

RECEIVED

APPLICATION FORM

JAN 15 2008

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION

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 5.812 acres under consideration
- 5. Current Zoning C-2 / PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) February 27, 2007
- 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) See attached list
- 9. Proposed Building Intensities (please specify) 15,000 SF to the acre as approved
- 10. Have you submitted a Concept Development Plan? \_\_\_\_\_
- 11. Are you also applying for:
  - No Conditional Use Permit
  - No Dimensional Variance
- 12. Name of Applicant(s) 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) Terra Firma Conner Crossing LLC  
Phone Number 513-703-2990 Fax No. 513-576-0268
- 15. Address of Property Owner(s) 424 Wards Corner Road, Suite 300  
Loveland Ohio 45140  
City State Zip
- 16. Are there any existing buildings on the site? No  
How many? -0-
- 17. Deed Book 943 Page No. 217 Group No. \_\_\_\_\_
- 18. Have you had a pre-application meeting with BCPC Staff? Yes, by phone.

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owner) for a Change in Approved Concept Development Plan for a 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to add automotive repair, computer sales, pet stores, health spas, toy/game stores, and telephone supply/service to the list of permissible uses for five previously approved commercial outlots (Conner Crossing development).

February 20, 2008

### REQUEST

The Applicant has filed a Change in Approved Concept Development Plan application so additional uses can be principally permitted on the Conner Crossing Subdivision Outlots. The additional uses being sought are:

- A. Automobile repair facilities (with the condition that no more than one outlot shall contain an automotive repair facility and that facility shall not perform any body or paint work, automotive upholstery or automotive glass work);
- B. Computers and related merchandise;
- C. Pet store, excluding boarding of animals;
- D. Health spas;
- E. Toy and game stores; and
- F. Telephone supply and service.

### SITE HISTORY

2006/2007 - The Boone County Planning Commission and Boone County Fiscal Court approve Zoning Map Amendment and Concept Development Plan requests. The Zoning Map Amendment changes the zoning of a 15.3 acre tract from Suburban Residential Two (SR-2) to Commercial Two/Planned Development (C-2/PD). The Concept Development plan allows a commercial development with 6 lots on a 24 acre tract. Conditions were imposed which dealt with transportation improvements, architecture, signage, lighting, sidewalks, and permitted uses on the outlots (see attachments). The chart on the following page summarizes the uses which were approved on the 6 lots.

LOT	ACREAGE	APPROVED USES
1	1.5 +/-	<ul style="list-style-type: none"> <li>• C-2 uses (see conditions)</li> <li>• Maximum Intensity 15,000 square feet per acre</li> </ul>
2	1.2 +/-	<ul style="list-style-type: none"> <li>• C-2 uses (see conditions)</li> <li>• Maximum Intensity 15,000 square feet per acre</li> </ul>
3	1.1 +/-	<ul style="list-style-type: none"> <li>• C-2 uses (see conditions)</li> <li>• Maximum Intensity 15,000 square feet per acre</li> </ul>
4	1.1 +/-	<ul style="list-style-type: none"> <li>• C-2 uses (see conditions)</li> <li>• Maximum Intensity 15,000 square feet per acre</li> </ul>
5	1.1 +/-	<ul style="list-style-type: none"> <li>• C-2 uses (see conditions)</li> <li>• Maximum Intensity 15,000 square feet per acre</li> </ul>
6	18 +/-	<ul style="list-style-type: none"> <li>• 137,766 sq. foot building (Kroger Marketplace/Kroger Liquor)</li> <li>• Bank and pharmacy drive through lanes</li> <li>• 43' x 126' gasoline canopy with 7 gasoline islands</li> </ul>

SITE CHARACTERISTICS

The 5 outlots are located at the southwest corner of KY 237/KY 20 intersection. The properties will be accessed by a private driveway system that runs from KY 237 to KY 20. The properties were recently graded and there are large stockpiles on the site. Approved plans show that grades will fall from 886' above sea level at outlet 5 to 874' above sea level at the KY 237/KY 20 intersection. Water and sanitary sewer mains are being provided in the development.

ADJACENT LAND USES AND ZONING

- North: KY 20, Hebron Corner Mart and Church of Jesus Christ of Latter Day Saints (C-2)
- South: Future Kroger Fuel Center (C-2/PD)
- East: KY 237, Hebron Fire Station (PF), and McDonald's (C-2)
- West: Future Kroger Marketplace/Kroger Liquor Store (C-2/PD) and a Single-Family Dwelling (SR-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the outlots for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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 Guideline that relates to the proposal.

- A. 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. 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).
- E. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- F. 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).
- G. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- H. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).
- I. 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).
- J. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- K. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops.

#### Planned Development Standards

The outlots are zoned Commercial Two/Planned Development (C-2/PD). As a result, the proposal 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. Except for the automotive repair facility, all uses being proposed would be principally permitted on the five outlots per the 2006 conditions of approval (see attachments). This is based on the applicant's description that the "telephone supply and service" use is a retail use (mobile phone store, etc.) and not a service use (warehouse, contractors, service vans, etc.).
2. Article 40, Section 4000 of the Boone County Zoning Regulations defines an automotive repair facility as a business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing.
3. The 2006 Concept Development Plan approval contained the following architectural/design conditions which relate to the current proposal:
  - A. 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).
  - B. The front facade of the buildings on outlots 2-5 shall be oriented toward KY 237. The front facade of the building on outlot 1 shall be oriented towards KY 20 or KY 237.
  - C. 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.
  - D. 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.

Staff has asked the applicant to provide a Concept Development Plan and elevation drawings which show how the automotive repair use will comply with the conditions and architectural Planned Development Standard (see attachment). Staff is concerned that the garage bays will be architecturally inconsistent with the rest of the development and that they could have a negative aesthetic impact on KY 20 and/or KY 237.

4. The 2006/2007 conditions indicate that each outlot is permitted a monument sign. Each monument sign limited to 8' in height and 42.39 square feet in area.

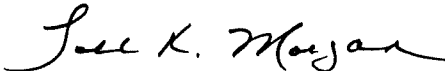
5. Staff recommends the following conditions if the request is approved:
- A. Outside storage and display of tires and other auto parts shall be prohibited.
  - B. Any roof equipment on the outlot buildings shall not be visible from KY 20 or KY 237.

Staff recommends this change because the conditions currently require roof equipment to be screened from adjoining right-of-ways or residential properties.

### CONCLUSION

The request needs 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 does not need to be amended if the request is approved.

Respectfully Submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

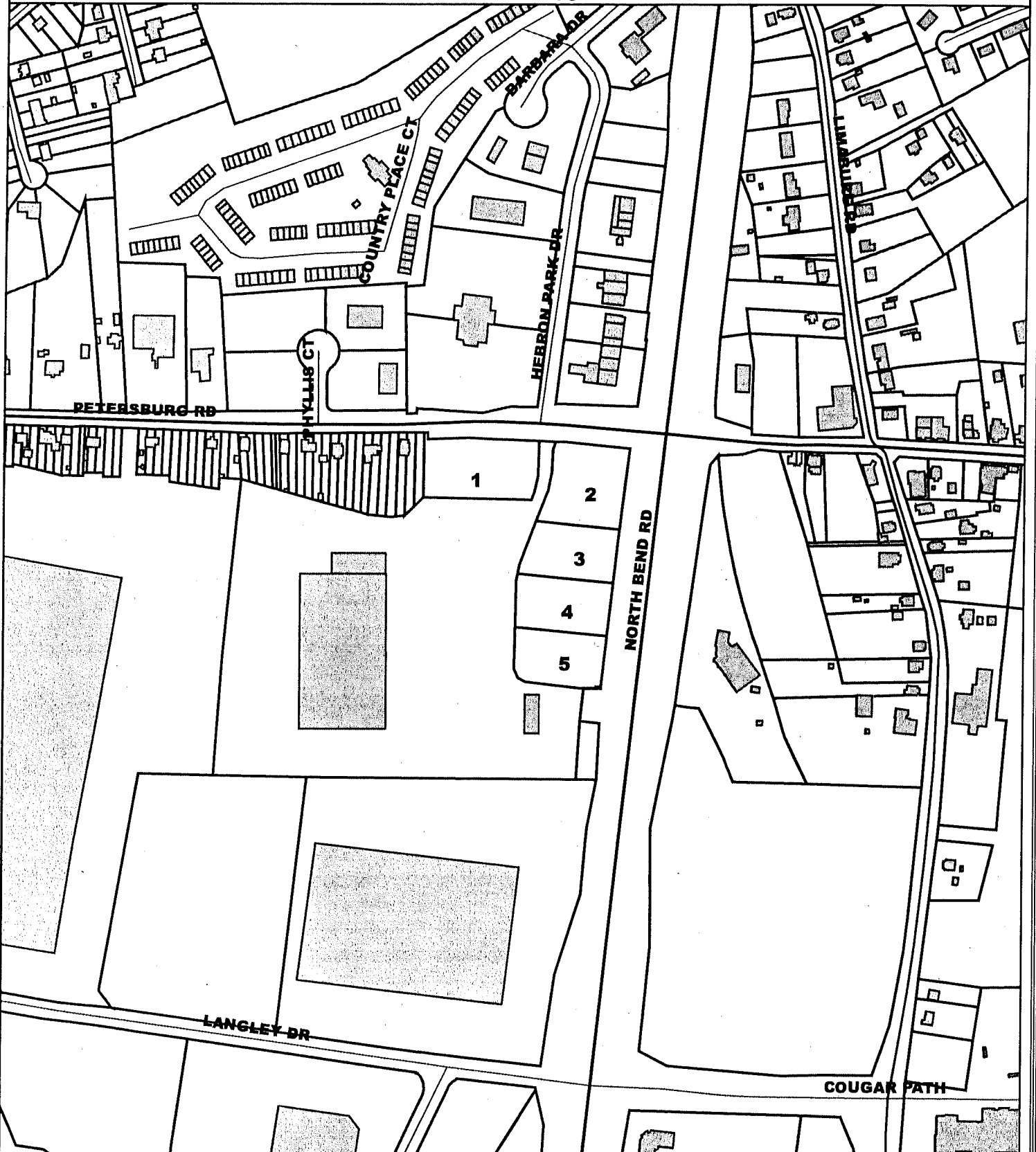
TKM/pr

#### Attachments:

- \*Site Vicinity Map
- \*List of Proposed Outlot Uses
- \*2006 Conditions of Approval
- \*Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Planned Development Standards
- \*Application

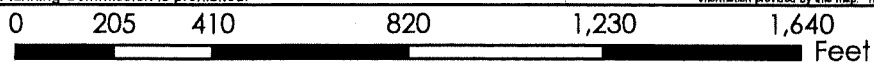
# SITE VICINITY MAP

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**



## Conner Crossing

### Out Lots 1-5

#### 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. 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 saloons;
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;

- Proposed Uses*
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;
  - 48. Automotive repair facilities (with the Condition that no more than one outlot shall contain an automotive repair facility and that facility shall not perform any body or paint work, automotive upholstery or automotive glass work);**
  - 49. Computers and related merchandise;**
  - 50. Pet stores, excluding boarding of animals;**
  - 51. Health spas;**
  - 52. Toy and game stores; and**
  - 53. Telephone supply and service.**

**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; and
8. Garden and landscape sales.



# **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
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P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto: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

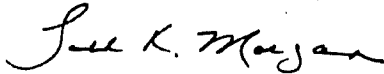
1. The applicant agrees to the following transportation improvements:
  - A. The developer shall pay for road improvements KY 237 on KY 20. The road improvements on KY 237 shall comply with the traffic study exhibit that was submitted at the Public Hearing (see attachments). The road improvements on 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

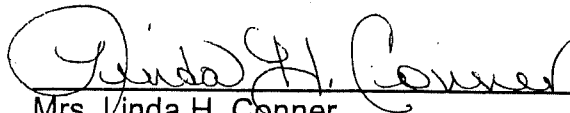
Attachments

AGREEMENT

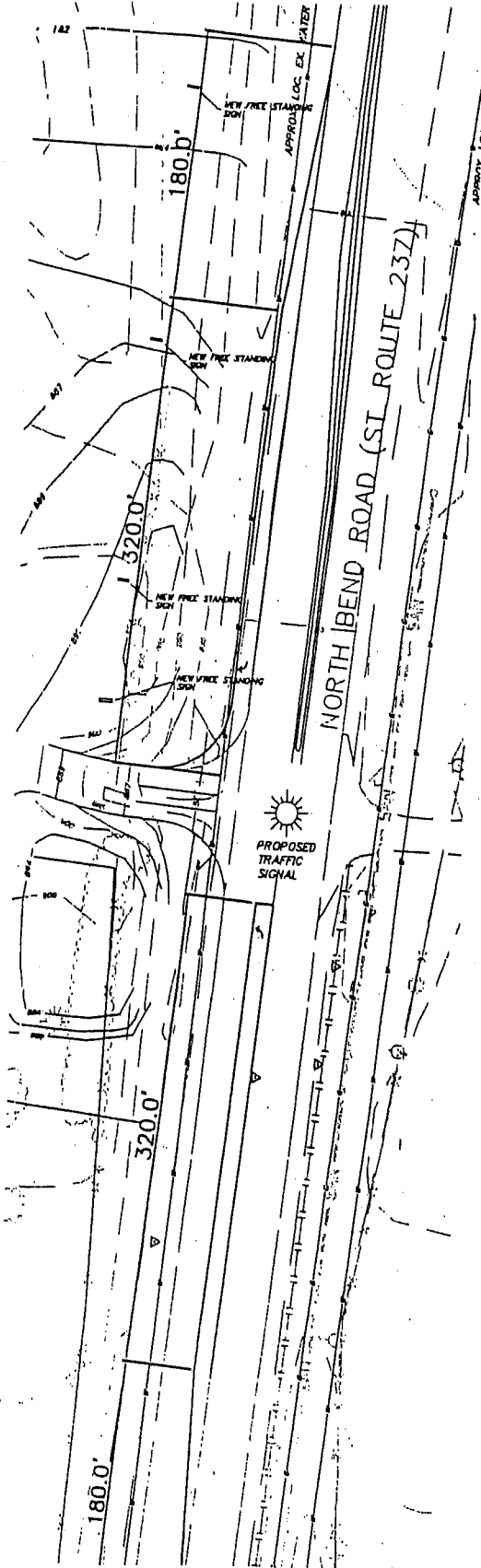
We, Michael A. Conner and Linda H. Conner, agree to the listed conditions of approval for the Zoning Map Amendment and Concept Development Plan applications which were submitted on an approximate 24 acre site described on the first page of this letter.

