

**CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION**

Seven (7) copies of submitted drawings are required

An application consists of all fees paid in full, submitted drawings, and a completed application form

**SECTION A:** (To be completed by applicant)

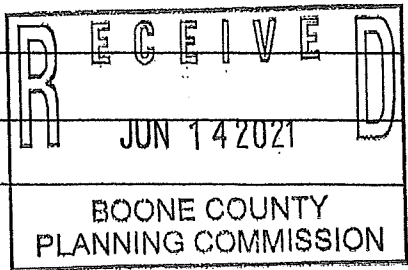
1. Type of review (check one):
  - Concept Development Plan (includes Utilization of an Underlying Zone in a Planned Development)
  - Change in an Approved Concept Development Plan
  - Long Range Planning Committee Review (as stated in the Houston-Donaldson Study)
  - Long Range Planning Committee Review (as stated in the Union Town Plan)
  - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
  - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
  - Zoning Administrator Review (as stated in the Mall Road District Study)
2. Name of Project: Bob Sumerel Tire Co. Surface storage
3. Location of Project: Donaldson Hwy
4. Total Acreage of Project: 2.835
5. Current Zoning of Property: I-1/PD/HDØ
6. Date of previous zoning map amendment or Approved Concept Development Plan, (if applicable):  
4/13 February 1999
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: Houston - Donaldson Study
8. Proposed Use(s) (specify each use):  
Truck tire storage
9. Proposed Building Intensities (specify for each building):  
Not applicable no buildings
10. Have you submitted a Concept Development Plan:  Yes  No
11. Are you applying for any of the following (check all that apply):  
 Conditional Use Permit  Variance
12. Current Owner: Bob Sumerel Tire Co.

Address: 1257 Cox Ave  
Erlanger Ky 41018  
City State Zip Code

Phone Number: 859-283-2700 Fax Number: \_\_\_\_\_

Email: tsumerel@bobsomereltire.com

13. Applicant: Tim Greive  
Address: 803 Compton Rd



Cincinnati City      Ohio State      45231 Zip Code

Phone Number: 513 521 4760 Fax Number: \_\_\_\_\_

Email: tingreive@tgraham.com

14. Are there any existing buildings on the site:  Yes  No  
If yes, indicate how many: \_\_\_\_\_

15. 312 Deed Book      39 Page Number      2022 Group Number

16. Have you had a pre-application meeting with the BCPC staff:  Yes  No

17. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input type="checkbox"/> Boone County Public Works Department   | <input type="checkbox"/> Local School District                        |
| <input type="checkbox"/> Boone County Water District  | <input type="checkbox"/> Northern Kentucky Health Department          |
| <input type="checkbox"/> Cincinnati Bell  | <input type="checkbox"/> Owen Cooperative Electric, Inc.              |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input checked="" type="checkbox"/> Sanitation District No. 1         |
| <input type="checkbox"/> Duke Energy  | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department  | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input checked="" type="checkbox"/> Kentucky Transportation Cabinet   |   |

18. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone     Florence     Walton     Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:  
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 7/2/2021

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

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

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: \_\_\_\_\_ Fee Received: \_\_\_\_\_ Receipt #: \_\_\_\_\_
2. Number of Copies Received: \_\_\_\_\_
3. Has the following been submitted (check all that apply):
  - Completed Application
  - Concept Development Plan
  - Legal Description
  - Names and Mailing Addresses of Adjacent Property Owners
4. Date the application is Administratively Complete (as defined in KRS 100.211): \_\_\_\_\_
5. Staff Reviewer: MICHAEL SCHWARTZ
6. Committee Chairperson: Kim Patton
7. Scheduled Public Hearing Date: 8/4/2021
8. Boone County Planning Commission Action: \_\_\_\_\_ Date of Action: 10/16/2021
  - \_\_\_\_\_ Approved
  - Approved with Conditions
  - \_\_\_\_\_ Denial
  - \_\_\_\_\_ Other

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

# EXHIBIT

“A”

## STAFF REPORT

#1

Request of Tim Greive (applicant) for Bob Sumerel Tire Co. (owner) for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

August 4, 2021

### REQUEST

- A. The request is for a Concept Development Plan for a 16,450 square foot, fenced/gravel truck tire storage area.

### SITE HISTORY

- 1969 –  
1974 Based on information contained in the Boone County GIS, a billboard was constructed on the site.
- 1974-  
1981 Based on information contained in the Boone County GIS, the building currently occupied by the Bob Sumerel Tire Co. corporate office was built at 1257 Cox Avenue.
- 1992 Based on information contained in the Boone County GIS, the site was zoned I-1/PD as part of the zoning ordinance update process.
- 1999 On April 13, 1999, Boone County Fiscal Court adopted Ordinance Number 99-08, approving a Concept Development Plan (R-99-004-A). The Concept Plan showed an approximate 10,000 square foot building for a truck tire storage and installation facility, off-street parking, vehicular access from Donaldson Highway, and a sidewalk connection to the existing Sumerel facility located at 1257 Cox Avenue. The Concept Plan was approved with the following conditions: (1) the owner agrees that there will be no outside storage of tires, new or used; (2) the owner agrees to security lighting and low-rise parking lot lighting only. No high-rise lighting that may cause glare off the property will be permitted; (3) the hours of operation for the "new tire installation" portion of the operation will be 8 a.m. to 5 p.m., Monday through Saturday only (4) the owner agrees to berm and landscape along the Donaldson Road frontage and at the entrance to the facility in an attempt to buffer themselves from the surrounding uses. Buffer Yard B (20 foot width) is required along the east side and Donaldson Road right-of-way; (5) the owner agrees to monument style signage along Donaldson Road and will meet the requirements of the Houston-Donaldson Study as it relates to the architectural design of the building; (6) the owner agrees that vehicle storage will only be in two (2) spaces provided on the submitted concept development plan. No vehicles will be stored or parked outside of areas designated for parking or storage; and (7) the owner agrees to make the sanitary sewer accessible to the residents along Donaldson Road so long as it does not create a hardship to the owner.

2014 On March 25, 2104, the Boone County Fiscal Court adopted the Houston-Donaldson Study and rezoned the site to its present I-1/PD/HDO designation.

#### APPLICABLE REGULATIONS

- A. Chapter Five – Development Design and Signage Requirements, Zoning Process, Procedure (pages 62-63) of the Houston Donaldson Study 2013, states that prior to the administrative Site Plan, Subdivision Review, and Design Review processes, the development proposal must be approved through the Concept Development Plan process per Article 15 “Planned Development District” of the Boone County Zoning Regulations. This process involves a Public Hearing before the Planning Commission, a recommendation by the Planning Commission to the Boone County Fiscal Court, and a final decision by the Boone County Fiscal Court.
- B. Section 1517 of the Boone County Zoning Regulations states that the Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a “Utilization of an Underlying Zone Within a Planned Development”), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.
- C. Section 1131.45 of the Boone County Zoning Regulations lists ‘auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking’ as a principally permitted use within the I-1 district.
- D. Section 4000 of the Boone County Zoning Regulations defines junk yards as ‘the storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered a junkyard.’

#### SITE CHARACTERISTICS

- A. The approximate 2.8 acre site is located along the northeast side of Donaldson Highway, approximately 300 feet northwest of Turfway Road.
- B. The site has approximately 418 feet of frontage along Donaldson Highway.
- C. The site is currently occupied by a dense stand of mature trees and a billboard.

- D. An undefined gravel access drive exists near the existing billboard.
- E. A 30-foot wide sanitary sewer easement crosses diagonally through the northern portion of the site.
- F. Existing 20-foot wide sanitary sewer easements cross through the southeastern portion of the site.
- G. The site slopes downward from south to north at an average grade of 9%.

ADJACENT LAND USES AND ZONES

- North: Bob Sumerel Tire Co. corporate office (I-1)
- South: Detached single family residential dwellings (C-3/PD/HDO)
- East: Detached single family residential dwellings (C-1/PD/HDO)
- Northwest: Vacant wooded land (I-1/PD/HDO)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 "2040 Future Land Use Plan" designates the site for Industrial uses, which is described as manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.
- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

An evaluation of environmental factors identified in this Plan will be part of any development review process (Environment Goal A, Objective 1).

Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

Recycling programs, recycled materials industries, energy conservation, industrial

ecology, and the use of local renewable resources shall be encouraged (Economy Goal A, Objective 5).

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).

Provisions shall be made for proper control of industrial uses that involve processes or products that could be hazardous to human life and property (Economy Goal B, Objective 8).

C. The following is an excerpt from Our Boone County – Plan 2040:

1. 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; where appropriate, existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact (Land Use, Future Land Use Development Guidelines, Buffering, page 95).
2. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. 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 soften the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands as described in Northern Kentucky's Storm Water Best Management Practices Manual (2012). Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. 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 (Land Use, Future Land Use Development Guidelines, Landscaping, page 96).

3. 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 sight distance for access points, adequate spacing between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way (Land Use, Future Land Use Development Guidelines, Access Management, page 96).
  4. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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 (Land Use, Future Land Use Development Guidelines, Design, Signs, and Cultural Resource Preservation, page 97).
- D. Donaldson Highway is identified as a state maintained arterial street providing for two-way traffic within two driving lanes (one lane in each direction), having a pavement width of 48 feet, within a 110 foot wide right-of-way. A center left-turn lane exists along the majority of the frontage of the site, turning into an exclusive left-turn lane at Turfway Road. There are no sidewalks along the roadway.

#### BOONE COUNTY TRANSPORTATION PLAN

- A. The Boone County Transportation Plan indicates the following project that is in the vicinity of the site in question:
1. KY 236 (Donaldson Highway) Widening  
Location: KY 3076 (Mineola Pike) to KY 842 (Houston Road)  
Type: Roadway Widening/Relocation/New Facility  
Total Cost: \$20,520,000  
Description: Widen KY 236 (Donaldson Highway) from two to four lanes to improve capacity and support economic development. Include a multi-use path as part of the CVG Loop Trail.

#### RELATIONSHIP TO THE HOUSTON – DONALDSON STUDY

- A. The Houston – Donaldson Study identifies the site as being within Subarea Eight of that study.

B. The following is an excerpt from the Houston – Donaldson Study:

1. Most of the Future Land Use designation in Subarea Eight is Business Park (Figure 3.11), which reflects the mostly Light Industrial nature of the Subarea's land uses, which also includes recreational and residential. The Future Land Use map does designate two Commercial areas that are intended to serve as local business nodes.

There are a few opportunities for infill development consisting of industrial/business park developments in the Subarea that have been identified. One small pocket of commercial is suggested at the intersection of Turfway Road and Donaldson Highway, while another is suggested near the intersection of O'Hara Road and Donaldson Highway. It is intended that these commercial nodes be local retail commercial development that could support the remaining residential uses along Donaldson Highway. (Chapter Three – Land Use Recommendations, Subarea Eight, page 40).

#### STAFF COMMENTS

A. The submitted Concept Development Plan indicates the following:

1. Retention of the existing billboard.
2. Provision for a 16,450 square foot, fenced/gravel truck tire storage area.
3. Access via a curb cut onto Donaldson Highway, approximately 400 feet northwest of Turfway Road.
4. Provision for stormwater drainage.

B. A thirty (30) foot wide sanitary sewer easement crosses diagonally through the northern portion of the site and a twenty (20) foot wide sanitary sewer easement crosses the east and southern portions of the site.

C. Staff has reviewed the submitted Concept Development Plan against the Boone County Zoning Regulations, and offers the following (these requirements can be adjusted by the Planning Commission and Fiscal Court pursuant to the Planned Development (PD) regulations):

1. Section 1511 of the Boone County Zoning Regulations states that the uses listed in the underlying zone are allowed within a PD district. As such, the uses listed within the I-1 district would be allowed on the site in question.

This section also states that any other use not listed in the underlying zone are permitted if found to be compatible and of benefit to the community, will not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan. The applicant is requesting to use the property for a truck tire storage area.

2. Section 1514.2 of the Boone County Zoning Regulations states that measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses,

or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.

Insufficient information has been submitted to determine compliance with this requirement.

3. Section 1514.5 of the Boone County Zoning Regulations states that existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."

The submitted plan indicates that a majority of the existing mature tree growth on the site will be retained.

4. Section 1514.6 of the Boone County Zoning Regulations states that substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site.

Insufficient information has been submitted to determine compliance with this requirement.

5. Section 1704 of the Boone County Zoning Regulations states that all development within the Houston – Donaldson Overlay Zone shall be reviewed for conformance with the applicable standards and requirements in Chapter 5 of the study.

- a. Site Design Requirement 1., A. states that a minimum 20 foot wide landscaped area is to be provided between the right-of-way and on-site improvements.

The submitted plan provides for a fifteen (15) foot area between the right-of-way of Donaldson Highway and the proposed gravel storage area. No landscaping has been identified.

- b. Site Design Requirement 2 states that landscaping shall be provided in accordance with Article 36 of the zoning regulations.

The submitted plan does not identify any landscaping.

6. Section 3110 of the Boone County Zoning Regulations requires a minimum front yard setback of fifty (50) feet within the I-1 district.

The submitted plan indicates that the proposed truck tire storage area will have a fifteen (15) foot front yard setback.

7. Section 3314 of the Boone County Zoning Regulations requires all parking spaces, loading areas, driveways, aisles, storage areas, and vehicular circulation areas to be paved with asphalt concrete or Portland cement concrete, unless a waiver is granted by the zoning administrator.

The submitted plan indicates that the proposed storage area and driveway will be paved with gravel.

8. Section 3655.2 of the Boone County Zoning Regulations allows fences within the I-1 district to have a maximum height of twelve (12) feet.

Section 3655.4 of the Boone County Zoning Regulations allows a maximum four (4) foot high ornamental fence, having an opacity of 50% or less, within the front yard of properties within the I-1 district.

The front yard setback within the I-1 district is fifty (50) feet. Since no building is proposed as part of this development, any fence that is located within fifty (50) feet of the right-of-way line of Donaldson Highway, must meet the requirements of Section 3655.4. The submitted plan shows that approximately half of the proposed storage area will be located within the fifty (50) foot front yard setback. The submitted plan also indicates the provision of a fence enclosing the proposed storage area. However, insufficient information has been submitted as to the type and height of the proposed fence.

- D. The submitted plan indicates that the proposed storage area will be enclosed with a fence and gate and will be set back approximately thirty-eight (38) feet from the pavement of Donaldson Highway. Given this proximity, the applicant should address how they intend to keep vehicles from stacking back into the roadway.
- E. Unlike the previously approved concept development plan, this proposal does not have any physical connection to the existing Bob Sumerel facility located at 1257 Cox Avenue. The applicant should address why this facility is necessary at this location rather than being located further to the northeast on the site and accessed from their existing location.
- F. Staff sent out an Agency Memo to the Boone County Building Department, the Boone County Public Works Department, the Kentucky Transportation Cabinet, and the Point Pleasant Fire District.
  1. Jerry Noran, Boone County Building Department had no comments.
  2. Mark Brannon, KYTC, stated that a curb cut, in the general location as shown on the submitted plan, would be constructed as part of the states widening project of Donaldson Highway. He continues to state that there will be a large landscaped median on Donaldson Highway, restricting the curb cut to right-turn-in and right-turn-out movements only. The email chain includes a response from the applicant stating that the property owner is fine with the right-turn-in and right-turn-out restriction (see attached).

3. The Point Pleasant Fire District had no comments since no building being proposed.
4. Robert Franxman, Boone County Public Works stated that Donaldson Road will be widened in this area and construction is to begin next year. The developer needs to be aware of this and develop their plans accordingly. Additionally, access will be by KYTC permit which could include access limitations.

### STAFF CONCERNS

- A. The Houston-Donaldson Study identifies the site, as being part of a larger area, for Industrial/Business Park uses. While there is no clear definition for Business Park, the comprehensive plan describes it as follows:

“A mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, consistent architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses.” (page 95).

The submitted proposal does not share any of these characteristics.

- B. The following list provides a summary of those requirements that are being requested to be waived/alterd using the PD district regulations:

1. To allow a use that is prohibited in the underlying zoning district.
2. Reducing the landscape buffer along Donaldson Highway from twenty (20) feet to fifteen (15) feet.
3. Reducing the front yard setback from fifty (50) feet to fifteen (15) feet.
4. Allowing a gravel storage surface instead of a hard paved surface.

- C. The Planned Development (PD) regulations include a set of criteria that is to be used to evaluate the appropriateness of proposed developments. The applicant should address how their proposal meets these criteria.

