

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

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

1. Check One:

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

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

(over)

# EXHIBIT "A"

## STAFF REPORT

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

September 23, 1998

### PROPOSAL

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

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

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

SITE HISTORY

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

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

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

Buchanan withdraws its request from consideration by the City.

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

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

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

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

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

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

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

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

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

#### ADJACENT LAND USES AND ZONING

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

#### SITE CHARACTERISTICS

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

## RELATIONSHIP TO COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

#### RELATIONSHIP TO HOUSTON-DONALDSON STUDY

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

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

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

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

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

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

### STAFF CONCERNS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

Respectfully submitted,



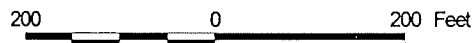
Kevin T. Wall, AICP CDT  
Director, Zoning Services

attachments:

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



**Meijer**



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





## COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: September 5, 1990

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

### REMARKS:

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

#### Findings of Fact

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

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

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

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

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

#### CONDITIONS

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

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

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

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

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

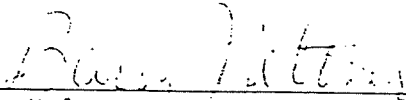
13. Spiral Drive will be connected to Woodspoint Drive along the I-75 right-of-way to allow for traffic to flow between this site and future development on the World of Sports site. All driveway entrances on Spiral Drive and Boulevard shall be properly aligned.
14. The developer agrees to work with the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

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

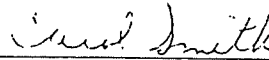


Fred Burch, Chairman

Rector Jones



Barry Neltner




Carol Smith



Larry Barnett



Phil Damstrom

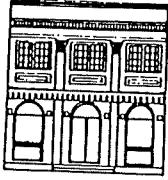


Thurman Owens

KPC

BOONE COUNTY PLANNING COMMISSION

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



March 10, 1992

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

RE: Proposed Meijer Store  
Houston Lakes, Florence, KY

Dear Mr. Barrett and Ms. McBride:

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

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

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

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

Mr. C. Francis Barrett and Ms. Anne F. McBride, AICP  
March 10, 1992  
Page 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### CONCLUSION/DETERMINATION OF PROPOSED USE

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

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

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

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

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

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

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

Sincerely,

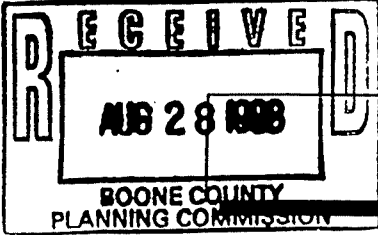


Kevin P. Costello, AICP  
Assistant Director / Zoning Administrator

KPC/vlm

Enclosure

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



CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

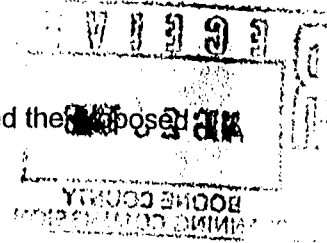
(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project Meijer, Inc. Fueling Facility and Convenience Store
3. Location of Project 4990 Houston Road, Florence, Kentucky
4. Total Acreage of Site Less than one acre
5. Current Zoning 0-2/C-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) July 21, 1993
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Yes. Houston-Donaldson Study
8. Proposed Uses (please specify each use) (1) automobile fueling facility; (2) convenience store
9. Proposed Building Intensities (please specify) N/A
10. Have you submitted a Concept Development Plan? Yes.
11. Are you also applying for: Conditional Use Permit, Dimensional Variance
12. Name of Applicant(s) Meijer, Inc. Phone Number (616) 791-3409 Fax No.
13. Address of Applicant(s) 2929 Walker Avenue, N.W. Grand Rapids, Michigan 49544-9428 City State Zip
14. Name of Property Owner(s) Meijer, Inc. Phone Number Same Fax No.
15. Address of Property Owner(s) Same City State Zip
16. Are there any existing buildings on the site? Yes How many? 1
17. Deed Book 566 Page No. 206 Group No. 2033-B
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)



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

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

20. Concept Development Plan Jurisdiction/Location

Unincorporated Boone County                       Walton

Florence     Union

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

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

**SECTION B** (To be completed by BCPC Staff) *MEIJER, INC.*

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

2. Check what has been submitted:

Application                       Fee                       Legal Description

Concept Development Plan                       Addresses of Adjoining Property Owners

No. of copies of plan received \*\*

3. Is application complete?  YES                       NO

4. Staff Reviewer KEVIN WALL

5. Committee Chairperson \_\_\_\_\_

6. Scheduled Public Hearing Date 9/23/98

7. Boone County Planning Commission Action:

Approved

Approved With Conditions

Denied

8. Other: \_\_\_\_\_

\*\* Five (5) Copies Required

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

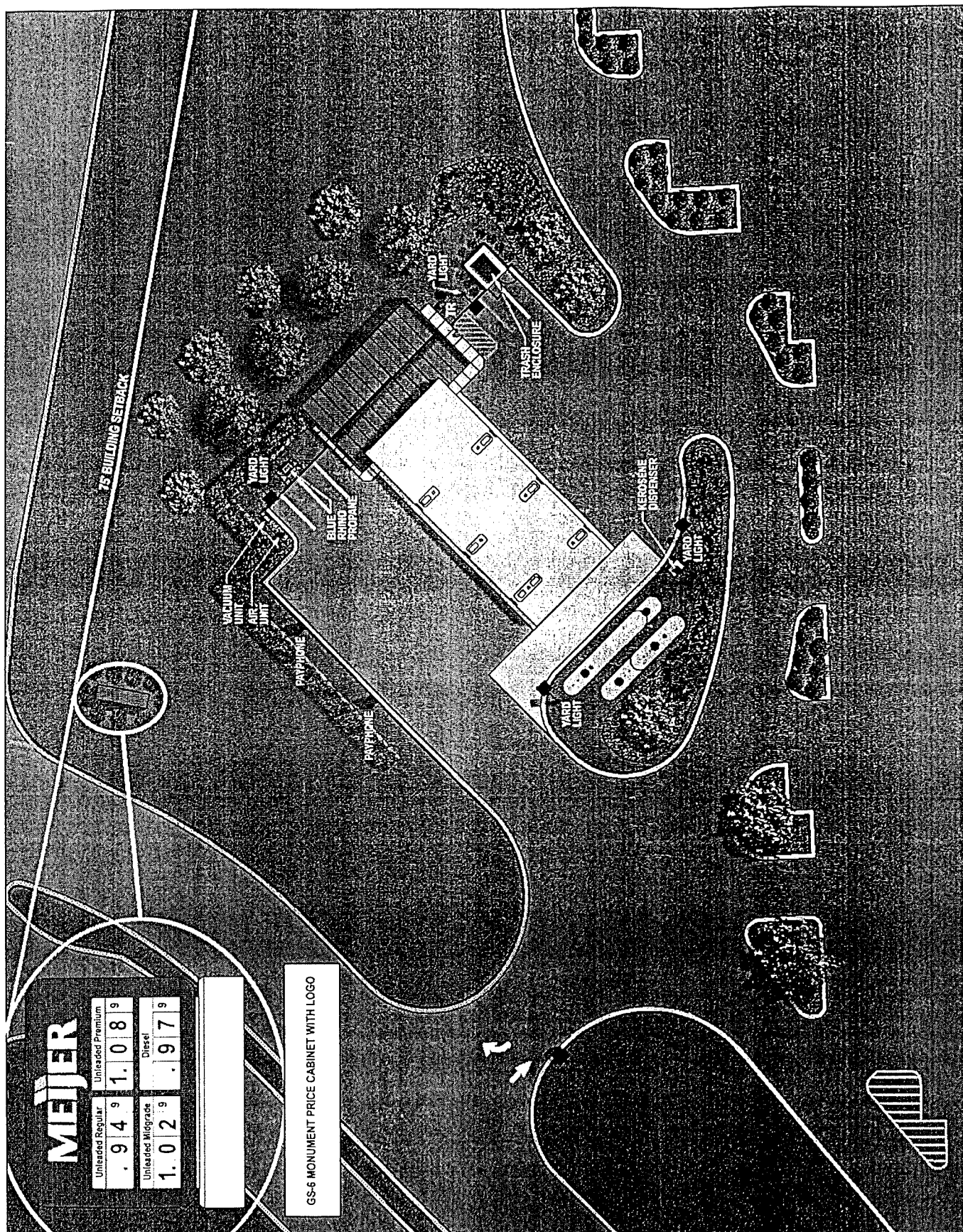
**Note:** See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

