

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

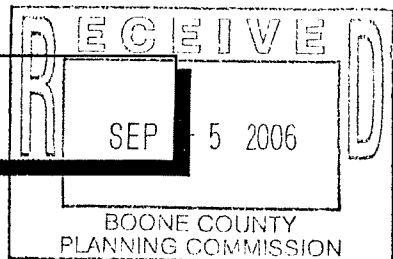
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Conner Crossing
2. Location of Project Southwest Corner of North Bend Road (KY 20) and Petersburg Road (KY 237)
3. Total Acreage of Site 15.3+/- Acres to be rezoned
4. Current Zoning of Site C-2/PD and SR-1
5. Proposed Zoning (Classification being requested) C-2/PD
6. Proposed Uses (please specify each use) Grocery Store, Liquor Store, Fuel Station, and Retail/ Service Outlots
7. Names of Applicant(s) Anne F. McBride - McBride Dale Clarion
8. Address of Applicant(s) 5725 Dragon Way, Suite 220 Cincinnati Ohio 45227
9. Name of Property Owner(s) Michael A. and Linda H. Conner
10. Address of Property Owner(s) 986 Riva Ridge Union Kentucky 41091
11. Proposed Building Intensities (please specify) 135,766 SF Grocery Store, 10,000 SF Liquor Store, Fuel Station and Outlots
12. Are there any existing buildings on the site? No
13. Deed Book 247 & 231 Page No. 132 & 225 Group No. 2007
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
[X] Boone County Water District
Florence Public Services Dept.
Duke Energy
[X] Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
[X] Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project Conner Crossing
- 3. Location of Project Southwest Corner of North Bend Road (KY 20) and Petersburg Road (KY 237)
- 4. Total Acreage of Site 24 Acres
- 5. Current Zoning C-2/PD and SR-1
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
- 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) No
- 8. Proposed Uses (please specify each use) Grocery Store, Liquor Store, Fuel Station, and Retail/ Service Outlots
- 9. Proposed Building Intensities (please specify) 135,766 SF Grocery Store, 10,000 SF Liquor Store, Fuel Station and Outlots
- 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) Anne F. McBride - McBride Dale Clarion
Phone Number 513-561-6232 Fax No. 513-561-1615
- 13. Address of Applicant(s) 5725 Dragon Way, Suite 220
Cincinnati Ohio 45227
City State Zip
- 14. Name of Property Owner(s) Michael A. and Linda H. Conner
Phone Number 859-384-7088 Fax No. _____
- 15. Address of Property Owner(s) 986 Riva Ridge
Union Kentucky 41091
City State Zip
- 16. Are there any existing buildings on the site? No
How many? -0-
- 17. Deed Book 247 & 231 Page No. 132 & 225 Group No. 2007
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

October 18, 2006

REQUEST

The request consists of the following applications:

1. A Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of the approximate 24 tract. If the zone change is approved, the entire 24 acre site will be zoned C-2/PD.
2. A Concept Development Plan to allow a retail/commercial development with 6 lots on a 24 acre tract. Lot 1 is shown with an approximate 137,766 square foot multiple tenant building with accessory gas sales and 615 parking spaces on an approximate 18 acre lot. The building will be occupied by a 127,766 square foot Kroger Marketplace and a 10,000 square foot Kroger Liquor Store. The southern facade of Kroger Marketplace will be constructed with two drive through bank lanes, a drive through pharmacy lane, and a bypass lane. Portions of the front sidewalk and the southwestern parking will be used for outdoor and temporary seasonal sales. The Kroger Fuel Center will contain seven (7) gasoline islands, a 120 square foot payment kiosk, and an approximate 43' x 126' gasoline canopy. Primary access to the lot is proposed from a signalized intersection which aligns with Hebron Fire Station's curb cut on KY 237. Secondary access is proposed by a curb cut which aligns with Hebron Park Drive on KY 20. The proposed building intensity on lot 1 is approximately 7,660 square feet of building per acre of land, while the C-2 zoning district allows 15,000 square feet of building per acre of land.

An elevation drawing of the front facade shows that the building will be constructed of brick, block, glass, and dryvit detailing. At this time, elevation drawings have not been submitted of the rear or side facades or the gasoline canopy.

Outlots 1 through 5 range between 1.1 and 1.5 acres in area and front on KY 237 or KY 20. Access to these lots will be provided from a driveway which connects the shopping center to KY 20 and KY 237. The applicant has submitted a list of principally permitted and accessory uses which can develop on these outlots (see attachments). The permitted building intensity on the outlots is 15,000 square feet of building per acre of land. At this time, elevation drawings have not been submitted for any of the outlots.

Special setbacks are being proposed for the outlots (see Design Standards Attachment). The special setbacks can be approved because the property is currently zoned Planned Development (PD). All other building setbacks would follow the zoning regulations.

	Proposed Setback	Boone County Zoning Regulations Requirement
Building Setback From A Public Right-of-Way	10 Feet	Front Yard = 30 Feet Corner Side = 15 Feet
Parking Area Setbacks From A Public Right-of-Way	10 Feet	10 Feet
Internal Side Yard Setback Between Outlots	5 Feet	10 Feet

The applicant is also seeking special signage provisions which would not typically be permitted by the Boone County Zoning Regulations. The special signage provisions can be permitted because the property is zoned Planned Development (PD).

The following list summarizes the special signage provisions being sought for the project:

- Lot 1: The Kroger Marketplace elevation drawing show that the front facade of this tenant space will contain five areas of building mounted signage. Section 3413 of the Boone County Zoning Regulations allows up to three areas of building mounted signage on any facade. Based on the linear footage of the tenant space the permitted building mounted signage on the front facade can be up 944 square feet in area, while the five sign areas total approximately 522.24 square feet in area.
- Outlot 2: The Conner Crossing identification sign and an outlot sign are being proposed on this lot. The zoning regulations do not permit outlot signs to be constructed on the same lot as the shopping center identification sign.
- Outlot 5: The Kroger Marketplace gasoline price sign and an outlot sign are being proposed on this lot. The gasoline sign is considered an off premise sign by the zoning code because the use is not occurring on the subject lot.

SITE CHARACTERISTICS

The approximate 24 acre farm is located on the southeast corner of KY 237/KY 20 intersection. The property has approximately 830 feet of frontage on KY 237 and 610 feet of frontage on KY 20. The topography of the parcel falls from 900 feet above sea level near the southwest property corner to 850 feet above sea level where Woolper Creek runs through the northern portion of the site. The northern portion of the site and southern and western property lines contain significant deciduous tree cover. A water main exists along the KY 237 frontage and a sanitary sewer main exists runs through the northern portion of the site.

ADJACENT LAND USES AND ZONING

North: Hebron Corner Mart (C-2), Single-Family Dwellings (SR-2), and KY 20

South: Galerie Au Chocolate and Lot 2 Airpark West (I-1)

East: KY 237, Hebron Fire Station (PF), Vacant Land (C-2/PD), and McDonald's (C-2)

West: Prologis (I-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" and "Business Park" uses. These designations are described as follows:

Commercial – "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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

The Land Use Element (Hebron Area, pp. 154-155) makes the following statements regarding the general area:

- A. The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development. Further Urban Residential uses planned behind the Hebron Commercial Mart development must utilize a site design that pays attention to building orientation and landscaping in order to enable an adequate visual

transition from KY 20 and into older single-family areas to the north. These established residential neighborhoods will eventually be surrounded by commercial, industrial, and higher density residential development, and need some degree of visual protection.

- B. The commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses.

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- 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. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pg. 140).
- B. As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development.

Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access through them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed use development should serve side streets for businesses rather than serving individual businesses directly, include an urban curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development, but be readily marketed.

These recommendations are site specific and should be evaluated on a case-by-case basis. In fact, there may be other design mechanisms not identified here that may work in some instances ("Development Layout, Lot Sizes, and Setbacks," pp. 140 and 141).

- C. 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 . . .

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).

- D. 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.

Developments along major roadways in Boone County must include landscaping between the development and right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141).

- E. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds ("Stormwater Management and Erosion Control, pg. 141).

- F. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

- G. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must

be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142).

- H. 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. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County.

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Design, Signs, and Historic Preservation," pg. 142).

The Business Activity Element provides the following comment that relates to the general area:

- A. The Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the SouthPark Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road. With the amount of residential construction expected in the North River area, larger scale commercial developments, such as drug stores and grocery stores will be needed. Commercial development in this area should be designed to serve the northern part of Boone County. This commercial growth should coordinate with the existing and proposed industrial and residential developments, especially in terms of access (Recommended Areas of Commercial Activity, pp. 62-65).

The Transportation Element provides the following comments that relate to the proposal:

- A. The Transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities (Boone County Transportation Plan, pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county (Boone County Transportation Plan, pg. 128).

Relationship to the Boone County Transportation Plan 2030

The following passages and information relates to the request:

- A. The current level of service (LOS) on KY 237, between KY 18 and Worldwide Boulevard is LOS A. The average daily trips on this section of road is 18,987 (Exhibit 2-7).
- B. The current LOS on KY 20, between Bullock Lane and KY 237, is LOS C. The average daily trips on this section of road is 5,935.
- C. Recommended Long Range Transportation Improvements (Exhibit 6-1). The recommended improvement is to widen KY 20 from two to four lanes from KY 8 (Idlewild Bypass) to KY 237. The project is needed to serve traffic generated by additional development in this portion of Boone County and to serve as a local, parallel east-west alternative to I-275.

The 2005 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Proper design principles shall be applied in development (Overall, Objective).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).
- C. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment, Goal).
- D. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Objective).
- E. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).

- F. Boone County shall have a sustainable economy that both restores and protects the environment and also brings forth innovation and prosperity with meaningful employment opportunities for all its citizens (Economy, Goal).
- G. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- H. Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).
- I. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- J. Existing infrastructure and services (e.g. systems and facilities for: water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and storm water management) shall be utilized efficiently. The phasing of proposed development shall demonstrate a means of addressing significant impacts on existing infrastructure and services (Public Services and Facilities, Objective).
- K. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- L. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system (Transportation, Goal).
- M. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- N. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

Planned Development Standards

The entire 24 acre site will be zoned Commercial Two/Planned Development (C-2/PD) if the Zoning Map Amendment application is approved. As a result, the proposed Concept Development Plan needs to be evaluated against the Planned Development Standards which are found in Section 1514 of the Boone County Zoning Regulations (see attachments). A proposed Concept Development Plan shall fulfill the criteria outlined in this section "unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal."

STAFF COMMENTS

1. The applicant, Planning Commission, and Boone County Fiscal Court should work toward implementing the following Planned Development (PD) Standards into the Concept Development Plans:

- A. Mixed Use Orientation and Pedestrian Orientation: This standard states that Planned Developments shall have a pedestrian orientation. Staff recommends that following pedestrian improvements:

Staff recommends that a sidewalk system should be provided throughout the shopping center. At a minimum, Staff recommends that sidewalks should connect Kroger Marketplace to the outlots and proposed access points. The Planning Commission and Fiscal Court may also want to consider sidewalks along the KY 237 and KY 20 frontages.

- B. Compatibility of Uses: Staff recommends that the Zone Change Committee should analyze the applicant's list of principally permitted and accessory uses to determine which are appropriate on the outlots. The Zone Change Committee should also analyze if multiple tenant buildings are being approved.

- C. Landscaping: This standard states that substantial landscaping shall be provided in Planned Developments with emphasis given to street scape areas and buffer zones.

While the applicant's submitted landscape plan meets or exceeds the perimeter landscaping requirements, the landscaping plan will need to be revised to meet all the Vehicular Use Area (VUA) requirements. Planted areas are required at the end of every other row of parking and when rows of parking are unbroken for 180 linear feet or more. This issue can be dealt with at Site Plan review.

- D. Architecture: This standard states that a consistent architectural theme shall be provided in Planned Developments. The architectural theme shall also relate to the existing structures on the project site and adjacent sites.

Staff has the following questions, concerns, and comments regarding the applicant's proposed architectural (building material) design standards (see attachments).

- The design standard states that all elevations fronting a public right-of-way will have a "similar level of finish". Does the mean that the front and corner side yard of any outlot will be largely brick to match Kroger Marketplace?
- Unless the design standard is modified, the sides and rear of any outlot could be all dryvit, hardboard, or concrete block.

- Staff recommends that building materials design standard as proposed by the applicant should be analyzed by the Zone Change Committee. Staff recommends that the permitted building materials on all facades should be better defined and that a design review process should be required.
- E. Signage: This standard states that a consistent signage theme shall be provided within a Planned Development. Staff has the following concerns regarding the special signage provisions which are being sought:
- The shopping center identification sign includes spaces for the five outlots to advertise. Staff does not believe that the outlots should be permitted to advertise on the identification sign and have individual monument signs.
 - The Kroger Marketplace gasoline sign is an off-premise sign. Off-premise signs are typically permitted in the Industrial One (I-1) and Industrial Two (I-2) zones as a Conditional Use.
 - Staff does not see why the Conner Crossing subdivision name is being proposed on some of the outlot signs.
2. Staff would like the applicant to address the following design standards that were included in their proposal:
- A. The "outparcel setback requirement" standard states that all buildings and parking areas shall be located a minimum of 10' feet from a public right-of-way and that the required setback between the internal property lines of the outlots shall be a minimum of 5 feet. Staff would like to know why the applicant is proposing reduced setbacks when no uses have been proposed or hardships have been identified.
- B. The "lighting" standard states that all freestanding lights in the development will be directed downwards and will be equipped with cut-off shields when adjoining residential uses. The light fixtures will be mounted at 42 feet and the footcandle measurement at residential property lines shall be a maximum of 0.5. Staff would like to know if the 42 foot light pole height could be reduced considering the adjoining residential uses and if the 42 foot height applies to the outlots?
3. The applicant has furnished a traffic study for the project (see Public Hearing Exhibits). The Traffic Study shows improvements are being proposed to KY 237 and KY 20. The KY 237 improvements include a signalized intersection at the shopping center/Hebron Fire Station intersection, a 320 foot left hand turn lane into the development with a 180 foot taper, and a 320 foot right-hand deceleration lane with a 180 foot taper.

The KY 20 improvements include a 120 foot left hand turn lane with a 40 foot taper for motorists entering the shopping center from westbound KY 20, a 100 foot left hand turn lane with a 40 foot taper for motorist that are turning left onto KY 237 from KY 20, and a small taper for motorists entering the shopping center from eastbound KY 20.

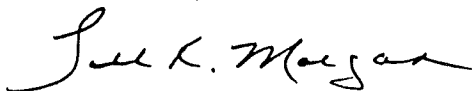
Staff contacted the Kentucky Transportation Cabinet regarding the proposed access point and associated improvements on KY 20. Staff's letter to the Kentucky Transportation Cabinet and their responses are attached to this report. Staff still has concerns about the proximity of the access point to the KY 20/KY 237 intersection, increases in AM and PM peak hour traffic at the KY 20/KY 237 intersection, the length of the proposed turn and taper lanes, the lack of a right-hand deceleration lane, and the impacts that future residential, commercial, and industrial growth will have on the KY 20/KY 237 intersection. Staff recommends that the curb cut on KY 20 should be limited to right-in/right-out only if the curb cut cannot be moved any further back from the KY 20/KY 237 intersection.

4. Staff received an e-mail from Hebron Fire Protection District regarding the request (see attachments). The e-mail expresses concern that the proposed improvements on KY 20 will not be sufficient to handle the amount of traffic that is anticipated for the project.
5. Staff spoke to Gretchen Bartley, with the Division of Water, regarding the request because the proposed access point on KY 20 crosses Woolper Creek. Ms. Bartley indicated that the applicant would need to send a letter to her office to see if a stream crossing permit or permit from the Army Corps or Engineers would be required.
6. The Concept Development Plan shows that large linear retaining walls will be constructed to the north and south of the building. Staff would like the applicant to address the approximate height of these walls and materials they will be constructed with.
7. The Concept Plan shows a temporary seasonal sales area in the parking lot. Staff would like to point out this area can only be used 51 days every calendar year with the issuance of permits from the Boone County Planning Commission.

CONCLUSION

The Zoning Map Amendment and Concept Development Plan requests need to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Articles 3 and 15 of the Boone County Zoning Regulations. The Future Land Use Map should be amended if the request is approved.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

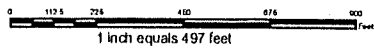
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Attachments:

- *Aerial Map
- *Concept Development Plan (Site layout)
- *Concept Development Plan (Landscaping & Signage)
- *Kroger Marketplace Front Facade
- *List of Proposed Uses
- *Proposed Design Standards
- *Proposed Signage Package
- *Proposed Freestanding Signs
- *Exhibits From Applicant's Traffic Study
- *9/22/06 Letter to KY Transportation Cabinet
- *9/27/06 Reply Letter From KY Transportation Cabinet
- *Zoning Map
- *Topographical Map
- *Future Land Use Map
- *Planned Development Standards
- *E-Mail From Hebron Fire Protection District
- *Applications



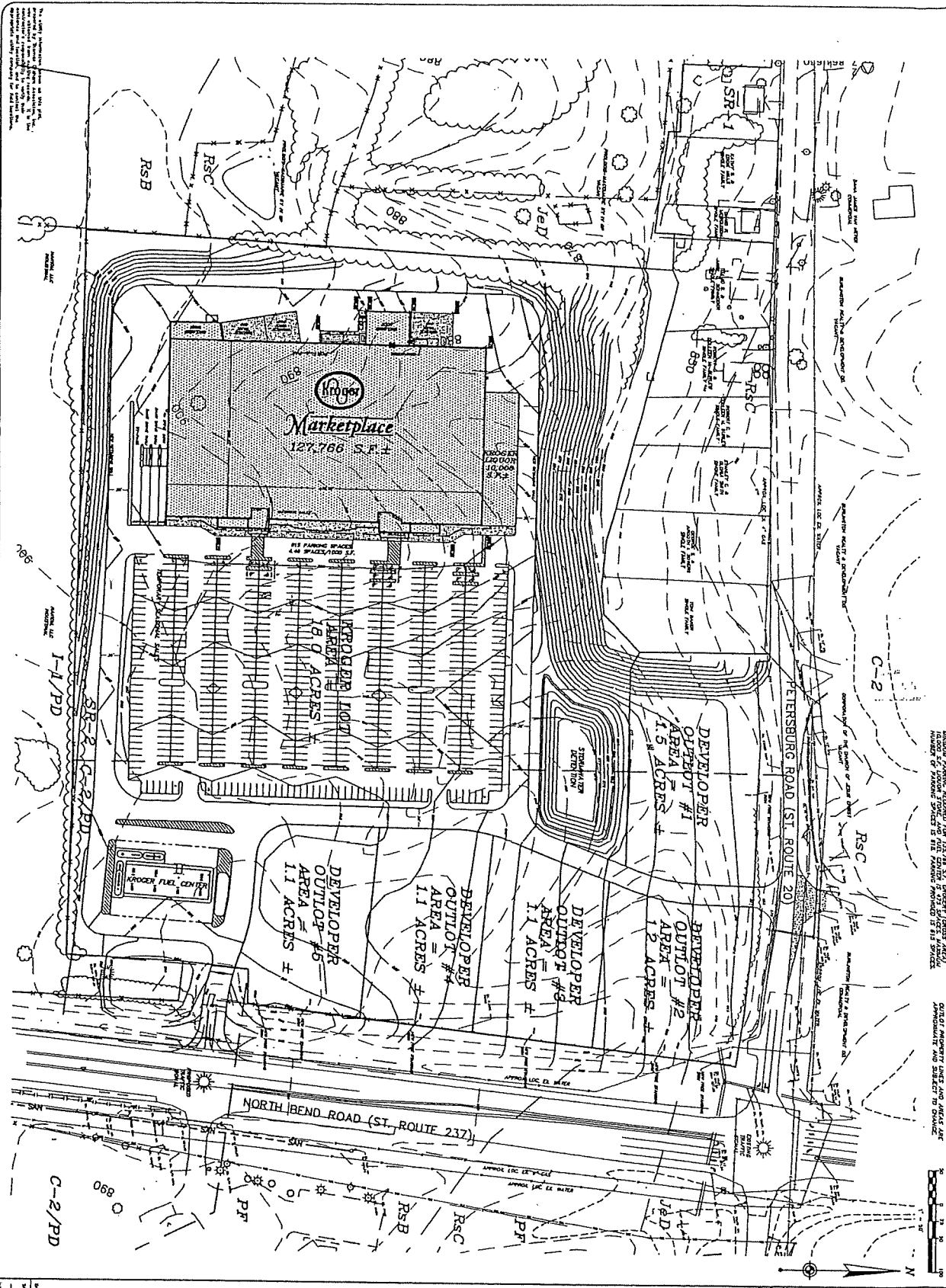
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1 inch equals 497 feet

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THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE.

DATE: 08/14/2008 SFP: 11-1008

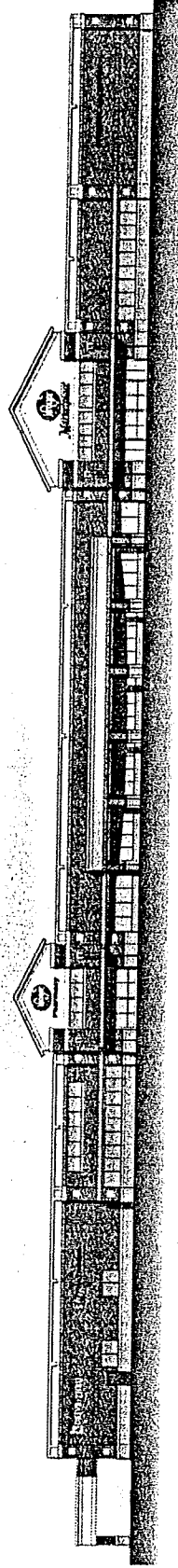
SCALE: AS SHOWN
 DATE: 08/14/2008
 DRAWN BY: J. L. HARRIS
 CHECKED BY: J. L. HARRIS
 PROJECT NO.: 08-000-000

STUDY PLAT #8
 PETERSBURG RD. & NORTH BEND RD.
 HERRIN, KENTUCKY

IGA
 TRIGLIA
 ASSOCIATES, INC.
 1 - Site Plan
 1 - Survey
 800 Corporate Park
 Suite 100
 Cincinnati, OH 45229
 Tel: 513-752-1111
 Fax: 513-752-1118

DATE: 08/14/2008
 SCALE: 1" = 50'
 SHEET NO.: 2480

SHOULD BE USED IN CONJUNCTION WITH THE SITE PLAN AND ALL OTHER PLANS AND SPECIFICATIONS. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE.



FRONT ELEVATION.

08.22.06

Kroger Marketplace

A409 Hebron, KY



Cole + Russell Architects
ARCHITECTS & PLANNERS

CONNER CROSSING

List of Land Uses

Principal Permitted Uses:

The following uses are permitted:

1. Business and personal credit services, holding services and title services;
2. Security brokers, dealers and flotation services, investment services, insurance agents, brokers and services, and finance companies;
3. Photographic services;
4. Direct mailing and advertising services, including direct mail;
5. News syndicate services and employment services;
6. Research, development and testing services of an office nature;
7. Business and management consulting services and associations;
8. Motion picture, audio-visual and similar media production and distribution services;
9. Physician, optical and dental services including medical, optical, dental laboratories and clinics;
10. Legal, engineering, architectural, education and scientific research services;
11. Accounting, auditing and bookkeeping services;
12. Welfare, charitable and social services administration offices;
13. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
14. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
15. Hardware stores;
16. Eating and drinking establishments including alcoholic beverages;
17. Grocery stores and supermarkets;
18. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
19. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
20. Convenience stores;
21. Liquor, beverage, drug and proprietary stores;
22. Banking services, savings and loan associations, credit unions and other credit services;
23. Insurance carriers and agents;
24. Real estate operators, agents, brokers, managers, lessors and real estate sub-dividing and developing services, operative builders and related services;
25. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
26. Veterinary services and pet grooming services but not including the boarding of animals;

27. Beauty and barber services and tanning saloons;
28. Laundering, dry cleaning and dyeing services including self-service;
29. Alteration and garment repair and custom tailoring;
30. Shoe repair, shoe shining and hat cleaning services;
31. Jewelry stores;
32. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
33. Art, craft and hobby supplies and products, gifts and novelties;
34. Antiques and used merchandise;
35. Books, stationery, newspapers and magazines;
36. Florists excluding greenhouses;
37. Sporting goods including bicycles;
38. Draperies, curtains, upholstery and floor coverings;
39. Child and adult care centers;
40. Paint, glass and wallpaper stores;
41. Photo finishing services;
42. Video stores;
43. Funeral homes and crematoriums excluding cemeteries or mausoleums;
44. Department stores, mail order houses, direct retail selling organizations of general merchandise;
45. Furniture, home furnishings, including specialty and floor coverings;
46. Specialized upholstery and furniture repair or refinishing services;
47. Apparel stores;
48. Household appliances, china, glassware and metal ware;
49. Radio, t.v., watch, clock and jewelry repair;
50. Photographic, stenographic and other duplicating and mailing services;
51. Consumer and mercantile credit reporting, adjustment and collection services;
52. Travel arranging, transportation ticket and public event or promotional booking agencies;
53. Art, music and dancing schools, libraries and museums;
54. Business associations and professional membership organizations including civic, labor, social and fraternal organizations;
55. Art and craft galleries and similar exhibit space;
56. Aquariums, botanical gardens and other natural exhibitions;
57. Arcades and other amusement centers;
58. Motion picture theaters (indoor);
59. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
60. Recreation centers, gymnasiums, clubs and similar athletic uses and recreational facilities;
61. Motorcycle sales or bike shops excluding outside storage;
62. Churches, synagogues, temples and other places of religious assembly for worship;
63. Hotels and motels including convention facilities;
64. Pawn shops;
65. Auto parts and accessories stores; and
66. Gasoline filling station.

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other public assembly spaces.
 - e. Temporary exhibit spaces; and
 - f. Stages and similar assembly areas.
2. Accessory uses for an office facility;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
9. Recycling collection points (See Article 31);
10. Garment and furniture centers (See Article 31);
11. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);
12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.
13. Wash services for vehicles; and
14. Garden and landscape sales.

CONNER CROSSING

Design Standards

- 1.) **Use Restrictions.** Uses to be developed on the outparcels shall be consistent with the approved list of permitted uses. No noxious or offensive activity shall be conducted on the property nor shall anything be done thereon which may become or create an annoyance or nuisance (by reason of unsightliness or the excessive emission of odors, dust, fumes, smoke or noise) to the owners of adjacent property.
- 2.) **Building Materials.** The building materials for the exterior walls of all Structures located on the Property shall consist only of the following materials, or any combination of such materials: stone, brick, dryvit, hardboard or painted concrete block. All elevations fronting on a public right of way shall have a similar level of finish. All structures shall comply with the color scheme selected by the Developer and shall be designed and constructed to complement the design of the main shopping center buildings. Roofing materials used for all structures shall be architecturally compatible in terms of materials and colors as determined by the Developer. Roof mounted mechanical equipment shall be effectively screened from public rights of way. Buildings shall be constructed consistent with the Concept Development Plan as approved by Boone County.
- 3.) **Parking & Landscaping.** All parking areas and drives and pedestrian walkways shall be paved with an impervious surface such as asphalt, concrete or interlocking pavers. All landscaping shall conform to the overall landscaping plan approved for the development by Boone County. Landscaped and parking areas shall be properly maintained thereafter by the owner in a well-kept condition. Employee, owner or tenant parking will not be permitted on private or public dedicated streets and each property owner shall be responsible to provide such parking facilities on their own property. Parking shall be provided consistent with Article 33 or as approved by Boone County.
- 4.) **Waste & Refuse.** No waste material or refuse shall be dumped upon or permitted to remain on any part of the property. No trash containers may be placed in the area between the front wall or walls of a structure and any public right of way. Trash containers shall be effectively screened from view from public rights of way and adjoining properties as approved by Boone County.
- 5.) **Off-Street Loading.** Maneuvering of trucks and trailers are to be confined insofar as possible to the premises of each establishment. It is preferred that loading docks be located in the rear or the sides of buildings. Loading areas shall be effectively screened from view from public rights of way and adjoining properties. Off-Street Loading shall be constructed in accordance with Article 33 or as approved by Boone County.
- 6.) **Outside Storage and Equipment.** Outdoor storage shall be permitted only where such storage is screened from public rights of way and adjoining properties. Temporary seasonal sales of materials stored outdoors shall not constitute outside storage. Outdoor storage and

outdoor sales visible from a public right of way shall be limited to designated areas on the approved Concept Development Plan.

- 7.) **Signs.** Project signage shall conform to the sign standards approved by Boone County as a part of the Concept Development Plan application. The bases of ground mounted signs shall be constructed of materials compatible in type and color with building materials as determined by the Developer. All signs shall be located in a landscape bed equal in size to the area of the sign.
- 8.) **Maintenance.** The Owner or lessees of any portion of the property must at all times keep the premises, structures, all other improvements and appurtenances thereon in a safe, clean, and well-manicured condition and comply in all respects with all governmental health and police requirements and will contain and remove at their own expense any trash or rubbish of any character whatsoever which may accumulate on said lots. Grass shall be cut on all lots by the owner or lessee of such lots.
- 9.) **Outparcel Setback Requirements.** All buildings to be located on the outparcels shall be setback a minimum of 10 feet from a public right of way. All vehicular parking areas shall be set back a minimum of 10 feet from a public right of way. A minimum 5 foot setback shall be provided from out lot side internal property lines.
- 10.) **Outparcel Lot Density.** Building coverage on the outparcels shall not exceed 15,000 square feet per acre.
- 11.) **Lighting.** Illumination shall be provided for the development consistent with the requirements of the Boone County Zoning Resolution or as approved by Boone County. All freestanding lighting shall be provided by high pressure sodium down directional fixtures mounted at a maximum of 42 feet in height. All fixtures adjacent to residential uses shall be full cut off fixtures with shields. A light level not to exceed 0.5 footcandles shall be provided at all property lines abutting residential uses.
- 12.) **Development Plan Consistency.** All outparcels shall be developed in a manner consistent with the Concept Development Plan as approved by Boone County.

CONNER CROSSING

Sign Plan

A unified sign plan is proposed for Conner Crossing that creates a cohesive design for the signage within the development. A modification from the requirements of Article 34 is being requested to allow the following signage within Conner Crossing:

“Main Development Pylon Sign” located at the northeast corner of the development at the intersection of KY 237 and KY 20. The 30 foot tall sign would contain 141 square feet of sign area per side and would provide identification for the center, Kroger and other tenants.

“Kroger Market Place Sign” located on the out parcel (Out Parcel #5) north of the main entry on KY 237, this sign would be 15 feet tall and contain 79.9 square feet of area per side. The sign would identify the Kroger store, provide fuel pricing information as well as the name of the development.

“Out Parcel Signs” are to be located on each of the five (5) outparcels. Such signs will either identify the single user of the property or in the case of a multi-tenant building, provide identification for the occupants. These signs would be 8 feet tall and contain either 42.4 or 31.9 square feet of area per side depending on content.

