

APPLICATION FORM

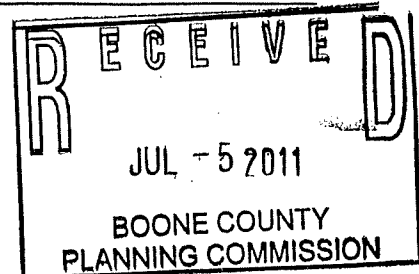
**CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION**

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:
- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
 - Change in an Approved Concept Development Plan
 - Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
 - Long Range Planning Committee Review (As stated in the Union Town Plan)
2. Name of Project Conner Crossing
3. Location of Project Southwest corner of North Bend Road (KY 20) and Petersburg Road (KY 237)
4. Total Acreage of Site 1.42 acres (Lot 1)
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) "AAA" Office with Sumerel Tire Store
9. Proposed Building Intensities (please specify) 8,668 Square Feet
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 (Lot 1)
How many? -0-
17. Deed Book 943 Page No. 217 Group No. 2007
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)



EXHIBIT

“A”

STAFF REPORT

Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Terra Firma Conner Crossing LLC (owner)** for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky (Lot 1, Conner Crossing Subdivision). The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses for the subject lot.

August 3, 2011

REQUEST

The Applicant has filed a Change in Approved Concept Development Plan application to allow an automotive repair use on lot 1 of Conner Crossing Subdivision. The use would be added to the principally permitted use list that was originally approved for the subdivision outlots. The submitted Concept Plan shows that an 8,668 square foot AAA office/Bob Sumerel Tire and Service facility with 42 parking spaces will be constructed on the lot. Access to the development is proposed from a single curb cut on the subdivision's private driveway system. The submitted building elevations show that the building will be constructed with an aluminum storefront system, brick, split face block, eight (8) overhead metal/glass garage doors, metal canopies, and a standing seam metal roof.

SITE HISTORY

2006/2007 - 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).

2008 - Boone County Planning Commission recommends denial of a Change in Approved Concept Development request which sought to add automotive repair as a principally permitted use on one of the five Conner Crossing outlots. The applicant withdrew the request before Boone County Fiscal Court acted on the Planning Commission's recommendation (see attachments).

SITE CHARACTERISTICS

The subject site is located at the southwest corner of the KY 20/Hebron Park Drive intersection. Access is provided from a private driveway system that runs between KY 20 and KY 237. The 2007 Grading Plan for the subdivision shows the property falls from 876' above sea level at southern property line to 852' above sea level at the southwest property corner. A sanitary sewer main bisects the property.

ADJACENT LAND USES AND ZONING

North: KY 20, Hebron Corner Mart, and Church of Jesus Christ of Latter Day Saints (C-2)

South: Kroger Marketplace and Kroger Fuel Center (C-2/PD)

East: Private Driveway, Undeveloped Outlot in Conner Crossing Subdivision (C-2/PD)

West: Single-Family Residential Dwelling Fronting on KY 20 (SR-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site 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 relate 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).

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.

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.

PLANNED DEVELOPMENT STANDARDS

The site is 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. The application is required because automotive repair facilities were excluded from the outlot principally permitted use list when the subdivision went through the Zoning Map Amendment and Concept Development application process in 2006/2007. The application would not be required if the proposed use was exclusively a AAA office.

2. The Planning Commission recommended denial of a request to put an automotive repair facility on one of the five outlots in 2008. The submitted plans showed that the building would be constructed per the subdivision's architectural design guidelines and would contain 9 service bays. Copies of the Public Hearing and Business Meeting minutes are attached to this report for review. The application was withdrawn before Boone County Fiscal Court took final action.
3. Staff would like the applicant to address the following:
 - A. What are the proposed hours of operation?
 - B. Please explain how the drop off lane will be used?
4. The 2006/2007 Concept Development Plan approval contained the following conditions which relate to the current proposal:
 - A. Architectural/design conditions
 - 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).
 - 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.
 - 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.
 - 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.
 - Any outside trash storage are 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.
 - B. Outlots are permitted an 8' tall, 42.39 square foot monument sign.
 - C. 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.
5. 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.

6. Staff recommends that the Planning Commission and Fiscal Court review the "Compatibility of Uses" and "Landscaping" Planned Development Standard before acting on the request (see attachments).
7. Staff recommends the following conditions if the request is approved. Many of these proposed conditions were contemplated by the Zone Change/Concept Development Plan Committee when the 2008 Change in Concept Development Plan application was being reviewed.
 - A. Body, paint, upholstery, and glass work shall be prohibited in the automotive repair facility.
 - B. Tow trucks shall not be kept on site.
 - C. 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), commercial style vehicles, trailers, implements, and equipment regardless of size such as dump trucks, tow trucks, Bobcat style implements, and trailers.
 - Recreational vehicles.
 - D. No vehicle shall be stored in the parking lot for more than 72 hours.
 - E. No vehicles shall be sold from the lot.
 - F. No outside storage or display of automotive parts or accessories is permitted.
 - G. One foot (1') to three foot (3') oblong berms shall be provided in the following locations:
 - KY 20 street frontage buffer
 - Buffer Yard C along the western property line.
 - H. The development shall comply with all sections of the Boone County Zoning Regulations and all applicable conditions from the December 6, 2006 Committee Report shall remain in effect.

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,



FOR TODD MORGAN

Todd K. Morgan, AICP
Senior Planner, Zoning Services

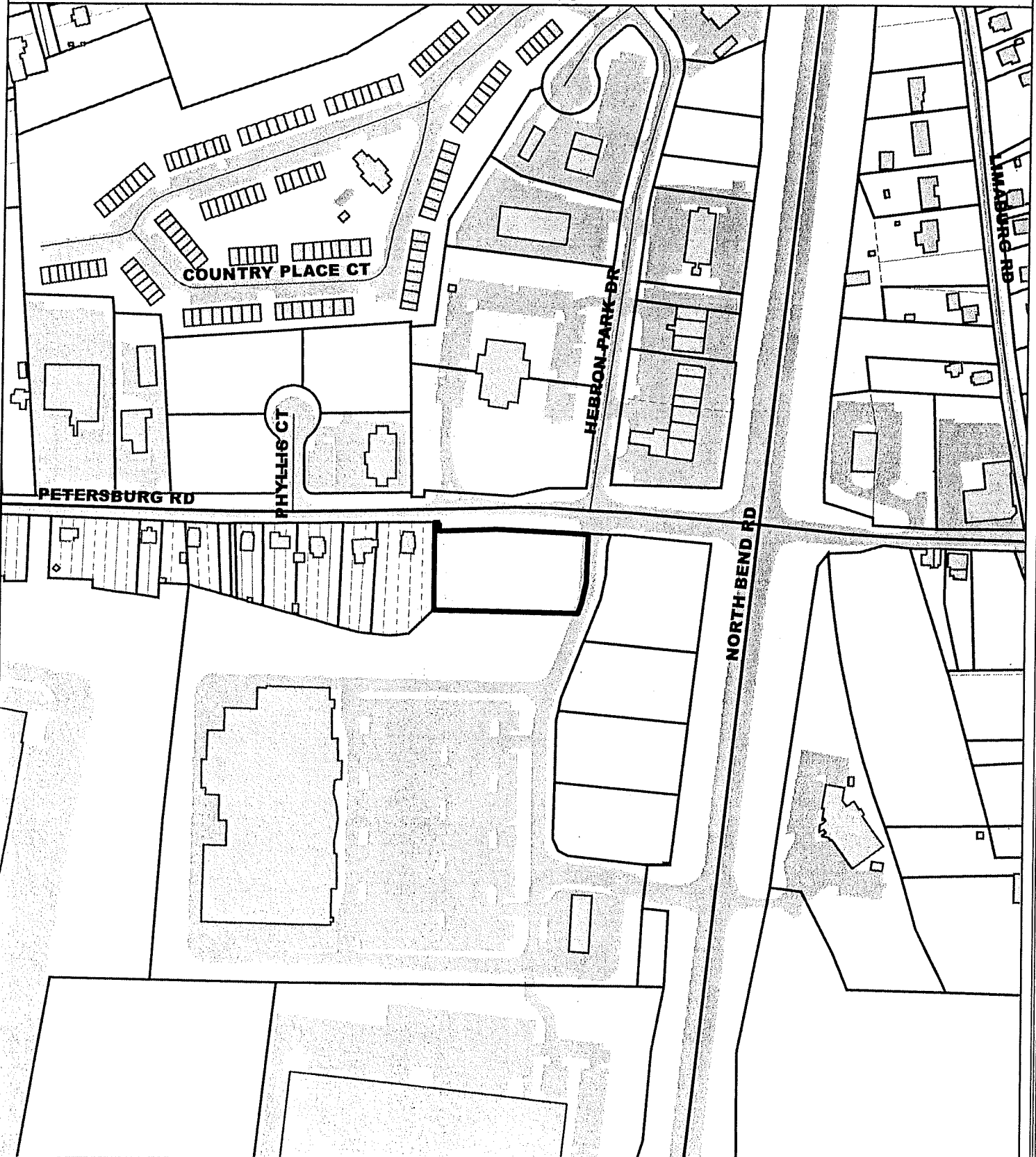
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Attachments:

- *Site Vicinity Map
- *Conner Crossing Site Layout Plan
- *Proposed Outlot 1 Principally Permitted and Accessory Use List
- *Architectural Site Plan (Proposal)
- *Building Elevation Drawings (Proposal)
- *Landscaping Plan (Proposal)
- *Landscaping Rendering (Proposal)
- *Dumpster Details (Proposal)
- *Proposed Signage (Proposal)
- *2006 Conditions of Approval
- *2008 Concept Development Plan
- *2008 Berming Plan
- *2008 Elevation Drawings
- *2/20/08 Public Hearing Minutes
- *3/19/08 Business Meeting Minutes
- *2009 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Planned Development Standards
- *Letter from Harold and Judy Walton
- *Application
- *Letter from Robert Kirby, Jr.