# MEIJER

Unleaded Regular	Unleaded Premium
. 9 4 9	1. 0 8 9
Unleaded Midgrade	Diesel
1. 0 2 9	. 9 7 9

GS-6 MONUMENT PRICE CABINET WITH LOGO

75' BUILDING SETBACK

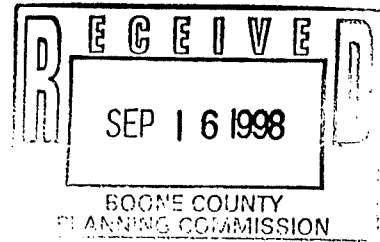


**MEIJER, Inc.**  
Gas & Convenience Store  
4990 Houston Rd.  
Florence, Ky.

**TechExpress**  
*Real First*







## Traffic Impact Analysis

Meijer, Inc.  
Store #151

Florence, Kentucky

28 July 1998

Prepared For:

Meijer, Inc.

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

Prepared By:

Pflum, Klausmeier & Gehrum Consultants, Inc.

5533 Fair Lane  
Cincinnati, Ohio 45227  
513.272.5533

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

## Introduction

The purpose of this report is to summarize the results of a technical analysis conducted to assess the traffic needs and degree of impact of a proposed mixed use commercial retail site development to be located at the intersection of Houston Road and Spiral Boulevard in Florence Kentucky. Figure 1 shows the location of the proposed site development.

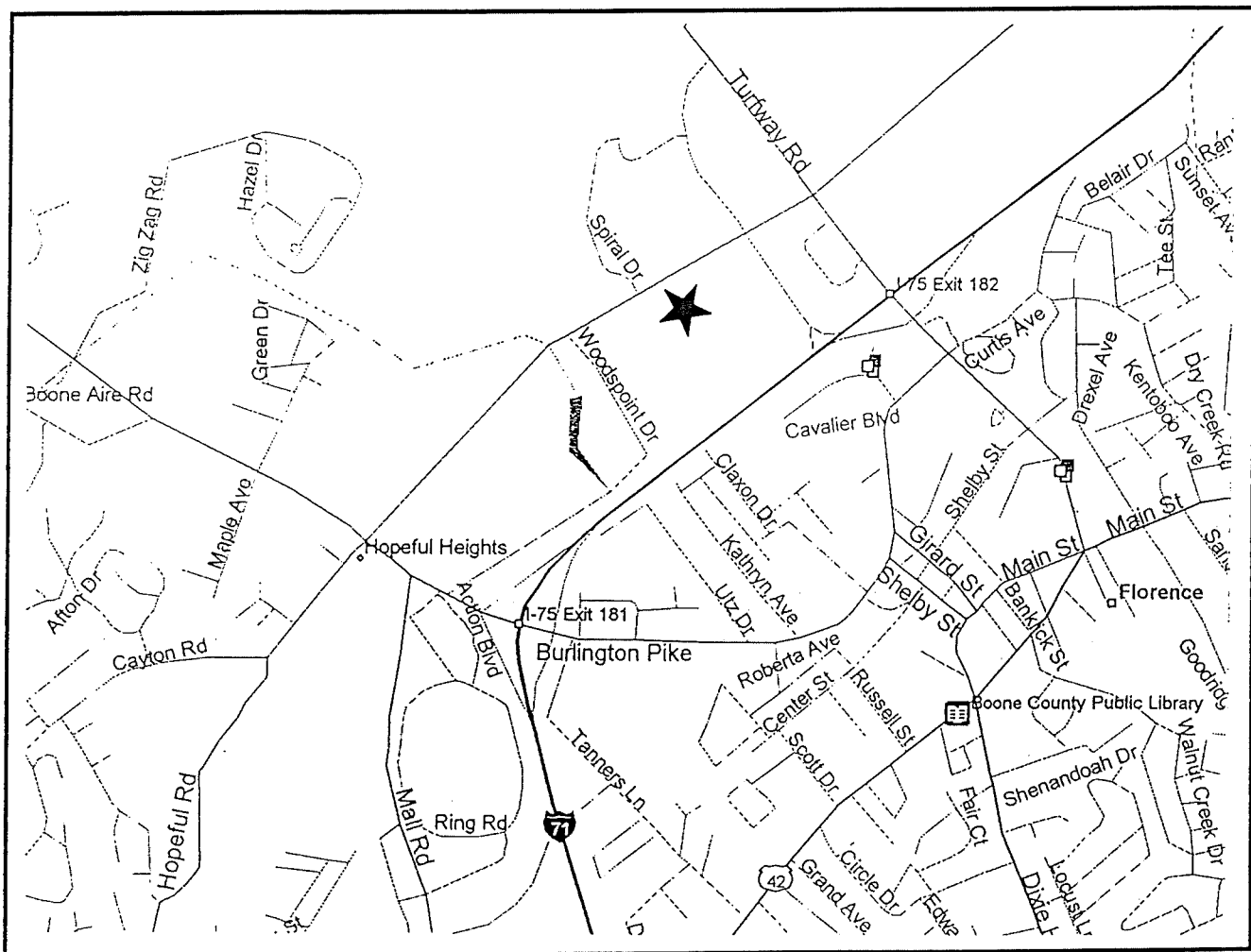


FIGURE 1  
VICINITY MAP

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

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

This report is based upon the following referenced sources:

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

## *Project Location and Description*

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

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

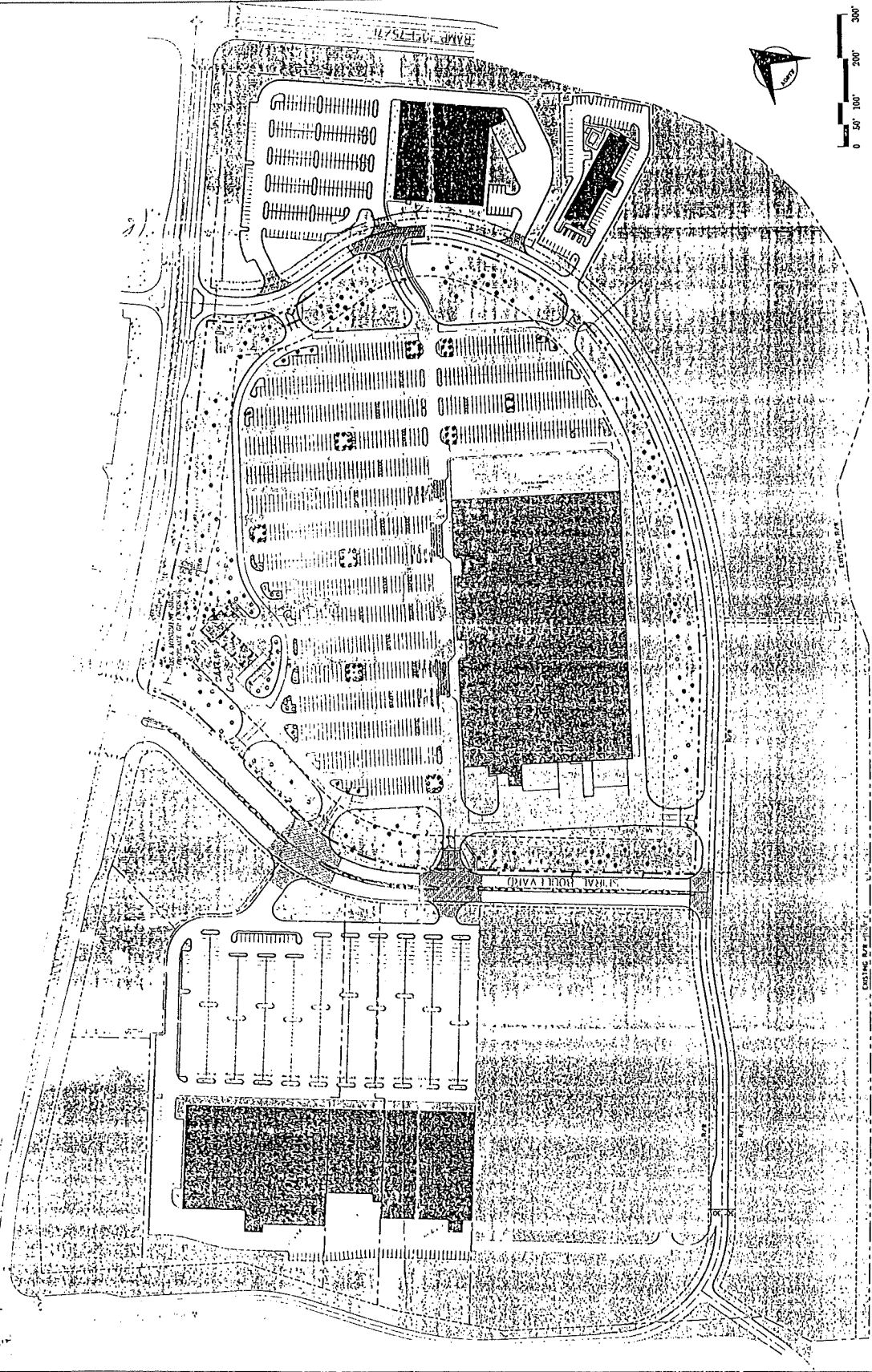
The land use is being proposed as an addition to the existing Meijer store. The fueling facility is to be located north of the Meijer store on the northwest corner of the existing Meijer site. This location is presently undeveloped. No new access roads are to be constructed and the fueling facility site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

FIGURE 2  
SITE PLAN

PROPOSED  
CONVERSION  
PLAN

151

DATE	12-01-87
PROJECT NUMBER	151-01
SCALE	AS SHOWN
DESIGNED BY	SKS
DATE	12-01-87
PROJECT NUMBER	151-01
SCALE	AS SHOWN
DESIGNED BY	SKS



NOTE:  
A LOSS OF APPROX. 66 PARKING SPACES



## Existing Traffic Conditions

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

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

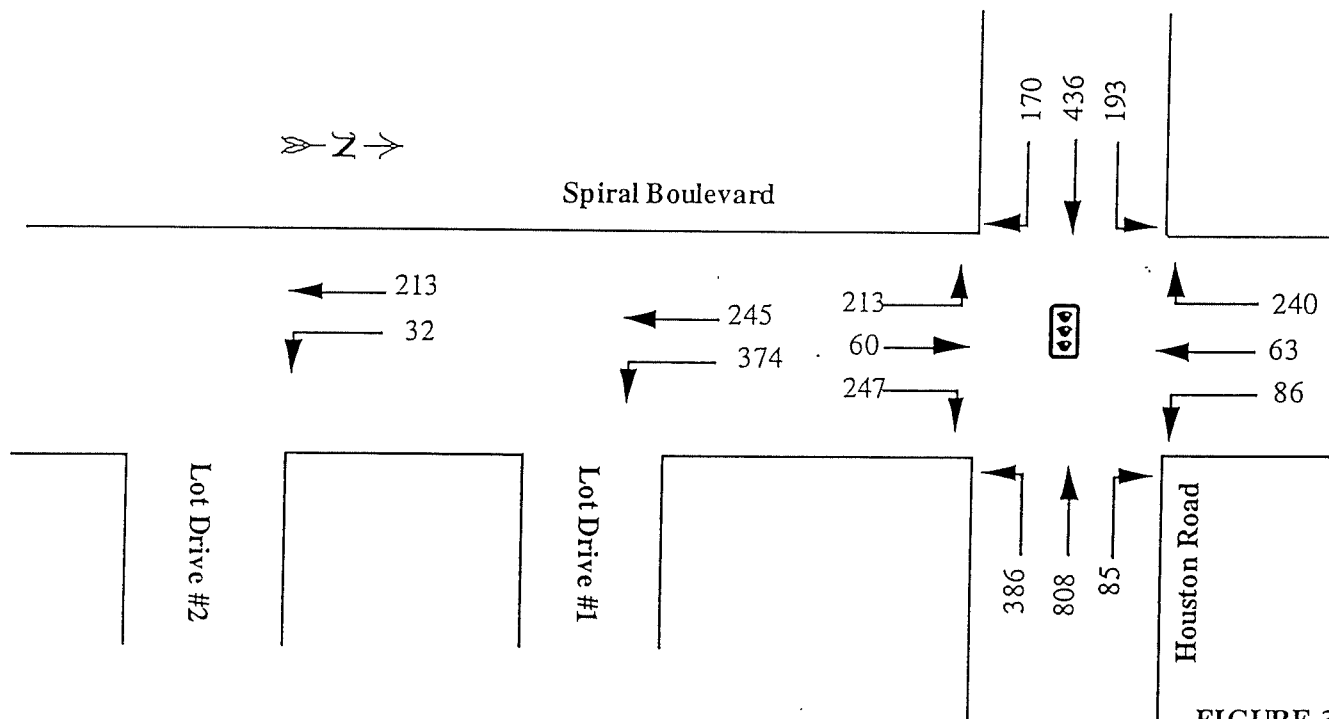
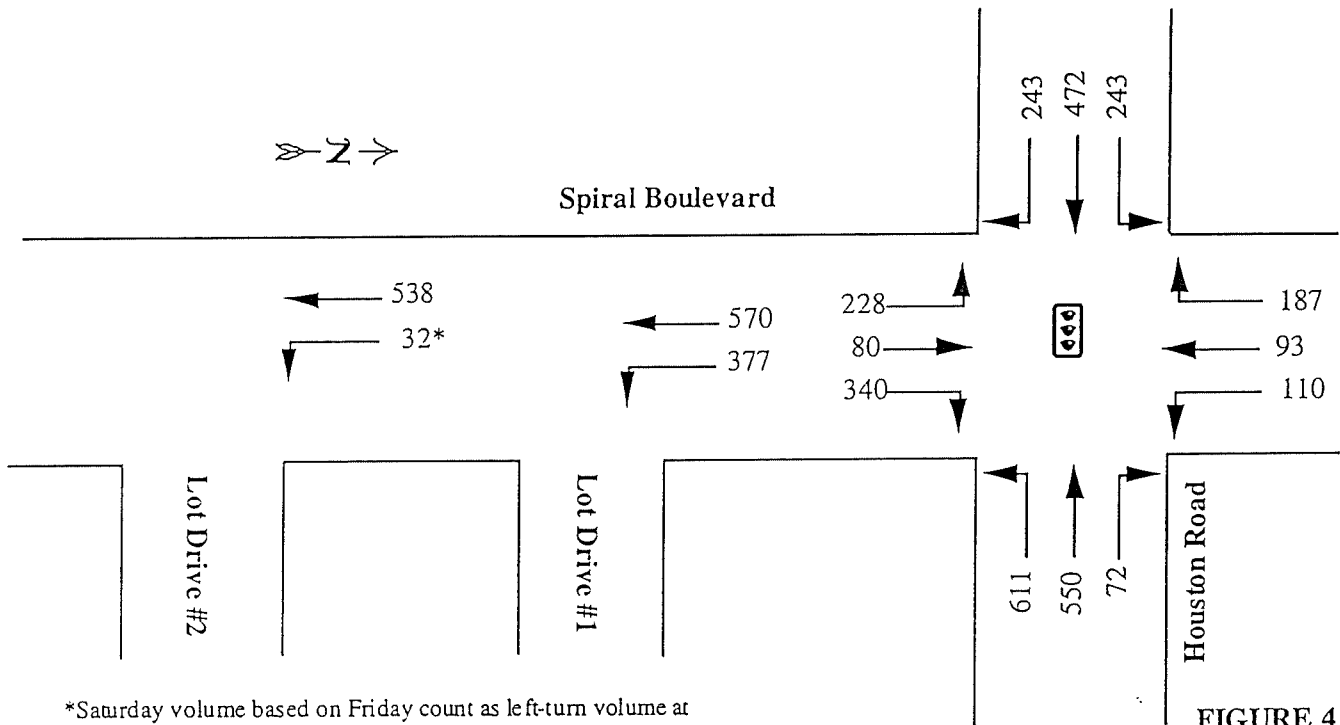