The Kroger Building is proposed to have the following signage on the front building elevation:

“Kroger MarketPlace” 1 sign at 279.5 SF

“Kroger Pharmacy” 1 sign at 100.1 SF

“Starbucks” 1 sign at 28.7 SF

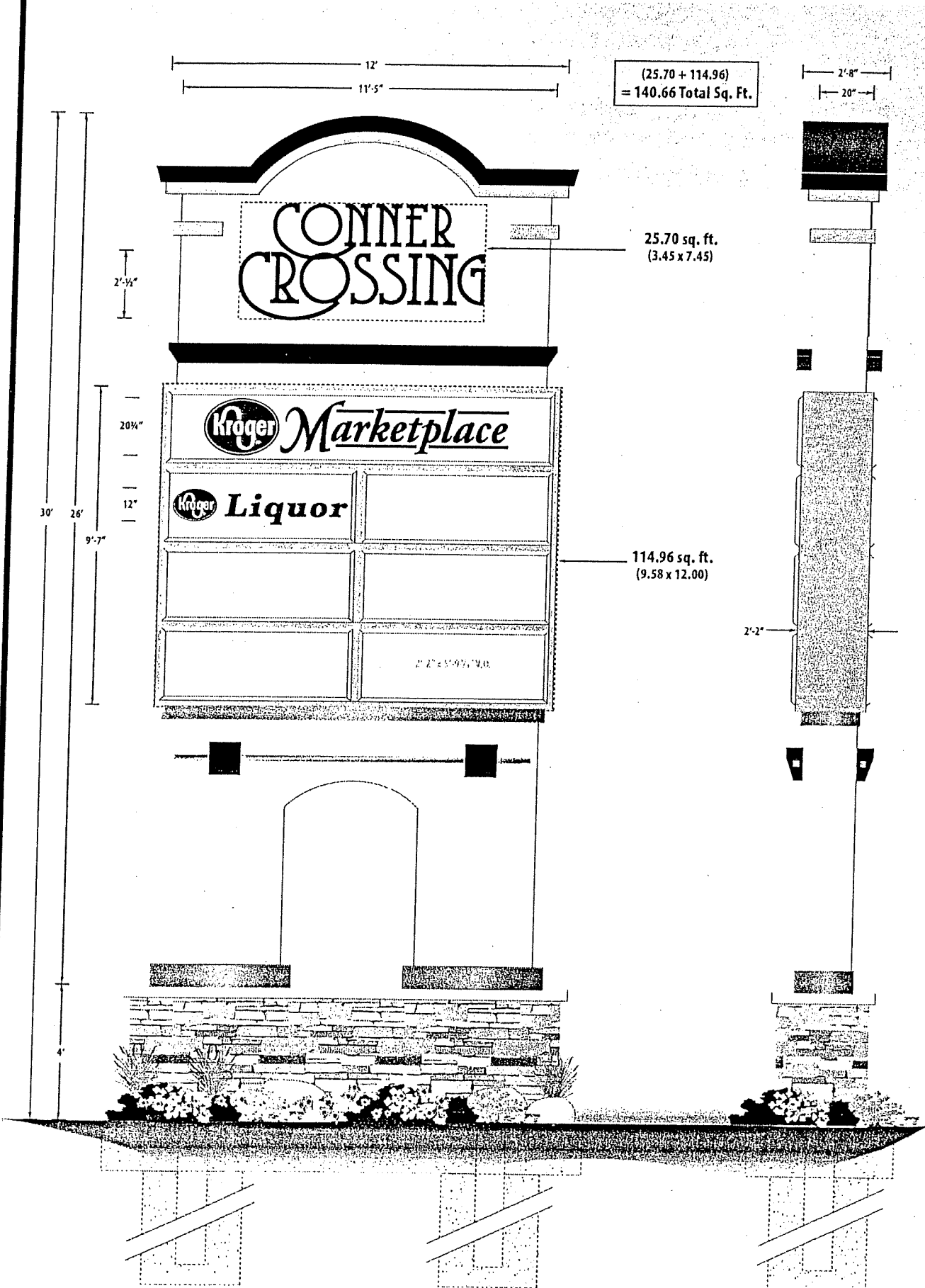
“Rx Drive-Thru” 1 sign at 57.6 SF

“Kroger-Liquor” 1 sign at 48.2 SF * (on separate tenant space)

“5/3 Fifth Third Bank” 1 sign at 56.3 SF

Total sign area proposed for the Kroger building and the adjacent liquor store is 570.4 square feet.

ONE (1) DOUBLE FACED ILLUM. PYLON 'EPT (Corner of Petersburg & North Bend Rds.)



Victory
Sign Associates
Design & Planning

3160 East Kemper Road Suite B
Cincinnati, OH 45241 • 513.772.4500

*After zoning approval, manufacturing methods may be subject to change.

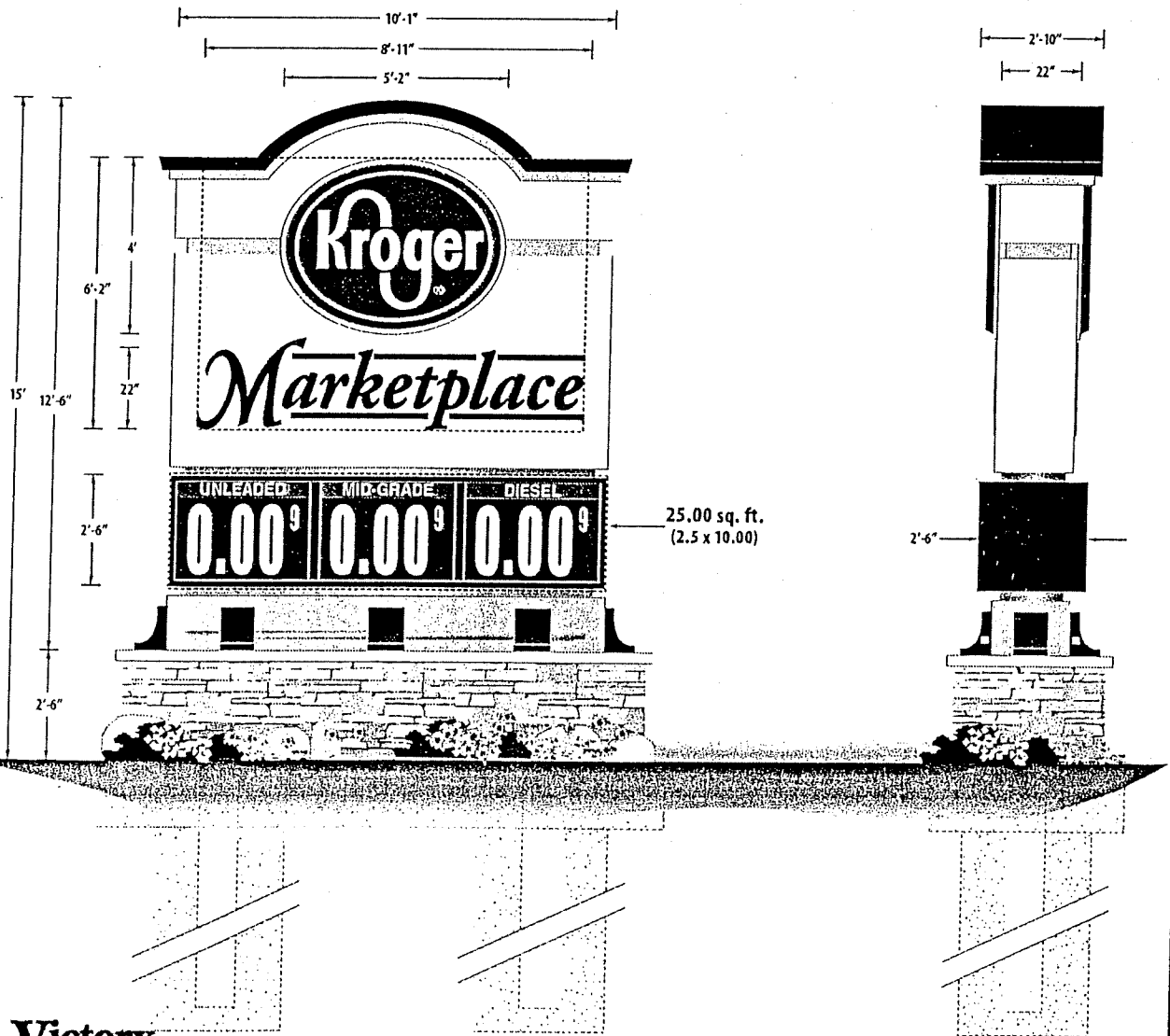
*Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

CLIENT: Terra Firma Assoc. (P.T.B.D.)
LOC: Petersburg Rd. & North Bend Rd.
Hebron, KY
DATE: 8/21/06
SCALE: 3/8" = 1'-0"
BY: Brian Marito

APPROVED BY: _____ DATE: _____
LANDLORD APPROVAL: _____ DATE: _____

APPROVED BY: _____ DATE: _____
LANDLORD APPROVAL: _____ DATE: _____

79.88 Total sq. ft. = (6.16 x 8.91) + (2.50 x 10.00)



Victory
SignAssociates
 Design & Planning

3160 East Kemper Road Suite B
 Cincinnati, OH 45241 • 513.773.4500

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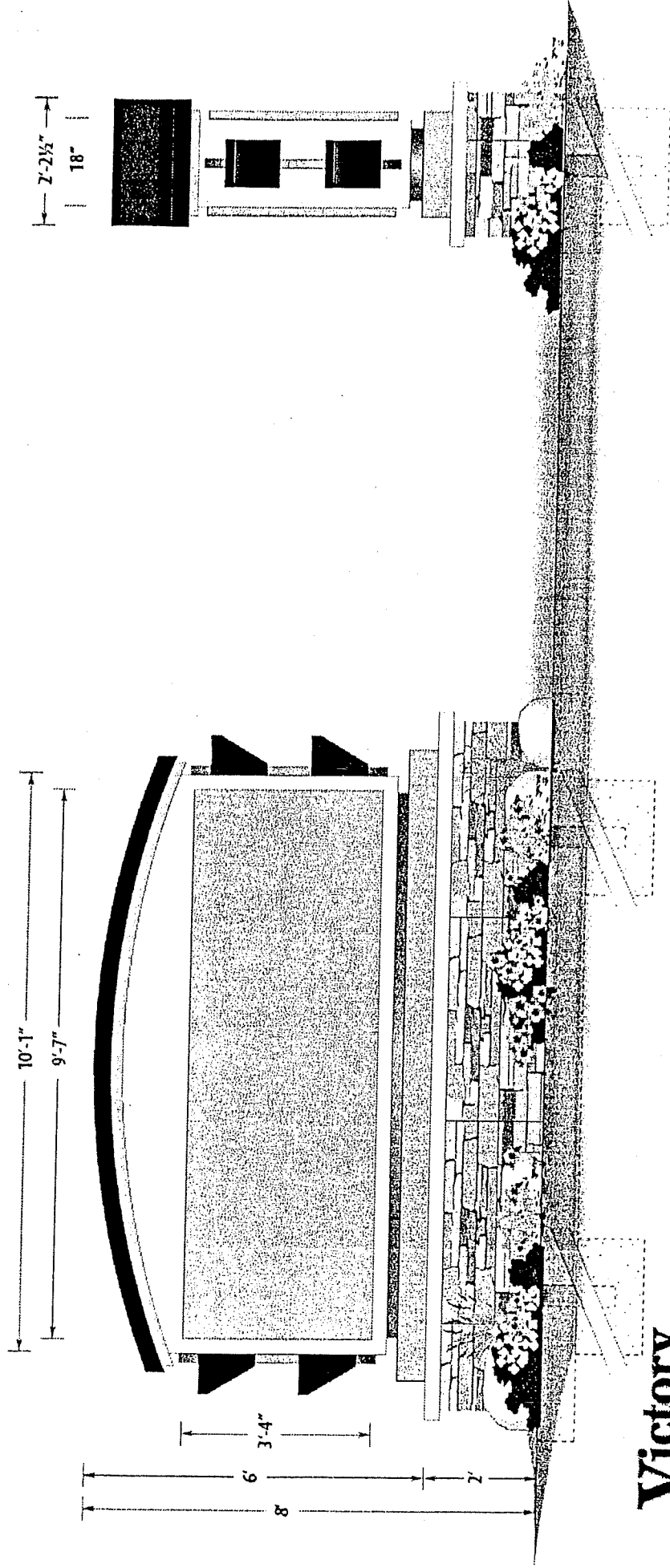
CLIENT: Terra Firma Assoc. (A.T.B.D.)
 LOC: North Bend Rd. (St. Rte. 237)
 Hebron, KY

DATE: 10/17/06
 SCALE: 3/8" = 1'-0"
 BY: Brian Marco

APPROVED BY: _____ DATE: _____
 LANDLORD APPROVAL: _____ DATE: _____

DOUBLE FACED ILLUM. MONUMENT CONCEPT (Outlots)

31.90 sq.ft.



*After zoning approval, manufacturing methods may be subject to change.
 *Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

CLIENT: Terra Firma Assoc. (#T.B.D.)
 LOC: North Bend Rd. (St. Rte. 237)
 Hebron, KY
 DRAWING NO: K.12.715.C

DATE: 10 / 13 / 06
 SCALE: 3/8" = 1'-0"
 BY: Brian Marco
 REP: Vince Klusty

APPROVED BY: _____ DATE: _____
 LANDLORD APPROVAL: _____ DATE: _____

This original design and all information herein are the property of Victory Sign Associates, Inc.

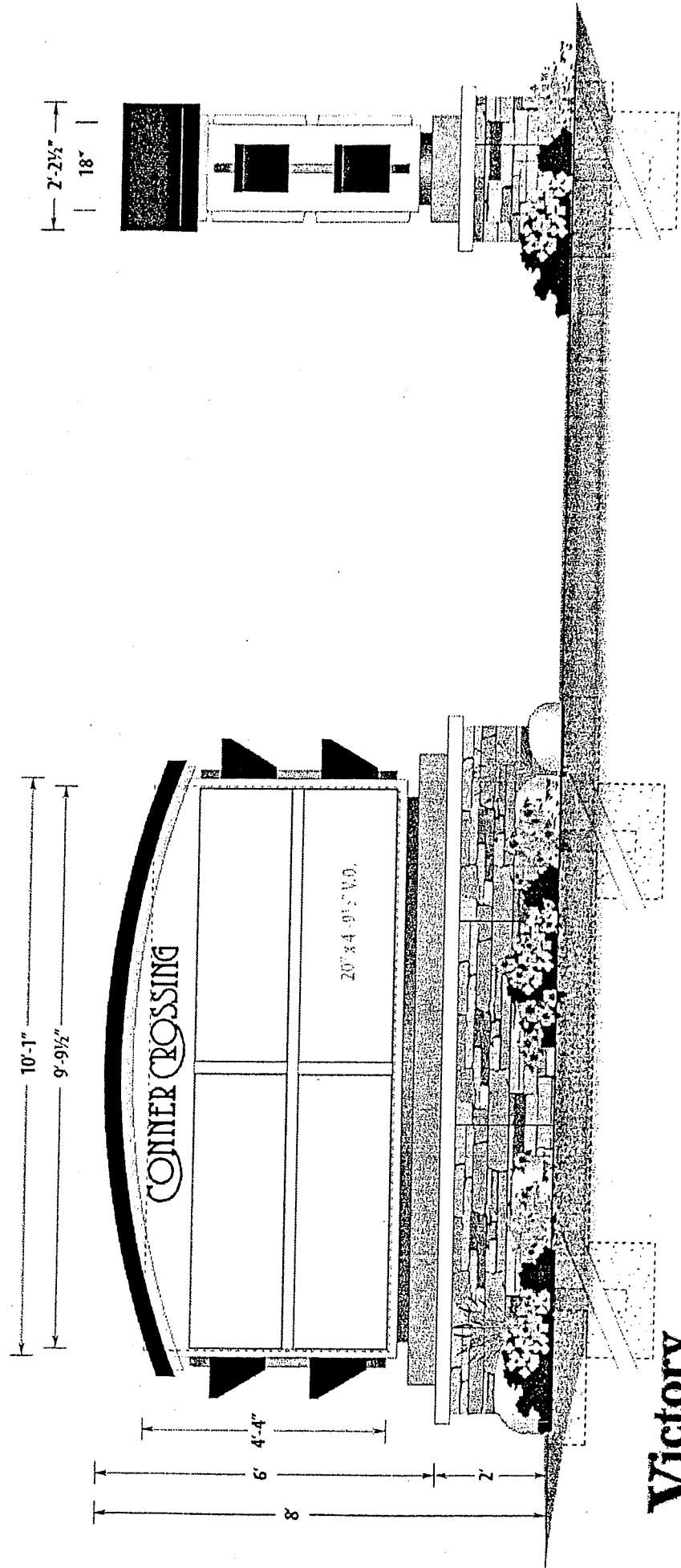
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DOUBLE FACED ILLUM. MONUMENT CONCEPT

42.39 sq.ft.



*After zoning approval, manufacturing methods may be subject to change.
 *Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.

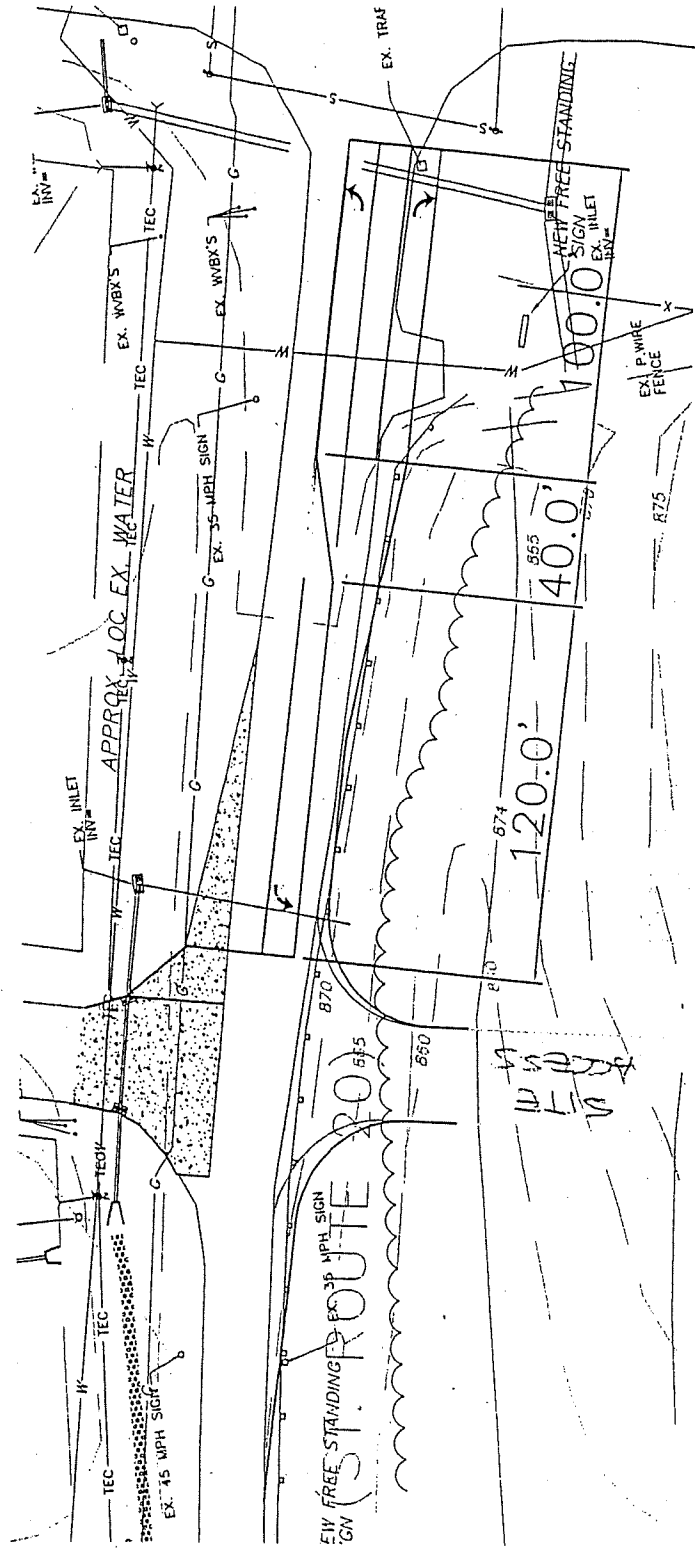
<p>CLIENT: Terra Firma Assoc. (#T.B.D.) LOC: North Bend Rd. (St. Rte. 237) Hebron, KY</p>	<p>DATE: 10/17/06 SCALE: 3/8" = 1'-0" BY: Brian Marco REP: Vince Klusty</p>	<p>APPROVED BY: _____ DATE: _____ LANDLORD APPROVAL: _____ DATE: _____</p>
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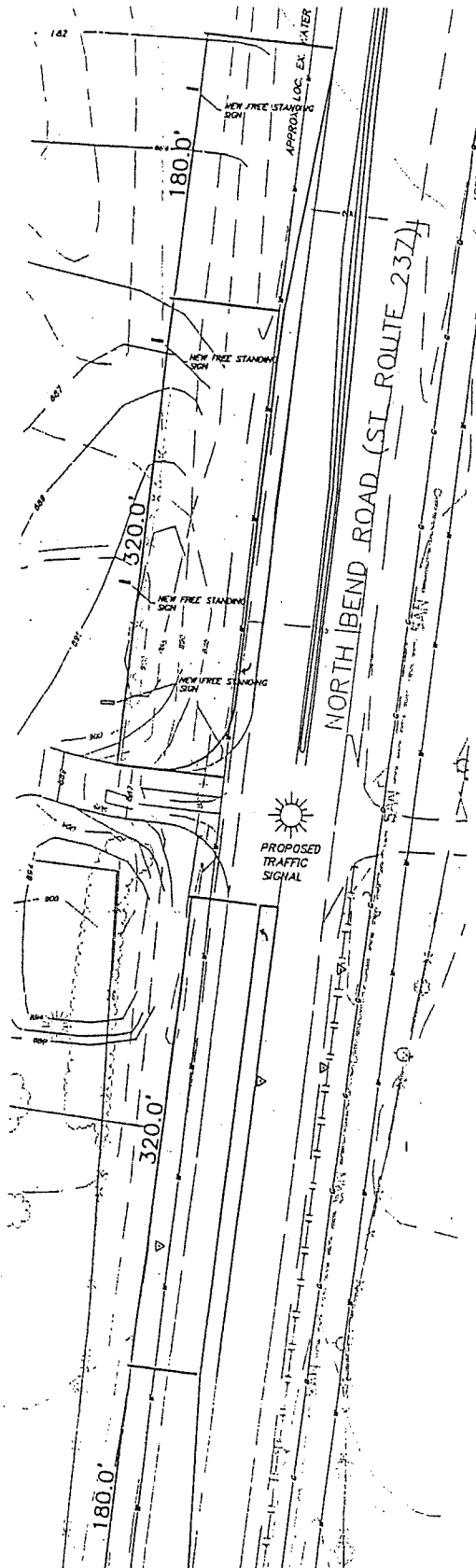
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K7237







BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

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P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

TO: Ed Thompson, Kentucky Transportation Cabinet

FROM: Todd K. Morgan, AICP, Senior Planner, Zoning Services *TKM*

DATE: September 22, 2006

RE: Request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of a approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of a approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

You have made me aware that the applicant has furnished you with copies of the Concept Development Plan and Traffic Impact Analysis for the subject requests. At this time, I am requesting that the Kentucky Transportation Cabinet provide comments for the following questions:

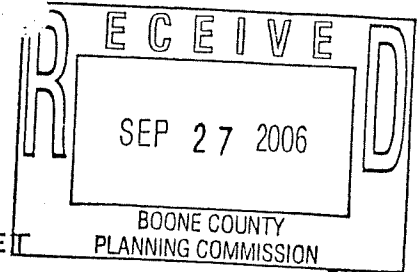
1. Can you confirm that the traffic warrants will be met to allow a signalized intersection at the KY 237/Hebron Fire/Conner Crossing intersection if the shopping center is constructed?
2. Our Staff questions if the proposed 40' taper lane for motorists entering the shopping center from westbound KY 20 is sufficient. Can you give us your analysis?
3. Our Staff questions if 120' left hand turn lane for motorists entering the shopping center from westbound KY 20 is sufficient. We believe that will only be room for 6 or 7 cars to stack before they reach the 40' taper. Can you give us your analysis?
4. The speed limit on westbound KY 20, just past the KY 237/KY 20 intersection, is posted at 35 miles per hour and immediately changes to 45 miles per hour. Are these speed limit signs posted correctly?

Mr. Ed Thompson
September 22, 2006
Page 2

5. Our staff questions if the 100' left turn lane on eastbound KY 20 is sufficient. We believe there will be only be room for 6 or 7 cars to stack before they reach the taper lane. The submitted traffic study shows 136 vehicles currently make left hand turns onto KY 237 from KY 20 during the AM Peak and that 73 vehicles make the same turning movement at the PM Peak. The numbers are forecasted to increase to 159 at the AM Peak (approximate 17% increase) and to 127 at the PM Peak (approximate 73% increase) when the project is completely built out. We are concerned that the traffic study shows more turning lane distance for the shopping center (120') than the signalized intersection (100'). Can you give us your analysis?
6. Our office is concerned that there is no right-hand turn lane and/or taper that allows cars to slow down before entering the development from eastbound KY 20. Can you give us your analysis?
7. Our office is concerned that the site access point on KY 20 could create traffic problems for motorists that are turning left out of Hebron Park Drive onto KY 20. We foresee the possibility that traffic will stack back from the intersection and go beyond the shopping center access point at peak times. Can you give us your analysis?
8. Our Staff is concerned that the KY 20/KY 237 intersection will continue to see more car and truck traffic due to future residential, commercial, and industrial growth in the Hebron area. We do not believe that the proposed improvements on KY 20 are adequate to handle the shopping center or this future growth. Can you provide us your analysis?
9. Our Staff is in favor of the KY 20 access point being further removed from the KY 237/KY 20 intersection and will be asking the applicant to further explore that possibility. We recognize that there is a vertical curve to the west of the proposed curb cut that blocks visibility, however, there may be enough right-of-way available on KY 20 for the developer to lower this hump and improve the road to allow the access point to align with the church curb cut across the street. An alternative improvement could be to limit the proposed access point to right-in/right-out only. Can you provide us your analysis?

Please respond to this memo to me in writing by October 6, 2006. Comments can be mailed to the address listed on the first page or be e-mailed to tmorgan@boonecountky.org. Your feedback is greatly appreciated.

TKM/pr



Ernie Fletcher
Governor

TRANSPORTATION CABINET
Department of Highways District 6 Office
421 Buttermilk Pike
P.O. Box 17130
Covington, KY 41017
(859) 341-2700

Bill Nighbert
Secretary

Marc Williams
Commissioner of Highways

MEMORANDUM

TO: Todd K. Morgan, AICP, Senior Planner, Zoning Services
From: William F. Madden, P.E., TEBM for Traffic, D-6, KYTC
Date: September 27, 2006 *WFM*
Subject: Request of Anne F. McBride, et al, etc.
KY 237 at KY 20, SW corner

This memo is in response to your correspondence of September 22, 2006 concerning a request for a Zoning Map Amendment from the subject applicant. I will refer to your questions in the order they were raised:

1. Our Central Office staff has confirmed that signal warrants will be met at full build-out of the development for the intersection of KY 237/Hebron Fire/Conner Crossing.
- 2.&3. Both of these comments concern the proposed left-turn (LT) lane on westbound KY 20 into the shopping center. Any amount of eastbound LT lane will be better than what is there now, which is nothing. The taper for the LT lane in either direction does not mean much at such slow operating speeds that will be prevalent here for most of the day. In reality, we know that if there is room in either LT lane, traffic will back up into it. We may want to consider a two-way LT lane between KY 237 and the proposed KY 20 entrance instead of a taper. If the westbound LT movement causes a problem for the existing traffic signal at KY 237/KY 20 intersection, we can prohibit the LT into the development at that time.
4. Yes, the speed limit signs on KY 20 in this area are posted correctly.
5. Again, a striped two-way LT lane, or "suicide" lane, would address this issue. If the length of the traffic signal cycle at KY 237/KY 20 is 2.5 minutes, we have 24 cycles in an hour. If we can move 7 LT cars from the eastbound KY 20 approach each cycle, an average of 168 cars/hour could be moved. There may be peak times when traffic will back up past the shopping center entrance. Fortunately, the peak times of the eastbound LT movement onto KY 237 and the westbound LT movement into the development are at



different times of day. If the study numbers are correct, there should be enough LT lane storage. The interior traffic flow of the development needs to be designed such that on-site traffic does not impede motorists who are trying to get into the development.

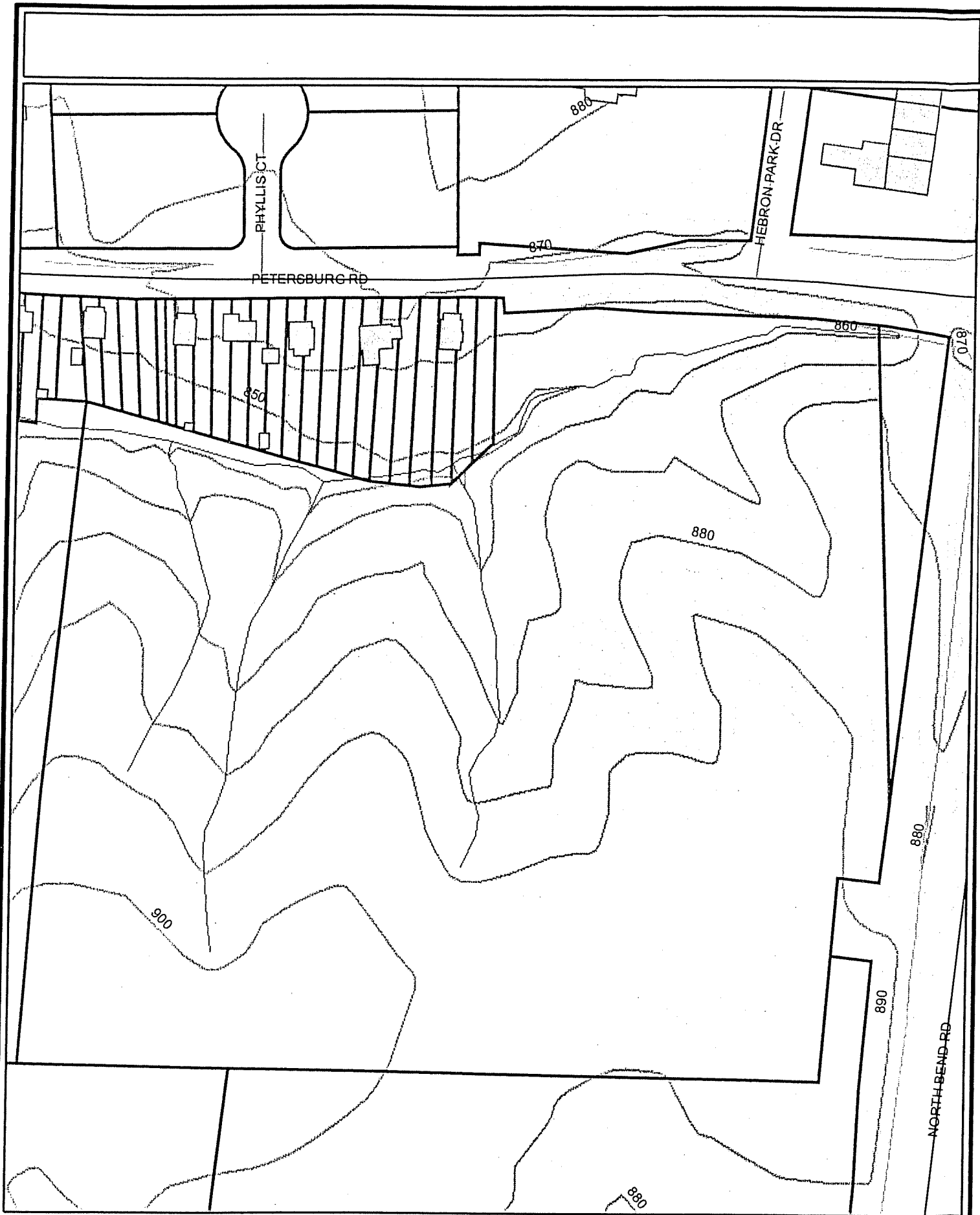
6. Eastbound KY 20 traffic is approaching a traffic signal; hopefully they are already slowing down. A right turn lane at an unsignalized intersection can cause sight distance problems for exiting traffic; often motorists will pull out from the side street when they cannot see because a right-turning vehicle is blocking their view. A right-turn taper into the proposed entrance is a good suggestion.

7. This is a valid concern. Traffic exiting Hebron Park Drive that wishes to turn left may have to backtrack to Barbara Drive to access KY 237.

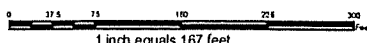
8. I can make only one prediction on future traffic in Boone County: it will increase. Kentucky Transportation Cabinet does not require a developer to "chase" their generated traffic through the transportation system to make the needed improvements. As traffic increases, the continuing need for improvements to the roadways in Boone County will be addressed.

9. I agree that it is desirable to move the KY 20 access farther away from KY 237. While the proposed KY 20 entrance will probably work, it is at the absolute minimum spacing. If congestion or crashes become a problem in the future, KYTC can change the proposed KY 20 entrance to right in/right out.