  
Mr. Michael A. Conner

Dec 6 2006  
Date  
Mac

  
Mrs. Linda H. Conner

Dec 6 '06  
Date





CORPORATION OF THE CHURCH  
OF JESUS CHRIST  
VACANT

BURLINGTON REALTY & DEVELOPMENT CO.  
COMMERCIAL

PETTINGWICK ROAD (ST. ROUTE 20)

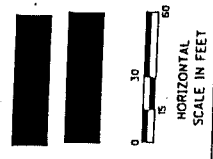
DEVELOPER  
OUTLOT #1

DEVELOPER  
OUTLOT #2

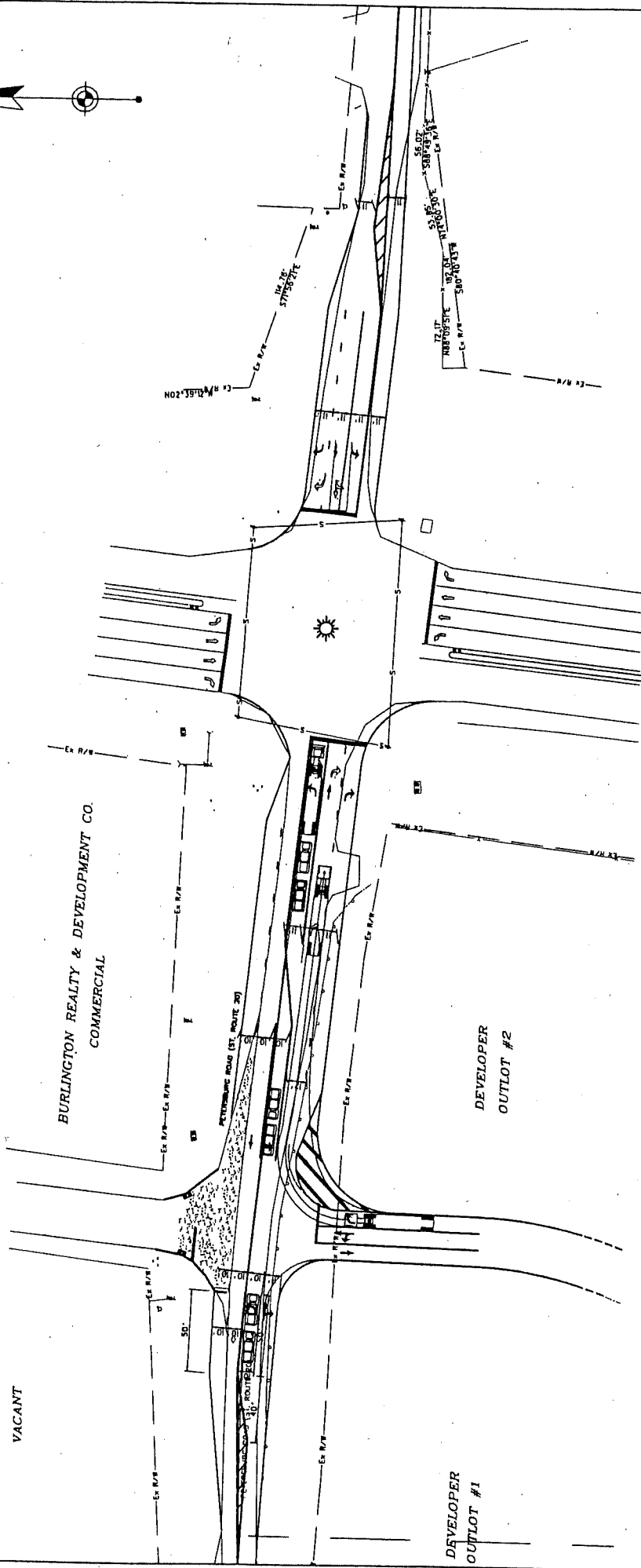
**Edwards  
AND Kelcey**

Professional Engineers  
Professional Land Surveyors  
Professional Planners  
Professional Architects  
Professional Engineers  
Professional Geologists  
Professional Geographers  
Professional Hydrologists  
Professional Meteorologists  
Professional Oceanographers  
Professional Seismologists  
Professional Soil Scientists  
Professional Toxicologists  
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Professional Wildlife Scientists

1000 North Main Street  
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Burlington, Vermont 05401  
Tel: 802/249-1000  
Fax: 802/249-1001  
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FINAL PHASE 3



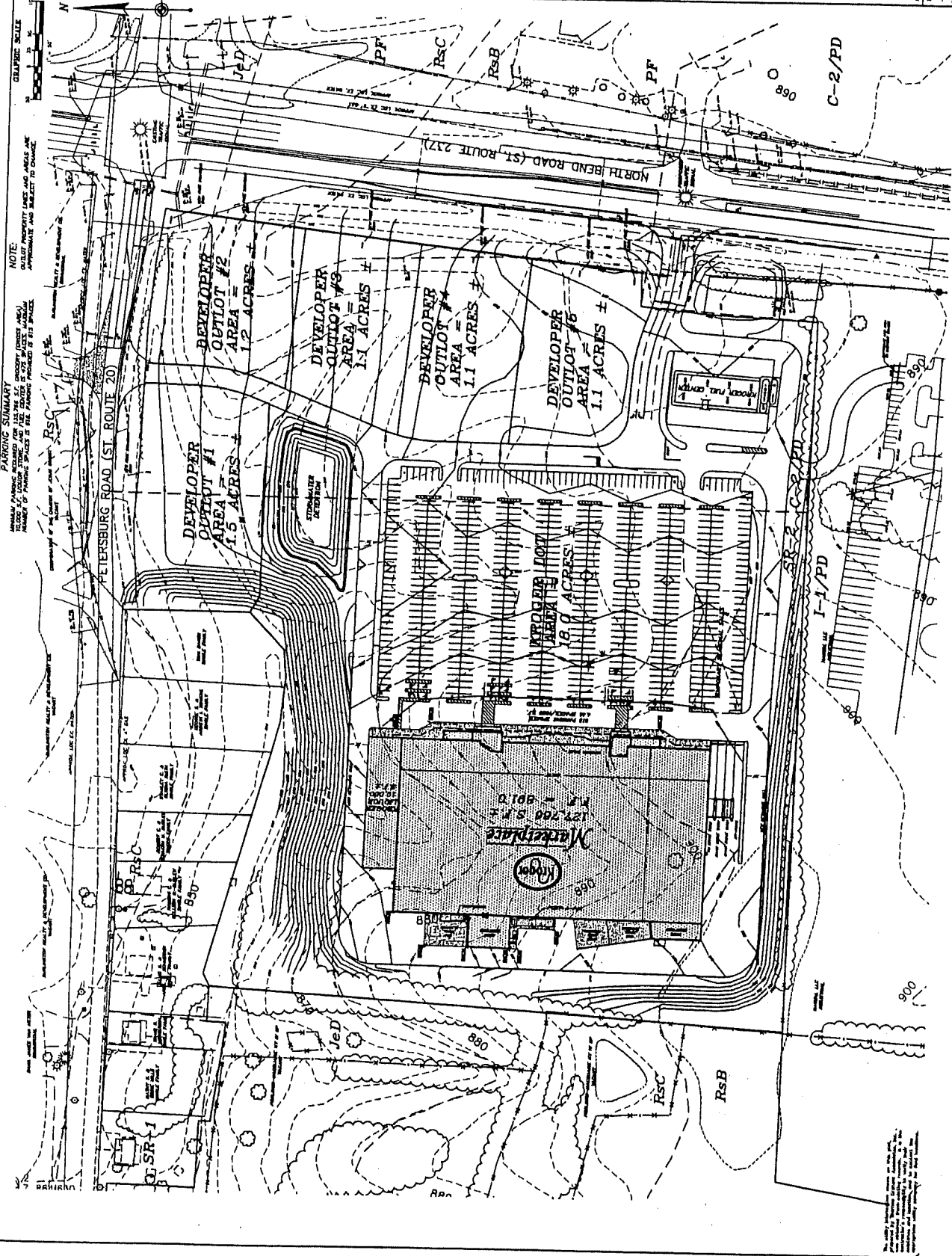


**TGA**  
 THE GREENING ASSOCIATES, INC.  
 400 Corporate Blvd  
 214-340-1100  
 Fax / 214-340-1148

Project: **ST. JAMES**  
 Date: **11-20-06**  
 Scale: **AS SHOWN**

**STUDY PLAT #8**  
 INTERSECTION OF NORTH BEND RD.  
 NEWTON, MASSACHUSETTS

Drawn by: **A.L. JENNINGS**  
 Date: **11-20-06**  
 Scale: **AS SHOWN**



**PARKING SUMMARY**  
 NUMBER OF SPACES: 100  
 NUMBER OF SPACES TO BE PROVIDED: 100  
 NUMBER OF SPACES TO BE PROVIDED BY THE DEVELOPER: 100

**NOTE:**  
 DEVELOPER SHALL PROVIDE ALL NECESSARY UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY UTILITIES.

DATE PRINTED NOV 01 2006





## 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 repairs;

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

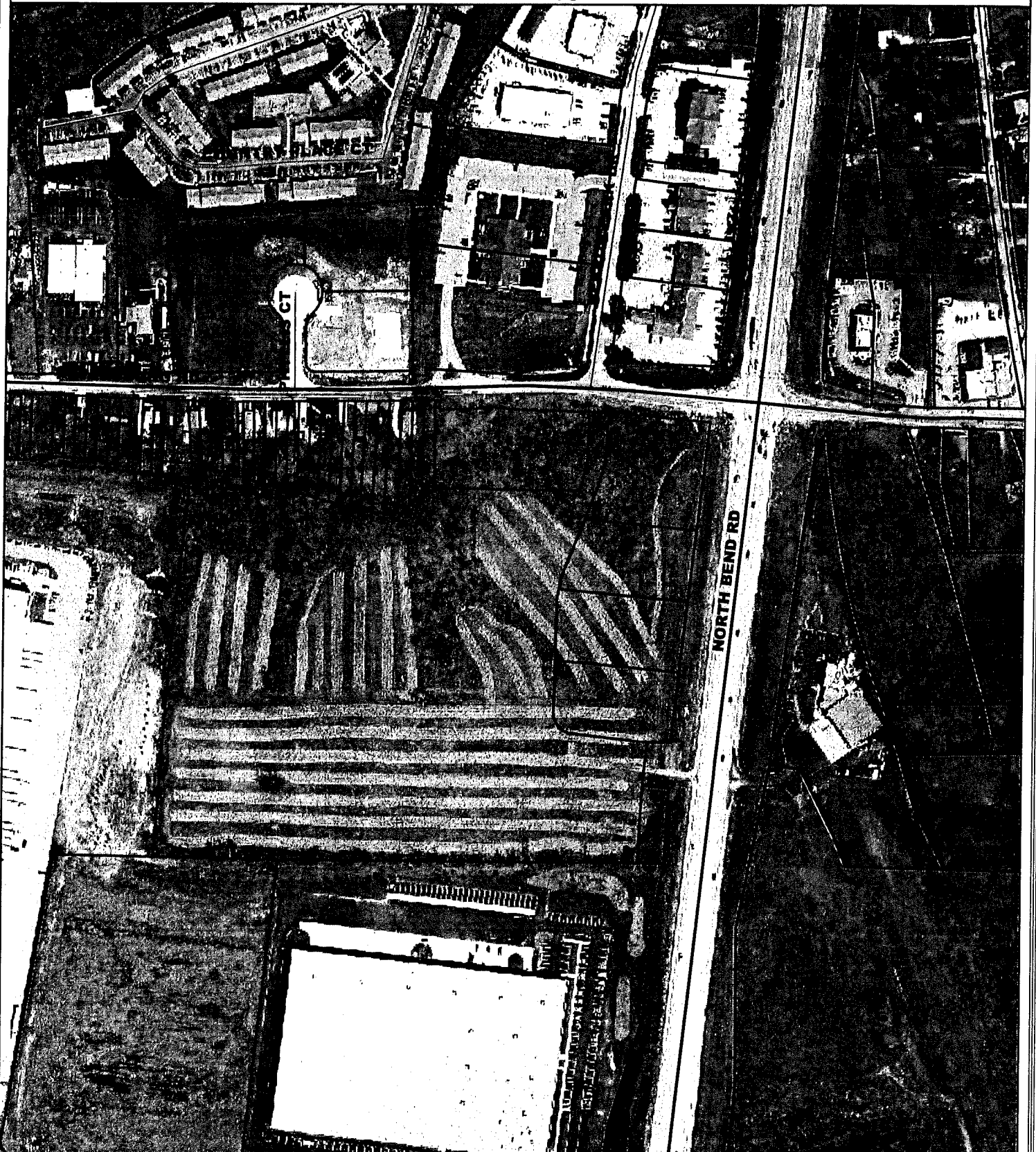
**Accessory Uses**

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.

