

CHANGE IN CONCEPT DEVELOPMENT PLAN

OR

THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

(Concept Development Plan) BOONE COUNTY PLANNING COMMISSION (See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Check One: [X] Change in Concept Development Plan [ ] Utilization of an Underlying Zone [ ] Planned Development (Concept Dev. Plan)
2. Name of Project: MERCHANT SQUARE
3. Location of Project: KY. 18, BOONE COUNTY
4. Total Acreage of Site: ONE
5. Current Zoning: C2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable): 8/1/90
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study)
8. Proposed Uses (please specify each use): RETAIL SALES (AUTOMOTIVE)
9. Proposed Building Intensities (please specify)
10. Have you submitted a Concept Development Plan?
11. Are you also applying for: [NO] Conditional Use Permit [NO] Dimensional Variance
12. Name of Applicant(s): TIRE DISCOUNTERS, WILLIAM H. WOOD
Phone Number: (513) 527-3104 X307 Fax No.: (513) 527-3103
13. Address of Applicant(s): 7525 WOOSTER PIKE
CINCINNATI OHIO 45227
City State Zip
14. Name of Property Owner(s): ~~MARLENE~~ R.C. DURR AND RICHARD CRIST
Phone Number: 371-0700 Fax No.
15. Address of Property Owner(s): 8100 BURLINGTON PIKE
FLORENCE KY 41042
City State Zip
16. Are there any existing buildings on the site? NO
How many?
17. Deed Book Page No. Group No.
18. Have you had a pre-application meeting with BCPC Staff? NO

(over)

EXHIBIT "A"

# STAFF REPORT

Request of Tire Discounters (applicant) for R.C. Durr, and Richard Crist (owners) for a change in a previously approved Concept Development Plan on an approximately one acre site located at Fuller Street and KY 18, Boone County, Kentucky. The request is to allow a tire store in the Commercial Two/Planned Development (C-2/PD) zone.

JUNE 22, 1994

## Description of Request

This request is for a change in a previously approved Concept Development Plan for one lot in Merchants Square Subdivision. The Concept Development Plan was approved in 1990, and indicates a restaurant use for the lot in question. The applicant intends to construct a tire store, known as Tire Discounters. The approved restaurant was one of two on the KY 18 frontage for a total of 10,000 square feet of restaurant area. Although Merchant's Square has changed in lot layout since 1990, the street pattern is similar.

## Surrounding Land Uses and Zoning

- North - Across Bankers Street is vacant lot in Merchants Square, zoned C-2/PD, approved for retail center.
- East - Across Fuller Street is a vacant lot in Merchants Square, zoned C-2/PD, approved for a restaurant.
- South - Across KY 18 is property approved for a car dealership, zoned C-3, and single-family residential, zoned SR-2.
- West - Super America gas station and convenience store under construction, zoned C-2/PD.

## Relationship to Comprehensive Plan

The 1990 Boone County Comprehensive Plan recognizes that this particular area should develop in a commercial manner, but stresses that traffic and visual impacts of this development should be carefully addressed along KY 18.

The 1992 Houston-Donaldson Study is much more specific, and serves as the official land use and infrastructure guide for the area. The Study incorporated the approved 1990 Merchants Square Concept Development Plan and its approved uses. Commercial uses that serve traffic already in the area are recommended over uses that draw new traffic into the area. The Study recognizes the high visibility of the location. Most of the access provisions recommended in the Study have been provided for, however, the location of the driveways that serve this use should be carefully reviewed.

One important aspect of the Study is Site Design, including Architectural Design Review. The Study recommends that approximately 22 percent of each commercial site consist of functional green space. The most important architectural considerations will include the orientation of the building and consistency of the building materials with adjacent structures, as well as the effective screening of HVAC equipment, dumpsters, storage, and bay doors.