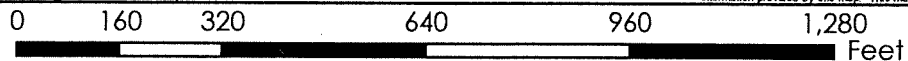
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Map File: ArcMap / Map 910.mxd
ArcMap Document: "mxd"

Conner Crossing

Out Lot 1

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;
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; and
48. **Automotive repair facilities (with the Condition that the facility shall not perform any body or paint work, automotive upholstery or automotive glass work and it must be developed in conjunction with another permitted use).**

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.

Hub + Weber Architects, PLLC
 343 Greenway Street
 Savannah, GA 31401
 P: 919-455-2243
 h@hubweber.com



HEBRON
 AAA
 TRAVEL INSURANCE
 BOB SUMMERS
 TIRE AND SERVICE



Hub + Weber
 Architects, PLLC

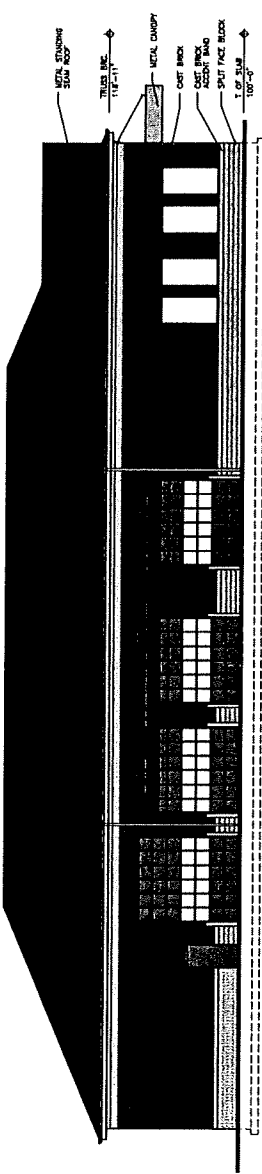
343 Greenway Street
 Savannah, GA 31401
 P: 919-455-2243
 h@hubweber.com

DATE: 02/20/11
 DRAWING: EXTERIOR ELEVATIONS

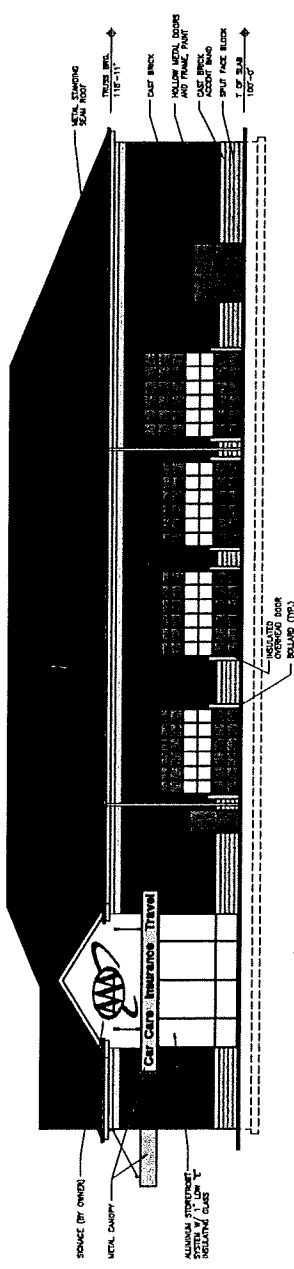
EXTERIOR ELEVATIONS

A201

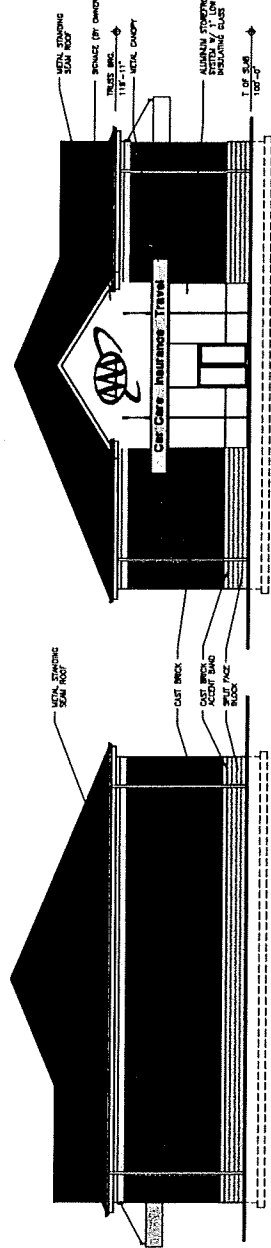
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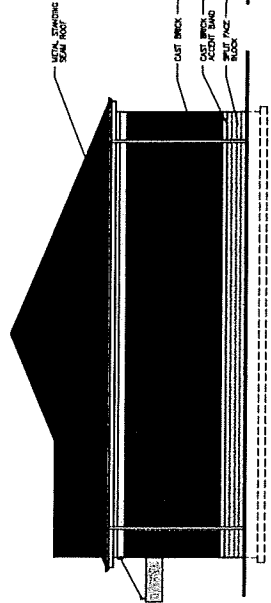
SOUTH ELEVATION
 1/2" = 1'-0"



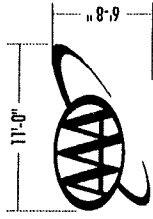
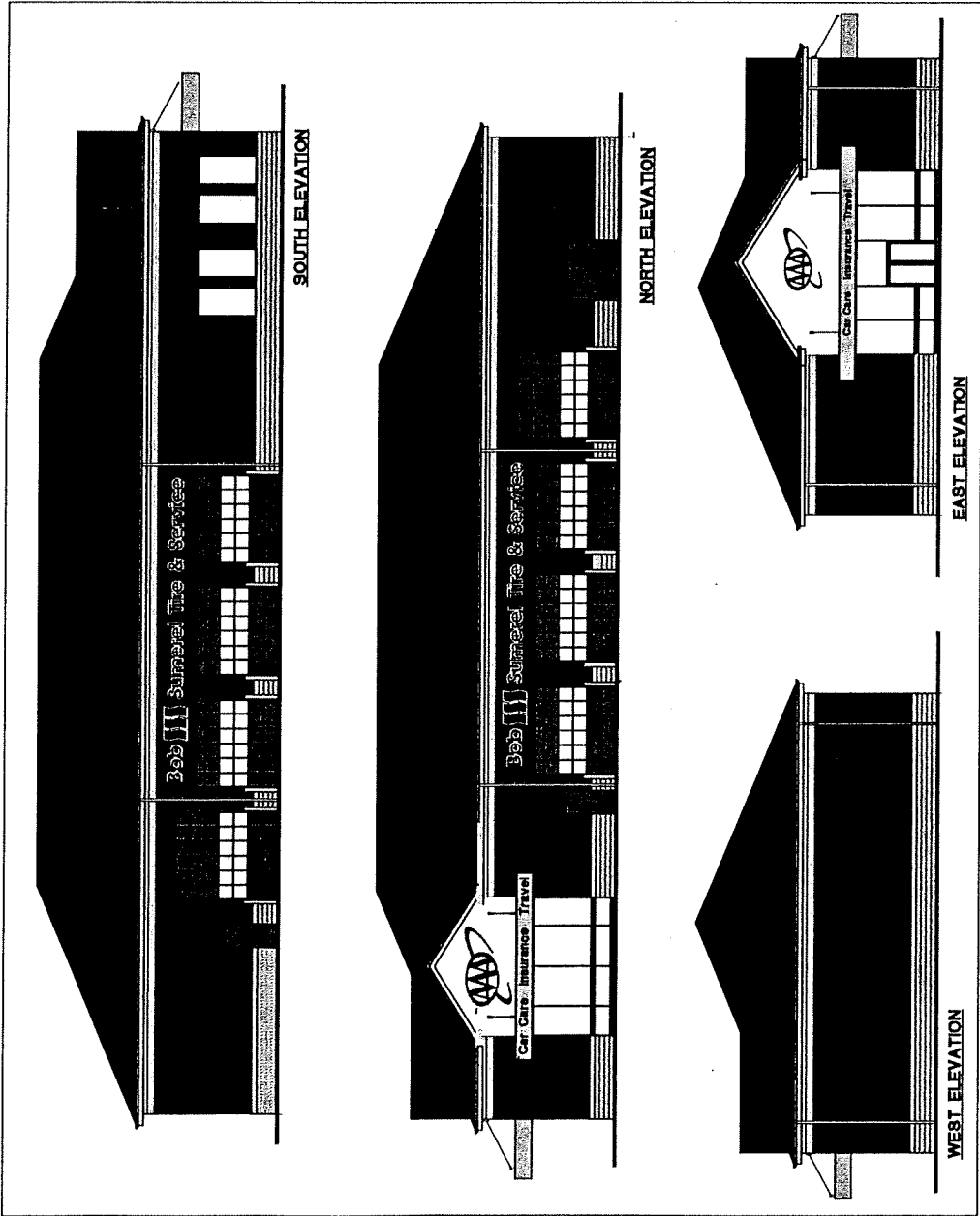
NORTH ELEVATION
 1/2" = 1'-0"