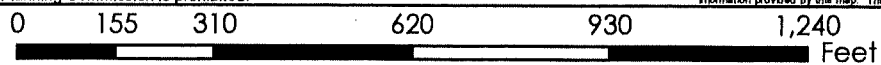
# AERIAL MAP

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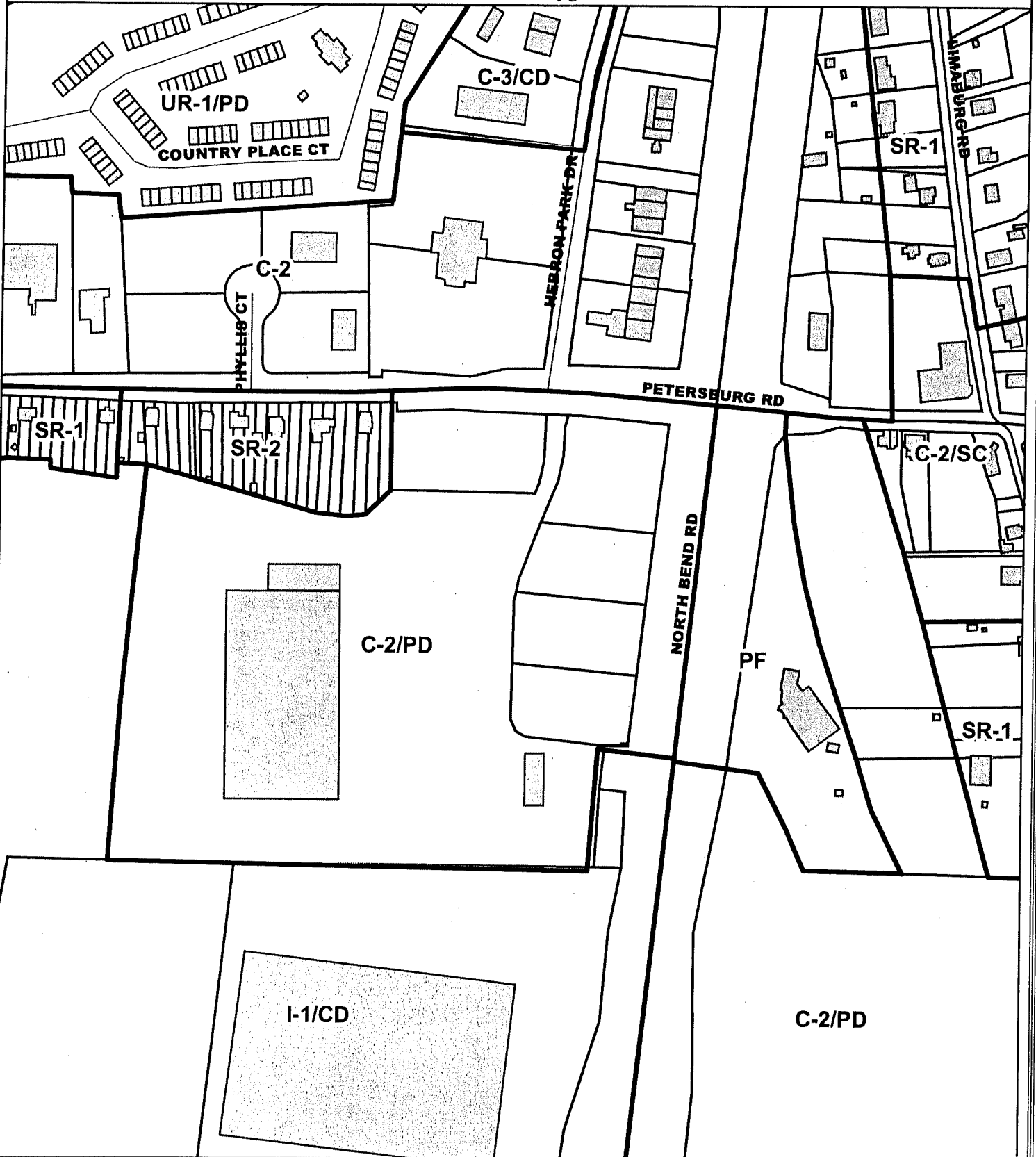
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**Boone County GIS - Putting Northern Kentucky on the Map**

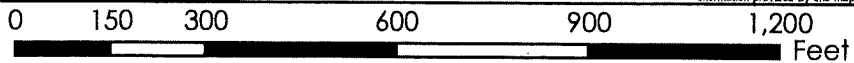
# ZONING MAP

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1 Inch equals 300 feet



Map Created 01/01/2008

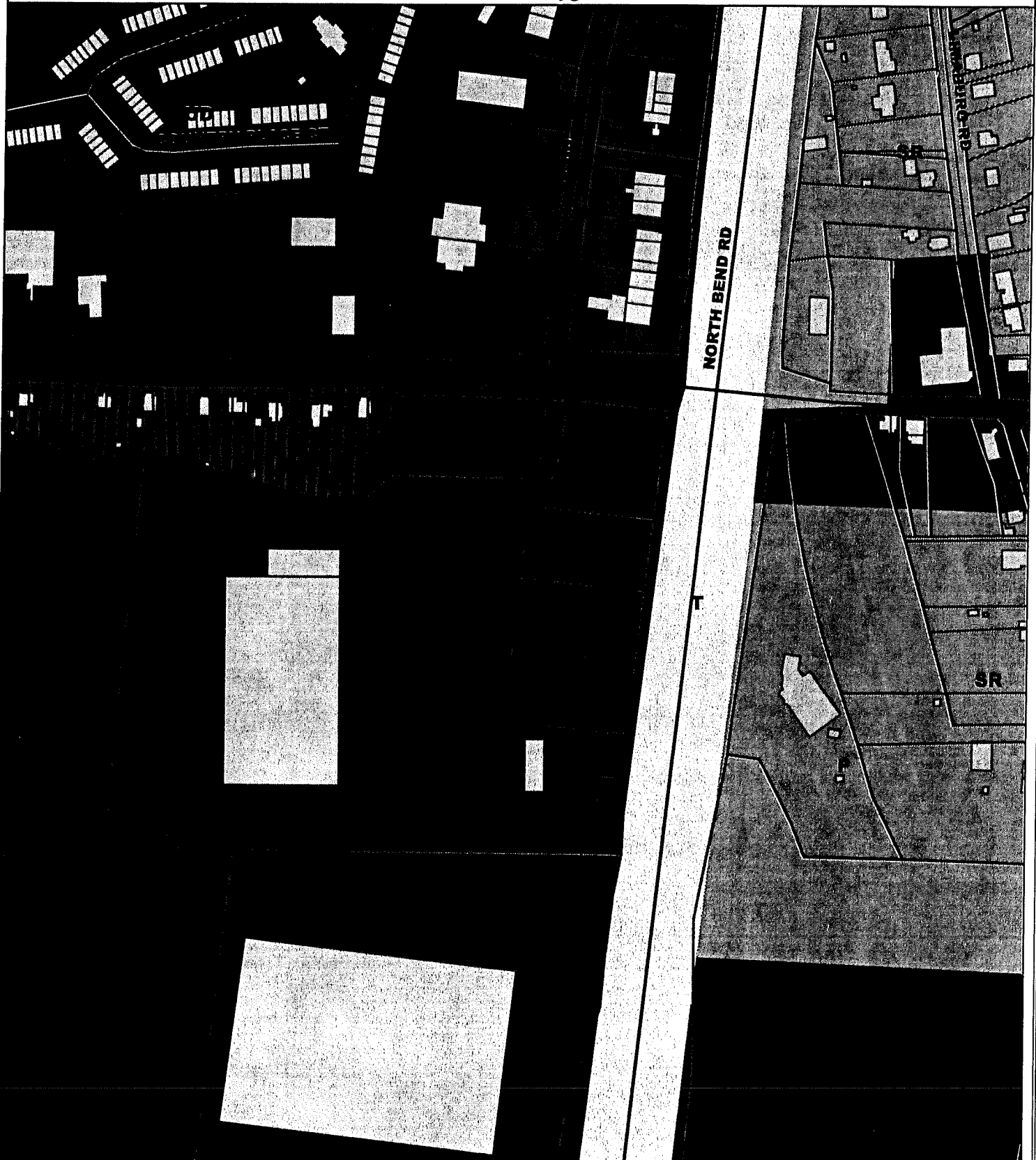
**Boone County GIS - Putting Northern Kentucky on the Map**



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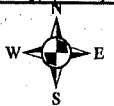
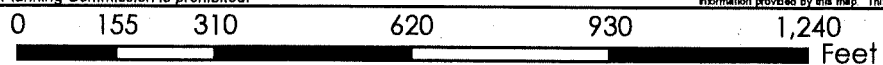
# FUTURE LAND USE MAP

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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2008

Map Document: Untitled

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.

RECEIVED

APPLICATION FORM

JAN 15 2008

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION

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 5.812 acres under consideration
5. Current Zoning C-2 / PD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) February 27, 2007
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) See attached list
9. Proposed Building Intensities (please specify) 15,000 SF to the acre as approved
10. Have you submitted a Concept Development Plan? \_\_\_\_\_
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) Terra Firma Conner Crossing LLC  
Phone Number 513-703-2990 Fax No. 513-576-0268
15. Address of Property Owner(s) 424 Wards Corner Road, Suite 300  
Loveland Ohio 45140  
City State Zip
16. Are there any existing buildings on the site? No  
How many? -0-
17. Deed Book 943 Page No. 217 Group No. \_\_\_\_\_
18. Have you had a pre-application meeting with BCPC Staff? Yes, by phone.

(over)

Concept Development Plan  
Page 2

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

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

20. Concept Development Plan Jurisdiction/Location  
 Unincorporated Boone County      \_\_\_\_\_ Walton  
\_\_\_\_\_ Florence      \_\_\_\_\_ Union

21. Applicant's Signature(s) R. M. B. O.

22. Property Owner's Signature(s) [Signature]

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 1-15-08 Fee Received \$1741.00 RA 55455
2. Check what has been submitted:  
 Application       Fee       Legal Description  
 Concept Development Plan       Addresses of Adjoining Property Owners  
5 No. of copies of plan received \*\*
3. Is application complete? YES \_\_\_\_\_ NO
4. Staff Reviewer TODD MORGAN
5. Committee Chairperson \_\_\_\_\_
6. Scheduled Public Hearing Date \_\_\_\_\_
7. Boone County Planning Commission Action:  
\_\_\_\_\_ Approved      \_\_\_\_\_ Approved With Conditions  
\_\_\_\_\_ Denied
8. Other: \_\_\_\_\_

\*\* Five (5) Copies Required

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountky.org - E-Mail  
[www.boonecountky.org](http://www.boonecountky.org) - Web Page

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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM**

**February 20, 2008**

**7:30 P.M.**

**PUBLIC HEARING**

**Commission Members Present:** Mr. Breetz, Mr. Bunger, Mrs. Kegley, Mrs. Llambi, Mr. McMillian, Mr. Poe, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:37 PM. Following an explanation of the Public Hearing process, she introduced the item on the Agenda:

**Applicant:** Anne F. McBride, McBride Dale Clarion for Terra Firma Conner Crossing LLC (owner)

**Request:** Zoning Map Amendment

The request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owner) for a Change in Approved Concept Development Plan for a 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to add automotive repair, computer sales, pet stores, health spas, toy/game stores, and telephone supply/service to the list of permissible uses for five previously approved commercial outlots (Conner Crossing development).

Mr. Costello presented the Staff Report and Power Point presentation prepared by Staff Member Todd Morgan who was not present due to illness (see Staff Report).

Mr. McMillian questioned the parking for the restaurant. Mr. Costello responded that specific uses were not initially identified for each outlot. There was a series of uses which could include a restaurant. The parking requirements and proposed use would dictate where the parking would be located and the number of spaces.

The Concept Plan did not identify where the parking would be located because the uses were not identified. Mr. McMillian asked if the restaurant would use Kroger's parking spaces. Mr. Costello responded that there could be a shared parking agreement.

Mrs. Poston asked for the applicant's presentation.

Ms. Anne McBride with McBride Dale Clarion was present on behalf of Terra Firma. She introduced Craig Cole, a partner in Terra Firma, who was present to answer any questions. She stated that they want to amend the list of uses for the proposed five outlots at Conner Crossing. They worked with Staff to come up with a list of uses that they thought might locate on the outlots. She stated that they can have an auto parts sales and accessories store. They can sell tires -- but they want to also be able to install them. They are asking for approval of an automobile repair facility. The proposed use is a Bob Sumerel Tire Store, which would fall under "Automotive Repair Facilities" in the code. She stated that there are items in the definition that are not compatible with what the developer wants to accomplish and they propose eliminating specific parts of the definition -- auto body work, painting, automobile upholstery and glass. They are limiting the automotive repair facility to one outlot. She stated that she realizes that the Planning Commission would not be approving a Bob Sumerel Tire Store. She stated that Mr. Morgan suggested to them that they bring to the Planning Commission and then to the Zone Change Committee a Concept Site Plan and Building Elevations, which they have done. She stated that this use can comply with all of the conditions, standards and requirements that were put on this development. She stated that the Bob Sumerel Tire Store is proposed for Outlot #1 and indicated the access off KY 20. She stated that they can comply with all of the requirements --the intensity of use, the landscaping, the 50-foot buffer and the signage. She indicated the parallel access drive, the detention basin for Kroger's, the 50-foot buffer, and the landscaping. She stated that one monument sign is permitted. She presented the building elevations. The building would be the same color brick as the Kroger's building. The roof will be a green standing seam roof that matches the Kroger's roof. They have tried to make the building as compatible as possible with the Kroger's building by using the same building materials and colors. The other uses they are requesting are computers and related merchandise, pet stores, health spas (such as Mitchell's Day Spa), toy and game stores, and telephone supply and service (such as Verizon). She stated that the uses are smaller, individual type uses -- there would not be a use like Petsmart. She stated that the request to amend the list of uses is consistent with the intent of the original development approval and the Comprehensive Plan talks about the need to provide retail and service uses at this intersection. She stated that they can sell automotive accessories, they can have a carwash, and there is a fuel station that is part of the Kroger's facility. This request will allow them to install the automotive accessories that they are already permitted to sell. The use will occur within an enclosed building and there will be no outside storage.

Mrs. Poston questioned how the bay doors would be oriented. Ms. McBride stated that the bay doors will face KY 20 and they will be 130 feet back from the road. She noted that there would be landscaping along there. She stated that the front of the building (the east elevation) would face the parallel access road, the south elevation will face the detention basin, and the west elevation will face the west property line.

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

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

Mrs. Llambi asked if there would be a drive-through and how a car would enter and exit. Ms. McBride responded that there is a drive-through and the cars would enter on the north elevation and exit on the south elevation. Mrs. Llambi questioned the Landscaping Plan. Will there be berms in addition to the landscaping along the frontage to soften the activity of the building? Ms. McBride responded that this is a Concept Plan and they will submit Grading Plans and detailed Landscaping Plans for the entire site. The landscaping represented on the Concept Plan is the minimum that was approved by the Planning Commission and Fiscal Court and it focuses on perimeter landscaping rather than site landscaping. Mrs. Llambi asked if customers enter the door facing north and go into a waiting area. Ms. McBride responded "that is correct".