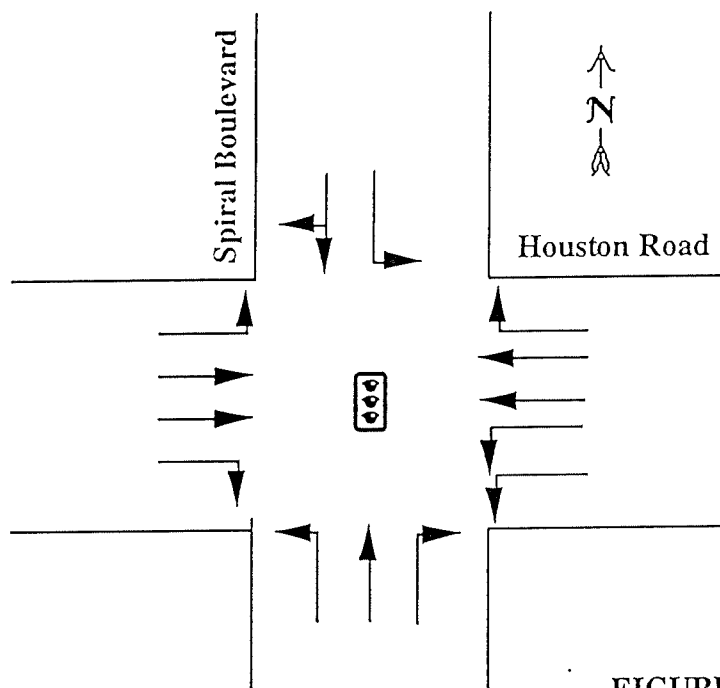
FIGURE 3  
 Current Intersection Movements  
 Friday Evening - 4:45 - 5:45 PM



\*Saturday volume based on Friday count as left-turn volume at both driveways is similar.

**FIGURE 4**  
 Current Intersection Movements  
 Saturday Afternoon - 12:00 - 1:00 PM

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



**FIGURE 5**  
Existing Intersection Geometry  
Houston Road and Spiral Boulevard

## Traffic Forecast

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

Table 1  
 Forecasted Trip Generation\*

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

\* Trip Generation Manual, Institute of Transportation Engineers, 6<sup>th</sup> Edition. See Appendix B.