EAST ELEVATION
 1/2" = 1'-0"



WEST ELEVATION
 1/2" = 1'-0"

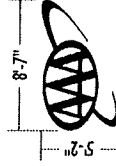


Car Care Insurance Travel 1'-3"

3 3/4" hgt

2'-0" **Bob Sumerel Tire & Service** 41'-5 1/4"

NORTH ELEVATION LETTERS - SCALE 1/8" = 1'



Car Care Insurance Travel 1'-3"

EAST ELEVATION LETTERS - SCALE 1/8" = 1'

3 3/4" hgt

2'-0" **Bob Sumerel Tire & Service** 41'-5 1/4"

SOUTH ELEVATION LETTERS - SCALE 1/8" = 1'

SCALE: 1/16" = 1'

FILE: BSAAA Hebron CL-3

Approved By:

DATE: 7-1-11

Sales Rep: Mark Stoffman

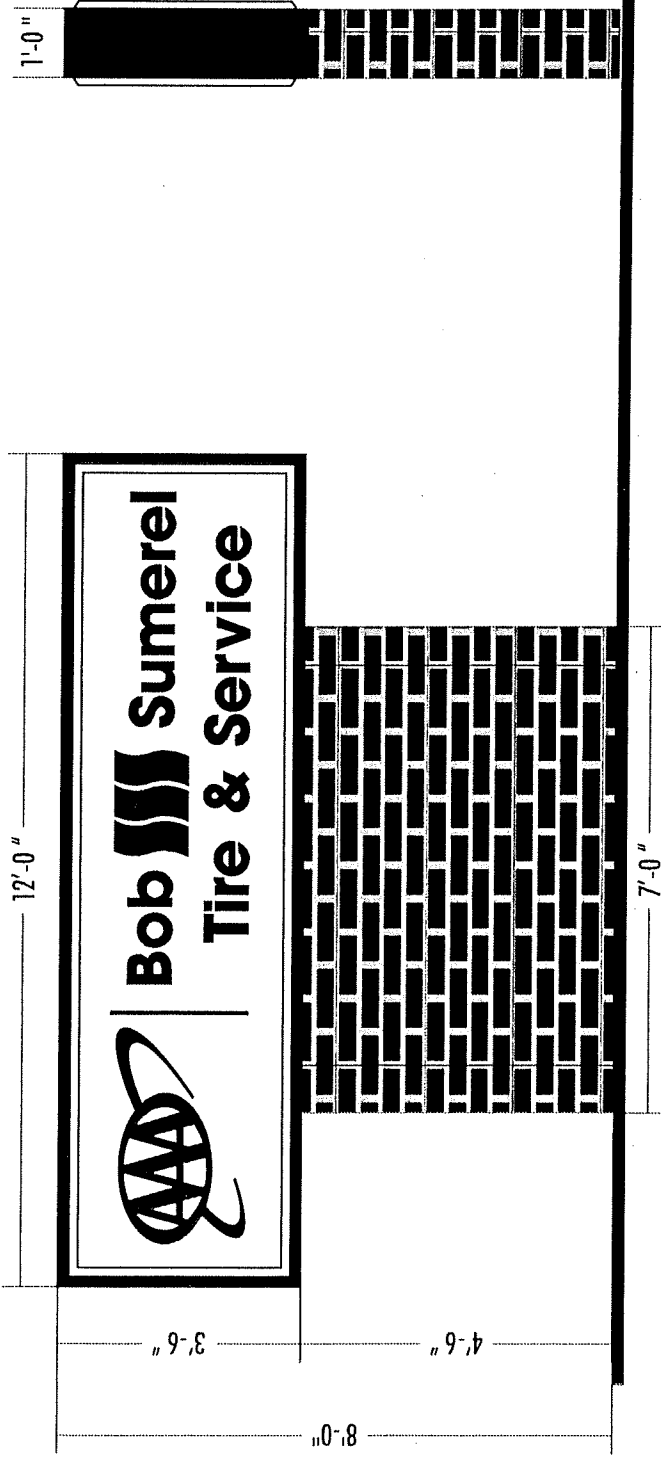
SCALE: See Sketch

DRAWN BY: WOODY FELLINGER

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Furnish and install one D/F internally illuminated monument sign

Base - To be brick

HEADER SIGN SPECS

- Cabinet to be aluminum painted red (PMS 485)
- Faces to be panned Lexan
- Bob Sumerel- Red (PMS 485) and Black embossed graphics
- AAA- Blue (PMS 287), Red(PMS 485) and Black embossed graphics
- Illumination w/ HO Fluorescent illumination
- UL Listed and Labeled

Bob Sumerel: Hebron -Monument Sign w/ LED Message Center

FILE: BS Hebron Mon-3

DATE: 7-25-11

SCALE: 3/8" = 1'

Approved By

Sales Rep. Mark Stottman

DRAWN BY: WOODY FELLINGER

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BOONE COUNTY PLANNING COMMISSION

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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.

Mrs. Anne F. McBride

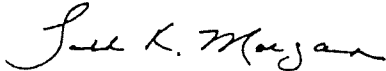
December 5, 2006

Page 3

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,



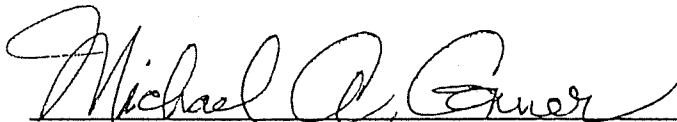
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\pr

Attachments

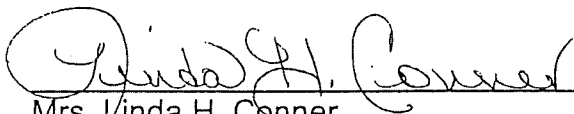
AGREEMENT

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.