Mrs. Kegley asked the applicant to consider adding dormers to the roofline to dress up the frontage facing Petersburg Road.

Mr. Poe stated that he is opposed to the auto repair facility. He stated that when the Committee initially looked at this development, they looked long and hard at the uses. They allowed retail selling, but we are now moving toward automotive repair. He stated that it might be a Bob Sumerel Tire Store now, but that does not preclude it from being something else in the future – such as transmission repair, a muffler shop, or there could be 24-hour towing and cars being dropped off. This is a major intersection coming into town and there was a lot of opposition to the Kroger's development. He stated that on U.S. 42 there are office buildings and automotive use was allowed – and now there are cars that have been in accidents sitting there overnight waiting to be repaired. He stated that once a tire store is allowed, it could become something other than Bob Sumerel. He asked the Committee to look hard at this request.

Mr. Breetz questioned the proposed signage. Ms. McBride responded that the signage is conceptual at this stage. The building-mounted signage will be what is permitted by the code. Mr. Breetz stated that it is a corner lot and there is a question as to which side is the front of the building. Mr. Costello stated that the

approval was for a monument sign for Lots #1 - #5 that is limited to 8 feet in height and 42.39 square feet in area.

Mr. Bunger asked if the use will be only the sale and installation of tires. Ms. McBride responded that other uses typical to a Bob Sumerel Tire Store are oil changes, minor servicing, windshield wiper blades, air and fuel filters, air-conditioner repair, alignment, alternators, batteries, belts, hoses, brakes, coil springs, cooling systems, custom wheels and rims, CV boots and CV joints, engine diagnostics, fuel system cleaning, headlights and tail lights, maintenance, radiator service, shocks and struts, starters, tire repair, transmissions, tune-ups, and wheel balancing.

In response to a question from Mr. Rolfsen regarding the orientation of the building, Ms. McBride reviewed Condition #3. B. that "the front facade of the building on Outlot #1 shall be oriented towards KY 20 or KY 237". She stated that the customer entrance is on KY 20 and the building will front on KY 20 or KY 237. Mr. Rolfsen asked the applicant to bring to Committee the hours of operation. He stated that the outlot is next to residential.

Mr. Bunger asked the applicant to bring to Committee a rendering showing what the overhead doors will look like in more detail.

Mrs. Llambi asked if they will service RV's or if they will primarily serve passenger cars and SUV's. Ms. McBride did not know, but she will provide the information to Committee. Mrs. Llambi stated that the Bob Sumerel on Mall Road is capable of handling very large vehicles and they are parked there overnight, which is a concern.

Mr. Charlie Reynolds questioned the screening of the dumpster on one of the back lots. Ms. McBride responded that there will be a brick dumpster enclosure to match the building. It will have solid gates. Mr. Charlie Reynolds asked that the enclosure be tall enough to hide the dumpster when the lid is open. He stated that in many locations the lids are often left open. He asked if there would be racks of used tires in the front or on the side of the building. Ms. McBride responded that Staff Comment 5. A. recommends that there be no outdoor storage or display.

Mr. Poe stated that the Planning Commission would be approving a concept – not a Bob Sumerel Tire Store. He stated that Bob Sumerel might not be the use that goes there or Bob Sumerel could say that they are not going to service RV's, but in six months the next user could decide to do that.

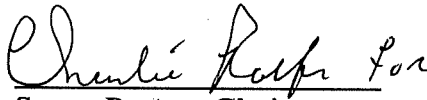
Mr. Schwenke stated that the list given by Ms. McBride is a lot more services than he realized Bob Sumerel offers. He is concerned about cars being left overnight. He asked the Committee to look at the storage of vehicles. He does not want to see a use of this type out front looking like a parking lot for vehicles

that are being serviced. It is a noticeable location and we need to be careful what we allow there.

Ms. McBride stated that she does not believe they ever proposed "automotive repair facility" or that the use was ever stricken from the list. They are willing to work with Staff and the Committee to further define the use and focus it down to the use that is being proposed. She stated that they are basically proposing a text amendment for this development and she understands the concerns. They have limited the use to one lot.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 5, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on March 19, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:12 PM.

**APPROVED:**

  
**Susan Poston, Chairwoman**

**Attest:**

  
**Jan Hancock, Recording Secretary**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
March 19, 2008  
7:00 P.M.**

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Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:02 PM.

**COMMISSION MEMBERS PRESENT:**

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Greg Breetz  
Mr. Kim Bunger  
Mrs. Vivian Llambi  
Mr. Don McMillian  
Mrs. Susan Poston, Chairwoman  
Mr. Patrick Reynolds  
Mr. Charlie Rolfsen, Vice Chairman  
Mr. Bob Schwenke

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Jim Carmichael  
Mrs. Linda Herald  
Mrs. Janet Kegley  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Randy Poe  
Mr. Charlie Reynolds

**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. Kevin Wall, AICP, CDT – Director, Zoning Services

**Approval of the Minutes:**

Mrs. Poston stated that the Commissioners received copies of the Minutes of the March 5, 2008 Business Meeting. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Rolfsen moved that they be approved as mailed. Mrs. Llambi seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

**1. Wireless Communications Facility**

**The request of Fortune Wireless, Inc. for SBA Towers II, LLC (applicant) for Virginia Vandever (owner) for a Wireless Communications Facility located at 4199 Daniels Lane, Boone County, Kentucky. The request is for a 120-foot monopole with an additional 5-foot lightning rod.**

Mrs. Poston stated that the applicant has submitted a letter withdrawing this request. The letter is on file in the Staff Office.

**2. Change in Concept Development Plan**

**The request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owner) for a Change in Approved Concept Development Plan for a 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to add automotive repair, computer sales, pet stores, health spas, toy/game stores, and telephone supply/service to the list of permissible uses for five previously approved commercial outlots (Conner Crossing development).**

Staff member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The Committee vote was 3 in favor and 1 opposed. The applicant and property owner have signed the letter agreeing to the conditions. Mr. Morgan presented and reviewed the Revised Concept Plan on a Power Point slide.

Mrs. Poston asked if the applicant wanted 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.

Ms. Anne McBride introduced Mr. Dick Haglage, a partner in Terra Firma Properties. She stated that they tried to answer all of the questions from the Public Hearing at the Committing Meeting. They showed the Committee samples of the

building materials and presented drawings of the berming. They have agreed to all of the conditions. She stated that the use of a tire sales store with auto repair will only go on Outlot #1. They have restricted the types of automobile repair that are permitted and there will be no body work, painting, upholstery work, or accident repairs. She stated that the berming along KY 20 cannot be taller than 1' – 3' due to issues with the utility easement. She stated they will not service RV's or large commercial vehicles on the property. They will not service any vehicles larger than a full size van. There will be no outdoor display or storage of automobile accessories. They have agreed to hour restrictions. They have agreed to a landscape buffer along the southern property line of Outlot #1 regardless of what goes on the property. They will make sure that the dumpster lids are shut and the gates are closed on the dumpster enclosures on all five of the outlots. She asked for approval of the request with the conditions.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

**Mr. Rolfsen moved by resolution to Boone County Fiscal Court that the request be approved with the conditions. Mr. Bunger seconded the motion.**

Mr. McMillian questioned how Condition #2.E, "*No vehicle shall be stored in the parking lot for more than 72 hours*" would be enforced. Mr. Morgan responded that if Staff notices vehicles left on the site or if neighbors report violations of the condition, the Zoning Enforcement Officer would go out to the site. Mr. Rolfsen stated that the Committee did not want vehicles in obvious need of repair – such as four flat tires – sitting on the lot for weeks. The Committee does not want them stacking 30 or 40 cars on the lot for a continuous flow of business. The Committee wants the lot to stay relatively clean and the work to be done on a daily basis with cars coming in and out and not sitting in the parking lot and they felt that the condition was a viable solution. Mr. McMillian stated that the condition will be hard to enforce.

Counselor Wilson advised that the Committee spent a lot of time talking about the issue and they understood that there would be difficulty in enforcement, but they felt that it was necessary to have something to rely on in a situation that a vehicle was there for an inappropriate amount of time. Without the condition, it might be difficult to get the vehicle removed.

Mr. Bunger stated that the Committee discussed stored vehicles and the applicant made the commitment that vehicles stored on the site overnight would be stored inside the building. They will also designate parking spaces for cars that are dropped off the night before or early in the morning. The Committee established 72 hours as a basis for enforcement based on the discussion at the Committee Meeting. He feels that that Outlot #1 could be satisfactory for the use because there is an approximate 11-foot difference in elevation that separates this use from the other uses, it's proximity to KY 20, and the buffer of the retention basin and landscaping

on the Kroger's side. This information was taken into consideration by the Committee.

Mr. McMillian stated that Condition 6.D. prohibits recreational vehicles from being serviced on the site. He stated that the site is close to the expressway and probably the first service station. He questioned someone pulling off the expressway with a problem – such as a busted hose – not being able to have his vehicle serviced. Mr. Costello stated that there is a repair site that does more of that type of work located on Hebron Park Drive, and it is probably the first place people would go. Mr. Breetz stated that the idea was to restrict service to the smaller vehicles and not allow larger vehicles on the site. RV's are considered to be a large vehicle. Mr. McMillian stated that in the case of an emergency, they should be able to service a large vehicle.

Mr. Breetz, Chairman of the Committee, stated that the conditions progressed to the point that the Committee thought the proposed uses would be appropriate for the site. One of the conditions restricts automotive repair to Outlot #1 only. He stated that he was involved with the original zone change for this development and they worked hard to come up with suitable uses for this location at this high-profile intersection (KY 20/KY 237). He voted against the requested Change in Concept Development Plan due to the existing residence adjacent to the site. He stated that since the use involves changing tires, the doors will be up most of the time during the day and the noise will negatively impact the residential area. Also, the use being right on one of the main frontage roads is different from what they were thinking when the original plan was approved. He commended the applicant for working well with the Committee. He stated that it is a nice building with a little extra landscaping, but it is not appropriate due to the location and the adjacent residential development.

Mr. Rolfsen stated that he was not thrilled with this request, but concessions were made and they designed the building with a solid brick wall facing the west to help reduce the noise affecting the residential side. Even though not a single resident spoke at the Public Hearing or came to the Committee Meeting, the Committee addressed the needs of the neighbors as much as possible with the concessions that were made, the landscaping buffer, and the orientation of the building.

**There being no further discussion, Mrs. Poston asked for a roll call vote on the motion made by Mr. Rolfsen which found Mr. Bunger and Mr. Rolfsen in favor. Mr. Breetz, Mrs. Llambi, Mr. McMillian, Mr. Patrick Reynolds, Mr. Schwenke, Mrs. Arnett and Mrs. Poston were opposed. With 2 votes in favor and 7 opposed, the motion did not carry.**

At this time, Mr. Morgan presented the Findings of Fact for Denial of the request (see Findings of Fact for Denial).

Mr. Breetz moved by resolution to Boone County Fiscal Court that the request be denied based on the Findings of Fact for Denial. Mr. McMillian seconded the motion. A roll call vote on the motion found Mr. Breetz, Mrs. Llambi, Mr. McMillian, Mr. Patrick Reynolds, Mr. Schwenke, Mrs. Arnett and Mrs. Poston in favor. Mr. Bunger and Mr. Rolfsen were opposed. The motion carried by a vote of 7 to 2.

**3. Union Town Plan Review**

**The request of The Drees Company c/o Mike Schoettelkotte (applicant) for The Drees Company/Kopser Ltd. Family Partnership (owner) for a Determination of Review Process Relative to the Union Town Plan for a 27.84 acre site located on the northwest corner of the U.S. 42/Brilliance Avenue intersection, Union, Kentucky. The request is for a determination of review process for an increase in the number of apartment units from the approved Concept Development Plan in a Rural Suburban Estates/Union Town Overlay (RSE/UTO) zone.**

Staff Member Kevin Wall presented the Committee Report which recommended that the request follow the short review process in the Union Town Plan area based on the Findings of Fact (see Committee Report).

Mrs. Poston asked if the applicant wanted 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. Mike Schoettelkotte with The Drees Company stated that the overall effect of the increase of the apartments has to be viewed in relation to the reduction in density on the other side of the street. The overall community is actually eight units less than what was originally proposed.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

**Mr. Schwenke moved that the request be approved for the short review process in the Union Town Plan area based on the Committee Report. Mr. Rolfsen seconded the motion and it carried unanimously..**

**NEW BUSINESS:**

**Agenda Item  
No.**

**1      Change in Concept Development Plan**

**EXHIBIT**

**“B”**

## FINDINGS OF FACT FOR DENIAL

### ANNE F. MCBRIDE/TERRA FIRMA CONNER CROSSING LLC CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN APPLICATION

March 19, 2008

The Change in Approved Concept Development Plan for the 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection should be denied for the following reasons:

1. The request is not in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

- A. 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 (Business Activity Element, Recommended Areas of Commercial Activity, pp. 62-65).

The proposed automotive repair facility will impact the KY 20/KY 237 intersection area and the residential area to the west. Automotive repair facilities were originally left out of the list of permitted uses when the development was approved in 2006/2007. Automotive repair facilities are different than general commercial uses and car washes (a principally permitted use) because they typically have numerous damaged or broken down vehicles staying in the parking lot overnight, unkept lots, activities occurring inside and outside, and higher noise potential when garage bays are left open.

- B. 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 (Land Use Element, Design, Signs, and Historic Preservation, pg. 142).

The proposed automotive repair facility will have a negative aesthetic impact on the KY 20/KY 237 intersection area and the residential area to the west (see rationale in 1. A.).

- C. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Goals and Objectives, Business Activity, pg. 6).

The proposed automotive repair facility will have a negative aesthetic impact on the KY 20/KY 237 intersection area and the residential area to the west (see rationale in 1. A.).