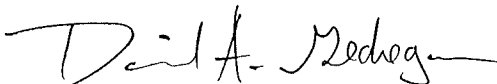
#### Staff Concerns

1. The approved Concept Development Plan generally contained a mixture of restaurants and professional services consistent with the Fuller Square development. Staff believes that this character is more appropriate for the area than the many automobile related developments that have been approved but not constructed along KY 18.
2. Staff has viewed examples of the architecture of Tire Discounters at other locations, and is of the opinion that the building orientation and building materials need to be changed to be sensitive to such a highly visible location. Staff suggests a brick facade material similar to that of Super America for all sides of the building, as well as a building orientation that helps screen the bay doors from KY 18.
3. The proposed driveway on Fuller Street may need to be moved further from KY 18 to allow adequate weaving space. In addition, a driveway connection to this site has been approved on the Super America site.
4. Signage must comply with the Houston-Donaldson Study.

#### Conclusion

The Planning Commission and Fiscal Court need to carefully consider the visual impact of this business on the KY 18 corridor. Should the request be approved, no changes to the Comprehensive Plan or Houston-Donaldson Study would be needed.

Respectfully Submitted,

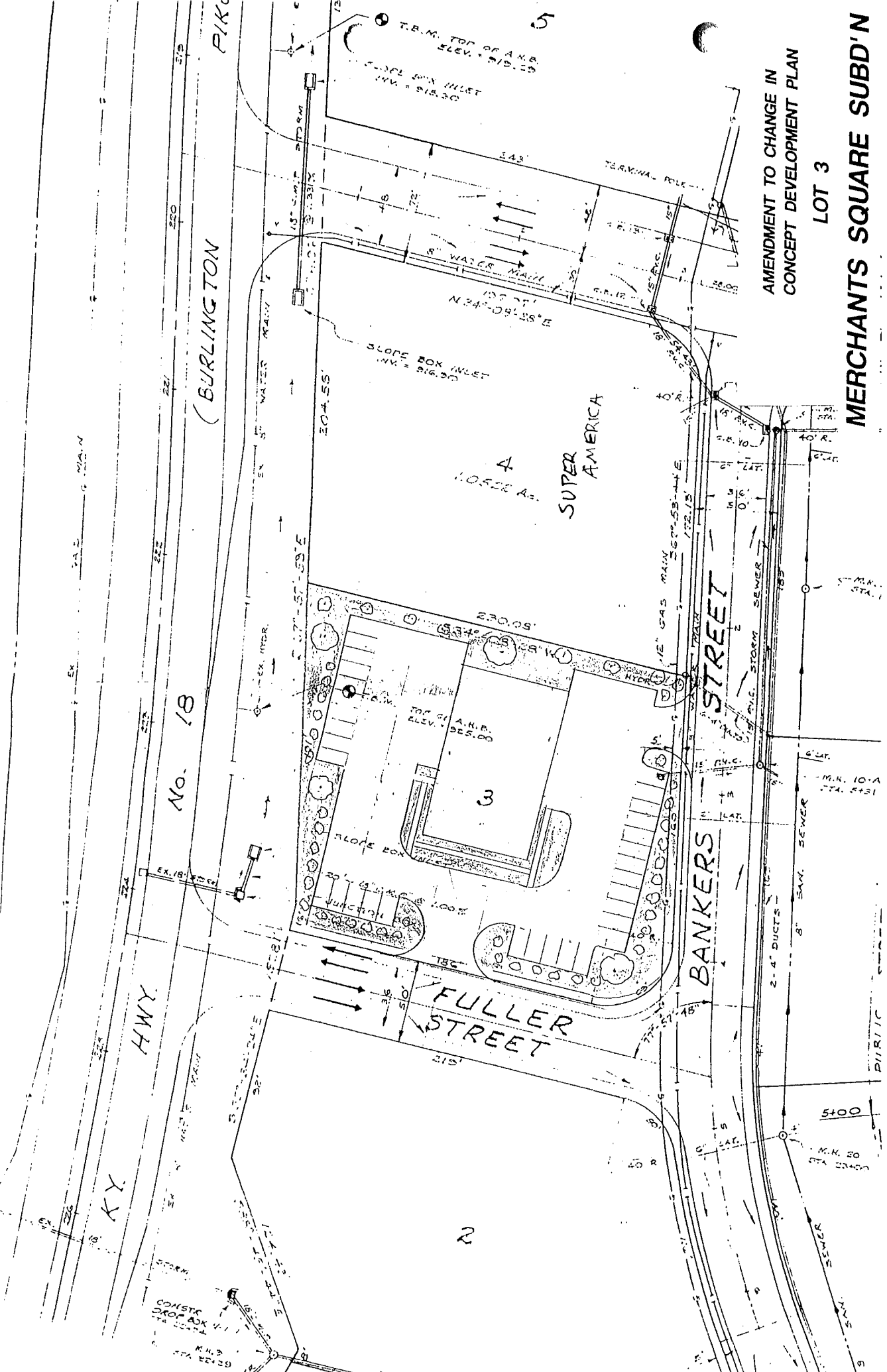


David A. Geohegan, AICP  
Senior Planner

AMENDMENT TO CHANGE IN  
CONCEPT DEVELOPMENT PLAN

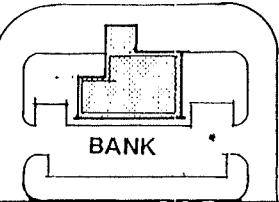
LOT 3

MERCHANTS SQUARE SUBD'N

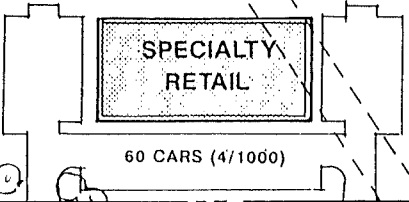


SR-2

TIRE DISCOUNTERS SITE



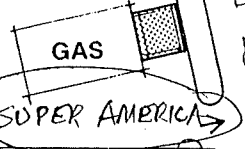
BANK



SPECIALTY RETAIL

60 CARS (4/1000)

KY. 18/HOUSTON RD. CONNECTOR (DEDICATED)



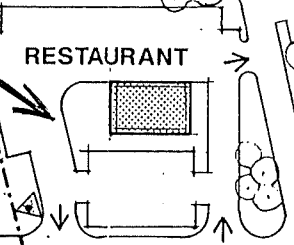
GAS

SUPER AMERICA



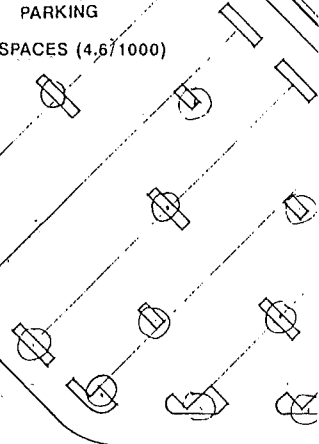
EXTERNAL RETAIL

B'SHOPS



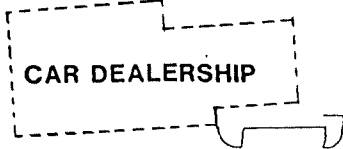
RESTAURANT

ENTRY SIGN ON PYLON



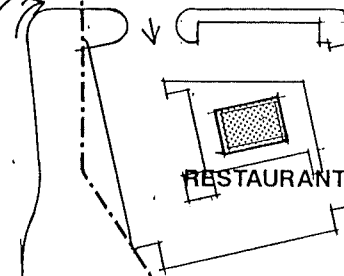
PARKING

± 530 SPACES (4.6/1000)



