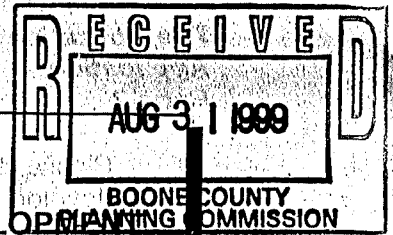


8/31/99

APPLICATION FORM



CHANGE IN CONCEPT DEVELOPMENT PLAN OR UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT (CONCEPT DEVELOPMENT PLAN) BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- XXX Change in Concept Development Plan
Utilization of An Underlying Zone in Planned Development
a) Public Hearing Submittal (Concept Dev. Plan)
b) Long Range Planning Committee Review
(As stated in the Houston-Donaldson Study)

- 2. Name of Project Goodwrench Service Center
3. Location of Project Lot No. 17, Merchants Square, Florence, Ky.
4. Total Acreage of Site 1.1793 Acres
5. Current Zoning C-2/PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable)
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) Houston/Donaldson Land Study
8. Proposed Uses (please specify each use) Service Center
9. Proposed Building Intensities (please specify) 6,818 Sq./Ft./Acre
10. Have you submitted a Concept Development Plan? Yes
11. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
12. Name of Applicant(s) James W. Berling
Phone Number 331-9191 Fax No. 344-7422
13. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip
14. Name of Property Owner(s) D C-Ky. 18, L.L.C.
Phone Number 283-2260 Fax No. 283-2265
15. Address of Property Owner(s) 8800 Bankers Street
Florence, Kentucky 41042
City State Zip
16. Are there any existing buildings on the site? No
How many?
17. Deed Book 466 Page No. 298 Group No. 2033-B
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

**Change In Concept Development Plan
The Utilization Of An Underlying Zone
Application
Page 2**

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

- Boone County Water 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
 XXX Unincorporated Boone County Walton Union
 Florence

21. Applicant's Signature(s) 

22. Property Owner's Signature(s) Richard Crust

SECTION B (To be completed by BCPC Staff)

1. Date Received Aug 31, 99 Fee Received 1131.79 R# 21744
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 MARK JORDAN
5. Committee Chairperson TOM CHANEY
6. Scheduled Public Hearing Date _____
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. BCPC:11/96

EXHIBIT
“A”

STAFF REPORT

Request of **James W. Berling (applicant) for DC-KY 18, L.L.C** to consider a Change in Concept Development Plan for a 1.1793 acre parcel located at Section 5, Lot 17 of Merchant Square Subdivision, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow a freestanding automobile repair facility.

September 22, 1999

Proposal

The applicant is requesting a change in Concept Development Plan to allow a freestanding automobile repair facility on a 1.1793 acre tract (Lot 17) in Merchants Square, Boone County, Kentucky. The site is located within the Houston-Donaldson Study area labeled Site 1. The applicant's Concept Development Plan shows the location of one (1) building on the site, at a proposed building density of 6,818 square feet per acre. The site contains approximately 181 feet of road frontage along Bankers Street, and 158 feet of road frontage along Merchant Street. A 50 foot wide access entrance is located along Bankers Street, and is shared with Lot 16, and a 25 foot wide access entrance is located along Merchant Street. The site contains a 20 foot Sanitary Sewer Easement that runs along the eastern boundary of the property, and a 20 foot Storm Sewer Easement along the western and northern boundaries of the property.

Site History and Characteristics

The site is part of a 42-acre tract, formerly known as the Moore property. On August 1, 1990, the Boone County Planning Commission recommended approval of a Zoning Map Amendment from Urban Residential One/Planned Development (UR-1/PD) to Commercial Two/Planned Development (C-2/PD) and Industrial One/Planned Development (I-1/PD) along with approval of a Concept Development Plan. The request was approved by the Boone County Fiscal Court on October 2, 1990 with the following pertinent conditions:

1. The Preliminary Development Plan will contain 12 buildable lots and one lot for non-buildable purposes (six retail and six industrial uses).
2. Each lot will require Site Plan Review.
3. A 25 foot wide landscape buffer and disturb limit area are to be located along the western property line between the houses in the Greenview Subdivision and the lots in Merchants Square.

The approved 1990 Concept Development Plan indicated Lot 17 developing as a retail anchor building with shops and accessory parking.

The Boone County Planning Commission approved a Preliminary Development Plan for Merchants Square on May 1, 1991.

The site is relatively flat, and slopes slightly towards the rear. The site also has access to all utilities with the anticipation of future development.

Surrounding Land Uses and Zoning

The subject property, as well as the surrounding uses, are zoned C-2/PD

Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as "Commercial" which is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

The Land Use Element, page 227 of the Boone County Comprehensive Plan states that the Houston-Donaldson Study recommends an employment district which would include a mix of office, commercial, and industrial uses west of Houston Road. The Houston-Donaldson Study, which is broken into 29 specific sites, refers to this site as part of Site 1 (Merchants Square). Page 18 of the Study recognizes that because of the site's high visibility from Hwy 18, the front portion of Merchants Square is suitable and recommended for commercial uses.

There are three (3) primary goals of the Houston-Donaldson Study. These goals are as follows:

1. 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 district corridor.

Objective: 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.

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

Commercial outlots shall be located near major development access points.

Significant topography and vegetation should be retained where appropriate to address the aesthetics, absorbed sunlight heat and glare, storm water runoff, and buffering of development.

Each development shall have a central architectural design focus.

2. The traffic circulation system serves both destination and through traffic with a minimum of traffic congestion.
3. 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.

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

To provide an alternative to conventional zoning requirements for signage, which could be implemented to allow unique and imaginative signage requirements in an area that is highly visible from major public thoroughfares. This alternative would at the same time protect the public and enhance community visual appearance.

Staff Concerns

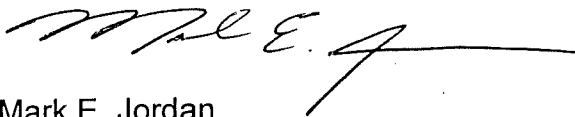
1. Under Section 1023 of the Boone County Zoning Regulations, an Automotive repair facility is permitted as a Conditional Use in the Commercial Two/Planned Development (C-2/PD) zoning district. The applicant will be required to obtain a Conditional Use Permit from the Florence Board of Adjustment and Zoning Appeals.
2. The proposed building and all other architectural features located on site are required to participate in the design review process as part of the Houston-Donaldson Study area. The building should be designed similarly to the other existing commercial buildings within Merchants Square. The building facades should be of the same design, materials, and colors and treated equally on all sides.
3. No storage of materials should be permitted outside of the building, and all repairs should take place inside.

4. The applicant should indicate to the Commission what the hours of operation for the business are.

Conclusion:

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the criteria necessary for approving a Change of Concept Development Plan as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the provisions of Article 15, "Planned Development District" of the Boone County Zoning Regulations. If recommended by the Planning Commission and Fiscal Court, the Future Land Use Map would not need to be amended.

