-33 E, a distance of 62 feet, to a point, thence
 N 59-03-27 E, a distance of 118 feet, to a point, thence
 S 30-56-33 E, a distance of 405.60 feet, to the place of
 beginning, and containing 10.359 acres more or less.

Group# 2033B

AND:

A parcel of land lying on the southwesterly side of Thoroughbred Boulevard and the southeasterly side of Spiral Drive in Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the southwesterly right-of-way line of Thoroughbred Boulevard at its intersection with the southeasterly right-of-way line of Spiral Drive and running thence:

S 36-06-58 E, a distance of 158.48 feet, to a point, thence
 S 53-53-04 W, a distance of 55.10 feet, to a point, thence
 N 76-21-37 W, a distance of 20 feet, to a point, thence
 S 13-38-23 W, a distance of 9 feet, to a point, thence
 N 76-21-37 W, a distance of 32.50 feet, to a point, thence
 S 13-38-23 W, a distance of 77.50 feet, to a point, thence
 N 76-21-37 W, a distance of 129 feet, to a point, thence
 S 13-38-23 W, a distance of 109.58 feet, to a point, thence
 N 66-53-53 W, a distance of 170.82 feet, to a point, thence
 W 13-38-23 E, a distance of 198.12 feet, to a point, thence
 S 80-00 E, a distance of 136.11 feet, to a point, thence
 Southeastwardly, along the southeasterly right-of-way line of Spiral Drive, a chord bearing of S 72-29-35 E, a chord distance of 158.45 feet, an arc distance of 158.91 feet (radius of 260.04 feet), to the place of beginning, and containing 1.63 acres more or less.

DOCUMENT NO: 233652
 RECORDED ON: JUNE 29, 2004 02:26:53PM
 TOTAL FEES: \$16.89
 GROUP: 2033B
 COUNTY CLERK: MARILYN K ROUSE
 COUNTY: BOONE COUNTY CLERK
 DEPUTY CLERK: DONNA COLLINS
 BOOK D877 PAGES 786 - 798

BOONE COUNTY
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FLORENCE CITY COUNCIL

MINUTES – REGULAR MEETING

TUESDAY, AUGUST 26, 2008

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, August 26, 2008 at 7:00 p.m. in the Florence Government Center with Mayor Diane E. Whalen presiding in the Chair.

CALL TO ORDER, WELCOME, & ROLL CALL:

Mayor Whalen called the regular meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following six (6) members of Council registered present: Mel Carroll, Gary Winn, David A. Osborne, Betsy R. Conrad, Vice Mayor Dr. Julie Metzger Aubuchon, and Ted Bushelman.

Also present were Mayor Diane E. Whalen, City Coordinator Patricia J. Wingo, Assistant City Coordinator/Community Development Director Rick Lunnemann, City Attorney Hugh O. Skees, Finance Director Linda J. Chapman, Fire/EMS Chief Marc Muench, Information Technology Director Colin Campbell, Police Chief Tom Szurlinski, Public Services Director Bob Townsend, City Engineer Bill Viox, Police Officer John Mulligan, Administrative Assistant Donna Smith, Nicholas R. Payne (7349 Burlington Pike, Florence), Jordan Kelley (Florence), Martha Kelley (Florence), Brian Rickert (9663 Manassas Drive, Florence), Videographer Jerry Schrepfer, Florence Recorder Reporter Justin Duke, and City Clerk Joe Christofield.

APPROVAL OF MINUTES:

July 8, 2008 Business Meeting

Mayor Whalen called for a motion to approve the minutes of the July 8, 2008 business meeting of Council. Councilmember Bushelman so moved, with second from Councilmember Conrad. **Council approved by unanimous vote.**

July 22, 2008 Business Meeting

Mayor Whalen called for a motion to approve the minutes of the July 22, 2008 business meeting of Council. Councilmember Winn so moved, with second from Councilmember Osborne. **Council approved by unanimous vote.**

August 5, 2008 Special Meeting

Mayor Whalen called for a motion to approve the minutes of the August 5, 2008 special meeting of Council. Councilmember Conrad so moved, with second from Councilmember Osborne. **Council approved by unanimous vote.**

PRESENTATION & PROCLAMATION:

Dr. Payne-Kids Day America/International

Mayor Whalen introduced Dr. Nicholas R. Payne who advised Kids Day America/International will be held on Saturday, September 20 from 12-3pm at Boone County High School.