WFM/wfm

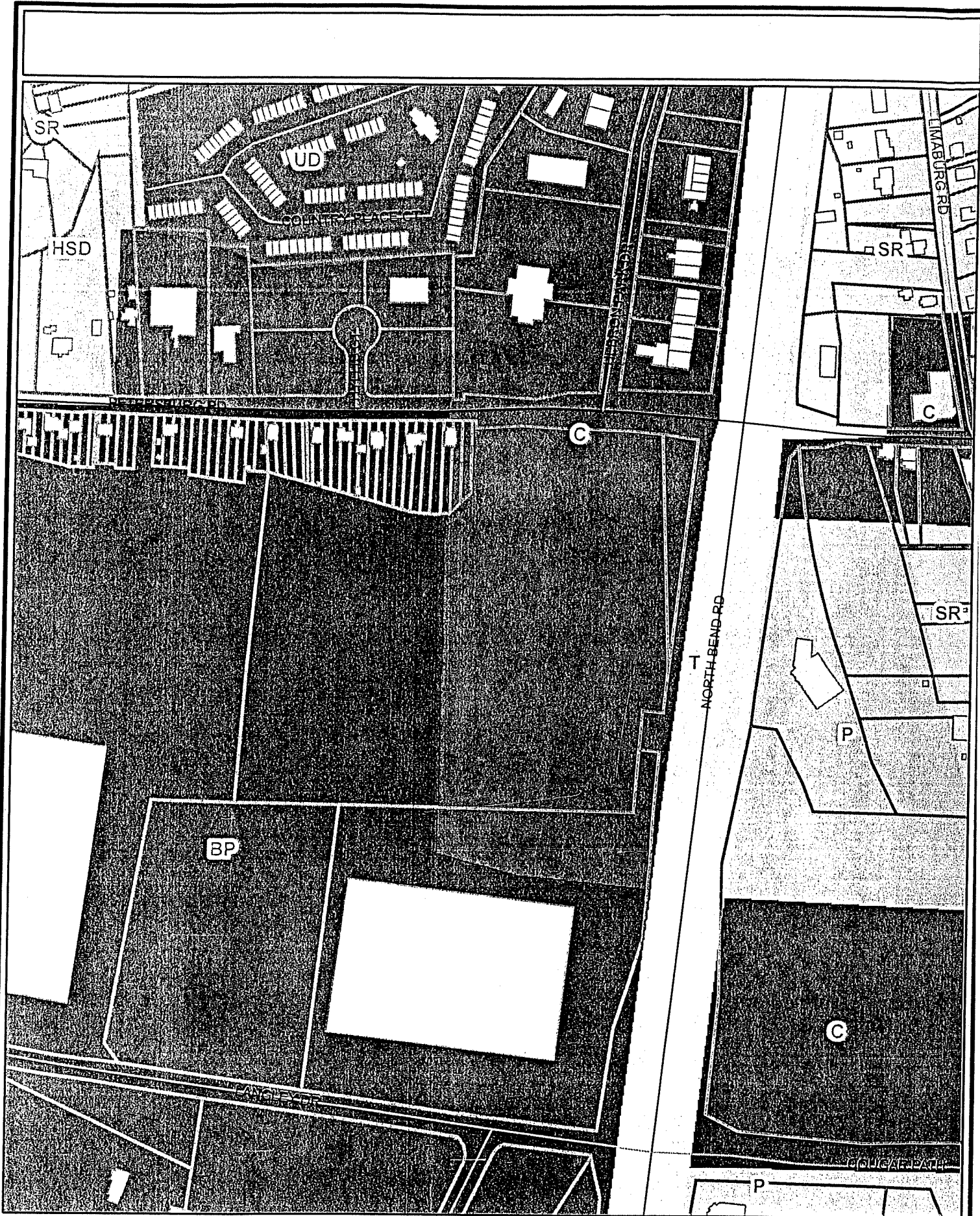


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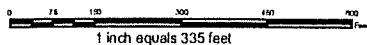


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State Plane Kentucky North NAD 1983

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1512

Intensity

The intensity of use in a Planned Development may exceed by no more than thirty (30) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513

Minimum Size

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

SECTION 1514

Planned Development Standards

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a mixed use development as described in this standard is provided.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
7. Architecture: A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.
8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

Todd Morgan

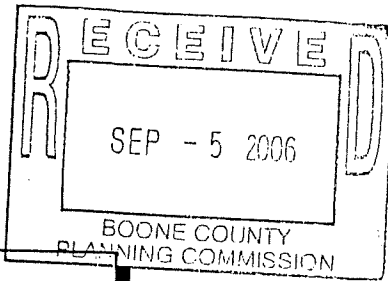
From: David Perkins [dperkins@hebronfire.org]
Sent: Monday, October 02, 2006 3:36 PM
To: Todd Morgan
Subject: New Kroger Complex Located @ KY 237 and KY 20

Todd:

I have reviewed the Concept Development Plan for the new Kroger Marketplace that is being proposed in Hebron. The Hebron Fire Protection District has the following comment concerning the project:

1. KY 20 Road Improvements – as the plan shows, there are some road improvements proposed for KY 20 at and near the intersection with KY 237, however, I do not feel that these improvements will be sufficient to handle the amount of traffic that we anticipate for this project. The proposed access drive to KY 20, which is in line with Hebron Park Drive, is located in an area that is already plagued by automobile accidents. The line of sight distance is not very good in this location due to a hill located at this intersection. If this access drive is located here in this manner, I feel that it will greatly increase the amount of automobile accidents at this location. We need to look at alternative access points to KY 20 that are not going to cause a greater problem at this intersection.

If you have any comments or feel the need for further discussion on this matter please feel free to contact me at any time. Thanks.



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

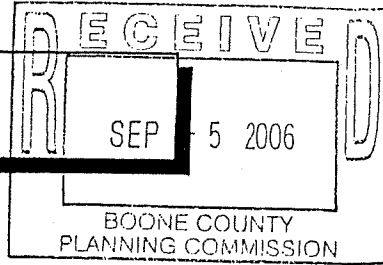
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Conner Crossing
2. Location of Project Southwest Corner of North Bend Road (KY 20) and Petersburg Road (KY 237)
3. Total Acreage of Site 15.3+/- Acres to be rezoned
4. Current Zoning of Site C-2/PD and SR-1
5. Proposed Zoning (Classification being requested) C-2/PD
6. Proposed Uses (please specify each use) Grocery Store, Liquor Store, Fuel Station, and Retail/Service Outlots
7. Names of Applicant(s) Anne F. McBride - McBride Dale Clarion
8. Address of Applicant(s) 5725 Dragon Way, Suite 220 Cincinnati Ohio 45227
9. Name of Property Owner(s) Michael A. and Linda H. Conner
10. Address of Property Owner(s) 986 Riva Ridge Union Kentucky 41091
11. Proposed Building Intensities (please specify) 135,766 SF Grocery Store, 10,000 SF Liquor Store, Fuel Station and Outlots
12. Are there any existing buildings on the site? No
13. Deed Book 247 & 231 Page No. 132 & 225
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months: Boone County Water District, Florence Public Services Dept., Duke Energy, Sanitation District #1, Cincinnati Bell, Owen Electric Cooperative, Inc., Boone County Public Works Department, Kentucky Transportation Cabinet, Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

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

2. Name of Project Conner Crossing
3. Location of Project Southwest Corner of North Bend Road (KY 20) and Petersburg Road (KY 237)
4. Total Acreage of Site 24 Acres
5. Current Zoning C-2/PD and SR-1
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) N/A
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) No
8. Proposed Uses (please specify each use) Grocery Store, Liquor Store, Fuel Station, and Retail/ Service Outlots
9. Proposed Building Intensities (please specify) 135,766 SF Grocery Store, 10,000 SF Liquor Store, Fuel Station and Outlots
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) Anne F. McBride - McBride Dale Clarion
Phone Number 513-561-6232 Fax No. 513-561-1615
13. Address of Applicant(s) 5725 Dragon Way, Suite 220
Cincinnati Ohio 45227
City State Zip
14. Name of Property Owner(s) Michael A. and Linda H. Conner
Phone Number 859-384-7088 Fax No. _____
15. Address of Property Owner(s) 986 Riva Ridge
Union Kentucky 41091
City State Zip
16. Are there any existing buildings on the site? No
How many? -0-
17. Deed Book 247 & 231 Page No. 132 & 225 Group No. _____
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

Public Hearing Item No. 3:

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell - Chairman, Mr. Carmichael, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Following a short recess, the Chairman called the Public Hearing to order at 8:50 PM.

3. Applicant: Anne F. McBride, McBride Dale Clarion for Michael A. Conner and Linda H. Conner (owners)

Request: Zoning Map Amendment and Concept Development Plan

The request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24-acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24-acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He submitted a copy of the applicant's traffic study (see Exhibit 1).

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Anne McBride representing Terra Firma Properties stated that a number of representatives of the applicant, including their traffic and civil/site engineers, were present. Terra Firma has an option to purchase the 24-acre Conner property. She stated that they met with Staff on several occasions and, based on those meetings and a review of the Comprehensive Plan and the Zoning Code, they

decided to pursue a Zoning Map Amendment for the balance of the property to C-2/PD, which provides the most assurances for Boone County and for the developer. Kroger's is excited about bringing their marketplace concept to Hebron. They recently opened a similar store in Liberty Township. There will be a fuel center and liquor store in the development. They have submitted a list of uses that could be located on the five outlots (copy attached to the Staff Report) and will work with Staff in regard to that list. The list was basically derived from the C-2 zoning classification. They have prepared design standards for the outlots. She stated that they have worked hard to produce a coordinated development as called for in the Comprehensive Plan. They have addressed issues of access. Their access point on KY 237 has been warranted for a signal and that signal will also serve the Fire Department. Their access point on KY 20 aligns with Hebron Park Drive. They have prepared a comprehensive sign plan for the overall development so that the signs will have a common theme in terms of style, color and design. Five signs are proposed for the Kroger's front elevation -- it is only one building, but within the building are Starbucks, Fifth Third Bank, a pharmacy, etc. She stated that the signage on the building is significantly below the square footage allowed. The majority of the site exceeds the landscaping materials required by the Zoning Code. They have concentrated on a perimeter and street presence for the development as indicated in the Comprehensive Plan. She stated that the Comprehensive Plan designates this area for drug stores and grocery stores and the proposed development is consistent with the Comprehensive Plan. They have done a Traffic Impact Analysis and they met with the Kentucky Transportation Cabinet. Their Traffic Engineer, Jack Gehrum, will present that information.

Mr. Jack Gehrum, Vice President, Edwards and Kelcey, 8895 Central Avenue, Cincinnati, OH stated that when they first looked at developing the site, they met with the Kentucky Transportation Cabinet and discussed what they wanted to do and what would be required by the Transportation Cabinet. They then prepared the Traffic Study, which included analysis of the access on KY 20. They went to the Transportation Cabinet with the access located as shown, but with several variations of the lane configuration. The configuration shown in the Traffic Study is the one the Transportation Cabinet liked the best of the ones they reviewed with them. Currently there are only two lanes on the approach to the intersection (a left/through and right). The signal operates without a left-turn phase and there are problems with oncoming vehicles waiting to see if a vehicle is going straight or turning left. A feature of their plan is to add a left-turn lane, which will begin to improve the operation of the intersection and oncoming vehicles will know that vehicles in the left turn lane are turning left. The lengths of the lanes are based on calculations done when they did the trip generation analysis. Since they do not know what the uses of the outlots will be, he used fast food restaurants and drive-through banks for the Traffic Study to maximize the traffic and have realistic numbers. The Kentucky Transportation Cabinet believes their numbers are realistic. Further to the west, the topography falls off tremendously and it is the only other possible access point (at the split driveway to the church). He stated

that they looked at all of the options and the one they propose seemed the best and it was the one the Transportation Cabinet liked the best so they went through the process to see if they could make it work. He stated that there are other options with the access and there may be some small configuration changes in the design stage – such as the comment from the Fire Department about the possibility of moving the right turn lane back to or across the Fire Department’s access point. He stated that the Transportation Cabinet has indicated their acceptance of the proposed concept and they have final control. The Transportation Cabinet could change it to right-in/right-out if it does not work, but he believes it will work.

Ms. McBride stated that they look forward to working with the Zone Change Committee and Staff. She and the rest of the applicant’s team are available to answer any questions. This concluded the applicant’s presentation.

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.

Mr. Don Rogers, 2939 Petersburg Road, Hebron, stated that water retention is his main concern. He lives west of this intersection and downstream of Woolper Creek. He stated that four subdivisions are being built and the Hemmer warehouses are in the area, but he does not know where that water goes. He asked if there will be retention ponds. He stated that this is a 20+ acre site and a small percentage will be green space – then there will be concrete, asphalt and brick so Mother Nature’s sponge will be gone. The bridge he crosses to get to his property was adequate in 1986, but as the subdivisions came in it became harder to get across the bridge at times. If he hears a flash flood coming, he parks across the road and uses the footbridge. Water is his main concern. He questioned what is going to happen with the water. He asked the Planning Commission and the developer to do their part and release the water slowly.

Mr. Morgan stated that a shared stormwater detention area for all of the lots is shown on Lot #1. The Subdivision Regulations state that the post-development flow has to be equal to the pre-development flow in terms of stormwater runoff. The developer will have to account for every drop of stormwater and the flows have to be the same after the development is constructed. Chairman Caddell stated that by regulation the water discharge from the property cannot exceed what it is before it is developed. Mr. Rogers questioned who knows what it is now. Chairman Caddell responded that the calculations will be part of the submission to the Zone Change Committee. Mr. Morgan stated that it is part of Site Plan Review.

The Chairman asked if there was anyone else present who wished to speak in opposition to the request.

Mr. Pat Patel, Manager of Hebron Economy Mart at 2006 Petersburg Road, asked the applicant to add a long turn lane to Hebron Park Drive so that it is easier for the customers to get in. He is not opposed to the request.

Mr. Steve Thomas, 1779 Hunters Trace (Willowbend Subdivision off Camp Ernst Road) stated that he moved here 27 years ago and there was nothing out there. He is concerned about the traffic. The traffic is ten times what it was 27 years ago. People use KY 237 to get to the interstate to avoid Mall Road, Houston Road, and Turfway Road -- but now there will be a huge complex at an intersection that has trouble now, particularly coming from KY 20. Children are coming in and out of Conner School in the morning and in the afternoon and this development will create a traffic monster on KY 237. He is opposed to the request.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Wilson asked the applicant to bring to the Committee Meeting a diagram of the KY 237/KY 20 intersection showing Mr. Patel's property and how the road might be improved at KY 20 and coming back southbound on KY 237, taking into consideration the comments made by the Fire Department.

Mr. Dick Haglage with Terra Firma Associates, 424 Wards Corner Road, Loveland, OH stated that he met with Chief of the Hebron Fire Department in regard to the plan. Chief Martin was pleased that the development would promote a signal at their entrance to KY 237 and indicated that he would give the plan additional study and review it with his staff. Mr. Haglage stated that he spoke with some of Chief Martin's associates in the hall prior to this meeting. He understands their concerns and will take them into account as they go forward.

Mrs. Wilson asked if the uses on the outlots will face the Kroger's marketplace or KY 237. Her concern is whether people would be looking at the front of the buildings or parked cars. Mr. Haglage responded that they will likely have attractive sides all the way around and it is likely that their front doors will be to the traffic on KY 237. Along KY 237, people will primarily see the fronts of the buildings, but there will also be some parking there.

Mrs. Poston questioned the zoning of the lot to the west on KY 20. Mr. Morgan responded that it is the Prologis site and it is zoned I-1. He noted the location of single-family dwellings further to the west that are zoned SR-1 (Bullock Lane) and other single-family dwellings zoned SR-2.

Mrs. Poston asked if the Kroger's marketplace development could be built on the property currently zoned commercial if it did not have the outlots. Ms. McBride responded "no" and stated that she does not think the property would be large enough to accommodate the setbacks, streetscape, buffer areas, the marketplace

building, the fuel center, parking, and traffic access/circulation. Mrs. Poston asked if it would be large enough for just the marketplace. Ms. McBride responded that the fuel center is part of the marketplace concept.

Mrs. Poston questioned the plans for the Burlington Kroger. She noted that it is to be expanded. Ms. Lisa Amazon, Real Estate Manager for Kroger's, 130 Tri-County Parkway, Cincinnati, OH stated that they anticipate the expansion of the Burlington Kroger to be completed in 2007. This Kroger will be a new store in Hebron in addition to the Burlington Kroger. Mrs. Poston questioned how far apart the two stores would be. Ms. Amazon estimated that they would be 3 - 4 miles apart.

Mr. Bunger questioned the number of truck deliveries to Kroger's, the fuel center, and the outlots. He believes the trucks would travel KY 237 and would be crossing traffic and have tight turning radiuses. He questioned the planned routing of the trucks. Ms. McBride responded that the number of deliveries to the fuel center would depend on the volume they are doing. A lot of times it would be one tanker truck a day. They cannot address the outlots because they do not know the uses. Ms. Amazon stated that there would be three or four trucks in the early morning hours. Ms. McBride stated that there will also be deliveries from Coke, Pepsi, Frito-Lay, etc. Mr. Bunger commented that those deliveries would be almost daily. He questioned their proposed route in and out of the site.

Mr. Bob Trenkamp, President of Thomas Crane Associates, Civil Engineers, 803 Compton Road, Cincinnati, OH stated that from his experience with other Kroger projects, he believes fuel deliveries would be 3 - 4 a week, depending on location and volume. Larger semi-trucks would deliver to the store two or three times a day, usually in off-peak hours, but that varies for different store sites. The anticipated routing of the trucks would be from I-275, south on KY 237 and then they would make a right turn. The fuel trucks will circulate around the fuel station and go back out at the traffic signal. Store delivery trucks will circulate around in a clockwise pattern and back into the loading dock. The trucks will exit to the north, make a right turn on KY 20 and go left at the traffic signal. Mr. Bunger asked how that is controlled. Mr. Trenkamp responded that they want to keep the truck routing segregated from the customer parking and usually try to have the trucks circulate around the perimeter of the store. The loading dock is always in the rear of the store.

Chairman Caddell questioned why they are seeking an off-site sign for the gasoline. Ms. McBride responded that gas sign is on the sign designed for the Kroger's marketplace. They can work with Staff and look at rearranging property lines to make it an on-premise sign. They want the sign at that access point because that is where the fuel center will be. Chairman Caddell questioned how important the fuel center is to the operation. Ms. McBride responded "very".

Chairman Caddell questioned why they are proposing reduced setbacks on the outlots when the uses have not yet been identified. Ms. McBride responded that they are trying to provide quality outlots. They believe they can do an adequate streetscape buffer within ten feet, combined with the extensive right-of-way of KY 237. They have limited the development area of the outlots to 15,000 square feet as opposed to asking for additional density, which is permitted by the PD.

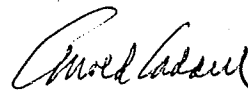
Chairman Caddell asked the applicant to be prepared at the Committee Meeting to talk about an architectural theme for this project, including the outlots, and to bring to the Committee meeting comparisons of the size of the proposed fuel center to other Kroger's locations. Ms. McBride agreed.

Mrs. Wilson stated that the fuel station faces KY 237 and asked the applicant to bring to the Committee meeting a design concept. Ms. McBride responded that they will bring to the Committee meeting elevations for all four sides of the Kroger's building and elevations for the fuel center. They have submitted design details for the signs. Mrs. Wilson asked for information on sight distance and what people will see when they turn right. She asked if there be a visual blocking there.

Mr. Rolfsen stated that there will be a Starbucks in the Kroger's store and questioned the use of the drive-through lanes. Ms. McBride responded that there is a drive through for the pharmacy and for Fifth Third Bank. The drive-through is not for Starbucks. People cannot drive through and get Starbucks coffee.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 1, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on November 15, 2006 at 7:00 PM. The Chairman closed this Public Hearing at 9:48 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:

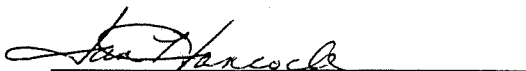

Jan Hancock, Recording Secretary

Exhibit 1 – *Traffic Impact Analysis – Hebron Retail Development, Petersburg Road (KY20) and North Bend Road (KY 237) submitted by Staff on behalf of the applicant*

Traffic Impact Analysis Hebron Retail Development

Petersburg Road (KY 20) and
North Bend Road (KY 237)

*Hebron
Boone County, Kentucky*

September 4, 2006

Prepared for:
Terra Firma, Inc.
424 Wards Corner Road
Suite 220
Loveland, Ohio 45227

Submitted by:

***Edwards
AND
Kelcey***

5533 Fair Lane Cincinnati, Ohio 45227
Phone-513.272.5533 Fax-513.272.5522
Web Site: www.ekcorp.com

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- Appendix A - No Build Level of Service
- Appendix B - Un-signalized Site Drive Level of Service
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Introduction

The purpose of this report is to summarize the results of a technical analysis conducted to assess the impact of a proposed retail development to be located in the southwest corner of the intersection of North Bend Road (KY 237) and Petersburg Road (KY 20) in Hebron, Kentucky.

Figure 1 shows the location of the proposed Site development.

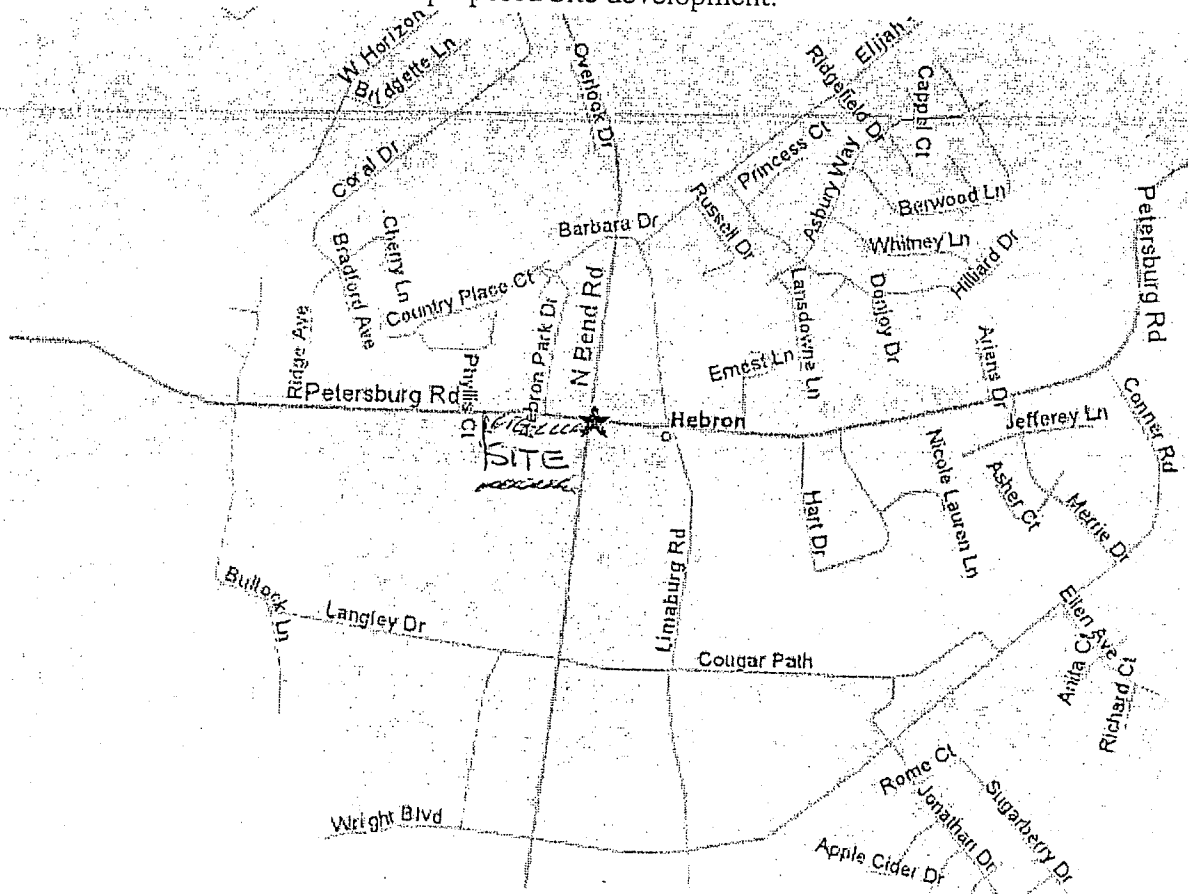


FIGURE 1
VICINITY MAP

Included in the study and summarized in this report is an analysis of circulation, safety and traffic volume capacity. The overall objective of this report is to define the recommended traffic-related infrastructure improvements (on-site/off-site), through the application and use of the traditional traffic engineering measures and practices, which should mitigate the traffic issues/concerns created by this development.

The report is based on the following referenced sources:

- 1) A Preliminary Development Plan titled Study Plat #6 prepared by Thomas Graham Associates, Inc. dated September 5, 2006;
- 2) Site reconnaissance, field observations and traffic volume counts conducted by Edwards and Kelcey, Inc. (EK);
- 3) Reference to the AASHTO Guidelines and the Transportation Engineer's (ITE) Trip Generation Manual, Seventh Edition;
- 4) The Highway Capacity Software (HCS +) for un-signalized and signalized intersections (Version 5.2); and
- 5) Meetings with the KYTC to review the Study Access Road Improvements on KY 20 and KY 237;
- 6) The application of accepted and normal traffic safety and engineering standards.

Project Description

The proposed Hebron Retail Development will consist of a 127,766 square foot Supermarket with gasoline sales and five Outlots totaling six acres of commercial uses.

The major point of access for the development will be on the west side of North Bend Road opposite an existing drive for the Fire Station..

The proposed development also provides for a secondary access on the south side of Petersburg Road approximately 310 feet west of the KY237 / KY20 intersection. This access is opposite the existing roadway on the north side.

A copy of the Preliminary Development Plan has been provided at the back of this report.

Existing Traffic Conditions and Background Forecast

In order to define the level of impact and storage lane requirements associated with the new access drives and adjacent intersection, AM and PM peak hour turning movement counts were conducted for the intersection of North Bend Road and Petersburg Road. Figure 2 provides the existing (2006) AM and PM peak hour volumes for the intersection.

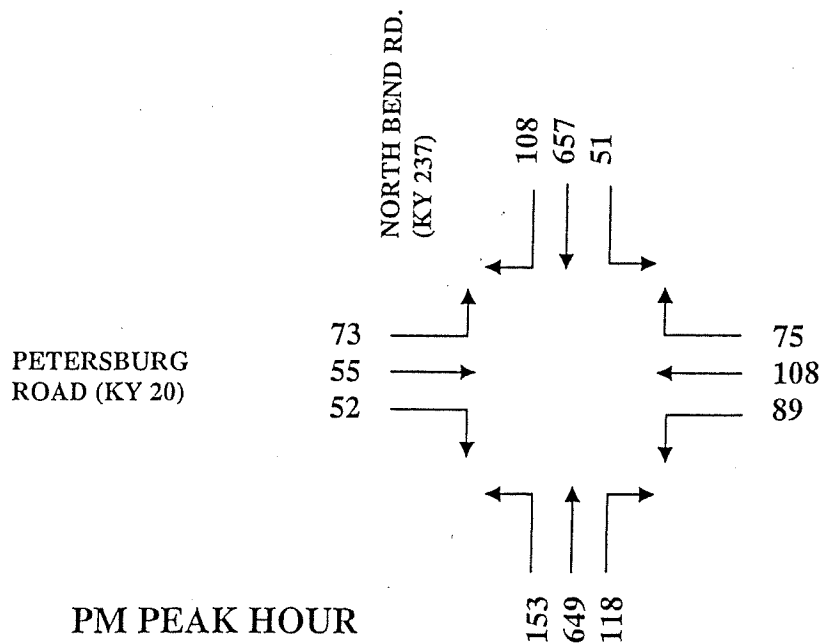
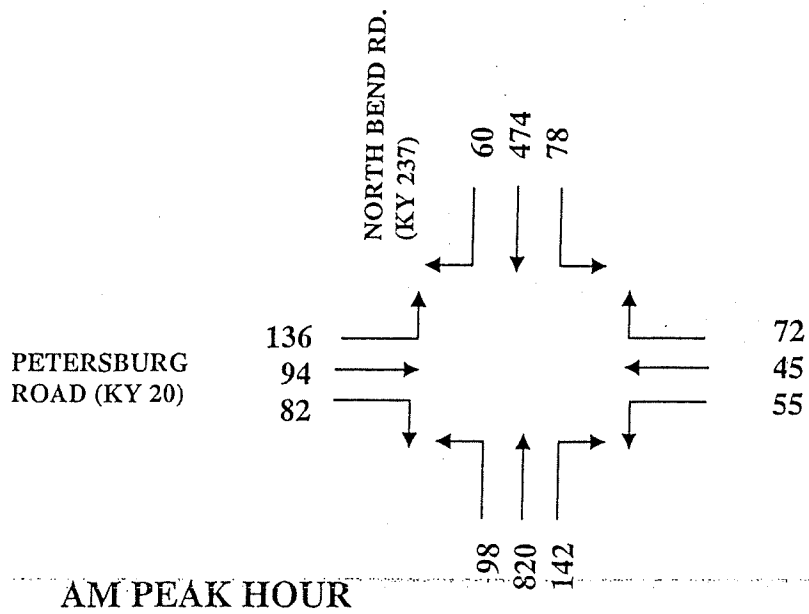


FIGURE 2
 EXISTING (2006) INTERSECTION TRAFFIC
 AM AND PM PEAK HOURS

Forecast Trip Generation

The total number of trips to be generated by the Hebron Retail Development during the average weekday peak traffic hours was estimated using empirical data consistent with similar types of proposed land uses. The Institute of Transportation Engineers' (ITE) Trip Generation Manual, Seventh Edition, was used as the basic source of reference. The forecasted trips have been detailed in Table 1.

Table 1
Site Forecast Trip Generation*
Hebron Retail Development

ITE Land Use & Code	Square Feet	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Supermarket #850 <i>Pass-By @ 36%</i>	127,766	562 202	359 130	921 332	577 208	555 200	1132 408
Specialty Retail #814	10,000	n/a	n/a	n/a	20	25	45
Gasoline w/Conv. Mart #945 <i>Pass-By @ 62/56%</i>	14 fuel pos.	71 44	70 43	141 87	94 53	93 52	187 105
Shopping Ctr. #820 <i>Pass-By @ 34%</i>	8,000	21 7	13 5	34 12	57 19	61 21	118 40
Fast Food Restaurant #934 <i>Pass-By @ 49/50%</i>	3,000	81 40	78 38	159 78	54 27	50 25	104 52
Fast Food Restaurant #934 <i>Pass-By @ 49/50%</i>	3,000	81 40	78 38	159 78	54 27	50 25	104 52
Bank w/Drive-Thru #912) <i>Pass-By @ 47%</i>	4,800	17 8	13 6	30 14	55 26	55 26	110 52
Bank w/Drive-Thru #912) <i>Pass-By @ 47%</i>	4,800	17 8	13 6	30 14	55 26	55 26	110 52
Total Trips		850	624	1474	966	944	1910
	<i>Total Pass-By</i>	<i>349</i>	<i>266</i>	<i>615</i>	<i>386</i>	<i>374</i>	<i>760</i>
	<i>Total Primary (new)</i>	<i>501</i>	<i>358</i>	<i>859</i>	<i>580</i>	<i>570</i>	<i>1150</i>

*Trip Generation Manual, Institute of Transportation Engineers, Seventh Edition.

Trip Distribution

The distribution of the peak hour trips to be generated by the proposed project was made on the basis of the adjacent roadway traffic orientation and area development opportunity. Figures 3 and 4 provide the forecasted AM and PM peak hour trip distribution for the proposed project. Figures 5 and 6 combine the Build-out project trips with the existing background traffic.