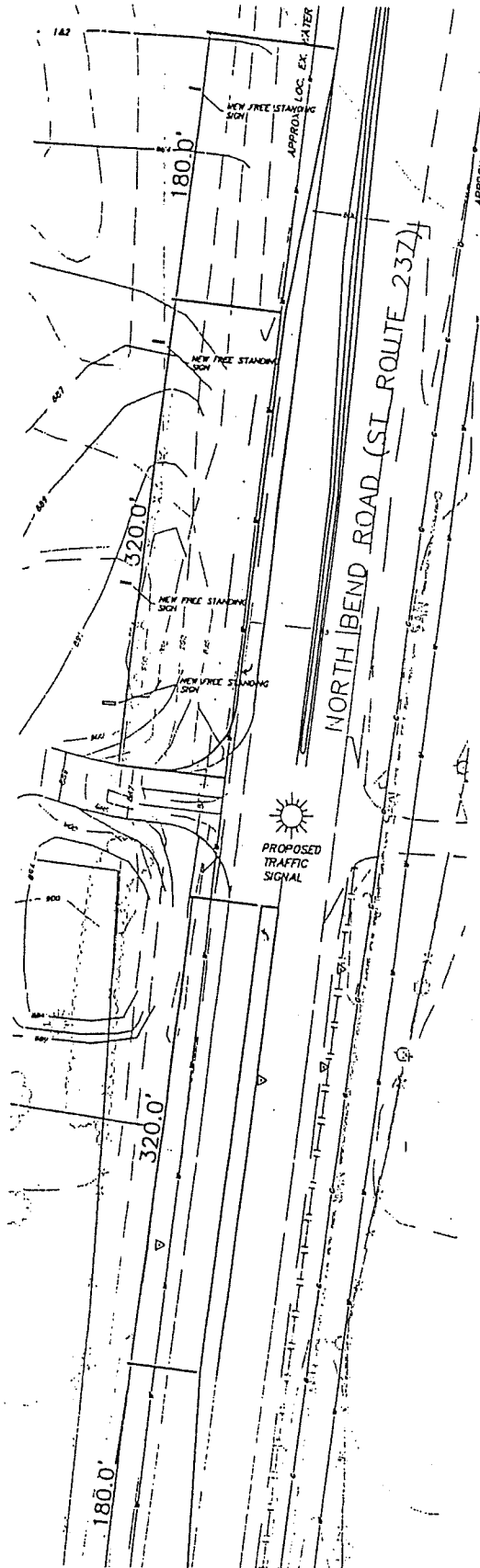
Mr. Michael A. Conner

Dec 6, 2006
Date



Mrs. Linda H. Conner

Dec 6 '06
Date

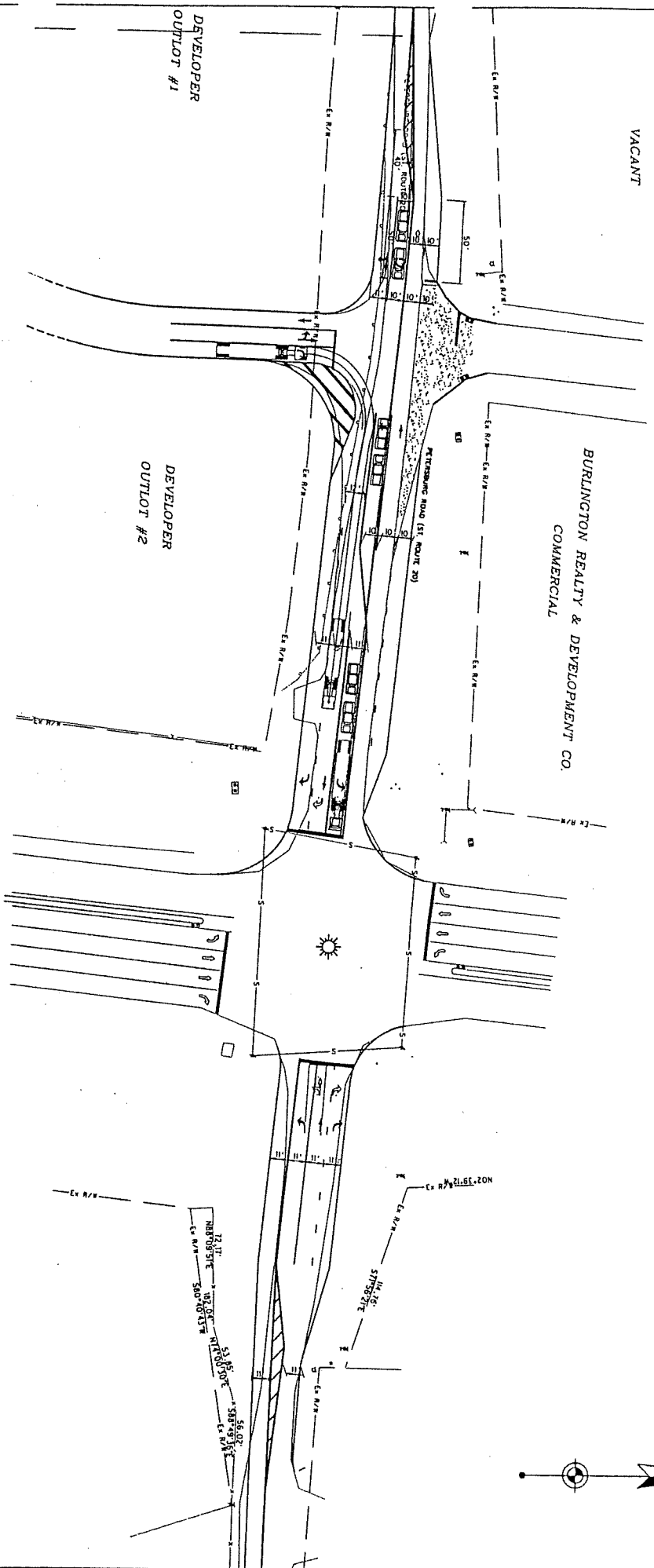


CORPORATION OF THE CHURCH
OF JESUS CHRIST
VACANT

BURLINGTON REALTY & DEVELOPMENT CO.
COMMERCIAL

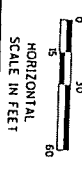
DEVELOPER
OUTLOT #1

DEVELOPER
OUTLOT #2



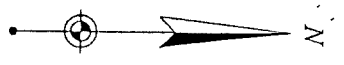
FINAL PHASE 3

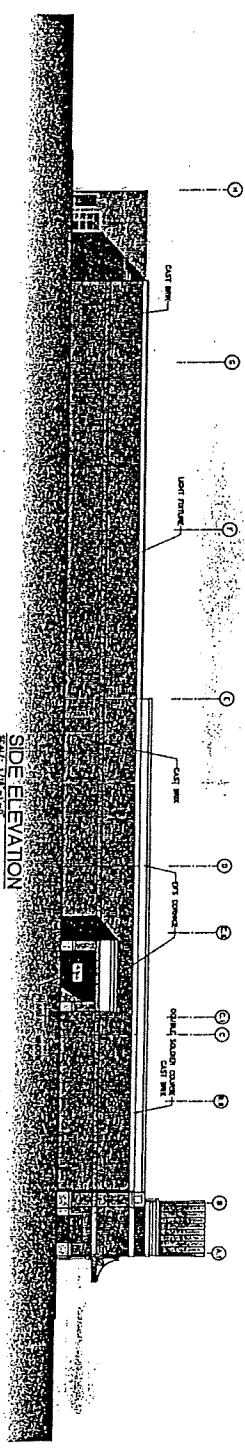
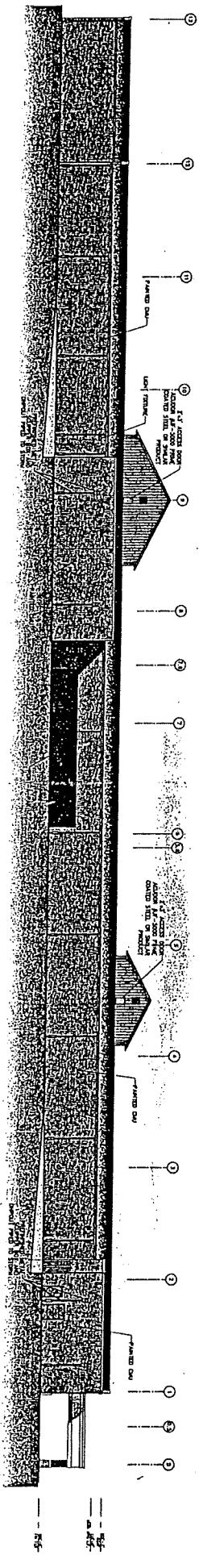
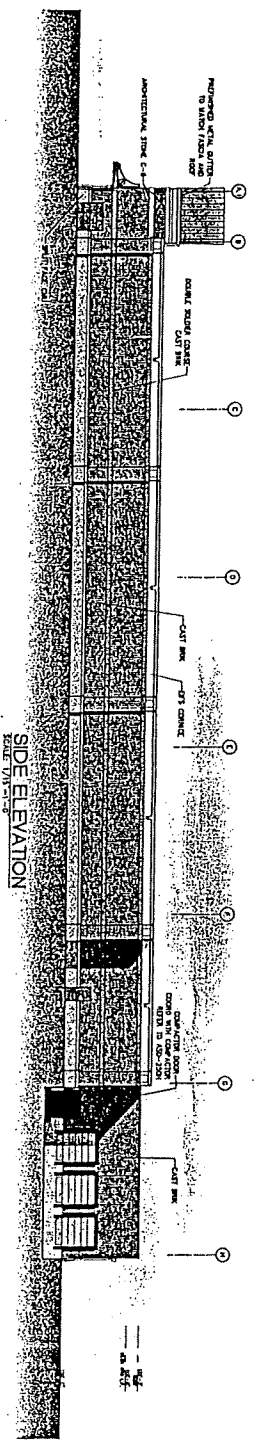
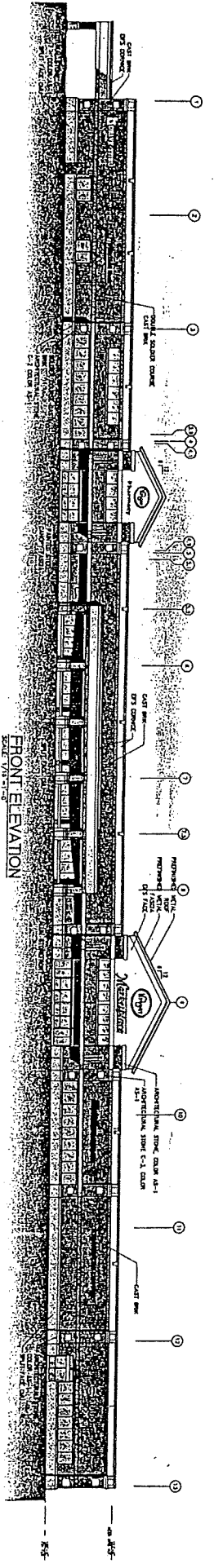
EXISTING
PHASE 3



**Edwards
AND Kelcey**
Professional Engineers
Architects
Surveyors
Transportation
Planning
Building Technology
Site and Facility Design