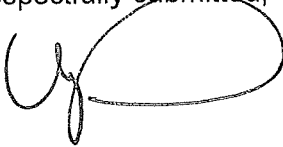
- D. The submitted plan indicates that the proposed storage area will be enclosed with a fence and gate and will be set back approximately thirty-eight (38) feet from the pavement of Donaldson Highway. Given this proximity, the applicant should address how they intend to keep vehicles from stacking back into the roadway.

- E. Unlike the previously approved concept development plan, this proposal does not have any physical connection to the existing Bob Sumerel facility located at 1257 Cox Avenue. The applicant should address why this facility is necessary at this location rather than being located further to the northeast on the site and accessed from their existing location.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, Article 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Schwartz", written over the text "Respectfully submitted,".

Michael D. Schwartz  
Planner

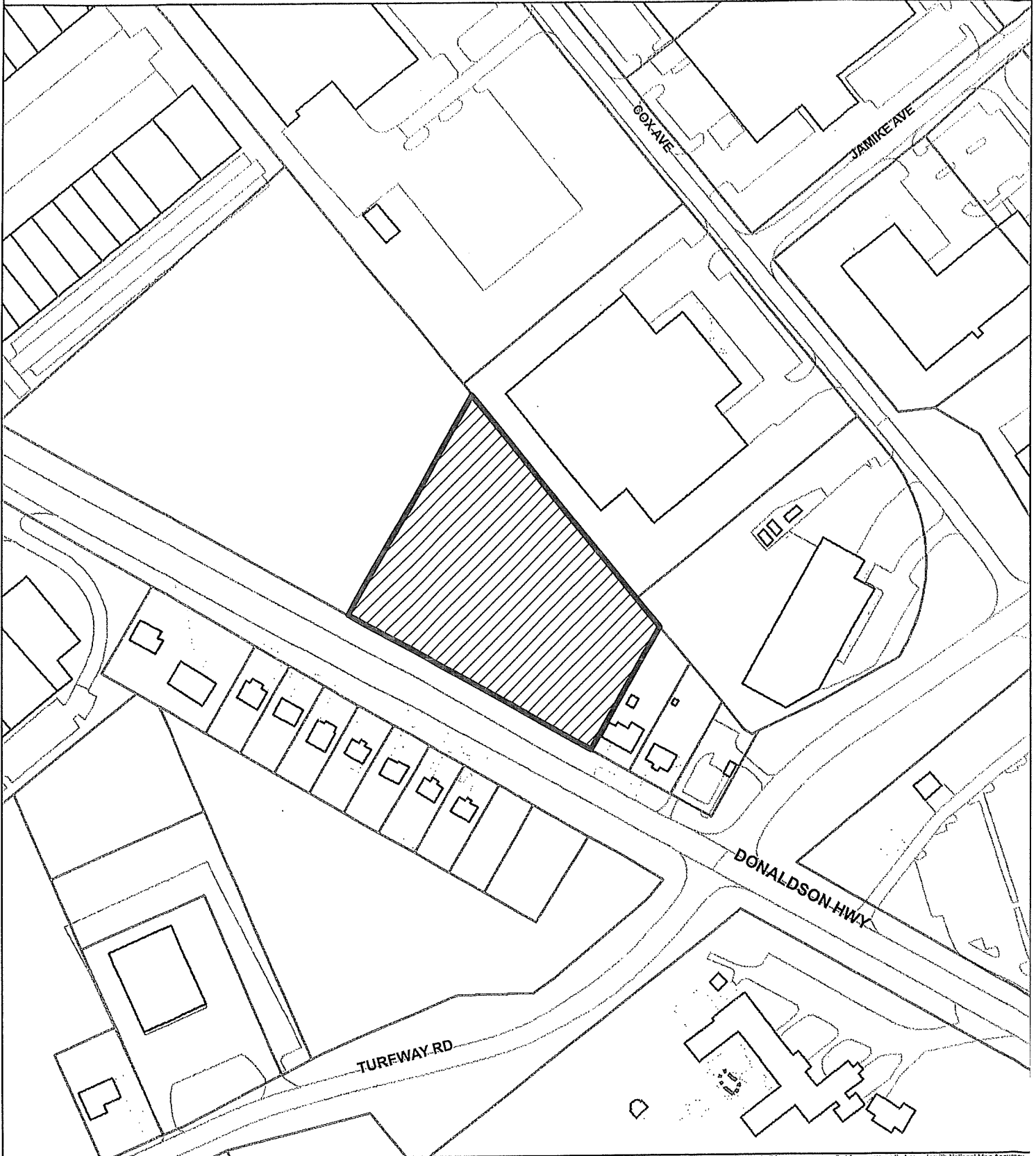
MDS/ss

Attachments:

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Concept Development Plan
- \*Excerpts from the Houston-Donaldson Study
- \*Email from Mark Brannon, KYTC, dated 6/15/21

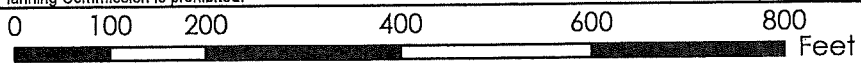
# Vicinity Map

www.boonecountygis.com



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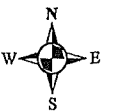
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet



**Boone County GIS**



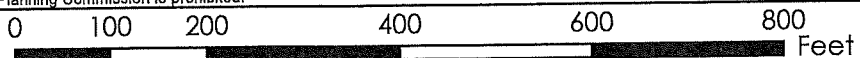
# Aerial Map

www.boonecountygis.com



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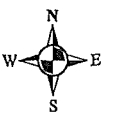
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1 Inch = 200 feet



**Boon**



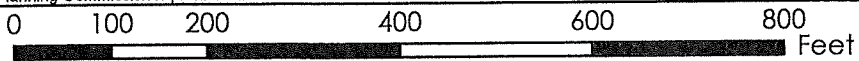
# Topographical Map

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**Boone County GIS**



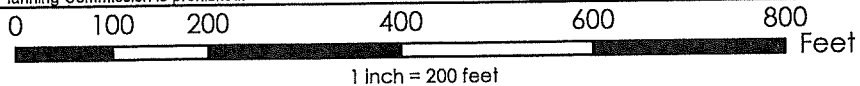
# Zoning Map

www.boonecountygis.com



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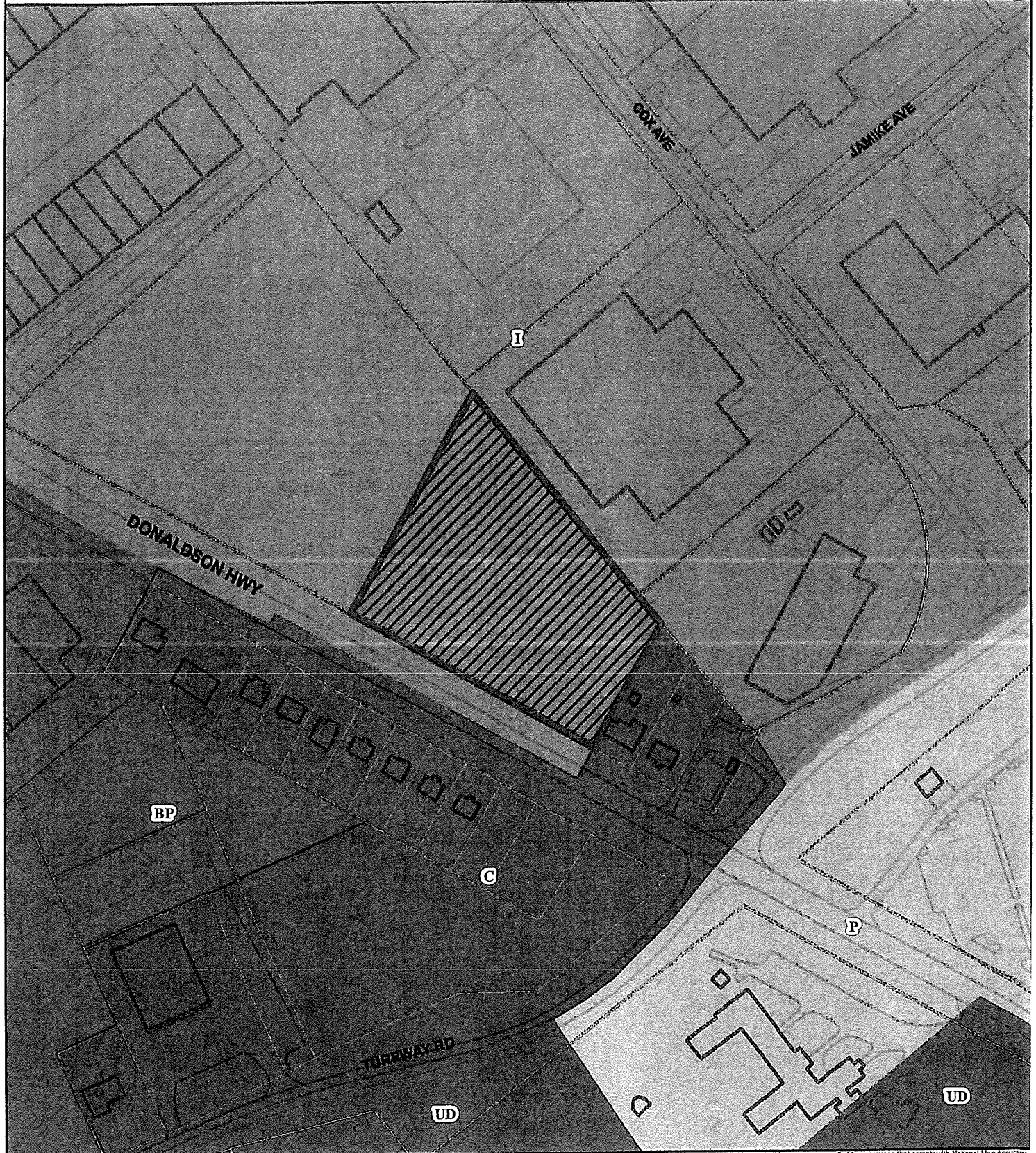


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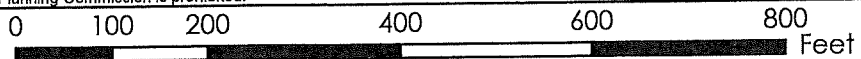
# 2040 Future Land Use Map

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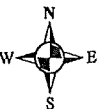


1 inch = 200 feet



Map Created: 01/01/2010

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



Map Document: \*.mxd

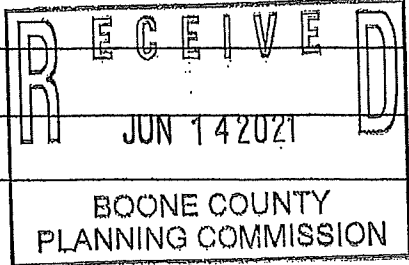
**CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION**

**Seven (7) copies of submitted drawings are required**

**An application consists of all fees paid in full, submitted drawings, and a completed application form**

**SECTION A: (To be completed by applicant)**

1. Type of review (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)
  - Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
  - Zoning Administrator Review (as stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
  - Zoning Administrator Review (as stated in the Mall Road District Study)
  
2. Name of Project: Bob Sumerel Tire Co. surface storage
3. Location of Project: Donaldson Hwy
4. Total Acreage of Project: 2.835
5. Current Zoning of Property: I-1 / PD / HDØ
6. Date of previous zoning map amendment or Approved Concept Development Plan, (if applicable):  
4/13 February 1999
  
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission  Yes  No  
If yes, indicate the name of the study: Houston - Donaldson Study
  
8. Proposed Use(s) (specify each use):  
Truck tire storage
  
9. Proposed Building Intensities (specify for each building):  
not applicable no buildings
  
10. Have you submitted a Concept Development Plan:  Yes  No
11. Are you applying for any of the following (check all that apply):
  - Conditional Use Permit
  - Variance
12. Current Owner: Bob Sumerel Tire Co.  
Address: 1257 Cox Ave  
Erlanger Ky 41018  
City State Zip Code  
Phone Number: 859-283-2700 Fax Number: \_\_\_\_\_  
Email: t.sumerel@bobsumereltire.com
  
13. Applicant: Tim Greive  
Address: 803 Compton Rd



Cincinnati City      Ohio State      45231 Zip Code

Phone Number: 513 521 4766 Fax Number: \_\_\_\_\_

Email: tingreive@tgraham.com

14. Are there any existing buildings on the site:  Yes  No  
If yes, indicate how many: \_\_\_\_\_

15. 312 Deed Book      39 Page Number      2022 Group Number

16. Have you had a pre-application meeting with the BCPC staff:  Yes  No

17. Have you met or discussed your proposed development with any of the following organizations/agencies (check all that apply):

Prior to construction of improvements, the applicant is recommended to submit copies of the Site Plan to the appropriate organizations/agencies prior to approval by the Boone County Planning Commission.

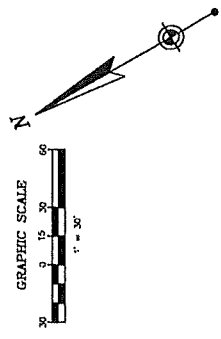
- |   |   |
|---|---|
| <input type="checkbox"/> Boone County Building Department   | <input type="checkbox"/> Local Fire District                          |
| <input type="checkbox"/> Boone County Public Works Department   | <input type="checkbox"/> Local School District                        |
| <input type="checkbox"/> Boone County Water District  | <input type="checkbox"/> Northern Kentucky Health Department          |
| <input type="checkbox"/> Cincinnati Bell  | <input type="checkbox"/> Owen Cooperative Electric, Inc.              |
| <input type="checkbox"/> Cincinnati/Northern Kentucky International Airport (Kentucky Airport Zoning Commission for height restrictions near the airport) | <input checked="" type="checkbox"/> Sanitation District No. 1         |
| <input type="checkbox"/> Duke Energy  | <input type="checkbox"/> USDA NRCS/Boone County Conservation District |
| <input type="checkbox"/> Florence Public Services Department  | <input type="checkbox"/> Other: _____                                 |
| <input type="checkbox"/> Kentucky Division of Water   |   |
| <input checked="" type="checkbox"/> Kentucky Transportation Cabinet   |   |

18. Concept Development Plan Jurisdiction/Location (check all that apply):  
 Unincorporated Boone     Florence     Walton     Union

19. Waiver of 60 Day Time Requirement by Originator for Final Planning Commission Action:  
In accordance with the provisions of KRS 100.211, the applicant(s) and property owner(s) or originator(s) hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment/Concept Development Plan application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on 7/2/2021

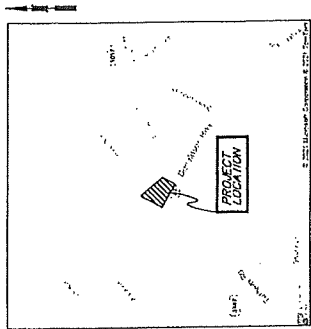
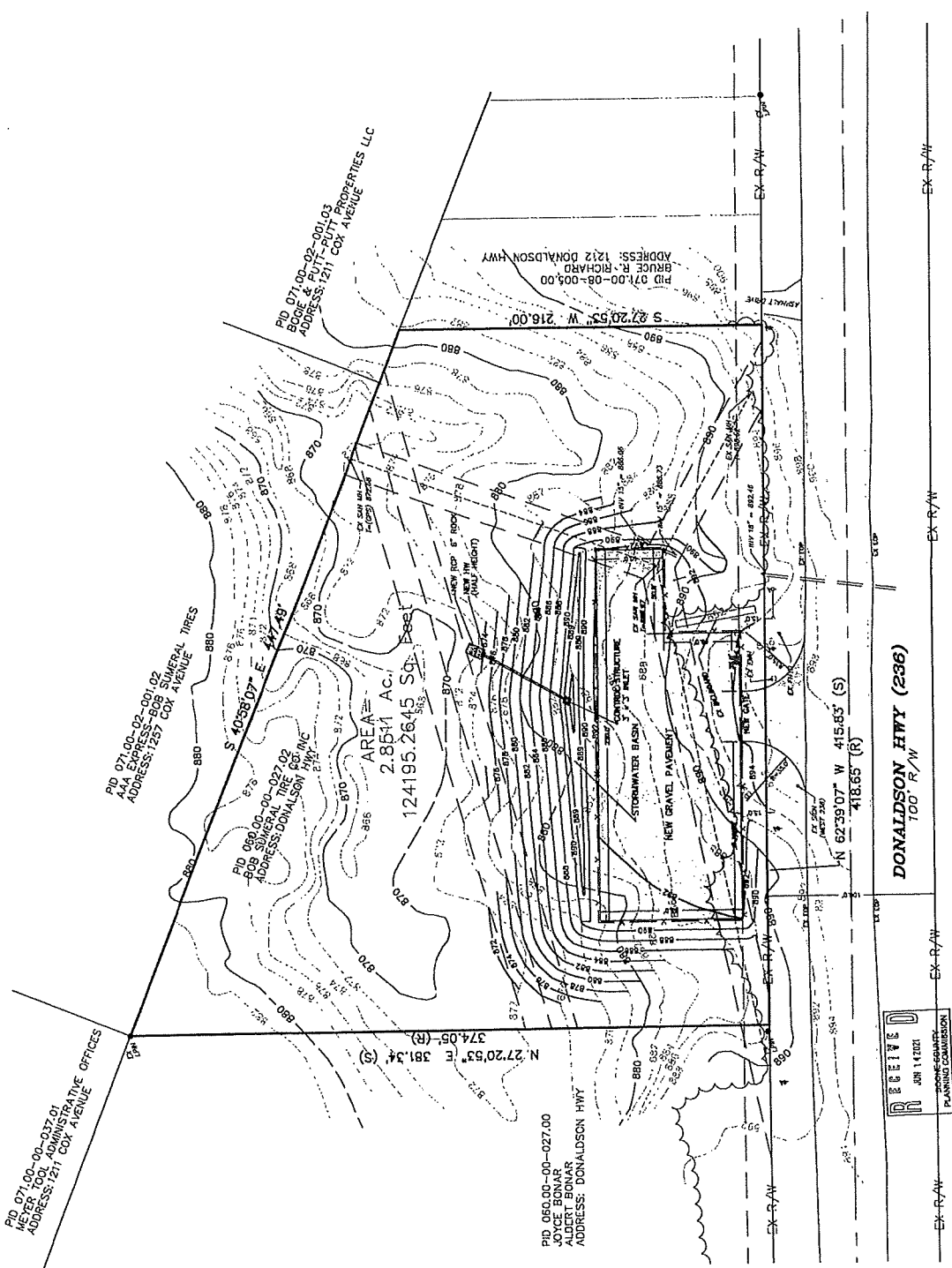
ORIGINAL Property Owner's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