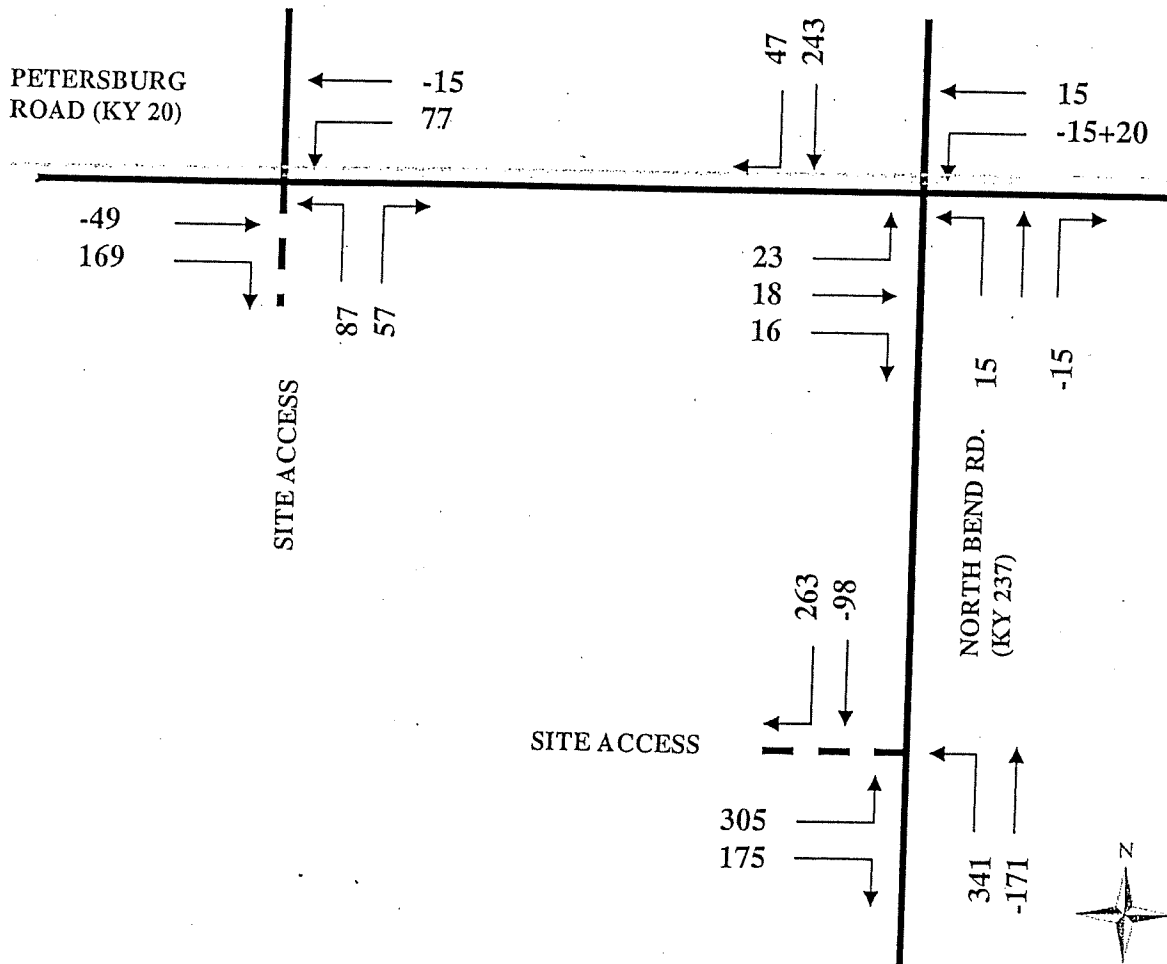


FIGURE 3
 SITE TRIP DISTRIBUTION
 AM PEAK HOUR

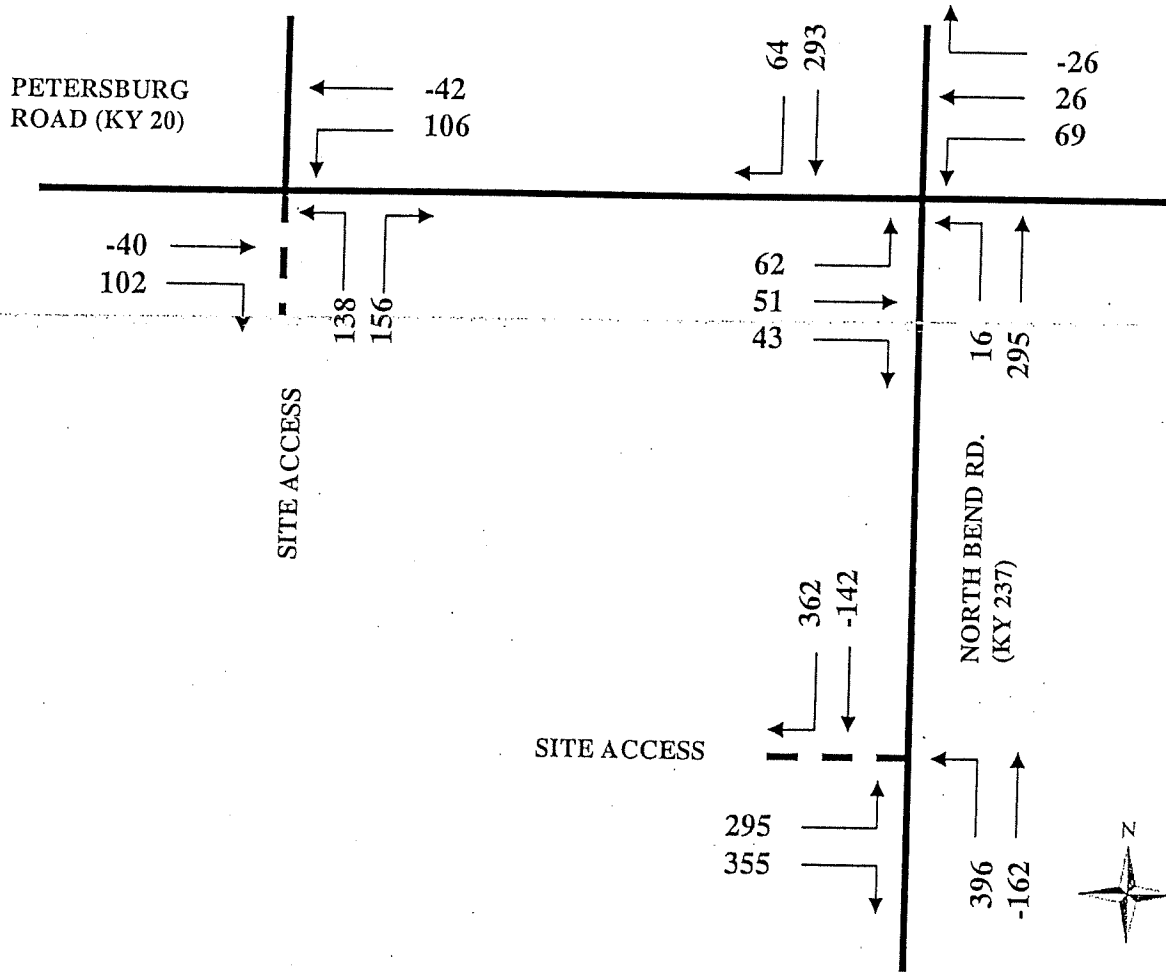


FIGURE 4
 SITE TRIP DISTRIBUTION
 PM PEAK HOUR

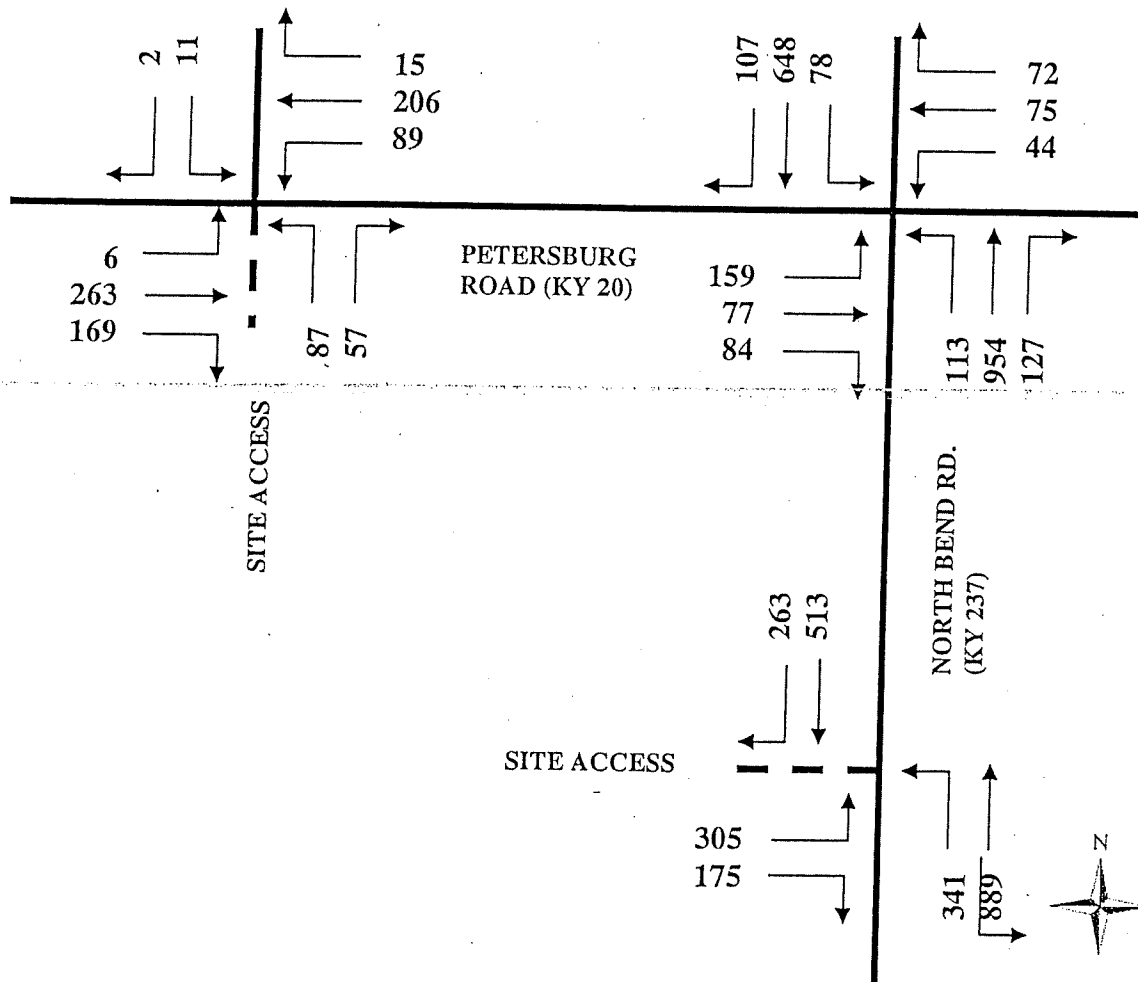


FIGURE 5
 EXISTING PLUS SITE BUILD-OUT TRAFFIC
 AM PEAK HOUR

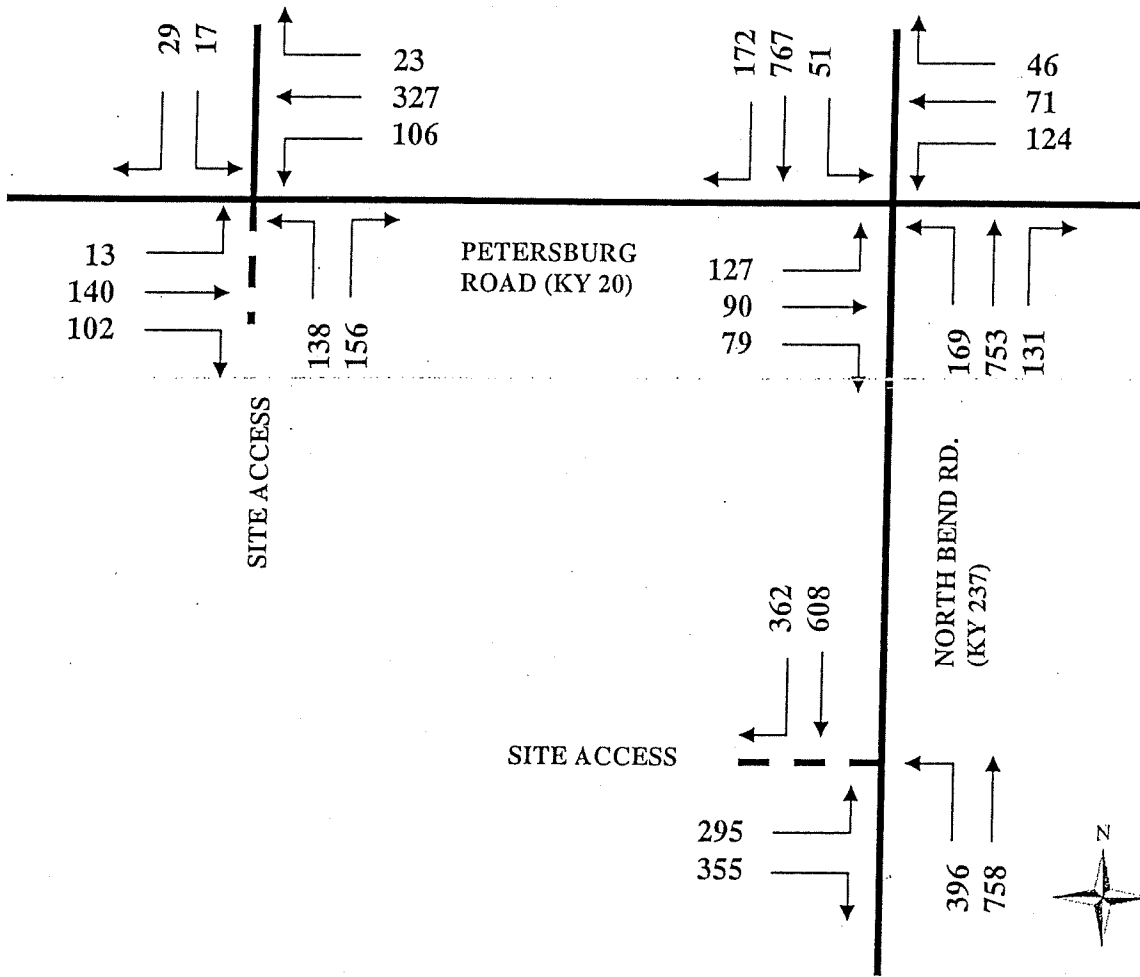


FIGURE 6
 EXISTING PLUS SITE BUILD-OUT TRAFFIC
 PM PEAK HOUR

Operational Analysis

Unsignalized Level of Service

An analysis of the operating characteristics of the proposed access drives serving the Hebron Retail development was accomplished for the build-out assuming un-signalized conditions and new left-turn lanes serving the Site drives. Appendix B contains the analysis results.

Table 2
Unsignalized Site Drives

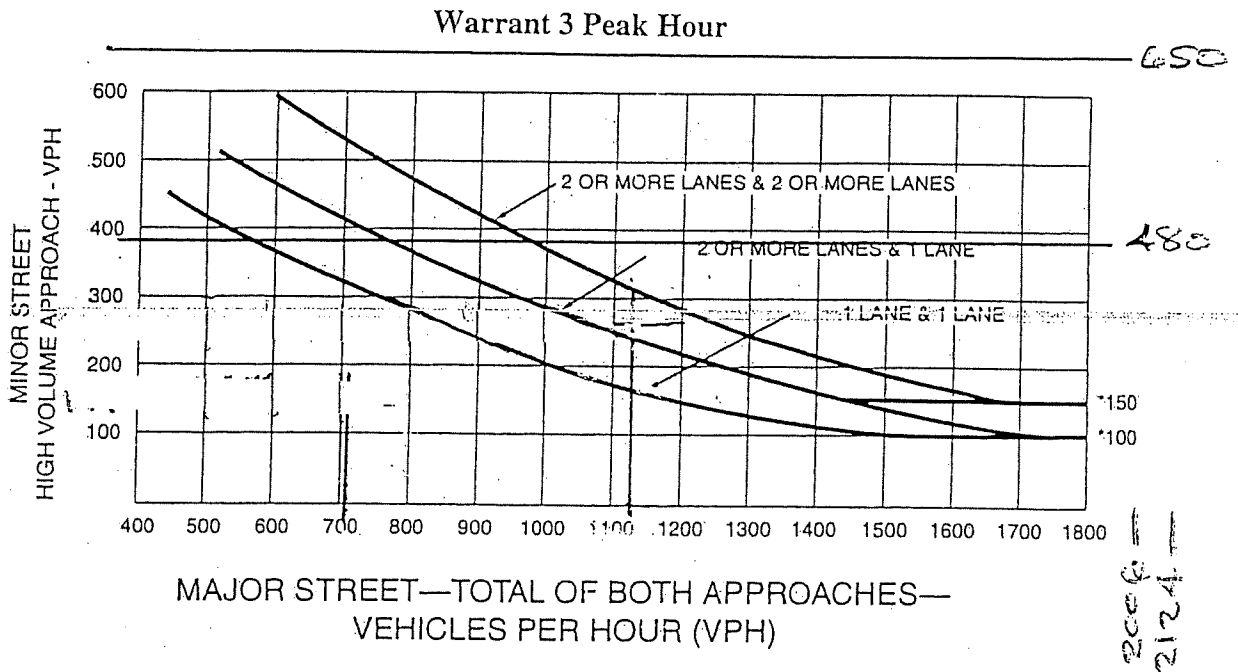
Intersection Approach	AM	PM
<i>KY 237 & Main Site Drive</i>		
Northbound Left	B	C
Eastbound Left	F	F
Eastbound Right	B	C
<i>KY 20 & North Site Drive</i>		
Eastbound Left/Through/Right	A	A
Westbound Left	A	A
Northbound Left/Thru	C	E
Northbound Right	B	B
Southbound Left/Thru/Right	C	C

Signal Warrant Analysis

In order to allow for consideration of a new traffic signal on KY 237 at the proposed Main Site access and the Fire Station access, a peak hour volume warrant was conducted. This warrant assumes the build-out traffic on the Site minor approach with separate left and right lanes for

exiting the site and the KY 237 forecasted volume. Figure 7 illustrates the Peak Hour Warrant graph. Plots of the AM and PM volumes indicate that the forecasted PM peak hour conditions will meet the Peak Hour Signal Warrant.

Figure 7



Signalized Level of Service

The analysis of the levels of service to result in the AM and PM peak hours was prepared using the BUILD-OUT traffic conditions at the KY 237/KY 20 intersection. The No Build and Build out conditions are compared in Table 3. As shown in Table 3, the overall intersection and individual approach movements are "C" or better.

Table 3
KY 237 and KY 20
No Build and Build-out Levels of Service

Intersection Approach	No Build				Build-Out			
	AM LOS	PM Delay	AM LOS	PM Delay	AM LOS	PM Delay	AM LOS	PM Delay
Ky 237 AND Ky 20								
EB left	C	27.8	C	23.3	C	25.2	C	24.8
EB through					C	20.3	C	20.5
EB right	B	11.4	B	11.1	B	11.4	B	11.4
WB left/through	C	22.0	C	25.3	C	21.7	C	25.8
WB right	B	11.3	B	11.3	B	11.3	B	11.0
NB left	A	9.9	B	11.7	B	11.0	B	14.0
NB thru	C	24.4	B	21.8	C	27.7	C	23.2
NB right	B	19.1	C	18.5	B	18.7	B	18.8
SB left	B	11.8	B	10.2	B	13.2	B	10.8
SB thru	B	19.8	C	21.9	C	21.8	C	23.5
SB right	B	17.3	B	18.3	B	18.3	B	19.8
Overall	C	21.1	C	20.3	C	22.5	C	21.6

Table 4 provides the Build out level of service to be expected assuming the KY 237 / Main Site intersection is signalized

Table 4
KY 237 and Main Site
Build-out Levels of Service

Intersection Approach	Build-Out			
	AM LOS	PM Delay	AM LOS	PM Delay
KY 237 & Main Site / Firehouse				
EB left	C	32.8	C	34.0
EB right	B	11.4	B	15.2
NB left	B	14.3	C	25.7
NB thru	C	29.2	C	24.5
SB left	A	9.9	A	8.5
SB thru	C	22.0	C	22.2
SB right	C	24.9	C	29.3
Overall	C	24.4	C	24.6

Auxiliary Turn Lanes

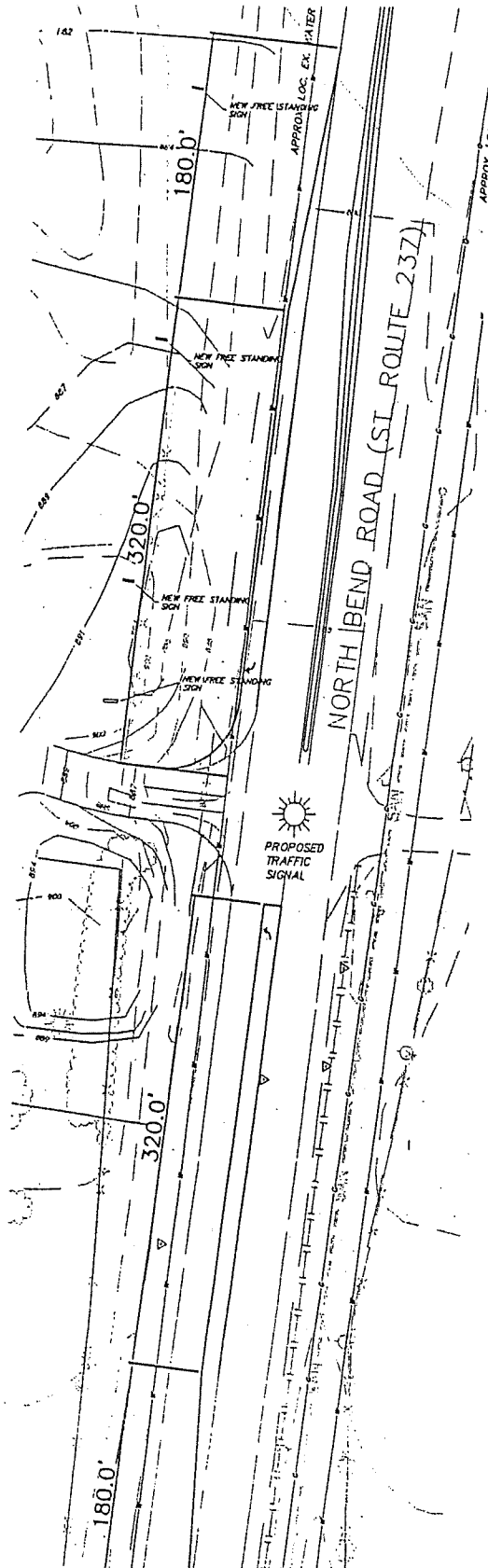
One of the requirements defined by the KYTC for the project implementation was the provision of a northbound left and southbound right turn lane on KY 237 at the proposed Site Main access drive. This turn lane was included in the analysis conditions. The requirements for these lanes at 55 miles per hour were specified to be 320 feet of storage and a 180 foot taper. Additionally a westbound left turn lane will be required on KY 20 at the new access drive. For an un-signalized intersection @ 106 vehicles per hour, the westbound left turn lane should provide a minimum of 100 feet of storage.

Conclusion

The preceding traffic impact analysis considered a build-out of the proposed Retail Development on KY 237 at KY 20. A proposed new four leg intersection opposite the existing Firehouse was indicated to be warranted for a signal in the AM and PM peak hour. The implementation of this Main Site intersection is recommended to have both new northbound left and southbound right turn lanes with 320 feet of storage plus a 180 foot diverging taper.

The Site Plan for the proposed development also provides for a full movement access approximately 310 feet to the west of the KY 237 / KY 20 intersection.. This access is located opposite an existing Street on the north side of KY 20. A recommended layout to achieve this westbound left turn lane is provided on the following page. One of the primary benefits of this configuration is that it also provides an eastbound left turn lane at the KY 237 intersection. Currently the left turn lane is shared with the through movement.

The level of service analysis indicates that the additional traffic using the KY 237 / KY 20 intersection will not negatively impact the intersection operations when comparing the future no build and build out conditions.



*APPENDIX A
No Build Level of Service*

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 9/5/2006
 Period: AM Peak Hour
 Project ID: Hebron Retail Development
 E/W St: KY 20

Inter.: KY 237 & KY 20
 Area Type: All other areas
 Jurisd: Boone County
 Year : Existing no build
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1	1	0	1	1	1	2	1	1	2	1
LGConfig		LT	R		LT	R	L	T	R	L	T	R
Volume	136	94	82	55	45	72	98	820	142	78	474	60
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		P			NB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
WB Left		P			SB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right	P		
Green	25.0				8.0	29.0		
Yellow	4.0				4.0	4.0		
All Red	2.0				2.0	2.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/c	Delay	LOS	Delay	LOS

Eastbound

LT	449	1437	0.56	0.31	27.8	C	23.5	C
R	787	1615	0.11	0.49	11.4	B		

Westbound

LT	425	1360	0.26	0.31	22.0	C	17.5	B
R	787	1615	0.10	0.49	11.3	B		

Northbound

L	466	1805	0.23	0.54	9.9	A		
T	1312	3618	0.68	0.36	24.4	C	22.4	C
R	585	1615	0.26	0.36	19.1	B		

Southbound

L	311	1805	0.27	0.54	11.8	B		
T	1312	3618	0.39	0.36	19.8	B	18.6	B
R	585	1615	0.11	0.36	17.3	B		

Intersection Delay = 21.1 (sec/veh) Intersection LOS = C

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 9/5/2006
 Period: PM Peak Hour
 Project ID: Hebron Retail Development
 E/W St: KY 20

Inter.: KY 237 & KY 20
 Area Type: All other areas
 Jurisd: Boone County
 Year : Existing no build
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1	1	0	1	1	1	2	1	1	2	1
LGConfig		LT	R		LT	R	L	T	R	L	T	R
Volume	73	55	52	89	108	75	153	649	118	51	657	108
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		P			NB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
WB Left		P			SB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right	P		
Green	25.0				8.0	29.0		
Yellow	4.0				4.0	4.0		
All Red	2.0				2.0	2.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS

Eastbound

LT 413 1321 0.34 0.31 23.3 C 19.8 B
 R 787 1615 0.07 0.49 11.1 B

Westbound

LT 468 1497 0.46 0.31 25.3 C 21.4 C
 R 787 1615 0.10 0.49 11.3 B

Northbound

L 376 1805 0.44 0.54 11.7 B
 T 1312 3618 0.54 0.36 21.8 C 19.7 B
 R 585 1615 0.22 0.36 18.5 B

Southbound

L 380 1805 0.14 0.54 10.2 B
 T 1312 3618 0.54 0.36 21.9 C 20.7 C
 R 585 1615 0.20 0.36 18.3 B

Intersection Delay = 20.3 (sec/veh) Intersection LOS = C

APPENDIX B
Unsignalized Site Drive Level of Service

TWO-WAY STOP CONTROL SUMMARY

Analyst: J Gehrum
 Agency/Co.: Edwards and Kelcey
 Date Performed: 9/5/2006
 Analysis Time Period: AM Peak Hour
 Intersection: KY 237 / Site
 Jurisdiction: Boone County
 Units: U. S. Customary
 Analysis Year:
 Project ID: Hebron Retail Development
 East/West Street: Site Access
 North/South Street: KY 237
 Intersection Orientation: NS
 Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street: Approach Movement	Northbound			Southbound			
	1 L	2 T	3 R	4 L	5 T	6 R	
Volume	341	889			513	263	
Peak-Hour Factor, PHF	0.92	0.92			0.92	0.92	
Hourly Flow Rate, HFR	370	966			557	285	
Percent Heavy Vehicles	0	--	--		--	--	
Median Type/Storage	Undivided /						
RT Channelized?							No
Lanes	1	2			2	1	
Configuration	L	T			T	R	
Upstream Signal?	No						No

Minor Street: Approach Movement	Westbound			Eastbound			
	7 L	8 T	9 R	10 L	11 T	12 R	
Volume				305		175	
Peak Hour Factor, PHF				0.92		0.92	
Hourly Flow Rate, HFR				331		190	
Percent Heavy Vehicles				0		0	
Percent Grade (%)	0						0
Flared Approach: Exists?/Storage	/						/
Lanes							1
Configuration							L R

Delay, Queue Length, and Level of Service

Approach Movement Lane Config	NB	SB	Westbound			Eastbound			
	1 L	4	7	8	9	10 L	11	12 R	
v (vph)	370					331		190	
C(m) (vph)	802					40		725	
v/c	0.46					8.27		0.26	
95% queue length	2.46					39.52		1.05	
Control Delay	13.3					3468		11.7	
LOS	B					F		B	
Approach Delay							2208		
Approach LOS							F		

TWO-WAY STOP CONTROL SUMMARY

Analyst: J Gehrum
 Agency/Co.: Edwards and Kelcey
 Date Performed: 9/5/2006
 Analysis Time Period: PM Peak Hour
 Intersection: KY 237 / Site
 Jurisdiction: Boone County
 Units: U. S. Customary
 Analysis Year: Build-out project
 Project ID: Hebron Retail Development
 East/West Street: Site Access
 North/South Street: KY 237
 Intersection Orientation: NS Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street: Approach Movement	Northbound			Southbound		
	1 L	2 T	3 R	4 L	5 T	6 R
Volume	396	758			608	362
Peak-Hour Factor, PHF	0.92	0.92			0.92	0.92
Hourly Flow Rate, HFR	430	823			660	393
Percent Heavy Vehicles	0	--	--	--	--	--
Median Type/Storage	Undivided /					
RT Channelized?						No
Lanes	1	2			2	1
Configuration	L	T			T	R
Upstream Signal?	No					No

Minor Street: Approach Movement	Westbound			Eastbound		
	7 L	8 T	9 R	10 L	11 T	12 R
Volume				295		355
Peak Hour Factor, PHF				0.92		0.92
Hourly Flow Rate, HFR				320		385
Percent Heavy Vehicles				0		0
Percent Grade (%)	0			0		
Flared Approach: Exists?/Storage	/ /					
Lanes				1	1	
Configuration				L	R	

Delay, Queue Length, and Level of Service

Approach Movement Lane Config	NB	SB	Westbound			Eastbound			
	1 L	4	7	8	9	10 L	11	12 R	
v (vph)	430					320		385	
C(m) (vph)	669					21		672	
v/c	0.64					15.24		0.57	
95% queue length	4.67					40.35		3.65	
Control Delay	19.5					6762		17.3	
LOS	C					F		C	
Approach Delay							3079		
Approach LOS							F		

TWO-WAY STOP CONTROL SUMMARY

Analyst: J Gehrum
 Agency/Co.: Edwards and Kelcey
 Date Performed: 9/5/2006
 Analysis Time Period: AM Peak Hour
 Intersection: KY 20 / Site/ Exist St.
 Jurisdiction: Boone County
 Units: U. S. Customary
 Analysis Year: Build-out project
 Project ID: Hebron Retail Development
 East/West Street: KY 20
 North/South Street: Site / Exist. Street
 Intersection Orientation: EW Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street: Approach Movement	Eastbound			Westbound		
	1 L	2 T	3 R	4 L	5 T	6 R
Volume	6	263	169	89	206	15
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR	6	285	183	96	223	16
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type/Storage	Undivided			/		
RT Channelized?						
Lanes Configuration	0	1	0	1	1	0
Upstream Signal?	No			No		

Minor Street: Approach Movement	Northbound			Southbound		
	7 L	8 T	9 R	10 L	11 T	12 R
Volume	87	0	57	11	0	2
Peak Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR	94	0	61	11	0	2
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach: Exists?/Storage	/			No /		
Lanes Configuration	0	1	1	0	1	0
	LT		R	LTR		

Delay, Queue Length, and Level of Service

Approach Movement Lane Config	EB	WB	Northbound			Southbound		
	1 LTR	4 L	7 LT	8	9 R	10	11 LTR	12
v (vph)	6	96	94		61		13	
C(m) (vph)	1340	1104	278		675		271	
v/c	0.00	0.09	0.34		0.09		0.05	
95% queue length	0.01	0.29	1.44		0.30		0.15	
Control Delay	7.7	8.6	24.4		10.9		19.0	
LOS	A	A	C		B		C	
Approach Delay				19.1			19.0	
Approach LOS				C			C	

HCS+: Unsignalized Intersections Release 5.2

TWO-WAY STOP CONTROL SUMMARY

Analyst: J Gehrum
 Agency/Co.: Edwards and Kelcey
 Date Performed: 9/5/2006
 Analysis Time Period: AM Peak Hour
 Intersection: KY 20 / Site/ Exist St.
 Jurisdiction: Boone County
 Units: U. S. Customary
 Analysis Year: Build-out project
 Project ID: Hebron Retail Development
 East/West Street: KY 20
 North/South Street: Site / Exist. Street
 Intersection Orientation: EW
 Study period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street: Approach Movement	Eastbound			Westbound		
	1 L	2 T	3 R	4 L	5 T	6 R
Volume	13	140	102	106	327	23
Peak-Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR	14	152	110	115	355	24
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type/Storage	Undivided /					
RT Channelized?						
Lanes	0	1	0	1	1	0
Configuration	LTR			L TR		
Upstream Signal?	No			No		

Minor Street: Approach Movement	Northbound			Southbound		
	7 L	8 T	9 R	10 L	11 T	12 R
Volume	138	0	156	17	0	29
Peak Hour Factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92
Hourly Flow Rate, HFR	149	0	169	18	0	31
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach: Exists?/Storage	/ No /					
Lanes	0	1	1	0	1	0
Configuration	LT		R	LTR		

Delay, Queue Length, and Level of Service

Approach Movement	EB	WB	Northbound			Southbound		
	1	4	7	8	9	10	11	12
Lane Config	LTR	L	LT		R		LTR	
v (vph)	14	115	149		169		49	
C(m) (vph)	1191	1314	250		839		347	
v/c	0.01	0.09	0.60		0.20		0.14	
95% queue length	0.04	0.29	3.47		0.75		0.49	
Control Delay	8.1	8.0	38.6		10.4		17.1	
LOS	A	A	E		B		C	
Approach Delay				23.6			17.1	
Approach LOS				C			C	