1000 North Main Street
Burlington, Vermont 05401
Phone: 802/251-1111
Fax: 802/251-1112
www.edwardsandkelcey.com





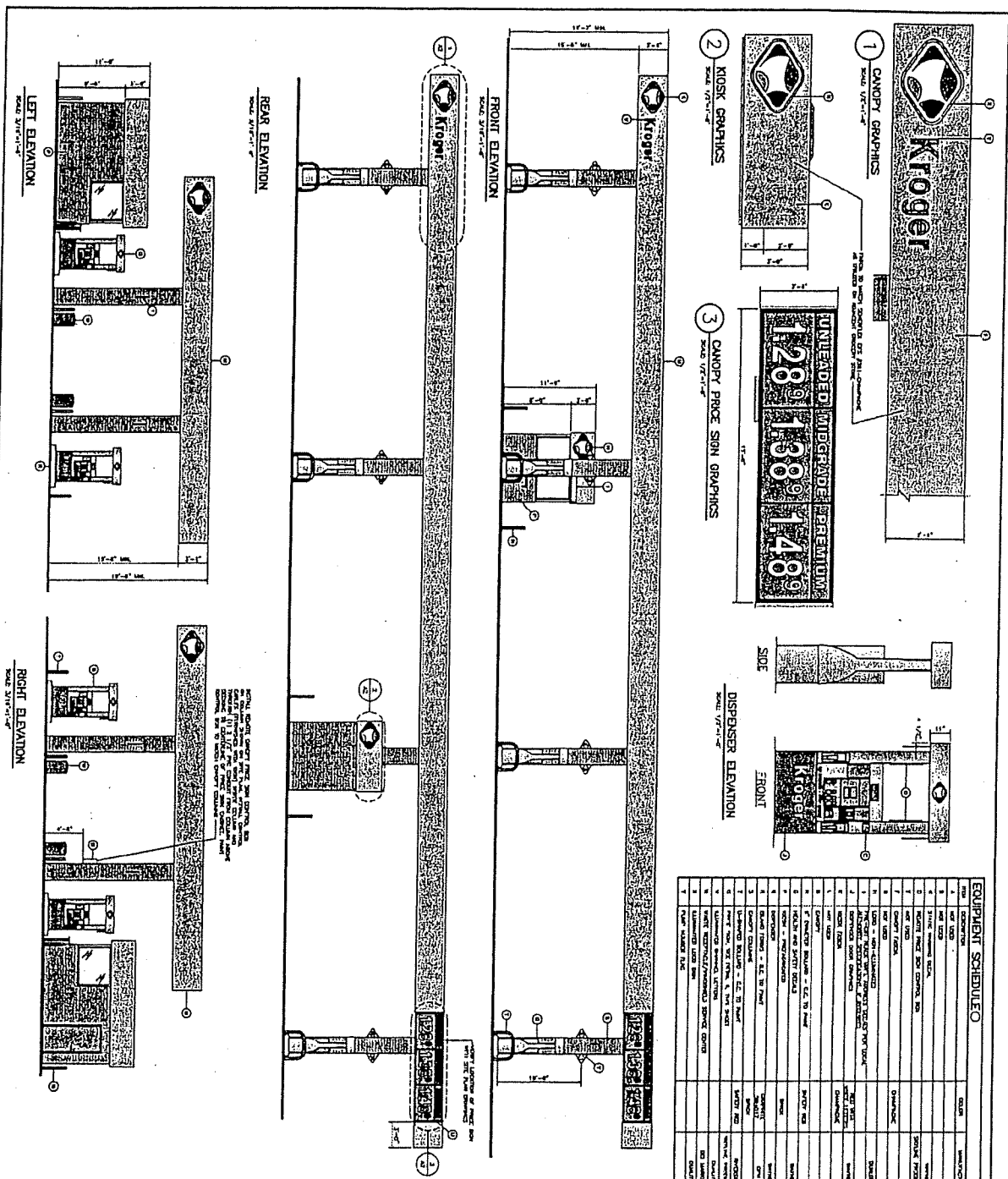
10.25.06

Kroger A409, Hebron, KY

9 00506 .B9

Cole + Russell Architects
AN UNLIMITED COMPANY





EQUIPMENT SCHEDULE

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	MANUFACTURER	MODEL	FINISH	NOTES
1	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
2	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
3	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
4	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
5	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
6	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
7	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
8	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
9	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
10	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
11	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
12	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
13	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
14	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
15	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
16	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
17	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
18	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
19	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	
20	1" X 1/2" X 1/2" ALUMINUM ANGLE	100	LINEAR FEET	ALUMINUM	6061-T6	ANODIZED	

THESE DRAWINGS ARE THE PROPERTY OF KROGER COMPANY. NO PART OF THESE DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KROGER COMPANY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.

REVISIONS

NO.	DESCRIPTION	DATE

EXTENSION DRAWINGS AND SERVICE

A2

Kroger

Bellevue, Partners & Associates
 Design, Construction Planning
 1336 20th Avenue
 Seattle, WA 98101
 Tel: (206) 461-1000
 Fax: (206) 461-1001

Principally Permitted Uses

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

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

Accessory Uses

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

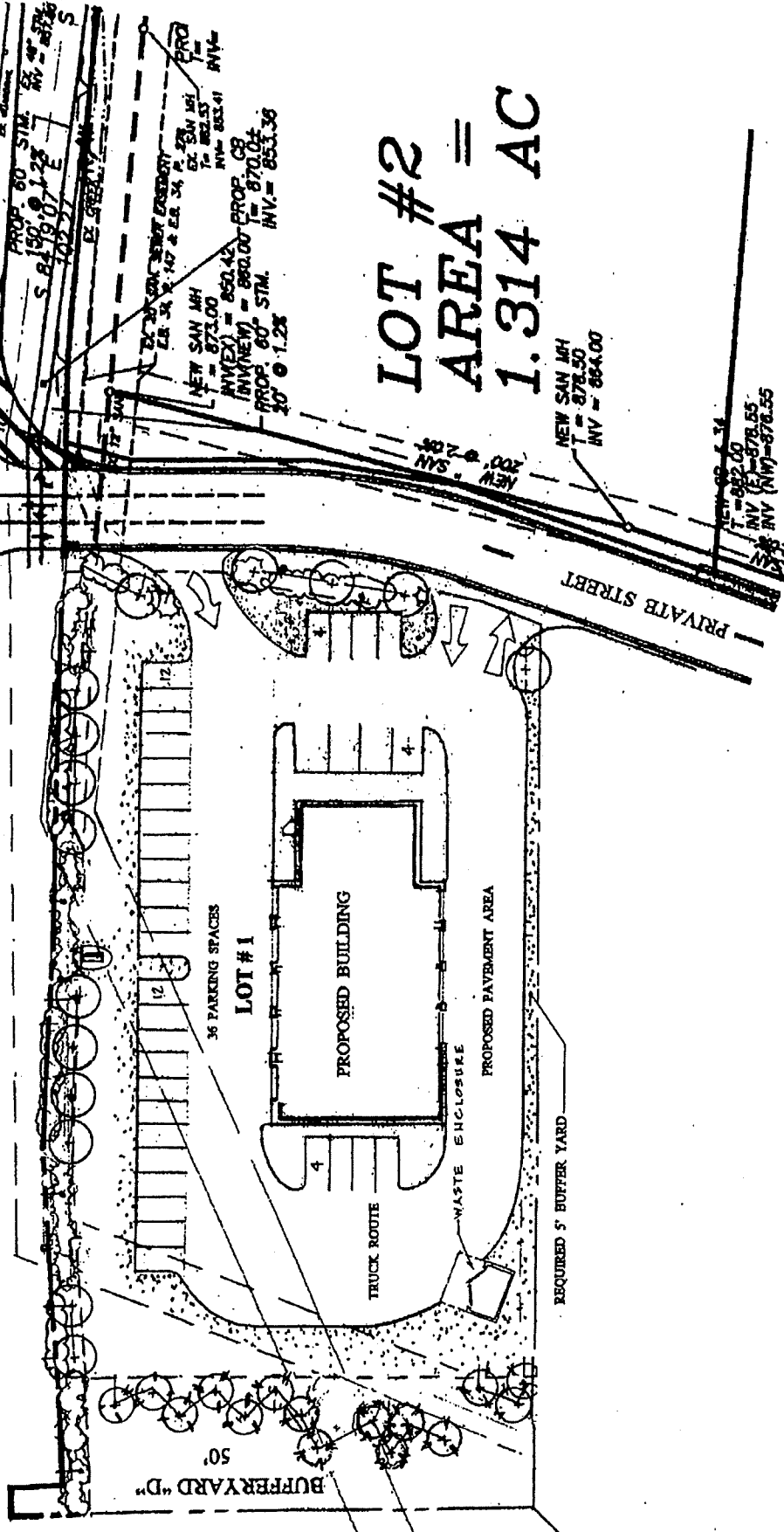
1. Accessory uses for an office facility;
2. Signage (See Article 34);
3. Parking (See Article 33);
4. Temporary buildings incidental to construction;
5. Drive-up photo finishing services and automatic teller services;
6. Garment and furniture centers (See Article 31);
7. Drive-through facilities operated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