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

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

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

- *Primary Trips*

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

- *Pass-By-Trips*

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

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

## *Site Access*

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

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

## *Trip Distribution/Assignment*

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

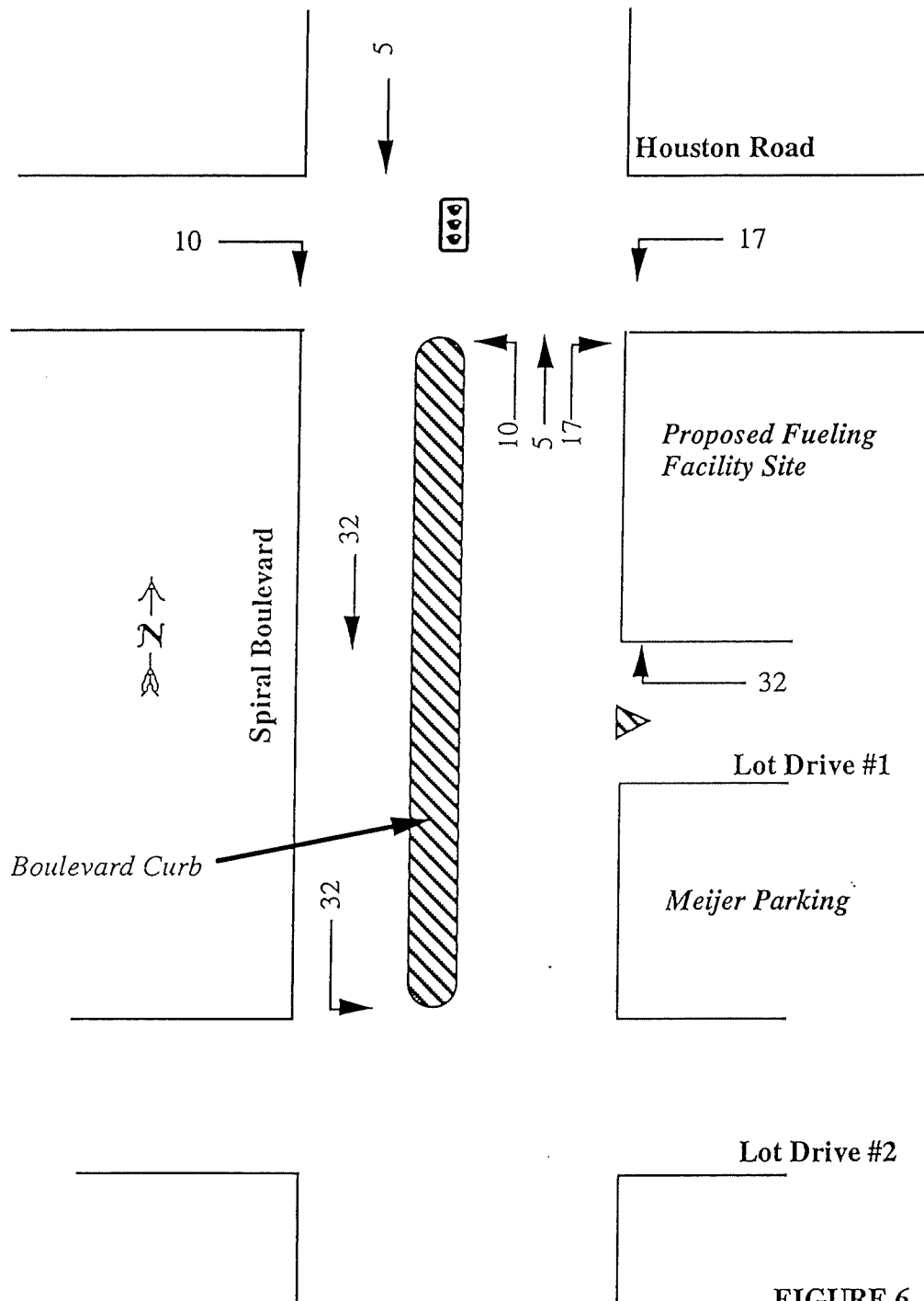
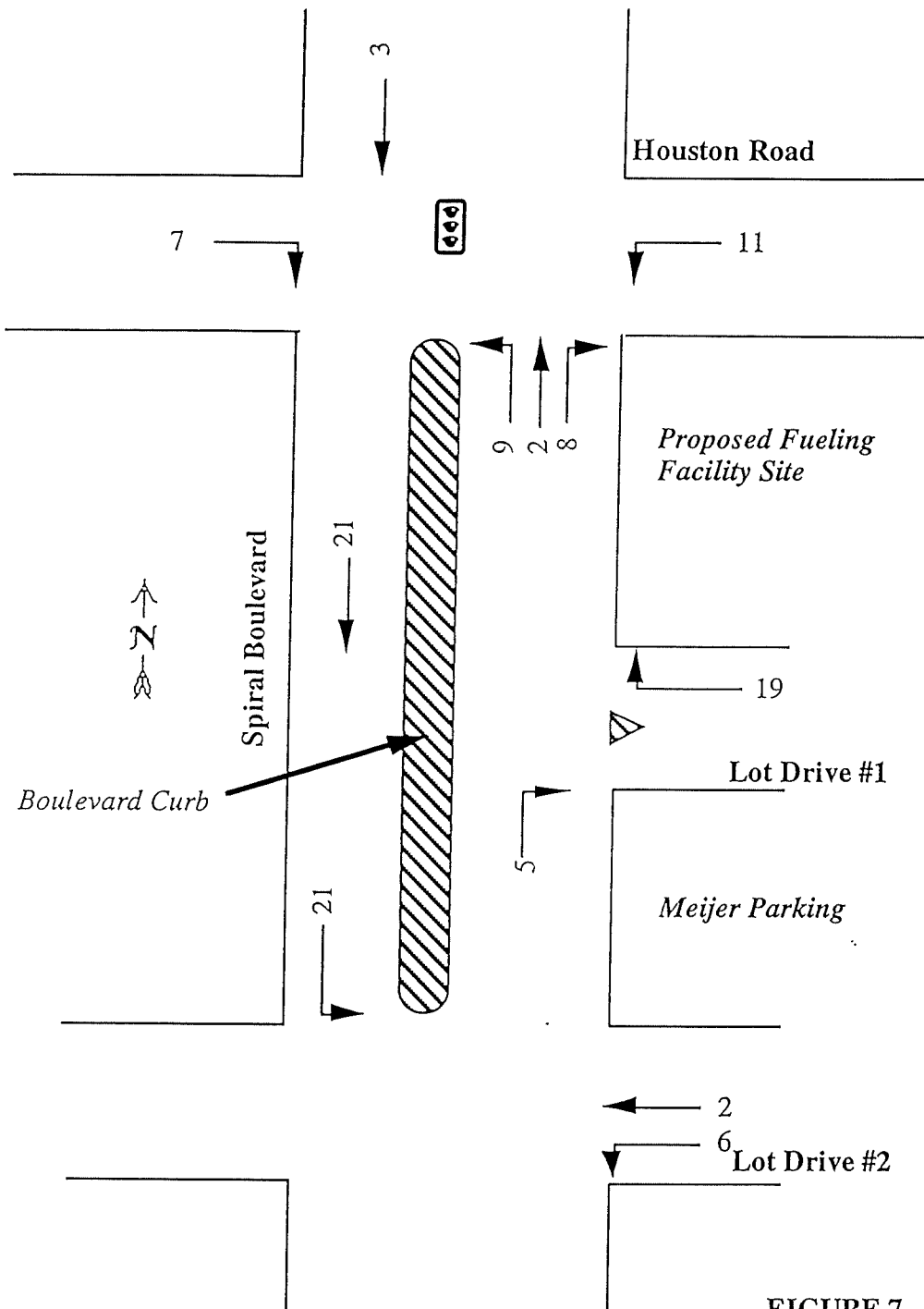
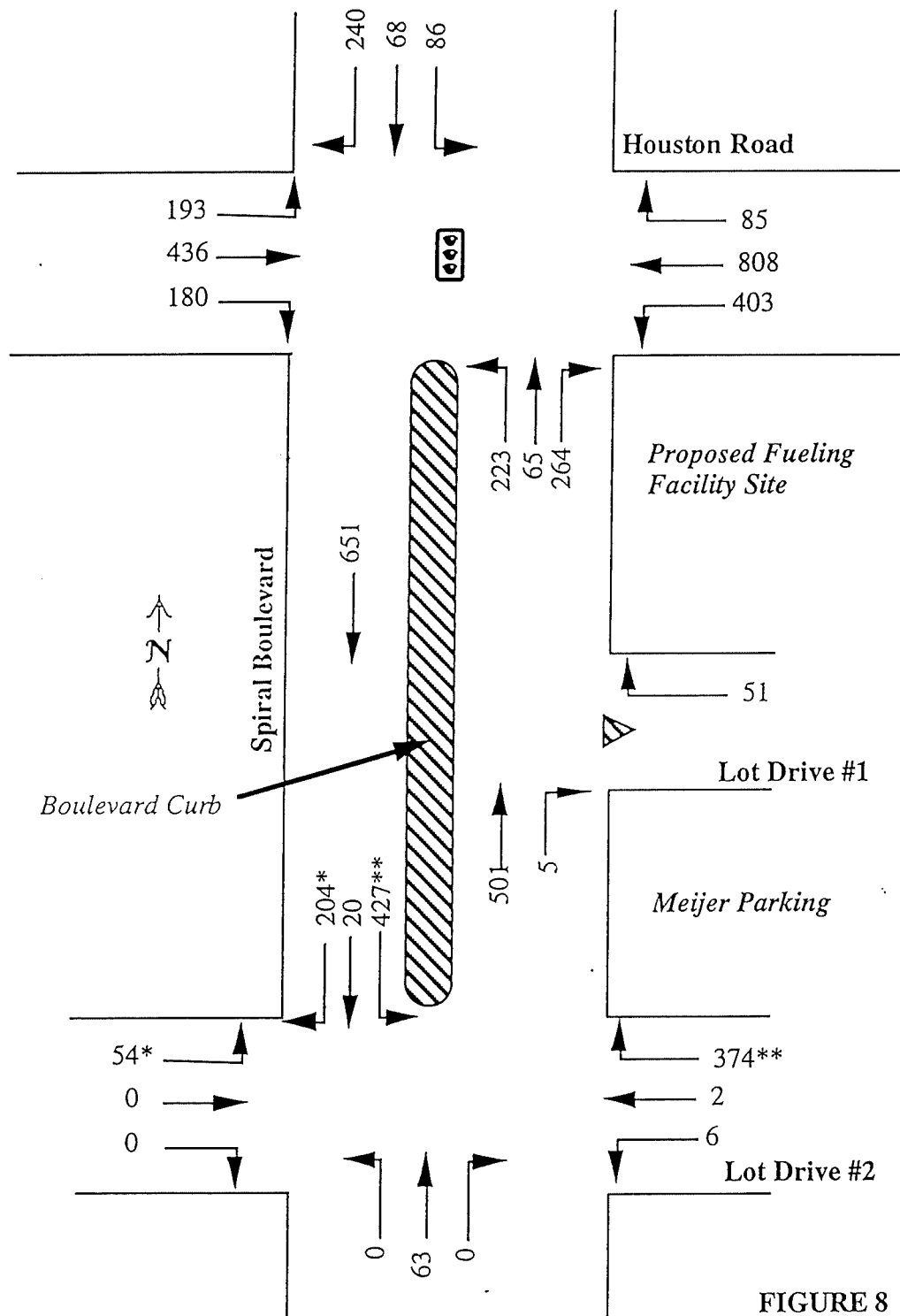