Respectfully Submitted,

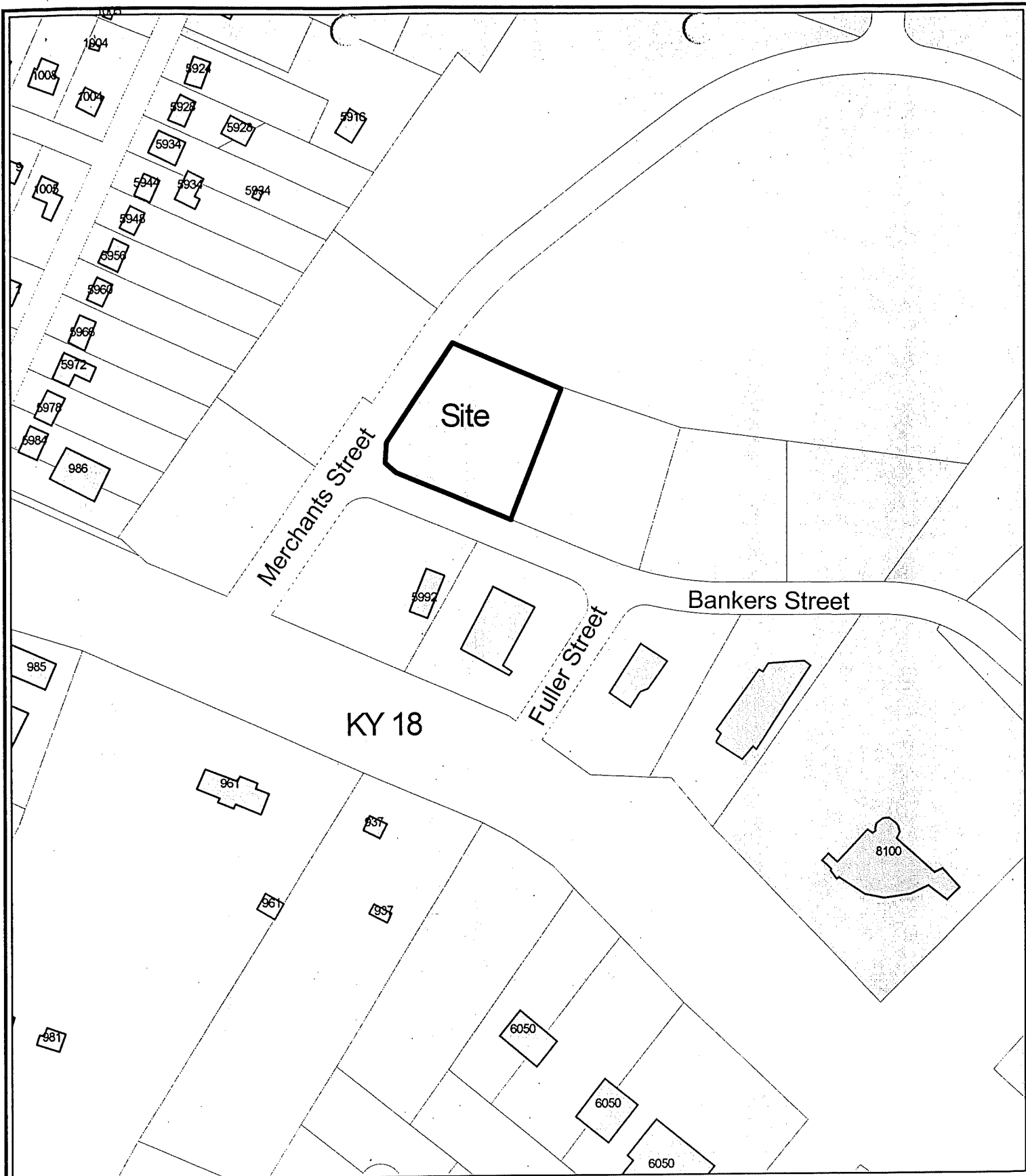


Mark E. Jordan
Planner

Attachments:

- Location Map
- Proposed Concept Development Plan
- 1990 Concept Development Plan
- Zoning Map
- Future Land Use Map
- Houston Donaldson Study Map