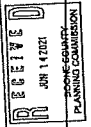


**PROPOSED CONDITIONS LEGEND**  
 -880- INDICATES PROPOSED GRAVEL PAVEMENT  
 -880- INDICATES PROPOSED DRIVE  
 -880- INDICATES PROPOSED DRIVE IMPROVEMENT

**EXISTING CONDITIONS LEGEND**  
 -880- INDICATES EXISTING MOBILE HOME CONTAINERS  
 -880- INDICATES EXISTING IMPROVEMENT CONTAINER ELEVATIONS



**NOTE:** Public Notice is not part of the Underground Utility Survey. The utility information shown on this plan was obtained from existing records. It is the contractor's responsibility to verify that the appropriate utility company for field locations.

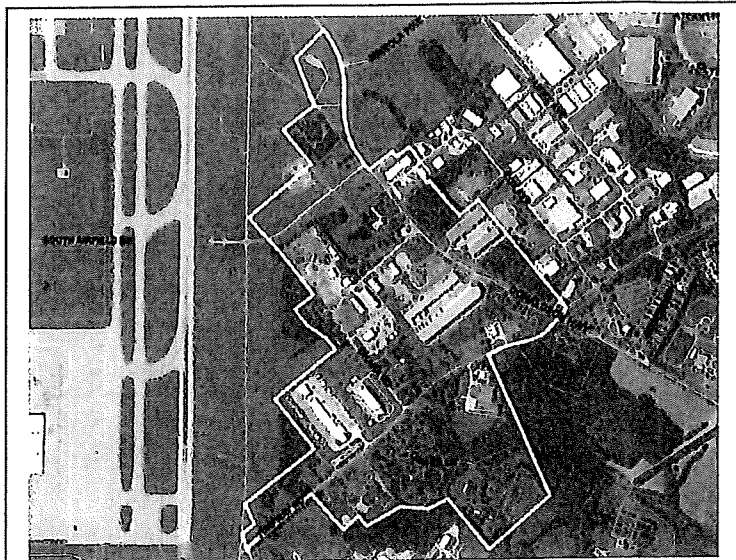


**Subarea Eight – Turfway Road/Donaldson Highway**

**Boundaries**

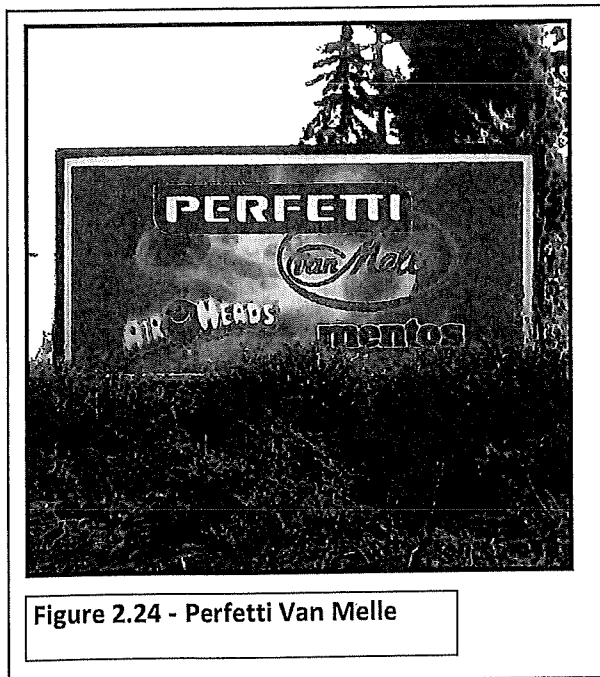
Subarea Eight is primarily served by Donaldson Highway, but it is also intersected by Turfway Road and O’Hara Road. It is home to several industrial land uses, as well as the CVG Airplane Viewing Area.

The original boundary of the Houston – Donaldson Study ends on Donaldson Highway just north of O’Hara Road and includes the current Cook Enterprises site. The new update of the Houston – Donaldson Study extends this boundary north along Donaldson Highway to include Industrial-zoned properties at the intersection with Cox Avenue on the northeast side of the road as well as including the CVG Airplane Viewing



**Figure 2.23 – Subarea Eight**

Area on the east side of the road (Figure 2.23). This extended boundary would create a defined entrance into the Houston – Donaldson Study Area from the north. The undeveloped property in this stretch is owned by the Kenton County Airport Board



**Figure 2.24 - Perfetti Van Melle**

The existing Study Area boundary on the east side of Donaldson Highway is incorporated into Subarea Eight and includes the Donaldson Road Center. The intersection of Donaldson Highway and Turfway Road defines the eastern boundary terminus of Subarea Eight. This is the current location of Sassin Realty and includes the two houses next to it.

Turfway Road serves as the southern boundary toward the west until you reach Perfetti Van Melle (Figure 2.24) where the Subarea Eight boundary heads south and includes the Gallenstein residential estate property. The remainder of the south boundary of Subarea Eight is defined by the northern property line of Turfway Park. The western boundary follows north along the original Study Area the Houston – Donaldson Study up to the aforementioned CVG Airplane Viewing Area.

Subarea Eight is bound to the west and north by airport property and to the east by the Mineola Industrial Park. To the south are Subareas Six and Seven, which includes the Turfway Park Racetrack and the Marydale property.

### Existing Conditions

There is a wide mix of land uses distributed throughout Subarea Eight which includes industrial, light industrial, office, warehouses, recreation, a church, and single family residences.

Industrial and warehousing uses are scattered throughout and front on all three primary roads in the area (Donaldson, O'Hara, and Turfway). Residential uses are found along Donaldson Highway near Turfway as well as another pocket between Perfetti Van Melle and Christ's Chapel Assembly of God on the small side street O'Hara Lane.

Perfetti Van Melle, maker of Mentos and Airheads candy, is a combination office/factory. This facility includes an employee walking path on their grounds located on Turfway Road between O'Hara Road and Donaldson Highway.

Also of note in the area, the Frito-Lay Corporation has a distribution center at the northwest corner of O'Hara Road and Turfway Road. Access to the site is from O'Hara. Next to them, along Turfway Road, is a 17-acre Averitt Express Distribution Center. Access to the Averitt site is from Turfway Road.

The CVG Airplane Viewing Area, located at the northern point of Subarea Eight, is a highly used parking lot from which the public can observe flights taking off and landing from 8am to 10pm daily (Figure 2.25). Also on this property is the historic marker denoting the Center of the U.S. Population in 1880. An additional recreation use, Lazer Kraze, exists on Donaldson Highway in the light industrial development between Turfway Road and O'Hara Road. In addition, Receptions banquet and conference center is located on Donaldson Highway near O'Hara Road. This facility is used for corporate retreats, conferences, and wedding receptions.

Historically, Subarea Eight is intersected by the escape route of Civil War Confederate Calvary raider John Hunt Morgan. In 1863 Morgan and some of his men escaped the Ohio Penitentiary in Columbus, hopped a train to Cincinnati, and fled south through Boone County. This path, as best recreated, traverses through the north section of the Houston – Donaldson Study Area crossing and following Donaldson Highway and Turfway Road. His path took him through the approximate location of O'Hara Road in a southwest direction through Subarea Eight. While there has been talk in the past of marking the route, nothing exists currently. Also, the Bonar House located at the intersection of O'Hara Road and Donaldson Highway (Figure 2.26), is on the Kentucky Historic Inventory

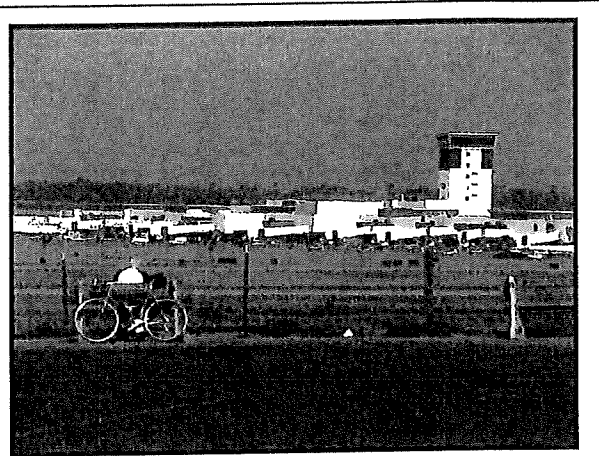


Figure 2.25 - CVG Airplane Viewing Area

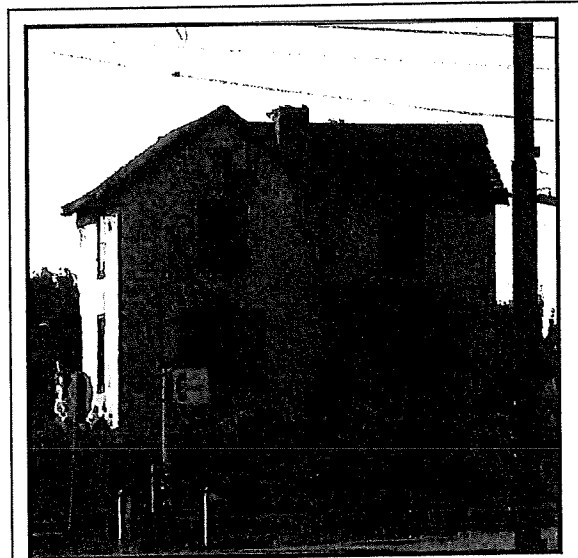


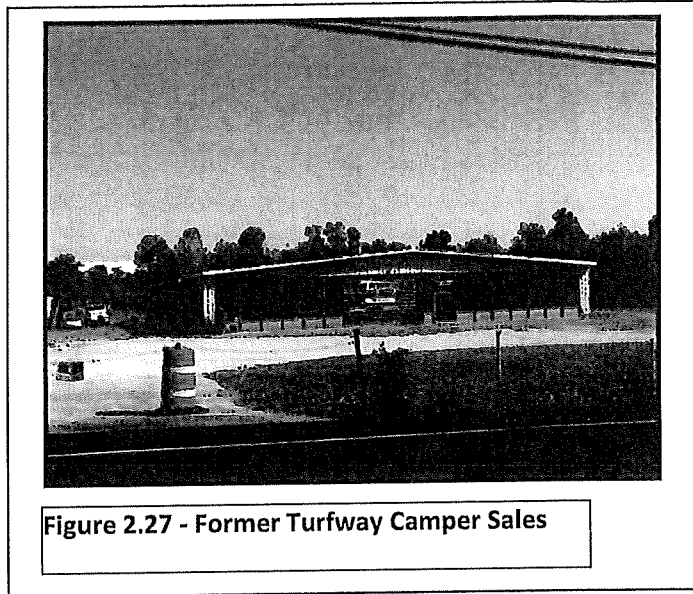
Figure 2.26 - Bonar House

(surveyed by the Boone County Historic Preservation Review Board in the 1990's). The structure, which is in poor condition, is a good example of a Late 19th Century rural T-Plan residence. It is the only remaining building of the Bonar Farm, which included a milk house, grain silo, and large stock barn when it was recorded in 1993.

### **Land Use & Zoning**

Most of Subarea Eight is zoned, and future land use planned, for Industrial uses. The remaining industrially zoned land yet to be developed is shown on the 2035 Future Land Use Map as Business Park (BP) uses, while the airport-owned vacant property at the north end of the area is shown as being built out as airport-related uses (A).

Approximately 14 acres of undeveloped Industrial-zoned land broken into three tracts exist along the northeast side of Donaldson Highway between its intersections with Turfway Road and Cox Avenue. Additional undeveloped land exists on the north side of Turfway Road between O'Hara Road and Donaldson Highway. These 20 acres are currently zoned I-1/PD and surround the former Camper/RV sales business that fronts on Turfway Road. The only other remaining piece of undeveloped land sits between the CVG Airplane Viewing Area and O'Hara Road. These 30 acres, all owned by the Cincinnati/Northern Kentucky International Airport, are zoned A (Airport) and have primary access on South Airfield Road which comes off Donaldson Highway. Adjacent to this property is the airport road maintenance facility at the 90-degree bend in O'Hara Road.



**Figure 2.27 - Former Turfway Camper Sales**

The majority of the residential shown on O'Hara Lane is to be preserved with the potential for some of the residential along Turfway developing as Business Park. Pockets of Commercial (C) are shown in two locations.

The first is at the intersection of Turfway Road and Donaldson Highway where currently residential lots exist as well as the vacant camper/RV sales business on Turfway Road (Figure 2.27). This site is vacant and available for redevelopment. The second Commercial designation is shown on the west side of Donaldson Highway where Cook Enterprises (an auto parts fabrication facility) exists near O'Hara Road.

A Concept Development Plan exists for the 2.8 acre lot on the east side of Donaldson Highway owned by Bob Sumeral Tire just north of the intersection with Turfway Road. Approved in February 1999, this plan, which has never been built, calls for the development of a tire storage and new truck tire installation facility and will have a curb cut on Donaldson Highway. The original Houston – Donaldson Study called for this site to develop as light industrial and that "all industrial development should have a glass and masonry style office appearance toward Turfway Road and Donaldson Highway, and have all service and loading facilities facing away from the road or screened sufficiently by walls and landscaping." Conditions of the approval state that no outside storage of tires will be permitted and a landscape berm along Donaldson Highway will be built in order to buffer the use from surrounding uses.

The only other property in Subarea Eight with a Concept Plan is the Receptions site which has already been built out.

**CVG Trail**

The CVG Trail is a planned 22-mile shared use path that is envisioned to encircle the CVG airport. The idea is to provide safe facilities for walkers, runners, and bicyclists around the airport. The trail has been championed for over a decade by a group called Friends of CVG Trail.

The first leg of the CVG Trail was completed as a part of the construction of Aero Parkway and Ted Bushelman Boulevard. The next portion of the trail (Phase II) is planned to be located adjacent to Subarea Eight along its west boundary and within airport property and is planned to be approximately 3.3 miles length. Phase II is planned to head north through the CVG Airplane Viewing Area. Special consideration of this project should be made with the intent of creating a major bike and pedestrian hub, possibly near the Airplane Viewing Area.

**Objectives:**

1. Development of Subarea Seven should avoid a “piecemeal” approach and developing chunks as the market demands.
2. Development should be coordinated with development of adjacent properties, especially Turfway.  
  
B. **Goal:** The history and heritage of Subarea Seven should be considered.

**Objectives:**

1. Consider maintaining elements of the Seminary and Retreat House in future development.
2. The local history of the Marydale Property should be recognized.
3. The on-site priests’ cemetery and other shrines associated with Marydale’s history should be protected.  
  