FIGURE 6  
Site Generated Primary Traffic  
PM Peak Hour



**FIGURE 7**  
Site Generated Pass-by Traffic  
PM Peak Hour



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

**FIGURE 8**  
 Existing Plus Proposed  
 Site Generated Traffic  
 PM Peak Hour

## Level of Service Analysis

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

TABLE 2

### LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS

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

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

TABLE 3

LEVEL OF SERVICE CRITERIA FOR UNSIGNALIZED INTERSECTIONS

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

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

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

TABLE 4

Level of Service Summary  
 Houston Road and Spiral Boulevard Intersection

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

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

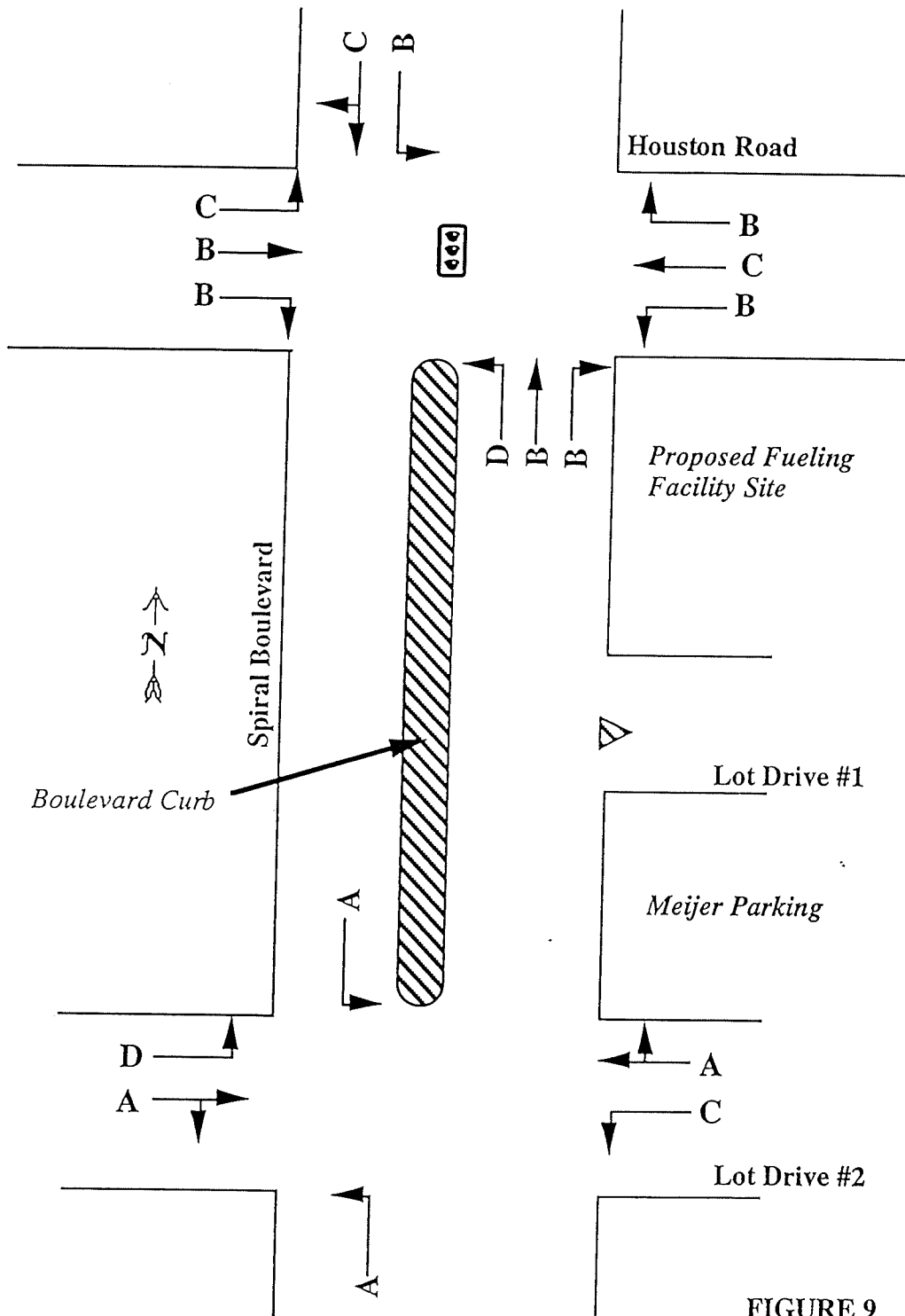


FIGURE 9  
 "Opening Day"  
 Level of Service Conditions

## *Conclusions & Recommendations*

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

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

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

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

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

PUBLIC HEARING ITEM NO. 4:

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

Chairman Millay introduced the fourth item on the Agenda:

3. Applicant: Meijer, Inc. (owner)

Request: Change in Concept Development Plan

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

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

The Chairman asked for the applicant's presentation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

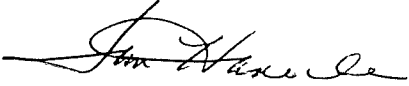
Mr. Ries stated that often these facilities start out as a gas station, but then there is pizza, a Subway, fast food, etc.. He asked if there are any plans for other operations at this facility. Mr. Kinsel responded "no".