MEJ/tlm



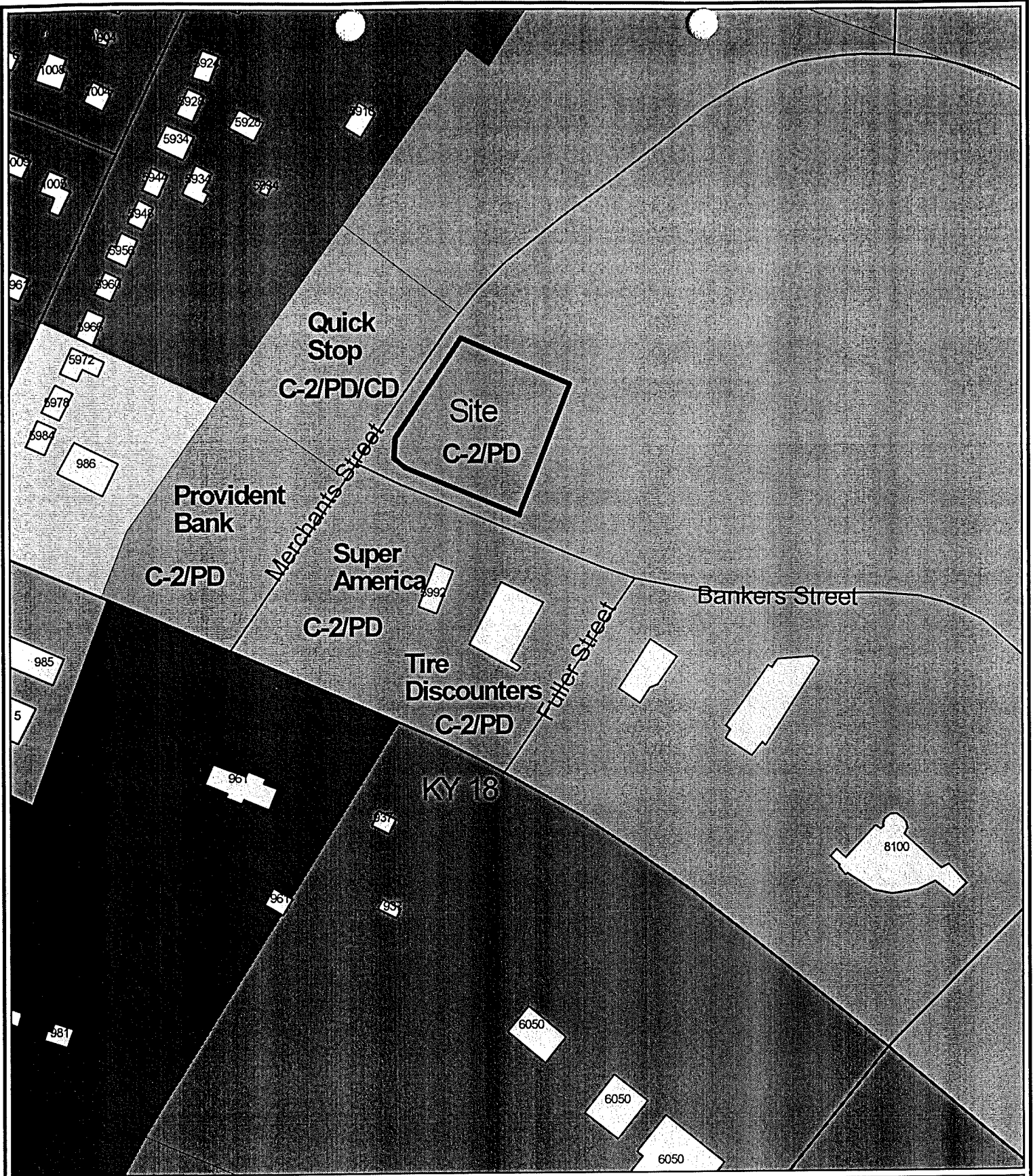
Location Map
Merchants Square Lot 17

200 0 200 Feet



1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 21, 1999





Zoning Map
Merchants Square Lot 17

200 0 200 Feet



1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 September 21, 1999

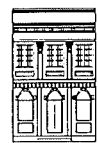


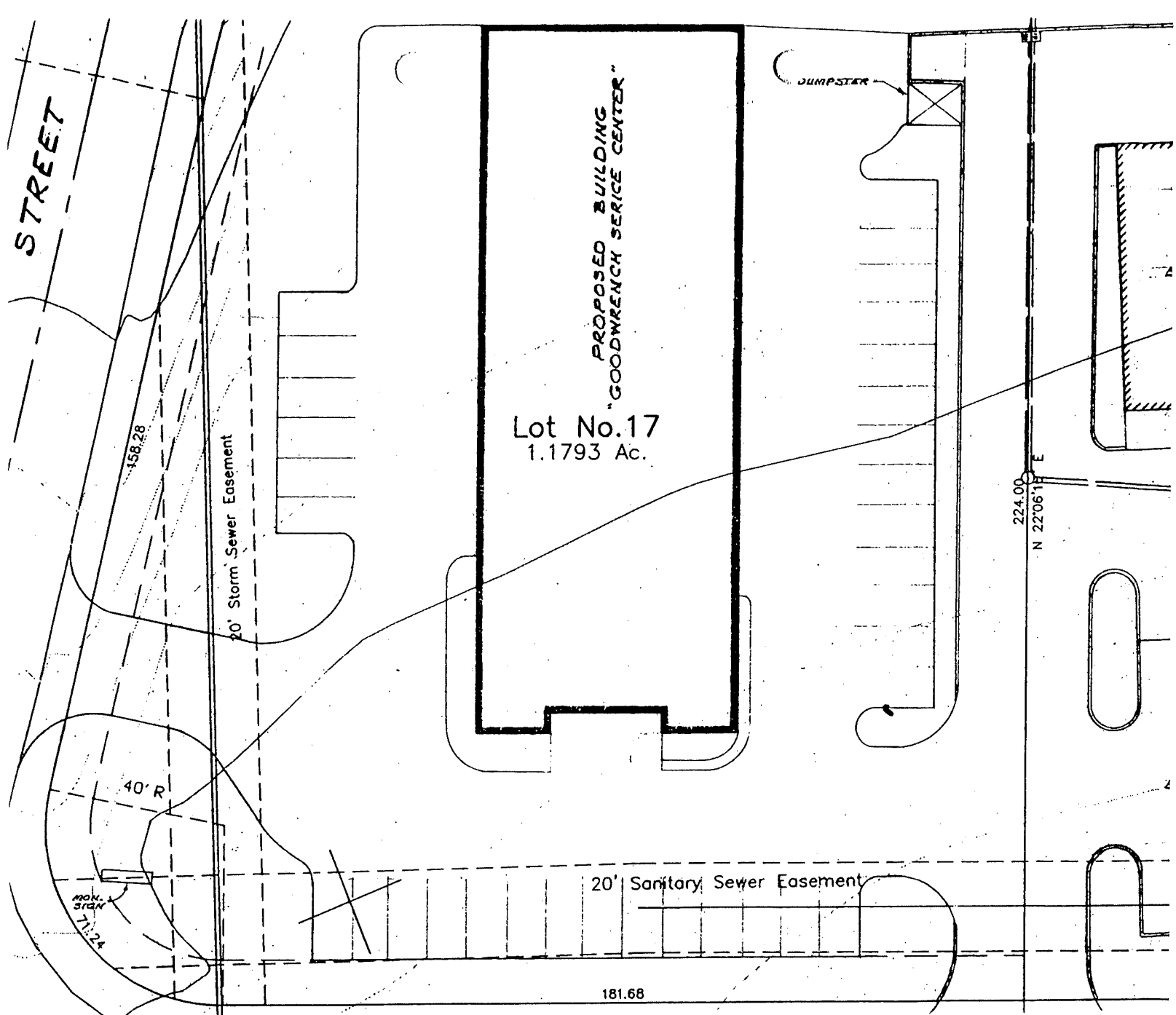


**Future Land Use Map
Merchants Square Lot 17**

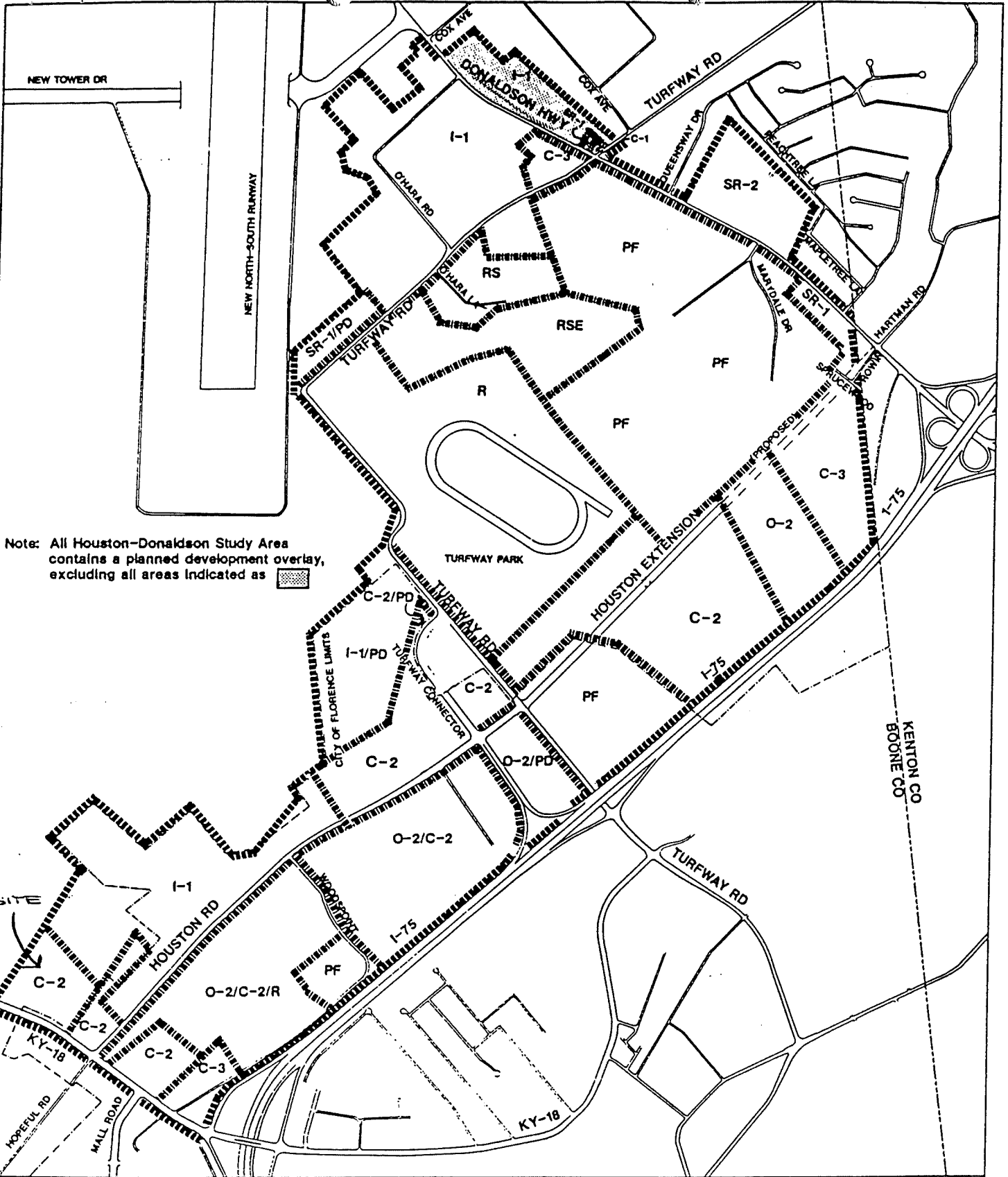
200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
September 21, 1999





CONCEPT DEVELOPMENT PLAN MERCHANTS SQUARE LOT 17



Note: All Houston-Donaldson Study Area contains a planned development overlay, excluding all areas indicated as .

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

LEGEND
 Zone District Bdry.
ALL ZONING EXCEPT SHADED AREA CONTAINS PD OVERLAY

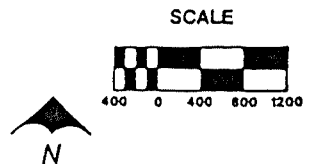


Figure 4

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
September 22, 1999
7:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mr. White, and Mrs. Wilson.

Staff Members Present: Ms. Jan Hancock, Secretary; Mr. Mark Jordan, Planner; Mr. Mitch Light, Assistant Zoning Administrator/ZEO, Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: William M. Code for Tobacco Country, Inc. (owner)
Request: Zoning Map Amendment

The request of William M. Code for Tobacco Country, Inc. (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential One (SR-1) for a 0.75 acre tract at 18 Needmore Street, Walton, Kentucky. The request is for a zone change to allow a detached single-family residence.

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Code stated that he had nothing to add to the Staff Report.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, the Chairman asked if there was anyone present in opposition to the request or having questions.

Mr. William Berkemeier, 27 Needmore Street, stated that he owns the surrounding property and wants to know what is going on.

Counselor Wilson explained that Mr. Code is asking to rezone his property from an office use to a residential zone so that it can be used as a single family house. He stated that if Mr. Berkemeier has a specific question, the Staff or the applicant can try to answer it for him. Chairman Caddell added that this application does not seek to change any of the property owned by Mr. Berkemeier and only seeks to change this property from an office zone to a residential zone.

Mr. Berkemeier questioned if there could be daycare on the property. The Chairman responded "no". Counselor Wilson added that the application is for one single-family house. Mr. Berkemeier asked if it is just the red brick house.

The applicant stated that it is just a single-family house and it is just the red brick house.

Mr. Berkemeier asked what he would have to do to put a business in behind the house. The Chairman advised Mr. Berkemeier that if he wants to use his property for a use it is not currently zoned for, he would have to seek a zone change.

Mr. Berkemeier stated that he does not see how the subject building could be a house.

The Chairman explained that the houses on both sides and everything else in the immediate area is single-family residences. The applicant is asking to put his property in conformance with what is present in the neighborhood at this time.

Mrs. Berkemeier of 27 Needmore Street asked if it will just be the one house or if other houses will be built around it. The Chairman responded that it is just the one house on the lot.

There being no further comments, the Chairman asked if there were any questions or comments from the Commissioners.

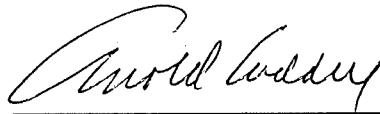
Mr. McMillian asked if the applicant will remodel the building or tear it down. Mr. Code responded that he will keep the same building and do some work on the inside. On the outside, he will put up shutters and put in shrubs.

