

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

OCT 18 2005

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project THE SHOPPING AT BURLINGTON
- 3. Location of Project BURLINGTON SR 18
- 4. Total Acreage of Site 15.42
- 5. Current Zoning C-4
- 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) _____
- 8. Proposed Uses (please specify each use) ADDITIONAL RETAIL
- 9. Proposed Building Intensities (please specify) BUILDING ADDITION
- 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) WILLIAM MARTIN
- Phone Number 859-292-8040 Fax No. 859-292-8050
- 13. Address of Applicant(s) 45 FAIRFIELD AVE.
- BELLEVUE KY 41073
- City State Zip
- 14. Name of Property Owner(s) BURLINGTON Retail Center, LLC
- Phone Number 859-292-8040 Fax No. 859-292-8050
- 15. Address of Property Owner(s) 45 FAIRFIELD AVE
- BELLEVUE KY 41073
- City State Zip
- 16. Are there any existing buildings on the site? YES
- How many? 4
- 17. Deed Book 790 Page No. 170 Group No. _____
- 18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **William Martin (applicant)** for **Burlington Retail Center, LLC (owner)** for a Change in an Approved Concept Development Plan for a 15.42 acre site located at 1751 through 1793 Patrick Drive (Shoppes at Burlington), Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) to allow an approximate 20,470 square foot addition to an existing grocery store.

November 16, 2005

REQUEST

The applicant is requesting a Change in an Approved Concept Development Plan to allow a 20,470 square-foot expansion of the Kroger's grocery store located in the Shoppes of Burlington retail center. The proposed expansion, which is 178 feet by 115 feet, would encompass the existing Kroger Liquor Store lease space, as well as a portion of the lease space that the Dollar Tree currently occupies. The total area of the Shoppes of Burlington retail center and the expanded Kroger's, compared to the area of the shopping center pre-expansion, would be as follows:

	Current Area	Area after expansion
Kroger's	71,337 square feet	91,807
Shoppes of Burlington Retail Center	97,737	118,207

The applicant has indicated that the expansion area would match the existing building design. Twelve (12) parking spaces adjoining the Kroger Liquor store and the Dollar Tree would be taken through the proposal. These would be relocated to an area adjoining "Retail A" as noted on the Concept Development Plan and another area in front of "Retail B" as noted on the plan. Three (3) new parking spaces would be added through this process, for a total of 526 parking spaces.

The Kroger Liquor Store and the Dollar Tree would need to be relocated through the approval of this plan. The other tenants currently in the building would remain.

SITE CHARACTERISTICS AND SITE HISTORY:

The grocery store is located within the Shoppes of Burlington subdivision. The Boone County Planning Commission approved a Zoning Map Amendment in 1996 to allow the development of this subdivision. The approved Concept Development Plan depicted a retail center and four commercial outlots on 24.86 acres. An apartment complex was approved for the remaining 30.37 acres. The grocery store as shown on the Plan was 56,800 square feet in area and the remaining retail space in the center was 42,500 square feet.

The area of the retail center as constructed breaks down as follows:

- **Krogers:** 71,337 square feet
- **Remaining tenant spaces in center** 26,400 square feet

ADJACENT LAND USES:

- **North:**
 - Two vacant parcels, 0.57 and 0.35 acres, located across KY 18 in front of the former Flick's grocery store, zoned Commercial Two (C-2)
 - Multi-tenant retail building at 1797 through 1799 Patrick Drive, zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD)
 - Donato's Pizza at 1800 Patrick Drive, zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD)
 - Jet Clean Carwash at 1808 Patrick Drive, zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD)
 - Burger King at 1816 Patrick Drive, zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD)
 - Heritage Bank, across Ky 18 at 1818 Florence Pike, zoned Commercial Two (C-2)
 - Blair Eye Center across KY 18 at 1821 Florence Pike, zoned Office One/Concept Development (O-1/CD).
- **South:** Burgundy Hills apartments, zoned Suburban Residential Two/Planned Development/Concept Development (SR-2/PD/CD)
- **Southeast:** The Crossings of Oakbrook apartments zoned Urban Residential One/Planned Development/Concept Development (UR-1/PD/CD)
- **Southwest:** First Church of Christ at 6080 Camp Ernst Road, zoned Suburban Residential One (SR-1)

- **East:** Walgreens at 1747 Patrick Drive, zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD)

Multi-tenant retail building at 6111 Burgundy Hill Drive, zoned Commercial Two/Planned Development/Concept Development (C-2/PD/CD)
- **West:** Parcel currently under development, 7.33 acres, part of the Boone County Extension District campus, zoned Public Facilities (PF)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2025 Future Land Use Map of the 2000 Boone County Comprehensive Plan designates the northern portion of the property, about 8.4 acres, as Commercial, which is defined as follows:

"Retail, corporate, and professional office, interchange commercial, indoor commercial, recreation, restaurants, services, etc. (p. 158)."

The remaining portion of the site, approximately 7 acres, is designated as Urban Density Residential, which is defined as

"Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre (p. 158)."

The text of the Land Use Element states the following regarding the general area of Burlington, in which the subject property is located.

- A. "This section of Boone County contains Burlington Pike, part of new KY 237, and a significant portion of KY 18. KY 18 and KY 237 are important roads to all of Boone County; the primary function of these roads is to move traffic through the area, with direct access to specific properties being a secondary function. Intersections along KY 18 should continue the existing pattern of spacing of major access points of approximately 600 feet. A parallel roadway network should be developed to provide access to properties fronting on the roadway (p. 169 'Burlington Area')."
- B. "The intersection of KY 18 and KY 237 should develop as low traffic-generating office uses. Any access to Camp Ernst Road in this area must be accompanied by road improvements. Public Facilities uses should continue to develop at the southeast corner of the intersection. Public Facilities development east of the Boone County Extension

building should retain the existing mature woodlands as a transition into the planned High Suburban Density Residential uses and to retain this prominent visual characteristic of this portion of the KY 18 corridor. This site would be an appropriate location for an alternative education program site or passive recreation uses. In the event of any office or commercial development on the site, the development design must be unique in order to incorporate existing woodland.

The following quotes, taken from the Business Activity Element, are applicable to this site:

- A. "Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within in new residential areas. These commercial clusters should not function as an extension of Florence and Mall Road but as a distinct unit serving the Burlington and Union areas. This principle should apply to the Limaburg area and surrounding area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community rather than just a strip extending out of Florence. An example of this type of design is the Oakbrook Marketplace, which ties into the subdivision while serving a larger trade area (p. 71, 'Areas of Future Commercial Activity')."
- B. "In general large residential developments may need to provide for neighborhood-scale commercial activities. Neighborhood commercial activities may include small grocery or convenience stores, family restaurants, professional offices, or small retail operations of general merchandise. These neighborhood commercial activities should be scaled to serve only their surrounding residential subdivisions (p. 73, 'Areas of Future Commercial Activity')."

The following statements, taken from the Future Land Use Development Guidelines, are applicable to the subject property:

- A. "Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas and delineate disturb limits to protect

those areas that have been defined (p. 158 'Utilization of Existing Vegetation and Topography')."

- B. "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. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (pg. 159, 'Buffering')."
- C. "Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts (p. 159 'Buffering')."
- D. "Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion control measures must be concurrent with site work in order to be effective (p. 158 'Storm water Management and Erosion Control')."
- E. "Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor (p. 160, 'Design, Signs, and Historic Preservation')."

These quotes from the Goals and Objectives of the 2005 Comprehensive Plan apply:

- A. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhoods ('Overall' Objective 2, p. 4)."
- B. "Proper design principles shall be applied in development ('Overall' Objective 3, p. 4)."
- C. "Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ('Overall' Objective 3, p. 4)."
- D. "Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ('Overall' Objective 6, p. 4)."
- E. "Future development and redevelopment of areas shall include an evaluation of the physical factors identified in this Plan as part of the review of the site being considered for development. The suitability ratings identified in the Environment Element for each physical factor shall be taken into consideration ('Physical Environment' Objective 1, p. 5)."
- F. "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ('Physical Environment' Objective 2, p. 5)."
- G. "Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ('Business Activity [Commercial]' Objective 1, p.6)."

- H. "The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ('Business Activity [Commercial]' Objective 2, p.6)."

STAFF COMMENTS/CONCERNS

1. The Boone County Planning Commission and Boone County Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues raised in this review include the following:
 - A. The Future Land Use Map designates the site as "Commercial," allowing the proposed office land use. The Land Use Element states generally that the vicinity in which the site is located is one of the areas with the highest concentration of residential growth in Boone and that low-traffic, office-oriented uses should develop at the intersection of KY 18 and KY 237, which is near the subject property.
 - B. The Business Activity Element notes that commercial uses in the KY 18 corridor should be of a small scale, geared to serve the developing residential areas that adjoin the corridor. These commercial uses should not act as an extension of the Mall Road or Florence Commercial Districts but should be designed to serve the Burlington area only. Design of commercial uses should be coordinated with the adjoining medium and high density residential development to create a unified community. The Oakbrook Marketplace, which is near the subject site, is mentioned as a development design that serves a wider trade area while tying into the adjoining subdivision.

Business Activity (Commercial) Objective #1 similarly states that commercial uses should be developed to "coordinate with the surrounding land uses" and to "have safe and effective access and ample parking spaces (p.6)."

2. The subject property falls within a Planned Development overlay zoning district. Concept Development Plans for property located in should be evaluated according Section 1514 of the Boone County Zoning Regulations ("Planned Development Standards") provides standards for the evaluation of Concept Development Plans for property in Planned Development districts. Because the proposal involves the expansion of a use that was previously approved, a substantive review of the site as measured by these standards is unnecessary.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. The Future Land Use Map will not need to be changed if the request is approved.