C. **Goal:** Minimize environmental impact of development.

**Objectives:**

1. Encourage sustainable, environmentally responsible, and resource efficient development.
2. Be mindful of stormwater, and the presence of water bodies, such as Dry Creek.
3. The parking area landscaping should be improved and incorporate non-structural stormwater techniques.
4. The unique landscape and viewsheds should be maintained.  
  
D. **Goal:** Transportation connections in the Subarea should be improved.

**Objectives:**

1. Establish safe pedestrian access to and from Turfway (Subarea Six), adjacent residential/schools, the CVG Trail, and businesses along Turfway.
2. The existing tree-lined drives should be preserved for non-motorized use.
3. An internal road network through the property should be developed and connect to adjoining properties.

**Subarea Eight – Turfway Road/Donaldson Highway**

- A. **Goal:** Establish a defined northwest ‘entrance’ into the Houston – Donaldson Study Area.

**Objectives:**

1. Utilize the CVG Airplane Viewing Area as part of an ‘entrance’ feature.
2. Promote the CVG Airplane Viewing Area as a destination point.

3. Enhance landscaping at this entranceway into the Study Area.

B. **Goal:** Incorporate the proposed CVG Trail into the fabric of Subarea Eight.

**Objectives:**

1. Provide and properly identify parking opportunities for patrons of the CVG Trail as it develops.
2. Promote the existence of the CVG Trail with occasional small identification signs along the route where the trail runs parallel to developments or is visible from existing roadways in Subarea Eight.
3. Encourage future developments to connect to access points to the CVG Trail where possible.
4. Examine using underutilized parking lots in the area for CVG Trail patrons.

C. **Goal:** Ensure the wide mix of land uses exist without negatively impacting each other.

**Objectives:**

1. Preserve the residential nature of O'Hara Lane by preserving the existing land use buffer between the residences and the surrounding industrial and recreation uses.

D. **Goal:** Ensure that the transportation network adequately handles traffic in the area.

**Objectives:**

1. Examine the turning radiuses at both ends of O'Hara Rd and improve if necessary.

E. **Goal:** Development and redevelopment of Industrial land should be harmonious with surrounding land uses.

**Objectives:**

1. Use adequate buffering when industrial property develops and/or redevelops to protect residential uses from negative impacts.

F. **Goal:** Promote the historic elements in Subarea Eight.

**Objectives:**

1. Identify the John Hunt Morgan Escape Route through the area.
2. Promote the Historic Marker that identifies the Center of the U.S. Population in 1880 located at the CVG Airplane Viewing Area.

## **Chapter Five – Development Design and Signage Requirements**

This chapter outlines the Site Design and Architectural Design Review requirements which apply to all buildings and sites in the Houston – Donaldson Study Area. These requirements are primarily aesthetic in nature and are intended to create and maintain substantive, high quality developments which are adaptable over time and conducive to a regional, automobile oriented multi-use activity center in accordance with the Study's objectives. If the proposed improvements are not subject to public view from a public street or adjoining property, the Zoning Administrator may determine that the Design Review procedure is not required.

Compliance with the Site Design requirements shall be determined through the applicable Site Plan process as required by Article 30 of the Boone County Zoning Regulations. Compliance with the Architectural Design Review requirements shall be determined through the Design Review process that is described later in this chapter. The Site Plan and Design Review applications shall be submitted concurrently. Seven (7) sets of full size architectural elevations, one (1) letter or legal size set of architectural elevations and color rendering, material samples or product literature, and sufficient design details which demonstrate compliance with these requirements shall be submitted as part of the Design Review application. Architectural plans shall be stamped or sealed by a registered architect licensed by the Commonwealth of Kentucky.

For additions or exterior modifications to existing buildings, the Architectural Design Review requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design may be used. These design concepts are available at the Planning Commission office.

The requirements in this chapter supersede the normal requirements of the Boone County Zoning Regulations. When specific standards or requirements are not outlined in this document, the normal requirements of the zoning regulations shall apply. Exceptions or modifications to either the Site Design or Architectural Design Review requirements, and flexibility in development standards, may be granted by the Planning Commission through the Design Review procedure upon finding that the proposal will create an equivalent or superior solution to the requirement in question, or is necessary to better meet the recommendations, requirements, intent, goals, and objectives in the Study document as a whole, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.

### **Site Design Requirements**

- 1) Site Arrangement: Improvements shall be arranged on a site so that:
  - A. Large blank walls are not directly visible along street frontages or areas frequented by the public.
  - B. No more than 60 percent of the parking and vehicular areas for outlot type developments shall be placed in a front yard or corner side road
  - C. A minimum 20 foot wide landscaped area is provided between the right-of-way and on-site improvements. For sites with multiple street frontages, the landscape area width may be

reduced to 10 feet for secondary frontages along local or subcollector roadways. Such approval shall be granted through the Design Review process

- 2) Landscape/Green Space Area: Landscaping shall be provided in accordance with Article 36 "Landscaping" of the zoning regulations. Additionally, a minimum of 22 percent of the overall site area shall be devoted to landscaping as permanent green space. The computation of this green space ratio can include areas such as landscaped parking lot islands and peninsulas, landscape areas along street frontages and building frontages, buffer yards, water features and sculptural elements, and storm management facilities which are integrally designed as part of the landscape. Storm water management facilities that are placed in front yards or corner side yards must be designed as an integral, visual part of the site's landscape.
- 3) I-71/75 Streetscape: The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.
- 4) Pedestrian Facilities: Each development or land use within the Study Area shall provide pedestrian sidewalk connections to other developments, recreation and public or civic facilities, and public open space areas, if appropriate. These connections are in addition to sidewalk connections between the building, parking, and street normally required by Article 33 of the zoning regulations. Comprehensive pathway/sidewalk systems which logically connect destinations shall be provided in multi-lot developments. Access easements shall be of a paved surface and shall not use gravel.

Outdoor spaces with fixed seating, landscaping, and other pedestrian oriented improvements shall be provided at a main building entrance for multi-tenant and multi-building retail and office developments, and other major developments with a high volume of pedestrians such as public facilities. These outdoor spaces shall be surfaced with decorative pavers or concrete treated to appear as unit pavers. Crosswalks on public and private roadways within planned development should also have a tactile, decorative surface such as cast in place units made to look like unit pavers or concrete treated to appear as such.

- 5) Site Furniture: Site furniture includes items such as benches/seating and outdoor tables, light fixtures and masts, waste receptacles, bollards, railings around outdoor seating areas, and street/regulatory signage. There are no proprietary specifications or requirements for site furniture, or prototypes which must be followed. Rather, site furniture must be architectural grade and the various items selected for any given site must visually correlate to one another as components of an overall design system. Also, site furniture must use neutral or dark colors, and shall not use wood or wood products.
- 6) Underground Utilities: All utility lines shall be placed underground. Existing overhead utility lines shall be placed underground when a site develops or redevelops.

### **Design Review Process**

Complete Design Review applications shall initially be reviewed by the Boone County Planning Commission's staff, who will then report their findings and conclusions to the appropriate committee of the Planning Commission. The Committee shall evaluate the proposal and Staff input, and then formulate a recommendation on the application to the full Boone County Planning Commission. Upon consideration of the Committee's recommendation, the full Planning Commission shall vote to approve, approve with conditions, or deny the application at a regularly scheduled Business Meeting. The Planning Commission's decision shall be based upon the requirements stated in this section, and any applicable conditions of approval from previous Zoning Map Amendment, Concept Development Plan, or Board of Adjustment applications for which compliance is to be determined through the Design Review process.

Complete Design Review applications must be received at least fourteen (14) days in advance of a Planning Commission Business Meeting in order to be considered at said meeting. Final action on Design Review applications shall occur within sixty (60) days of submission to the Planning Commission's office. An approval of a Design Review application shall be valid for two (2) years.

### **Architectural Design Review Requirements**

- 1) **Previously Approved Design Standards:** Sites which are subject to Design Review type standards, requirements or conditions from a prior zoning approval such as a Zoning Map Amendment, Concept Development Plan, or Board of Adjustment application shall be evaluated for compliance with said standards, requirements, or conditions
- 2) **Relationship to Neighboring Structures:** Building design shall correlate to adjoining structures, and those in the same overall center or subdivision if applicable, through the use of comparable and compatible facade composition, materials, colors, roof forms, and stylistic or thematic traits.
- 3) **Architectural Style:** Developments with multiple uses, owners, and/or tenants are encouraged to use architectural designs from a single recognized academic style.
- 4) **Massing and Proportions:** The overall three dimensional envelope of the building shall be proportionate in terms of length, width, and height. Individual components on building facades, such as windows, doors, projections, placement of design details, and changes in footprint, rooflines and forms, materials, and colors, shall also be proportionate to one another and balanced on the overall structure. Three dimensional relief may be added with the provision of projections such as covered walkways/arcades, canopies, and simple fabric awnings, and/or by providing jogs or breaks in the building footprint.

For large scale structures such as anchor style retail buildings, parking structures, and civic/institutional buildings, the amount of detailing and fenestration will need to be adjusted to match the scale and function of the building. The exterior walls of larger office/commercial buildings can be designed to appear as a collection of multiple zero lot line buildings or tenants.

- 5) **Facade Composition and Detailing:** Facades shall be designed to have a defined base, mid section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the lower portion of the exterior wall along the foundation (or entire ground floor for multi-story

buildings) from the upper portion of the wall. Additionally for multi-story buildings, a change in the fenestration pattern between the ground floor and the upper floors can be employed. The top or cap effect should be created through the provision of a three dimensional detail(s) which breaks or jogs the wall plane from the roof such as a defined cornice or projecting eave.

Main public building entrances shall be emphasized in the facade design by methods such as recessing the entrance behind the exterior facade, providing an over-scaled entrance feature which projects outward from or above the exterior facade, placing the doorway within a three dimensional archway, providing an awning or roof awning/canopy, and/or by changing the building materials, detailing, or color around the entrance opening.

Detailing should be used at the base, top of facades, openings, transitions, and across large wall expanses to reduce monotony and provide a finished appearance and dimension throughout. This could include: defined window sills and lintels, masonry quoins, soldier courses, herringbone or tile detailing, or medallions; recessing windows, storefront units, and/or doors within the façade to provide "punched" openings that create shadow lines and three-dimensional relief; metalwork, specialty glass, and signature light fixtures; and alternating materials, finish textures, colors, and/or size or shape of unit materials such as brick or stone on a facade. Corporate trademark features which uniquely identify one specific company shall not be used in the building design unless they meet the requirements of this chapter and can be readily removed or adapted without scarring the building for future occupants.

- 6) **Building Materials:** The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a highly textured, fluted, or unit masonry appearance. These materials shall have an integral color. Architectural grade metals such as Alucobond type products are also permitted. Glass curtain walls used in conjunction with these materials are also permitted. Other materials such as EIFS/stucco, wood or cement board siding, glass block, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas. EIFS/stucco and precast concrete wall panels with a similar light texture finish may be used as a primary building material for industrial buildings which are larger than 100,000 square feet and not located along collector or arterial roadways, and may be used on rear facades which are not subject to public view for other structures.

Only architectural grade materials shall be used. Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU, vinyl or aluminum siding, or hard board type materials are not permitted. Snap-in grids or applied mullions are not permitted in windows; only mullions which physically separate window glass into multiple panes shall be used for divided light type windows.

Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal. Other types of decorative metal roofing can be evaluated on a case-by-case basis and approved if they are integral to the overall design of the structure.

- 7) **Building Material Colors:** Exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing. The color of pitched roof materials shall complement, yet contrast with

the exterior wall materials. Color schemes shall use at least two colors to highlight building features and details, create contrast, and to avoid monotony and starkness in the overall building design. A consistent color scheme shall be provided on all facades so that the appearance of a rear or service side of the building is minimized.

- 8) Roof Types and Shapes: Parapet designs which have a defined cornice line and pitched roofs are permitted. Pitched roof forms shall appear complete and symmetrical when viewed from public vantage points both on and off the subject site. Mansard or other "stage set" type designs are not permitted.

- 9) Screening, Accessory Structures, and Retaining Walls:

Mechanical Equipment Screening: All mechanical equipment shall be screened. Ground mounted equipment shall be screened either with landscaping or enclosed with an enclosure structure which uses the same materials, colors, and design detailing as the principal building. If roof mounted, the equipment shall be screened by a parapet wall (for flat roofed buildings) which is designed and constructed as an integral part of the overall building; applied, "stage set" style mechanical equipment screens or mansards are not permitted. Roof mounted equipment on flat roofed buildings shall be painted to match the roof surface material if it is visible from adjoining sites or roadways that are at a higher elevation. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.

Loading/Unloading/Service Areas: Loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards. Any such area shall be enclosed with a screen wall which is at least 8 feet high and which uses the same materials, colors, and design detailing as the building which it serves. Alternatively, dense landscape hedging which will provide year round screening and that will grow to at least 8 feet high without routinely overtaking the planting space may be considered.

Trash Enclosures and Accessory Structures: Garbage storage areas and accessory structures shall be placed in the side or rear yard only, excluding corner side yards. Garbage storage areas shall be enclosed per the requirements of Section 3151 of the zoning regulations. Additionally, garbage enclosure structures and accessory structures shall be constructed with the same materials, colors, and design detailing as the principal building.

Retaining Walls: Retaining walls shall be constructed of brick, architectural grade CMU, concrete which is formed to have a unit masonry appearance, or segmental retaining wall blocks. The face material shall have a texture and integral color which correlates to the materials used for the principal building. Plain faced CMU and/or materials with a painted finish are not permitted.

### **Houston-Donaldson Special Sign Regulations**

The purpose of the Special Sign Regulations is to allow the Study Area to have sufficient signage for business purposes, while avoiding clutter and maintaining the character of the Houston Road and Donaldson Highway corridors. These regulations are also referenced in Article 34 of the Boone County Zoning Regulations. Proposals that meet the Special Sign Regulations can proceed directly to the Sign Permit review process with Boone County Planning Commission Staff (see Section 3405 of the Boone County Zoning Regulations). Proposals that do not meet the Special Sign Regulations shall be reviewed

through either the Design Review, Concept Development Plan, Variance, or Special Sign District application processes (see Administrative Section for more information).

These regulations strongly encourage monument style signage and building mounted signage. Architectural freestanding signs are permitted to a limited degree-for shopping centers.

It should be noted that some properties within the Study Area are part of Special Sign Districts or Planned Development (PD) approvals that allow alternative signage. Property owners may continue to follow existing Sign District or Planned Development approvals or exercise the option of bringing their sites in compliance with these Special Sign Regulations.

These regulations are organized in terms of different types of development, including commercial, office and industrial, and residential development. These regulations further address freestanding uses versus multi-tenant developments, as well as outlots within and out of larger developments.

For the purpose of these Special Sign Regulations, all Sections of Article 34 and 40 of the Boone County Zoning Regulations shall apply unless they have been specifically replaced below.

#### **PERMITTED SIGNAGE BY TYPE OF LAND USE**

##### **(A) COMMERCIAL USES**

###### **1. COMMERCIAL/RETAIL/SHOPPING CENTERS**

A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.

One (1) architectural freestanding sign is permitted at the main development entrance where it meets a public street. The architectural freestanding sign shall include only the name of the center and the major anchor tenant unless the conditions below are met. The maximum size of such a sign shall be two hundred (200) square feet in area. The maximum height of such a sign shall be proportional to the road frontage along which the sign is to be located: up to two hundred (200) feet of frontage allows a fifteen (15) foot tall sign, and more than two hundred (200) feet of frontage allows a twenty (20) foot tall sign. Multi-tenant signs may be permitted with one tenant panel per 100,000 square feet of gross floor area in the retail center with a maximum of four such panels per retail center. These multi-tenant panels shall be accessory to the main development identification portion of the sign.

One (1) monument style sign is permitted at each secondary entrance for the purpose of identifying the overall development. A secondary entrance shall be defined as a vehicular entry point where the development meets a public street. The monument sign(s) shall be a maximum of eight (8) feet tall and forty-eight (48) square feet in area and shall only advertise the name of the retail center.

#### **Construction Standards**

##### **Architectural Freestanding Signs**

The sign shall meet the definition found in Section 4000 of the Zoning Regulations.

Up to 50% of the sign area may be used as manually changeable copy display. Any proposed manually changeable copy display(s) shall be located beneath fixed copy signs.

#### Monument Signs

The base and sides of the sign shall use construction materials and design details that match the dominant construction material of the principal building.