Mr. Hicks asked if the applicant is fond of the sign. Mr. Code responded "no". Mr. Light added that the applicant stated prior to the meeting that he does not have a problem with removing the sign and that could be a condition. The Chairman asked if the applicant wished to state that the sign will come down. Mr. Code responded "Yes" and added that he will remove the sign from the property.

Mr. Newman commented that if the applicant were to tear down the building, he could not build two houses on the lot. Mr. Light agreed.

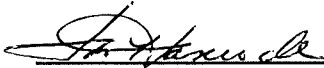
There being no further discussion, the Chairman stated that the Committee Meeting for this item will be on October 7, 1999 at 5 P.M. in Courtroom 3A. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

PUBLIC HEARING ITEM NO. 2:

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mrs. Smith, Mr. White, and Mrs. Wilson.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: James W. Berling for DC-KY 18, LLC (owner)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract on the northeast corner of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

Staff Member Mark Jordan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked Mr. Costello to address Staff Concern #1. Mr. Costello stated that in Staff Concern #1, there is reference to the applicant going to the Board of Adjustment to obtain a Conditional Use Permit. Mr. Costello has spoken with the Zoning Administrator, and a Conditional Use Permit is not required because the property is zoned C-2/PD and the review authority lies with the Planning Commission and ultimately the use is approved by the legislative unit. Staff Concern #1 is not a concern.

The Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, with offices in Florence and Covington, stated that he was representing Tom Gill and Tom Gill Chevrolet. Jim Berling was also present, as well as Mr. Durr and Mr. Crist, the sellers of the property.

Mr. Dusing stated that the site has been about a ten-year venture through the Planning Commission and through two Comprehensive Plans. They believe their request is compatible with the Comprehensive Plan

and are willing to work with the Planning Commission on Design Review. He stated that the property is zoned C-2/PD and, as a matter of right, every use has to come for review before the Planning Commission and the City of Florence.

Mr. Tom Gill, owners of Tom Gill Chevrolet in Florence, stated that he has been in business there for three years (the dealership was previously Suburban Chevrolet). His business has grown dramatically. He stated that studies show that the average customer after four or five years of ownership will leave a dealership and go to places like Pep Boys and Quik Lube to get their service work done, and dealerships are losing that business. General Motors has developed a concept to try to retain that business. The concept is "Good Wrench Service Centers", which could become a franchise opportunity and grow throughout the country. The purpose will be primarily light maintenance such as oil changes, strut replacement, batteries, wipers, starters, and alternators -- but not "dirty work" like transmission replacement and engine rebuilding. The facilities would be convenient to customers and open from possibly 7 AM or 8 AM until 9 PM Monday thru Saturday and 10 AM to 6 PM on Sunday. The hours are not definite, but it will be a seven day a week operation. Customers will be greeted by a technician who will be working on their car. The technician will take the car to a stall and the customer can go to a walkway in the center of the shop and view the car being worked on and speak with the technician. The car will then be washed and payment taken from the customer.

Mr. Dusing noted that Mr. Gill stated that there will be no heavy maintenance work. He asked Mr. Gill if the service department will be maintained at Tom Gill Chevrolet. Mr. Gill responded "yes". In response to further questions from Mr. Dusing, Mr. Gill advised that the Good Wrench facility will not be authorized to do warranty work and will not do body shop work. Mr. Dusing asked Mr. Gill if Staff Concern #3 regarding outside storage is a problem. Mr. Gill responded "no" and stated that the building is about 9,300 - 9,400 square feet and there is ample space. He stated that there will not be anything outside. Mr. Dusing questioned the car wash. Mr. Gill advised that the car wash will be inside the building and is for customer use -- it is not for people just driving by.

Mrs. Smith arrived at this time.

Mr. Dusing reviewed the slide of the zoning map. He indicated Houston Road and the bank, the golf shop, Fazoli's, Tire Discounters, the service station, SuperAmerica, the bank, QuikLube, and the Durr/Crist retail center. He stated that the Master Plan showed the strip center going all the way over, but they built less and left an outlet.

Mr Berling reviewed the Landscaping Plan noting the bushes around the parking lot area and planters near the building. He explained that there is a joint entrance between this site and the adjacent strip center which was worked out with Staff when the previous plan was approved to minimize curb cuts on Bankers Street. He stated that the dumpsters will be next to each other and in an enclosure at the back. There is a curb cut on Merchant Street because half an entrance is not enough to service the site. Service trucks will back in the Merchant Street entrance when the store is not open. Mr. Berling stated that there are several levels of review and they will b back with a Site Plan and for Architectural Review. They will be asking for a sign over the front entry and a wall mounted sign on the side. There is a monument sign in the corner of the site. Each of the buildings in the area has a low profile ground mounted sign. Sanitary sewer is available. Water is available on both streets. Utilities will be shown on the Site Plan. There is a central storm water detention facility at the rear of the site and all of the development will drain toward that facility.

In response to a request from Mr. Costello, Mr. Berling indicated the nine acres of the Northern Kentucky Rehab building behind the site. Mr. Costello stated that a center was previously approved and they built a smaller center and isolated a smaller parcel for individual use. Mr. Berling agreed.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or ask questions. There was no response.

The Chairman asked if there were any questions from the Commissioners.

Mr. McMillian commented that the facility is close to the houses and asked if there will be a loud speaker system. Mr. Gill responded "no" and stated that there is no need for that type of thing in this facility.

Mr. McMillian asked if all of the work is done the day the car comes in so that there will be no outside parking or vehicles left for a week. Mr. Gill responded that the intent is to have the parts there. The Chairman clarified that the question is whether there will be any cars parked overnight that do not get service accomplished that day. Mr. Gill responded that people could bring cars in the night before for service the next morning, so there could be cars parked there. The Chairman asked Mr. Gill "You are not stating that every car that comes in each day will be gone that day and not park there over night?". Mr. Gill responded "I am not stating that".

Mr. Ries questioned how the cars will enter and exit the facility. Mr. Gill indicated the entrance and the customer parking area. He stated that there will be glass doors along both sides so that cars can pull in and back out. Mr. Ries commented that usually cars pull in and then pull out the other end, but these cars will be pulling in and out of the side.

Mr. Damstrom questioned the number of employees and the type of signage. Mr. Gill responded that there will be a maximum of sixteen employees. Signage will be a monument sign at the corner of Merchant and Bankers Street. There is a monument sign and building mounted sign on the front and a building mounted sign on the Merchant Street side.


In response to a question from the Chairman, Mr. Gill stated that the delivery vehicle will probably be a tractor trailer. The Chairman asked if the parking lot makes it easy for a tractor trailer to get in and out. Mr. Berling showed on the exhibit how a tractor trailer could come in on Merchant Street and make the left hand turn and back towards the building. Mr. Gill indicated the location of the parts area, which is towards the front of the building.

Mr. McMillian noted that the customers can walk through the garage, but in other service centers they could not get insurance for that. What is the difference here?

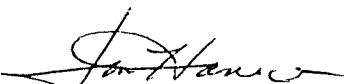
Mr. Gill responded that they provide some protection for the customers. There is a railing that goes through the center and a walkway. The customers are not under cars where they could possibly fall on them. In a typical service facility with cars going in and out, it is difficult to keep a customer in a local area because the facility was not designed for that -- but this facility is designed for interaction with the customers. Mr. Berling stated that they will bring the footprints and plans to the Committee Meeting.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on October 7, 1999 at 5 P.M.. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

PUBLIC HEARING ITEM NO. 3:

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mrs. Smith, Mr. White, and Mrs. Wilson.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

3. Applicant: Technical/Design Review Committee

Request: Zoning Text Amendments

The request of the Technical/Design Review Committee to review possible Zoning Text Amendments in order to clarify the definition of zoning terms/uses in Article 40, Definitions Section of the Boone County Zoning Regulations.

Mr. Kevin Costello, AICP, Executive Director, presented the Staff Report (see Staff Report).

The Chairman noted that there was no one present in the audience to speak either for or against this request.

Mr. Chaney asked if the definitions have stood any legal test. Mr. Costello responded "yes" and stated that he has all of the latest court cases. He has worked on this with Counselor Wilson, the city attorney, and the county administrator and feels that this is the right approach and, when we move forward, there will be another analysis by Staff as to whether we place these uses as a Conditional Use or a separately zoned district similar to I-4.

Mr. Chaney asked if it is possible to exclude these types of uses from zoning. Counselor Wilson explained that in speaking with legal counsel for the cities and with Mr. Parsons, who has a lot of experience with what they did in Newport, the consensus he gets is that it is a level of adult entertainment that would probably be protected by the First Amendment and not considered obscene. Total prohibition would be something that could be subject to attack.

Mr. Chaney stated that there are constituents in the county who would be here if they knew this was being discussed. The Chairman responded that the Public Hearing was advertised.