Respectfully Submitted,

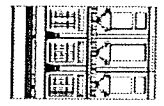
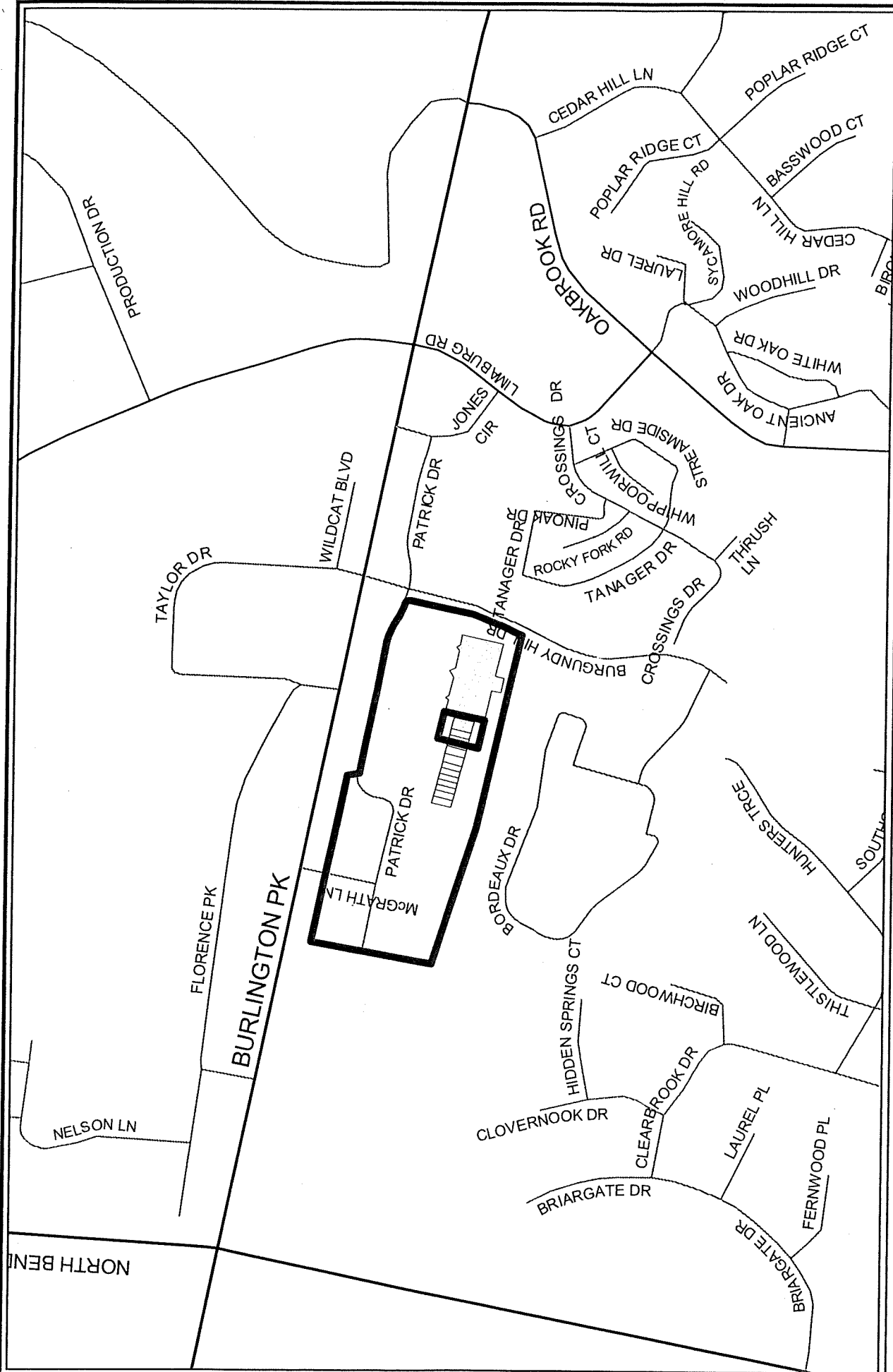


Patty Bachman
Planner

PB/pr

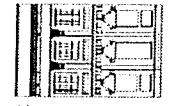
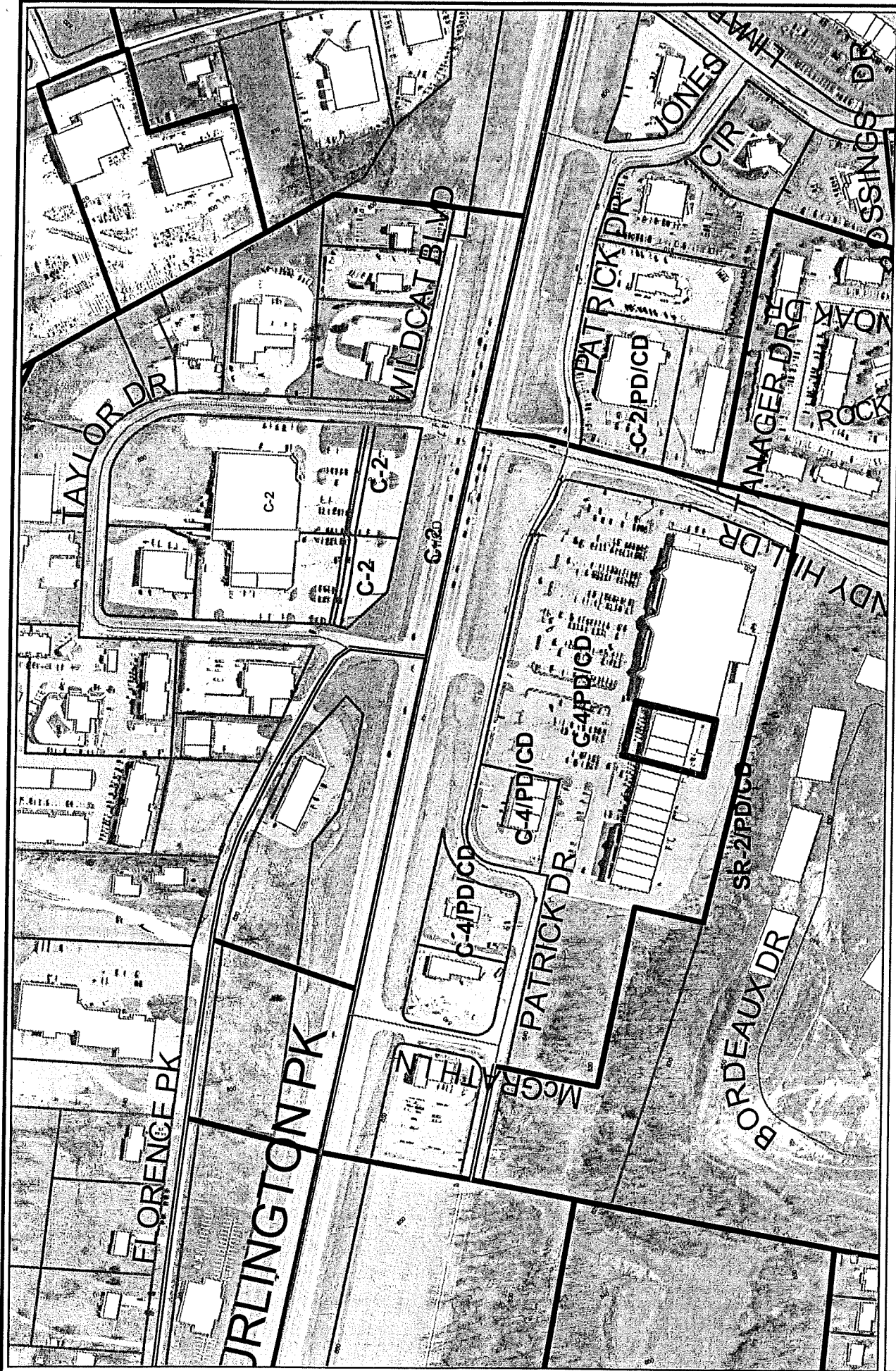
Attachments:

- vicinity map
- aerial photos
- future land use map excerpt
- site topography
- application materials, including the Concept Development Plan
- Committee Report dated September 18, 1996
- approved Concept Development Plan for the subject site