The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

## 2. INDIVIDUAL TENANT SPACES WITHIN COMMERCIAL/RETAIL/SHOPPING CENTERS

Anchor tenants over 40,000 square feet in area shall be permitted one building mounted sign on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet for each lineal foot of tenant space width on which the sign is mounted but shall not exceed two hundred and fifty (250) square feet.

Individual tenants spaces that are 40,000 square feet in area or smaller are permitted one building mounted sign. The permitted size of the building mounted sign shall be two square feet per each lineal foot of tenant space width on which the sign is mounted but shall not exceed one hundred (100) square feet in area. Corner tenant spaces can break their permitted square footage up and display it on the front and side facades if the side facade is visible from a public street or main development driveway. In such a case, the permitted signage can be broken into one sign area on the front facade and one sign area on the side facade.

#### Construction Standards

##### Building Mounted Signs

Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted. Manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.

## 3. FREESTANDING COMMERCIAL LOTS AND OUTLOTS WITHIN COMMERCIAL/RETAIL/SHOPPING CENTERS

One building mounted sign shall be permitted on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet per each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed two hundred (200) square feet in area. One monument sign shall also be permitted at maximum of eight (8) feet tall and twenty-four (24) square feet in area.

#### Construction Standards

##### Monument Signs

The base and sides of the sign shall use construction materials and design details that match the dominant construction materials of the principal building.  
The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.  
Single panel plexi-faced cabinets shall not be permitted.

#### Building Mounted Signs

Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted. Board signs, graphics painted directly on the building, manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.

### **(B) OFFICE/INDUSTRIAL DEVELOPMENTS**

#### **1. OFFICE AND INDUSTRIAL PARKS**

One (1) entrance monument sign that is up to ten (10) feet in height (measured from the grade of the street centerline) and one hundred (100) square feet at each entrance to the park from a public street are permitted. Such monument signs shall only announce the name of the subdivision or park.

#### **Construction Standards**

The base and sides of the sign shall be constructed with a masonry product (excluding smooth or textured concrete block).  
The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.  
Single panel plexi-faced cabinets shall not be permitted.

#### **2. INDIVIDUAL LOTS WITHIN OFFICE OR INDUSTRIAL PARKS OR FREESTANDING LOTS WITHIN EMPLOYMENT ZONES**

One (1) monument sign shall be permitted at maximum of eight (8) feet tall and forty-eight (48) square feet in area.

The amount of permitted building mounted signage shall be determined by the area of the building or tenant space.

Over 40,000 square feet: Individual building users or tenant spaces shall be permitted one building mounted sign on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet for each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed two hundred and fifty (250) square feet.

40,000 square feet in area or smaller: Individual buildings users or tenants spaces shall be permitted one building mounted sign for each facade that faces a public street or main development driveway. However, no more than two such sign shall be permitted. The permitted size of the building mounted sign shall be two square feet per each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed one hundred fifty (150) square feet in area.

### Construction Standards

#### Monument Signs

The base and sides of the sign shall be constructed with a masonry product (excluding smooth or textured concrete block).

The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

#### Building Mounted Signs

Board signs, graphics painted directly on the building, manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.

### **(C) RESIDENTIAL USES**

Refer to Sections 3410 and 3411 of the Boone County Zoning Regulations.

### **ADMINISTRATION**

As stated previously, all proposals that meet the Special Sign Regulations can proceed directly to the Sign Permit Review Process listed in Section 3405 of the Boone County Zoning Regulations. Proposals that do not meet the Special Sign Regulations shall be reviewed in one of the following manners as determined by the Zoning Administrator:

1. Design Review Application - Applicant seeking minor changes to the sign code. Any proposal for infrequently changing electronic signs, such as gas prices and hotel room rates, shall be reviewed under this application. Boone County Planning Commission takes final action on Design Review applications.
2. Variance Application - Applicant seeking relief from dimensional requirements of the sign code. Variances cannot be sought for design requirements. The appropriate Board of Adjustment would take final action on a Variance application.
3. Concept Development Plan - An applicant can ask for modifications to the sign code as part of a Concept Development Plan or Change in Approved Concept Development application. Such applications are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body.
4. Special Sign District - An applicant is seeking major changes to the sign code. Any proposal for a frequently changing electronic message center will be viewed as a major change. Such applications are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body.

Previous Design Review, Variance, Concept Development Plan, or Special Sign District approvals that meet or do not meet the current requirements are still valid and in effect. A property owner can continue to utilize their prior approval(s) or bring their site in compliance with the current requirements.

## Michael Schwartz

---

**From:** Tim Greive <timgreive@tgraham.com>  
**Sent:** Tuesday, June 15, 2021 9:09 AM  
**To:** Michael Schwartz  
**Subject:** FW: Proposed Sumerel Tire storage facility drive

### EXTERNAL MESSAGE

Michael

Please see below from Mark Brannon at KTC. The owner is fine with a right in right out drive.

Tim Greive PE  
Vice President  
Thomas Graham Associates, Inc.  
803 Compton Rd  
Cincinnati Ohio 45231  
513-521-4760  
[timgreive@tgraham.com](mailto:timgreive@tgraham.com)

**From:** Brannon, Mark K (KYTC-D06) <Mark.Brannon@ky.gov>  
**Sent:** Tuesday, June 15, 2021 8:53 AM  
**To:** Tim Greive <timgreive@tgraham.com>  
**Subject:** RE: Proposed Sumerel Tire storage facility drive

Tim,  
I had to send your proposed entrance up through the Departments. KYTC in design stage for widening Donaldson Road. Here are their comments to your proposed entrance.

KYTC are showing installing an entrance at about that location with our project. The entrance KYTC are constructing will be right in/right out with a large landscaped median on Donaldson Road. There is no way in the future that they will have left turns into or out of that facility.

If you have any questions, please feel free to contact me.

Mark Brannon  
D-6 Permits  
Cell: 859-393-4753  
Transportation Engineering Tech. III  
Kentucky Department of Highways, D-6  
421 Buttermilk Pike  
Covington, KY 41017

**From:** Tim Greive <timgreive@tgraham.com>  
**Sent:** Tuesday, June 8, 2021 4:07 PM  
**To:** Brannon, Mark K (KYTC-D06) <Mark.Brannon@ky.gov>  
**Subject:** Proposed Sumerel Tire storage facility drive

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Mark

Please find attached a sketch showing the location of the proposed drive. The owner has indicated the drive would only be used 2 – 4 times a day. Please contact me with any questions or comments.

Thank you

Tim Greive PE  
Vice President  
Thomas Graham Associates, Inc.  
803 Compton Rd  
Cincinnati Ohio 45231  
513-521-4760  
[timgreive@tgraham.com](mailto:timgreive@tgraham.com)

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Kim Patton, Chairman

**DATE:** October 6, 2021

**RE:** Request of **Tim Greive (applicant)** for **Bob Sumerel Tire Co. (owner)** for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

**REMARKS:**

1. We, the Committee, recommend approval of the above referenced change in approved concept development plan based on the following findings of fact:

**FINDINGS OF FACT:**

- a. The Committee has concluded that the proposed truck tire storage lot is a use that is generally consistent with the purpose and principally permitted uses of the Industrial One (I-1) district.
- b. The Committee has concluded that the proposed truck tire storage lot is a use that is generally consistent with the 2040 Future Land Use map which identifies the site and surrounding area for industrial uses.
- c. The Committee has concluded that the proposed truck tire storage lot, along with the revised concept development plan, is consistent with the following Our Boone County – Plan 2040 Goals and Objectives:
  - (1) Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).
  - (2) Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
  - (3) Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
  - (4) Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment Goal A, Objective 7).

- (5) Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
  - (6) Recycling programs, recycled materials industries, energy conservation, industrial ecology, and the use of local renewable resources shall be encouraged (Economy Goal A, Objective 5).
  - (7) Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
  - (8) Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).
- d. The Committee has concluded that the proposed truck tire storage lot, along with the revised concept development plan, is generally consistent with the Houston-Donaldson Study which states that there are a few opportunities for infill development consisting of industrial/business park developments in the Subarea.
- e. The site has design challenges including steep hillsides and numerous utility easements, which restrict the development potential of the site. The proposed truck tire storage lot, along with the revised concept development plan, provides for a use and design that has a relatively small development footprint.
- f. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of Our Boone County – Plan 2040 and to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions

CONDITIONS:

1. Development shall be consistent with the revised Concept Development Plan, dated 8/19/21, except as modified by these conditions.
2. The existing billboard shall be removed from the site.
3. Storage on the site shall be limited to tires and their associated parts/components.
4. Stored items shall not be higher than the height of the fence.
5. The installation of landscaping may be delayed until the completion of the widening of Donaldson Highway, adjacent to the site.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

Bob Sumerel Tire Storage

October 6, 2021

Page 3

6. The storage area and driveway shall be paved with asphalt concrete or Portland cement concrete, unless a waiver is granted by the zoning administrator pursuant to Section 3314 of the Boone County Zoning Regulations.

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

**ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: September 15, 2021

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Patton, Chairman, Michael Schwartz, Staff**

1. Request of **Tim Greive (applicant)** for **Bob Sumerel Tire Co. (owner)** for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

REMARKS:

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



**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
AUGUST 4, 2021  
7:30 P.M.**

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Chairman Rolfsen opened the Public Hearing at 7:48 p.m. and welcomed everyone to the Planning Commission's August 4, 2021 Public Hearing.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mrs. Pamela Goetting  
Mrs. Lori Heilman

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda.

CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff

1. Request of Tim Greive (applicant) for Bob Sumerel Tire Co. (owner) for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site is located on the northeast side of Donaldson Highway and approximately 300 feet northwest of Turfway Road. He showed the previously approved Concept Development Plan from 1999. It included an approximate 10,000 square foot truck tire storage and installation facility and a sidewalk connection to the existing Bob Sumerel corporate office off Cox Avenue. The site has 418 feet of road frontage along Donaldson Highway. A billboard exists on the site today. Mr. Schwartz showed photographs of the site and adjoining properties. The site is zoned I-1/PD/HDO. The I-1 zoning district does not permit junkyards as defined in the zoning code. The site slopes downward from south to north at an average grade of 9%. The Future Land Use Map designates the site for Industrial. Pages 3-5 of the Staff Report refers to sections of the Comprehensive Plan that are relevant to the issue. Donaldson Highway is currently two lanes. The State is planning a major reconstruction of Donaldson Highway. The Houston-Donaldson Study recommends industrial uses for the site and they should be developed in a park-like setting. The submitted Concept Development Plan includes the retention of the existing billboard as well as a 16,450 square foot fenced, gravel truck tire storage area. Access would be provided via a new curb cut onto Donaldson Highway approximately 400 feet northwest of Turfway Road. The Kentucky Transportation Cabinet has provided a comment about limiting the proposed curb cut to a right turn in and out movement. There is a provision for on-site storm water detention. Pages 6-8 of the Staff Report identifies those items that don't meet the strict regulations of the zoning order or those regulations that don't meet the underlying zoning district requirements. However, most of them can be modified using the Planned Development (PD) regulations. Staff has provided emails from outside departments and agencies. Page 9 of the Staff Report identifies Staff Concerns relative to this Plan's compatibility to the Houston-Donaldson Study and PD overlay District. The applicant should address why the proposed facility is necessary at the proposed location rather than being located to the northeast on the site and accessed from the existing corporate facility location. Finally, the request is a Concept Development Plan review and not a Zone Change application.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Todd Sumerel of Sumerel Tire introduced Mr. Bob Sumerel, his dad and founder of the company. A connection to the corporate office building is difficult because of the topography. It is a deep ravine. The tires that are to be stored on the site are for earth moving vehicles. The

site is designed so that the tires will not be seen as they will keep as many trees as possible. They are willing to move the development back from the road, but they have to be careful because of the stream location. Currently, they have a site in Erlanger. It is a clean site. They are willing to install landscaping.

Mr. Costello suggested that the applicant show more in terms of screening at the site because it is in a highly visible corridor leading to the airport. Mr. Sumerel responded by informing the Board that he will send some pictures of the Erlanger facility. The proposed fence is a chain link fence with slats. He offered to have a more decorative fence.

Chairman Rolfsen asked if the existing billboard is staying? Mr. Sumerel replied that it can be taken down as they own it and lease it.


Chairman Rolfsen asked if any of Board members had any questions? Mr. Patton suggested that the applicant consider moving the proposed storage area further back from the road. Mr. Sumerel mentioned that the State will be purchasing a small amount of right-of-way from them to widen Donaldson Highway.

Ms. Gulick noted that there will be a multi-use path constructed on Donaldson Highway and utility lines will be relocated. She suggested obtaining information about the proposed new right-of-way along Donaldson Highway. The multi-use path might affect the location of the proposed fence.


At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Concept Development Plan request?

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 18, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 1, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:05 p.m.**

APPROVED:

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
AUGUST 4, 2021  
7:30 P.M.**

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Chairman Rolfsen introduced the first item on the Agenda.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff**

1. Request of **Tim Greive (applicant)** for **Bob Sumerel Tire Co. (owner)** for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

Mr. Michael Schwartz, referred to his PowerPoint presentation. The site is located on the northeast side of Donaldson Highway and approximately 300 feet northwest of Turfway Road. He showed the previously approved Concept Development Plan from 1999. It included an approximate 10,000 square foot truck tire storage and installation facility and a sidewalk connection to the existing Bob Sumerel corporate office off Cox Avenue. The site has 418 feet of road frontage along Donaldson Highway. A billboard exists on the site today. Mr. Schwartz showed photographs of the site and adjoining properties. The site is zoned I-1/PD/HDO. The I-1 zoning district does not permit junkyards as defined in the zoning code. The site slopes downward from south to north at an average grade of 9%. The Future Land Use Map designates the site for Industrial. Pages 3-5 of the Staff Report refers to sections of the Comprehensive Plan that are relevant to the issue. Donaldson Highway is currently two lanes. The State is planning a major reconstruction of Donaldson Highway. The Houston-Donaldson Study recommends industrial uses for the site and they should be developed in a park-like setting. The submitted Concept Development Plan includes the retention of the existing billboard as well as a 16,450 square foot fenced, gravel truck tire storage area. Access would be provided via a new curb cut onto Donaldson Highway approximately 400 feet northwest of Turfway Road. The Kentucky Transportation Cabinet has provided a comment about limiting the proposed curb cut to a right turn in and out movement. There is a provision for on-site storm water detention. Pages 6-8 of the Staff Report identifies those items that don't meet the strict regulations of the zoning order or those regulations that don't meet the underlying zoning district requirements. However, most of them can be modified using the Planned Development (PD) regulations. Staff has provided emails from outside departments and agencies. Page 9 of the Staff Report identifies Staff Concerns relative to this Plan's compatibility to the Houston-Donaldson Study and PD overlay District. The applicant should address why the proposed facility is necessary at the proposed location rather than being located to the northeast on the site and accessed from the existing corporate facility location. Finally, the request is a Concept Development Plan review and not a Zone Change application.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Todd Sumerel of Sumerel Tire introduced Mr. Bob Sumerel, his dad and founder of the company. A connection to the corporate office building is difficult because of the topography. It is a deep ravine. The tires that are to be stored on the site are for earth moving vehicles. The

site is designed so that the tires will not be seen as they will keep as many trees as possible. They are willing to move the development back from the road, but they have to be careful because of the stream location. Currently, they have a site in Erlanger. It is a clean site. They are willing to install landscaping.

Mr. Costello suggested that the applicant show more in terms of screening at the site because it is in a highly visible corridor leading to the airport. Mr. Sumerel responded by informing the Board that he will send some pictures of the Erlanger facility. The proposed fence is a chain link fence with slats. He offered to have a more decorative fence.

Chairman Rolfsen asked if the existing billboard is staying? Mr. Sumerel replied that it can be taken down as they own it and lease it.

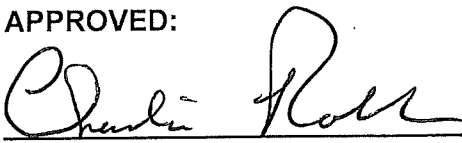
Chairman Rolfsen asked if any of Board members had any questions? Mr. Patton suggested that the applicant consider moving the proposed storage area further back from the road. Mr. Sumerel mentioned that the State will be purchasing a small amount of right-of-way from them to widen Donaldson Highway.

Ms. Gulick noted that there will be a multi-use path constructed on Donaldson Highway and utility lines will be relocated. She suggested obtaining information about the proposed new right-of-way along Donaldson Highway. The multi-use path might affect the location of the proposed fence.

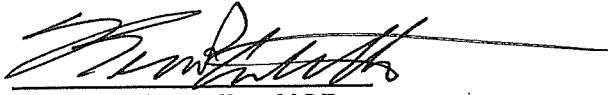
At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the Concept Development Plan request?