Mr. Damstrom stated that video stores in Boone County have the same type of films that are in adult book stores. A video store could be an adult store with a small portion that rents or sells those tapes. Mr. Costello responded that we would look at the primary use and that would be the call of the Zoning Administrator. Mr. Wall stated that if it is more than an incidental portion of the business, he would have to call it in the adult arena versus a standard video store. He added that whether it is an adult video store or a regular video store, there are local obscenity ordinances that would probably permit some materials from being sold.

Mr. Damstrom stated that there is no way to determine if it is an "incidental" portion of the business without seeing the rental records. If someone wanted an adult video business, they could have a thousand movies, with 300 or 400 being adult movies, and it may be amazing to see how many times he rents those adult moves -- but he would be under the guise of having a "video store". He feels from the way he reads the text that there is a way around renting and having explicit movies and doing it legally. Mr. Costello responded that the Committee will look at this to see if there should be a language change.

Mr. Ries stated that the adult store was closed down in Florence because it violated obscenity laws. Mr. Costello added that it was also not a Permitted Use.

Mr. Costello explained that we are trying to take a pro-active approach to this issue and determine what zone, if any, it should be in -- or should it be a separate zone? The language describes the use, but does not automatically say it is permitted. That would be another Public Hearing.

Mr. Ries stated that Cincinnati has done extensive research about putting things like this in certain zones. Mr. Costello advised that we have that information. He added that he has worked with Covington and they are looking at concentrating it in one area.

Counselor Wilson stated that he believes the approach for the proposed text amendment was not so much to regulate activity that could fall under the First Amendment, but to look at the uses we now allow in current zoning and look at a means of protecting them from any adverse impact of a sexually oriented business. Mr. Costello agreed and added that we want to clarify that it is not combined with other uses in the code -- it is a separate use. These uses are fundamentally different than those uses permitted in the code.


Mr. Newman questioned the definition of Art, Music & Dancing Schools. Mr. Costello reviewed the definition and stated that there is a typing mistake -- the word "if" should be "is". That correction will be made.

Mr. McMillian asked if a lingerie show is a sexually oriented business. Mr. Wall noted that these shows occur in bars, but as long as the appropriate parts of the body are covered, they are not a sexually oriented business.

There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on September 29, 1999 at 6:30 P.M.. This item will be on the Agenda for the Business Meeting on October 6, 1999 at 7:30 P.M..

The Chairman closed this Public Hearing at 8 P.M..

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
October 20, 1999
7:30 P.M.

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

COMMISSION MEMBERS PRESENT:

Mr. Arnold Caddell, Chairman
Mr. W. Thomas Chaney
Mr. Phil Damstrom, Vice Chairman
Mr. Mark Hicks, Temporary Presiding Officer
Mr. Don McMillian
Mr. Robert Newman
Mr. Robert Ries
Mr. Bob Schwenke
Mrs. Carol Smith
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Richard Knock
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mark Jordan, Planner
Mr. Todd Morgan, Planner
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

3. Change in Concept Development Plan

The request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract on the northeast corner of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

Staff Member Mark Jordan presented the Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report).

There being no discussion, Mr. White moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of Charles E. Massey and Charles Edward Massey (applicants) for Charles Edward Massey (owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Office One (O-1) for a 1.39 acre tract on the northeast corner of the North Bend Road/Stahl Road intersection, Boone County, Kentucky. The request is for a zone change to allow an office building.

The Chairman stated that there is a request to defer Agenda Item #4 to the November 17, 1999 Business Meeting. The Committee Meeting will be on November 4, 1999 at 5 P.M. in the second floor conference room. Mr. White so moved. Mr. Chaney seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Charles Sallee and Linda Sallee (owners) to consider a Zoning Map Amendment from Residential One Family (R1F) to Professional Office One (O-1A) for a 0.61 acre tract at 7368 Burlington Pike, Florence, Kentucky. The request is for a zone change to allow an office building.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. White moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Chaney seconded the motion and it carried unanimously.

EXHIBIT
“B”

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Thomas Chaney, Chairman

DATE: October 20, 1999

RE: Request of **James W. Berling (applicant)** for **DC-KY 18, LLC (owner)** to consider a Change in Concept Development Plan for a 1.1793 acre tract located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

REMARKS:

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

Findings of Fact

1. The committee has concluded that the applicant has adequately demonstrated that the request for a Change in Concept Development Plan to allow a freestanding automobile repair facility is an appropriate use for the 1.1793 acre site.
2. The applicant has shown that the request is consistent with the recommendations of the 1995 Boone County Comprehensive Plan, specifically, page 226 of the Land Use Element which states:

The Houston-Donaldson Study recommends "an employment district which would include a mix of office, commercial, and industrial uses". In addition, page 18 of the Houston-Donaldson Study refers to this site as part of Site 1 (Merchant's Square). Page 20 of the study recognizes that because of the site's high visibility from Hwy. 18, the front portion of Merchant's Square is "suitable for commercial uses".

3. The Committee has concluded that the attached condition is necessary to mitigate any impacts that may be created by the development. Both the property owner and the applicant have signed a letter demonstrating agreement with this condition.

Condition

1. The applicant has agreed that there will be no junk, wrecked, or salvaged vehicles stored on the premises at any time.

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

Thomas Chaney
Thomas Chaney, Chairman
For Against
Abstain Absent

Phil Damstrom
Phil Damstrom
For Against
Abstain Absent

Don McMillian
Don McMillian
For Against
Abstain Absent

Bob Newman
Bob Newman
For Against
Abstain Absent

Earl White
Earl White
For Against
Abstain Absent

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

PUBLIC HEARING ITEM NO. 2:

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mrs. Smith, Mr. White, and Mrs. Wilson.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: James W. Berling for DC-KY 18, LLC (owner)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract on the northeast corner of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

Staff Member Mark Jordan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked Mr. Costello to address Staff Concern #1. Mr. Costello stated that in Staff Concern #1, there is reference to the applicant going to the Board of Adjustment to obtain a Conditional Use Permit. Mr. Costello has spoken with the Zoning Administrator, and a Conditional Use Permit is not required because the property is zoned C-2/PD and the review authority lies with the Planning Commission and ultimately the use is approved by the legislative unit. Staff Concern #1 is not a concern.

The Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, with offices in Florence and Covington, stated that he was representing Tom Gill and Tom Gill Chevrolet. Jim Berling was also present, as well as Mr. Durr and Mr. Crist, the sellers of the property.

Mr. Dusing stated that the site has been about a ten-year venture through the Planning Commission and through two Comprehensive Plans. They believe their request is compatible with the Comprehensive Plan

and are willing to work with the Planning Commission on Design Review. He stated that the property is zoned C-2/PD and, as a matter of right, every use has to come for review before the Planning Commission and the City of Florence.

Mr. Tom Gill, owners of Tom Gill Chevrolet in Florence, stated that he has been in business there for three years (the dealership was previously Suburban Chevrolet). His business has grown dramatically. He stated that studies show that the average customer after four or five years of ownership will leave a dealership and go to places like Pep Boys and Quik Lube to get their service work done, and dealerships are losing that business. General Motors has developed a concept to try to retain that business. The concept is "Good Wrench Service Centers", which could become a franchise opportunity and grow throughout the country. The purpose will be primarily light maintenance such as oil changes, strut replacement, batteries, wipers, starters, and alternators -- but not "dirty work" like transmission replacement and engine rebuilding. The facilities would be convenient to customers and open from possibly 7 AM or 8 AM until 9 PM Monday thru Saturday and 10 AM to 6 PM on Sunday. The hours are not definite, but it will be a seven day a week operation. Customers will be greeted by a technician who will be working on their car. The technician will take the car to a stall and the customer can go to a walkway in the center of the shop and view the car being worked on and speak with the technician. The car will then be washed and payment taken from the customer.

Mr. Dusing noted that Mr. Gill stated that there will be no heavy maintenance work. He asked Mr. Gill if the service department will be maintained at Tom Gill Chevrolet. Mr. Gill responded "yes". In response to further questions from Mr. Dusing, Mr. Gill advised that the Good Wrench facility will not be authorized to do warranty work and will not do body shop work. Mr. Dusing asked Mr. Gill if Staff Concern #3 regarding outside storage is a problem. Mr. Gill responded "no" and stated that the building is about 9,300 - 9,400 square feet and there is ample space. He stated that there will not be anything outside. Mr. Dusing questioned the car wash. Mr. Gill advised that the car wash will be inside the building and is for customer use -- it is not for people just driving by.

Mrs. Smith arrived at this time.

Mr. Dusing reviewed the slide of the zoning map. He indicated Houston Road and the bank, the golf shop, Fazoli's, Tire Discounters, the service station, SuperAmerica, the bank, QuikLube, and the Durr/Crist retail center. He stated that the Master Plan showed the strip center going all the way over, but they built less and left an outlot.