600 Feet
 1 inch equals 600 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 14, 2005

Vicinity Map-s hoppes of Burlington

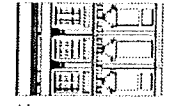
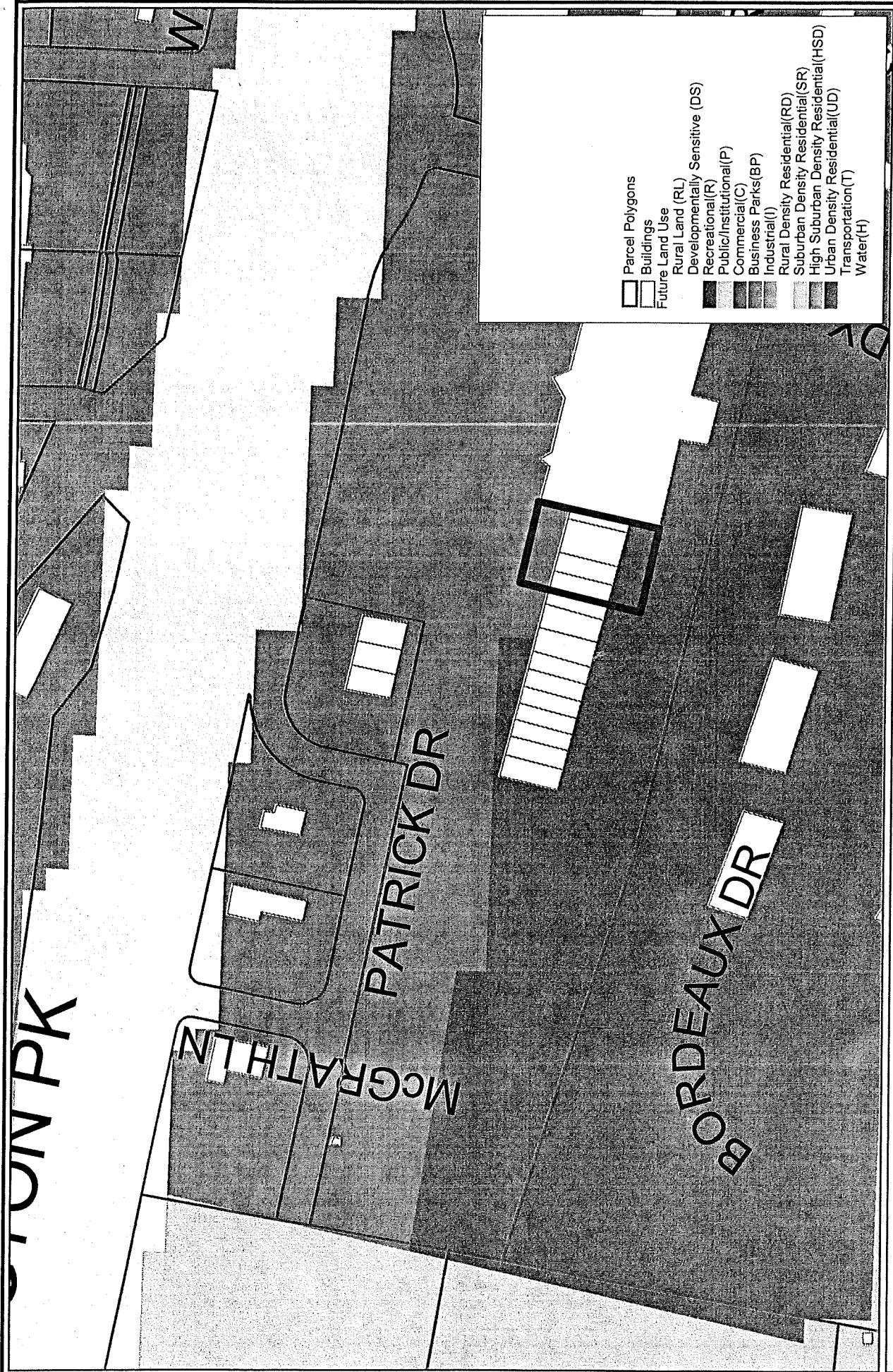


300 Feet
0 150 300

1 inch equals 300 feet

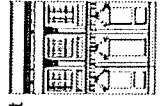
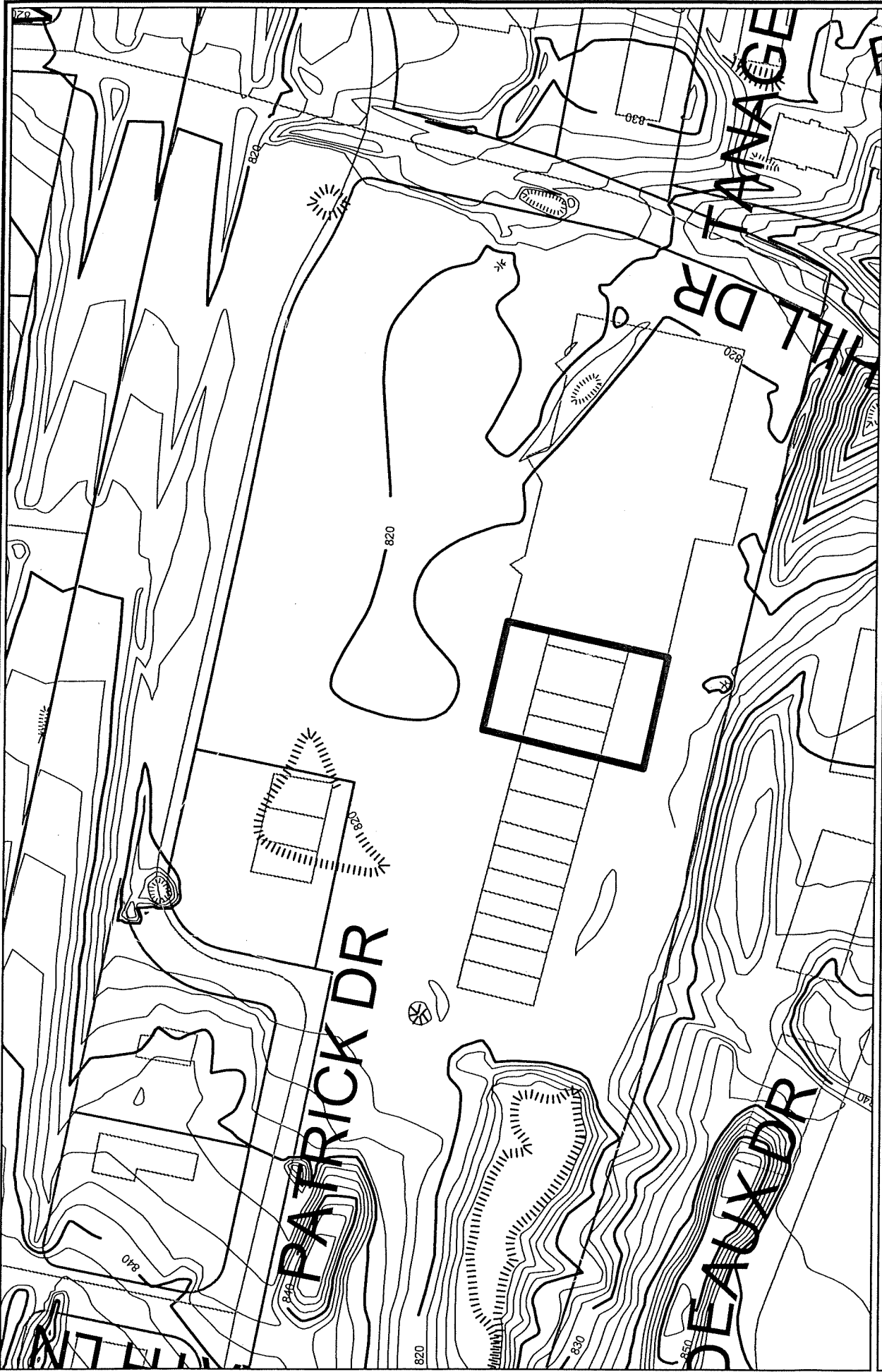
Produced by the
Boone County Planning Commission
GIS Services Division
November 14, 2005

Zoning Map-Shoppes of Burlington



Produced by the
 Addison County Planning Commission
 GIS Services Division
 November 14, 2005

Future Land Use - Hoppers of Burlington



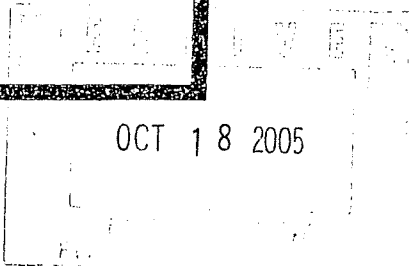
150 Feet

1 inch equals 150 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 14, 2005

Topography-Shoppes of Burlington

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



OCT 18 2005

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

2. Name of Project TRIG STRIPES AT BURLINGTON
3. Location of Project BURLINGTON SR 15
4. Total Acreage of Site 15.42
5. Current Zoning C-4
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) _____
8. Proposed Uses (please specify each use) ADDITIONAL RETAIL
9. Proposed Building Intensities (please specify) BUILDING ADDITION
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) WILLIAM MARTIN
- Phone Number 859-292-8040 Fax No. 859-292-8050
13. Address of Applicant(s) 45 FAIRFIELD AVE.
- BELLEVUE KY 41073
- City State Zip
14. Name of Property Owner(s) BURLINGTON Retail Center, LLC
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15. Address of Property Owner(s) 45 FAIRFIELD AVE
- BELLEVUE KY 41073
- City State Zip
16. Are there any existing buildings on the site? YES
- How many? 4
17. Deed Book 790 Page No. 170 Group No. _____
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 District
- Florence Water and Sewer Dept.
- Cinergy/U.L.H & P. Co
- Sanitation District #1
- 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
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

20. Concept Development Plan Jurisdiction/Location

- Unincorporated Boone County
- Florence
- Walton Union
- Burlington

21. Applicant's Signature(s) William E. [Signature]
 22. Property Owner's Signature(s) William E. [Signature]
manager

SECTION B (To be completed by BCPC Staff)

1. Date Received 10-18-05 Fee Received \$1561.40 ~~44091~~
2. Check what has been submitted:
 - Application Fee Legal Description
 - Concept Development Plan Addresses of Adjoining Property Owners
 - 5 No. of copies of plan received **
3. Is application complete? YES NO
4. Staff Reviewer PATRICK BRADY
5. Committee Chairperson _____
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
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountky.org - E-Mail
 www.boonecountky.org - Web Page

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



THOMAS
GRAHAM
ASSOCIATES, INC.
• Engineers
• Planners
• Surveyors
793 Columbus Road
Chincinnati, Ohio 45231
Phone: 513-763-7439
Fax: 513-763-7439

Date: OCT. 17, 2005
Scale: 1" = 50'
Job No.: 7395-A
Residence: _____
Date: _____

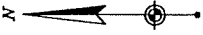
THE SHOPS AT BURLINGTON
BURLINGTON PK (KY HIGHWAY 18)
BOONE COUNTY
STATE OF KENTUCKY