APPENDIX C
Signalized Level of Service

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum

Inter.: KY 237 / Site Access

Agency: Edwards and Kelcey

Area Type: All other areas

Date: 9/5/2006

Jurisd: Boone County

Period: AM peak hour

Year : Build-out project

Project ID: Hebron Retail Development

E/W St: Site Access

N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	0	1	0	0	0	1	2	0	1	2	1
LGConfig	L		R				L	T		L	T	R
Volume	305		175				341	889		1	513	263
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	12.0
RTOR Vol			0									0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		P			NB Left	A	P	
Thru					Thru		P	
Right		P			Right		P	
Peds					Peds			
WB Left					SB Left	A	P	
Thru					Thru		P	
Right					Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right			
Green	22.0				13.0	27.0		
Yellow	4.0				4.0	4.0		
All Red	2.0				2.0	2.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group Delay LOS	Approach Delay LOS	
			v/c	g/c			
Eastbound							
L	496	1805	0.67	0.28	32.8 C	25.0	C
R	828	1615	0.23	0.51	11.4 B		
Westbound							
Northbound							
L	532	1805	0.70	0.57	14.3 B		
T	1221	3618	0.79	0.34	29.2 C	25.1	C
Southbound							
L	388	1805	0.00	0.57	9.9 A		
T	1221	3618	0.46	0.34	22.0 C	23.0	C
R	545	1615	0.52	0.34	24.9 C		
Intersection Delay = 24.4 (sec/veh)					Intersection LOS = C		

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 9/5/2006
 Period: PM peak hour
 Project ID: Hebron Retail Development
 E/W St: Site Access

Inter.: KY 237 / Site Access
 Area Type: All other areas
 Jurisd: Boone County
 Year : Build-out project
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	0	1	0	0	0	1	2	0	1	2	1
LGConfig	L		R				L	T		L	T	R
Volume	295		355				396	758		1	608	362
Lane Width	12.0		12.0				12.0	12.0		12.0	12.0	12.0
RTOR Vol			0									0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		P			NB Left	A	P	
Thru					Thru		P	
Right		P			Right		P	
Peds					Peds			
WB Left					SB Left	A	P	
Thru					Thru		P	
Right					Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right			
Green	21.0				13.0	28.0		
Yellow	4.0				4.0	4.0		
All Red	2.0				2.0	2.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/c	Delay	LOS	Delay	LOS
Eastbound								
L	474	1805	0.68	0.26	34.0	C	23.7	C
R	808	1615	0.48	0.50	15.2	B		
Westbound								
Northbound								
L	498	1805	0.86	0.59	25.7	C		
T	1266	3618	0.65	0.35	24.5	C	24.9	C
Southbound								
L	435	1805	0.00	0.59	8.5	A		
T	1266	3618	0.52	0.35	22.2	C	24.8	C
R	565	1615	0.70	0.35	29.3	C		
Intersection Delay = 24.6 (sec/veh)					Intersection LOS = C			

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 9/5/2006
 Period: AM Peak Hour
 Project ID: Hebron Retail Development
 E/W St: KY 20

Inter.: KY 237 & KY 20
 Area Type: All other areas
 Jurisd: Boone County
 Year : Build-out project
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	1	0	1	1	1	2	1	1	2	1
LGConfig	L	T	R		LT	R	L	T	R	L	T	R
Volume	159	77	84	44	75	72	113	954	127	78	648	107
Lane Width	12.0	12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		P			NB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
WB Left		P			SB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right	P		
Green		25.0				8.0	29.0	
Yellow		4.0				4.0	4.0	
All Red		2.0				2.0	2.0	

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
L	400	1280	0.43	0.31	25.2	C		
T	594	1900	0.14	0.31	20.3	C	20.4	C
R	787	1615	0.12	0.49	11.4	B		
Westbound								
LT	515	1649	0.25	0.31	21.7	C	17.8	B
R	787	1615	0.10	0.49	11.3	B		
Northbound								
L	380	1805	0.32	0.54	11.0	B		
T	1312	3618	0.79	0.36	27.7	C	25.2	C
R	585	1615	0.24	0.36	18.7	B		
Southbound								
L	276	1805	0.31	0.54	13.2	B		
T	1312	3618	0.54	0.36	21.8	C	20.5	C
R	585	1615	0.20	0.36	18.3	B		

Intersection Delay = 22.5 (sec/veh) Intersection LOS = C

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 9/5/2006
 Period: PM peak hour
 Project ID: Hebron Retail Development
 E/W St: KY 20

Inter.: KY 237 / Ky 20
 Area Type: All other areas
 Jurisd: Boone County
 Year : Build-out project
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	1	0	1	1	1	2	1	1	2	1
LGConfig	L	T	R		LT	R	L	T	R	L	T	R
Volume	127	90	79	124	71	46	169	753	131	51	767	172
Lane Width	12.0	12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		P			NB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
WB Left		P			SB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right	P		
Green		25.0				8.0	29.0	
Yellow		4.0				4.0	4.0	
All Red		2.0				2.0	2.0	

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c g/c		Lane Group Delay LOS		Approach Delay LOS	
Eastbound								
L	351	1124	0.39	0.31	24.8	C		
T	594	1900	0.16	0.31	20.5	C	19.9	B
R	787	1615	0.11	0.49	11.4	B		
Westbound								
LT	445	1423	0.48	0.31	25.8	C	23.0	C
R	787	1615	0.06	0.49	11.0	B		
Northbound								
L	331	1805	0.56	0.54	14.0	B		
T	1312	3618	0.62	0.36	23.2	C	21.2	C
R	585	1615	0.24	0.36	18.8	B		
Southbound								
L	336	1805	0.16	0.54	10.8	B		
T	1312	3618	0.64	0.36	23.5	C	22.2	C
R	585	1615	0.32	0.36	19.8	B		
Intersection Delay = 21.6 (sec/veh)					Intersection LOS = C			

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
December 6, 2006
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Jim Carmichael

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, AICP, Senior Planner

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mr. Barlow seconded the motion. A vote on the motion found all voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. The motion carried.

ACTION ON PLAN REVIEWS:

1. **Zoning Map Amendment and Concept Development Plan**

The request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24-acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24-acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

Mrs. Wilson left the meeting at this time.

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). He stated that the requests for building setback Variances for the outlots have been withdrawn. The property owners have signed the letter agreeing to the conditions. He stated that Mr. Bungler was opposed to the Committee Recommendation and the other four members of the Committee were in favor of the recommendation.

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Richard Haglage with Terra Firma, located on Wards Corner Road in Loveland, Ohio, thanked the Zone Change Committee and Staff for the many hours they spent working through the details of this project. He stated that they are satisfied with the 20+ conditions that are part of the plan. He stated that the applicant's team is present and available to answer any questions.

The Chairman asked if there was anyone present who wished to make a summary statement on behalf of the opposition. He stated that new evidence cannot be introduced and only items discussed at the Public Hearing and the Committee meeting can be addressed. Comments are limited to a total of five minutes.

Ms. Linda Fussinger, 1662 Grandview Drive, Parlor Grove subdivision, stated that the traffic problems are horrendous. She is concerned about putting more traffic on KY 237 when they cannot get out of their subdivision in the morning or get children to Conner or Immaculate Heart schools now. The road needs to be fixed before anything else goes on it. She questioned how many people in Boone County are asking for another grocery store when they currently have Flick's, Remke's, two Kroger's, Meijer's, super Wal-Mart and Bigg's. She stated that we need to be more creative than putting in gas stations, grocery stores, banks and coffee shops -- there are many other uses people need besides those they already have.

There being no further comments, **Mr. Breetz moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Rolfsen seconded the motion.**

Mr. Knock asked if the Finding of Fact on Page 4 of the Staff Report "*The applicant has agreed to provide a driveway connection to Galerie-au-Chocolate*" has become Condition #1. B. "*The approval is based on the approved Concept Plan that was submitted at the November 1, 2006 Zone Change Committee Meeting. This plan shows a driveway connection to Galerie-au-Chocolate*". Chairman Caddell responded "yes". Mr. Morgan agreed.

Mr. Barlow questioned the intensity of the electronically changeable signs for gasoline prices. He stated that at some gas stations they are of such a high-intensity that they become like beacons. Committee Chairman Greg Breetz responded that the issue came up in the Committee Meeting, but the county does not have standards to address that type of lighting. Counselor Wilson advised that it will go through the Site Plan Review process. Mr. Morgan stated that the glare ordinance in the Zoning Regulations states that unnecessary glare should not be projected onto the right-of-way. The Zoning Officer would have to go out to the site to determine if a sign was causing abnormal glare.

Mr. Bunger, a member of the Committee, stated that he voted in opposition to the Committee Report. He is not opposed to the planned use of the site, he is opposed to the plan for the use in two specific areas: (1) *Access* - The existing marketplace in Ohio is served by a new roadway system with two through lanes, two right-turn lanes, and one or two left turn lanes in each direction. It has six points of entrance or exit and truck traffic can be kept separate from automobile traffic. He stated that the proposed marketplace is larger than the example the Committee was given. The Committee worked with the applicant and several changes were made, but he still has concerns about the close proximity of the exit and entrance on KY 20 to the intersection of KY 237 and about the number of exits and entrances. The project

could be designed further to the west and provide a better access system, but there would still be a limited number of access points versus other sites the Committee was referred to and in comparison to the Burlington and Union sites, and (2) *Architecture* - The building is similar in design to the Burlington and Union buildings, but other marketplaces have stone accent columns and are more attractive and interesting. The residents of Boone County should be afforded the same type of access, exit, safety, and design as other marketplace facilities.

Mr. Breetz stated that no one on the Committee voted in opposition to the use. The Committee had three meetings on three different days and the majority of the discussion revolved around traffic flows and patterns that would redevelop from all of the proposed outlots and uses. The main concern was the KY 20/KY 237 intersection and there is a problem there now. The applicant provided a Traffic Study and the Committee was not convinced that what they were proposed initially was enough to keep more problems from occurring. The Committee modified the turn lanes on KY 20 and added more turn lanes on the east and west sides of KY 237 on KY 20. There was a lot of discussion on the distance between the access road from KY 20 into the new development, which is located across from the Hebron Corner Mart, and the distance needed for a tractor trailer to come out on that road and have enough room for the traffic on KY 20 to turn. The applicant showed the Committee with a new Traffic Study that it would work and service levels would not be reduced at the intersection. The applicant proved to the Committee that the traffic would not be an issue there or at the main entrance. There was concern that the initial proposal put the monument sign at the KY 20/KY 237 intersection and the Committee felt that the sign would cause more people to turn onto KY 20 and put more traffic on KY 20. The applicant agreed to move the monument sign down to the newly proposed access point across from the Fire Department. The Committee did not address economic issues such as the number of stores and gas stations currently in the area.

Mr. Reynolds asked if the plan will come before the Technical-Design Review Committee for each development in the future. Mr. Morgan responded that the outlot developments would have to be in compliance with the conditions. There was discussion at the Committee level as to whether Design Review would be done by Staff or the Planning Commission and it was decided that it would be done by Staff. Mr. Reynolds asked if Mr. Bunger would prefer that it be done by the Technical Design Review Committee. Mr. Bunger responded that he had an issue with the proposed design and the applicant estimated the daily traffic flow to the site to be 8,000 but, compared to observations at other locations, his estimate would be 9,000 - 12,000. He believes that the traffic flow on KY 20 at the entrance in close proximity to KY 237 would at least double and traffic on KY 237 would increase by 40% - 50%, and that is the basis for his conclusion. He agreed that the Committee worked diligently and explored every option.

Mr. Poe questioned the decel lane on KY 237. Mr. Morgan reviewed the exhibit attached to the Committee Report and the Power Point slide and noted a 300-foot

decel lane on KY 237 with a 180-foot taper. Mr. Poe commented that there would be a right hand decel lane on southbound KY 237 and a left hand turn lane on northbound KY 237. Mr. Morgan agreed.

There being no further discussion, Chairman Caddell asked for a vote on the motion made by Mr. Breetz which found Mr. Barlow, Mr. Breetz, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mr. Rolfsen, Mr. Knock, Mrs. Poston and Chairman Caddell in favor. Mrs. Arnett, Mr. Bunger, Mr. Reynolds and Mr. Schwenke were opposed. Mrs. Wilson was not present and did not vote. The motion carried by a vote of 9 to 4.

2. Technical Design Review - Union Pointe Centre
U.S. 42 and Frogtown Road

Chairman Caddell stated that Agenda Item #2 is recommended for deferral to the December 20, 2006 Business Meeting. Mr. Reynolds so moved. Mr. Bunger seconded. A vote on the motion found all voting members in favor. Mrs. Wilson was not present. The motion carried.

Mrs. Wilson returned to the meeting at this time.

NEW BUSINESS:

Agenda Item
No.

- 3 Zoning Map Amendment
The request of Duke Realty, Ltd., Attn: David Wright (applicant) for Greenfield Farm, Inc., Attn: Jim Dressman (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for a 208.721 acre site located on the west side of Dixie Highway, south of the property at 11765 Dixie Highway and north of the properties at 12097 and 12119 Dixie Highway, and on the north side of Chambers Road a the northeast quadrant of the Chambers Road/I-75 overpass and to the north and west of the property at 262 Chambers Road, and south of the developing properties at 40 and 60 Logistics Boulevard, Boone County, Kentucky. The request is for a zone change to allow an industrial subdivision.

Mr. McMillian moved to schedule a Public Hearing for the above item on January 17, 2007 at 7:30 PM. Mrs. Poston seconded the motion and it carried unanimously.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: December 6, 2006

RE: Request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" and "Business Park" uses.

Although the Future Land Use Map designates half of the site for commercial uses and that other half as Business Park uses, the Committee found that the text from the comprehensive plan supports the development (see findings below). The comprehensive plan states that the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and legislative bodies.

B. The proposal is in general agreement with the following passages from the Land Use Element:

- The KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone

County intersection to give the appearance of coordinated development (Hebron Area, pp. 154-155).

The Committee determined the KY 20/KY 237 intersection area does contain commercial and high density residential uses. The proposed commercial development will have coordinated architectural, signage, and landscaping design per the conditions of approval.

- Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

The Committee determined that the potential traffic impacts on KY 237, KY 20, and adjoining properties were minimized by the revised Concept Development Plan and traffic plans that were submitted by the applicant. The revised plans showed that the levels of service on KY 20 and KY 237 would remain about the same and that the developer would make substantial road improvements on KY 20 and KY 237. The road improvements include a traffic signal on KY 237, left hand turns on both sides of KY 20, increased traffic storage capacity at the KY 237/KY 20 intersection, a left hand turn lane for Hebron Park Drive, and a driveway connection to Galerie-au-Chocolate.

- C. The proposal is in general agreement with the following passage from the Business Activity Element:

The Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the SouthPark Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road. With the amount of residential construction expected in the North River area, larger scale commercial developments, such as drug stores and grocery stores will be needed. Commercial development in this area should be designed to serve the northern part of Boone County. This commercial growth should coordinate with the existing and proposed industrial and residential developments, especially in terms of access (Recommended Areas of Commercial Activity, pp. 62-65).

The Committee determined the proposed development is located at the southwest corner of the KY 237/KY 20 intersection and is a larger scale commercial development which was anticipated by the comprehensive plan. The development includes a grocery store (Kroger Marketplace) and five outlots and will be compatible with the existing and proposed industrial and residential developments.

D. The project is in agreement with the following 2005 Goals and Objectives:

- Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).

The proposed commercial subdivision is located at the southwest corner of the KY 237/KY 20 intersection and adjoins commercial, industrial, and residential uses. The Committee found that the residential uses would be properly buffered and that lighting levels would be near 0 foot candles at all residential property lines.

- The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system (Transportation, Goal).

2. The development is in general conformance with the following Planned Development (PD) Standards which are found in Section 1514 of the Boone County Zoning Regulations:

- Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape, buffer zones, and the provision of significant landscaping (in terms of size of landscape area, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.

The Committee determined that the development met or exceeded the perimeter landscaping requirements.

- "Architecture: A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally oriented influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects."

The applicant agreed to conditions which requires the outlot buildings to be constructed of brick, stone, glass, EIFS, and standing seam metal roofing which correlates to the Kroger Marketplace building materials.

- Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned developments unless physically unfeasible or undesirable due to land use characteristics.

The applicant has agreed to provide a driveway connection to Galerie-au-Chocolate and sidewalks between the buildings in the development and KY 20 and KY 237.

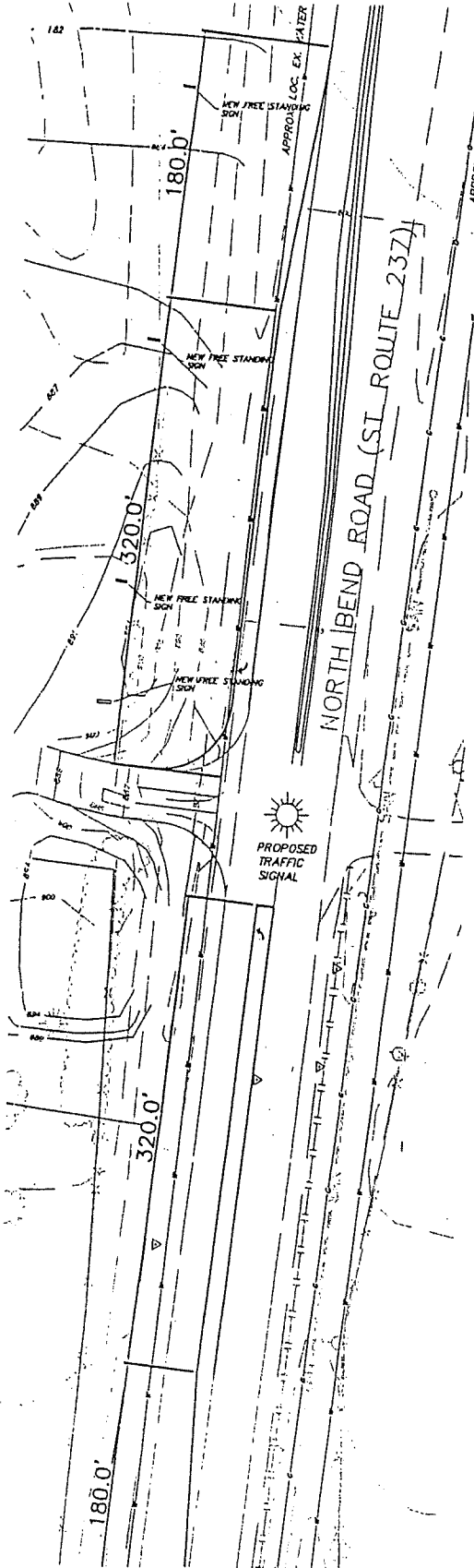
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

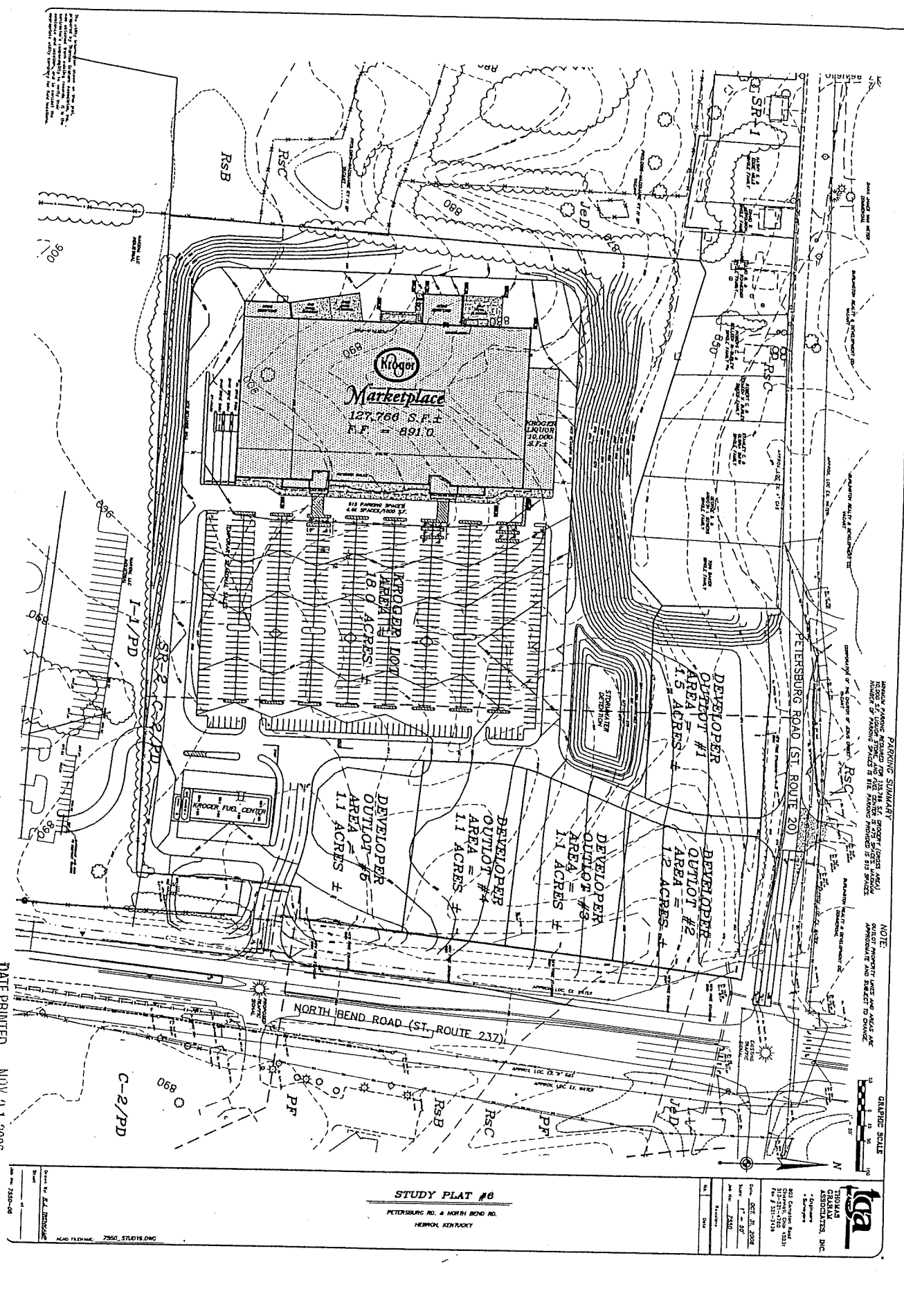
CONDITIONS

1. The applicant agrees to the following transportation improvements:
 - A. The developer shall pay for road improvements on KY 237 and KY 20. The road improvements on KY 237 shall comply with the traffic study exhibit that was submitted at the Public Hearing (see attachments). The road improvements on KY 20 shall comply with the "Phase 3" traffic study exhibit that was submitted at the November 29, 2006 Zone Change Committee Meeting (see attachments). All KY 237 and KY 20 road improvements shall be constructed and open to the public before the Kroger Marketplace building and/or outlot buildings receive Certificate of Occupancy permits from Boone County Building Department.
 - B. The approval is based on the approved Concept Plan that was submitted at the November 1, 2006 Zone Change Committee Meeting. This plan shows a driveway connection to Galerie-au-Chocolate (see attachments).
 - C. The developer shall pay for a traffic signal at the KY 237/Conner Crossing/Hebron Fire Station intersection. The signal will include a pre-empt button which allows Hebron Fire to change the traffic signal during an emergency run.
2. The applicant agrees to the following architectural/design conditions:
 - A. The Kroger Marketplace building will be constructed in accord with the submitted elevation drawings (see attachments) and materials sample board.
 - B. All outlot building facades shall be constructed of brick, stone, glass, and EIFS. The amount of EIFS on any given building facade shall correlate to the amount of EIFS shown on the front facade of the Kroger Marketplace building. The brick, stone, and EIFS used in the outlot buildings shall all be in the same color family as the Kroger Marketplace building (see submitted material board).

- C. The front facade of the buildings on outlots 2-5 shall be oriented towards KY 237. The front facade of the building on outlot 1 shall be oriented towards KY 20 or KY 237.
 - D. The outlot buildings shall be constructed with flat roofs or hipped pitched roofs (mansard roofs are not permitted). All buildings that use the hipped pitched roof option shall have a similar pitch. All outlot buildings with visible roofing shall use standing seam metal roofing which matches the color of the standing seam metal roofing being used on top of the Kroger Marketplace gables.
 - E. All roof equipment on Kroger Marketplace and the outlot buildings shall be screened from view from all adjoining public right-of-ways and adjoining residential properties.
 - F. The design of the gasoline canopy shall follow the Concept Plan that was submitted at the November 15, 2006 Zone Change Committee Meeting (see attachments). The metal faces will be painted a color which matches the E.I.F.S. used in the Kroger Marketplace building.
 - G. Any outside trash storage areas proposed on the outlots shall be constructed with brick or stone which matches the principal building on the lot. All gates must be constructed with solid wood.
 - H. Kroger's emergency generator shall be located to the south side of the enclosed dock on the rear facade of the building. The generator shall be screened by the enclosed dock.
3. The gasoline canopy can contain signage on three elevations of the canopy. Gasoline prices advertised on the canopy may be electronically changeable copy. The sign square footage on any elevation shall not exceed 25% of the fascia area.
 4. The Kroger Marketplace tenant space can have up to 6 building mounted signs on the front facade but they must be located within 5 sign areas.
 5. The following free-standing signage is permitted in the development:
 - A. The Kroger Marketplace lot shall be permitted an architectural free-standing sign which is up to 30' tall and 200 square feet in area (dependant upon road frontage). The architectural free-standing sign shall be constructed in close proximity to the KY 237 access point and shall be located in an area which is zoned Commercial Two/Planned Development (C-2/PD). Electronically changeable gasoline prices shall be permitted on the sign. No other electronically changeable copy or manually changeable copy shall be permitted. Outlot 1 shall be able to advertise on this sign in exchange for the outlot monument sign that is referenced below.
 - B. Outlots 1-5 shall each be permitted a monument sign. The monument signs shall be limited to 8' in height and 42.39 square feet in area. Outlot 1 shall not be permitted a monument sign if the tenant(s) advertises on the architectural free-standing sign.

6. The building setback variances which were sought for the outlots have been withdrawn.
7. The overall height of all light poles and fixtures shall not exceed 37.5 feet. All light poles along residential property lines shall be equipped with cut-off shields. The maximum permitted footcandle measurements along the residential property lines shall be in general conformance with the photometric plan that was submitted at the November 29, 2006 Zone Change Committee Meeting.
8. Temporary outside storage trailers shall be prohibited in the development. This condition shall be eliminated if the Boone County Zoning Regulations are changed to allow temporary outside storage trailers in Unincorporated Boone County.
9. The development shall have a sidewalk system which connects Kroger Marketplace and the outlots to KY 20 and KY 237.
10. An attachment lists the uses which are permitted on outlots 1-5.





PARKING SUMMARY

NOTE: APPROXIMATELY 1000 ± VEHICLES ARE ANTICIPATED TO BE PARKED AT THIS SITE. THE NUMBER OF VEHICLES IS BASED ON THE ASSUMPTION THAT THE SITE WILL BE FULLY DEVELOPED AND ALL SERVICES WILL BE AVAILABLE.

GRAPHIC SCALE



300 Canton Road
 215-211-1310
 Fax: 215-211-1311
 www.tga.com

STUDY PLAT #6
 PETERSBURG RD. & NORTH BEND RD.
 HENRIK, KENTUCKY

DATE PRINTED NOV 01 2006

ACAD FILENAME: 7560_STUD16.DWG
 Drawn by: J.L. BROWNING
 Sheet: 1 of 1
 Date: 11/01/06
 Plot No: 7560-06

Principally Permitted Uses

1. Business and personal credit services, holding services and title services;
2. Security brokers, dealers and flotations services, investment services, insurance agents, brokers and services, and finance companies;
3. Photographic services;
4. Direct mailing and advertising services, including direct mail;
5. Business and management consulting services and associations;
6. Physician, optical and dental services including medical, optical, dental laboratories and clinics;
7. Legal, engineering, architectural, education and scientific research services;
8. Accounting, auditing and bookkeeping services;
9. Hardware stores;
10. Eating and drinking establishments including alcoholic beverages **(With the condition that no more than 2 outlots shall contain eating and drinking establishments with accessory drive-through facilities);**
11. Grocery stores and supermarkets;
12. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
13. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
14. Liquor, beverage, drug and proprietary stores;
15. Banking services, savings and loan associations, credit unions and other credit services;
16. Insurance carriers and agents;
17. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
18. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
19. Veterinary services and pet grooming services but not including the boarding of animals;
20. Beauty and barber services and tanning salons;
21. Laundering, dry cleaning and dyeing services including self-service;
22. Alteration and garment repair and custom tailoring;
23. Shoe repair, shoe shining and hat cleaning services;
24. Jewelry stores;
25. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
26. Art, craft and hobby supplies and products, gifts and novelties;
27. Books, stationery, newspapers and magazines;
28. Florists excluding greenhouses;
29. Sporting goods including bicycles;
30. Draperies, curtains, upholstery and floor coverings;
31. Child and adult care centers;
32. Paint, glass and wallpaper stores;
33. Photo finishing services;
34. Video Stores;
35. Department stores, mail order houses, direct retail selling organizations of general merchandise;
36. Furniture, home furnishings, including specialty and floor coverings;
37. Apparel stores
38. Household appliances, china, glassware and metal ware;
39. Radio, t.v., watch, clock and jewelry repair;

40. Photographic, stenographic and other duplicating and mailing services;
41. Travel arranging, transportation ticket and public event or promotional booking agencies;
42. Art and craft galleries and similar exhibit space;
43. Aquariums, botanical gardens and other natural exhibitions;
44. Recreation centers, gymnasiums, clubs and similar athletic uses and recreational facilities;
45. Motorcycle sales or bike shops excluding outside storage;
46. Auto parts and accessories stores
47. Wash services for vehicles

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Accessory uses for an office facility;
2. Signage (See Article 34);
3. Parking (See Article 33);
4. Temporary buildings incidental to construction;
5. Drive-up photo finishing services and automatic teller services;
6. Garment and furniture centers (See Article 31);
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.
8. Garden and landscape sales.

Public Hearing Item No. 3:

Commission Members Present: Mrs. Arnett, Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell - Chairman, Mr. Carmichael, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Rolfsen, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Following a short recess, the Chairman called the Public Hearing to order at 8:50 PM.

3. Applicant: **Anne F. McBride, McBride Dale Clarion for Michael A. Conner and Linda H. Conner (owners)**

Request: **Zoning Map Amendment and Concept Development Plan**

The request of **Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24-acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of **Anne F. McBride, McBride Dale Clarion (applicant) for Michael A. Conner and Linda H. Conner (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24-acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He submitted a copy of the applicant's traffic study (see Exhibit 1).

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Anne McBride representing Terra Firma Properties stated that a number of representatives of the applicant, including their traffic and civil/site engineers, were present. Terra Firma has an option to purchase the 24-acre Conner property. She stated that they met with Staff on several occasions and, based on those meetings and a review of the Comprehensive Plan and the Zoning Code, they

decided to pursue a Zoning Map Amendment for the balance of the property to C-2/PD, which provides the most assurances for Boone County and for the developer. Kroger's is excited about bringing their marketplace concept to Hebron. They recently opened a similar store in Liberty Township. There will be a fuel center and liquor store in the development. They have submitted a list of uses that could be located on the five outlots (copy attached to the Staff Report) and will work with Staff in regard to that list. The list was basically derived from the C-2 zoning classification. They have prepared design standards for the outlots. She stated that they have worked hard to produce a coordinated development as called for in the Comprehensive Plan. They have addressed issues of access. Their access point on KY 237 has been warranted for a signal and that signal will also serve the Fire Department. Their access point on KY 20 aligns with Hebron Park Drive. They have prepared a comprehensive sign plan for the overall development so that the signs will have a common theme in terms of style, color and design. Five signs are proposed for the Kroger's front elevation -- it is only one building, but within the building are Starbucks, Fifth Third Bank, a pharmacy, etc. She stated that the signage on the building is significantly below the square footage allowed. The majority of the site exceeds the landscaping materials required by the Zoning Code. They have concentrated on a perimeter and street presence for the development as indicated in the Comprehensive Plan. She stated that the Comprehensive Plan designates this area for drug stores and grocery stores and the proposed development is consistent with the Comprehensive Plan. They have done a Traffic Impact Analysis and they met with the Kentucky Transportation Cabinet. Their Traffic Engineer, Jack Gehrum, will present that information.