Mr Berling reviewed the Landscaping Plan noting the bushes around the parking lot area and planters near the building. He explained that there is a joint entrance between this site and the adjacent strip center which was worked out with Staff when the previous plan was approved to minimize curb cuts on Bankers Street. He stated that the dumpsters will be next to each other and in an enclosure at the back. There is a curb cut on Merchant Street because half an entrance is not enough to service the site. Service trucks will back in the Merchant Street entrance when the store is not open. Mr. Berling stated that there are several levels of review and they will b back with a Site Plan and for Architectural Review. They will be asking for a sign over the front entry and a wall mounted sign on the side. There is a monument sign in the corner of the site. Each of the buildings in the area has a low profile ground mounted sign. Sanitary sewer is available. Water is available on both streets. Utilities will be shown on the Site Plan. There is a central storm water detention facility at the rear of the site and all of the development will drain toward that facility.

In response to a request from Mr. Costello, Mr. Berling indicated the nine acres of the Northern Kentucky Rehab building behind the site. Mr. Costello stated that a center was previously approved and they built a smaller center and isolated a smaller parcel for individual use. Mr. Berling agreed.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or ask questions. There was no response.

The Chairman asked if there were any questions from the Commissioners.

Mr. McMillian commented that the facility is close to the houses and asked if there will be a loud speaker system. Mr. Gill responded "no" and stated that there is no need for that type of thing in this facility.

Mr. McMillian asked if all of the work is done the day the car comes in so that there will be no outside parking or vehicles left for a week. Mr. Gill responded that the intent is to have the parts there. The Chairman clarified that the question is whether there will be any cars parked overnight that do not get service accomplished that day. Mr. Gill responded that people could bring cars in the night before for service the next morning, so there could be cars parked there. The Chairman asked Mr. Gill "You are not stating that every car that comes in each day will be gone that day and not park there over night?". Mr. Gill responded "I am not stating that".

Mr. Ries questioned how the cars will enter and exit the facility. Mr. Gill indicated the entrance and the customer parking area. He stated that there will be glass doors along both sides so that cars can pull in and back out. Mr. Ries commented that usually cars pull in and then pull out the other end, but these cars will be pulling in and out of the side.

Mr. Damstrom questioned the number of employees and the type of signage. Mr. Gill responded that there will be a maximum of sixteen employees. Signage will be a monument sign at the corner of Merchant and Bankers Street. There is a monument sign and building mounted sign on the front and a building mounted sign on the Merchant Street side.


In response to a question from the Chairman, Mr. Gill stated that the delivery vehicle will probably be a tractor trailer. The Chairman asked if the parking lot makes it easy for a tractor trailer to get in and out. Mr. Berling showed on the exhibit how a tractor trailer could come in on Merchant Street and make the left hand turn and back towards the building. Mr. Gill indicated the location of the parts area, which is towards the front of the building.

Mr. McMillian noted that the customers can walk through the garage, but in other service centers they could not get insurance for that. What is the difference here?

Mr. Gill responded that they provide some protection for the customers. There is a railing that goes through the center and a walkway. The customers are not under cars where they could possibly fall on them. In a typical service facility with cars going in and out, it is difficult to keep a customer in a local area because the facility was not designed for that -- but this facility is designed for interaction with the customers. Mr. Berling stated that they will bring the footprints and plans to the Committee Meeting.

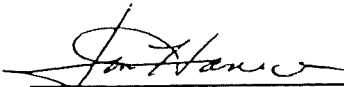
There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on October 7, 1999 at 5 P.M.. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:

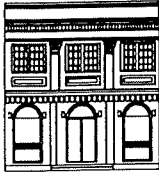


Jan Hancock, Recording Secretary

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION

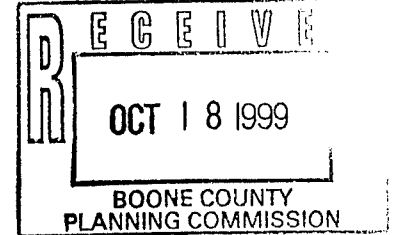
2995 Washington Street, Burlington, KY 41005



606-334-2196
FAX 606-334-2264
E-Mail plancom@one.net

October 13, 1999

Mr. James W. Berling
1671 Park Road, Suite One
Ft. Wright, KY 41011



RE: Conditions of Approval for the Change in Concept Development Plan for the 1.1793 acre tract located at Lot 17, Merchants Square, Florence, Kentucky

Dear Mr. Berling:

The following represents the conditions of approval for the above-referenced application as agreed by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant, agree to these conditions, please indicate so by providing your signature on the agreement no later than Monday, October 18, 1999.

Conditions

1. The applicant has agreed that there will be no junk, wrecked, or salvaged vehicles stored on the premises at any time.

Sincerely,

Mark E. Jordan
Planner

MEJ/pr

I, the applicant, agree to the above listed conditions for the approval of the request of DC-KY 18, L.L.C. for the change in Concept Development Plan on the 1.1793 acre site located at Lot 17, Merchant's Square, Florence, Kentucky.

James W. Berling (Applicant)

Oct. 18, 1999
Date

I, the owner, agree to the above listed conditions for the approval of the request of DC-KY 18, L.L.C. for the Change in Concept Development Plan on the 1.1793 acre site located at Lot 17, Merchant's Square, Florence, Kentucky.

RICHARD D. CAIST, MEMBER
DC-KY 18, L.L.C (Owner)

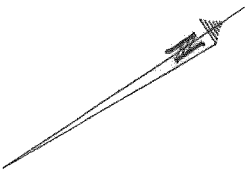
Oct. 18, 1999
Date

ADJACENT PROPERTY OWNERS

- 1). Speedway Super America
539 South Main Street
Findley, OH 45840
- 2). Jeffrey and Kathy Simmons
5848 North Orient Street
Burlington, KY 41005
- 3). R.C. DURR
8800 Bankers Street
Florence, KY 41042
- 4). Provident Bank of Kentucky
One East 4th Street
Cincinnati, OH 45202