CONCEPT PLAN

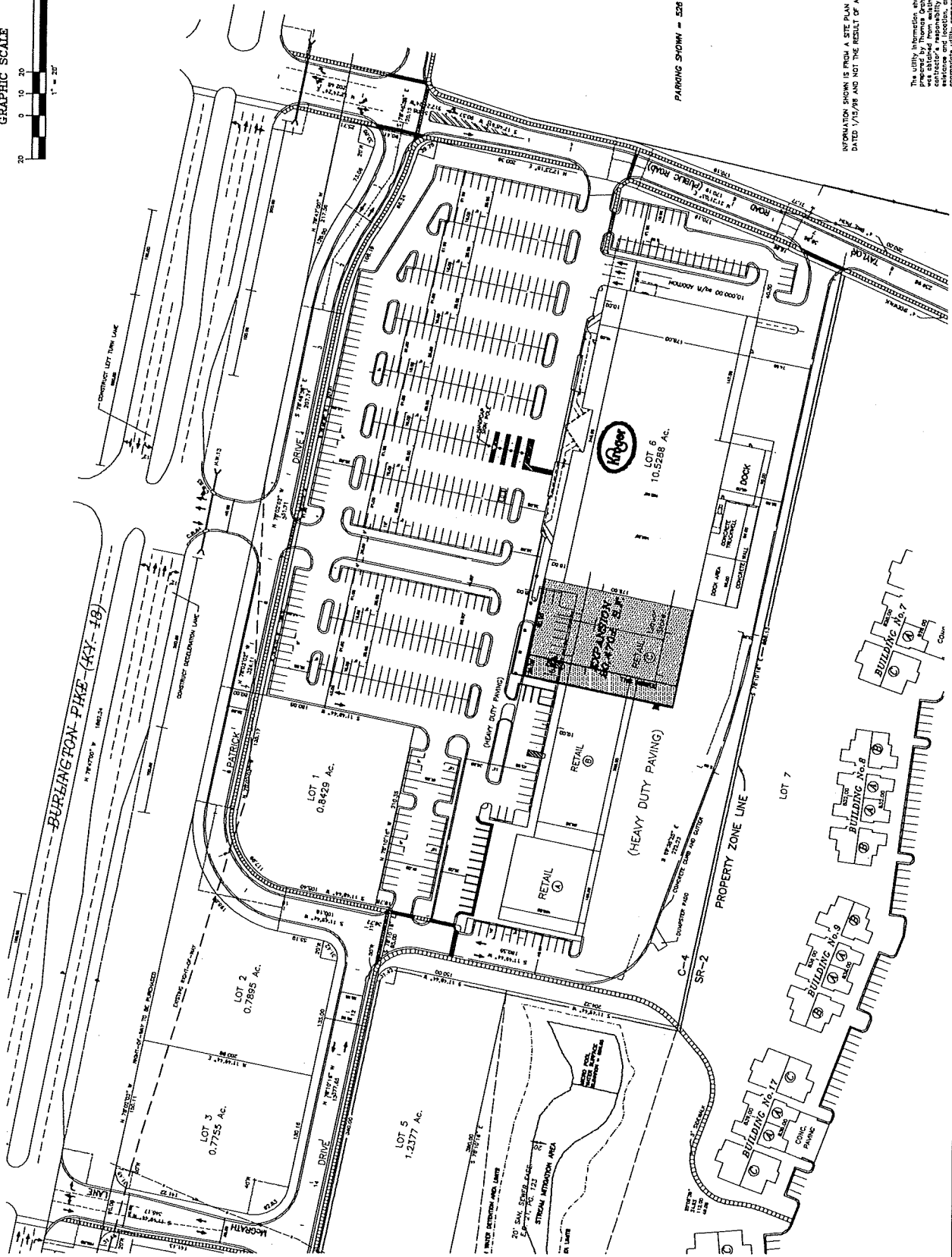
ACAD FILE NO: 7395-A-CONCEPT.dwg

Drawn By: JAKOBSENBERG

Job No: 7395-A



GRAPHIC SCALE
1" = 50'



INFORMATION SHOWN IS FROM A SITE PLAN BY JAMES W. BENTLEY
DATED 1/15/98 AND NOT THE RESULT OF A FIELD SURVEY.

The utility information shown on this plan
was prepared by Thomas Graham Associates, Inc.
and is based on utility records. It is the
responsibility of the user to verify the
existence and location, and to contact the
appropriate utility company for field locations.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Millay, Chairman

DATE: September 18, 1996

RE: Request of **Southeast Development Corporation (applicant)** for **Charlene F. Combs (owner)** for a Zoning Map Amendment from Commercial Four (C-4) to Commercial Four/Planned Development (C-4/PD), a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Four/Planned Development (C-4/PD), and a Zoning Map Amendment from Suburban Residential Two (SR-2) to Suburban Residential Two/Planned Development (SR-2/PD) all for an approximately 55 acre site located on the south side of KY 18 near Taylor Drive, Boone County, Kentucky. The request is for a zone change to allow a commercial/retail center and an apartment complex.

REMARKS:

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

Findings of Fact

1. The Committee believes that this request is in conformance with the 1995 Boone County Comprehensive Plan, Future Land Use Map and Text. The Land Use Map generally indicates Commercial and High Suburban Density Residential as the two land use designations for the applicant's site. The Text of the Comprehensive Plan indicates a mixture of land uses along the KY 18 corridor which are designed in such a way that the existing physical quality of the environment is protected and enhanced. The Committee believes that this Planned Development as proposed will protect this quality over the existing zoning districts.
2. The Committee believes that the apartments provide an appropriate transition between the existing single family residential and the proposed commercial development. In addition, the Housing Element of the Comprehensive Plan indicates that high density residential should be located sufficiently near and with convenient access to major streets, highways, and shopping. This development will also provide open space for a transit center to be developed when needed and a bicycle path and sidewalks, which the committee believes promotes the concept of the Transit Oriented Development.

COMMITTEE REPORT - Southeast Development Corp.

September 18, 1996

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3. The Committee believes that proposed Planned Development Overlay zoning provides a physical design which creates a substantial value to the community over the current zoning for this site. The applicant's proposal leaves approximately 47 percent of the site as open space and retains a large amount of the existing mature vegetation. The Committee believes the open space and vegetation are additional elements of the plan which offer substantial value to the community over the current zoning districts.
4. The Committee believes that the proposed density for both the apartments and retail uses are appropriate and are consistent with existing densities within the rapidly growing Burlington area and the KY 18 corridor. The density requested by the applicant is under the maximum permitted by the underlying Commercial Four zoning by approximately 2,800 square feet per acre and an additional 6,500 square feet per acre under the maximum permitted by the Planned Development Overlay zoning. The proposed density for the apartment development is at approximately 9.78 units per acre which is under the 12 units per acre permitted by the Planned Development Overlay zoning.
5. The Committee believes that the conditions listed below effectively address the concerns stated at the August 28, 1996 Public Hearing.

Conditions

The applicant and owner are being asked to agree to and include these items as part of the Zoning Map Amendment and to address questions and comments at the Public Hearing:

1. The applicant shall provide an easement from the property line of the First Church of Christ through the applicant's site which shall afford the church the ability to connect with the proposed traffic light at KY 18. The Church shall be responsible for the development and payment of the roadway and shall workout the details of the placement of the easement and the construction of the driveway with the applicant. The driveway should be designed to prevent public use as a cut thru to Camp Ernst Road or KY 18.
2. The applicant shall be required to undergo Design Review for the retail center and outlots during the Site Plan Review procedure. The Planning Commission shall review the development as it relates to the surrounding environment of KY 18 and Burlington. The development should create a unique design to the area, but at the same time be sensitive to the established character of KY 18 and Burlington. A unified design theme shall be incorporated throughout the development for the retail center, outlots and apartments. This design theme will not prohibit corporate identity, but rather enhance any franchise style design, thus creating a design which is unique to this development. Architectural details, roof types, and shapes, scale, landscaping, color and materials, roof equipment screening and quality of

design are all elements which shall be reviewed by the Planning Commission during Design Review. The design of the apartments shall be as presented at the Public Hearing.

3. All signage for the site shall be required to undergo Design Review along with the review of the building design. All outlot signs shall be of a monument design with stone, brick or like material for the base. The maximum height of these signs shall be 10 feet from the ground level. The retail center shall be permitted one free-standing sign which shall not exceed forty (40) feet in height and shall be designed with similar materials to that of the center. No support structures shall be uncovered and visible to adjoining properties or public right-of-way.
4. The four outlots will not be permitted to have parking in front of the building facing KY 18. However, driveways shall be permitted in the front of the building. The applicant shall also be held to only developing two of the outlots for fast-food restaurants which shall be defined as a restaurant which has a drive-thru and high customer turn over. Restaurants which have a drive thru, but are more of a family oriented sit down type of restaurant, in which the food is served to the customer at their table, shall not be classified as fast food restaurant.
5. The approximately three acre Open Space area shown on the applicant's Concept Development Plan, shall be set aside for use by TANK in the future. The applicant shall work with TANK to develop a Park & Ride facility as the need and demand develops. The applicant shall develop the facility at their expense, but can develop the Park & Ride facility in two phases. The facility shall be constructed as the need is identified by TANK and shall include a transit shelter if needed by TANK. The maximum size of the park & ride facility required to be developed by the applicant would be 50 parking spaces.
6. The applicant shall provide sidewalks within the development and between the apartments and retail uses. In addition, the applicant shall provide a bicycle path which connects the apartment use to the retail uses from KY 18. Bicycle racks shall also be provided near the retail center.
7. The applicant shall clearly indicate the grading limits on the appropriate subdivision review plan. These grading limits shall be clearly marked in the field and it shall be the responsibility of the applicant to contact the Boone County Planning Commission Staff to review the location of the grading limits before any grading can occur. The undisturbed areas shall remain the same as identified on the submitted Concept Development Plan.

COMMITTEE REPORT - Southeast Development Corp.