CAR DEALERSHIP

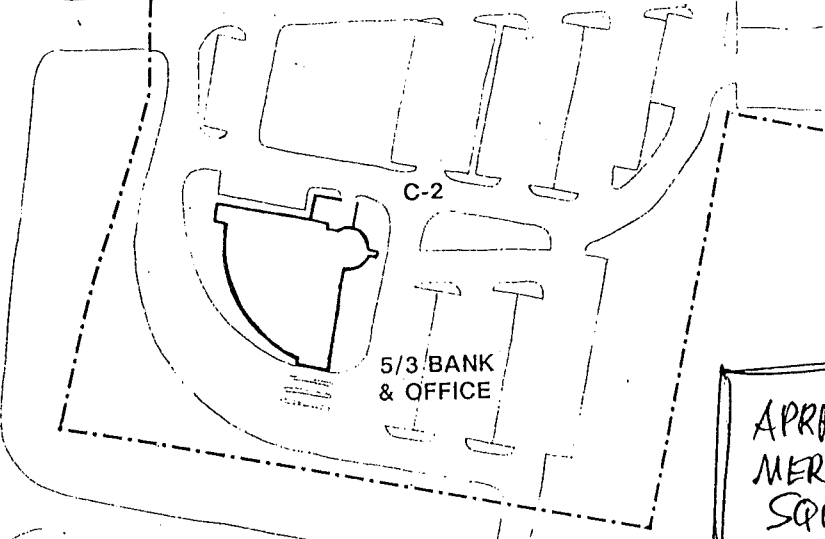
C-2



RESTAURANT



CAR DEALERSHIP



5/3 BANK & OFFICE

C-2

HOPEFUL ROAD

APPROVED 1990 MERCHANT'S SQUARE PLAN

2033B

HOUSTON

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Ries, Mrs. Smith - Secretary/Treasurer, and Mr. White.

Mrs. Smith introduced the third item on the Agenda:

3. Applicant: Tire Discounters for  
R. C. Durr and Richard Crist (owners)

Request: Change in Concept Development Plan

The request of Tire Discounters (applicant) for R. C. Durr and Richard Crist (owners) for a change in a previously approved Concept Development Plan on an approximate one-acre site located at Fuller Street and KY 18, Boone County, Kentucky. The request is to allow a tire store in the Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Dave Geohegan presented the Staff report which included a slide presentation (see Staff Report).

Mrs. Smith asked for the applicant's presentation.

Mr. Jim Berling, engineer for the request, advised that Mr. Chip Wood, the applicant and owner of Tire Discounters, was also present. Mr. Berling stated that the site was approved for a restaurant. He knows that traffic is a big concern in the area. On the previously approved Concept Development Plan there are two curb cuts on Fuller Street and one on Bankers Street. They have reduced the curb cuts to one on each street. The one on Fuller Street is 200 feet from the center line of KY 18 and they have constructed a four-lane road to allow for turning movements. They have about 25 customers a day, compared to what would be there for a fast food restaurant. In regard to traffic, they feel that they have greatly improved what was previously approved. They are at 22% green space. In regard to connecting to SuperAmerica, he stated that they can or cannot do that -- it is up to the Commission and they do not have strong feelings about it. In regard to the architecture and curb appeal, and how to find it to be in conformance with the adjacent developments, he stated that Mr. Wood has done quite a few of these and they have their own architectural style, which is sort of a logo -- but there is probably some room to work together in this regard.

Mr. Chip Wood distributed brochures to the Commission which included a traffic study done by Jack Pflum at their other Kentucky location. He stated that they specialize in the retail sale of tires and wheels and light duty repairs, which are repairs that fall within a one-hour timeframe -- such as front end alignments, brake jobs, or oil changes. They do all of their work inside the shop. They have been in business since 1976. He stated that they include everything at one price, which is their specialty. There are no hidden charges. They have a store in Cold Spring and this would be their second store in Kentucky. Their customers

are almost always from the local neighborhood or commuters going by. He stated that people only buy tires about every 2.5 years and will go to a place they have been driving by. People usually go to the place closest to their house because it is the easiest. They know they will service everyone who lives out KY 18 and commutes, and that will be their market. They have between 20 and 25 customers a day. He referred to the traffic study included in the packet and stated that the traffic is generally a lot lighter than a restaurant or a gas station.

Mr. Wood stated that they feel they will be an asset to Boone County because there is no one like them to service the community. He stated that there aren't any places to get your car fixed. He noted the pictures included in the booklet and stated that the pictures of the store on Colerain Avenue were included to show a store they have had open for a while that still looks new, and it has a softer look on the facia -- which is what they would like to have on the subject store.

Mr. McMillian questioned the flags Tire Discounters puts out when they have a sale. Mr. Wood advised that they did that a few years ago, but since 1988 they have not been able to do business that way. The flags are outlawed in some areas and they do not use them any more.