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

APPROVED:

  
Robert Millay, Chairman

Attest:

  
Jan Hancock, Recording Secretary

# EXHIBIT "B"

The findings of fact stated below were read at the November 18, 1998 Business Meeting and were adopted by the full Planning Commission.

## MEIJER CONVENIENCE STORE W/ GAS SALES FINDINGS FOR DENIAL

November 18, 1998

1. The proposal is not in agreement with the 1995 Boone County Comprehensive Plan due to the following reasons:
  - A. The Goals and Objectives (Business Activity, Commercial Objective 1) state "appropriate locations for business compatible with the surrounding areas are provided in Boone County." Because the request entails a retail convenience use with a highway/interchange commercial character and the surrounding area has a large-scaled, suburban commercial park character, the proposal is not compatible with the surrounding area.
  - B. The Goals and Objectives (Business Activity, Commercial Objective 3) state "highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impacts to the community in terms of traffic congestion, local commuting patterns and access." This proposal is not in agreement with this objective because it involves placing a highway commercial use at a high volume intersection within the Houston-Donaldson Study area and at a site that is not in close proximity to a highway interchange. There are several existing convenience stores with gas sales within the Houston-Donaldson Study area that are in close proximity to interchanges.
  - C. Section "Area C-4: Camp Ernst Area" of the Land Use Element states "any commercial development in the Houston Road area should be consistent with the recommendations of the Houston-Donaldson Study." Therefore, the Study is incorporated into the Comprehensive Plan by reference. Regarding Houston Lakes, the Houston-Donaldson Study states "this Study incorporates the approved Concept Development Plan into the recommended land uses and zoning scheme." The Concept Development Plan currently in effect for the site includes regionally-oriented commercial uses including regionally oriented retail establishments and hotel uses. The hotels in question adjoin a highway interchange as sought by the Comprehensive Plan's Goals and Objectives for highway commercial uses. Thus, the addition of a highway commercial use such as a convenience store with retail fuel sales at the proposed location is not in agreement with intent of the current Concept Development Plan, the Houston-Donaldson Study, and in turn, not in agreement with the Comprehensive Plan.

- D. The Goals and Objectives for the Houston-Donaldson Study (Goal I, pg. 7) state "the future land uses in the Study Area are planned in relation to the overall land use pattern of Boone County, the existing and planned developments within the Study Area, and the sense of the Study Area as a distinct corridor." Because the character of a convenience store with retail fuel sales is fundamentally different from the planned and established uses and character of the area, approval of this request would erode the sense of the Study Area as a distinct corridor, as these types of retail convenience uses are typical in other types of corridors with less destination oriented traffic.
2. The proposal does not fulfill the standards in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations due to the following reasons:
- A. Standard #2 "Compatibility of Uses" states "measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent areas." As explained under 1.A above, the character of the proposed use is fundamentally different from the surrounding uses in the area. Because of these basic differences in the character of the use, no reasonable measures can be taken to assure compatibility of the proposed use with the surrounding uses.
- B. Standard #7 "Architecture" notes that the architecture within Planned Developments shall use a consistent architectural theme. Due to the small stature of the proposed convenience store, the design of the building is inconsistent with the established architectural theme of the area due to this small stature and lack of scale. In addition, the size of the proposed canopy over the fuel pumps dominates the site and dwarfs the convenience store building. There are no other canopies with such a dominating scale in the immediate area. Large-scale canopies covering retail fuel pumps within the Houston-Donaldson Study area have been limited to sites with a highway commercial character, such as those along KY 18 and Donaldson Highway.
- C. Standard #11 "Conformance with Comprehensive Plan" states "all planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitation of existing or planned infrastructure." As explained above, the proposal is not in agreement with the adopted Comprehensive Plan.

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: November 18, 1998

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

### REMARKS:

We, the Committee, recommend approval of the above referenced application based on the following findings of fact and with the following conditions.

### Findings of Fact:

1. The site is designated by the 1995 Boone County Comprehensive Plan's 2020 Land Use Plan as "Commercial." In addition, the Business Activity Element (pg. 82) states "the Houston Road area will mature with expansion of the retail and office base, additional racetrack uses and the expansion of St. Luke Hospital." The Goals and Objectives (Business Activity, Commercial Objective 1) state "commercial uses shall be limited to strategic locations serving trade area and neighborhood needs and shall have safe and effective access and ample parking space." The Committee has concluded that the addition of limited retail convenience uses are an appropriate part of this maturation process when considering that there are none of these uses in the immediate vicinity and that it is a high traffic area. The Committee has also concluded that the signalized intersection of Houston Road and Spiral Drive is a strategic location for the proposed use and that vehicular safety will be improved with the proposed closure of the first median opening on Spiral Drive from this intersection.
2. The Houston-Donaldson Study's Goals and Objectives (Goal I, Objective A. pg. 7) state "consistent with the Boone County Comprehensive Plan's recognition of this area of the county as suitable for a large scale employment and commercial district with unique residential and recreational opportunities, proposed land uses shall be planned in order to provide a logical, realistic development pattern with a mixture of land uses." The Committee has concluded that the proposed facility would help diversify land uses in the immediate area and provide retail services not currently available in the immediate area thus fulfilling this objective. In addition, because the Concept Development Plan application involves trading three approved outlots on the Meijer site for the one convenience store with retail fuel sales, overall traffic impacts should be reduced.

3. The Committee has concluded that the proposed Concept Development Plan, with the attached conditions noted below, generally fulfill the applicable requirements outlined in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan and the Houston-Donaldson Study, as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

Conditions:

1. The two other outlots approved for the Meijer site through the 1990 Concept Development Plan for the Houston Lakes development shall not be developed, but shall be retained as open space.
2. Outside storage or display of merchandise and the outside storage of an ice machine shall be prohibited on the site except for on the sidewalk that runs along the front of the building (at the main entry to the building) and that is under the canopy.
3. The building and canopy designs shall be as per the concept labeled Exhibit D that was provided by the applicant to the Zone Change Committee at their November 5, 1998 committee meeting. In addition, the canopy columns shall be encased with masonry.
4. The applicant shall provide additional landscape plantings across the entire Houston Road frontage of the Meijer site (all the way between Spiral Drive and Meijer Drive). This landscaping shall follow the concept entitled "Conceptual Landscape Plan, Meijer Store 151 - 4990 Houston Road" that was provided by the applicant to the Zone Change Committee at their November 5, 1998 committee meeting. These plantings shall be provided in addition to the landscaping that is normally required for the convenience store development itself.

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.

*Barry Neltner*  
\_\_\_\_\_  
**Barry Neltner, Chairman**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Arnold Caddell*  
\_\_\_\_\_  
**Arnold Caddell**

For \_\_\_\_\_ Against   
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Phil Damstrom*  
\_\_\_\_\_  
**Phil Damstrom**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*W Viox*  
\_\_\_\_\_  
**William Viox**

For \_\_\_\_\_ Against   
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Earl White*  
\_\_\_\_\_  
**Earl White**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

**TOTAL: 3 FOR 2 AGAINST — ABSTAIN — ABSENT**

PUBLIC HEARING ITEM NO. 4:

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

Chairman Millay introduced the fourth item on the Agenda:

3. Applicant: Meijer, Inc. (owner)

Request: Change in Concept Development Plan

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

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

The Chairman asked for the applicant's presentation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

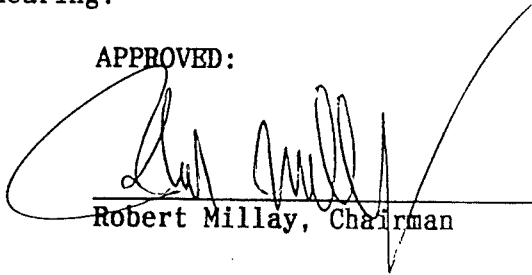
Chairman Millay asked if anyone else wished to speak regarding this application.