September 18, 1996

Page 4

8. The applicant shall provide a detailed lighting plan for the overall development with special emphasis given to the loading dock area of the retail center. The applicant shall provide details of the lighting fixtures which include specification on the power and direction of each light. There shall be no spill over lighting into any of the adjoining residential properties. In addition, the applicant shall provide berming or fencing along the eastern property line which shall be reviewed during Site Plan review to the satisfaction of the Planning Commission. The objective of the berming or fencing shall be to screen the loading dock area of the retail center and the side parking area from the view of the existing apartment development to the east.
9. The alignment of the roadway to the apartments and the Pennington property shall be redeveloped so that the roadway continues south to the Pennington property and the apartments access this road at a right angle. This design shall be reviewed during the appropriate development review procedure by the Planning Commission.
10. The applicant shall be required to work with the property owner to the east to create an even alignment of Patrick Drive. This alignment should allow for the stacking of appropriately 5 to 7 automobiles between the traffic light on KY 18 and the intersection of Patrick Drive. If this alignment cannot be secured the applicant shall work with the Boone County Planning Commission to their satisfaction regarding a secondary alignment. In addition, the control of the intersection shall be reviewed to the satisfaction of the Planning Commission during the appropriated development review procedure.

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.

COMMITTEE REPORT - Southeast Development Corp.

September 18, 1996

Page 5

Robert Millay
Robert Millay, Chairman

For Against
Abstain Absent

William Bailey
William Bailey

For Against
Abstain Absent

Fred Burch

For Against
Abstain Absent

Arnold Caddell
Arnold Caddell

For Against
Abstain Absent

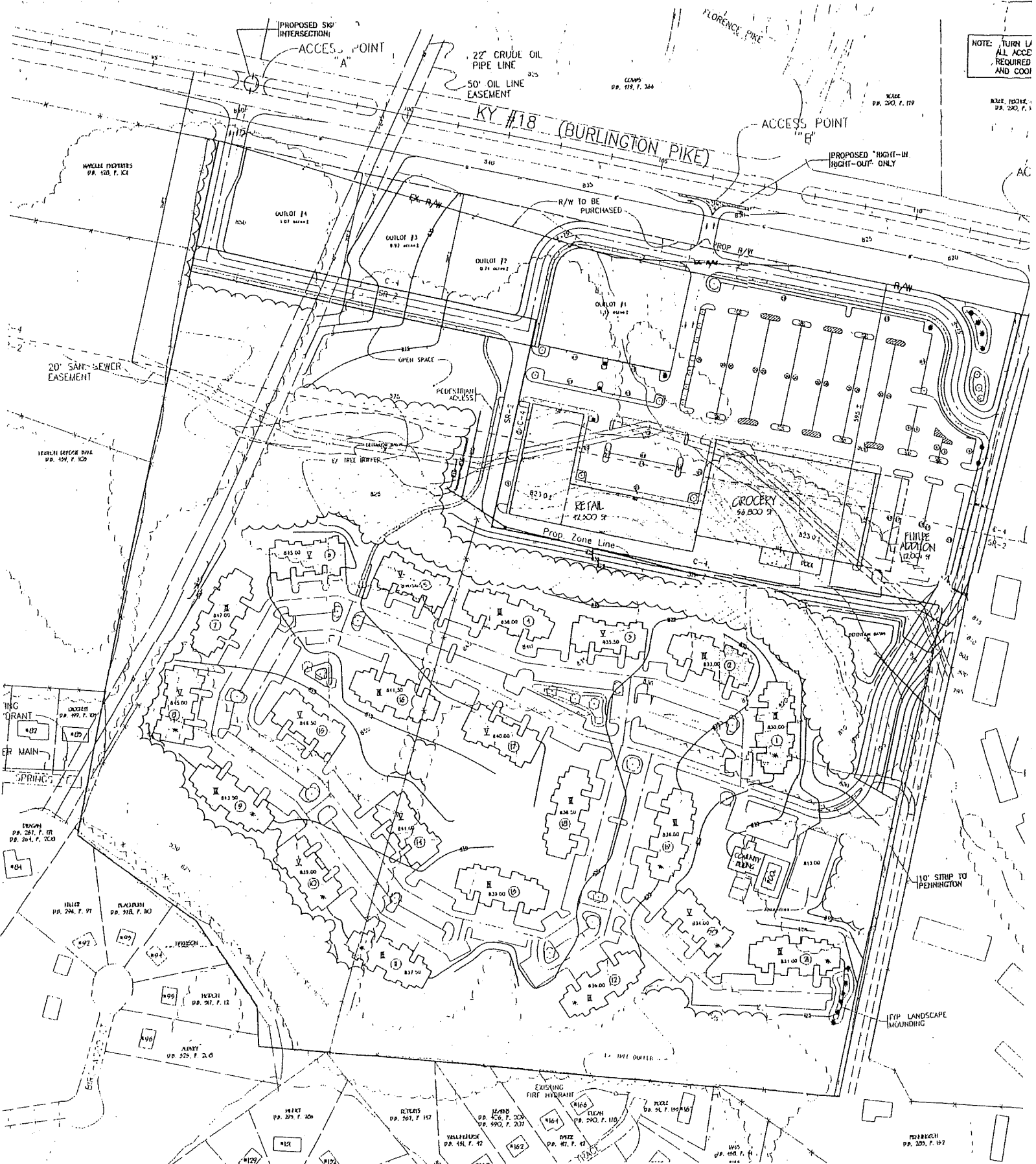
Phil Damstrom
Phil Damstrom

For Against
Abstain Absent

Barry Neltner

For Against
Abstain Absent

TOTAL: 3 FOR 1 AGAINST ABSTAIN 2 ABSENT



NOTE: TURN U
ALL ACCE
REQUIRED
AND COO

Approved Concept Development Plan

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **William Martin for Burlington Retail Center, LLC (owner)**

Request: **Change in Approved Concept Development Plan**

The request of **William Martin (applicant) for Burlington Retail Center, LLC (owner)** for a **Change in an Approved Concept Development Plan** for a 15.42 acre site located at 1751 through 1793 Patrick Drive (Shoppes at Burlington), Boone County, Kentucky. The request is for a **Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) to allow an approximate 20,470 square foot addition to an existing grocery store.**

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). She noted a correction to Page 1 of the Staff Report that the expansion would encompass all of the tenants, not just the existing Kroger Liquor Store lease space and a portion of the lease space that Dollar Tree currently occupies.

Mrs. Poston asked for the applicant's presentation.

Mr. Bill Martin with Brandicorp and Mr. Kelvin Peyton with Kroger's were present on behalf of the application. Mr. Peyton stated that Kroger's want to expand their store by an additional 20,470 square feet, which will make it approximately 83,000 square feet in size and give them the opportunity to expand the existing departments in the store and offer new departments. The expansion is positive for the community and will be done in a first class way. They would like to begin the expansion in the first quarter of 2006 and complete it in the second or third quarter of 2006. He offered to answer any questions.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition. There was no response.

Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mrs. Wilson asked if there would be any changes to the delivery area in the back of the building. Mr. Peyton responded that the expansion would not affect deliveries to the rear. He stated that the expansion would be done in a westerly direction and the dock will continue to be where it is currently situated once the expansion is completed.

Mr. Costello questioned how this store would compare in size to the Kroger's in Union after the expansion. Mr. Peyton but responded that at approximately 83,000 square feet, this would be the largest Kroger's in Northern Kentucky. He did not know the exact dimensions of the Union Kroger's store.

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Mrs. Poston asked if there are any planned changes to the parking. Mr. Martin responded that the changes to the parking are a wash. Mrs. Poston reviewed the entrance drive and the island in front the shops and stated that the current design does not work well. She stated that this would be an opportunity to make a change and recommended that they look at the design.

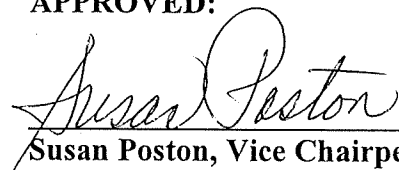
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Mr. E. C. Pennington, 1787 Burlington Pike, stated that in 1996 there was discussion about being “shopper friendly” – that there would be a bike rack and people would be able to walk. He has not seen the bike rack. He questioned how people could walk to Kroger's from the Crossings of Oakbrooke or the apartments. He stated that the only way he has been able to walk to the store is to walk down the center of the street or climb across the shrubbery. He stated that there are 300 or 400 apartment units there and there should be a walkway. Mr. Costello responded that there was a lot of resistance to a connection at the

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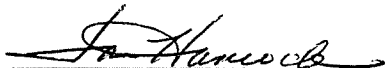
There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on December 7, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 21, 2005 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:20 PM.

APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
December 21, 2005
7:00 P.M.**

Mrs. Lisa Wilson, Secretary/Treasurer called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Jim Carmichael
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Randy Poe
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Robert Newman
Mrs. Susan Poston, Vice Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

2. Change in Approved Concept Development Plan

The request of William Martin (applicant) for Burlington Retail Center, LLC (owner) for a Change in an Approved Concept Development Plan for a 15.42 acre site located at 1751 through 1793 Patrick Drive (Shoppes at Burlington), Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) to allow an approximate 20,470 square foot addition to an existing grocery store.

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact but subject to conditions (see Committee Report).

At this time, Mrs. Wilson allowed the applicant an opportunity to summarize their position.

Mr. Bill Martin stated that the Planning Commission requested that a crosswalk be provided due to the number of people who walk to the store from the apartments behind and to the east of the store. He stated that a crosswalk that goes across Taylor Road and across the parking lot and driveway is shown on their latest plan. He stated that there was a comment about reducing the landscape island from 14 feet to 10 feet, which they are willing to do, but their engineers believe that reducing it to ten feet would encourage people to park there. They feel that it would be better to stripe that area and sign it "no parking" and keep the landscape island in its existing configuration. He reviewed the location of the proposed crosswalk and the plan for the landscape island and adjacent parking area with the Commissioners. Mr. Costello recommended that they paint a yellow line there and crosshatch it as a fire lane, and also post "no parking" signs for a portion of that area. Mr. Kelvin Peyton with Kroger's agreed.