CORPORATION OF THE CHURCH OF JESUS CHRIST
VACANT

PETERSBURG ROAD

BURLINGTON REALTY & DEVELOPMENT
COMMERCIAL

KYRT 20



LOT #2
AREA =
1.314 AC

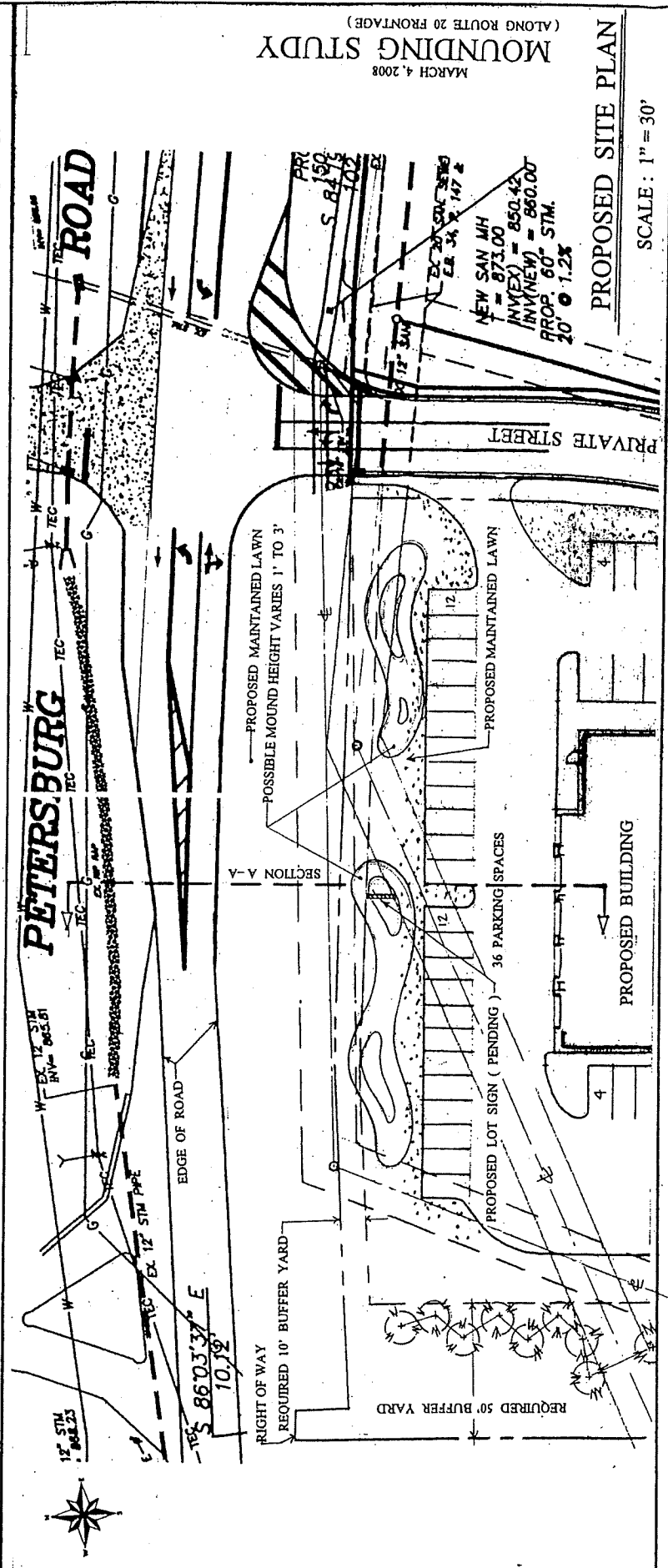
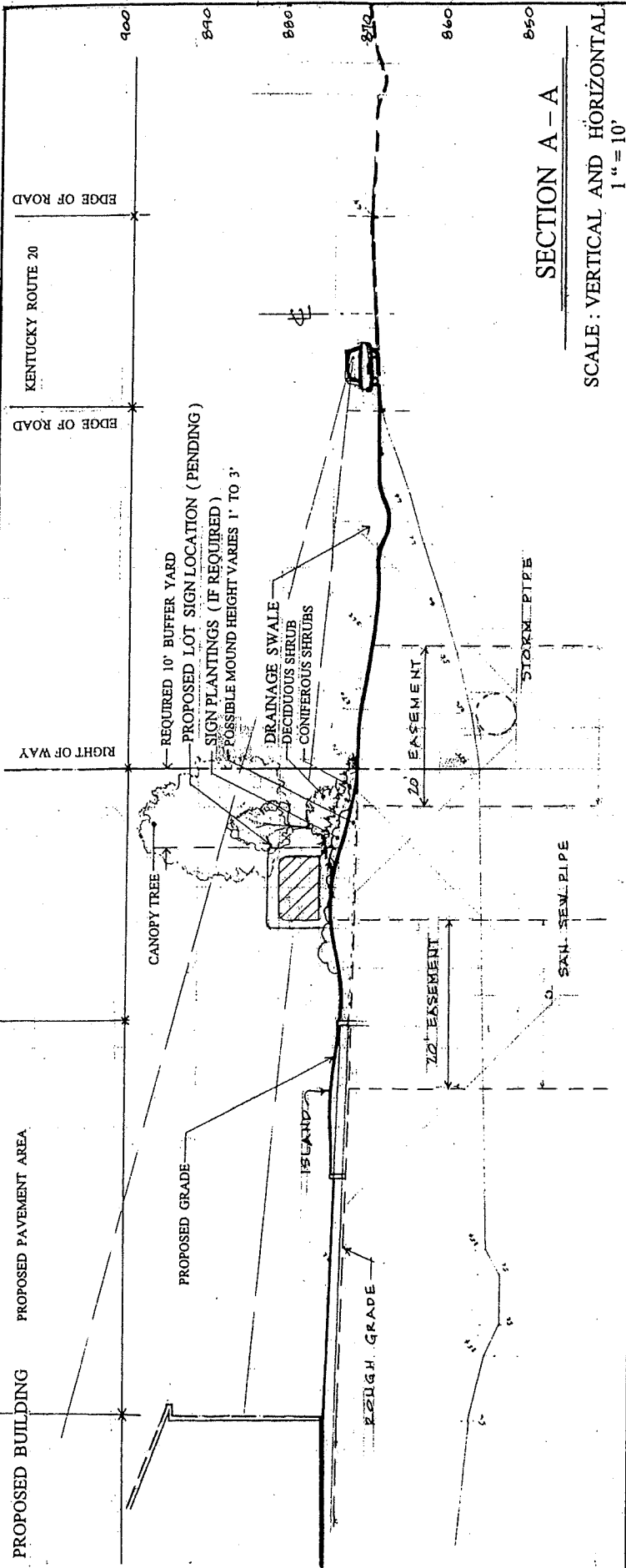
PROPOSED SITE PLAN SHOWN AT 2.20.08 PLANNING
COMMISSION MEETING. EARL B
REVISED BY 3.9.08 ZC CONSULTING.

SCALE: 1" = 60'

February 18, 2008

Dwg Date Drawing No Project No LS-1	SUMEREL TREES LOT # 1 1.420 ACRES	CORNER CROSSING PROPOSED LITTLE DEVELOPMENT ROAD CLOSURE ROUTE 207 SOUTHWEST QUARTER	PROPERTIES OF TERESA FRENK 64 WARDEN CORNER ROAD SUITE 210 LOVELAND, OHIO 45140	RICHARD P. FORM LANDSCAPE ARCHITECTS - LAND PLANNERS 201 BOKER BLVD FLORENCE, KENTUCKY 41022-1146 PHONE: 502-743-0222 FAX: 502-743-4454
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RICHARD P. SORER LANDSCAPE ARCHITECTS - LAND PLANNERS P.O. BOX 1144 FLORENCE, KENTUCKY 41222-1144 PHONE: 502-763-0277 FAX: 502-763-4434	PROPERTIES OF TERRA PINNA 424 WARD'S CORNER ROAD SUITE 228 LOVELAND, OHIO 45140	CONNER CROSSING PROPOSED RETAIL DEVELOPMENT BOONE COUNTY, KENTUCKY ROUTE 20 SOUTHWEST QUADRANT	SUMMERL TREES LOT # 1 1.420 ACRES	LS-1 DRAWN BY: JTB CHECKED BY: JTB DATE:
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PROPOSED SITE PLAN
 SCALE: 1" = 30'
 MOUNDING STUDY
 MARCH 4, 2008
 (ALONG ROUTE 20 FRONTAGE)

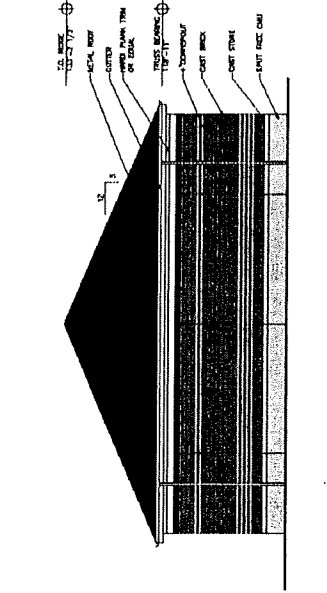
DATE: 11.15.17
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]

**BOB SUMEREL
 TIRE**
 CONCRETE CONCRETE
 NUMBER: [Number]

**Hub + Weber
 Architects, PLLC**
 141 County Street
 Louisville, KY 40202
 502.582.1211
 hubweber.com

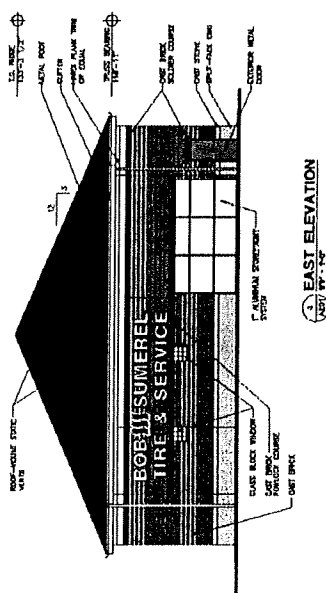
Scale: 1/8" = 1'-0"
 Project: [Name]

**EXTERIOR
 ELEVATIONS**
A201



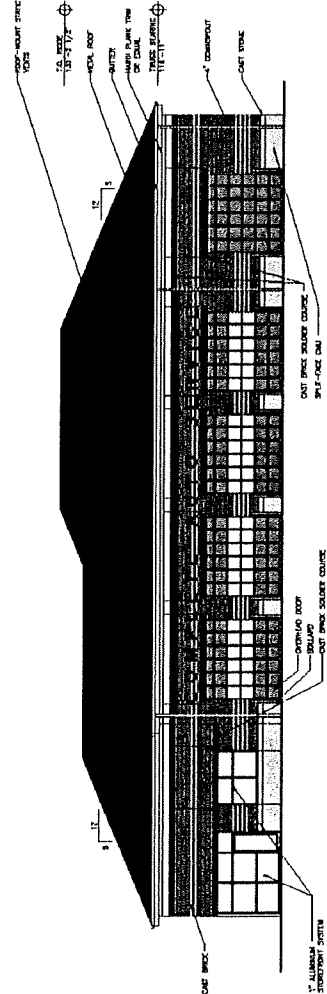
WEST ELEVATION
 1/8" = 1'-0"