Mr. Jack Gehrum, Vice President, Edwards and Kelcey, 8895 Central Avenue, Cincinnati, OH stated that when they first looked at developing the site, they met with the Kentucky Transportation Cabinet and discussed what they wanted to do and what would be required by the Transportation Cabinet. They then prepared the Traffic Study, which included analysis of the access on KY 20. They went to the Transportation Cabinet with the access located as shown, but with several variations of the lane configuration. The configuration shown in the Traffic Study is the one the Transportation Cabinet liked the best of the ones they reviewed with them. Currently there are only two lanes on the approach to the intersection (a left/through and right). The signal operates without a left-turn phase and there are problems with oncoming vehicles waiting to see if a vehicle is going straight or turning left. A feature of their plan is to add a left-turn lane, which will begin to improve the operation of the intersection and oncoming vehicles will know that vehicles in the left turn lane are turning left. The lengths of the lanes are based on calculations done when they did the trip generation analysis. Since they do not know what the uses of the outlots will be, he used fast food restaurants and drive-through banks for the Traffic Study to maximize the traffic and have realistic numbers. The Kentucky Transportation Cabinet believes their numbers are realistic. Further to the west, the topography falls off tremendously and it is the only other possible access point (at the split driveway to the church). He stated

that they looked at all of the options and the one they propose seemed the best and it was the one the Transportation Cabinet liked the best so they went through the process to see if they could make it work. He stated that there are other options with the access and there may be some small configuration changes in the design stage – such as the comment from the Fire Department about the possibility of moving the right turn lane back to or across the Fire Department’s access point. He stated that the Transportation Cabinet has indicated their acceptance of the proposed concept and they have final control. The Transportation Cabinet could change it to right-in/right-out if it does not work, but he believes it will work.

Ms. McBride stated that they look forward to working with the Zone Change Committee and Staff. She and the rest of the applicant’s team are available to answer any questions. This concluded the applicant’s presentation.

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.

Mr. Don Rogers, 2939 Petersburg Road, Hebron, stated that water retention is his main concern. He lives west of this intersection and downstream of Woolper Creek. He stated that four subdivisions are being built and the Hemmer warehouses are in the area, but he does not know where that water goes. He asked if there will be retention ponds. He stated that this is a 20+ acre site and a small percentage will be green space – then there will be concrete, asphalt and brick so Mother Nature’s sponge will be gone. The bridge he crosses to get to his property was adequate in 1986, but as the subdivisions came in it became harder to get across the bridge at times. If he hears a flash flood coming, he parks across the road and uses the footbridge. Water is his main concern. He questioned what is going to happen with the water. He asked the Planning Commission and the developer to do their part and release the water slowly.

Mr. Morgan stated that a shared stormwater detention area for all of the lots is shown on Lot #1. The Subdivision Regulations state that the post-development flow has to be equal to the pre-development flow in terms of stormwater runoff. The developer will have to account for every drop of stormwater and the flows have to be the same after the development is constructed. Chairman Caddell stated that by regulation the water discharge from the property cannot exceed what it is before it is developed. Mr. Rogers questioned who knows what it is now. Chairman Caddell responded that the calculations will be part of the submission to the Zone Change Committee. Mr. Morgan stated that it is part of Site Plan Review.

The Chairman asked if there was anyone else present who wished to speak in opposition to the request.

Mr. Pat Patel, Manager of Hebron Economy Mart at 2006 Petersburg Road, asked the applicant to add a long turn lane to Hebron Park Drive so that it is easier for the customers to get in. He is not opposed to the request.

Mr. Steve Thomas, 1779 Hunters Trace (Willowbend Subdivision off Camp Ernst Road) stated that he moved here 27 years ago and there was nothing out there. He is concerned about the traffic. The traffic is ten times what it was 27 years ago. People use KY 237 to get to the interstate to avoid Mall Road, Houston Road, and Turfway Road -- but now there will be a huge complex at an intersection that has trouble now, particularly coming from KY 20. Children are coming in and out of Conner School in the morning and in the afternoon and this development will create a traffic monster on KY 237. He is opposed to the request.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Wilson asked the applicant to bring to the Committee Meeting a diagram of the KY 237/KY 20 intersection showing Mr. Patel's property and how the road might be improved at KY 20 and coming back southbound on KY 237, taking into consideration the comments made by the Fire Department.

Mr. Dick Haglage with Terra Firma Associates, 424 Wards Corner Road, Loveland, OH stated that he met with Chief of the Hebron Fire Department in regard to the plan. Chief Martin was pleased that the development would promote a signal at their entrance to KY 237 and indicated that he would give the plan additional study and review it with his staff. Mr. Haglage stated that he spoke with some of Chief Martin's associates in the hall prior to this meeting. He understands their concerns and will take them into account as they go forward.

Mrs. Wilson asked if the uses on the outlots will face the Kroger's marketplace or KY 237. Her concern is whether people would be looking at the front of the buildings or parked cars. Mr. Haglage responded that they will likely have attractive sides all the way around and it is likely that their front doors will be to the traffic on KY 237. Along KY 237, people will primarily see the fronts of the buildings, but there will also be some parking there.

Mrs. Poston questioned the zoning of the lot to the west on KY 20. Mr. Morgan responded that it is the Prologis site and it is zoned I-1. He noted the location of single-family dwellings further to the west that are zoned SR-1 (Bullock Lane) and other single-family dwellings zoned SR-2.

Mrs. Poston asked if the Kroger's marketplace development could be built on the property currently zoned commercial if it did not have the outlots. Ms. McBride responded "no" and stated that she does not think the property would be large enough to accommodate the setbacks, streetscape, buffer areas, the marketplace

building, the fuel center, parking, and traffic access/circulation. Mrs. Poston asked if it would be large enough for just the marketplace. Ms. McBride responded that the fuel center is part of the marketplace concept.

Mrs. Poston questioned the plans for the Burlington Kroger. She noted that it is to be expanded. Ms. Lisa Amazon, Real Estate Manager for Kroger's, 130 Tri-County Parkway, Cincinnati, OH stated that they anticipate the expansion of the Burlington Kroger to be completed in 2007. This Kroger will be a new store in Hebron in addition to the Burlington Kroger. Mrs. Poston questioned how far apart the two stores would be. Ms. Amazon estimated that they would be 3 – 4 miles apart.

Mr. Bunger questioned the number of truck deliveries to Kroger's, the fuel center, and the outlots. He believes the trucks would travel KY 237 and would be crossing traffic and have tight turning radiuses. He questioned the planned routing of the trucks. Ms. McBride responded that the number of deliveries to the fuel center would depend on the volume they are doing. A lot of times it would be one tanker truck a day. They cannot address the outlots because they do not know the uses. Ms. Amazon stated that there would be three or four trucks in the early morning hours. Ms. McBride stated that there will also be deliveries from Coke, Pepsi, Frito-Lay, etc. Mr. Bunger commented that those deliveries would be almost daily. He questioned their proposed route in and out of the site.

Mr. Bob Trenkamp, President of Thomas Crane Associates, Civil Engineers, 803 Compton Road, Cincinnati, OH stated that from his experience with other Kroger projects, he believes fuel deliveries would be 3 – 4 a week, depending on location and volume. Larger semi-trucks would deliver to the store two or three times a day, usually in off-peak hours, but that varies for different store sites. The anticipated routing of the trucks would be from I-275, south on KY 237 and then they would make a right turn. The fuel trucks will circulate around the fuel station and go back out at the traffic signal. Store delivery trucks will circulate around in a clockwise pattern and back into the loading dock. The trucks will exit to the north, make a right turn on KY 20 and go left at the traffic signal. Mr. Bunger asked how that is controlled. Mr. Trenkamp responded that they want to keep the truck routing segregated from the customer parking and usually try to have the trucks circulate around the perimeter of the store. The loading dock is always in the rear of the store.

Chairman Caddell questioned why they are seeking an off-site sign for the gasoline. Ms. McBride responded that gas sign is on the sign designed for the Kroger's marketplace. They can work with Staff and look at rearranging property lines to make it an on-premise sign. They want the sign at that access point because that is where the fuel center will be. Chairman Caddell questioned how important the fuel center is to the operation. Ms. McBride responded "very".

Chairman Caddell questioned why they are proposing reduced setbacks on the outlots when the uses have not yet been identified. Ms. McBride responded that they are trying to provide quality outlots. They believe they can do an adequate streetscape buffer within ten feet, combined with the extensive right-of-way of KY 237. They have limited the development area of the outlots to 15,000 square feet as opposed to asking for additional density, which is permitted by the PD.

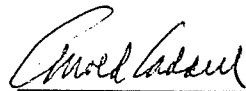
Chairman Caddell asked the applicant to be prepared at the Committee Meeting to talk about an architectural theme for this project, including the outlots, and to bring to the Committee meeting comparisons of the size of the proposed fuel center to other Kroger's locations. Ms. McBride agreed.

Mrs. Wilson stated that the fuel station faces KY 237 and asked the applicant to bring to the Committee meeting a design concept. Ms. McBride responded that they will bring to the Committee meeting elevations for all four sides of the Kroger's building and elevations for the fuel center. They have submitted design details for the signs. Mrs. Wilson asked for information on sight distance and what people will see when they turn right. She asked if there be a visual blocking there.

Mr. Rolfsen stated that there will be a Starbucks in the Kroger's store and questioned the use of the drive-through lanes. Ms. McBride responded that there is a drive through for the pharmacy and for Fifth Third Bank. The drive-through is not for Starbucks. People cannot drive through and get Starbucks coffee.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 1, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on November 15, 2006 at 7:00 PM. The Chairman closed this Public Hearing at 9:48 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:

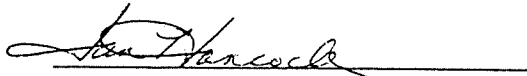

Jan Hancock, Recording Secretary

Exhibit 1 – *Traffic Impact Analysis – Hebron Retail Development, Petersburg Road (KY20) and North Bend Road (KY 237) submitted by Staff on behalf of the applicant*

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: November 29, 2006

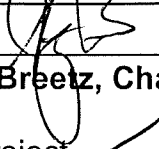
RE: Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

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.

McBride/Conner

November 29, 2006

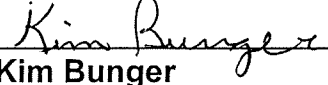


Greg Breetz, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

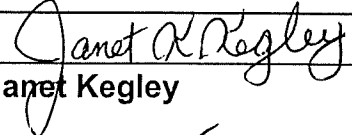
Judy Arnett

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



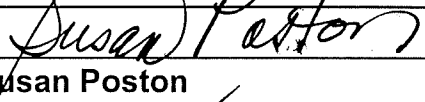
Kim Bunger

For Project _____ Absent _____
 Against Project
 Abstain _____ Deferred _____



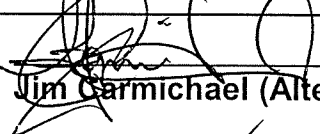
Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____



Susan Poston

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____



Jim Carmichael (Alternate)

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

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

Bob Schwenke (Alternate)

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

Lisa Wilson (Alternate)

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

TOTAL: _____ DEFERRED 4 FOR PROJECT _____ ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: November 15, 2006


RE: Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

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McBride/Conner


November 15, 2006


Greg Breetz, Chairman

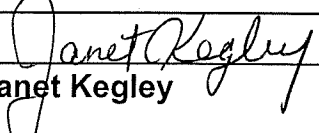
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 Against Project ___
 Abstain ___ Deferred

Judy Arnett


For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___


Kim Bunger

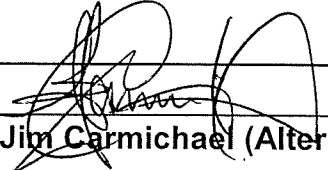
For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred


Janet Kegley

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred


Susan Poston

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred


Jim Carmichael (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Charlie Reynolds (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Bob Schwenke (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Lisa Wilson (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

TOTAL: 5 DEFERRED ___ FOR PROJECT ___ ABSENT
___ AGAINST PROJECT ___ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: November 1, 2006

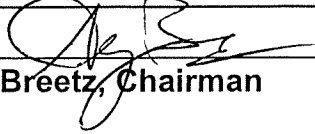
RE: Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

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McBride/Conner

November 1, 2006




Greg Breetz, Chairman

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred


Judy Arnett

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____



Kim Bunger

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred

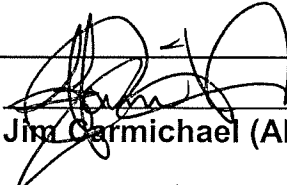


Janet Kegley

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred

Susan Poston

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____



Jim Carmichael (Alternate)

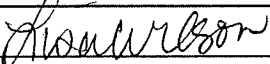
For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred

Charlie Reynolds (Alternate)

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

Bob Schwenke (Alternate)

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

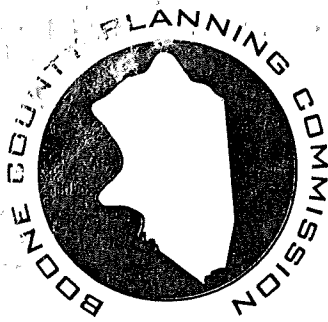


Lisa Wilson (Alternate)

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred

TOTAL: 5 DEFERRED ____ FOR PROJECT ____ ABSENT
____ AGAINST PROJECT ____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

December 5, 2006

Mrs. Anne F. McBride
McBride Dale Clarion
5725 Dragon Way, Suite 220
Cincinnati, OH 45227

RE: Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and the request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Michael A. Conner and Linda H. Conner (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. Both applications are to allow a retail/commercial development.

Dear Mrs. McBride:

The following represents the conditions of approval for the above referenced Zoning Map Amendment and Concept Development Plan applications as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If you, as applicant, agree to these conditions, please have the property owners sign the appropriate spaces on the last page of this letter. Please return this letter with the property owners original signatures to the Boone County Planning Commission office by December 6, 2006.

CONDITIONS

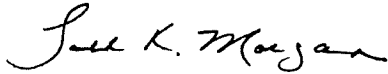
1. The applicant agrees to the following transportation improvements:
 - A. The developer shall pay for road improvements KY 237 on KY 20. The road improvements on KY 237 shall comply with the traffic study exhibit that was submitted at the Public Hearing (see attachments). The road improvements on KY 20 shall comply with the "Phase 3" traffic study exhibit that was submitted at the November 29, 2006 Zone Change Committee Meeting (see attachments). All KY 237 and KY 20 road improvements shall be constructed and open to the public before the Kroger Marketplace building and/or outlot buildings receive Certificate of Occupancy permits from Boone County Building Department.

- B. The approval is based on the approved Concept Plan that was submitted at the November 1, 2006 Zone Change Committee Meeting. This plan shows a driveway connection to Galerie-au-Chocolate (see attachments).
 - C. The developer shall pay for a traffic signal at the KY 237/Conner Crossing/Hebron Fire Station intersection. The signal will include a pre-empt button which allows Hebron Fire to change the traffic signal during an emergency run.
2. The applicant agrees to the following architectural/design conditions:
- A. The Kroger Marketplace building will be constructed in accord with the submitted elevation drawings (see attachments) and materials sample board.
 - B. All outlot building facades shall be constructed of brick, stone, glass, and EIFS. The amount of EIFS on any given building facade shall correlate to the amount of EIFS shown on the front facade of the Kroger Marketplace building. The brick, stone, and EIFS used in the outlot buildings shall all be in the same color family as the Kroger Marketplace building (see submitted material board).
 - C. The front facade of the buildings on outlots 2-5 shall be oriented towards KY 237. The front facade of the building on outlot 1 shall be oriented towards KY 20 or KY 237.
 - D. The outlot buildings shall be constructed with flat roofs or hipped pitched roofs (mansard roofs are not permitted). All buildings that use the hipped pitched roof option shall have a similar pitch. All outlot buildings with visible roofing shall use standing seam metal roofing which matches the color of the standing seam metal roofing being used on top of the Kroger Marketplace gables.
 - E. All roof equipment on Kroger Marketplace and the outlot buildings shall be screened from view from all adjoining public right-of-ways and adjoining residential properties.
 - F. The design of the gasoline canopy shall follow the Concept Plan that was submitted at the November 15, 2006 Zone Change Committee Meeting (see attachments). The metal faces will be painted a color which matches the E.I.F.S. used in the Kroger Marketplace building.
 - G. Any outside trash storage areas proposed on the outlots shall be constructed with brick or stone which matches the principal building on the lot. All gates must be constructed with solid wood.
 - H. Kroger's emergency generator shall be located to the south side of the enclosed dock on the rear facade of the building. The generator shall be screened by the enclosed dock.

3. The gasoline canopy can contain signage on three elevations of the canopy. Gasoline prices advertised on the canopy may be electronically changeable copy. The sign square footage on any elevation shall not exceed 25% of the fascia area.
4. The Kroger Marketplace tenant space can have up to 6 building mounted signs on the front facade but they must be located within 5 sign areas.
5. The following free-standing signage is permitted in the development:
 - A. The Kroger Marketplace lot shall be permitted an architectural free-standing sign which is up to 30' tall and 200 square feet in area (dependant upon road frontage). The architectural free-standing sign shall be constructed in close proximity to the KY 237 access point and shall be located in an area which is zoned Commercial Two/Planned Development (C-2/PD). Electronically changeable gasoline prices shall be permitted on the sign. No other electronically changeable copy or manually changeable copy shall be permitted. Outlot 1 shall be able to advertise on this sign in exchange for the outlot monument sign that is referenced below.
 - B. Outlots 1-5 shall each be permitted a monument sign. The monument signs shall be limited to 8' in height and 42.39 square feet in area. Outlot 1 shall not be permitted a monument sign if the tenant(s) advertises on the architectural free-standing sign.
6. The building setback variances which were sought for the outlots have been withdrawn.
7. The overall height of all light poles and fixtures shall not exceed 37.5 feet. All light poles along residential property lines shall be equipped with cut-off shields. The maximum permitted footcandle measurements along the residential property lines shall be in general conformance with the photometric plan that was submitted at the November 29, 2006 Zone Change Committee Meeting.
8. Temporary outside storage trailers shall be prohibited in the development. This condition shall be eliminated if the Boone County Zoning Regulations are changed to allow temporary outside storage trailers in Unincorporated Boone County.
9. The development shall have a sidewalk system which connects Kroger Marketplace and the outlots to KY 20 and KY 237.
10. An attachment lists the uses which are permitted on outlots 1-5.

Mrs. Anne F. McBride
December 5, 2006
Page 4

Sincerely,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\pr

Attachments

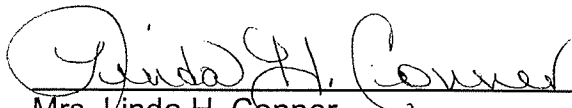
AGREEMENT

We, Michael A. Conner and Linda H. Conner, agree to the listed conditions of approval for the Zoning Map Amendment and Concept Development Plan applications which were submitted on an approximate 24 acre site described on the first page of this letter.



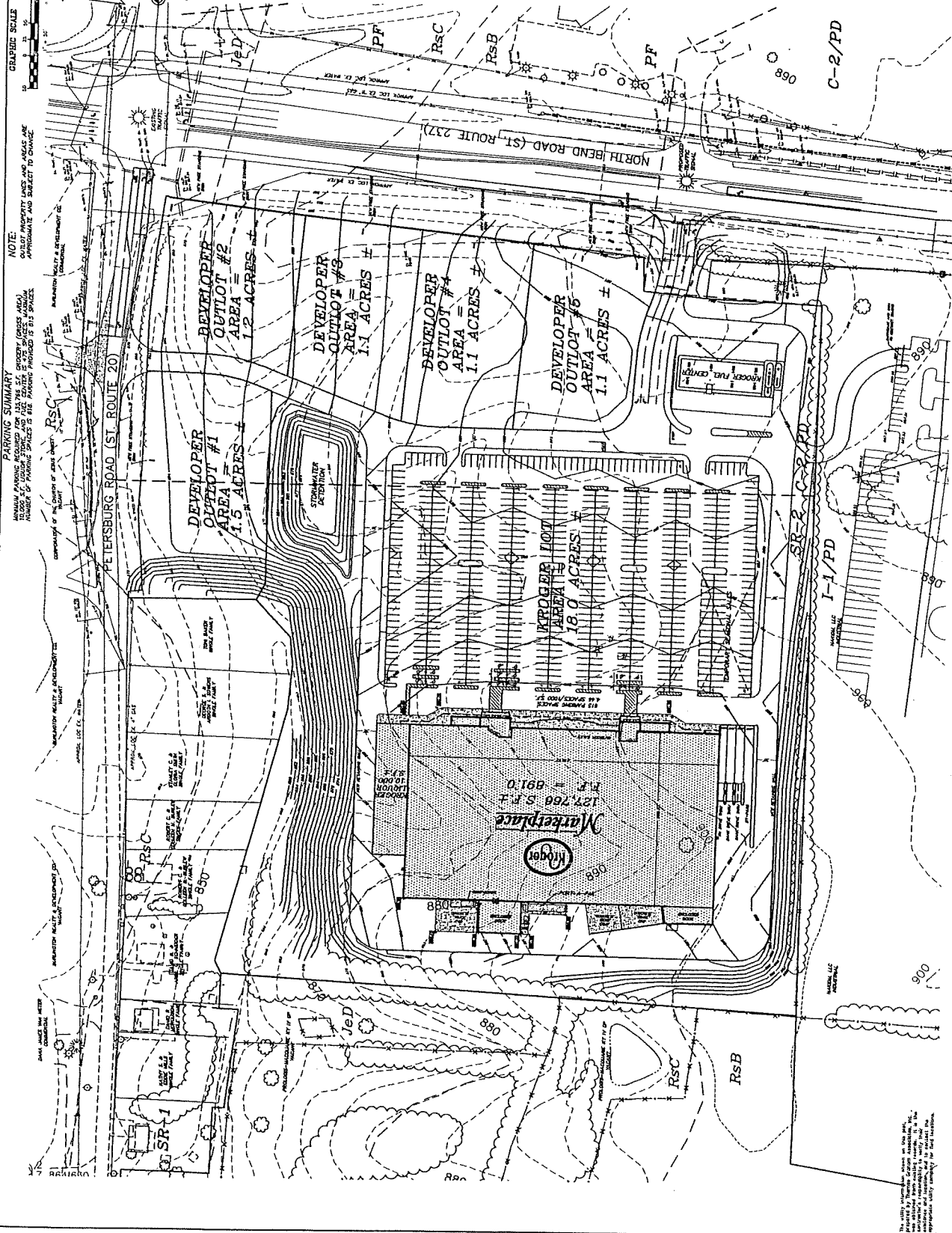
Mr. Michael A. Conner

Dec 6, 2006
Date
MAC



Mrs. Linda H. Conner

Dec 6 '06
Date



NOTE:
 OUTLOT PROPERTY LINES AND AREAS ARE APPROXIMATE AND SUBJECT TO CHANGE.

PARKING SUMMARY:
 MINIMUM PARKING REQUIREMENTS ARE 10 SPACES PER 1,000 S.F. OF GROSS FLOOR AREA. THE NUMBER OF PARKING SPACES IS BASED ON THE ASSUMPTION THAT THE DEVELOPER WILL PROVIDE A MINIMUM OF 10 SPACES PER 1,000 S.F. OF GROSS FLOOR AREA.

MARKETPLACE:
 127,768 S.F.
 1.27768 ACRES

DEVELOPER OUTLOT #1:
 AREA = 1.5 ACRES ±

DEVELOPER OUTLOT #2:
 AREA = 1.2 ACRES ±

DEVELOPER OUTLOT #3:
 AREA = 1.1 ACRES ±

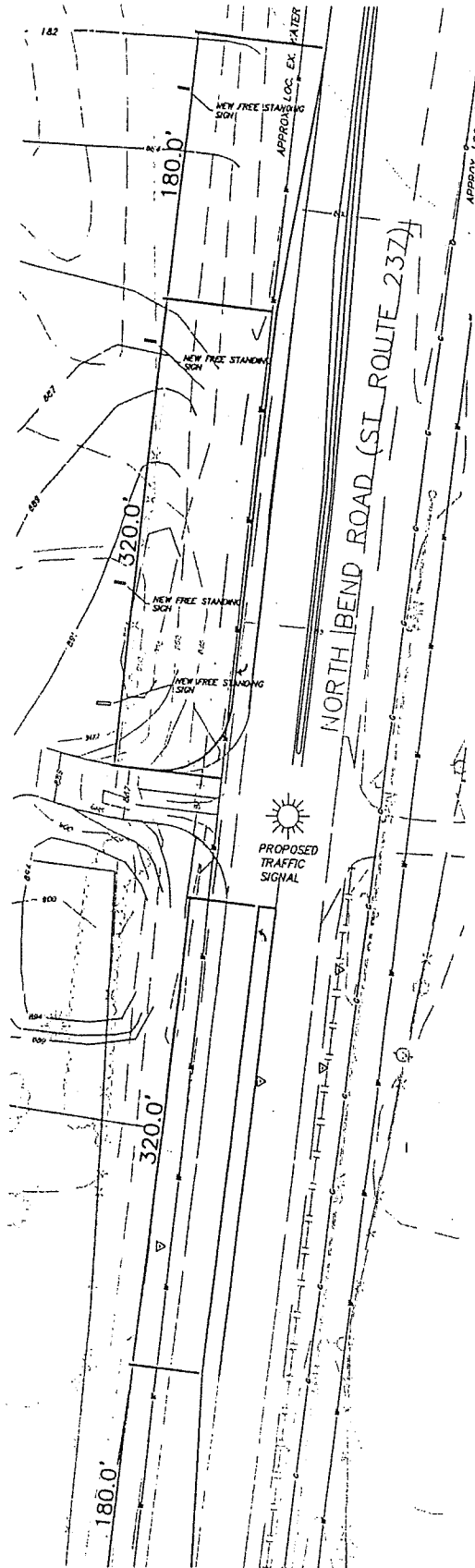
DEVELOPER OUTLOT #4:
 AREA = 1.1 ACRES ±

DEVELOPER OUTLOT #5:
 AREA = 1.1 ACRES ±

KROGER LOT:
 AREA = 18.0 ACRES ±

DATE PRINTED: NOV 01 2006

THE CITY OF HENRICH, KENTUCKY, HAS REVIEWED AND APPROVED THIS PLAT FOR RECORDATION. THE CITY ENGINEER'S OFFICE HAS REVIEWED AND APPROVED THIS PLAT FOR RECORDATION. THE CITY ENGINEER'S OFFICE HAS REVIEWED AND APPROVED THIS PLAT FOR RECORDATION.



CORPORATION OF THE CHURCH
OF JESUS CHRIST
VACANT

BURLINGTON REALTY & DEVELOPMENT CO.
COMMERCIAL

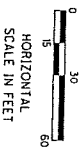
DEVELOPER
OUTLOT #1

DEVELOPER
OUTLOT #2

ATKINSON ROAD (ST. ROUTE 20)

FINAL PHASE 3

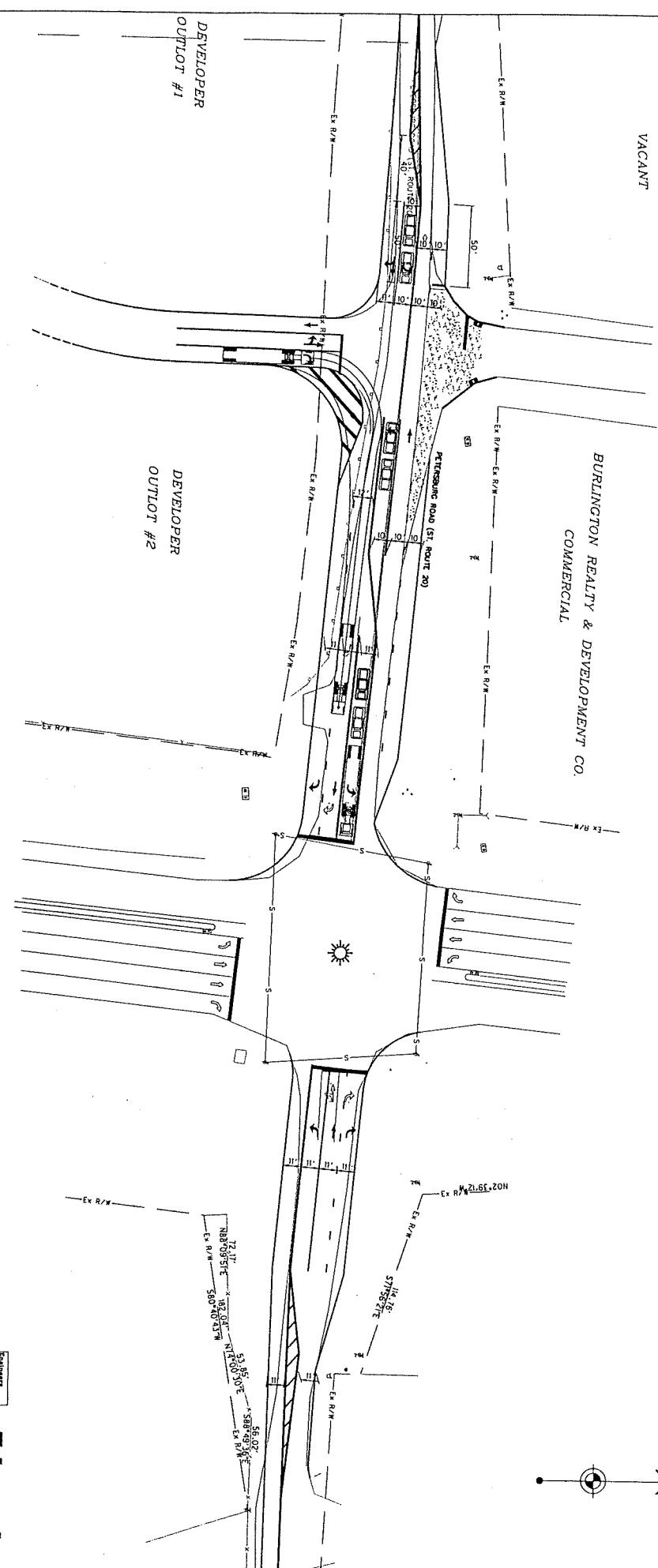
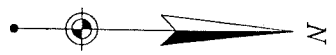
EXISTING
PHASE 3

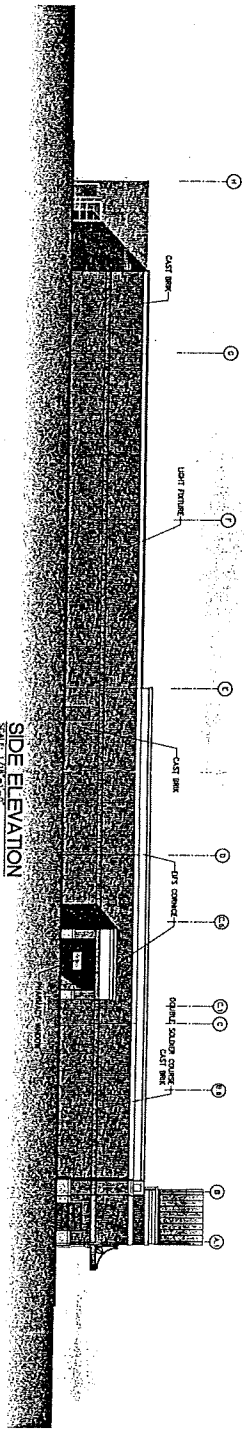
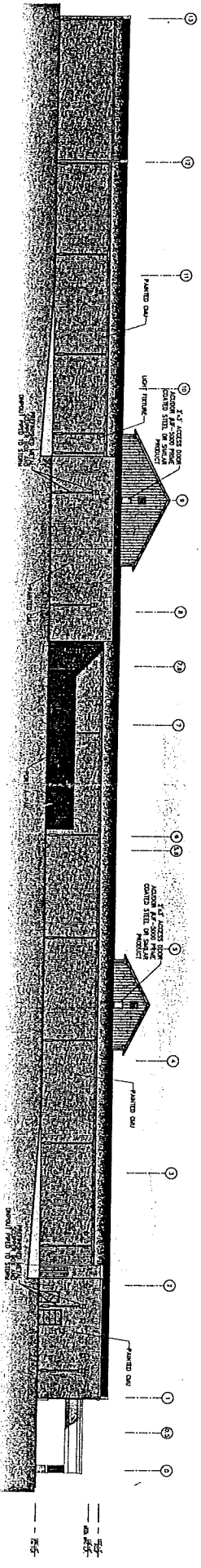
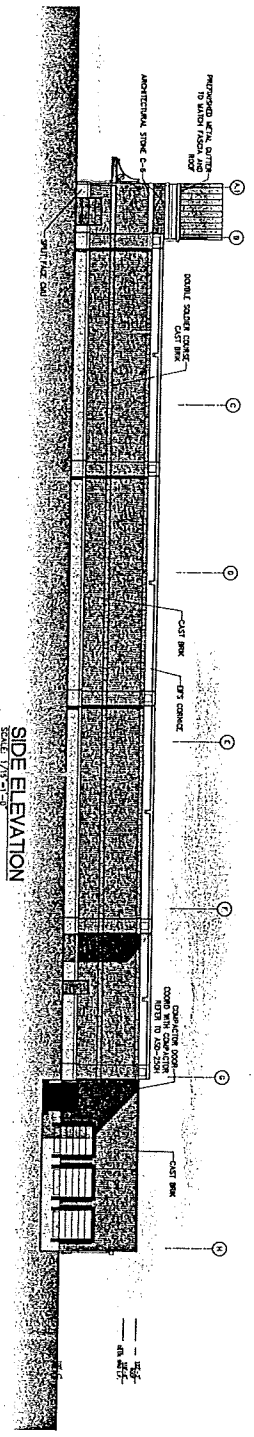
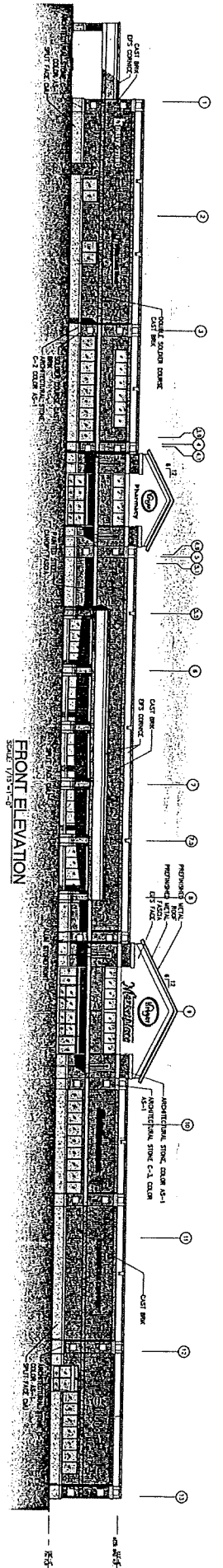


**Edwards
AND Kelcey**

Architects
Interior Design
Mechanical
Electrical
Plumbing
Civil
Structural
Site and Facility Design
Other Services

1000 North Main Street
Burlington, Vermont 05401
Phone: 802.254.1100
Fax: 802.254.1101
www.edwardsandkelcey.com





10.25.06

Kroger A409, Hebron, KY

900506.B9

Cole + Russell Architects



ALL RIGHTS RESERVED

Principally Permitted Uses

1. Business and personal credit services, holding services and title services;
2. Security brokers, dealers and flotations services, investment services, insurance agents, brokers and services, and finance companies;
3. Photographic services;
4. Direct mailing and advertising services, including direct mail;
5. Business and management consulting services and associations;
6. Physician, optical and dental services including medical, optical, dental laboratories and clinics;
7. Legal, engineering, architectural, education and scientific research services;
8. Accounting, auditing and bookkeeping services;
9. Hardware stores;
10. Eating and drinking establishments including alcoholic beverages **(With the condition that no more than 2 outlots shall contain eating and drinking establishments with accessory drive-through facilities)**;
11. Grocery stores and supermarkets;
12. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
13. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
14. Liquor, beverage, drug and proprietary stores;
15. Banking services, savings and loan associations, credit unions and other credit services;
16. Insurance carriers and agents;
17. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
18. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
19. Veterinary services and pet grooming services but not including the boarding of animals;
20. Beauty and barber services and tanning salons;
21. Laundering, dry cleaning and dyeing services including self-service;
22. Alteration and garment repair and custom tailoring;
23. Shoe repair, shoe shining and hat cleaning services;
24. Jewelry stores;
25. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
26. Art, craft and hobby supplies and products, gifts and novelties;
27. Books, stationery, newspapers and magazines;
28. Florists excluding greenhouses;
29. Sporting goods including bicycles;
30. Draperies, curtains, upholstery and floor coverings;
31. Child and adult care centers;
32. Paint, glass and wallpaper stores;
33. Photo finishing services;
34. Video Stores;
35. Department stores, mail order houses, direct retail selling organizations of general merchandise;
36. Furniture, home furnishings, including specialty and floor coverings;
37. Apparel stores
38. Household appliances, china, glassware and metal ware;
39. Radio, t.v., watch, clock and jewelry repair;

40. Photographic, stenographic and other duplicating and mailing services;
41. Travel arranging, transportation ticket and public event or promotional booking agencies;
42. Art and craft galleries and similar exhibit space;
43. Aquariums, botanical gardens and other natural exhibitions;
44. Recreation centers, gymnasiums, clubs and similar athletic uses and recreational facilities;
45. Motorcycle sales or bike shops excluding outside storage;
46. Auto parts and accessories stores
47. Wash services for vehicles

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Accessory uses for an office facility;
2. Signage (See Article 34);
3. Parking (See Article 33);
4. Temporary buildings incidental to construction;
5. Drive-up photo finishing services and automatic teller services;
6. Garment and furniture centers (See Article 31);
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.
8. Garden and landscape sales.