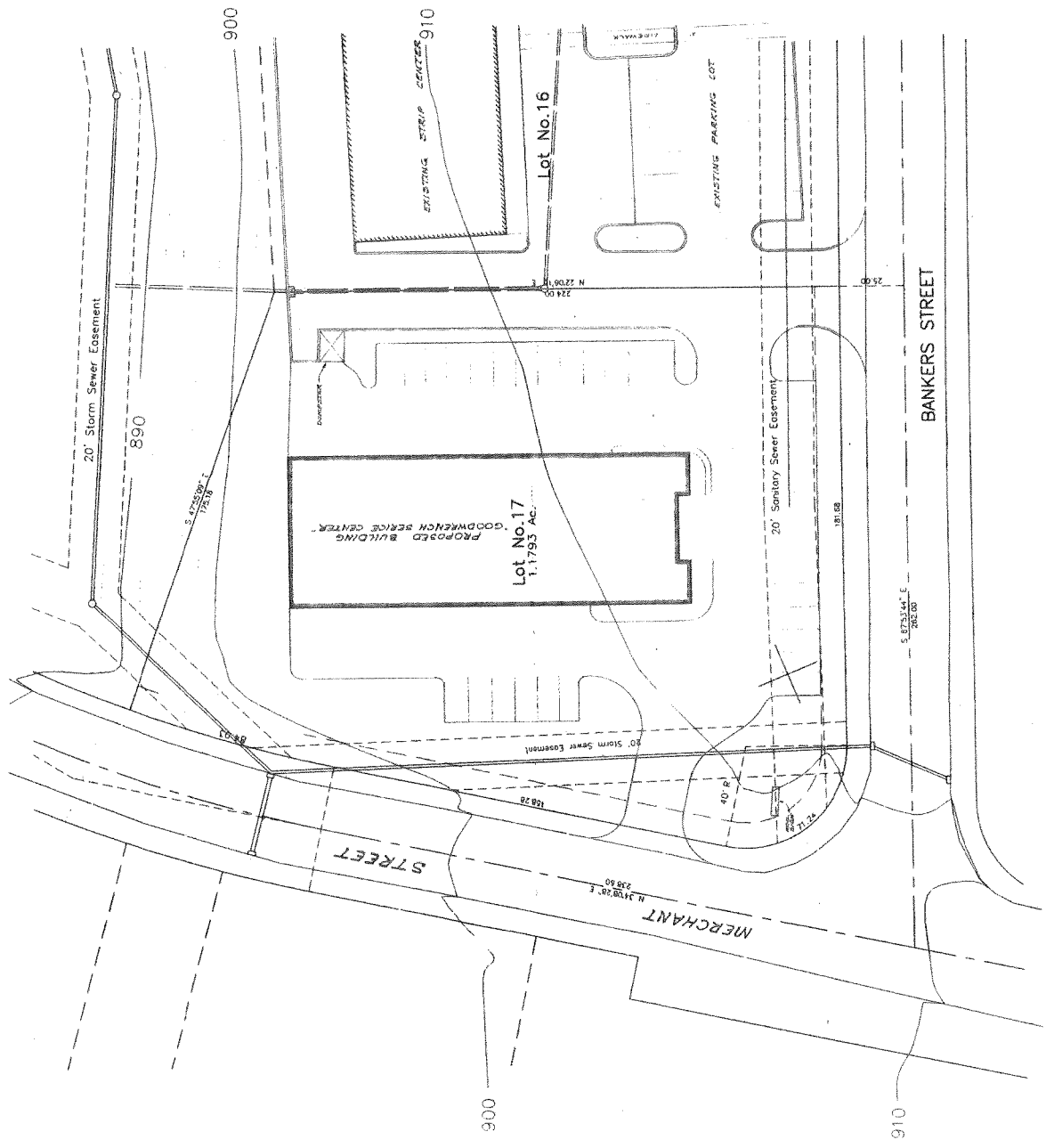
LEGAL DESCRIPTION

Being all of Lot No. 17 of Merchant Square Subdivision, Section No. 5, as recorded in the office of the Boone County Clerk's Office located in Burlington, Kentucky.



PREPARED BY
 DATE 11/28/88
 PROJECT NO. 88-001

PRELIMINARY SITE PLAN
GOODWENCH SERVICE CENTER
LOT No. 17, MERCHANTS SQUARE
 JAMES W. BEALING
 P.L. ENGR. LIC. N.C. 51945
 1" = 80'
 CORNER OF MERCHANT STREET
 & BANKERS STREET, RENTON, WA
 8-30-88



ORDINANCE NO. O-30-99

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN FOR AN APPROXIMATE 1.1793 ACRE TRACT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF MERCHANT STREET/BANKERS STREET IN THE CITY OF FLORENCE, KENTUCKY TO ALLOW AN AUTOMOTIVE REPAIR FACILITY FOR THIS PROPERTY CURRENTLY ZONED COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD). (DC-KY 18, LLC)

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

WHEREAS, the Boone County Planning Commission has recommended approval, subject to a development plan and agreed conditions, of a change in concept development plan for an approximately 1.1793 acre tract to allow an automotive repair facility at the northeast corner of the intersection of Merchant Street/Bankers Street in the City of Florence, Kentucky, and

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

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

SECTION I

That the requested change in concept development plan for the approximate 1.1793 acre site located at the northeast corner of the intersection of Merchant Street/Bankers Street in the City of Florence, Kentucky shall be and is hereby approved to allow an automotive repair facility, subject to the concept development plan and other agreed conditions for this site currently zoned Commercial Two/Planned Development (C-2/PD). The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be changed to reflect the approval of this concept development plan.

SECTION II

The approval of this change in concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-99-030-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

In addition to those conditions set forth in the recommendations of the Boone County Planning Commission, this approval of the City of Florence, Kentucky through its City Council shall be and is hereby subject to those additional conditions that have been

agreed to in writing by the property owner/applicant as shown on Exhibit "C", a copy of which is attached and incorporated herein by reference.

SECTION IV

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-99-030-A, marked Exhibit "B", and incorporated herein as if fully set out.

SECTION V

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

SECTION VI

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

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF December 1999.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 21st DAY OF December 1999.

APPROVED:

Deane E. Whaler
MAYOR

ATTEST:

Edy Conrad
CITY CLERK

ADJACENT PROPERTY OWNERS

- 1). Speedway Super America
539 South Main Street
Findley, OH 45840
- 2). Jeffrey and Kathy Simmons
5848 North Orient Street
Burlington, KY 41005
- 3). R.C. DURR
8800 Bankers Street
Florence, KY 41042
- 4). Provident Bank of Kentucky
One East 4th Street
Cincinnati, OH 45202

LEGAL DESCRIPTION

Being all of Lot No. 17 of Merchant Square Subdivision, Section No. 5, as recorded in the office of the Boone County Clerk's Office located in Burlington, Kentucky.

Exhibit "A"

RESOLUTION R-99-030-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST OF JAMES W. BERLING (APPLICANT) FOR DC-KY 18, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, WITH ONE CONDITION, IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 1.1793 ACRE TRACT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF THE MERCHANT STREET/BANKERS STREET INTERSECTION, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a change in an approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northwest corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for a change in an approved Concept Development Plan, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a change in an approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The real estate which is the subject of this request for a change in an approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK 466, PAGE NO. 298 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Exhibit "B"

SECTION II

That as a basis for the recommendation of approval for a change in an approved Concept Development Plan, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky, findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

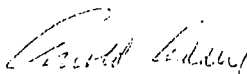
The Committee recommended approval for this request based on the findings of fact and one condition as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval for a change in an approved Concept Development Plan, with one condition, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.1793 acre tract generally located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

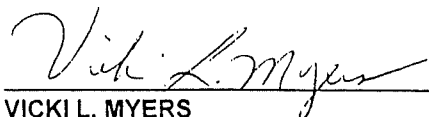
PASSED AND APPROVED ON THIS 3RD DAY OF NOVEMBER, 1999.

APPROVED:



**ARNOLD CADDELL
CHAIRMAN**

ATTEST:



**VICKI L. MYERS
MANAGER, ADMINISTRATIVE SERVICES**

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Thomas Chaney, Chairman

DATE: October 20, 1999

RE: Request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract located on the northeast corner of the intersection of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

REMARKS:

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

Findings of Fact

1. The committee has concluded that the applicant has adequately demonstrated that the request for a Change in Concept Development Plan to allow a freestanding automobile repair facility is an appropriate use for the 1.1793 acre site.
2. The applicant has shown that the request is consistent with the recommendations of the 1995 Boone County Comprehensive Plan, specifically, page 226 of the Land Use Element which states:

The Houston-Donaldson Study recommends "an employment district which would include a mix of office, commercial, and industrial uses". In addition, page 18 of the Houston-Donaldson Study refers to this site as part of Site 1 (Merchant's Square). Page 20 of the study recognizes that because of the site's high visibility from Hwy. 18, the front portion of Merchant's Square is "suitable for commercial uses".

3. The Committee has concluded that the attached condition is necessary to mitigate any impacts that may be created by the development. Both the property owner and the applicant have signed a letter demonstrating agreement with this condition.

Condition

1. The applicant has agreed that there will be no junk, wrecked, or salvaged vehicles stored on the premises at any time.

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

Thomas Chaney

Thomas Chaney, Chairman

For Against _____
Abstain _____ Absent _____

Phil Damstrom

Phil Damstrom

For Against _____
Abstain _____ Absent _____

Don McMillian

Don McMillian

For Against _____
Abstain _____ Absent _____

Bob Newman

Bob Newman

For Against _____
Abstain _____ Absent _____

Earl White

Earl White

For Against _____
Abstain _____ Absent _____

TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT

PUBLIC HEARING ITEM NO. 2:

Commission Members Present: Mr. Caddell - Chairman, Mr. Chaney, Mr. Damstrom - Vice Chairman, Mr. Hicks - Temporary Presiding Officer, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mrs. Smith, Mr. White, and Mrs. Wilson.

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

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the second item on the Agenda:

2. Applicant: James W. Berling for DC-KY 18, LLC (owner)

Request: Change in Concept Development Plan

The request of James W. Berling (applicant) for DC-KY 18, LLC (owner) to consider a Change in Concept Development Plan for a 1.1793 acre tract on the northeast corner of the Merchant Street/Bankers Street intersection, Florence, Kentucky. The request is for a Change in Concept Development Plan to allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

Staff Member Mark Jordan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked Mr. Costello to address Staff Concern #1. Mr. Costello stated that in Staff Concern #1, there is reference to the applicant going to the Board of Adjustment to obtain a Conditional Use Permit. Mr. Costello has spoken with the Zoning Administrator, and a Conditional Use Permit is not required because the property is zoned C-2/PD and the review authority lies with the Planning Commission and ultimately the use is approved by the legislative unit. Staff Concern #1 is not a concern.

The Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, with offices in Florence and Covington, stated that he was representing Tom Gill and Tom Gill Chevrolet. Jim Berling was also present, as well as Mr. Durr and Mr. Crist, the sellers of the property.