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on August 18, 2021 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on September 1, 2021 at 7:00 p.m. The Chairman Rolfsen closed the Public Hearing at 8:05 p.m.**

APPROVED:

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director



# **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
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Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

October 7, 2021

The Honorable Gary W. Moore  
County Judge-Executive  
Boone County Fiscal Court  
P.O. Box 900  
Burlington, KY 41005

Dear Judge Moore:

At the October 6, 2021, Boone County Planning Commission Business Meeting, the Commission voted unanimously to recommend approval, with conditions, the request of **Tim Greive (applicant)** for **Bob Sumerel Tire Company (owner)** for a Change in Approved Concept Development Plan in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

For your information, the Public Hearing for this request was held on August 4, 2021 and the Boone County Fiscal Court should carefully review the enclosed minutes of that Public Hearing. The signed Resolution (**R-21-025-A**), cover letter, and full packet will be forwarded to you immediately after our next Business Meeting to be held on October 20, 2021. This project is subject to the K.R.S. 100.211(7) 90 day time limitation. According to our attorney, this time limit for final action cannot be waived, as it is statutory law. The deadline for action to be taken by the Boone County Fiscal Court is **January 4, 2022**.

Sincerely,

Kevin P. Costello, AICP  
Executive Director

KPC/tlb

Enclosure

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
OCTOBER 6, 2021  
7:00 P.M.**

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Chairman Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's October 6, 2021 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mrs. Pamela Goetting  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton, Vice Chairman  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mrs. Jackie Steele  
Mr. Tom Szurlinski  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mrs. Janet Kegley

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Todd K. Morgan, Senior Planner  
Mr. Michael Schwartz, Planner  
Mr. Tom Chaney, Planner

**APPROVAL OF THE MINUTES:**

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the September 1, 2021 Business Meeting and Public Hearing. Chairman Rolfsen asked if there were any other comments or corrections?

**Mr. Patton moved to approve the Minutes as presented. Mr. Turner seconded the motion and it carried unanimously.**

**BILLS:**

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between September 2, 2021 and October 6, 2021.

**EXPENSES:**

Accounting Fees	\$ 3,661.35
Attorney Fees	4,200.00
Auto Expense	194.95
Consultant/Professional Svcs Fees	2,075.00
Filing Fees (CLURS)	1,000.00
Legal Ads/Recruitment	76.16
Miscellaneous Expense	230.40
Office & Board Meeting Supplies	669.81
Office Equipment / Expense	544.54
Postage Expense	836.67
Printing/Pub/Dues/Subscriptions	156.46
Professional Development	<u>275.00</u>

**TOTAL: \$ 13,920.34**

**SALARIES AND BENEFITS:**

FICA-BCPC Portion	\$ 8,926.95
Health/Dental/Life/LTD	13,081.79
Retirement – BCPC Portion	23,579.11
Salaries – Staff Expenses	121,372.42
Salaries – BCPC & BOA	<u>765.00</u>

**TOTAL: \$167,725.27**

**GRAND TOTAL: \$181,645.61**

**Mr. McMillian moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mrs. Goetting seconded the motion and it carried unanimously.**

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Kim Patton, Chairman, Michael Schwartz, Staff**

1. Request of **Tim Greive (applicant)** for **Bob Sumerel Tire Co. (owner)** for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

Staff Member, Michael Schwartz, noted that he saw a typo on the Committee Report. The Committee is recommending approval. He read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). He noted the Committee voted unanimously to approve the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a total of 5 minutes on either side? Mr. Tim Greive, applicant, stated that he was present to answer any questions. Mr. Todd Sumerel acknowledged that he agreed to the conditions.

Chairman Rolfsen asked what was the height of the proposed fence? Mr. Greive replied that the fence would be a solid vinyl, six feet high.

**Mr. Patton moved to approve the Change in Concept Development Plan by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Corrin Gulick, Chairwoman, Michael Schwartz, Staff**

2. Request of **Brad Trauth – Trauth Property Group (applicant)** for **Thousand Hills Holdings, LLC (owner)** for a Change in Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.87 acre site located at 3215 Cougar Path, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit residential townhomes and an office building in addition to an existing pet daycare facility.

Staff Member, Michael Schwartz, explained that the Committee had a tie vote so there is no recommendation one way or another. The Committee has directed the Staff to provide to opposing Committee Reports – one for disapproval and one for approval. Mr. Schwartz read the Committee Report for disapproval first and then for approval (see both Committee Reports).

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Tom Breidenstein, attorney for the applicant, asked the Planning Commission to consider

three things. First, if there are two competing recommendations, then it should tip towards the rights of the property owner in question. Second, the land use should serve as a guide and not as a straight jacket. Finally, the Planning Commission should look at all Elements of the Comprehensive Plan and not just the Land Use. The standards for Planned Development have been satisfied. Section 1514 of the Zoning Regulations refers to the mixing of uses is to be encouraged. This is what we have here. The second Committee Report states that all of the applicable requirements have been met. Additional landscaping and brick wrapping can be provided. The development is in conformance with the Comprehensive Plan as evidenced by the 13 examples noted in the second Committee Report. The proposed multi-family residential use is considered to be a commercial use. Mr. Breidenstein stated that his client agrees to all of the conditions except for the one condition about a shared maintenance agreement. It gives a veto to the Baptist church. It is an illegal condition and requests that it be dropped. He stated that he submitted a 50-50 maintenance agreement to the Church last week. It was denied and no counter proposal was proposed. This is a NIMBY situation.

Mr. Jay Fossett, attorney for Hebron Baptist Church, stated that a revised plan has been submitted by the applicant. The Concept Development Plan has changed as the density has increased. They have failed to address parking and buffering. Two of the Committee members voted against the project because it was not in agreement with the Comprehensive Plan. The site can only be used for retail or office. It is located in the Airport 60 DNL noise contour. It is incompatible with residential uses. The east-west runway will reopen soon and more noise is expected due to cargo activity. Residential uses are not allowed in C-2 zoning districts. Fifty percent of the site is planned to be used for residential use. The new plan has four additional units and less green space. It will be a traffic problem getting to the daycare.

Mr. Dennis Repenning, attorney for Hebron Baptist Church, stated that the owner of the pet spa has never met with the Church. The draft agreement didn't deal with past issues or the third party owner of the pet spa. One can't expect to support the proposed project when the owner has not dealt with the maintenance agreement now or in the past.

Mr. Costello explained the range of options for the Planning Commission to consider. First, send no preferred recommendation to the Fiscal Court since there was not one from the Committee. The intent of the Committee was for the two sides meet and come to an agreement of a maintenance agreement. There was no push back at the Committee meeting. Another option would be to refer the request back to the Committee and let the two parties work it out. Another option would be to have a motion to eliminate or modify the one condition in dispute.

Mr. Wilson emphasized that the Board could not impose a condition if the applicant or property owner doesn't agree.

Mr. Schwartz mentioned that the Planning Commission already received one extension of the time limit and the deadline expires tomorrow.

Ms. Gulick expressed a concern about other reasons for turning down the request like Airport noise. Mr. Patton shared his concern about not having a road maintenance agreement with additional uses on the property. Mr. Lunnemann stated that he originally supported the project but now is rescinding his vote due to no maintenance agreement and the DNL noise level. He would support a disapproval tonight since both parties can't get along.

Mr. Breidenstein stated that he spoke with Mr. Trauth and he is willing to extend the time limit to next meeting. Mr. Fossett responded that they have no interest in securing a maintenance agreement. They are only interested in denying the application at this point. Mr. Costello responded that the Church testified at the Public Hearing that it was something they were interested in doing. Mr. Fossett responded no. Mr. Burcham replied that no one from the Church offered to meet with him. Mr. Costello referred to page 7 of the Public Hearing minutes in which Mr. Repenning acknowledged the need to draft a maintenance agreement.

**Mrs. Gulick moved to forward the Change in Concept Development Plan request to the Boone County Fiscal Court without a recommendation. Mr. Bessler seconded the motion and it passed unanimously.**

**CONCEPT DEVELOPMENT PLAN – Rick Lunnemann, Chairman, Michael Schwartz, Staff**

3. Request of **Viox & Viox, Inc. (applicant)** for **315 Burlington Trust (owner)** for a Concept Development Plan in a Office Two/Planned Development/Parkway Corridor Study Overlay (O-2/PD/PO) zone for a 0.698 acre site located on the south side of Burlington Pike, approximately 235 feet west of the Burlington Pike/Ewing Boulevard intersection, and between the properties at 7673 and 7777 Burlington Pike, Florence, Kentucky. The request is for a Concept Development Plan to permit a motor vehicle sales delivery/pick-up location.

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). He noted the Committee voted unanimously to approve the request.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Ryan Devoe, developer, stated that he was in agreement with the conditions and is available to answer any questions.

**Mr. Lunnemann moved to approve the Concept Development Plan by Resolution to the City of Florence based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Szurlinski seconded the motion.** Mr. Szurlinski asked about the height of the existing sign. Mr. Schwartz replied that it was about 50 feet. The sign structure may come down due to condition. A new structure can be 47 feet or be comparable to the Tom Gill sign. **Chairman Rolfsen asked for a vote on the original motion made by Mr. Lunnemann and seconded by Mr. Szurlinski. The motion passed unanimously.**

**ZONING MAP AMENDMENT AND VARIANCE – Kim Patton, Chairman, Kevin Wall, Staff**

4. Request of **Viox & Viox (applicant)** for **9541 US 42 LLC and Florence Christian Church (owners)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Union Commercial/Union Neighborhood Office/Urban Residential Two/Planned Development (UC/UNO/UR-2/PD), and a Variance, for a 61.889 acre site located at 9253 and 9357 Old Union Road (on the east side of Old Union

Road between the Villas of Fowler's Creek development and the property at 9513 Old Union Road), and along the west side of US 42 between the US 42/Fowlers Lane intersection and the US 42/Sweet Harmony Lane intersection, Union, Kentucky. The request is for a Zone Change to allow commercial and office uses, residential condominiums, apartments, and green space, and a Variance from Section 2540.1 "Setbacks" of the Boone County Zoning Regulations to allow the 50 foot maximum front yard setback to be exceeded.

Staff Member, Kevin Costello, read the Committee Report, which recommended approval based upon Findings of Fact and Conditions (see Committee Report). He noted the Committee voted unanimously to approve the request with Mrs. Kegley, Mr. Lunnemann, Mr. Patton and Ms. Gulick voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone who wanted to speak in favor or against the request for a total of 5 minutes on either side?

Mr. Brock MacKay, Viox & Viox, Inc., thanked everyone who participated in the project. It is a large project and it was vetted at three Committee meetings.. His firm engaged the HOA's and addressed all of the concerns.

Ms. Noreen Morgan, Villas of Fowlers Creek HOA, spoke in favor of the Zone Change. She respected the right of the property owner to sell the property and the right of the purchaser to develop it. The developers have worked with the HOA to address the traffic safety issues on Royal Oak Lane.

Mr. Richard Cook, 9190 Royal Oak Lane, stated that he is in favor of the proposed development. The only issue is the removal of the median. Is it permanent? Mr. Costello responded yes due to the volume of anticipated traffic. Because of the median, the travel lanes don't line up properly with the Kroger entrance. Mr. Cook would like to see as much green space preserved as possible.

Mr. Marvin Hensley, 9712 Cobalt Way, stated that he had a power point presentation but understands that it wouldn't be allowed according to Staff because it was new information. He expressed a concern about the amount of traffic on Sweet Harmony Lane. Will there be traffic backing up on Sweet Harmony Lane? The placement of the UDF store will increase traffic. What can be done? Mr. Costello replied that UDF does not have access to Sweet Harmony Lane. The traffic will be distributed in five different directions. Not all traffic will use Sweet Harmony Lane.

Mr. Brock MacKay noted that the traffic impact study shows the trip distribution. One of the conditions requires the developer to make improvements. He showed the ways to get into and out of the UDF site including U.S. 42. It depends on which direction the driver wants to go to and leaving the site.

Mr. Patton stated that the access to U.S. 42 is dictated by the access across the way. The connector road will alleviate some traffic from using Sweet Harmony Lane. People already cut through Sweet Harmony Lane today and the Planning Commission is trying not to overload the existing road with additional traffic from this project.

Ms. Gulick noted that the developer addressed any potential back-up on Sweet Harmony Lane to the first curb cut of the fire station in the traffic impact study. They did a 95 percentile analysis

of the cueing. That analysis is pretty strict. Most agencies plan to the 80<sup>th</sup> percentile. She felt comfortable with it.

Mr. Karl Langhorst, 9524 Symphony Court, stated that there was no petition submitted in favor of the development from his subdivision. In fact, one not in favor was submitted to the Mayor of Union. Specifically, they opposed the traffic and the convenience store. He is not opposed to the development but simply the convenience store. He is not a subject matter expert on traffic but he is on retail security. A convenience store has the highest amount of crimes in the country. It isn't appropriate to put a convenience store next to a residential neighborhood. The convenience store should be removed from the development.

**Chairman Rolfsen asked for a motion to take action on the request. Mr. Patton moved to approve the Zoning Map Amendment and Variance requests by Resolution to the City of Union based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Lunnemann seconded the motion.**

Chairman Rolfsen asked if the Board members had any questions or comments? Mr. Harper stated that he was not a security expert but has been in the convenience store industry. UDF puts up a very attractive store with big windows and good lighting. It is a good development area unlike an urban area, like downtown Philadelphia. The crime, if it occurs, will be reasonable. **Chairman Rolfsen asked for a vote based on the original motion made by Mr. Patton and seconded by Mr. Lunnemann. The motion passed unanimously.**

**NEW BUSINESS:**

**FLORENCE MAIN STREET STUDY, Matt Becher, Staff**

5. Request of the Boone County Planning Commission Technical/Design Review Committee to consider the Florence, Kentucky Main Street Study Zoning Update, which includes a series of Amendments to the Boone County Zoning Regulations and the Boone County Zoning Map. The approximately 77.6 acre Study Area is generally bounded by Burlington Pike to the north, Dixie Highway to the south, U.S. 42 to the west and Turfway Road to the east.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Todd Morgan, Staff**

6. Request of Jason Wisniewski and Hillary Laffin (applicants) for AF Investments LLC (owner) for a Change in an Approved Concept Development Plan in a Suburban Residential One/Planned Development (SR-1/PD) zone for an approximate 2.71 acre area located to the northwest of 9741 Spruce Lane and southeast of 7515 Shamrock Avenue, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to modify the unit count of Pod 6 of Ballyshannon Subdivision from 180 units to 189 units bringing the total unit count in Ballyshannon Subdivision to 938 units.

**ZONING MAP AMENDMENT – Todd Morgan, Staff**

7. Request of **Longbranch Development Inc., attn: Jason Wisniewski (applicant) for Ridgefield Farm LLC, Richard and Sandra Franks, and Peter and Jeanine Geise (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) and Agricultural Estate (A-2) to Suburban Residential One (SR-1) and Suburban Residential Two (SR-2), and a dimensional variance, for an approximate 184.77 acre area located at 2788, 2696, 2688, and 2636 Hathaway Road, Boone County, Kentucky. The request is for a zone change to allow single-family residential dwellings and a variance to reduce the side yard building setback requirements of the SR-2 zone.

**CHANGE IN CONCEPT DEVELOPMENT PLAN – Michael Schwartz, Staff**

8. Request of **Corporex, per of Nicole Chimento (applicant) for Corporex Parks KY Acres for Development, per Nicole Chimento (owner)** for a Change in Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for Area A: an approximate 4.8 acre area located at the southwest corner of the intersection of Mineola Pike with Interstate 275, and being immediately north of the property located at 3990 Olympic Boulevard; Area B: an approximate 0.9 acre area located along the north side of Olympic Boulevard, between Mineola Pike and Circleport Drive, approximately 750 feet northwest of Mineola Pike, and being immediately southeast of the property located at 3900 Olympic Boulevard; and Area C: an approximate 2.9 acre area located at 3990 Olympic Boulevard, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit commercial/retail space, a hotel, office space, and restaurants.