2. The request is not in agreement with the following Planned Development Standards (see Section 1514 of the Boone County Zoning Regulations):

- A. **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.

The proposed automotive repair facility will have a negative aesthetic impact on the KY 20/KY 237 intersection area and the residential area to the west (see rationale in 1. A.).

- B. **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.

See numbers 1 A., B., and C.

*The Committee Report was read, a motion was made and seconded, but the motion failed by a 7 - 2 vote. Consequently, the Findings for Denial were presented to the full Planning Commission and were approved by a vote of 7 - 2.*

## **ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Greg Breetz, Chairman

**DATE:** March 19, 2008

**RE:** Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Terra Firma Conner Crossing LLC (owner)** for a Change in Approved Concept Development Plan for a 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to add automotive repair, computer sales, pet stores, health spas, toy/game stores, and telephone supply/service to the list of permissible uses for five previously approved commercial outlots (Conner Crossing development).

### **REMARKS:**

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

### **FINDINGS OF FACT**

1. The Committee 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 outlots for "commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
  - B. The proposal is in general agreement with the following passage 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 that the proposal would add to the variety of commercial uses that are permitted at the KY 20/KY 237 intersection. Perimeter landscaping will be required when each of the five outlots develops. Architectural conditions remain in effect which will give Conner Crossing Subdivision a coordinated appearance.

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

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).

Conner Crossing Subdivision is located at the southwest corner of the KY 237/KY 20 intersection and is a large scale commercial development that was anticipated by the comprehensive plan. The proposal is a minor change to the original approval which allows additional neighborhood business/service uses to develop on the outlots.

- 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 five outlots are located at the southwest corner of the KY 237/KY 20 intersection and adjoin commercial, public facility, and residential uses. The renderings for the automotive service facility are in accord with the architectural conditions for Conner Crossing Subdivision and mitigate impacts on the adjoining residential property. Additional conditions pertaining to outside storage and parking have been imposed for any automotive repair facility which develops on outlot 1.

2. The outlots conform with the following Planned Development (PD) Standards:

- 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 outlots 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."

Previous conditions require all outlot buildings to be constructed of brick, stone, glass, EIFS, and standing seam metal roofing which correlates to the Kroger Marketplace building. The submitted elevations for the auto repair facility comply with these conditions.

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 applicant and property owner have signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The principally permitted use list for the outlots shall be modified to allow the proposed uses (48-53). However, an automotive repair facility shall only be permitted on outlot 1 (see attachments).
2. Any proposed automotive repair facility on outlot 1 shall comply with the following conditions:
  - A. The approval is based on the submitted Concept Development Plan and elevation drawings (see attachments). Other than the windows, the garage doors shall be constructed of metal and painted "industrial brown" (see sample at Boone County Planning Commission Office).
  - B. One foot (1') to three foot (3') tall berms shall be provided in the KY 20 street frontage buffer (see attachments).
  - C. Body, paint, upholstery, and glass work shall be prohibited;
  - D. The following types of vehicles shall not be serviced from the facility:
    - Vehicles used for employment or business purposes that are larger than a full size pick-up or a full size van (larger than one ton), or commercial style vehicles, trailers, implements, and equipment regardless of size such as dump trucks, tow trucks, Bobcat style implements, and trailers; and
    - Recreational vehicles

- E. No vehicle shall be stored in the parking lot for more than 72 hours;
  - F. No vehicles shall be sold from the lot;
  - G. No outside storage or display of automotive accessories is permitted; and
  - H. Hours of operation shall be limited from 6:00 A.M. to 9:00 P.M. Sunday - Saturday.
3. Irrespective of building use, a landscaping buffer shall be installed along the southern property boundary of outlot 1. The landscaping buffer shall contain a mix of evergreen trees, large deciduous trees, and shrubs. All selected species shall meet the installation size requirements which are found in Article 37 of the Boone County Zoning Regulations.
  4. Dumpster lids and enclosure gates shall remain closed at all times on outlots 1 through 5.
  5. All applicable conditions from the December 6, 2006 Committee Report shall remain in effect.

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

**Principally Permitted Uses:**

The following uses are permitted on Outlots 1-5:

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. 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 saloons;
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;
48. Automotive repair facilities (with the Condition that only outlot 1 can contain an automotive repair facility and that facility shall not perform any body or paint work, automotive upholstery or automotive glass work);
49. Computers and related merchandise;
50. Pet stores, excluding boarding of animals;
51. Health spas;
52. Toy and game stores; and
53. Telephone supply and service.

**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; and
8. Garden and landscape sales.

CORPORATION OF THE CHURCH OF JESUS CHRIST  
VACANT

PETERSBURG ROAD

BURLINGTON REALTY & DEV  
COMMERCIAL  
KY RT 20

BUFFERYARD "D"  
50'

REQUIRED 5' BUFFER YARD

TRUCK ROUTE

WASTE ENCLOSURE

PROPOSED PAVEMENT AREA

LOT #1

36 PARKING SPACES

PROPOSED BUILDING

PRIVATE STREET

LOT #2  
AREA =  
1.314 AC

NEW SAN MH  
T = 878.50  
INV = 864.00

NEW SAN MH  
T = 873.00  
INV = 859.42  
PROP. 08  
INV (NEW) = 860.00  
PROP. 08  
T = 870.00  
INV = 853.36

PROP. 80' STM.  
EX. 48' STM.  
S 81° 06' 07" E  
100.77

NEW SAN MH  
T = 882.00  
INV (E) = 878.55  
INV (NW) = 878.55

PROPOSED SITE PLAN

SCALE: 1" = 60'



February 18, 2008

DWG. DATE:  
DRAWN BY: KPS  
CHECKED BY: TR  
  
LS-1  
SCALE AS NOTED

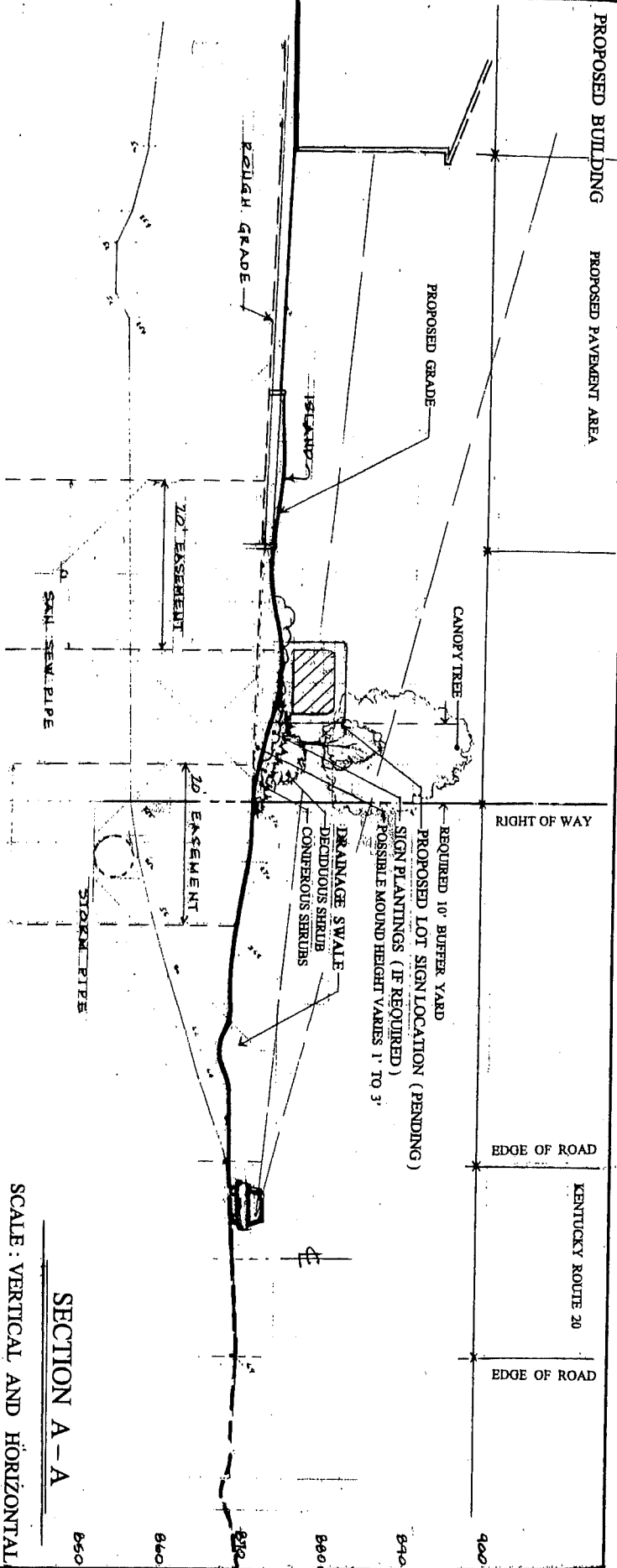
SUMEREL TIRES  
LOT # 1  
1.420 ACRES

CONNER CROSSING  
PROPOSED RETAIL DEVELOPMENT  
BOONE COUNTY, KENTUCKY  
KENTUCKY ROUTE 30 & KENTUCKY ROUTE 237  
SOUTHWEST QUADRANT

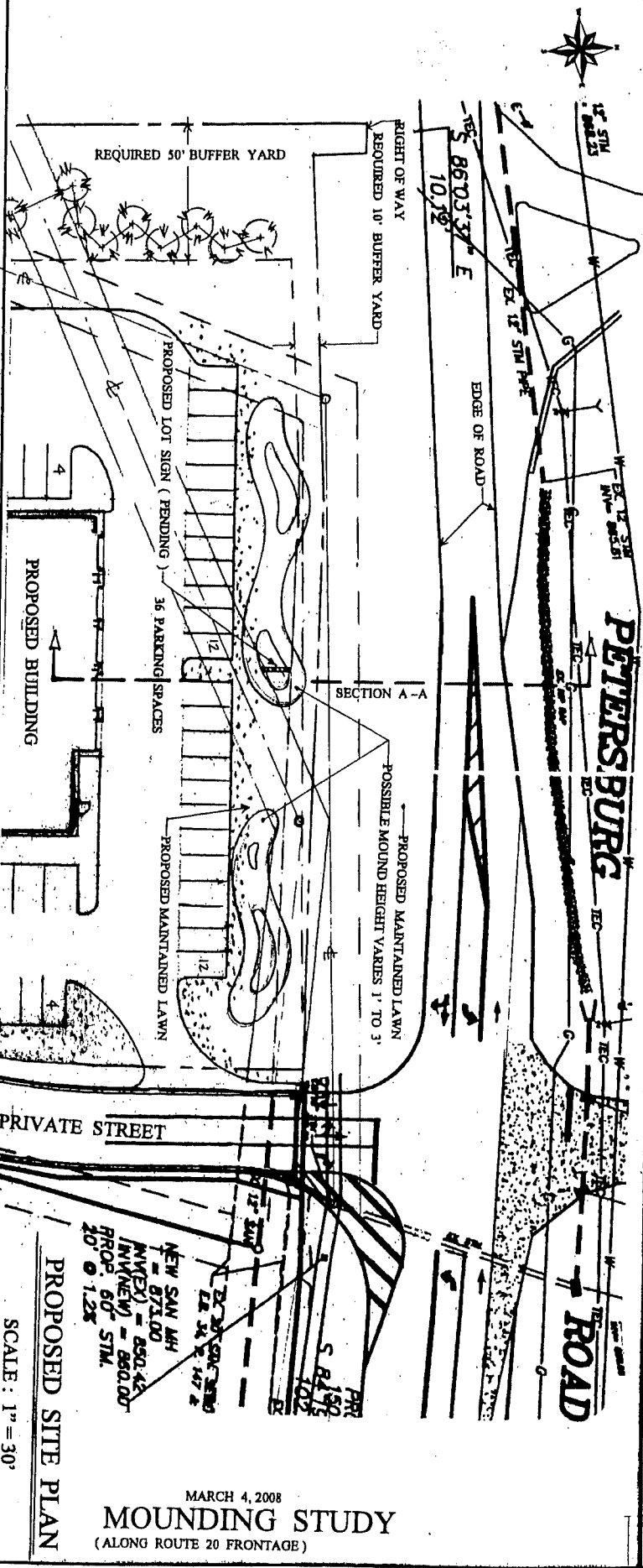
PROPERTIES OF TERRA FIRMA  
424 WARDS CORNER ROAD SUITE 220  
LOVELAND, OHIO 45140

RICHARD F. SOPER  
LANDSCAPE ARCHITECTS - LAND PLANNERS  
P.O. BOX 1144  
FLORENCE, KENTUCKY 41022-1144  
PHONE: 859-743-8227 FAX: 859-384-8454

PROPOSED BUILDING  
PROPOSED PAVEMENT AREA



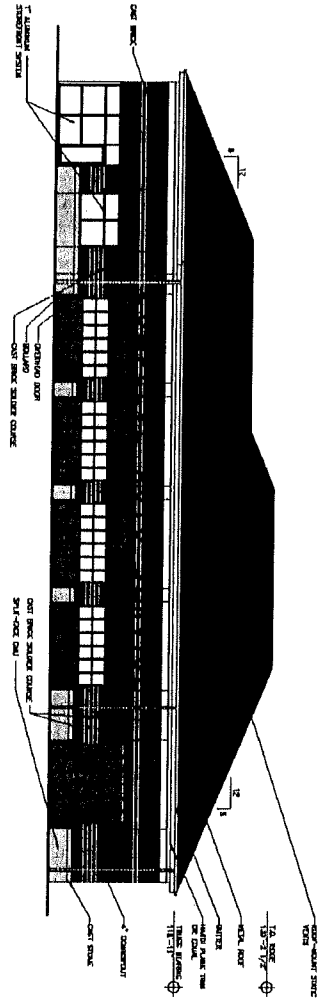
SECTION A-A  
SCALE: VERTICAL AND HORIZONTAL  
1" = 10'



PROPOSED SITE PLAN  
SCALE: 1" = 30'