Mr. Ries stated that he likes the proposed access. He noted that there is no access onto KY 18, and he is in favor of that. He stated that they are going into a compatible area for what they are doing and not affecting any residential areas.

Mr. Kirby questioned if this would be an 8-bay store, and Mr. Wood agreed that it would be. Mr. Kirby noted that the roof looks like a flat, rubber roof. Mr. Wood agreed and added that the mechanics are on the roof. The facia serves as a parapet for the roof equipment.

Mr. Kirby noted that the Commission has encouraged the connecting of adjacent lots. He stated that it is conceivable that someone would want to go over and get gas, or that someone getting gas may want to go over and get tires without going back out on the roadway. Mr. Wood stated that he would be open to working with the Staff in this regard. He stated that they generate much less traffic and would prefer not to connect from a safety standpoint, but they realize the connection would be good from a convenience standpoint. Mr. Kirby stated that there is safety and convenience in not having to get back out onto the main road when shopping adjacent uses. In regard to stacking distance, Mr. Kirby questioned how far the entrance would be from what will probably be a stop light. Mr. Berling stated that there would be room to stack over four cars, but less than five cars.

Mr. Owens questioned the signage, and asked if there would be a large pole sign. Mr. Wood stated that they would address the signage based on the current requirements. He would like to have a pole sign on KY 18, if it is allowed, and have their name on the front of the building. They might like to have a ground sign on Bankers Street since they will not have a sign on the back of the building. He stated that the signage would be within the zoning requirements and he will not ask for a Variance.

Mr. Owens noted that the site falls under the Houston-Donaldson Study. Mr. Geohegan advised that they would be allowed two building-mounted signs and one smaller monument sign of 24 square feet. He believes that the SuperAmerica sign is larger as it was approved prior to the revision of the Houston-Donaldson Study.

There being no further comments, Mrs. Smith stated that the Committee Meeting for this item will be on June 27, 1994 at 1 P.M. in the Claxon Room of the Ellis Extension Building. This item will be on the Agenda for the Business Meeting on July 6, 1994 at 8 P.M..

Mrs. Smith closed this Public Hearing.

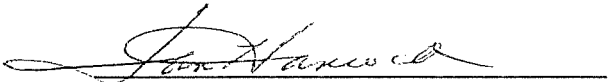
APPROVED:



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Carol Smith, Secretary/Treasurer

Attest:



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Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING

July 6, 1994  
8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Gayle McElroy  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mrs. Linda Schaffer  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Kirby, Jr.  
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director  
Mr. Dave Geohegan, AICP  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Robert Jonas  
Mr. Mitch Light  
Mr. Dean Niemeyer

impacted by the expansion to KOI is significantly increased. Because of the impact this development represents to the residential neighborhood, it is not in agreement with the Land Use Element as referenced in the Staff Report; and (5) The proposed Concept Development Plan indicates a distribution center based on the Minutes of the May 25, 1994 Public Hearing, and not as a warehouse for the existing retail operation which is permitted within a Commercial Two (C-2) Zone. As the applicant presented at the Public Hearing, the operation of the facility would be approximately 70 percent wholesale and 30 percent retail. This identifies clearly that the proposed use would not be permitted within a Commercial Two (C-2) Zone because of the predominant wholesale function of the building. The use would be permitted within an Industrial One (I-1) Zone which allows the wholesale trade of automobile parts and accessories. In addition, the use of this facility as a distribution center will generate additional traffic beyond that of a retail use. Mr. Ries seconded the motion.

Chairman Viox asked for a roll call vote on the motion which found Mrs. Arnett, Mr. Bailey, Mr. McMillian, Mr. Ries, Mrs. Schaffer, Mr. White, and Chairman Viox in favor. Mr. Burch, Mr. Damstrom, Mr. McElroy, Mr. Owens, and Mrs. Smith were opposed. Mr. Neltner abstained. There were 7 votes in favor, 5 opposed, and 1 abstention. The motion carried.