**Mr. Patton moved to schedule the Public Hearing for Items #6, #7 and #8 on November 3, 2021 at 7:30 p.m. and Item #5 on December 1, 2021 at 7:30 p.m. Mr. Schwenke seconded the motion and it passed unanimously.**

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Kevin P. Costello, AICP referred to his September 23, 2021 email to Board members regarding the promotion of Michael Schwartz to the Director, Zoning Services position effective October 11, 2021. In addition, the Executive Committee and Mr. Costello recommended to appoint Mr. Schwartz as the Zoning Administrator for the Boone County Fiscal Court and the Cities of Florence, Union and Walton in accordance with provisions in KRS 100.271. **Mr. Patton moved to appoint Mr. Schwartz as the Director, Zoning Services effective October 11, 2021 based upon the terms outlined in Mr. Costello's email and also appoint him as Zoning Administrator by Resolution to the Boone County Fiscal Court and the Cities of Florence, Union and Walton. Mr. Szurlinski seconded the motion and it passed unanimously.** Chairman Rolfsen congratulated Mr. Schwartz and he respected the work of Mr. Wall as Zoning Administrator and he knows Mr. Schwartz will do the same or exceed it.

**COMMITTEE REPORTS:**

**AIRPORT:** Mr. Bessler  
No Report

**ADMINISTRATIVE/PERSONNEL:** Mr. Lunnemann  
No Report

**ENFORCEMENT:** Mr. Bunger  
No Report

**LONG RANGE PLANNING/COMPREHENSIVE PLAN:** Mr. Schwenke  
No Report

**TECHNICAL/DESIGN REVIEW:** Mr. Harper  
No Report

**EXECUTIVE:** Chairman Rolfsen  
No Report

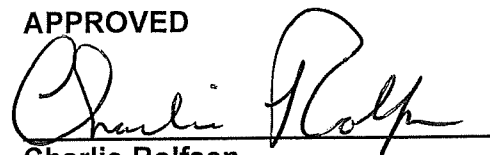
**CHAIRMAN:** Chairman Rolfsen  
No Report

**OKI:** Mr. Patton  
No Report

**OTHER:**

There being no further business to come before the Planning Commission, **Mr. Patton moved to adjourn the meeting. Mrs. Steele seconded the motion and it passed unanimously. The meeting was adjourned at 8:29 P.M.**

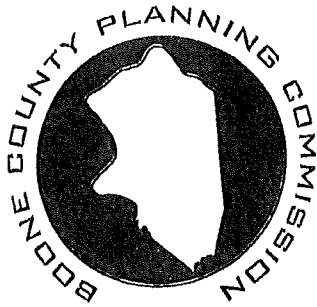
APPROVED

  
Charlie Rolfsen  
Chairman

Attest:

  
Kevin P. Costello, AICP  
Executive Director

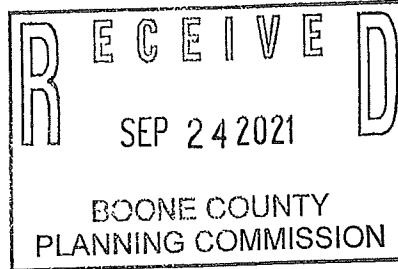
# SUPPORTING INFORMATION



# BOONE COUNTY PLANNING COMMISSION

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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Burlington, KY 41005



Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

September 21, 2021

Mr. Tim Grieve  
Thomas Graham Associates, Inc.  
803 Compton Road  
Cincinnati, OH 45231

RE: Request of Tim Grieve (applicant) for Bob Sumerel Tire Co. (owner) for a Change in Approved Concept Development Plan in a Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to permit a truck tire storage lot.

Dear Mr. Grieve:

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their September 15, 2021 meeting. If the property owner and developer agree to these conditions, please 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 Monday, October 4, 2021.

## CONDITIONS

1. Development shall be consistent with the revised Concept Development Plan, dated 8/19/21, except as modified by these conditions.
2. The existing billboard shall be removed from the site.
3. Storage on the site shall be limited to tires and their associated parts/components.
4. Stored items shall not be higher than the height of the fence.
5. The installation of landscaping may be delayed until the completion of the widening of Donaldson Highway, adjacent to the site.
6. The storage area and driveway shall be paved with asphalt concrete or Portland cement concrete, unless a waiver is granted by the zoning administrator pursuant to Section 3314 of the Boone County Zoning Regulations.

Mr. Tim Greive  
September 21, 2021  
Page 2

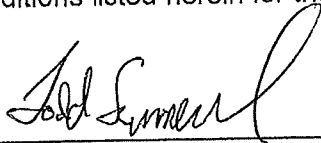
Sincerely,

Michael D. Schwartz  
Planner

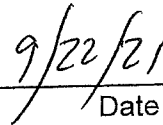
MDS/ss

AGREEMENT

We, the property owner and developer of the approximate 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change of Concept Development Plan.



\_\_\_\_\_  
Bob Sumerel Tire Co. (Owner)



\_\_\_\_\_  
Date

**ORDINANCE NO. 2021 - 35**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING WITH CONDITIONS, A REQUEST OF TIM GREIVE (APPLICANT) FOR BOB SUMEREL TIRE CO (OWNER) FOR A CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN IN AN INDUSTRIAL ONE/PLANNED DEVELOPMENT/HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (I-1/PD/HDO) ZONE FOR A 2.835 ACRE SITE LOCATED ON THE NORTH SIDE OF DONALDSON HIGHWAY, APPROXIMATELY 240 FEET WEST OF TURFWAY ROAD AND IMMEDIATELY WEST OF THE PROPERTY AT 1212 DONALDSON HIGHWAY, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN TO PERMIT A TRUCK TIRE STORAGE LOT.**

**WHEREAS**, the Boone County Planning Commission received a request for a Change in Approved Concept Development Plan in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky, which is more particularly described below; and,

**WHEREAS**, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Change in Approved Concept Development Plan.

**NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

**Section One**

That the request for a Change in Approved Concept Development Plan in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) zone for a 2.835 acre site located on the north side of Donaldson Highway, approximately 240 feet west of Turfway Road and immediately west of the property at 1212 Donaldson Highway, Boone County, Kentucky. The real estate, which is the subject of this request for a Change in Approved Concept Development Plan Amendment and is more particularly described in DEED BOOK. 312, PAGE NO. 39 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That as a basis for this approval for a Change in Approved Concept Development Plan request are the findings of fact, with conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."

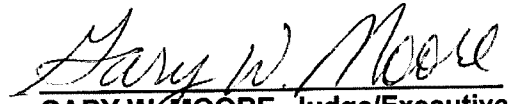
**Section Three**

This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading - the 26<sup>th</sup> day of Oct 2021

Second Reading - the 9<sup>th</sup> day of Oct, 2021


Adopted this 9<sup>th</sup> day of October, 2021. Yes  No

  
GARY W. MOORE, Judge/Executive  
Boone County Fiscal Court

Attest:

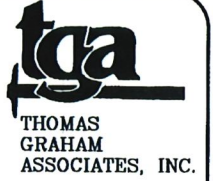
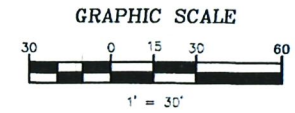
  
Shona Schulkers,  
Fiscal Court Clerk

**PROPOSED CONDITIONS LEGEND**

- 890 — INDICATES PROPOSED CONTOURS
-  INDICATES PROPOSED GRAVEL PAVEMENT
- x - x - INDICATES PROPOSED FENCE (6' HIGH) (SEE DETAIL THIS SHEET)
- R=25.0' INDICATES RADIUS DIMENSION

**EXISTING CONDITIONS LEGEND**

- - - 880 - - - INDICATES EXISTING INDEX CONTOUR ELEVATIONS
- - - 882 - - - INDICATES EXISTING INTERMEDIATE CONTOUR ELEVATIONS

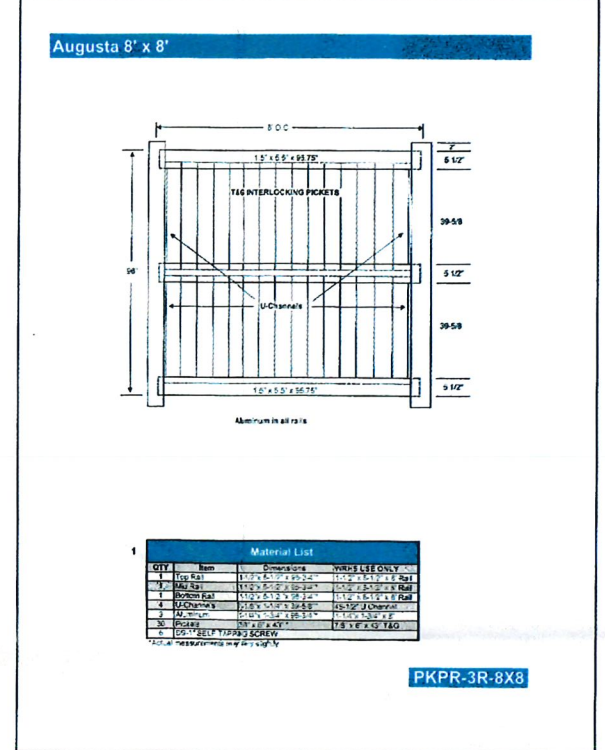


**THOMAS GRAHAM ASSOCIATES, INC.**  
 • Engineers  
 • Surveyors  
 803 Compton Road  
 Cincinnati, Ohio 45231  
 513-521-4760  
 Fax # 521-2439

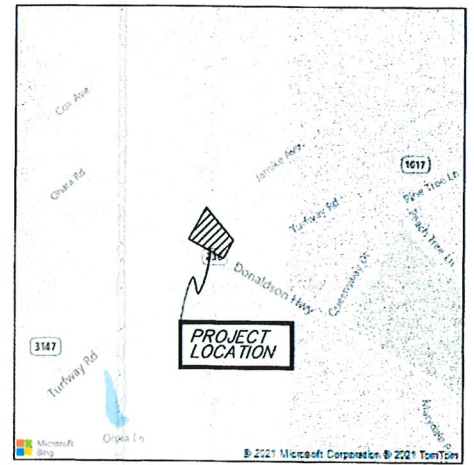
Date: **JUNE 9, 2021**  
 Scale: **1" = 30'**  
 Job No: **8333**

Revisions	
No.	Date
1	8/19/21

Change to Approved Concept Development Plan  
 APPROVED with Conditions  
 Staff: M. Schwartz  
 Date: 8/19/21  
 Boone County Planning Commission



FENCE DETAIL  
N.T.S.



SITE LOCATION MAP  
N.T.S.

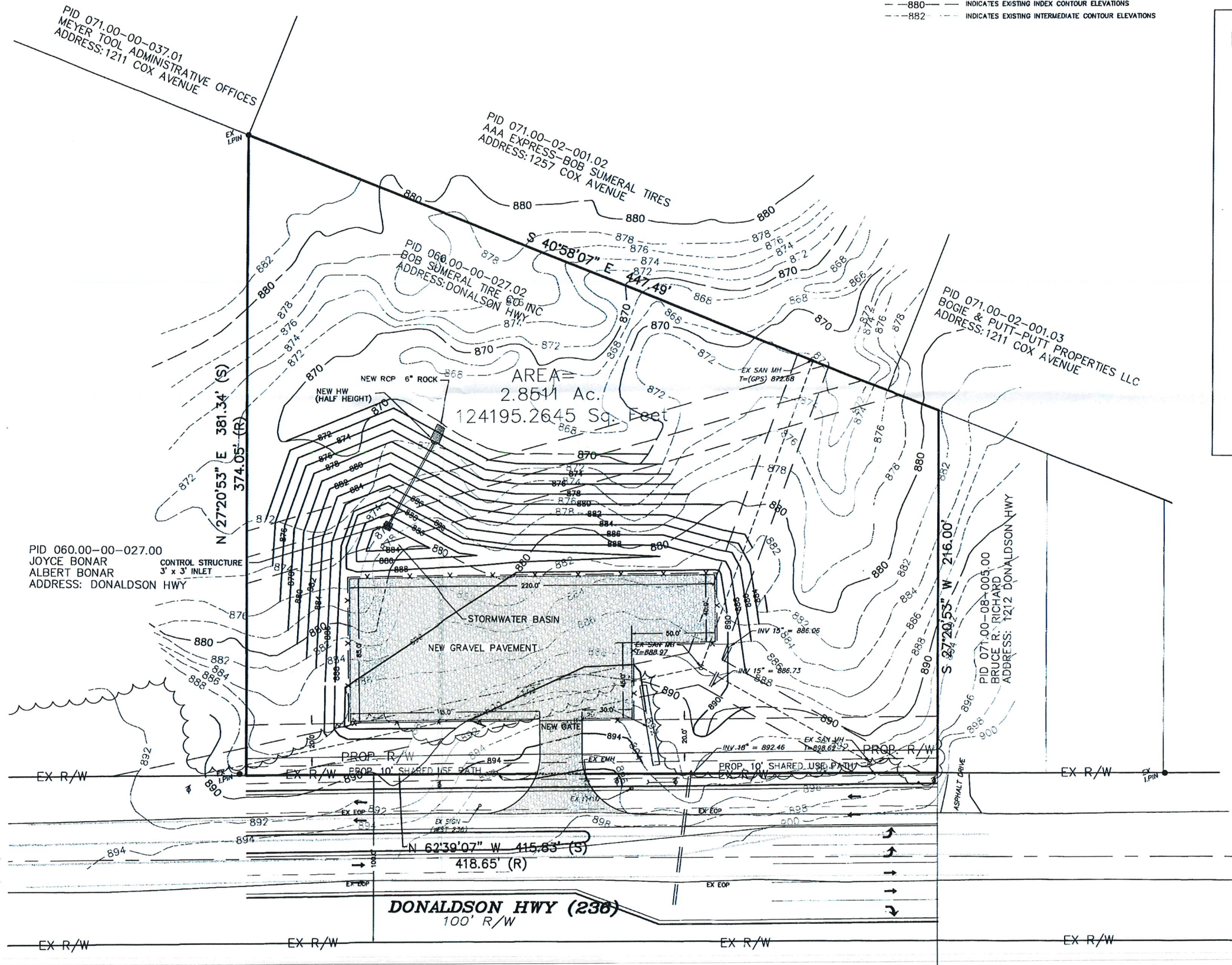


NOTE: Public Services is not part of the Underground Utilities Protection Agency and therefore must be notified separately.  
 The utility information shown on this plot, prepared by Thomas Graham Associates, Inc., was obtained from existing records. It is the contractor's responsibility to verify their existence and location, and to contact the appropriate utility company for field locations.