Mayor Whalen read aloud a proclamation declaring Saturday, September 20, 2008 as Kids Day America/International in the City of Florence.

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Mayor Whalen recognized Jordan Kelley of Florence who recently won the Cincinnati Mayor's Challenge Race. According to his mother, Martha Kelley, the City of Cincinnati held its annual soap box derby race on Gilbert Avenue in June and Jordan came in second place in the stock division. After the race the Mayor of Cincinnati challenged the Mayor of Louisville to a race of winners. The eight winners in each division of stock, super stock, and masters then competed on August 17 in Ault Park in what was called the Mayor's Challenge Race. Jordan won the race in the stock division giving Cincinnati the first annual Mayor's Challenge Cup to display. Mayor Whalen congratulated Jordan and thanked him for his participation and representing the City of Florence.

CONSIDERATION OF:

Boone County Planning & Zoning Commission's recommendation for denial of a Change in an Approved Concept Development Plan for a 1.63 acre site located at 4949 Houston Road

Mayor Whalen recognized Councilmember Conrad who, on behalf of the City's Planning & Zoning Committee (Councilmember Conrad & Vice Mayor Metzger Aubuchon), presented its report and recommendation regarding the project. Additional discussion followed.

Councilmember Conrad advised the Planning & Zoning Committee recommended City Council deny the request based on the recommendation from the Boone County Planning Commission.

Mayor Whalen advised the item was discussed during City Council's caucus last week and the decision was made then by the majority of City Council not to hold an argument-type hearing to have further discussion or accept additional information on this request. She said the City has in its possession both a motion to accept the recommendation of the Planning & Zoning Committee, to uphold the denial of the Boone County Planning Commission regarding the Change in an Approved Concept Development Plan for a 1.63 acre site located at 4949 Houston Road. She also said the City has, if it's Council's desire, an ordinance which would overturn the Boone County Planning Commission recommendation.

Councilmember Bushelman said the following: "I'm not going to make a motion. I want to make the same comments I made last week at the caucus. This, whatever you want to say, development plan, was done when gas was \$2 or less a gallon...now that it's up to \$4 a gallon and people can't get a .10 to .20 a gallon break, I just can't see how we can go along with the Planning & Zoning Commission when people can't even afford to use their cars because gas is so high, so I will be voting against going with the Planning & Zoning Committee."

Vice Mayor Metzger said the following: "I just want to add to that just so the, for the public's input...when we make planning & zoning decisions we have to base it on a code which is this thick (holds up book) and there's outlines in it as to when we are allowed to change a zone and what conditions and what reasons and we can't do it based on competition or just based on whether or not we want cheaper gas...it has to fit certain circumstances and for us to reverse a denial from the Planning Commission we would need four votes...we need a super majority of council, so we couldn't even do it with a just a simple majority we have to have at least four votes to do it so there's procedures and some things that when Betsy and I were going through this we felt that our hands were a little tied on the arguments that were made...there was no input supporting it, no issue to where we could find justification for changing the zone so there is a motion now for, so, it's because there being highly in nature in different things and there is findings of fact so there was things that we thought about it...it wasn't based on just strictly competition or that we wanted cheaper gas or not."

Mayor Whalen called for a motion to uphold the Boone County Planning Commission's recommendation for denial for a Change in an Approved Concept Development Plan for a 1.63 acre site located at 4949 Houston Road. Councilmember Conrad so moved, with second from Councilmember Osborne, to uphold the Boone County Planning Commission's recommendation for denial for a Change in an Approved Concept Development Plan for a 1.63 acre site located at 4949 Houston Road. Roll Call Vote: Councilmembers Carroll, Winn, Osborne, Conrad and Metzger Aubuchon voted yes; Councilmember Bushelman voted no. **Council approved by a 5-1 vote (Bushelman).**

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MAYOR'S REPORT:

Mayor Whalen, on behalf of the City, offered its sympathy to the family and friends of former Florence resident Ruric Nevel Greene who died on August 2.