Mr. Dusing stated that the site has been about a ten-year venture through the Planning Commission and through two Comprehensive Plans. They believe their request is compatible with the Comprehensive Plan

and are willing to work with the Planning Commission on Design Review. He stated that the property is zoned C-2/PD and, as a matter of right, every use has to come for review before the Planning Commission and the City of Florence.

Mr. Tom Gill, owners of Tom Gill Chevrolet in Florence, stated that he has been in business there for three years (the dealership was previously Suburban Chevrolet). His business has grown dramatically. He stated that studies show that the average customer after four or five years of ownership will leave a dealership and go to places like Pep Boys and Quik Lube to get their service work done, and dealerships are losing that business. General Motors has developed a concept to try to retain that business. The concept is "Good Wrench Service Centers", which could become a franchise opportunity and grow throughout the country. The purpose will be primarily light maintenance such as oil changes, strut replacement, batteries, wipers, starters, and alternators -- but not "dirty work" like transmission replacement and engine rebuilding. The facilities would be convenient to customers and open from possibly 7 AM or 8 AM until 9 PM Monday thru Saturday and 10 AM to 6 PM on Sunday. The hours are not definite, but it will be a seven day a week operation. Customers will be greeted by a technician who will be working on their car. The technician will take the car to a stall and the customer can go to a walkway in the center of the shop and view the car being worked on and speak with the technician. The car will then be washed and payment taken from the customer.

Mr. Dusing noted that Mr. Gill stated that there will be no heavy maintenance work. He asked Mr. Gill if the service department will be maintained at Tom Gill Chevrolet. Mr. Gill responded "yes". In response to further questions from Mr. Dusing, Mr. Gill advised that the Good Wrench facility will not be authorized to do warranty work and will not do body shop work. Mr. Dusing asked Mr. Gill if Staff Concern #3 regarding outside storage is a problem. Mr. Gill responded "no" and stated that the building is about 9,300 - 9,400 square feet and there is ample space. He stated that there will not be anything outside. Mr. Dusing questioned the car wash. Mr. Gill advised that the car wash will be inside the building and is for customer use -- it is not for people just driving by.

Mrs. Smith arrived at this time.

Mr. Dusing reviewed the slide of the zoning map. He indicated Houston Road and the bank, the golf shop, Fazoli's, Tire Discounters, the service station, SuperAmerica, the bank, QuikLube, and the Durr/Crist retail center. He stated that the Master Plan showed the strip center going all the way over, but they built less and left an outlet.

Mr Berling reviewed the Landscaping Plan noting the bushes around the parking lot area and planters near the building. He explained that there is a joint entrance between this site and the adjacent strip center which was worked out with Staff when the previous plan was approved to minimize curb cuts on Bankers Street. He stated that the dumpsters will be next to each other and in an enclosure at the back. There is a curb cut on Merchant Street because half an entrance is not enough to service the site. Service trucks will back in the Merchant Street entrance when the store is not open. Mr. Berling stated that there are several levels of review and they will b back with a Site Plan and for Architectural Review. They will be asking for a sign over the front entry and a wall mounted sign on the side. There is a monument sign in the corner of the site. Each of the buildings in the area has a low profile ground mounted sign. Sanitary sewer is available. Water is available on both streets. Utilities will be shown on the Site Plan. There is a central storm water detention facility at the rear of the site and all of the development will drain toward that facility.

In response to a request from Mr. Costello, Mr. Berling indicated the nine acres of the Northern Kentucky Rehab building behind the site. Mr. Costello stated that a center was previously approved and they built a smaller center and isolated a smaller parcel for individual use. Mr. Berling agreed.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or ask questions. There was no response.

The Chairman asked if there were any questions from the Commissioners.

Mr. McMillian commented that the facility is close to the houses and asked if there will be a loud speaker system. Mr. Gill responded "no" and stated that there is no need for that type of thing in this facility.

Mr. McMillian asked if all of the work is done the day the car comes in so that there will be no outside parking or vehicles left for a week. Mr. Gill responded that the intent is to have the parts there. The Chairman clarified that the question is whether there will be any cars parked overnight that do not get service accomplished that day. Mr. Gill responded that people could bring cars in the night before for service the next morning, so there could be cars parked there. The Chairman asked Mr. Gill "You are not stating that every car that comes in each day will be gone that day and not park there over night?". Mr. Gill responded "I am not stating that".

Mr. Ries questioned how the cars will enter and exit the facility. Mr. Gill indicated the entrance and the customer parking area. He stated that there will be glass doors along both sides so that cars can pull in and back out. Mr. Ries commented that usually cars pull in and then pull out the other end, but these cars will be pulling in and out of the side.

Mr. Damstrom questioned the number of employees and the type of signage. Mr. Gill responded that there will be a maximum of sixteen employees. Signage will be a monument sign at the corner of Merchant and Bankers Street. There is a monument sign and building mounted sign on the front and a building mounted sign on the Merchant Street side.

In response to a question from the Chairman, Mr. Gill stated that the delivery vehicle will probably be a tractor trailer. The Chairman asked if the parking lot makes it easy for a tractor trailer to get in and out. Mr. Berling showed on the exhibit how a tractor trailer could come in on Merchant Street and make the left hand turn and back towards the building. Mr. Gill indicated the location of the parts area, which is towards the front of the building.

Mr. McMillian noted that the customers can walk through the garage, but in other service centers they could not get insurance for that. What is the difference here?

Mr. Gill responded that they provide some protection for the customers. There is a railing that goes through the center and a walkway. The customers are not under cars where they could possibly fall on them. In a typical service facility with cars going in and out, it is difficult to keep a customer in a local area because the facility was not designed for that -- but this facility is designed for interaction with the customers. Mr. Berling stated that they will bring the footprints and plans to the Committee Meeting.

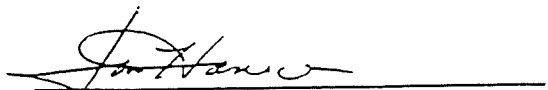
There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on October 7, 1999 at 5 P.M.. This item will be on the Agenda for the Business Meeting on October 20, 1999 at 7:30 P.M.. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

ADAMS, STEPNER, WOLTERMANN & DUSING.
P.L.L.C.

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- LOUI A. SCHLESMAN *
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* ALSO ADMITTED TO PRACTICE
-- ADMITTED ONLY IN OHIO

CHARLES K. ADAMS (1986-1991)
C. GORDON WATKINS (1981-1989)

December 10, 1999

Hugh O. Skees, Esq.
 Rouse, Skees, Wilson & Dillon
 7699 Ewing Boulevard
 P.O. Box 756
 Florence, Kentucky 41042-0756

RE: Change in Concept Development Plan - Berling/DC-KY 18, LLC
 (Goodwrench)

Dear Hugh:

The following are the conditions for approval of the Concept Development Plan submitted by Jim Berling on behalf of Tom Gill for a Goodwrench facility to be located on a 1.1793 acre tract on the northeast corner of the intersection of Merchant Street and Bankers Street, Florence, Kentucky. The change in the Concept Development Plan will allow an automotive repair facility in a Commercial Two/Planned Development (C-2/PD) zone.

1. There shall be no outside storage on the premises at anytime, including, but not limited to, junk, wrecked or salvaged vehicles. Provided, however, customer vehicles may be parked on the premises overnight for service on the next business day.
2. All repairs and service will occur inside the building to be located on the premises.
3. There will be no loud speaker system on the premises.
4. All lighting will be directional toward the premises and directed away from the residential subdivision located adjacent to Merchants Square Subdivision, Section No. 4.

Exhibit "c"

Hugh O. Skees, Esq.
December 10, 1999
Page 2

Please let me know if these conditions accurately reflect the wishes of the Florence City Council. Also, please let me know if I need to take any additional action so that the ordinance approving the change in the Concept Development Plan can be put on next week's agenda. Finally, when will the second reading occur?

Thanks you for your cooperation.

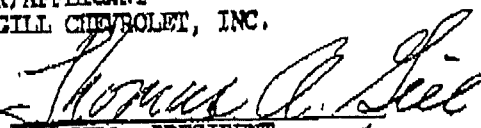
Very truly yours,

ADAMS, STEPNER, WOLTERMANN,
& DUSING, P.L.L.C.


MICHAEL M. SKETCH

mms:cjp

OWNER/APPLICANT
TOM GILL CHEVROLET, INC.

By: 
TOM GILL, PRESIDENT

Dated: 12/14/99

STREET

158.28

20' Storm Sewer Easement

40' R

NOV. 1
31 AM
71-24

Lot No.17
1.1793 Ac.

20' Sanitary Sewer Easement

181.68

JUMPSTER

224.00
N 22'06" E

PROPOSED BUILDING
"GOODWRENCH SERVICE CENTER"

CONCEPT DEVELOPMENT PLAN MERCHANTS SQUARE LOT 17