September 5, 2006

Description: SR-2 PORTION (15.3 Ac ±)

Situated in the City of Hebron, Boone County, Kentucky and being more particularly described as follows:

Commencing at the intersection of the westerly right of way of North Bend Road (S.R. 237) and the southerly right of way of Petersburg Road (S.R. 20); thence along the said southerly right of way of Petersburg Road (S.R. 20), North 81° 17' 03" West, 82.32 feet; thence North 84° 25' 30" West, 102.27 feet; thence North 87° 59' 30" West, 217.92 feet; thence North 86° 29' 30" West, 33.32 feet to the point of beginning; thence departing the said southerly right of way of Petersburg Road (S.R. 20), South 00° 45' 45" West, 1027.52 feet; thence North 88° 51' 28" West, 790.16 feet; thence North 03° 36' 18" East, 878.41 feet; thence North 62° 52' 25" East, 21.16 feet; thence South 74° 38' 48" East, 398.04 feet; thence South 84° 15' 00" East, 69.00 feet; thence North 84° 00' 00" East, 42.00 feet; thence North 46° 00' 00" East, 78.00 feet; thence North 00° 11' 04" East, 195.41 feet to the said southerly right of way of Petersburg Road (S.R. 20); thence continuing along the said southerly right of way of Petersburg Road (S.R. 20), South 86° 10' 00" East, 10.12 feet; thence South 04° 26' 14" East, 20.02 feet; thence North 86° 49' 30" East, 124.80 feet; thence South 86° 29' 30" East, 42.45 feet to the point of beginning.

The above tract of land contains 15.3 Acres of land more or less and is subject to all easements and restrictions of record.

This description was prepared from existing records and is not the result of a field survey. This description is to be used for rezoning purposes only.

I hereby certify that this description of the property to be rezoned is a complete, proper, and legal description thereof.

Robert W. Trenkamp, Licensed Professional Land Surveyor #2524 in Kentucky

September 5, 2006

Description: C-2/PD PORTION (8.7 Ac ±)

Situated in the City of Hebron, Boone County, Kentucky and being more particularly described as follows:

Beginning at the intersection of the southerly right of way of Petersburg Road (S.R. 20) and the westerly right of way of North Bend Road (S.R. 237); thence with the said westerly right of way of North Bend Road (S.R. 237), South $06^{\circ} 55' 31''$ West, 287.65 feet; thence South $06^{\circ} 33' 32''$ West, 446.87 feet; thence North $89^{\circ} 48' 51''$ West, 52.30 feet; thence South $06^{\circ} 18' 09''$ West, 97.56 feet; thence departing the said westerly right of way of North Bend Road (S.R. 237), South $03^{\circ} 07' 40''$ West, 175.08 feet; thence North $88^{\circ} 51' 28''$ West, 289.66 feet; thence North $00^{\circ} 45' 45''$ East, 1027.52 feet to the said southerly right of way of Petersburg Road (S.R. 20); thence along the said southerly right of way line of Petersburg Road (S.R. 20), South $86^{\circ} 29' 30''$ East, 33.32 feet; thence South $87^{\circ} 59' 30''$ East, 217.93 feet; thence South $84^{\circ} 25' 30''$ East, 102.27 feet; thence South $81^{\circ} 17' 03''$ East, 82.32 feet to the point of beginning.

The above tract of land contains 8.7 Acres of land more or less and is subject to all easements and restrictions of record.

This description was prepared from existing records and is not the result of a field survey. This description is to be used for rezoning purposes only.

I hereby certify that this description of the property to be rezoned is a complete, proper, and legal description thereof.

Robert W. Trenkamp, Licensed Professional Land Surveyor #2524 in Kentucky

KNOW ALL MEN BY THESE PRESENTS: That

IRENE B. GAINES, a widow
The fair market value of property passing is Three Thousand (\$3,000.00) for and in consideration of One (\$1.00) Dollar and other good and valuable considerations Dollars to her paid by MICHAEL A. CONNER and LINDA H. CONNER, his wife

the receipt whereof is hereby acknowledged, do es hereby bargain, sell and convey to the said MICHAEL A. CONNER and LINDA H. CONNER, his wife, jointly, with remainder in fee simple to the survivor of them, his or her heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky, to-wit:

GR. 2007 + 83

Bounded and described as follows, to-wit:

A parcel of land lying on the southwesterly side of Ky. 20 in Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the southwesterly right-of-way line of Ky. 20 (55 feet left of sta 52+45), said point being the most northwesterly corner of the remaining Irene Gaines property, said point also being the most northeasterly corner of Michael A. and Linda H. Conner (D.B.231,p.225 Boone County Records, Burlington), and running thence:

S 2°07'26"E, along the dividing line between Conner and Gaines, a distance of 607.18 feet, to a point in the westerly right-of-way line of proposed Ky. 237; thence

N 6°42'25"E, along the westerly right-of-way line of proposed Ky. 237, a distance of 326 feet, to a point; thence

N 7°04'24"E, continuing along the proposed right-of-way line of Ky. 237, a distance of 276.02 feet, to a point in the southwesterly right-of-way line of Ky. 20, thence

N 84°31'18"W, along the southwesterly right-of-way line of Ky. 20, a distance of 95 feet, to the place of beginning, and containing 0.65 acres more or less.

The above described parcel being subject to any and all easements and/or right-of-ways of record.

This is the last remaining parcel to be conveyed by Grantor.

Being the same property conveyed to the Grantor by C. D. Gaines and Irene B. Gaines by deed dated 7th day of June 19 66 and recorded in deed book 172 page 22, in the

office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said MICHAEL A. CONNER and LINDA H. CONNER, his wife, jointly, with remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, with covenants of general warranty.

In witness whereof the said IRENE B. GAINES

hereunto set 5 her hand this 5th day of July, 1978.

I hereby certify that this instrument was prepared by:

Irene B. Gaines
IRENE B. GAINES

Terry D. Gaines
Terry D. Gaines, Attorney

STATE OF KENTUCKY, SCT.
County of Boone.

I, Wilma C. Scheben a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from IRENE B. GAINES to MICHAEL A. CONNER and LINDA H. CONNER, his wife was this day presented to me in my county by the parties and then and there acknowledged by the said

IRENE B. GAINES

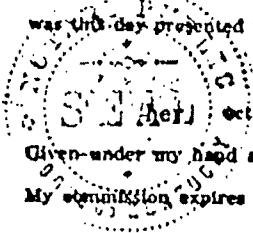
to be

act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 5th day of July, 1978.

My commission expires June 7, 1982.

Wilma C. Scheben
Notary Public.



WARRANTY DEED

IRENE B. GAINES

TO

MICHAEL A. CONNER and
LINDA H. CONNER, his wife

RECEIVED

Acknow 1978 JUL - 5 PM 12:55

BOONE COUNTY CLERK

Left for Record

at M

BY _____ Clerk

BY _____ D. C.

Recorded in Deed Book

No. 247 Page 132

Recording \$6.00 PM Stamps \$3.00

PLEASE RETURN TO:
MICHAEL A. CONNER
NEBRON DEPOSIT BANK
HEBRON, KENTUCKY 41048

STATE OF KENTUCKY, SCT.
County of BOONE

I, JERRY W. ROUSE

Clerk of the County Court in and for the County and

State aforesaid, do certify that the foregoing instrument of writing from Irene Gaines to Michael and Linda Conner

was this 5th day of July, 1978 produced to me, certified as above and lodged for record at 12:55 o'clock P. M.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 5th day of July

1978

JERRY W. ROUSE

Clerk

By Brenda Cape D. C.

Property Transfer Tax Paid \$ 98.00
Jerry W. Posen, Clerk

KNOW ALL MEN BY THESE PRESENTS: That

Georgia Agnes Hafer, a single woman, being the sole owner of this property by right of survivorship as shown in the below source of title deed FOR AND IN CONSIDERATION OF: ONE DOLLAR (\$1.00) and other good and valuable considerations to her paid by Michael A. Conner and Linda L. Conner, his wife. A vendor's lien is hereby retained on the below described property by the said Georgia Agnes Hafer of Hebron, Kentucky, the grantor herein in the amount of \$94,000.00 (NINETY-FOUR THOUSAND DOLLARS), such vendor's lien is evidenced by Michael A. Conner and Linda L. Conner's promissory note of even date and to secure the payment of said note and all interest thereon according to those terms. Said lien is hereby retained by Georgia Agnes Hafer on the property herein conveyed. (The said Mary Katherine Cook now being deceased leaving the said Georgia Agnes Hafer the sole owner of the property by right of survivorship).

the receipt whereof is hereby acknowledged, do GS hereby bargain, sell and convey to the said Michael A. Conner and Linda L. Conner, his wife, jointly with remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:
Grantor Mailing Address 1 Laurel Park, Hebron, Kentucky 41048 Group No. 2007 and 83
Present Street Address Kentucky #20, Hebron, Kentucky 41048 Plat No. 1, 60

part of Lots 76, 77, 78, 79
Hebron Heights Sub

Located generally in Group Numbers 2007 and 83 of the Boone County Clerk's Records on the South side of Kentucky State Highway #20 revised and re-located directly West of Hebron and described thus: BEGINNING at the Southwest corner of Lot #54 of the Hebron Heights Subdivision (Plat Book 1, page 60) said point also being the Northwest corner of the original Georgia Hafer tract of 23.46 acres (Deed Book 88, page 511); thence with lines of said subdivision S 76-36-30 E 397.27 feet to a post, S 86-15 E 69.0 feet to a wild Cherry tree, N 82-0E 42.0 feet to a stake, N 44-0E 78.0 feet to a stake the South common corner of lots numbers 75 and 76 of said subdivision thence with the common line of said lots N 1-35 W 195.44 feet to the South line of Ky. Highway #20; thence running with the South right-of-way line of said highway as revised and relocated in 1973, S 88-10 E 10.12 feet, S 4-10 E 20.0 feet N 85-49-30 E 124.80 feet, S 88-29-30 E 75.77 feet, S 89-59-30 E 217.93 feet, S 86-25-30 E 102.27 feet to a stake in the common line of the properties of Irene Gaines and Georgia Hafer said point being at or near approximate Highway Station 52 plus 45; thence running with said common line of Gaines and Hafer S 4-54-20 E 649.81 feet to a corner of the Hafer 23.46 acres tract in a line of the Hafer parcel of 2.2 acres (Deed Book 140, page 185); thence running with the North line of said parcel N 86-15-10 W 222.49 feet to the controlled access line on Kentucky Route 237 revised; thence running with said line S 22-2 E 102.42 feet to the South line of said 2.2 acres parcel; thence with said line S 89-23-35 W 329.55 feet to a stake a corner of said parcel with the 23.46 acres parcel; thence running with lines of said latter parcel S 2-47 W 273.48 feet to a post, S 89-19-20 W 1080.0 feet to a post, N 1-56-20 W 879.88 feet to the place of beginning CONTAINING 23.777 acres and subject to legal easements of record and in existence.

Being a part of the same property conveyed to the grantor by Louis Cecil Hafer by deed dated the 29th day of September, 1947 and recorded in Deed Book 88, page 511 and being a part of the same property conveyed to the grantor by herself and Mary Katherine Cook and her husband by deed dated the 27th day of November, 1959 and recorded in Deed Book 140, page 185, Boone County Court Clerk's Office, Burlington, Kentucky. (The said Mary Katherine Cook now being deceased leaving the said Georgia Agnes Hafer the sole owner of the property by right of survivorship).

by deed dated _____ day of _____ 19____ recorded in Deed Book _____ page _____ in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Michael A. Conner and Linda L. Conner, his wife, jointly with remainder in fee simple to the survivor of them, his or her

The lien retained in this deed is released, the debt and all interest having been fully paid this _____ day of _____ 19____
Attest: Georgia Hafer Clerk (By: J. P. C. P.)

(The valuation of the property passing

herein is \$98,000.00)

IN WITNESS whereof the said Georgia Agnes Hafer, a single woman

hereunto sets her hand this 16th day of May, 1977

I HEREBY CERTIFY THAT THIS INSTRUMENT HAS BEEN PREPARED BY:

Larry J. Crigler
LARRY J. CRIGLER, ATTORNEY AT LAW

Georgia Hafer
Georgia Agnes Hafer

STATE OF KENTUCKY

SCT.

County of Boone.

I, NORMAN E. HERBSTREIT, a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from Georgia Agnes Hafer, a single woman

to Michael A. Conner and Linda L. Conner, his wife

was this day presented to me in my county by the parties and then and there acknowledged by the said

Georgia Agnes Hafer, a single woman

to be

act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 16th day of May, 1977.

My Commission Expires 9-18-80



NORMAN E. HERBSTREIT
Notary Public, State of Kentucky at Large
Qualified and Bonded in Boone County, Kentucky
My Commission Expires Sept. 18, 1980

Norman E. Herbstreit
Notary Public.

WARRANTY DEED
GEORGIA AGNES HAFER, a single woman

TO
MICHAEL A. CONNER
AND
LINDA L. CONNER, his wife

Acknowledged _____

RECEIVED
1977 JUN 10 PM 3:46
CLERK OF COUNTY COURT

D. C. Clerk

Recorded in Deed Book
No. 231 Page 225
Recording \$5.65 ad Stamps \$98.00 pd.

STATE OF KENTUCKY.

SCT.

County of BOONE

I, JERRY W. ROUSE, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from GEORGIA AGNES HAFER

to MICHAEL A. CONNER and LINDA L. CONNER

was this 10th day of June, 1977 produced to me, certified as above and lodged for record at 3:46 o'clock P. M.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

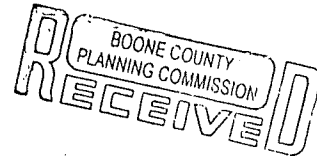
Given under my hand, this 10th day of June

JERRY W. ROUSE
Jerry W. Rouse
By _____ D.C.



ENGINEERS
ARCHITECTS
PLANNERS
CONSTRUCTORS

MEMORANDUM



NOV 28 2006

DATE: November 28, 2006
TO: Boone County Planning Commission
FROM: Edwards and Kelcey
SUBJECT: Kroger Site
Petersburg Road and North Bend Road Traffic Issues

The following items were discussed at the staff meeting on November 21, 2006 in response to the issues identified in the list, dated November 15, 2006.

- A. The proposed access point on KY 20 is in the optimum location. It is in correct alignment with Hebron Park Drive and also avoids a potential sight distance deficiency due to the existing profile on KY 20.
- B. Kroger Truck Deliveries – The proposed Kroger Market Place store would anticipate approximately four semi-truck deliveries per day. These deliveries would contain frozen foods, perishables, general merchandise, and general grocery items. Delivery times are either in the early morning or early evening. On average, twice a week a delivery is anticipated that would contain non-grocery type items, such as Home Décor items. Additionally, the fuel center would on average anticipate three to four fuel deliveries per week.
- C. The safest and most efficient operations of trucks will be to enter on KY 237 and exit on KY 20. A fifty-foot radius has been added to accommodate the exiting tractor-trailer vehicles. It should be noted that individual truckers may choose to exit to KY 237 if it is convenient for them.
- D. The staff will provide this information.
- E. The attached analysis sheets show Level of Service for existing conditions and for opening day with roadway/signification improvements. Note that Level of Service will remain essentially the same even with the additional traffic operations created by the development build-out and the end point of the eastbound queue on KY 20 will be significantly reduced.
- F. See attached drawing for proposed improvements to KY 20 on the east and west sides of KY 237 and the proposed left-turn storage lane for Hebron Park Drive.

JEG/JEP/dib

J:\2007 Projects\070014023\Documents\Memos\112706 Traffic Issues Response.doc

Three Centennial Plaza, Suite 800
895 Central Avenue
Cincinnati, Ohio 45202

Voice 513.272.5533
Fax 513.272.5522
www.ekcorp.com

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 9/5/2006
 Period: PM Peak Hour
 Project ID: Hebron Retail Development
 E/W St: KY 20

Inter.: KY 237 & KY 20
 Area Type: All other areas
 Jurisd: Boone County
 Year : Existing no build
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1	1	0	1	1	1	2	1	1	2	1
LGConfig		LT	R		LT	R	L	T	R	L	T	R
Volume	73	55	52	89	108	75	153	649	118	51	657	108
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left					NB Left	A	P	
Thru	P				Thru		P	
Right	P				Right		P	
Peds					Peds			
WB Left		P			SB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right	P		
Green	25.0					8.0	29.0	
Yellow	4.0					4.0	4.0	
All Red	2.0					2.0	2.0	

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
LT	413	1321	0.34	0.31	23.3	C	19.8	B
R	787	1615	0.07	0.49	11.1	B		
Westbound								
LT	468	1497	0.46	0.31	25.3	C	21.4	C
R	787	1615	0.10	0.49	11.3	B		
Northbound								
L	376	1805	0.44	0.54	11.7	B		
T	1312	3618	0.54	0.36	21.8	C	19.7	B
R	585	1615	0.22	0.36	18.5	B		
Southbound								
L	380	1805	0.14	0.54	10.2	B		
T	1312	3618	0.54	0.36	21.9	C	20.7	C
R	585	1615	0.20	0.36	18.3	B		

Intersection Delay = 20.3 (sec/veh) Intersection LOS = C

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 9/5/2006
 Period: AM Peak Hour
 Project ID: Hebron Retail Development
 E/W St: KY 20

Inter.: KY 237 & KY 20
 Area Type: All other areas
 Jurisd: Boone County
 Year : Existing no build
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1	1	0	1	1	1	2	1	1	2	1
LGConfig		LT	R		LT	R	L	T	R	L	T	R
Volume	136	94	82	55	45	72	98	820	142	78	474	60
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		P			NB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
WB Left		P			SB Left	A	P	
Thru		P			Thru		P	
Right		P			Right		P	
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right	P		
Green	25.0				8.0	29.0		
Yellow	4.0				4.0	4.0		
All Red	2.0				2.0	2.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS

Eastbound

LT	449	1437	0.56	0.31	27.8	C	23.5	C
R	787	1615	0.11	0.49	11.4	B		

Westbound

LT	425	1360	0.26	0.31	22.0	C	17.5	B
R	787	1615	0.10	0.49	11.3	B		

Northbound

L	466	1805	0.23	0.54	9.9	A		
T	1312	3618	0.68	0.36	24.4	C	22.4	C
R	585	1615	0.26	0.36	19.1	B		

Southbound

L	311	1805	0.27	0.54	11.8	B		
T	1312	3618	0.39	0.36	19.8	B	18.6	B
R	585	1615	0.11	0.36	17.3	B		

Intersection Delay = 21.1 (sec/veh) Intersection LOS = C

EXISTING

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum Inter.: KY 237 & KY 20
 Agency: Edwards and Kelcey Area Type: All other areas
 Date: 11/27/2006 Jurisd: Boone County
 Period: AM Peak Hour Year : Build-out project
 Project ID: Hebron Retail Development (W/ Improvements
 E/W St: KY 20 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	1	1	1	1	1	2	1	1	2	1
LGConfig	L	T	R	L	T	R	L	T	R	L	T	R
Volume	159	77	84	44	75	72	113	954	127	78	648	107
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas
 Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		A			NB Left	A		
Thru			A		Thru		A	
Right				A	Right			A
Peds					Peds			
WB Left		A			SB Left	A		
Thru			A		Thru		A	
Right				A	Right			A
Peds					Peds			
NB Right		A			EB Right	A		
SB Right		A			WB Right	A		
Green	8.0	15.0			7.0	28.0		
Yellow	4.0	4.0			4.0	4.0		
All Red	1.0	2.0			1.0	2.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/c	Delay	LOS	Delay	LOS
Eastbound								
L	464	1805	0.37	0.35	19.3	B		
T	356	1900	0.24	0.19	28.0	C	21.0	C
R	565	1615	0.16	0.35	18.0	B		
Westbound								
L	462	1805	0.10	0.35	17.5	B		
T	356	1900	0.23	0.19	27.9	C	21.8	C
R	565	1615	0.14	0.35	17.9	B		
Northbound								
L	337	1805	0.36	0.50	12.8	B		
T	1266	3618	0.82	0.35	28.1	C	24.7	C
R	848	1615	0.16	0.52	10.0-	A		
Southbound								
L	253	1805	0.34	0.50	14.9	B		
T	1266	3618	0.56	0.35	21.5	C	19.4	B
R	848	1615	0.14	0.52	9.8	A		

Intersection Delay = 22.3 (sec/veh) Intersection LOS = C

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum
 Agency: Edwards and Kelcey
 Date: 11/27/2006
 Period: PM Peak Hour
 Project ID: Hebron Retail Development (W/ Improvements)
 E/W St: KY 20

Inter.: KY 237 & KY 20
 Area Type: All other areas
 Jurisd: Boone County
 Year : Build-out project
 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	1	1	1	1	1	2	1	1	2	1
LGConfig	L	T	R	L	T	R	L	T	R	L	T	R
Volume	127	90	79	124	71	46	169	753	131	51	767	172
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	A	A			NB Left	A	A	
Thru		A			Thru		A	
Right		A			Right		A	
Peds					Peds			
WB Left	A	A			SB Left	A	A	
Thru		A			Thru		A	
Right		A			Right		A	
Peds					Peds			
NB Right	A				EB Right	A		
SB Right	A				WB Right	A		
Green	7.0	16.0				7.0	28.0	
Yellow	4.0	4.0				4.0	4.0	
All Red	1.0	2.0				1.0	2.0	

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
L	462	1805	0.30	0.35	18.7	B		
T	380	1900	0.26	0.20	27.4	C	21.0	C
R	585	1615	0.15	0.36	17.3	B		
Westbound								
L	443	1805	0.30	0.35	18.8	B		
T	380	1900	0.20	0.20	26.9	C	20.8	C
R	585	1615	0.09	0.36	16.8	B		
Northbound								
L	289	1805	0.64	0.50	18.2	B		
T	1266	3618	0.65	0.35	23.0	C	20.7	C
R	828	1615	0.17	0.51	10.5	B		
Southbound								
L	295	1805	0.19	0.50	12.4	B		
T	1266	3618	0.66	0.35	23.2	C	20.5	C
R	828	1615	0.23	0.51	10.9	E		

Intersection Delay = 20.7 (sec/veh) Intersection LOS = C

HCS+: Signalized Intersections Release 5.2

Analyst: J Gehrum Inter.: KY 237 & KY 20
 Agency: Edwards and Kelcey Area Type: All other areas
 Date: 11/27/2006 Jurisd: Boone County
 Period: PM Peak Hour Year : Build-out project
 Project ID: Hebron Retail Development (W/ Improvements
 E/W St: KY 20 N/S St: KY 237

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	1	1	1	1	1	2	1	1	2	1
LGConfig	L	T	R	L	T	R	L	T	R	L	T	R
Volume	127	90	79	124	71	46	169	753	131	51	767	172
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left		A			NB Left	A		
Thru					Thru		A	
Right			A		Right			A
Peds					Peds			
WB Left		A			SB Left	A		
Thru					Thru		A	
Right			A		Right			A
Peds					Peds			
NB Right		A			EB Right	A		
SB Right		A			WB Right	A		
Green		7.0	14.5			7.0	24.5	
Yellow		4.0	4.0			4.0	4.0	
All Red		1.0	2.0			1.0	2.0	

Cycle Length: 75.0 secs

Intersection Performance Summary

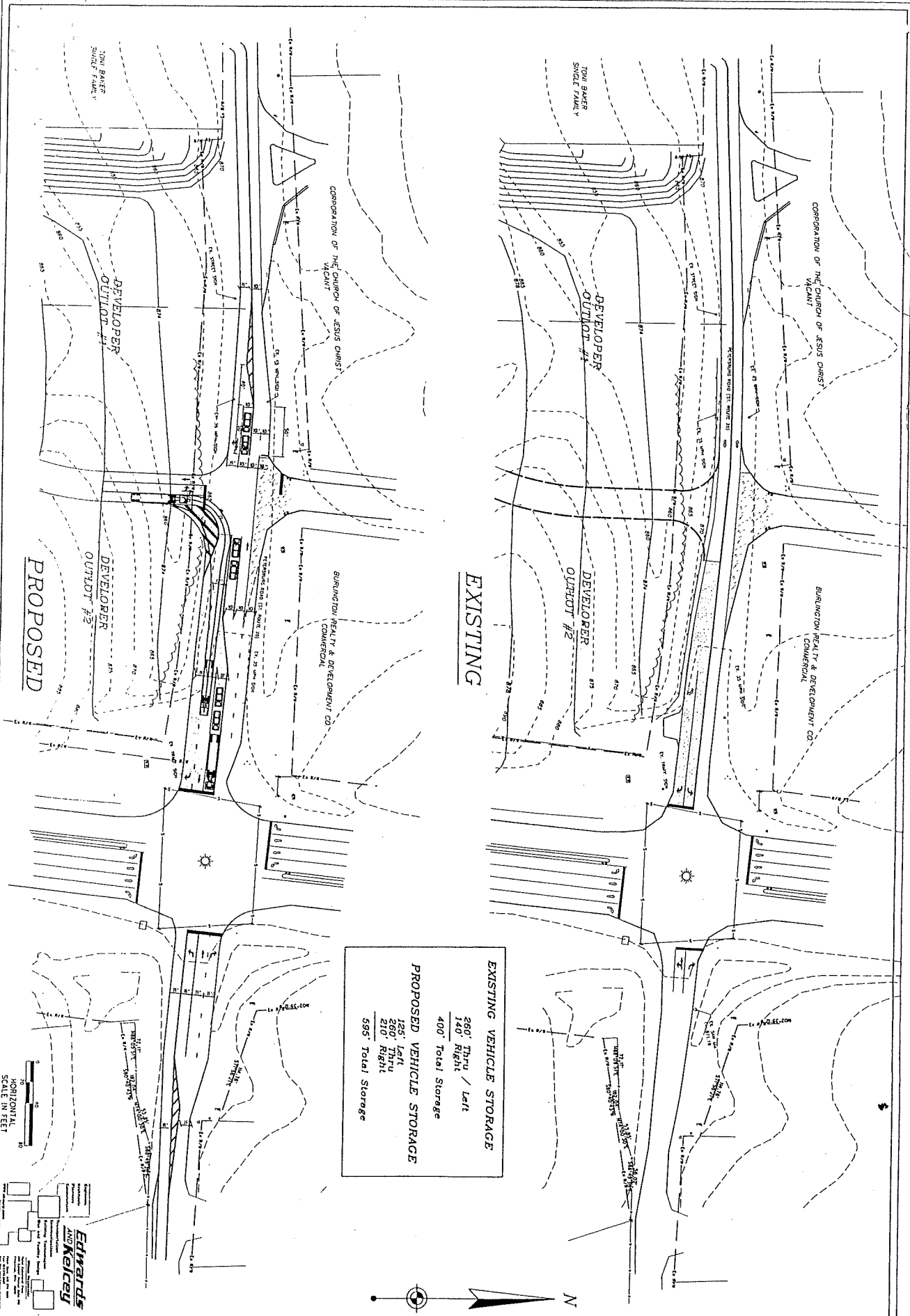
Appr/ Lane	Lane Group	Adj Sat Flow Rate	Ratios		Lane Group		Approach	
Grp	Capacity	(s)	v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
L	469	1805	0.29	0.35	17.4	B		
T	367	1900	0.27	0.19	26.1	C	19.7	B
R	592	1615	0.15	0.37	16.0	B		
Westbound								
L	449	1805	0.30	0.35	17.4	B		
T	367	1900	0.21	0.19	25.7	C	19.5	B
R	592	1615	0.08	0.37	15.6	B		
Northbound								
L	282	1805	0.65	0.49	18.8	B		
T	1182	3618	0.69	0.33	23.7	C	21.3	C
R	808	1615	0.18	0.50	10.4	B		
Southbound								
L	287	1805	0.19	0.49	12.3	B		
T	1182	3618	0.71	0.33	24.0	C	21.1	C
R	808	1615	0.23	0.50	10.7	B		

Intersection Delay = 20.9 (sec/veh) Intersection LOS = C

EXISTING

PROPOSED

EXISTING VEHICLE STORAGE
260' Thru / Left
140' Right
400' Total Storage
PROPOSED VEHICLE STORAGE
125' Left
260' Thru
210' Right
595' Total Storage



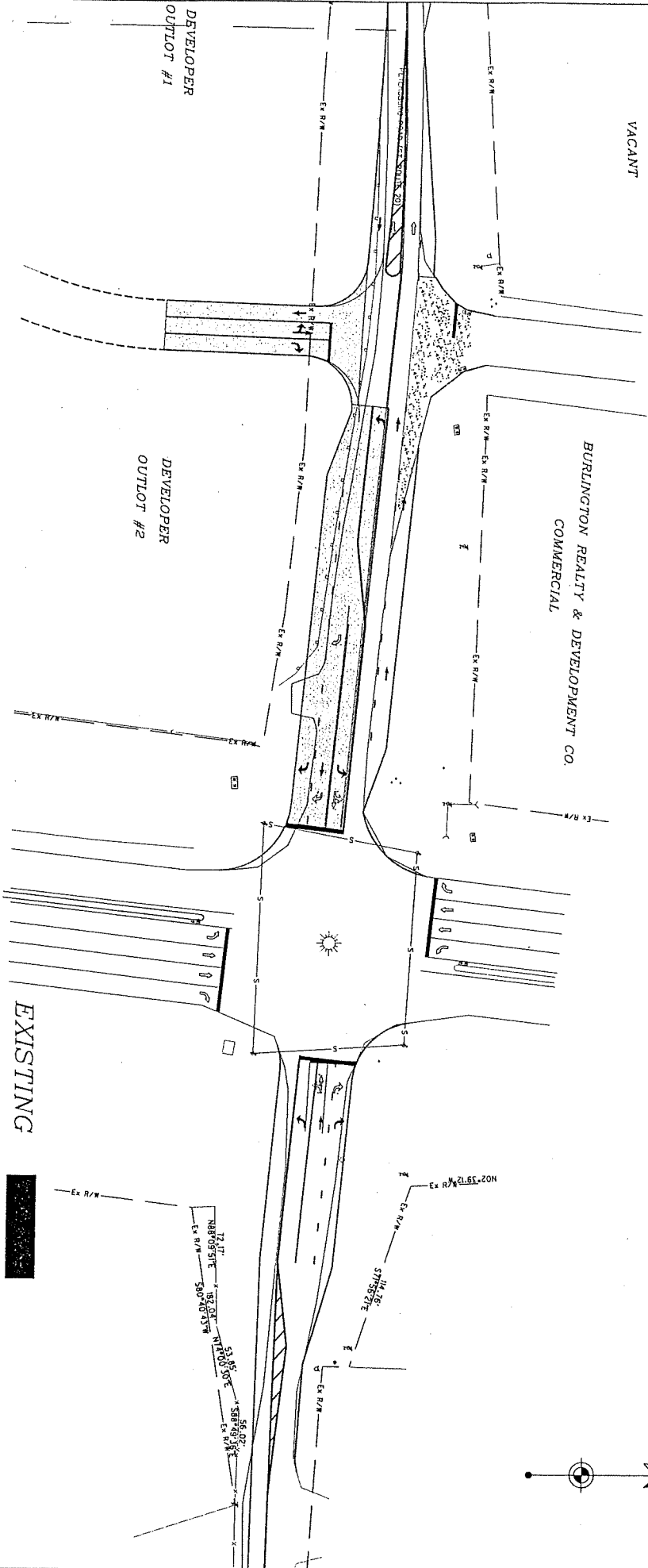
Edwards and Kelcey
 ENGINEERS
 1000 ...
 ...
 ...