Mayor Whalen advised of the City's current plan to develop a senior citizens center where the old city building was on U.S. 42 (next to the library). She said the City plans to apply for funding (\$500,000) through a community development block grant to assist in the project. She also said the City cannot apply for the funding until the community development block grant money for the Children's Advocacy Center is 80% completed because of it being a joint grant along with the City of Ft. Thomas. She advised the City, who has been working with the Northern Kentucky Area Development District and the Senior Services of Northern Kentucky, has scheduled two community meetings with the seniors: Friday, September 26 and Monday, September 29. Both meetings begin at 9am and will be held at the Florence Government Center.

Mayor Whalen advised of the City's annual property tax rate hearing, scheduled for Friday, August 29 at 5pm in the Council Chambers of the Florence Government Center.

Mayor Whalen advised of the City's annual Labor Parade, scheduled for Sunday, August 31 at 2pm beginning at Ewing Boulevard and ending at Boone County High School.

CITY CORRINATOR'S REPORT:

There was no report given by City Coordinator Patricia J. Wingo.

OTHER:

Mayor Whalen asked if any Councilmember desired recognition; Vice Mayor Metzger Aubuchon advised of the 'Green Living Tips of the Week': Don't peek in the oven. Opening the oven door can lower the internal temperature by 25 degrees and will also lengthen your cooking time. For more information, visit www.epa.gov.

Councilmember Osborne advised this weekend is the Florence Freedom's last home stand.

Mayor Whalen asked if any department head desired recognition; Police Chief Tom Szurlinski advised the Labor Day Parade theme is in honor of the Police Department's 50th anniversary. He said the grand marshals are former town marshal and assistant chief Chester Henderson along with former town marshal Hatton Reeves. He also advised of the Police Department's open house, scheduled for Tuesday, September 9 from 3-6pm.

Mayor Whalen advised of the City's annual Pooch Fest, scheduled for Saturday, September 13 at 10am at the Florence Government Center.

Mayor Whalen asked if anyone in the audience desired recognition; Gene Froelicher of the Corner Marketplace (Florence Mall) addressed City Council regarding the price of gas. Additional discussion followed.

EXECUTIVE SESSION:

Mayor Whalen called for a motion to go into **Executive Session** pursuant to KRS 61.810(1)(c) Litigation-Proposed or pending against or on behalf of the City. Councilmember Carroll so moved, with second from Councilmember Conrad and **unanimous approval of Council**, the time being 7:33 p.m.

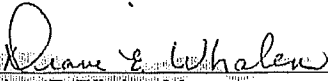
Mayor Whalen called for a motion to come back into session after the **Executive Session** pursuant to KRS 61.810(1)(c) Litigation-Proposed or pending against or on behalf of the City. Councilmember Bushelman so moved, with second from Councilmember Carroll and **unanimous approval of Council**, the time being 7:45 p.m.

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ADJOURNMENT:

There being no further business to come before the Council, Mayor Whalen called for a motion to adjourn. Councilmember Carroll so moved, with second from Councilmember Winn, and **unanimous approval of Council**, the time being 7:46 p.m.

APPROVED:


Diane E. Whalen, Mayor

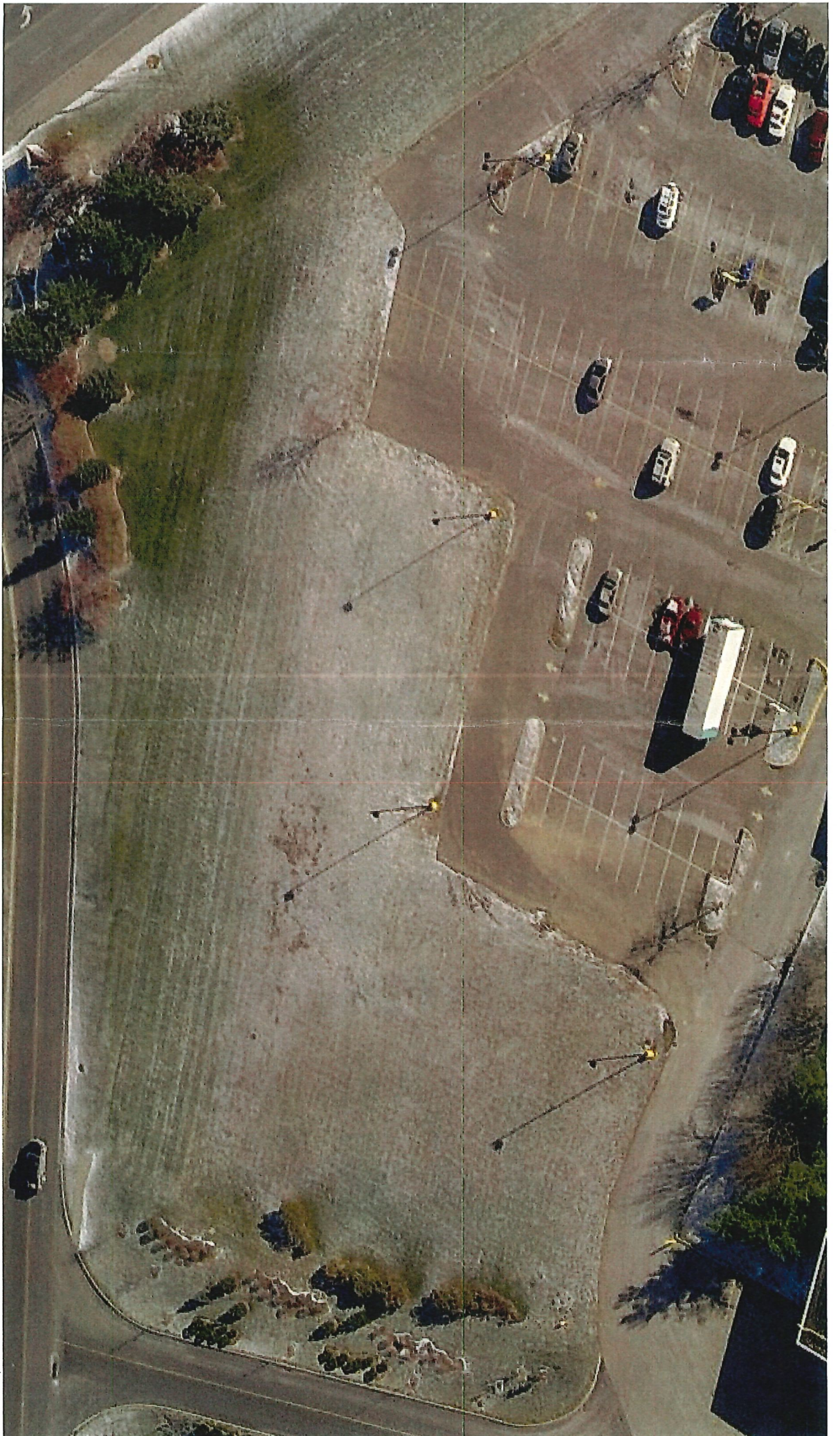
ATTEST:


Joseph A. Christofield, City Clerk





FLORENCE, KY
SAM'S CLUB #8133
MAY 16, 2008

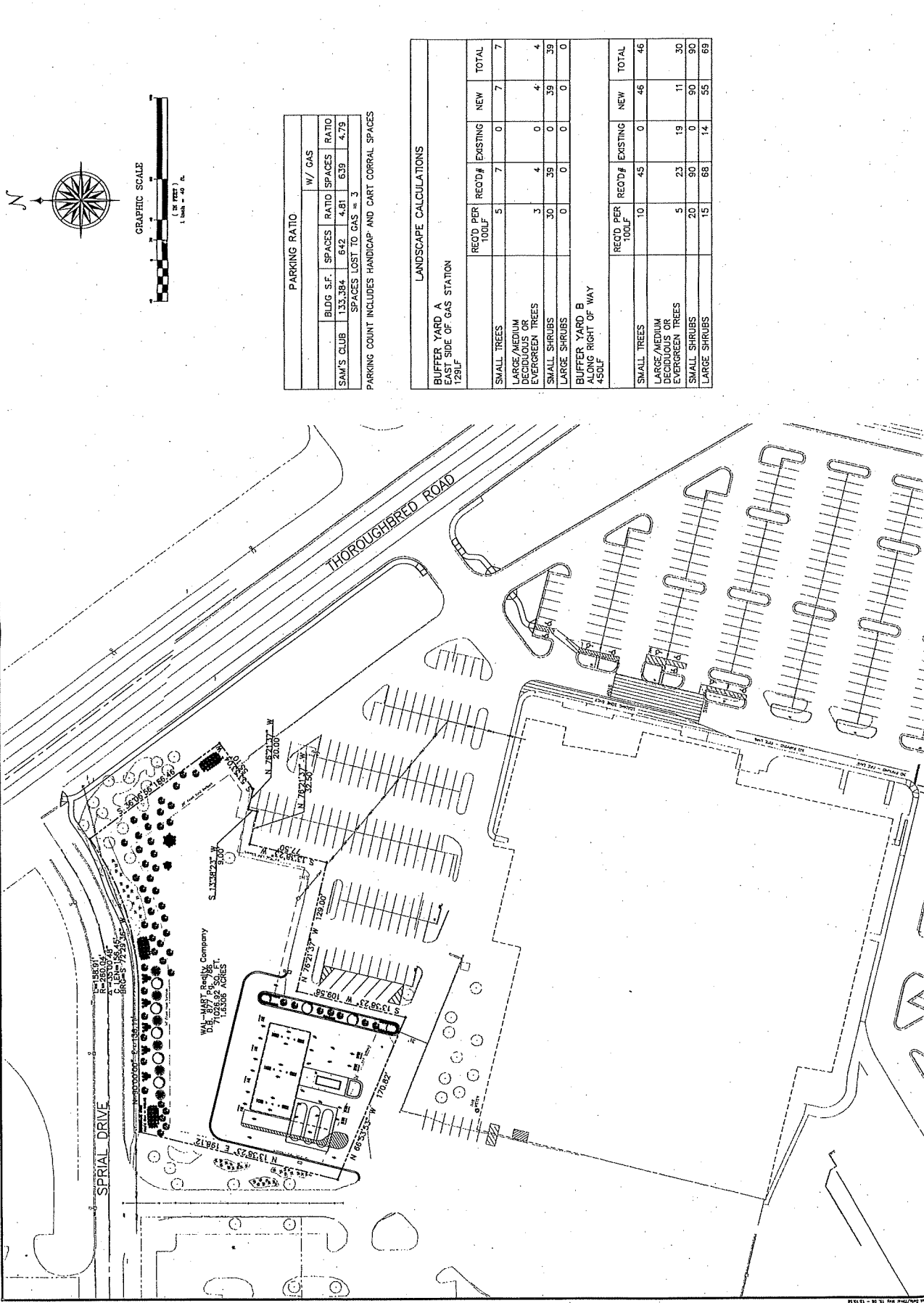


Drawn By: MMB
 Date: 12-07-07
 Scale: 1"=40'
 Job#: SAM-1745
 Checked By: ELA

Sam's Real Estate Business Trust
 2001 S. 10th Street, Brentwood, TN 37116-0500
 at Sam's Club #8133
 Fueling Station
 4949 Houston Road, Florence, KY 41042
 Overall Site Plan



Rev. #	Date	Description



PARKING RATIO				
BLDG S.F.	SPACES	RATIO	SPACES	W/ GAS
SAM'S CLUB	133,384	642	4.81	639
SPACES LOST TO GAS = 3				4.79

PARKING COUNT INCLUDES HANDICAP AND CART CORRAL SPACES

LANDSCAPE CALCULATIONS					
BUFFER YARD A EAST SIDE OF GAS STATION 128LF					
	REC'D PER 100LF	REC'D#	EXISTING	NEW	TOTAL
SMALL TREES	5	7	0	7	7
LARGE/MEDIUM DECIDUOUS OR EVERGREEN TREES	3	4	0	4	4
SMALL SHRUBS	30	39	0	39	39
LARGE SHRUBS	0	0	0	0	0
BUFFER YARD B ALONG RIGHT OF WAY 450LF					
	REC'D PER 100LF	REC'D#	EXISTING	NEW	TOTAL
SMALL TREES	10	45	0	46	46
LARGE/MEDIUM DECIDUOUS OR EVERGREEN TREES	5	23	19	11	30
SMALL SHRUBS	20	90	0	90	90
LARGE SHRUBS	15	68	14	55	69

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