**Facing Residential
 Property**



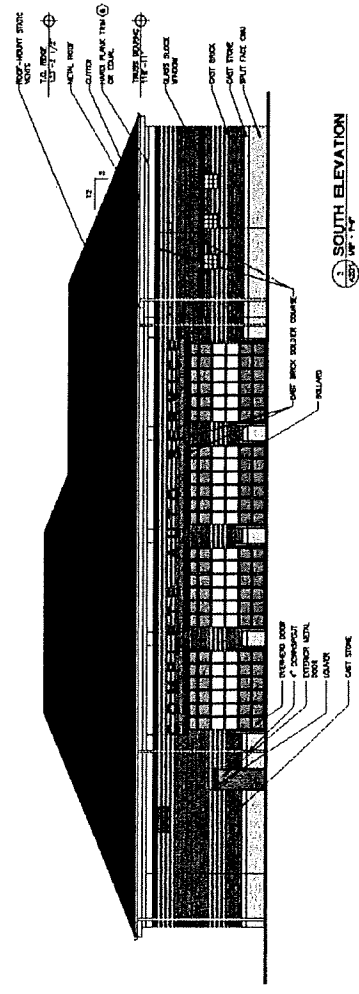
EAST ELEVATION
 1/8" = 1'-0"

**Facing Shared
 Driveway**



NORTH ELEVATION
 1/8" = 1'-0"

Facing KY 20



SOUTH ELEVATION
 1/8" = 1'-0"

**Facing Kroger
 Marketplace**

**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.

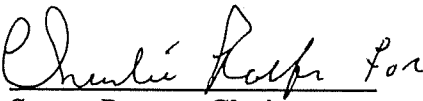
Mr. Schwenke stated that the list given by Ms. McBride is a lot more services than he realized Bob Sumerel offers. He is concerned about cars being left overnight. He asked the Committee to look at the storage of vehicles. He does not want to see a use of this type out front looking like a parking lot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

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

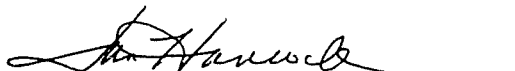
Ms. McBride stated that she does not believe they ever proposed "automotive repair facility" or that the use was ever stricken from the list. They are willing to work with Staff and the Committee to further define the use and focus it down to the use that is being proposed. She stated that they are basically 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

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. Bungler 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. Bungler 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. Bungler 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.

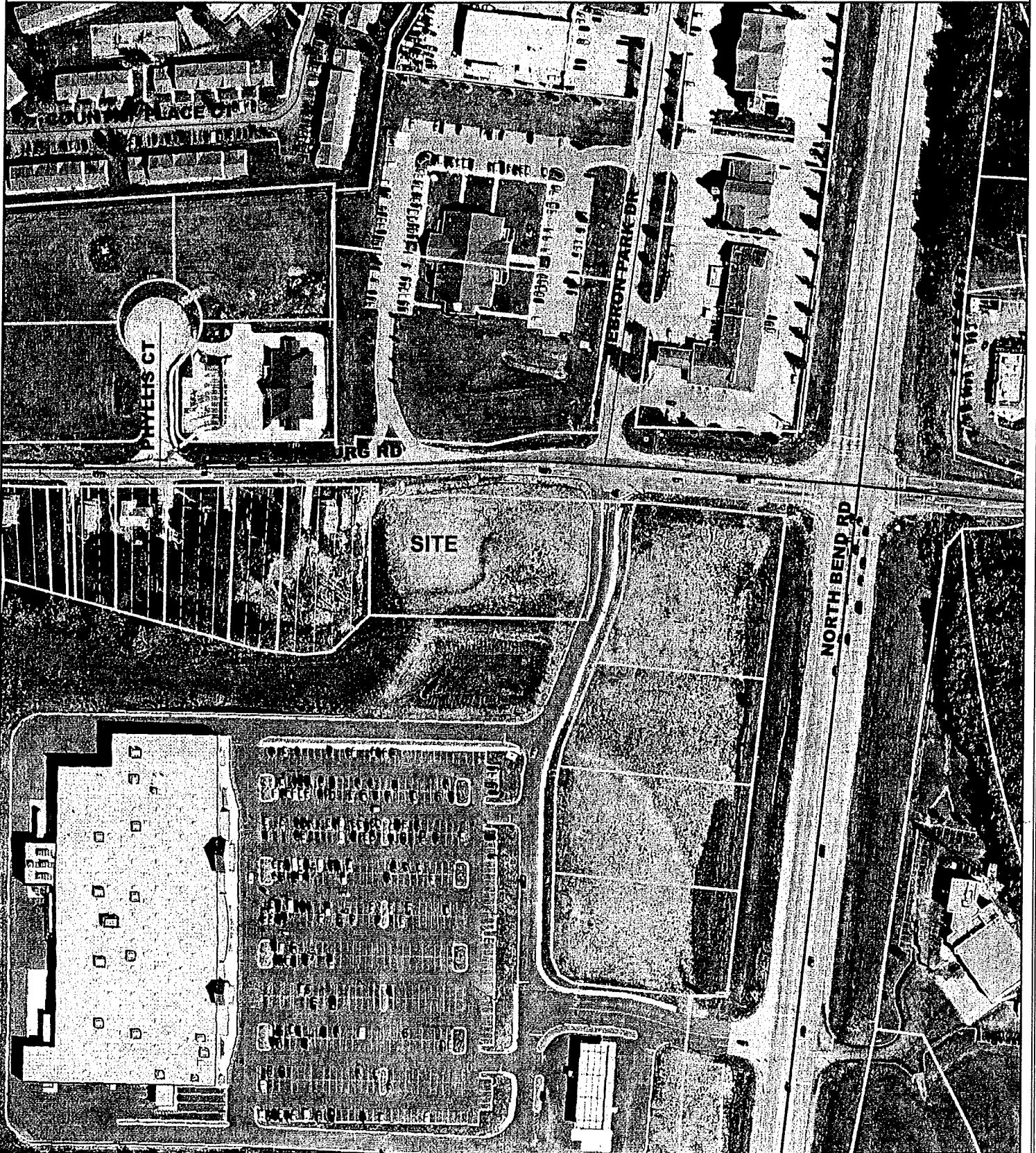
NEW BUSINESS:

Agenda Item
No.