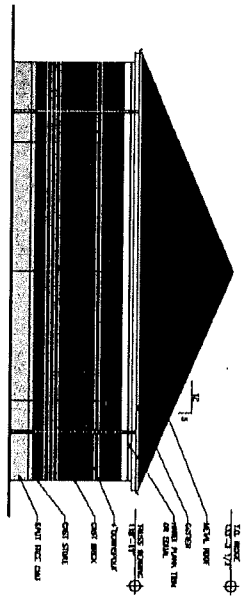
MARCH 4, 2008  
**MOUNDING STUDY**  
(ALONG ROUTE 20 FRONTAGE)

<p>DWG. DATE: DRAWN BY: RPE CHECKED BY: TR</p> <p>LS-1 SCALE AS NOTED</p>	<p><b>SUMEREL TIRES</b> LOT # 1 1.420 ACRES</p>	<p><b>CONNER CROSSING</b> PROPOSED RETAIL DEVELOPMENT BOONE COUNTY, KENTUCKY KENTUCKY ROUTE 20 &amp; KENTUCKY ROUTE 271 SOUTHWEST QUADRANT</p>	<p>PROPERTIES OF TERRA FIRMA 214 WARDS CORNER ROAD SUITE 220 LOVELAND, OHIO 45140</p>	<p>RICHARD P. SOFER LANDSCAPE ARCHITECTS - LAND PLANNERS P.O. BOX 1144 FLORENCE, KENTUCKY 41022-1144 PHONE: 859-743-0227 FAX: 859-384-8454</p>
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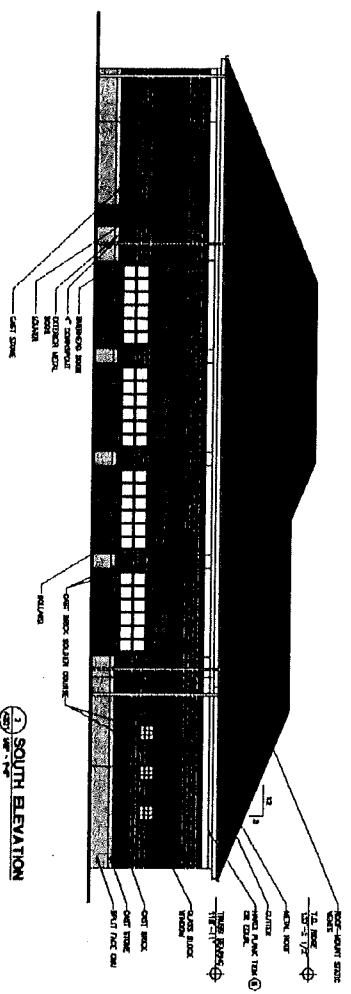
**1** NORTH ELEVATION

Facing KY 20



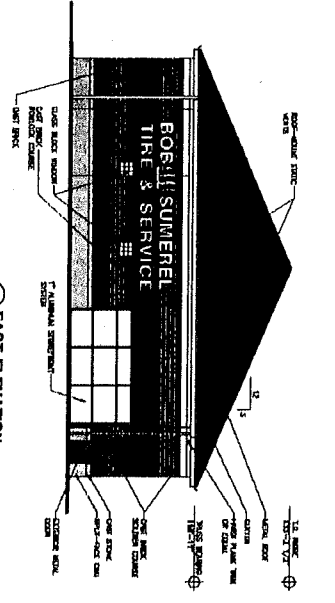
**2** WEST ELEVATION

Facing Residential Property



**3** SOUTH ELEVATION

Facing Kroger Marketplace



**4** EAST ELEVATION

Facing Shared Driveway

DATE: 11/15/11  
 DRAWN BY: J. WEBER  
 CHECKED BY: J. WEBER  
 PROJECT NO: A201  
 SHEET NO: 1/1

**BOB SUMMEREL**  
 TIME & SERVICE  
 ARCHITECTS



**Hub + Weber**  
 Architects, PLC  
 141 Century Blvd  
 Suite 200  
 Louisville, KY 40202  
 Phone: 502-451-2344  
 Fax: 502-451-2345  
 http://www.hubweber.com

**A201**

EXTREMELY  
 ELEVATIONS

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM**

**February 20, 2008  
7:30 P.M.**

**PUBLIC HEARING**

**Commission Members Present:** Mr. Breetz, Mr. Bungler, Mrs. Kegley, Mrs. Llambi, Mr. McMillian, Mr. Poe, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

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

**Legal Counsel Present:** Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:37 PM. Following an explanation of the Public Hearing process, she introduced the item on the Agenda:

**Applicant:** Anne F. McBride, McBride Dale Clarion for  
Terra Firma Conner Crossing LLC (owner)

**Request:** Zoning Map Amendment

The request of Anne F. McBride, McBride Dale Clarion (applicant) for  
Terra Firma Conner Crossing LLC (owner) for a Change in Approved Concept Development Plan for a 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to add automotive repair, computer sales, pet stores, health spas, toy/game stores, and telephone supply/service to the list of permissible uses for five previously approved commercial outlots (Conner Crossing development).

Mr. Costello presented the Staff Report and Power Point presentation prepared by Staff Member Todd Morgan who was not present due to illness (see Staff Report).

Mr. McMillian questioned the parking for the restaurant. Mr. Costello responded that specific uses were not initially identified for each outlot. There was a series of uses which could include a restaurant. The parking requirements and proposed use would dictate where the parking would be located and the number of spaces.

The Concept Plan did not identify where the parking would be located because the uses were not identified. Mr. McMillian asked if the restaurant would use Kroger's parking spaces. Mr. Costello responded that there could be a shared parking agreement.

Mrs. Poston asked for the applicant's presentation.

Ms. Anne McBride with McBride Dale Clarion was present on behalf of Terra Firma. She introduced Craig Cole, a partner in Terra Firma, who was present to answer any questions. She stated that they want to amend the list of uses for the proposed five outlots at Conner Crossing. They worked with Staff to come up with a list of uses that they thought might locate on the outlots. She stated that they can have an auto parts sales and accessories store. They can sell tires -- but they want to also be able to install them. They are asking for approval of an automobile repair facility. The proposed use is a Bob Sumerel Tire Store, which would fall under "Automotive Repair Facilities" in the code. She stated that there are items in the definition that are not compatible with what the developer wants to accomplish and they propose eliminating specific parts of the definition -- auto body work, painting, automobile upholstery and glass. They are limiting the automotive repair facility to one outlot. She stated that she realizes that the Planning Commission would not be approving a Bob Sumerel Tire Store. She stated that Mr. Morgan suggested to them that they bring to the Planning Commission and then to the Zone Change Committee a Concept Site Plan and Building Elevations, which they have done. She stated that this use can comply with all of the conditions, standards and requirements that were put on this development. She stated that the Bob Sumerel Tire Store is proposed for Outlot #1 and indicated the access off KY 20. She stated that they can comply with all of the requirements --the intensity of use, the landscaping, the 50-foot buffer and the signage. She indicated the parallel access drive, the detention basin for Kroger's, the 50-foot buffer, and the landscaping. She stated that one monument sign is permitted. She presented the building elevations. The building would be the same color brick as the Kroger's building. The roof will be a green standing seam roof that matches the Kroger's roof. They have tried to make the building as compatible as possible with the Kroger's building by using the same building materials and colors. The other uses they are requesting are computers and related merchandise, pet stores, health spas (such as Mitchell's Day Spa), toy and game stores, and telephone supply and service (such as Verizon). She stated that the uses are smaller, individual type uses -- there would not be a use like Petsmart. She stated that the request to amend the list of uses is consistent with the intent of the original development approval and the Comprehensive Plan talks about the need to provide retail and service uses at this intersection. She stated that they can sell automotive accessories, they can have a carwash, and there is a fuel station that is part of the Kroger's facility. This request will allow them to install the automotive accessories that they are already permitted to sell. The use will occur within an enclosed building and there will be no outside storage.

Mrs. Poston questioned how the bay doors would be oriented. Ms. McBride stated that the bay doors will face KY 20 and they will be 130 feet back from the road. She noted that there would be landscaping along there. She stated that the front of the building (the east elevation) would face the parallel access road, the south elevation will face the detention basin, and the west elevation will face the west property line.

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

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

Mrs. Llambi asked if there would be a drive-through and how a car would enter and exit. Ms. McBride responded that there is a drive-through and the cars would enter on the north elevation and exit on the south elevation. Mrs. Llambi questioned the Landscaping Plan. Will there be berms in addition to the landscaping along the frontage to soften the activity of the building? Ms. McBride responded that this is a Concept Plan and they will submit Grading Plans and detailed Landscaping Plans for the entire site. The landscaping represented on the Concept Plan is the minimum that was approved by the Planning Commission and Fiscal Court and it focuses on perimeter landscaping rather than site landscaping. Mrs. Llambi asked if customers enter the door facing north and go into a waiting area. Ms. McBride responded "that is correct".

Mrs. Kegley asked the applicant to consider adding dormers to the roofline to dress up the frontage facing Petersburg Road.

Mr. Poe stated that he is opposed to the auto repair facility. He stated that when the Committee initially looked at this development, they looked long and hard at the uses. They allowed retail selling, but we are now moving toward automotive repair. He stated that it might be a Bob Sumerel Tire Store now, but that does not preclude it from being something else in the future – such as transmission repair, a muffler shop, or there could be 24-hour towing and cars being dropped off. This is a major intersection coming into town and there was a lot of opposition to the Kroger's development. He stated that on U.S. 42 there are office buildings and automotive use was allowed – and now there are cars that have been in accidents sitting there overnight waiting to be repaired. He stated that once a tire store is allowed, it could become something other than Bob Sumerel. He asked the Committee to look hard at this request.

Mr. Breetz questioned the proposed signage. Ms. McBride responded that the signage is conceptual at this stage. The building-mounted signage will be what is permitted by the code. Mr. Breetz stated that it is a corner lot and there is a question as to which side is the front of the building. Mr. Costello stated that the

approval was for a monument sign for Lots #1 - #5 that is limited to 8 feet in height and 42.39 square feet in area.

Mr. Bunger asked if the use will be only the sale and installation of tires. Ms. McBride responded that other uses typical to a Bob Sumerel Tire Store are oil changes, minor servicing, windshield wiper blades, air and fuel filters, air-conditioner repair, alignment, alternators, batteries, belts, hoses, brakes, coil springs, cooling systems, custom wheels and rims, CV boots and CV joints, engine diagnostics, fuel system cleaning, headlights and tail lights, maintenance, radiator service, shocks and struts, starters, tire repair, transmissions, tune-ups, and wheel balancing.

In response to a question from Mr. Rolfsen regarding the orientation of the building, Ms. McBride reviewed Condition #3. B. that "the front facade of the building on Outlot #1 shall be oriented towards KY 20 or KY 237". She stated that the customer entrance is on KY 20 and the building will front on KY 20 or KY 237. Mr. Rolfsen asked the applicant to bring to Committee the hours of operation. He stated that the outlot is next to residential.

Mr. Bunger asked the applicant to bring to Committee a rendering showing what the overhead doors will look like in more detail.

Mrs. Llambi asked if they will service RV's or if they will primarily serve passenger cars and SUV's. Ms. McBride did not know, but she will provide the information to Committee. Mrs. Llambi stated that the Bob Sumerel on Mall Road is capable of handling very large vehicles and they are parked there overnight, which is a concern.

Mr. Charlie Reynolds questioned the screening of the dumpster on one of the back lots. Ms. McBride responded that there will be a brick dumpster enclosure to match the building. It will have solid gates. Mr. Charlie Reynolds asked that the enclosure be tall enough to hide the dumpster when the lid is open. He stated that in many locations the lids are often left open. He asked if there would be racks of used tires in the front or on the side of the building. Ms. McBride responded that Staff Comment 5. A. recommends that there be no outdoor storage or display.

Mr. Poe stated that the Planning Commission would be approving a concept – not a Bob Sumerel Tire Store. He stated that Bob Sumerel might not be the use that goes there or Bob Sumerel could say that they are not going to service RV's, but in six months the next user could decide to do that.

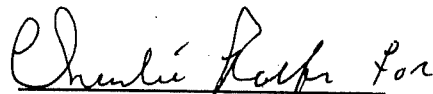
Mr. Schwenke stated that the list given by Ms. McBride is a lot more services than he realized Bob Sumerel offers. He is concerned about cars being left overnight. He asked the Committee to look at the storage of vehicles. He does not want to see a use of this type out front looking like a parking lot for vehicles

that are being serviced. It is a noticeable location and we need to be careful what we allow there.

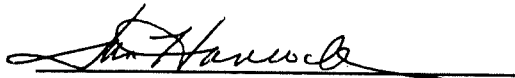
Ms. McBride stated that she does not believe they ever proposed "automotive repair facility" or that the use was ever stricken from the list. They are willing to work with Staff and the Committee to further define the use and focus it down to the use that is being proposed. She stated that they are basically proposing a text amendment for this development and she understands the concerns. They have limited the use to one lot.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 5, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on March 19, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 8:12 PM.

**APPROVED:**

  
**Susan Poston, Chairwoman**

**Attest:**

  
**Jan Hancock, Recording Secretary**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: March 5 2008


RE: Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Terra Firma Conner Crossing LLC (owner)** for a Change in Approved Concept Development Plan for a 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to add automotive repair, computer sales, pet stores, health spas, toy/game stores, and telephone supply/service to the list of permissible uses for five previously approved commercial outlots (Conner Crossing 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.

Terra Firma/Conner Crossing LLC

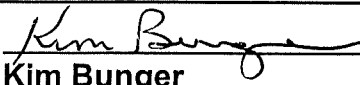
March 5, 2008

  
**Greg Breetz, Chairman**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Judy Arnett**

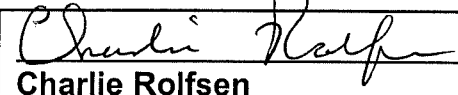
For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Kim Bunger**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Janet Kegley**

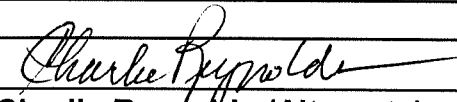
For Project  Absent   
 Against Project   
 Abstain  Deferred

  
**Charlie Rolfsen**

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

**Patrick Reynolds (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Bob Schwenke (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**TOTAL:**  DEFERRED 3 FOR PROJECT  ABSENT  
 AGAINST PROJECT  ABSTAIN

# **SUPPORTING INFORMATION**



# **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://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](mailto:plancom@boonecountyky.org)

March 14, 2008

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 **Terra Firma Conner Crossing LLC (owner)** for a Change in Approved Concept Development Plan for a 5.812 acre area located on the southwest corner of the KY 20/KY 237 intersection, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to add automotive repair, computer sales, pet stores, health spas, toy/game stores, and telephone supply/service to the list of permissible uses for five previously approved commercial outlots (Conner Crossing development).