Counselor Wilson advised that the Commission's action is a recommendation to the City of Florence. The City may go along with the recommendation or override it. The city has the final say.

3. Change in Concept Development Plan

The request of Tire Discounters (applicant) for R. C. Durr and Richard Crist (owners) for a change in a previously approved Concept Development Plan on an approximate one-acre site located at Fuller Street and KY 18, Boone County, Kentucky. The request is to allow a tire store in the Commercial Two/Planned Development (C-2/PD) Zone.

Staff Member Dave Geohegan presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant/agent for the owner has signed the letter agreeing to the conditions.

There being no discussion, Mr. Ries moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. McElroy seconded the motion and it carried unanimously.

4. Change in Concept Development Plan

The request of Bayer Becker Engineers (applicant) for SFR Properties (owner) for a change in a previously approved Concept Development Plan on a 1.12-acre site zoned Commercial Services (C-3). The request is to allow a Simon & Fischer Mitsubishi dealership at the corner of Greenview Drive and KY 18, Boone County, Kentucky.

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Gayle McElroy, Chairman

DATE: July 6, 1994

RE: Request of Tire Discounters (applicant) for R.C. Durr, and Richard Crist (owners) for a change in a previously approved Concept Development Plan on an approximately one acre site located at Fuller Street and KY 18, Boone County, Kentucky. The request is to allow a tire store in the Commercial Two/Planned Development (C-2/PD) zone.

### REMARKS:

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

### Findings of Fact

1. The request is generally in conformance with the 1990 Boone County Comprehensive Plan and the Houston-Donaldson Study which recommend commercial uses for this area that are consistent with surrounding uses and that minimize traffic congestion and access along KY 18.
2. The Committee believes that the proposed use is consistent with existing and approved car dealerships along this portion of KY 18 and the adjacent Super America.

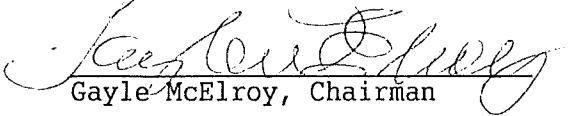
### Conditions

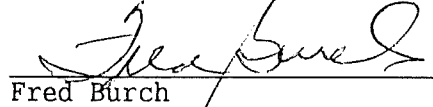
These conditions are included to help clarify the Concept Development Plan presented by the applicant and address comments heard at the public hearing.

1. The applicant agrees to revise the architecture of the building to be consistent with nearby buildings, if required through Architectural Design Review. This may require different facade materials or architectural details.
2. The applicant agrees to rotate the building to whatever orientation results in the least visual impact of the service bay doors on KY 18.
3. The applicant agrees to pave a driveway connection to the Super America site if required by the Planning Commission Staff at Site Plan review.

4. The applicant agrees to shift the location of the driveway on Fuller Street to the optimum location for traffic stacking and safety, if required.

A copy of the Public Hearing minutes is attached to provide a summary of the opinions expressed by the proponents and opponents of this request.

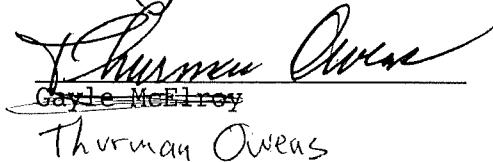
  
Gayle McElroy, Chairman

  
Fred Burch

  
Phil Damstrom

  
Barry Neltner

  
William Bailey

  
~~Gayle McElroy~~  
Thurman Owens

DAG\par



Boone County Recorder  
September 7, 1994

LEGAL SUMMARY  
ORDINANCE NO. 920.284

The Boone County Fiscal Court at its meeting held Tuesday, August 30, 1994, at 5:30 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF TIRE DISCOUNTERS (APPLICANT) FOR R.C. DURR AND RICHARD CRIST (OWNERS) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE ON AN APPROXIMATE ONE (1) ACRE SITE GENERALLY LOCATED AT FULLER STREET AND KY 18, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION NO. R-94-024-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the Fiscal Court Clerk and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

CAROLYN A. RUDICILL  
FISCAL COURT CLERK  
P.O. #P0502025