Mrs. Kegley, a member of the Committee, stated that the Committee asked for the crosswalk and she believes they would be in favor of that change to the Committee Report. She stated that Mrs. Poston expressed concern about the landscape island at the Public Hearing because people park there and then have difficulty making the turn when backing out of the parking spaces. She believes that what was explained by the applicant would address Mrs. Poston's concerns. Mrs. Kegley stated that she would prefer to keep the landscape island there and prevent people from parking there.

There being no further discussion, Mrs. Kegley moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with another condition in which there will be striping and "no parking" signs will be installed as discussed so that people cannot park there

and there is to be a crosswalk as shown on the drawings submitted by the applicant. Mr. Knock seconded the motion and it carried unanimously.

3. Technical Design Review - **Fuddruckers**
1335 Hansel Avenue

Staff Member Patty Bachman stated that the Committee recommends denial of the request because there was no instructive information from the applicant in regard to the placement and height of the sign in relation to the grade of Turfway Road after improvements are made. The design of the sign was in excess of what would be permitted under the Houston-Donaldson Study.

Mr. Knock questioned if Ms. Bachman was saying that the applicant just did not follow up on the request. Ms. Bachman responded that she has been working with the sign company and they were not getting answers from the corporate office in regard to her concerns about the placement of the sign and that it was read as 8-feet tall when viewed from the centerline of the road. Fuddruckers dropped communication with the sign company and expressed no urgency in resolving the concerns. Mrs. Wilson stated that there was a representative of the sign company at the Committee Meeting and the Committee tried to work with him.

There being no further discussion, **Mr. Barlow moved to deny the request based on the Committee Report. Mr. Schwenke seconded the motion and it carried unanimously.**

NEW BUSINESS:

Agenda Item
No.

- 4 Zoning Map Amendment and Variances
The request of Toebben Ltd. (applicant) for Walter Terrell and Karen Terrell (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban (RS), and Variances to allow the front and rear setbacks for certain proposed flag lots to be reduced from 40 feet to 10 feet, both for a 55.966 acre tract located at 2188 Rice Pike, Boone County, Kentucky. The request is for a Zoning Map Amendment and Variances to allow a subdivision for detached, single-family residences.

Mrs. Kegley moved to schedule a Public Hearing for the above item on January 18, 2006 at 7:30 PM. Mr. White seconded the motion and it carried unanimously.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: December 21, 2005

RE: Request of **William Martin (applicant)** for **Burlington Retail Center, LLC (owner)** for a Change in an Approved Concept Development Plan for a 15.42 acre site located at 1751 through 1793 Patrick Drive (Shoppes at Burlington), Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) to allow an approximate 20,470 square foot addition to an existing grocery store.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposal is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2025 Future Land Use Map designates about 8.4 acres of the subject site, which totals 15.42 acres, for commercial uses. The Land Use Element notes generally that KY 18 and KY 237 are important routes in the county and that development near the intersection of these roads should accommodate traffic patterns. The proposal would not significantly impact existing traffic patterns.
 - B. The Business Activity Element calls for neighborhood-oriented commercial land uses to serve the growing residential development in the Burlington area. This development should not function as a continuous retail strip extending from Mall Road or Houston Road to Burlington and should be developed in coordination with residential uses to create a community. Business Activity ("Commercial") Objective 2 of the 2000 Comprehensive Plan states that

"the large-scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large-scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect existing and future population and businesses (p.6)."

The originally-approved Concept Development Plan for this location included both retail and high-density residential uses. The proposed retail expansion in this Concept Development Plan does not amount to a drastic alteration of the approved Plan but rather continues the pattern of development established through the approved Plan. It basically is a re-arrangement to accommodate an existing tenant.

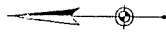
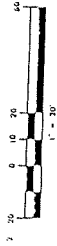
2. Given the limited scope of the proposed expansion, the development will have little impact on the Comprehensive Plan, on the Planned Development requirements, or on the infrastructure.
3. The Committee has concluded that the proposed Concept Development Plan, with the attached conditions noted below, generally fulfills 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 2005 Boone County Comprehensive Plan and requirements of the 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 property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The landscaping island in front of the Retail Area "B" as labeled on the Concept Development Plan will be reduced in width to ten feet.
2. The plant materials in the landscaping islands that are eliminated through the proposed building addition will be replaced in another location of the site, most likely in the grassy area in front of Retail Area "A" as labeled on the Concept Development Plan.
3. The building will be developed per the building elevations displayed at the December 7th meeting of the Zone Change Committee.
4. The applicant shall provide additional pedestrian access from Burgundy Hills Drive to the retail center and shall post "No Parking" signs and stripe the pavement near the existing landscape island west of the expanded store (see exhibit 1).

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

GRAPHIC SCALE



CONCEPT PLAN

THE SHOPPES AT BURLINGTON
BURLINGTON FIVE (KY HIGHWAY 10)
BROOK COUNTY
STATE OF KENTUCKY

DATE PREPARED 2/28/94 - CONCEPT

Drawn By: J. L. STEUBER
June No. 2383-A

PARKING SHOWN = 326

PRELIMINARY
NOT FOR CONSTRUCTION

INFORMATION SHOWN IS FROM A SITE PLAN BY JAMES G. BERLING
DATED 1/15/93 AND NOT THE RESULT OF A FIELD SURVEY.

The utility information shown on this plan,
prepared by James G. Berling Associates, Inc.,
is based on records and field observations. The
contractor's responsibility is to verify the
existence and location of all utilities prior to
commencing construction for this location.

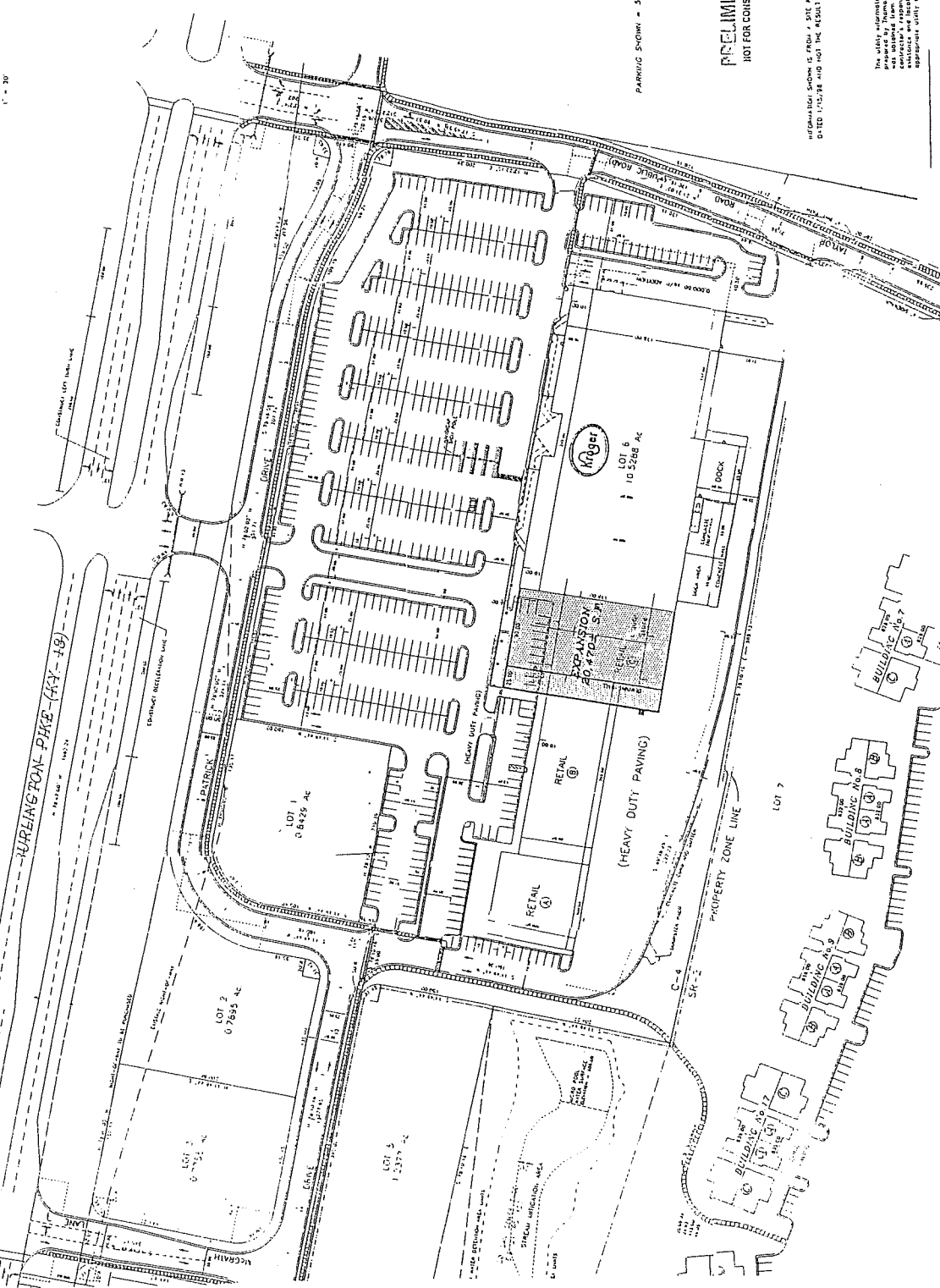
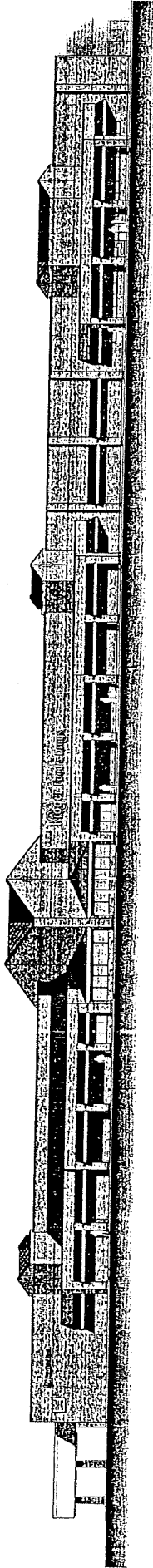


EXHIBIT 1



12.05.05

Kroger

Burlington, Ky



Cole + Russell Architects
AN ARCHITECT FIRM INCORPORATED

Building Elevations from Dec. 7th
Zone Change Committee Meeting

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

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Request: Change in Approved Concept Development Plan

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Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition. There was no response.