Dear Mrs. McBride:

The following letter represents the conditions of approval for the above referenced request. You and the property owner need to sign the appropriate lines on the last page of this letter if you are in agreement with the conditions. Please return this letter to the Boone County Planning Commission office by March 19, 2008.

## CONDITIONS

1. The principally permitted use list for the outlots shall be modified to allow the proposed uses (48-53). However, an automotive repair facility shall only be permitted on outlot 1 (see attachments).
2. Any proposed automotive repair facility on outlot 1 shall comply with the following conditions:
  - A. The approval is based on the submitted Concept Development Plan and elevation drawings (see attachments). Other than the windows, the garage doors shall be constructed of metal and painted "industrial brown" (see sample at Boone County Planning Commission Office);
  - B. One foot (1') to three foot (3') tall berms shall be provided in the KY 20 street frontage buffer (see attachments);
  - C. Body, paint, upholstery, and glass work shall be prohibited;
  - D. The following types of vehicles shall not be serviced from the facility:
    - Vehicles used for employment or business purposes that are larger than a full size pick-up or a full size van (larger than one ton), or commercial style vehicles, trailers, implements, and equipment regardless of size such as dump trucks, tow trucks, Bobcat style implements, and trailers; and

Mrs. Anne F. McBride  
March 14, 2008  
Page 2

- Recreational vehicles.
- E. No vehicle shall be stored in the parking lot for more than 72 hours;
  - F. No vehicles shall be sold from the lot;
  - G. No outside storage or display of automotive accessories is permitted; and
  - H. Hours of operation shall be limited from 6:00 A.M. to 9:00 P.M. Sunday - Saturday.
3. Irrespective of building use, a landscaping buffer shall be installed along the southern property boundary of outlot 1. The landscaping buffer shall contain a mix of evergreen trees, large deciduous trees, and shrubs. All selected species shall meet the installation size requirements which are found in Article 37 of the Boone County Zoning Regulations.
  4. Dumpster lids and enclosure gates shall remain closed at all times on outlots 1 through 5.
  5. All applicable conditions from the December 6, 2006 Committee Report shall remain in effect.


Sincerely,

Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/dw

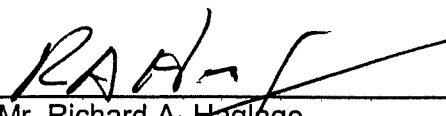
AGREEMENT

I, Anne F. McBride, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan which is described on the first page of this letter.

  
\_\_\_\_\_  
Mrs. Anne F. McBride  
Applicant

3.19.08  
Date

I, Richard A. Haglage, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan which is described on the first page of this letter.

  
\_\_\_\_\_  
Mr. Richard A. Haglage  
Terra Firma Conner Crossing LLC

3.19.08  
Date

**Principally Permitted Uses:**

The following uses are permitted on Outlots 1-5:

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. 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 saloons;
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;
48. Automotive repair facilities (with the Condition that only outlot 1 can contain an automotive repair facility and that facility shall not perform any body or paint work, automotive upholstery or automotive glass work);
49. Computers and related merchandise;
50. Pet stores, excluding boarding of animals;
51. Health spas;
52. Toy and game stores; and
53. Telephone supply and service.

**Accessory Uses:**

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

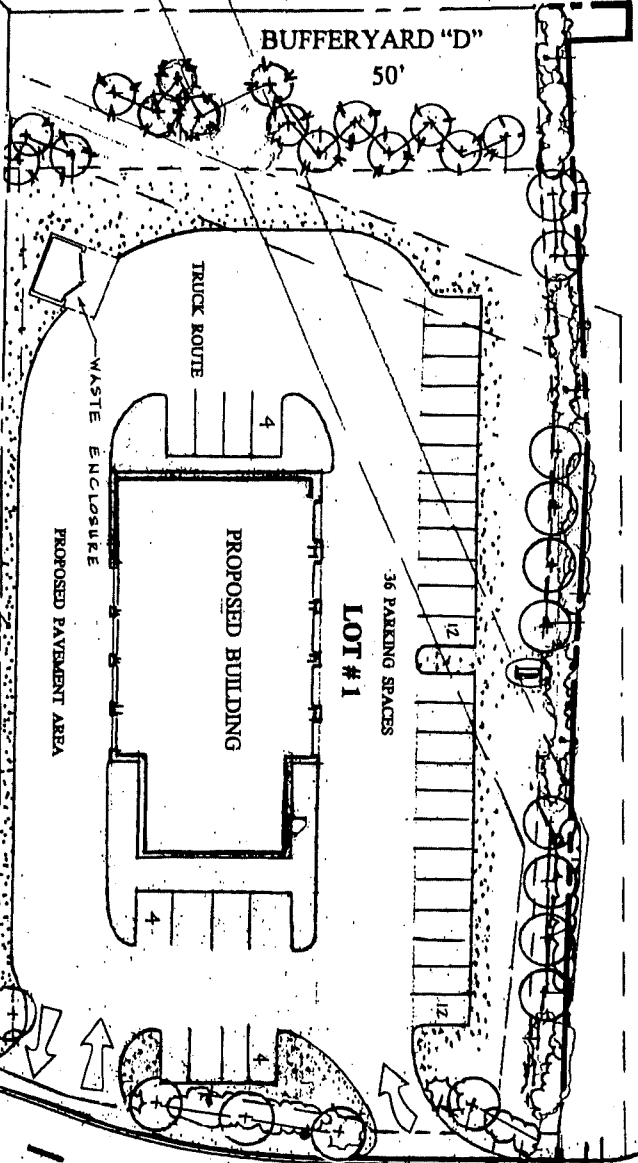
1. Accessory uses for an office facility;
2. Signage (See Article 34);
3. Parking (See Article 33);
4. Temporary buildings incidental to construction;
5. Drive-up photo finishing services and automatic teller services;
6. Garment and furniture centers (See Article 31);
7. Drive-through facilities operated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

CORPORATION OF THE CHURCH OF JESUS CHRIST  
VACANT

PETERSBURG ROAD

BURLINGTON REALTY & DEV  
COMMERCIAL  
KY RT 20

S 86°03'37" E  
10.98'



BUFFERYARD "D"  
50'

LOT #1

PROPOSED BUILDING

36 PARKING SPACES

TRUCK ROUTE

WASTE ENCLOSURE

PROPOSED PAVEMENT AREA

REQUIRED 5' BUFFER YARD

PRIVATE STREET

LOT #2  
AREA =  
1.314 AC

NEW SAN LH  
T = 873.00  
INV (E) = 878.55  
INV (NW) = 876.55

NEW SAN LH  
T = 878.50  
INV = 864.00

NEW SAN LH  
T = 850.45  
INV (E) = 873.00  
INV (NE) = 880.00  
PROP. CB  
PROP. 60' STL. T = 870.04  
INV = 853.36

NEW SAN LH  
T = 823.00  
INV = 833.41

PROP. 60' STL. EX. 48' STK.  
INV = 878.07

EX. 20' CONC. STREET ELEVATION  
EX. 24' E. 147' & EX. 24' E. 228' W. 228' W. 228' W.  
T = 823.00  
INV = 833.41

PROP. 60' STL. EX. 48' STK.  
INV = 878.07

EX. 20' CONC. STREET ELEVATION  
EX. 24' E. 147' & EX. 24' E. 228' W. 228' W. 228' W.  
T = 823.00  
INV = 833.41

PROPOSED SITE PLAN

SCALE: 1" = 60'



February 18, 2008

DWG. DATE:  
DRAWN BY: RPS  
CHECKED BY: TR

LS-1  
SCALE AS NOTED

SUMEREL TIRES  
LOT # 1  
1.420 ACRES

CONNER CROSSING  
PROPOSED RETAIL DEVELOPMENT  
BOONE COUNTY, KENTUCKY  
KENTUCKY ROUTE 20 & KENTUCKY ROUTE 237  
SOUTHWEST QUADRANT

PROPERTIES OF TERRA FIRMA  
424 WARD'S CORNER ROAD SUITE 220  
LOVELAND, OHIO 45140

RICHARD P. SOFER  
LANDSCAPE ARCHITECTS - LAND PLANNERS  
P.O. BOX 1144  
FLORENCE, KENTUCKY 41022-1144  
PHONE: 859-743-0227 FAX: 859-344-8454





1

After Recording, Return To:  
Joanie L. Zimmer, Esq.  
Griffin Fletcher & Herndon LLP  
3500 Red Bank Road  
Cincinnati, OH 45227

**KENTUCKY  
GENERAL WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS:**

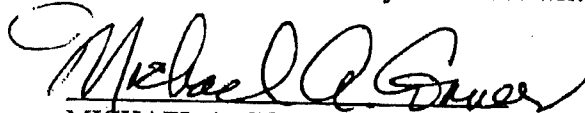

This deed of conveyance is made and entered into as of October <sup>23</sup>, 2007, by and between MICHAEL A. CONNER and LINDA L. CONNER, husband and wife (collectively, the "Grantors"), whose mailing address is 986 Riva Ridge, Union, Kentucky 41091 and TERRA FIRMA-CONNER CROSSING, LLC, an Ohio limited liability company ("Grantee"), whose mailing address is 424 Wards Corner Road, Suite 220, Loveland, Ohio 45140.

**WITNESSETH:**

For a valuable consideration, being the sum of \$3,276,000.00 paid to the Grantors by the Grantee, the receipt of which is hereby acknowledged, the Grantors hereby convey unto the Grantee, in fee simple and with covenants of general warranty, the real property situated in the City of Hebron, County of Boone, in the Commonwealth of Kentucky, and being more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

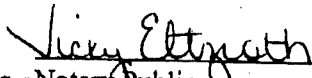
Being the same property conveyed to Grantors herein by deeds as set forth in Deed Book 231, Page 225 and Deed Book 247, Page 132/both of the Boone County, Kentucky Records. Grantors further covenant that Grantors are lawfully seized of the estate hereby conveyed and that the Property is free of all liens and encumbrances except state, county, and school taxes assessed and payable in 2007 and all taxes thereafter which the Grantee assumes and agrees to pay, and all easements and encumbrances of record.

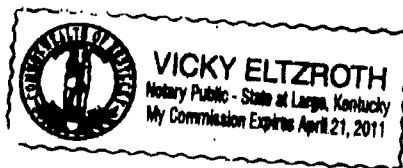
Grantors have caused this instrument to be executed as of the day first above written.

  
MICHAEL A. CONNER  
  
LINDA L. CONNER

COMMONWEALTH OF KENTUCKY )  
 ) SS:  
COUNTY OF Kenton )

The foregoing instrument was acknowledged before me on October <sup>23</sup>, 2007 by Michael A. Conner and Linda L. Conner, husband and wife.

  
Notary Public



BOONE COUNTY  
D943 PG 217

BOONE COUNTY

CONSIDERATION CERTIFICATE

Grantors and Grantee, being duly sworn, certify that the consideration stated in the foregoing deed is the full consideration paid for the transfer of the Property.

*Michael A. Conner*  
MICHAEL A. CONNER

*Linda L. Conner*  
LINDA L. CONNER

TERRA FIRMA-CONNER CROSSING, LLC,  
an Ohio limited liability company

By *[Signature]*  
Print RAHGLAGE  
Its PRESIDENT

COMMONWEALTH OF KENTUCKY )

COUNTY OF henton )

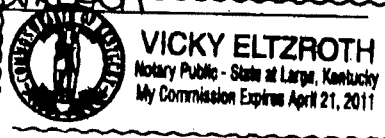
) SS:

The foregoing instrument was acknowledged before me on October 23<sup>rd</sup>, 2007 by Michael A. Conner and Linda L. Conner, husband and wife.

STATE OF OHIO )

COUNTY OF HAMILTON )

) SS:

*Vicky Eltzroth*  
Notary Public  


The foregoing Consideration Certificate was acknowledged before me on October 23<sup>rd</sup>, 2007 by Richard B. Haglage, the President of Terra Firma-Conner Crossing, LLC, an Ohio limited liability company, on behalf of the limited liability company.

*[Signature]*  
Notary Public

This instrument was prepared by:

*Andrew D. Graf*  
Andrew D. Graf, Esq.  
Griffin Fletcher & Herndon LLP  
3500 Red Bank Road  
Cincinnati, Ohio 45227  
513/421-1313

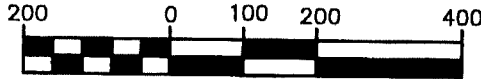


RICHARD J. HERNDON  
Attorney at Law  
Notary Public, State of Ohio  
Commission Has No Expiration  
Date, Section 147.03 O.R.C.