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

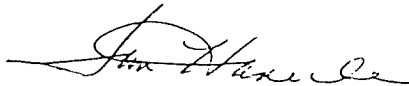
Mr. Ries stated that often these facilities start out as a gas station, but then there is pizza, a Subway, fast food, etc.. He asked if there are any plans for other operations at this facility. Mr. Kinsel responded "no".

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

APPROVED:

  
Robert Millay, Chairman

Attest:

  
Jan Hancock, Recording Secretary

# SUPPORTING INFORMATION

DESCRIPTION OF  
PROPOSED MEWER SITE  
CONTAINING 34.793 ACRES  
FLORENCE, KENTUCKY  
SEPTEMBER 15, 1993

Situate in the City of Florence, County of Boone, State of Kentucky and lying northwest of I-75, northeast of Woodspoint Drive, southeast of Houston Road and southwest of Entrance Ramp "D" to I-75 and being more particularly bounded and described as follows:

Commencing for reference at a railroad spike (found) at the centerline intersection of Woodspoint Drive and Houston Road;

thence along the centerline of said Houston Road for the following described two (2) courses:

1) in a northeasterly direction, on a curve to the right with a radius of one thousand nine hundred nine and 86/100 feet (1909.86') for an arc distance of four hundred eleven and 21/100 feet (411.21') [ chord bearing North fifty-seven degrees fifty-eight minutes fifty-eight seconds East (N57°58'58"E) for four hundred ten and 42/100 feet (410.42') delta angle of said curve being twelve degrees twenty minutes eleven seconds (12°20'11") ] to a point of tangency;

2) North sixty-four degrees nine minutes three seconds East (N64°09'03"E) for nine hundred fifty-eight and 36/100 feet (958.36');

thence departing the centerline of said Houston Road, South twenty-five degrees fifty minutes fifty-seven seconds East (S25°50'57"E) for seventy-five and 00/100 feet (75.00') to a 5/8" iron pin (set) in the southeasterly right-of-way line of Houston Road and the TRUE POINT OF BEGINNING of this herein described tract of land;

thence along said right-of-way line for the following described four (4) courses:

1) North sixty-four degrees nine minutes three seconds East (N64°09'03"E) for three hundred eighty-two and 64/100 feet (382.64') to a 5/8" iron pin (set).

2) North sixty-seven degrees forty-seven minutes fifty-five seconds East (N67°47'55"E) for seventy-six and 44/100 feet (76.44') to a 5/8" iron pin (set);

3) North fifty-three degrees fifty-two minutes thirty-seven seconds East (N53°52'37"E) for seventy-six and 70/100 feet (76.70') to a 5/8" iron pin (set).

4) North fifty-eight degrees forty-eight minutes thirty-nine seconds East (N58°48'39"E) for four hundred six and 64/100 feet (406.64') to a 5/8" iron pin (set);

thence departing said right-of-way line and over the lands of Northern Kentucky Management, Inc. on a new division line for the following described eleven (11) courses:

1) South thirty-three degrees one minute fifty-seven seconds East (S33°01'57"E) for forty-three and 39/100 feet (43.39') to a 5/8" iron pin (set) at a point of curvature;

2) in a southeasterly direction, on a curve to the left with a radius of two hundred fifty and 00/100 feet (250.00') for an arc distance of one hundred seventy-six and 84/100 feet (176.84'). [chord bearing South fifty-three degrees seventeen minutes forty-nine seconds East (S53°17'49"E) for one hundred seventy-three and 18/100 feet (173.18'), delta angle of said curve being forty degrees thirty-one minutes forty-five seconds (40°31'45")]; to a 5/8" iron pin (set) at a point of tangency;

3) South seventy-three degrees thirty-three minutes forty-two seconds East (S73°33'42"E) for one hundred four and 83/100 feet (104.83') to a 5/8" iron pin (set) at a point of curvature;

4) in a southeasterly direction, on a curve to the right with a radius of three hundred thirty and 00/100 feet (330.00') for an arc distance of two hundred ninety-eight and 53/100 feet (298.53'). [chord bearing South forty-seven degrees thirty-eight minutes forty-five seconds East (S47°38'45"E) for two hundred eighty-eight and 45/100 feet (288.45'), delta angle of said curve being fifty-one degrees forty-nine minutes fifty-five seconds (51°49'55")]; to a 5/8" iron pin (set) at a point of compound curvature;

5) in a southerly direction, on a curve to the right with a radius of six hundred thirty and 00/100 feet (630.00') for an arc distance of four hundred sixty-three and 98/100 feet (463.98'). [chord bearing South no degrees thirty-seven minutes fifty-seven seconds East (S00°37'57"E) for four hundred fifty-three and 54/100 feet (453.54'), delta angle of said curve being forty-two degrees ~~seven~~ minutes forty-one seconds (42°41')] to a 5/8" iron pin (set) at a point of compound curvature.

6) in a southwesterly direction, on a curve to the right with a radius of one thousand three hundred thirty and 00/100 feet (1330.00') for an arc distance of seven hundred seventy and 87/100 feet (770.87'). [chord bearing South thirty-seven degrees four minutes nine seconds West (S37°04'09"W) for seven hundred sixty and 12/100 feet (760.12'), delta angle of said curve being thirty-three degrees twelve minutes thirty-one seconds (33°12'31'')] to a 5/8" iron pin (set) at a point of tangency.

7) South fifty-three degrees forty minutes twenty-five seconds West (S53°40'25"W) for four hundred sixty-six and 97/100 feet (466.97') to a 5/8" iron pin (set);

8) North thirty-six degrees forty-three minutes twenty seconds West (N36°43'20"W) for six hundred sixty-seven and 08/100 feet (667.08') to a 5/8" iron pin (set) at a point of curvature;

9) in a northerly direction, on a curve to the right with a radius of four hundred seventy and 00/100 feet (470.00') for an arc distance of three hundred fifty-nine and 89/100 feet (359.89'). [chord bearing North fourteen degrees forty-seven minutes eight seconds West (N14°47'08"W) for three hundred fifty-one and 16/100 feet (351.16'), delta angle of said curve being forty-three degrees fifty-two minutes twenty-three seconds (43°52'23'')] to a 5/8" iron pin (set) at a point of tangency.

10) North seven degrees nine minutes three seconds East (N07°09'03"E) for two hundred sixty-eight and 52/100 feet (268.52') to a 5/8" iron pin (set) at a point of curvature;

11) in a northerly direction, on a curve to the left with a radius of two hundred and 00/100 feet (200.00') for an arc distance of one hundred eleven and 04/100 feet (111.04'). [chord bearing North eight degrees forty-five minutes eighteen seconds West (N08°45'18"W) for one hundred nine and 52/100 feet (109.62'), delta angle of said curve being thirty-one degrees forty-eight minutes forty-three seconds (31°48'43'')] to the TRUE POINT OF BEGINNING, containing thirty-four and 793/1000 (34.793) acres, more or less.