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Mrs. Wilson asked if there would be any changes to the delivery area in the back of the building. Mr. Peyton responded that the expansion would not affect deliveries to the rear. He stated that the expansion would be done in a westerly direction and the dock will continue to be where it is currently situated once the expansion is completed.

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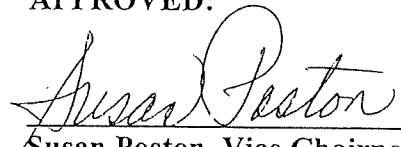
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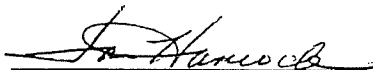
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APPROVED:



Susan Poston, Vice Chairperson

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: December 7, 2005

RE: Request of **William Martin (applicant)** for **Burlington Retail Center, LLC (owner)** for a Change in an Approved Concept Development Plan for a 15.42 acre site located at 1751 through 1793 Patrick Drive (Shoppes at Burlington), Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) to allow an approximate 20,470 square foot addition to an existing grocery store.

REMARKS:

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

Susan Poston

Susan Poston, Chairwoman

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Barlow

For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____

Greg Breetz

For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____

Kim Bunger

Kim Bunger

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Earl White (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

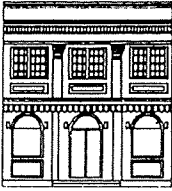
Lisa Wilson (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 3 FOR PROJECT 2 ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

December 21, 2005

Mr. William Martin
45 Fairfield Avenue
Bellevue, KY 41073

FAX (859) 292-8050

RE: Proposed Change in an Approved Concept Development Plan, Burlington Retail Center, Boone County, KY

Dear Mr. Martin:

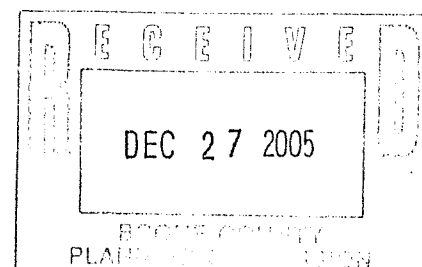
The following conditions, in conjunction with the Concept Development Plan, as agreed to by the Boone County Planning Commission's Zone Change Committee, serves as the basis for the Committee's recommendation of approval. If you, as the applicant, agree to the following conditions, please indicate so by obtaining the property owners' signatures or the signature of an agent for the property owner at the spaces provided below. Please return this letter to the Planning Commission Office by 5:00 P.M. Monday, December 20, 2005.

1. The landscaping island in front of the Retail Area "B" as labeled on the Concept Development Plan will be reduced in width to ten feet.
2. The plant materials in the landscaping islands that are eliminated through the proposed building addition will be replaced in another location of the site, most likely in the grassy area in front of Retail Area "A" as labeled on the Concept Development Plan.
3. The building will be developed per the building elevations displayed at the December 7th meeting of the Zone Change Committee.
4. The applicant shall provide additional pedestrian access from Burgundy Hills Drive to the retail center and shall post "No Parking" signs and stripe the pavement near the existing landscape island west of the expanded store (see exhibit 1).

Sincerely,

Patty Bachman
Planner

MPB/pr



Mr. William Martin
December 21, 2005
Page 2

Agreement

I, an agent of the property owner, agree to the above-listed conditions of approval for the requested Change in Concept Development Plan for property located at 1751 through 1793 Patrick Drive (the Shoppes at Burlington), Boone County, KY

Michael Brandy
Agent of
Property Owner

12-22-05
(Date)

BRANDICORP PARCEL
RE-ZONE FROM SR-2 TO C-4
3.3891 ACRES

Being a particular piece of property located on the southerly side of Patrick Drive in Boone County Kentucky, being more particularly described as follows:

Commencing at a recovered P.K. Nail at the centerline intersections of Patrick Drive and McGrath Lane,

Thence, South $53^{\circ}37'16''$ West for a distance of 33.53 feet to a point on the southerly right-of-way of Patrick Drive, said point being the Real Point of Beginning for this tract,

Thence, leaving the right-of-way of Patrick Drive South $11^{\circ}49'44''$ West for a distance of 150.00 feet,

Thence, South $78^{\circ}10'16''$ East for a distance of 360.00 feet,

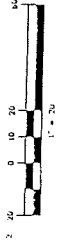
Thence, South $11^{\circ}49'44''$ West for a distance of 204.22 feet,

Thence, North $72^{\circ}34'06''$ West for a distance of 622.44 feet,

Thence, North $10^{\circ}27'59''$ East for a distance of 293.53 feet to a point on the southerly right-of-way of Patrick Drive,

Thence, along the southerly right-of-way of Patrick Drive South $78^{\circ}10'16''$ East for a distance of 266.44 feet to the Real Point of Beginning, containing 3.3891 acres.

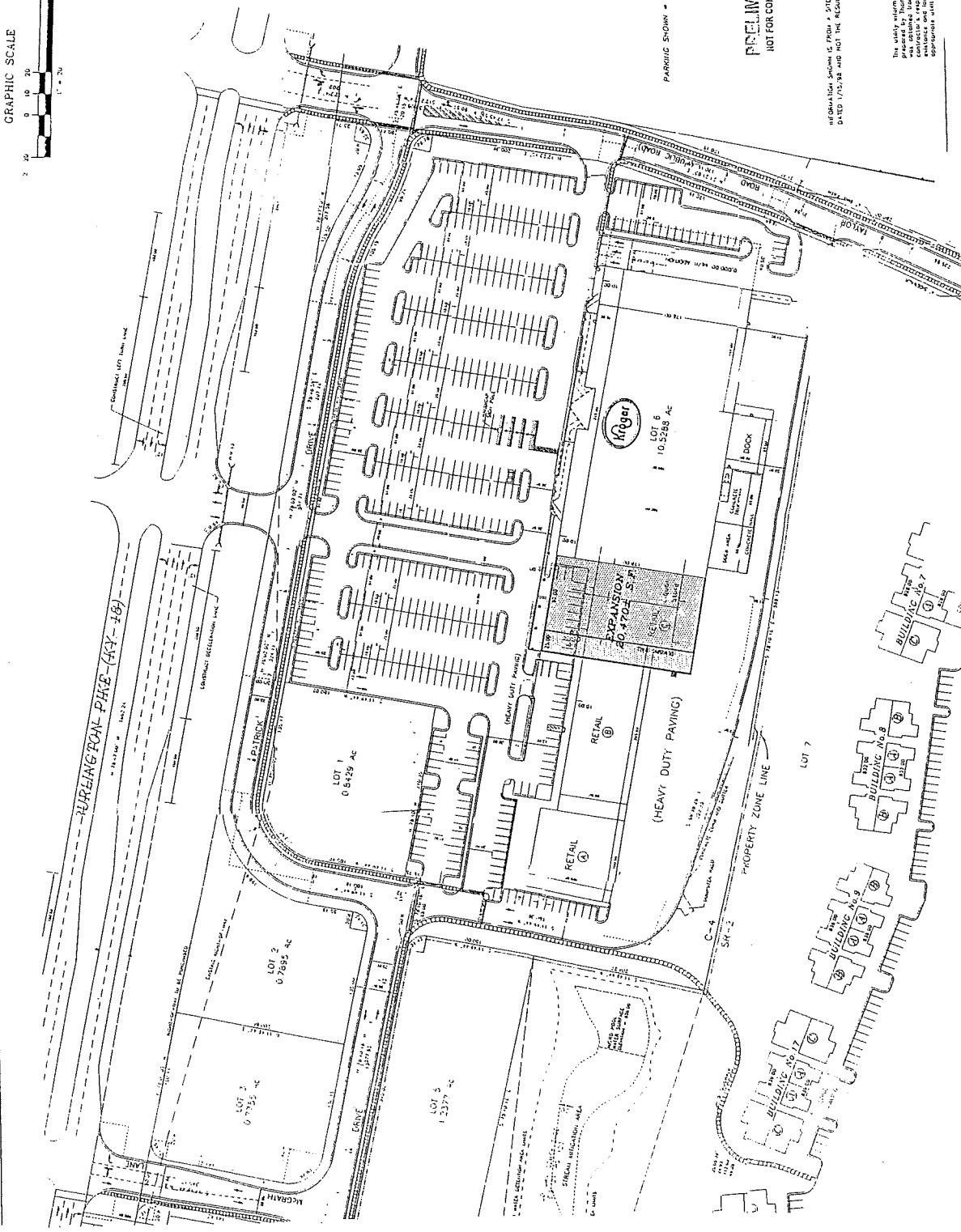
GRAPHIC SCALE



CONCEPT PLAN
THE SHOPS AT BURLINGTON
BURLINGTON PKWY (KY HIGHWAY 10)
BOONE COUNTY
STATE OF KENTUCKY

DATE: 1/15/18
DRAWN BY: J. STEINBERGER

JOB NO. 7393-A



PARKING SHOWN = 526

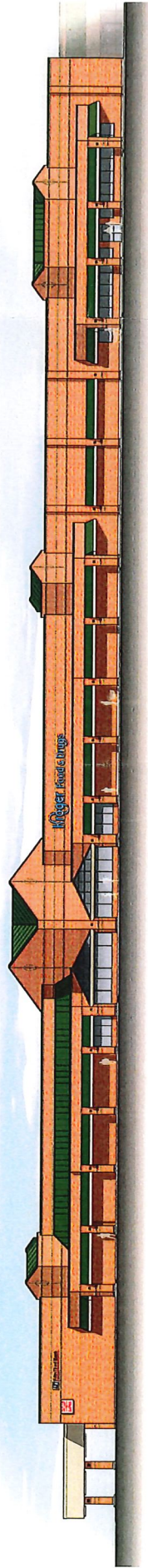
PRELIMINARY
NOT FOR CONSTRUCTION

REGISTRATION IS FROM A SITE PLAN BY JAMES A. BENTON
DATED 1/15/18 AND NOT THE RESULT OF A FIELD SURVEY

The utility information shown on this plan
was obtained from existing records. It is the
contractor's responsibility to verify the
accuracy of the utility information and to contact the
appropriate utility company for their location.