L:\Clients\proptefirm\Hebron KY - Conner\Gen. War. Deed (102207).doc

N

GRAPHIC SCALE

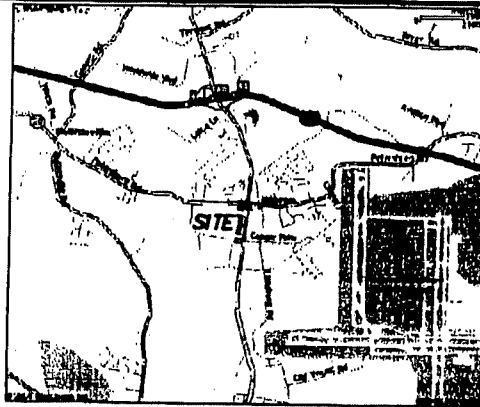


1" = 200'

BASIS OF BEARINGS

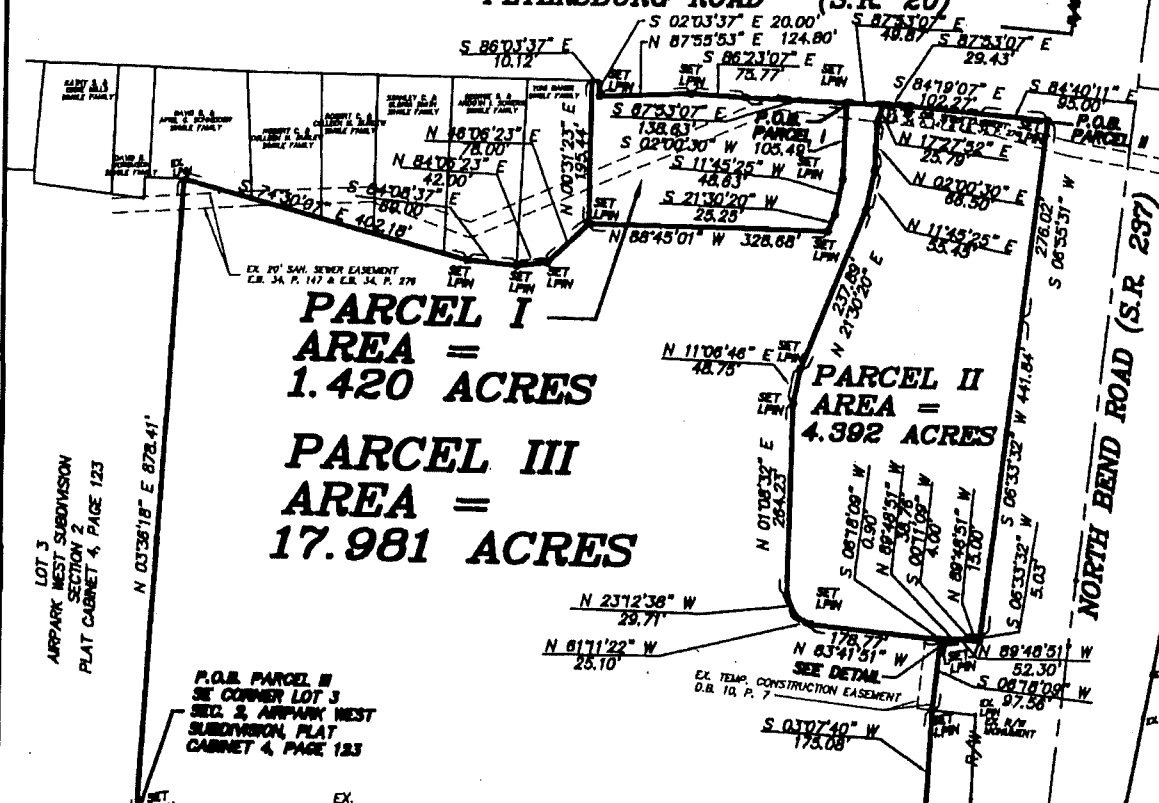
BEARINGS BASED ON RECORD PLAT FOR AIRPARK WEST SUBDIVISION AS RECORDED IN PLAT CABINET 4, PAGE 123, BOONE COUNTY CLERK'S RECORDS AT BURLINGTON, KENTUCKY

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN TWO (2) YEARS OF PLANNING COMMISSION APPROVAL.



PETERSBURG ROAD (S.R. 20)

VICINITY MAP N.T.S.



PARCEL I AREA = 1.420 ACRES  
PARCEL II AREA = 4.392 ACRES  
PARCEL III AREA = 17.981 ACRES

LOT 3 AIRPARK WEST SUBDIVISION SECTION 2 PLAT CABINET 4, PAGE 123

P.O.B. PARCEL III SE CORNER LOT 3 SEC. 2 AIRPARK WEST SUBDIVISION PLAT CABINET 4, PAGE 123

LOT 2 AIRPARK WEST SUBDIVISION SECTION 2 PLAT CABINET 4, PAGE 123

LOT 1 AIRPARK WEST SUBDIVISION SECTION 2 PLAT CABINET 4, PAGE 123

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

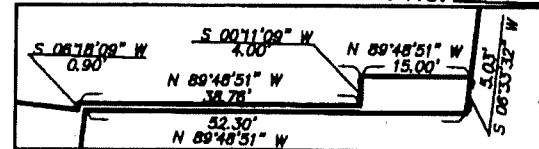
Approved for recording the transfer of the property only by the Boone County Planning Commission the 5th day of September 2007. *Julie C. Conner* Chairman's signature

FOR BUILDABLE LOTS LAND SURVEYOR'S CERTIFICATE

I certify that I have examined the records of the Boone County Court Clerk and find that this is the first conveyance made under the present ownership of the parent tract. *Robert W. Trenkamp 9/9/07* Signature of Surveyor Date

I HEREBY CERTIFY THAT THE SURVEY DEPICTED BY THIS PLAT WAS DONE BY PERSONS UNDER MY DIRECT SUPERVISION BY THE METHOD OF RANDOM TRAVERSE WITH SIDE SHOTS. THE UNADJUSTED PRECISION OF THE TRAVERSE EXCEEDED 1:10,000 AND WAS NOT ADJUSTED. THE SURVEY SHOWN HEREON IS A CLASS A SURVEY AND THE ACCURACY AND PRECISION OF SAID SURVEY MEETS ALL THE SPECIFICATIONS OF THIS CLASS. THE PLAT OF SURVEY COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS. *Robert W. Trenkamp 9/9/07* ROBERT W. TRENKAMP DATE KY LICENSED LAND SURVEYOR NO. 2524

P & Z Code No. 465Z



BOUNDARY DETAIL

PLAT OF PROPERTY

MICHAEL A. CONNER & LINDA A. CONNER PETERSBURG RD. & NORTH BEND RD. BOONE COUNTY HEBRON, KENTUCKY

Thomas Graham Associates, Inc. logo and contact information: 803 Compton Road Cincinnati, Ohio 45231 513-521-4780 Fax # 521-2439

STATE OF KENTUCKY PROFESSIONAL LAND SURVEYOR ROBERT W. TRENKAMP 2524 LICENSED

Table with recording details: Date: SEPT. 4, 2007; Scale: 1" = 200'; Job No: 7550; Revisions; No.; Date

D943 Pg 219

Exhibit A

August 14, 2007

**Legal Description:** Parcel I, (1.420 Acres)

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

Commencing at a set iron pin at the intersection of the southerly right of way line of Petersburg Road (S.R. 20) and the westerly right of way line of North Bend Road (S.R. 237); thence along the said southerly right of way line, North 84° 40' 11" West, 95.00 feet; thence North 84° 19' 07" West, 102.27 feet; thence North 87° 53' 07" West, 79.30 feet to the point of beginning of the tract herein described; thence departing the said southerly right of way line, South 02° 00' 30" West, 105.49 feet; thence South 11° 45' 25" West, 48.63 feet; thence South 21° 30' 20" West, 25.25 feet; thence North 88° 45' 01" West, 328.68 feet; thence North 00° 31' 23" East, 195.44 feet to the said southerly right of way line of Petersburg Road (S.R. 20); thence along the said southerly right of way line, South 86° 03' 37" East, 10.12 feet; thence South 02° 03' 37" East, 20.00 feet; thence North 87° 55' 53" East, 124.80 feet; thence South 86° 23' 07" East, 75.77 feet; thence South 87° 53' 07" East, 138.63 feet to the point of beginning.

The above described tract contains 1.420 Acres of land and is subject to all easements and restriction of record.

This description was prepared by Robert W. Trenkamp, Licensed #2524 in Kentucky and is based on a survey made by Thomas Graham Associates, Inc. dated August 14, 2007.

Group 2007 # 83

7550DescParcelI.420Acres.wpd

Exhibit A continued

August 14, 2007

**Legal Description:** Parcel II, (4.392 Acres)

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

Beginning at a set iron pin at the intersection of the southerly right of way line of Petersburg Road (S.R. 20) and the westerly right of way line of North Bend Road (S.R. 237); thence along the said westerly right of way line of North Bend Road (S.R. 237), South  $06^{\circ} 55' 31''$  West, 276.02 feet; thence South  $06^{\circ} 33' 32''$  West, 441.84 feet; thence departing the said westerly right of way line, North  $89^{\circ} 48' 51''$  West, 15.00 feet; thence South  $00^{\circ} 11' 09''$  West, 4.00 feet; thence North  $89^{\circ} 48' 51''$  West, 38.76 feet; thence South  $06^{\circ} 18' 09''$  West, 0.90 feet; thence North  $83^{\circ} 41' 51''$  West, 178.77 feet; thence North  $61^{\circ} 11' 22''$  West, 25.10 feet; thence North  $23^{\circ} 12' 38''$  West, 29.71 feet; thence North  $01^{\circ} 08' 32''$  East, 264.23 feet; thence North  $11^{\circ} 06' 46''$  East, 48.75 feet; thence North  $21^{\circ} 30' 20''$  East, 237.89 feet; thence North  $11^{\circ} 45' 25''$  East, 55.45 feet; thence North  $02^{\circ} 00' 30''$  East, 66.50 feet; thence North  $17^{\circ} 27' 52''$  East, 25.79 feet to the said southerly right of way line of Petersburg Road (S.R. 20); thence along the said southerly right of way line, South  $87^{\circ} 53' 07''$  East, 29.43 feet; thence South  $84^{\circ} 19' 07''$  East, 102.27 feet; thence South  $84^{\circ} 40' 11''$  East, 95.00 feet to the point of beginning.

The above described tract contains 4.392 Acres of land and is subject to all easements and restriction of record.

This description was prepared by Robert W. Trenkamp, Licensed #2524 in Kentucky and is based on a survey made by Thomas Graham Associates, Inc. dated August 14, 2007.

Group 2007 & 83

7550Desc:Parcel2\_4.392Acres.wpd

Exhibit A continued

August 14, 2007

**Legal Description:** Parcel III, (17.981 Acres)

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

Beginning at a set iron pin at the south east corner of Lot 3 of Airpark West Subdivision, Section 2, as recorded in Plat Cabinet 4, Page 123, Boone County Clerks Records at Burlington Kentucky; thence North 03° 36' 18" East, 878.41 feet to an existing iron pin; thence South 74° 30' 07" East, 402.18 feet; thence South 84° 08' 37" East, 69.00 feet; thence North 84° 06' 23" East, 42.00 feet; thence North 46° 06' 23" East, 78.00 feet; thence South 88° 45' 01" East, 328.68 feet; thence North 21° 30' 20" East, 25.25 feet; thence North 11° 45' 25" East, 48.63 feet; thence North 02° 00' 30" East, 105.49 feet to the southerly right of way line of Petersburg Road (S.R. 20); thence with the said southerly line, South 87° 53' 07" East, 49.87 feet; thence departing the said southerly line, South 17° 27' 52" West, 25.79 feet; thence South 02° 00' 30" West, 66.50 feet; thence South 11° 45' 25" West, 55.45 feet; thence South 21° 30' 20" West, 237.89 feet; thence South 11° 06' 46" West, 48.75 feet; thence South 01° 08' 32" West, 264.23 feet; thence South 23° 12' 38" East, 29.71 feet; thence South 61° 11' 22" East, 25.10 feet; thence South 83° 41' 51" East, 178.77 feet; thence North 06° 18' 09" East, 0.90 feet; thence South 89° 48' 51" East, 38.76 feet; thence North 00° 11' 09" East, 4.00 feet; thence South 89° 48' 51" East, 15.00 feet to the westerly right of way line of North Bend Road (S.R. 237); thence with the said westerly line, South 06° 33' 32" West, 5.03 feet to a set iron pin; thence North 89° 48' 51" West, 52.30 feet; thence South 06° 18' 09" West, 97.56 feet; thence departing the said westerly right of way line, South 03° 07' 40" West, 175.08 feet to an existing iron pin; thence North 88° 51' 28" West, 1079.82 feet to the point of beginning.

The above described tract contains 17.981 Acres of and is subject to all easements and restrictions of record.

This description was prepared by Robert W. Trenkamp, Licensed #2524 in Kentucky and is based on a survey made by Thomas Graham Associates, Inc. dated August 14, 2007.

Group 2007 & 83

BOONE COUNTY  
D943 PG 222

DOCUMENT NO: 441855  
RECORDED ON: OCTOBER 26, 2007 01:27:15PM  
TOTAL FEES: \$26.00  
TRANSFER TAX: \$3276.00  
GROUP : 2007  
COUNTY CLERK: RENA' PING  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: JULIE  
BOOK D943 PAGES 21 - 222

1Acres.wpd

# Resolution Of The Boone County Fiscal Court

Resolution No. 08-88

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING DENIAL FOR A REQUEST OF ANNE F. MCBRIDE, MCBRIDE DALE CLARION (APPLICANT) FOR TERRA FIRMA CONNER CROSSING LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 5.812 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 Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 5.812 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 denial for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 5.812 acre site generally located on the southwest corner of the KY 20 / KY 237 intersection, Boone County, Kentucky.

**WHEREAS**, the Boone County Fiscal Court has had opportunity to review the record from the Boone County Planning and Zoning Commission on the proposed development and

**WHEREAS**, after hearing arguments by both the applicant and those who oppose the plan in an open session of the Boone County Fiscal Court on June 3, 2008 the Court agrees with the recommendation of the Boone County Planning Commission

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

## SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for denial in a Commercial Two/Planned Development (C-2/PD) zone for a 5.812 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 for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone is more particularly described in DEED BOOK 943, PAGE NO. 217 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

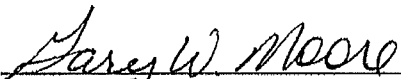
## SECTION II

That as a basis for the recommendation of denial for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 5.812 acre site generally located on the southwest corner of the KY 20 / KY 237 intersection, Boone County, Kentucky, findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The full Planning Commission recommended denial of this request based on the findings of fact presented at their March 19, 2008 Business Meeting and marked as "Exhibit B."

## SECTION III

That this Resolution is hereby approved and adopted in Open Session of the Boone County Fiscal Court this 3rd day of June, 2008.

  
\_\_\_\_\_  
Gary W. Moore  
Boone County Judge / Executive

Attest:

  
\_\_\_\_\_  
Blair G. Schroeder  
Fiscal Court Clerk