CORPORATION OF THE CHURCH
OF JESUS CHRIST
VACANT

BURLINGTON REALTY & DEVELOPMENT CO.
COMMERCIAL

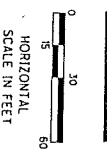
DEVELOPER
OUTLOT #1

DEVELOPER
OUTLOT #2



EXISTING AND PHASE 1 & 2

EXISTING
PHASE 1
PHASE 2



Edward and Kelcey

Professional Engineers
Architects
Planners
Transportation
Site and Facility Design

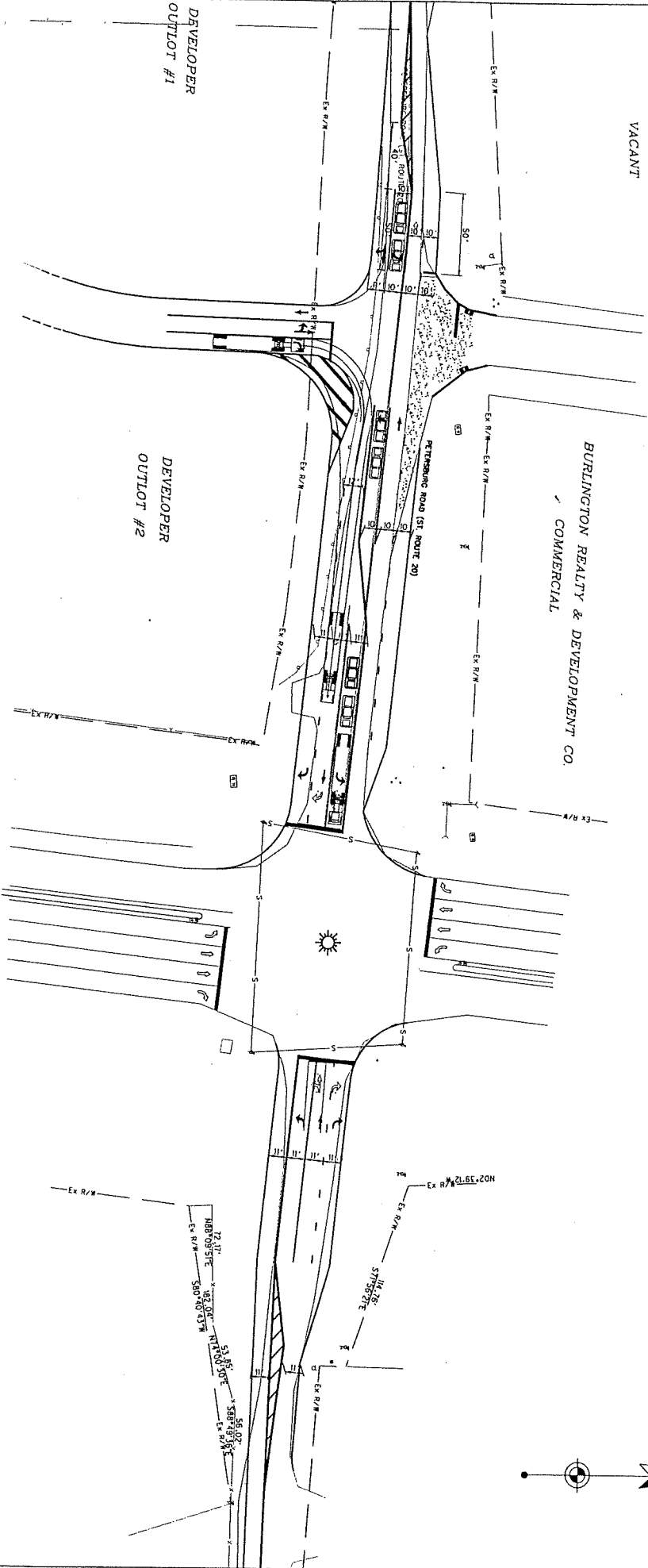
1000 North 11th Street
Portland, Oregon 97232
Phone: 503.255.1100
Fax: 503.255.1101

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BURLINGTON REALTY & DEVELOPMENT CO.
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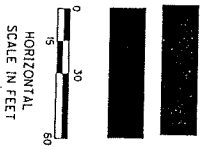
DEVELOPER
OUTLOT #1

DEVELOPER
OUTLOT #2



FINAL PHASE 3

EXISTING
PHASE 3



**Edwards
AND Kelcey**
Civil Engineers
Architects
Construction
Transportation
Building Technology
Site and Facility Design

Office: 1000
Phone: 313
Fax: 313
Email: 313



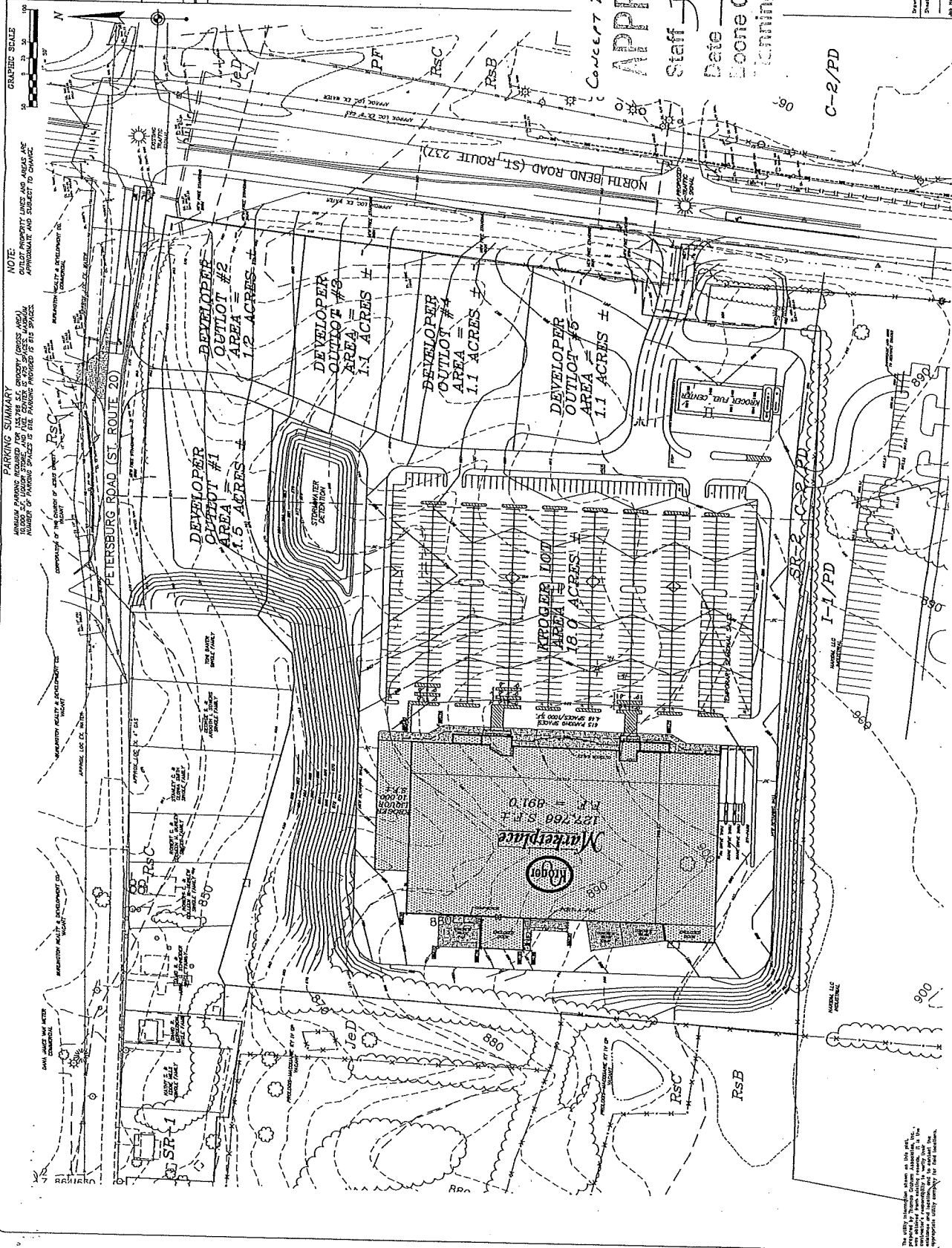
DATE: OCT. 27, 2006
 SCALE: 1" = 50'
 SHEET NO. 7500
 PROJECT NO. 7500-04

PETERSBURG RD. & NORTH BEND RD.
 HENRY, KENTUCKY
 STUDY PLAT #8

CONCEPT DEVELOPMENT PLAN
APPROVED
 WITH
 CONDITIONS

Staff: Lee K. McCoy, etc.
 Date: 12/6/06
 Boone County
 Planning Commission

Drawn by: B.L. BRIDGEMAN
 Sheet: _____
 Job No.: 7500-04



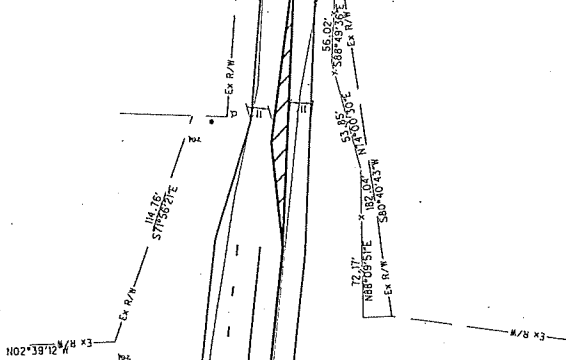
DATE PRINTED NOV 01 2006

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OF JESUS CHRIST
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COMMERCIAL

DEVELOPER
OUTLOT #2

DEVELOPER
OUTLOT #1



EXISTING
PHASE 3

FINAL PHASE 3

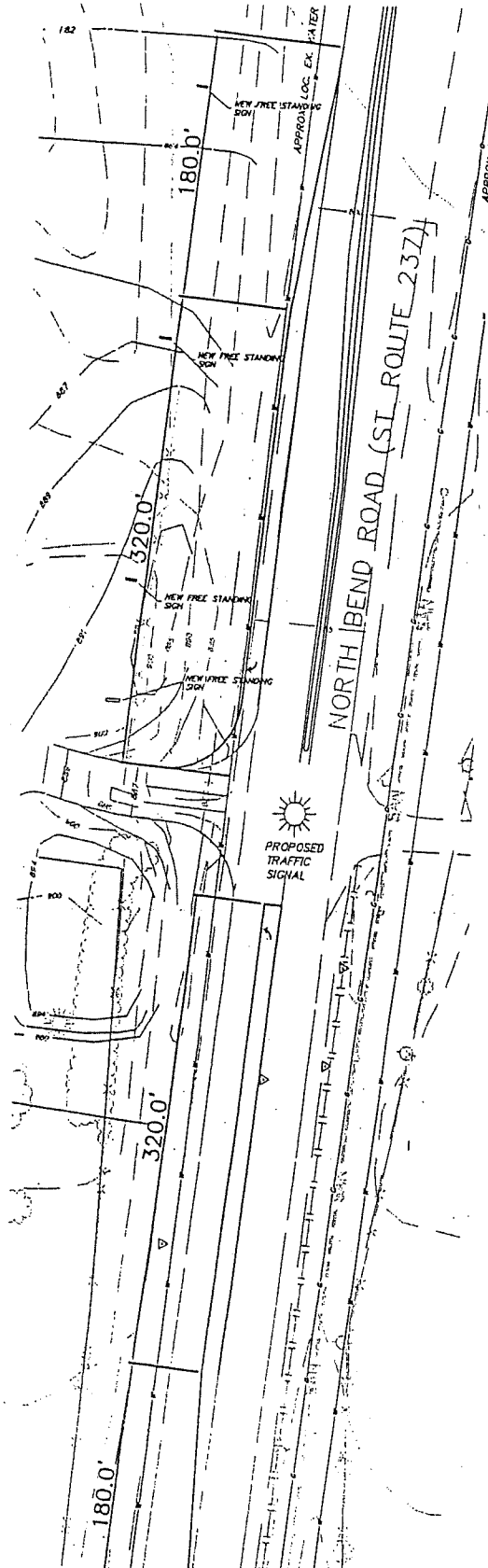
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Nashville, TN 37203
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www.edwardsandkelcey.com





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 Portland, Oregon 97201
 (503) 241-1111
 Fax: (503) 241-1111



THE KROGER COMPANY
 1555 SW Parkway
 Portland, Oregon 97201
 (503) 241-1111
 Fax: (503) 241-1111

NO.	REVISION	DATE

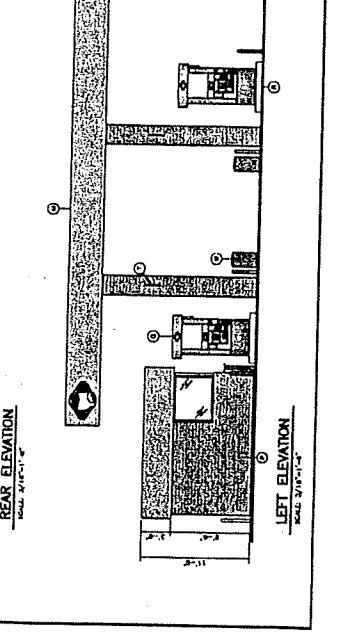
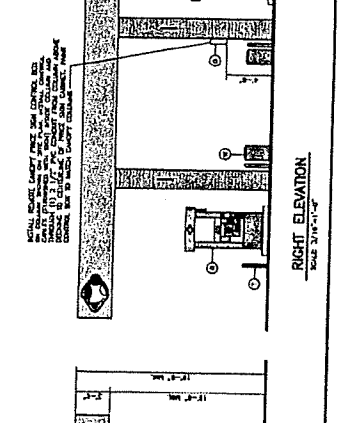
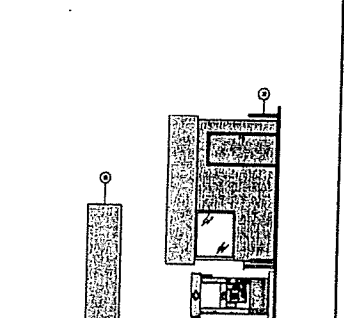
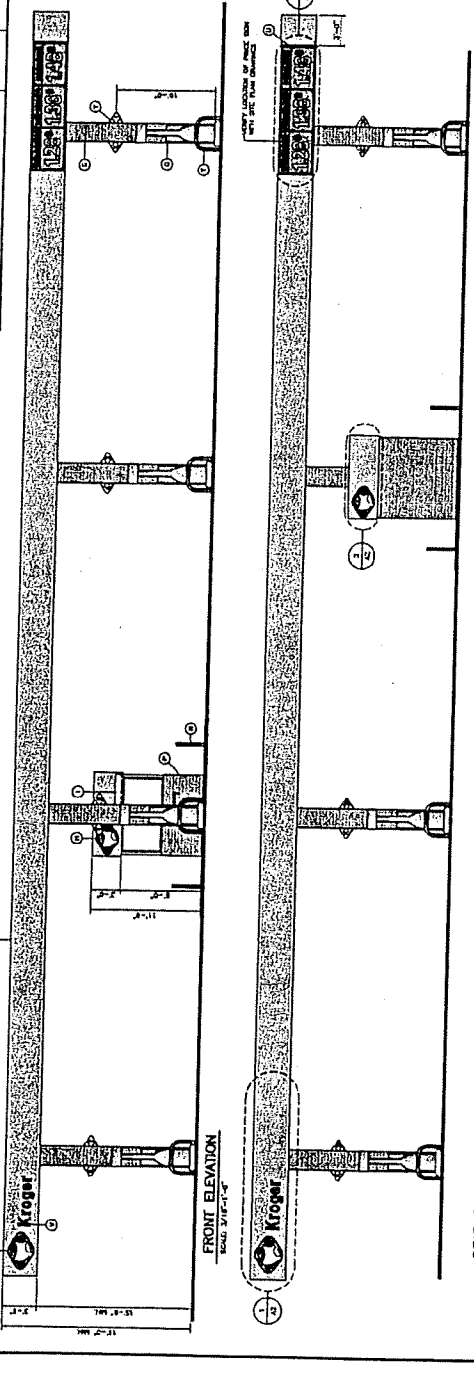
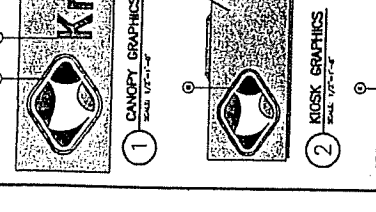
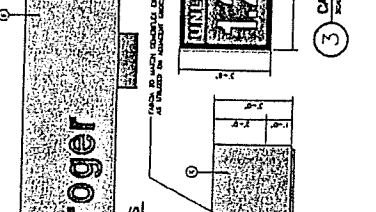
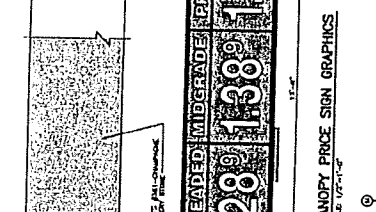
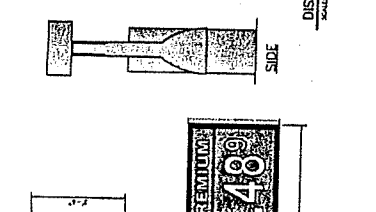
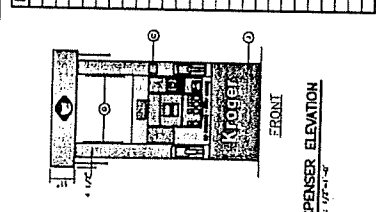
REVISIONS

NO.	REVISION	DATE

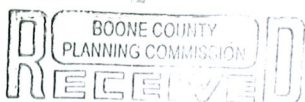
EXTERIOR ELEVATIONS AND SIGNAGE
 Drawing No. A2

EQUIPMENT SCHEDULE

NO.	DESCRIPTION	COLOR	MANUFACTURER	FINISH	NOTED BY
1	1/2" DISPENSER				
2	1/2" KIOSK				
3	1/2" CANOPY PRICE SIGN				
4	1/2" KIOSK GRAPHICS				
5	1/2" CANOPY GRAPHICS				
6	1/2" KIOSK GRAPHICS				
7	1/2" CANOPY GRAPHICS				
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49	1/2" CANOPY GRAPHICS				
50	1/2" KIOSK GRAPHICS				



THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.



ORDINANCE 07-05

MAR 8 2007

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF ANNE MCBRIDE, MCBRIDE DALE CLARION (APPLICANT) FOR MICHAEL A. CONNER AND LINDA H. CONNER (OWNERS) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) FOR APPROXIMATELY 15.3 ACRES OF AN APPROXIMATE 24 ACRE SITE GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE KY 20/KY 237 INTERSECTION, BOONE COUNTY, KENTUCKY; AND APPROVING, WITH CONDITIONS, OF A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR APPROXIMATELY 8.7 ACRES OF AN APPROXIMATE 24 ACRE SITE GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE KY 20/KY 237 INTERSECTION, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site generally located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky; and a request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for approximately 8.7 acres of an approximate 24 acre site generally located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky which is more particularly described below; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment and Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD) for approximately 15.3 acres of an approximate 24 acre site generally located on the southwest corner of the KY 20/KY 237 intersection, Boone County; and approving a Concept Development Plan for approximately 8.7 acres of an approximate 24 acre site generally located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The real estate which is the subject of this request is more particularly described in DEED BOOKS 247 & 231, PAGE NOS. 132 & 225, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

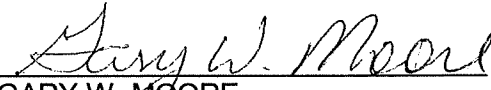
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

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 ^{16th} ~~12th~~ day of ^{January} ~~February~~, 2007.

^{27th} ~~20th~~ Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the ~~20th~~ ^{27th} day of ~~February~~ ^{February} 2007, 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


J.R. SCHRAND
COUNTY ATTORNEY

³⁻⁸⁻⁰⁷
DATE PUBLISHED



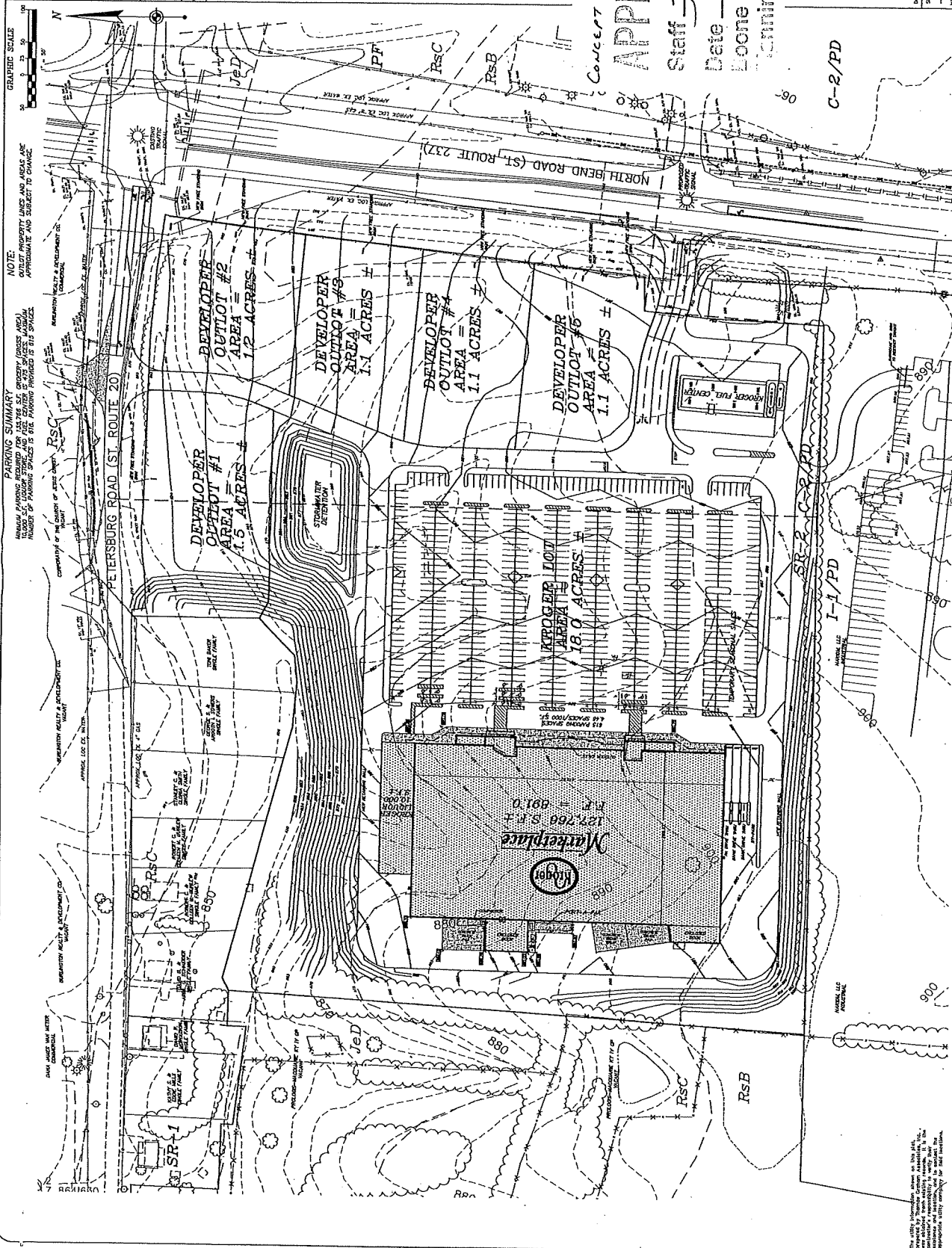
THOMAS GRAHAM ASSOCIATES, INC.
Engineers
Architects
802 Campbell Road
Louisville, KY 40218
Tel: 502-261-1915
Fax: 502-261-7424

Date: OCT. 23, 2006
Scale: 1" = 50'
Job No.: 7550
Revision:
No. _____ Date: _____

PETERSBURG RD. & NORTH BEND RD.
KENTON, KENTUCKY
STUDY PLAT #8

Concept Development Plan
APPROVED
Staff: *Lee L. McCaskey*
Date: 12/6/06
Loone County
Planning Commission

Map Number: 7550, STUDY PLAT #8
Drawn by: B.L. BIRKDALE
Date: _____
Job No.: 7550-06



NOTE:
INDIVIDUAL PARKING SPACES FOR THE 24 S.T. CROGER (GROSS AREA) 128,766 SQ. FT. ARE CENTERED AT 475 SOUTH AVENUE. THE NUMBER OF PARKING SPACES IS 816. PARKING PROVIDED IS 816 SPACES.

PARKING SUMMARY
INDIVIDUAL PARKING SPACES FOR THE 24 S.T. CROGER (GROSS AREA) 128,766 SQ. FT. ARE CENTERED AT 475 SOUTH AVENUE. THE NUMBER OF PARKING SPACES IS 816. PARKING PROVIDED IS 816 SPACES.

MARKETPLACE
128,766 S.F.
KROGER

DEVELOPER OUTLOT #1
AREA = 1.5 ACRES ±

DEVELOPER OUTLOT #2
AREA = 1.2 ACRES ±

DEVELOPER OUTLOT #3
AREA = 1.1 ACRES ±

DEVELOPER OUTLOT #4
AREA = 1.1 ACRES ±

DEVELOPER OUTLOT #5
AREA = 1.1 ACRES ±

DATE PRINTED NOV 01 2006

The utility information shown on this plan, including the location of utility lines, is based on the most current information available. It is the responsibility of the user to verify the accuracy of this information and to obtain any necessary permits for the installation of utility lines.

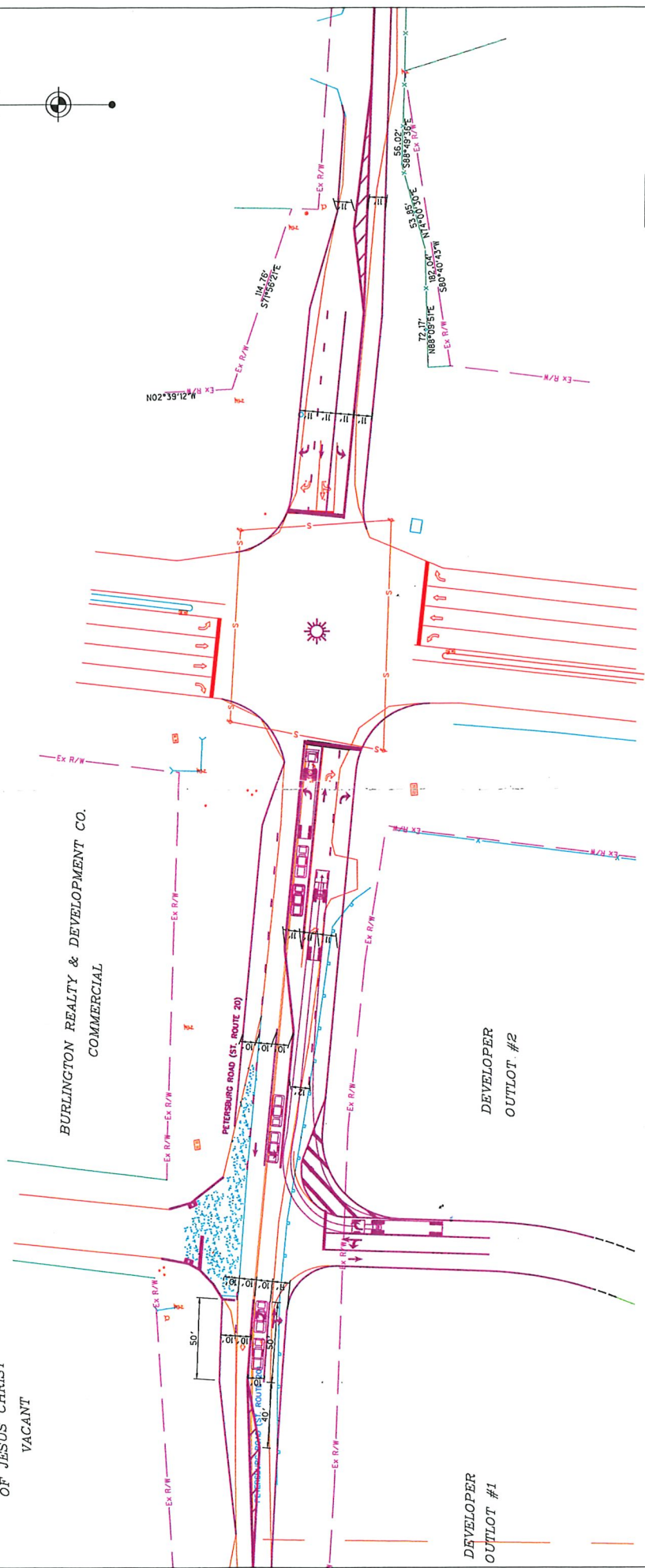


CORPORATION OF THE CHURCH
OF JESUS CHRIST
VACANT

BURLINGTON REALTY & DEVELOPMENT CO.
COMMERCIAL

DEVELOPER
OUTLOT #1

DEVELOPER
OUTLOT #2



M 21.85 CON

14.76° S 74.17° E

55.85° N 62.00° E

55.85° N 62.00° E

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FINAL PHASE 3