EXHIBIT 1

Revised Building Elevation
per Zone Change Committee
Mtg. of 12/7/05



12.05.05

Kroger

Burlington, Ky



Cole + Russell Architects
AN EPICURE COMPANY

ORDINANCE 06-02

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF WILLIAM MARTIN (APPLICANT) FOR BURLINGTON RETAIL CENTER, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL FOUR/PLANNED DEVELOPMENT (C-4/PD) ZONE FOR A 15.42 ACRE SITE LOCATED AT 1751 THROUGH 1793 PATRICK DRIVE (SHOPPES AT BURLINGTON), BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) zone for a 15.42 acre site located at 1751 through 1793 Patrick Drive (*Shoppes at Burlington*), Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) zone for a 15.42 acre site located at 1751 through 1793 Patrick Drive (*Shoppes at Burlington*), Boone County, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT 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 approved, with conditions, in a Commercial Four/Planned Development (C-4/PD) zone for a 15.42 acre site located at 1751 through 1793 Patrick Drive (*Shoppes at Burlington*), Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) zone is more particularly described in DEED BOOK 790, PAGE NO. 170 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

A. That as a basis for the approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Four/Planned Development (C-4/PD) zone for a 15.42 acre site located at 1751 through 1793 Patrick Drive (*Shoppes at Burlington*), Boone County, 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 Ordinance and marked as "Exhibit A."The

Committee

ORDINANCE 06-02

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

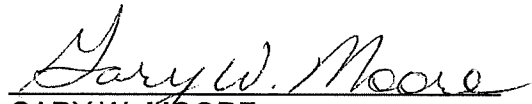
B. That this approval is further conditioned that there be no left turn onto KY 18, from the site's access road, across from Taylor Drive, between McGrath and Burgundy Hill Drive. This shall be implemented when the construction of the extension of Wildcat Drive is completed and no left turn signs are installed on Taylor Drive immediately across from this intersection.

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 17th day of January, 2006.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 14th day of February, 2006, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


LOUIS KELLY
FISCAL COURT CLERK


JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

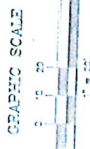
3-9-06
DATE PUBLISHED

Date	DEC. 19, 2011
Scale	1" = 50'
Job No.	2385-1
Revisions	
No.	Date

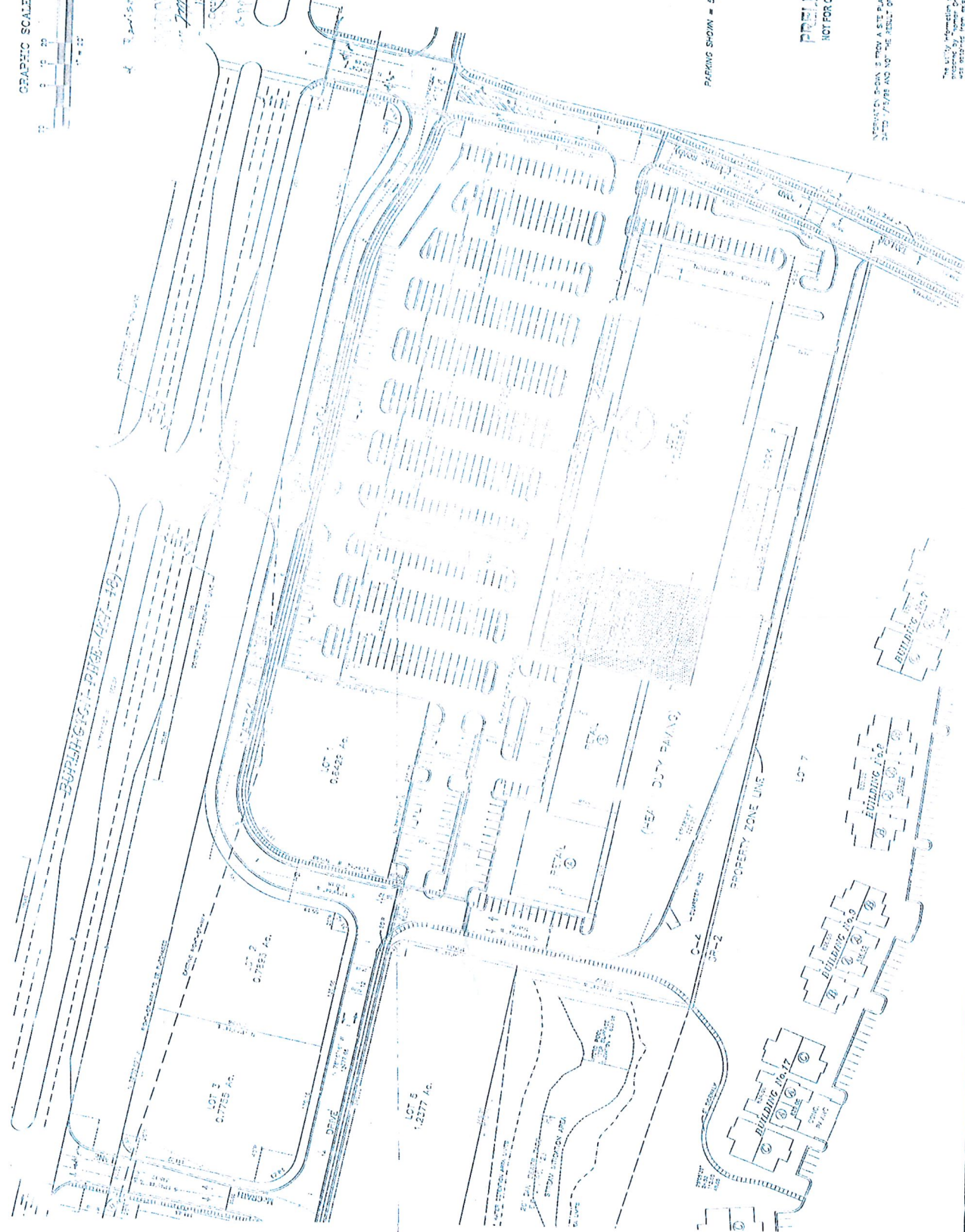
CONCEPT PLAN
THE STORES AT BURLINGTON
BURLINGTON TOWNSHIP (CITY BOUNDARY IS)
BOONE COUNTY
STATE OF OHIO

7105 A CONCEPT PLAN

Drawn By: JAZZARINE



Approved
of Revised Concept
Development
Commission
Approval with
Conditions
These are
Committee



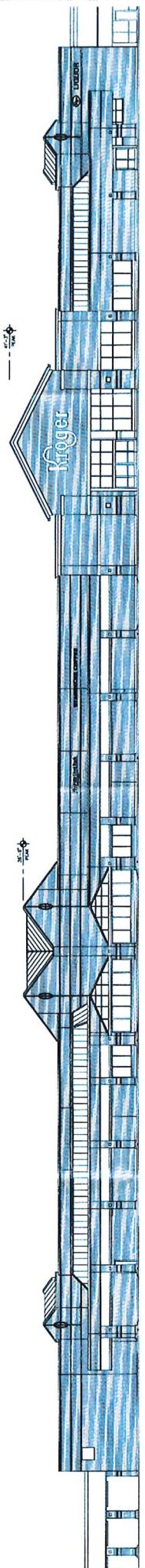
PARKING SHOWN = 526

PRELIMINARY
NOT FOR CONSTRUCTION

NOTHING SHOWN IS TO BE A SITE PLAN BY JAMES H. BIRLING
SAYED 7/19/82 AND NOT THE RESULT OF A FIELD SURVEY.

The City information shown on this plan, was obtained from an official record, the accuracy and responsibility to verify such information and its applicability to this project, is the responsibility of the user.

APPROVED By the Planning Board
Date: 11/16/06
City of Burlington
By: [Signature]
Mayor



SCHEME 11 1/8" = 1'-0"

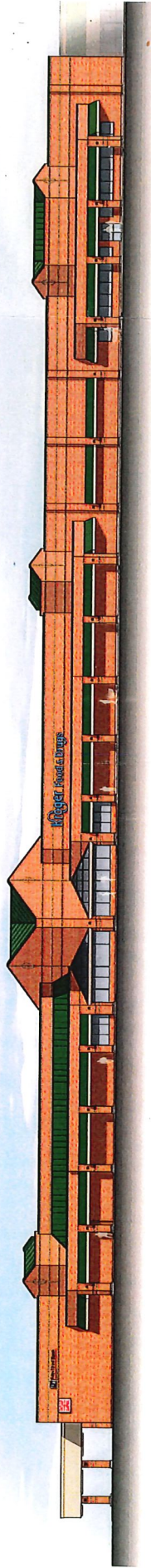


900505-67
OCTOBER 27, 2006



KROGER
BURLINGTON, KY

Revised Building Elevation
per Zone Change Committee
Mtg. of 12/7/05



12.05.05

Kroger

Burlington, Ky



Cole + Russell Architects
AN EPICORP COMPANY