**CONCEPT DEVELOPMENT PLAN**  
 PROJECT: NEW GRAVEL LOT  
 CITY OF FLORENCE  
 BOONE COUNTY, COMMONWEALTH OF KENTUCKY

**RECEIVED**  
 AUG 31 2021  
 BOONE COUNTY PLANNING COMMISSION

ACAD FILENAME: 8333\_SUMERAL\_KY.dwg



# SPECIFICATIONS

## GENERAL PLANTING NOTES

- \*CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES AND HAVE ALL LINES MARKED PRIOR TO COMMENCING WORK.
- \*PROVIDE QUALITY SIZE, GENUS, SPECIES, AND VARIETY OF EXTERIOR PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANS 260.1, "AMERICAN STANDARD FOR NURSERY STOCK."
- \*FURNISH NURSERY-GROWN TREES AND SHRUBS COMPLYING WITH ANS 260.1, WITH HEALTHY ROOT SYSTEMS DEVELOPED BY TRANSPANTING OR ROOT PRUNING. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK, FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT.
- \*PROVIDE TREES AND SHRUBS OF SIZES AND GRADES COMPLYING WITH ANS 260.1 FOR TYPE OF TREES AND SHRUBS REQUIRED. TREES AND SHRUBS OF A LARGER SIZE MAY BE USED, IF ACCEPTABLE TO LANDSCAPE ARCHITECT, WITH A PROPORTIONATE INCREASE IN SIZE OF ROOTS OR BALLS.
- \*IF FORMAL ARRANGEMENTS OR CONSECUTIVE ORDER OF TREES OR SHRUBS IS SHOWN, SELECT STOCK FOR UNIFORM HEIGHT AND SPREAD, AND NUMBER LABEL TO ASSURE SYMMETRY IN PLANTING.
- \*LABEL AT LEAST ONE TREE AND ONE SHRUB OF EACH VARIETY AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING LEGIBLE DESIGNATION OF BOTANICAL AND COMMON NAME.
- \*LANDSCAPE ARCHITECT MAY OBSERVE TREES AND SHRUBS EITHER AT PLACE OF GROWTH OR AT SITE BEFORE PLANTING FOR COMPLIANCE WITH REQUIREMENTS FOR GENUS, SPECIES, VARIETY, SIZE, AND QUALITY. LANDSCAPE ARCHITECT RETAINS RIGHT TO OBSERVE TREES AND SHRUBS FURTHER FOR SIZE AND CONDITION OF BALLS AND ROOT SYSTEMS, INSECTS, INJURIES, AND LATENT DEFECTS AND TO REJECT UNSATISFACTORY OR DEFECTIVE MATERIAL AT ANY TIME DURING PROGRESS OF WORK. REMOVE REJECTED TREES OR SHRUBS IMMEDIATELY FROM PROJECT SITE.
- \*TOPSOIL SHALL BE ASTM D 5268, pH RANGE OF 5.5 TO 7, A MINIMUM OF 4 PERCENT ORGANIC MATTER, CONTENTS FREE OF STONES 1 INCH OR LARGER IN ANY DIMENSION AND OTHER EXTRANEANOUS MATERIALS HARMFUL TO PLANT GROWTH.
- \*COMPOST SHALL BE WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, pH RANGE OF 5.5 TO 8; MOISTURE CONTENT 35 TO 55 PERCENT BY WEIGHT; 100 PERCENT PASSING THROUGH ONE INCH SIEVE; SOLUBLE SALT CONTENT OF 5 TO 10 DECIGRAMS/KG; NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS.
- \*FERTILIZER TO BE SLOW-RELEASE GRANULAR OR PELLETED CONSISTING OF 50 PERCENT WATER-INSOLUBLE NITROGEN, PHOSPHORUS, AND POTASSIUM IN AMOUNTS RECOMMENDED FOR TYPE OF PLANT BEING GROWN.
- PREPARATION AND PLANTING**
- \*LOCATE ALL UNDERGROUND UTILITIES PRIOR TO STARTING WORK. IF A PLANT IS SHOWN ON THE PLAN WITHIN THREE FEET OF AN UNDERGROUND UTILITY, NOTIFY LANDSCAPE ARCHITECT FOR ADJUSTMENT INSTRUCTIONS.
- \*PROTECT STRUCTURES, UTILITIES, SIDEWALKS, PAVEMENTS, AND OTHER FACILITIES, AND LAINS AND EXISTING EXTERIOR PLANTS FROM DAMAGE CAUSED BY PLANTING OPERATIONS.
- \*PROVIDE EROSION-CONTROL MEASURES TO PREVENT EROSION OR DISPLACEMENT OF SOILS AND DISCHARGE OF SOIL-BEARING RUNOFF OR AIRBORNE DUST TO ADJACENT PROPERTIES AND WALKWAYS.
- \*LAYOUT INDIVIDUAL TREE AND SHRUB LOCATIONS AND AREAS FOR MULTIPLE EXTERIOR PLANTINGS. STAKE LOCATIONS, OUTLINE AREAS, ADJUST LOCATIONS WHEN REQUESTED, AND OBTAIN LANDSCAPE ARCHITECT'S ACCEPTANCE OF LAYOUT BEFORE PLANTING. MAKE MINOR ADJUSTMENTS AS REQUIRED.
- \*TREES SHALL BE SITED IN FIELD BY LANDSCAPE ARCHITECT WHERE NOTED ON PLANS.

- \*ALL PLANTING BEDS ARE TO BE PREPARED AS FOLLOWS:
  - LOOSEN SUBGRADE TO A DEPTH OF 4 - 6". REMOVE STONES LARGER THAN 1" IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEANOUS MATTER, AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
  - SPREAD COMPOST AT A DEPTH OF 4 - 6" AND TILL WITH LOOSENED SUBGRADE, MIXING THOROUGHLY.
  - GRADE PLANTING BEDS TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORMLY FINE TEXTURE. ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSIONS TO MEET FINISH GRADES.
  - EDGE BEDS 3 - 4" DEEP (SEE DETAIL).
- ADDITIONAL PREPARATION FOR PERENNIAL BEDS:
  - PROVIDE A TOTAL OF 6" OF COMPOST AND 6" UNSHREDED TOPSOIL, THOROUGHLY BLEND MIXTURE. DO NOT COMPACT. MULCH WITH MINI PINE NUGGETS, 100% COVERAGE. LANDSCAPE ARCHITECT TO OBSERVE AND APPROVE.

- \*ALL PLANTS ARE TO BE INSTALLED WITH ORGANIC BIO-TONE STARTER (A MYCORRHIZAL FUNGI STIMULANT)
- \*AND TRICHODERMA ABSORBENT GEL PER MANUFACTURER'S SPECIFICATIONS ON INSTALLATION MEANS AND METHODS AND APPLICATION RATES.

Type of Plants Normal Planting Dates  
 Non-Container Grown, Deciduous October 1 to April 1  
 Non-Container Grown, Other October 1 to May 1  
 Non-Container Grown, Other October 1 to May 1  
 Container Grown, All Year-Round, if suitable precautions are taken to protect the stock from extremes of moisture and temperature, if there is a doubt, obtain a variance or a performance bond

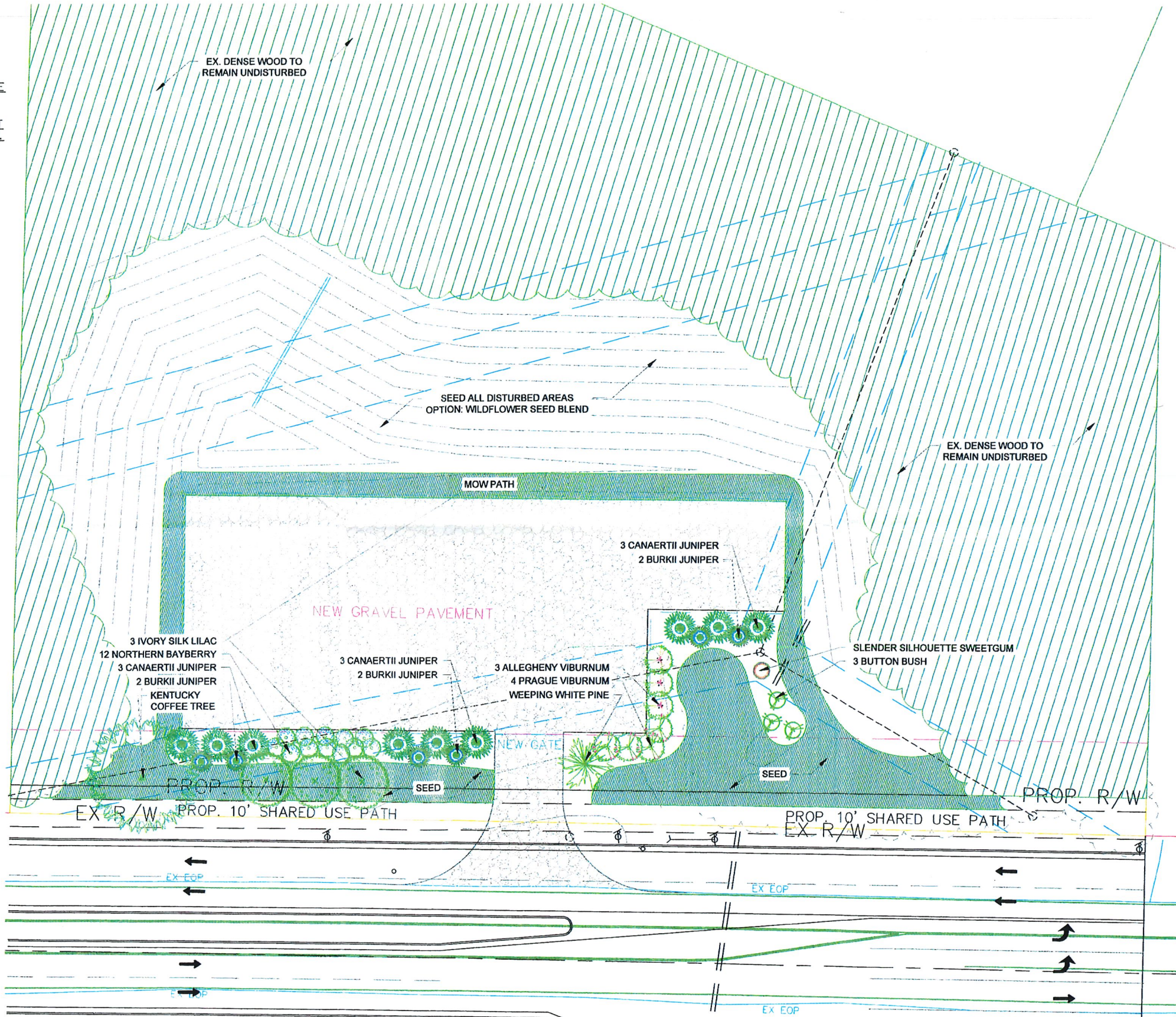
ABSOLUTELY NO PLANT SUBSTITUTIONS WITHOUT WRITTEN PERMISSION OF THE MUNICIPALITY ZONING STAFF, CLIENT REPRESENTATIVE AND/OR LANDSCAPE ARCHITECT

BOB SUMEREL TIRE			
PLANT KEY			8/31/2021
QNT	SIZE	COMMON	LATIN
1	2.5 in	Kentucky Coffeetree	Gymnocladus dioicus
1	3 in	Sweetgum slender silhouette	Liquidambar styraciflua 'Slender Silhouette'
3	3 in	Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'
1	6'-7'	Weeping White Pine	Pinus strobus 'Pendula'
3	3 gal	Buttonbush	Cephalanthus occidentalis
12	3 gal	Northern Bayberry	Myrica pensylvanica
4	36 in	Prague Viburnum	Viburnum x pragense
3	30"-36"	Alleghany Viburnum	Viburnum x rhytidophylloides 'Alleghany'
6	6'	Burkii Juniper	Juniperus virginiana 'Burkii'
9	6'	Canaertii Juniper	Juniperus virginiana 'Canaertii'

ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE OH OR KY DEPARTMENT OF TRANSPORTATION "CONSTRUCTION AND PROJECT MANAGEMENT SPECIFICATIONS". IN THE EVENT OF A CONFLICT THE MORE STRINGENT STANDARD SHALL APPLY.

- \*NOTIFY LANDSCAPE ARCHITECT IF SUBSOIL CONDITIONS SHOW EVIDENCE OF UNEXPECTED WATER SEEPAGE OR RETENTION IN TREE OR SHRUB PITS.
- \*NOTIFY LANDSCAPE ARCHITECT IF A LIGHT FIXTURE OR OTHER UTILITY HAS BEEN BUILT WITHIN 10' OF PROPOSED TREE.
- \*ALL PLANTS ARE TO BE FERTILIZED WITH A SLOW-RELEASE FERTILIZER PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
- \*REFER TO TYPICAL PLANTING DETAILS FOR PLANT INSTALLATION.
- \*IT IS THE CONTRACTOR'S OPTION WHETHER OR NOT TO STAKE A TREE, BUT IT IS ALSO THE CONTRACTOR'S RESPONSIBILITY TO ASSURE PLANTS REMAIN IN AN UPRIGHT POSITION UNTIL THE END OF THE WARRANTY PERIOD.
- \*ALL PLANTING BEDS AND INDIVIDUAL TREES AND SHRUBS ARE TO BE MULCHED AT A DEPTH OF 3". APPLY PRE-EMERGENT HERBICIDE BEFORE MULCHING PER MANUFACTURER'S WRITTEN INSTRUCTIONS.
- \*FOR ALL PLANT MATERIALS, PRUNE TO REMOVE DEAD OR INJURED BRANCHES ONLY, UNLESS OTHERWISE DIRECTED BY LANDSCAPE ARCHITECT.
- \*IT IS THE CONTRACTOR'S RESPONSIBILITY TO:
  - KEEP ADJACENT PAVINGS AND CONSTRUCTION CLEAN, AND MAINTAIN WORK AREA IN AN ORDERLY CONDITION, FOR DURATION OF PROJECT.
  - PROTECT EXTERIOR PLANTS FROM DAMAGE DUE TO LANDSCAPE OPERATIONS, OPERATIONS BY OTHER CONTRACTORS AND TRADES, AND OTHERS. MAINTAIN PROTECTION DURING INSTALLATION AND MAINTENANCE PERIODS, TREAT, REPAIR, OR REPLACE DAMAGED EXTERIOR PLANTING.
  - REMOVE SURPLUS SOIL AND WASTE MATERIAL, INCLUDING EXCESS SUBSOIL, UNSUITABLE SOIL, TRASH, AND DEBRIS, AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
- \*CONTRACTOR SHALL PROVIDE OWNER WITH A WRITTEN WARRANTY FOR LABOR AND MATERIALS.
- \*CONTRACTOR SHALL WARRANT EXTERIOR PLANTS AGAINST DEFECTS, INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM LACK OF ADEQUATE MAINTENANCE, NEGLECT OR ABUSE BY OWNER, OR INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.
- \*WARRANTY SHALL INCLUDE SPECIFIC WARRANTY PERIODS FOR TREES AND SHRUBS, SEED INSTALLATION, GROUND COVERS, AND OTHER EXTERIOR PLANTS.
- \*SERVICES PROVIDED BY WARRANTY SHALL INCLUDE:
  - MAINTAINING UPRIGHT POSITION OF EXTERIOR PLANTINGS DURING WARRANTY PERIOD.
  - IMMEDIATE REMOVAL OF DEAD EXTERIOR PLANTS AND IMMEDIATE REPLACEMENT, UNLESS REQUIRED TO PLANT IN THE SUCCEEDING PLANTING SEASON.
  - REPLACEMENT OF EXTERIOR PLANTS THAT ARE MORE THAN 25 PERCENT DEAD OR IN UNHEALTHY CONDITION AT END OF WARRANTY PERIOD.
- \*WARRANTY SHALL BE LIMITED TO ONE REPLACEMENT OF EACH EXTERIOR PLANT, EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE OF CONTRACTOR TO COMPLY WITH REQUIREMENTS.
- \*PERFORM A SOIL TEST FOR SEED NEEDS, AND FERTILIZE AS REQUIRED FOR SUCCESSFUL GERMINATION.
- \*TILL AREA TO BE SEED TO A DEPTH OF 4". RAKE TILLED AREA TO REMOVE DEBRIS 1" OR LARGER IN SIZE THAT HAS BEEN BROUGHT TO THE SURFACE DURING TILLING.
- \*SEED WITH APPROPRIATE MIXTURE AT THE MANUFACTURER'S WRITTEN RECOMMENDED RATE.
- \*RAKE SEED LIGHTLY INTO TOP OF TOPSOIL, ROLL LIGHTLY, AND WATER WITH FINE SPRAY.
- \*PROTECT SEEDING AREAS WITH SLOPES EXCEEDING 1:6 AND/OR SWALES/ AREAS OF HIGHER WATER FLOW WITH EROSION-CONTROL FIBER MESH INSTALLED AND STAPLED ACCORDING TO MANUFACTURER'S WRITTEN INSTRUCTIONS.
- \*SEED CONTRACTOR SHALL IDENTIFY THESE POTENTIAL AREAS OF EROSION AND PROVIDE MEANS TO MITIGATE SUCH.
- \*PROTECT ALL OTHER SEEDING AREAS BY SPREADING STRAW MULCH AT A UNIFORM RATE OF 2 TONS PER ACRE TO FORM A CONTINUOUS BLANKET 1-1/2" IN LOOSE DEPTH OVER.
- \*SEED INSPECTION SHALL BE PERFORMED TO WARRANT A 90% GERMINATION, YIELDING BOX OPACITY WITHIN 90 DAYS OR INSTALLATION.
- \*SEED ONLY AS THE WEATHER AND TEMPERATURE ALLOWS FOR SUCCESS.

- MULCH TO BE FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS. GRADE A MATERIALS APPLY TO 100 PERCENT OPACITY TO LAST 7 MONTHS WITHOUT ANY ADDITIONAL TOP DRESSING. DEPTH WILL VARY DEPENDING ON PRODUCT INSTALLED. TYPICALLY 3" DEPTH
- PROVIDE CLIENT OR CLIENT REPRESENTATIVE WITH PRICE AND A SAMPLE OF THE FOLLOWING OPTIONS:
  - LONG LASTING DYED BLACK MULCH DOUBLE SHREDED
  - DYED BROWN MULCH DOUBLE SHREDED
  - DOUBLE SHREDED HARDWOOD BLEND
  - CYPRESS MULCH
  - MINI PINE NUGGET
  - MINI PINE FINES
  - PINE STRAW
  - PREMIUM WOOD CHIP
  - WOOD CHIP



8/31/2021  
 SCALE AT 22X34:  
 1" = 20'  
 LANDSCAPE PLAN  
 BOB SUMEREL TIRE  
 DONALDSON ROAD, KY

BOB SUMEREL TIRE  
 DONALDSON ROAD, KY

GAYLE A. FRAZER  
 REGISTERED LANDSCAPE ARCHITECT