1 Change in Concept Development Plan

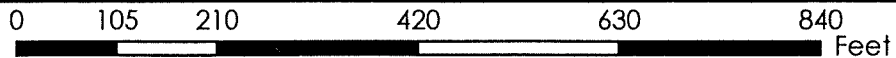
2009 AERIAL MAP

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1 inch = 200 feet

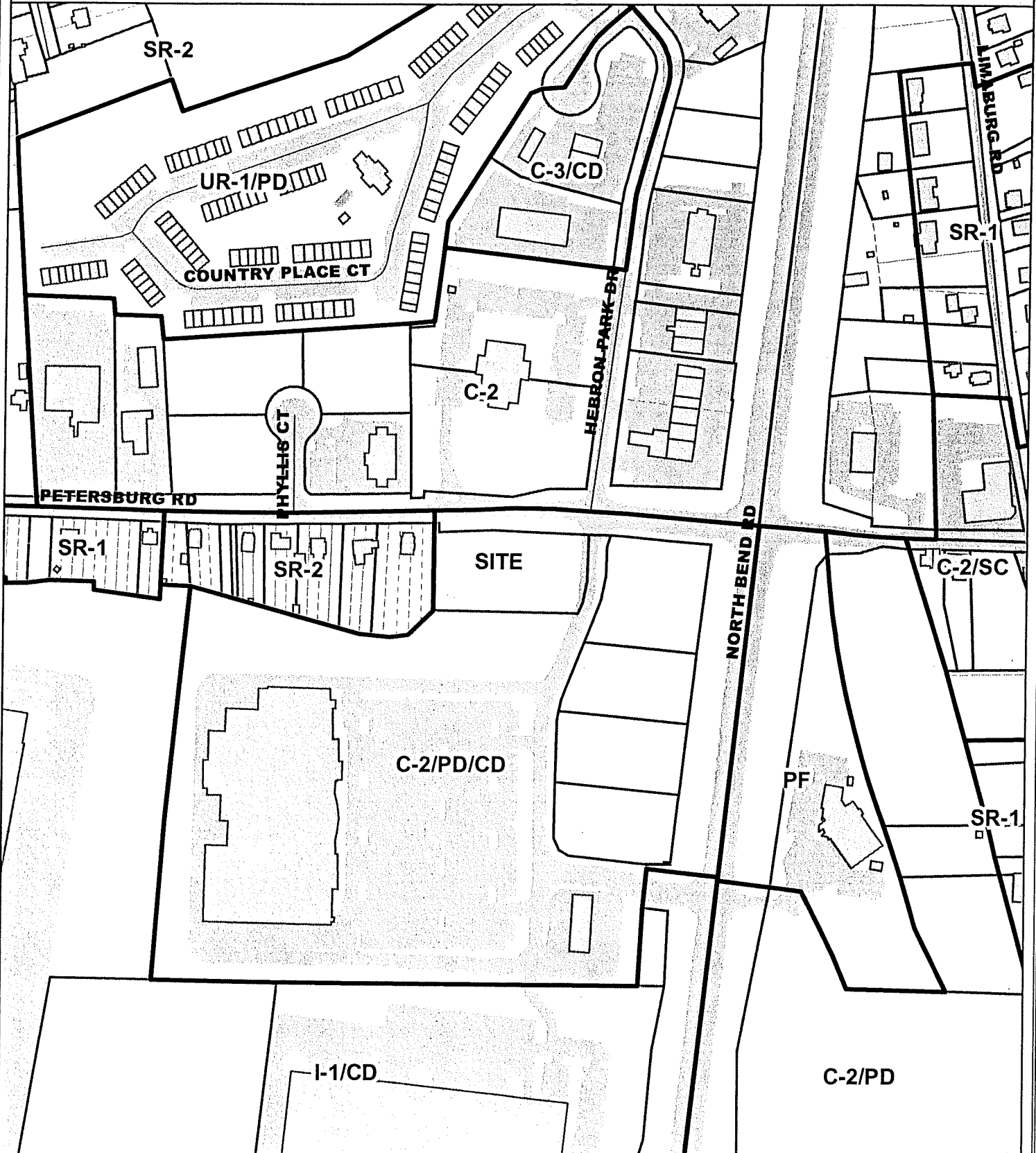


Boone County GIS - Putting Northern Kentucky on the Map



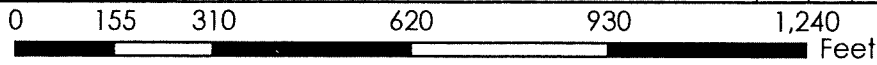
ZONING MAP

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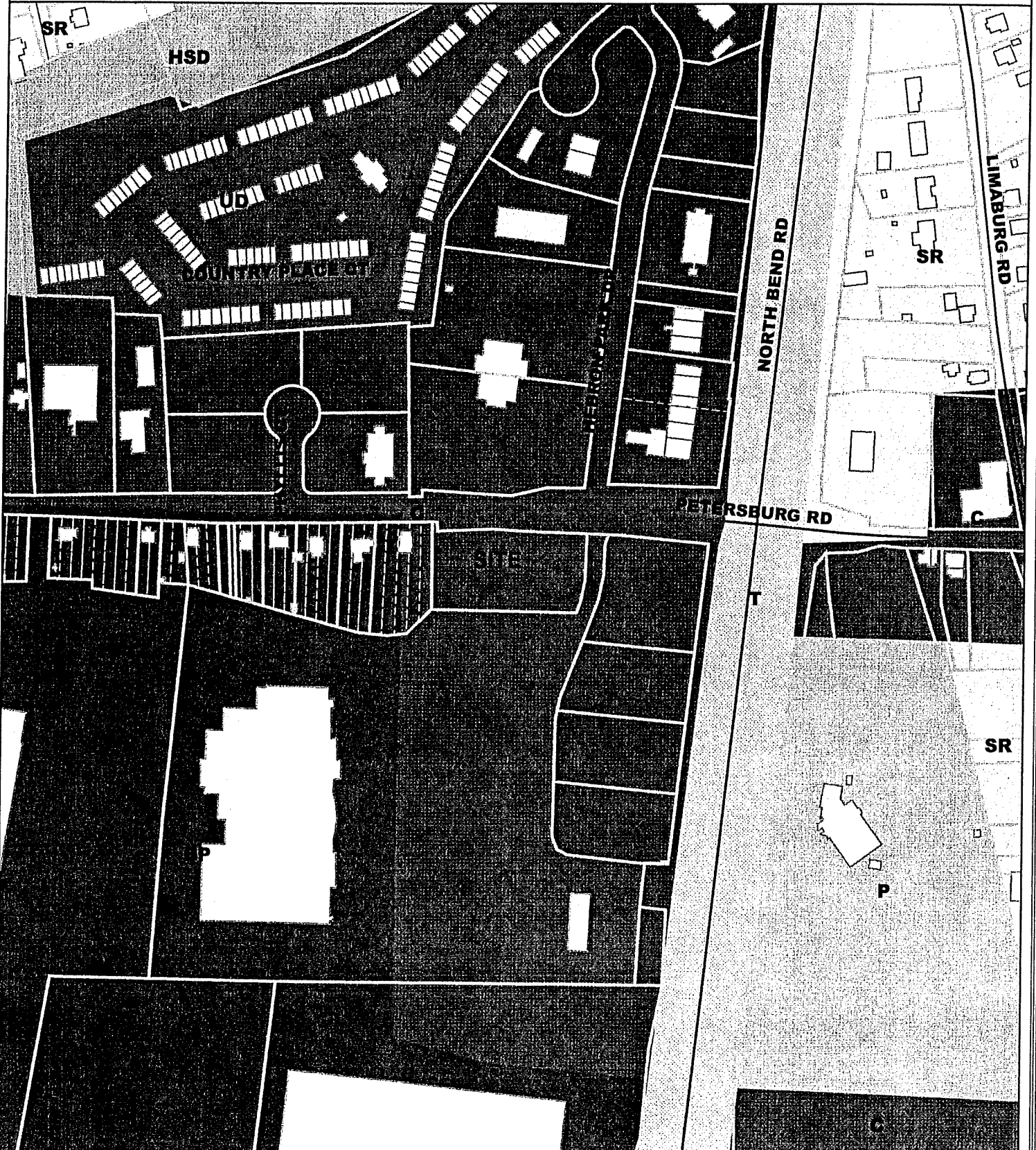


Boone County GIS - Putting Northern Kentucky on the Map



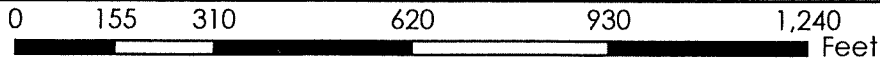
FUTURE LAND USE MAP

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Boone County GIS - Putting Northern Kentucky on the Map

SECTION 1514

Planned Development Criteria

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. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

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. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

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. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. 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 and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, 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. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
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. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, 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. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
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. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, 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. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

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. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. 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, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. 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. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of 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.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

2077 Petersburg Road
Hebron, KY 41048

Mr. Kevin Costello, AICP
Boone County Planning Commission
2950 Washington Street, Room 317
Burlington, KY 41005

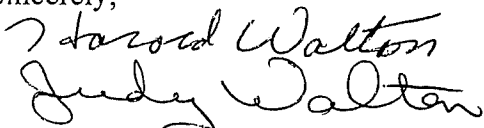
RE: "AAA" Development/SR 20

Dear Mr. Costello:

We are the owners of the single family residence located at 2077 Petersburg Road which is immediately adjacent to the Conners Crossing Development. It is our understanding that a request is being made to allow Lot 1 of the development, which directly abuts our property to the east, to be used for an "AAA" Sumerel Tire facility.

As adjacent property owners, we have no objection to the development as proposed.

Sincerely,


Harold and Judy Walton

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

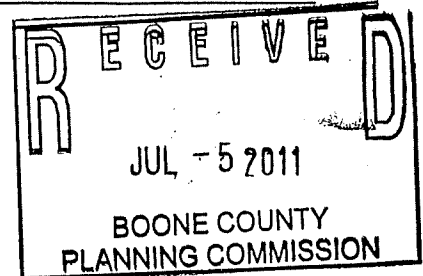
SECTION A (To be completed by applicant)

1. Check One:

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

- 2. Name of Project Conner Crossing
- 3. Location of Project Southwest corner of North Bend Road (KY 20) and Petersburg Road (KY 237)
- 4. Total Acreage of Site 1.42 acres (Lot 1)
- 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) "AAA" Office with Sumarel Tire Store
- 9. Proposed Building Intensities (please specify) 8,668 Square Feet
- 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 (Lot 1)
How many? -0-
- 17. Deed Book 943 Page No. 217 Group No. 2007
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

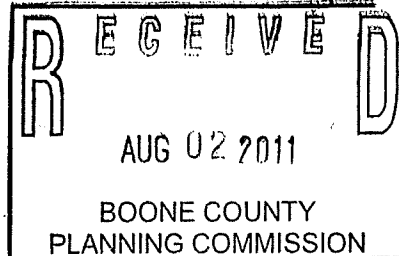


Burlington Realty Development Company, Inc.

2940 Hebron Park Drive, Suite 306, Hebron, KY 41048

Office Phone: 859-586-7734 or Mobile: 859-743-7417

**Mr. Todd Morgan
Boone County P&Z**



AUGUST 2, 2011

Dear Mr. Morgan:

I am writing to you regarding the upcoming public hearing on August 3, 2011 wherein will be heard a request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owners) for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses on the subject lot.

I am of the opinion that there already exists land so zoned to allow this use. Also, nothing has changed in the environment to create the need for a change from the original concept development plan. This is just a second attempt to change the already approved plan. The description of the project has been tweaked a little but it's still an automotive repair center.

**Sincerely;
Robert Kirby Jr.**

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mrs. Susan Poston, Temporary Presiding Officer
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/Zoning Enf. Officer

Mr. Rolfsen, Chairman, called the meeting to order at 8:11 P.M. and introduced the second item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

2. **Request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky (Lot 1, Conner Crossing Subdivision). The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses for the subject lot.**

Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request involves a Change in an Approved Concept Development Plan to allow an automotive repair use on Lot 1 of the Connor Crossing Subdivision. The use would be added to the principally permitted use list that was originally approved for the subdivision outlots. The Concept Development Plan indicates an 8,668 square foot AAA office/Bob Sumerel Tire & Service facility with 42 parking spaces. Mr. Light described the proposed building materials - brick, split face block, overhead garage doors, metal canopies and a metal roof. He reviewed the history of the site, which included the original overall Concept Development Plan in 2006/2007 and the denial of the automotive repair facility in 2008 by the Planning Commission. The applicant then decided to withdraw the application before the Boone County Fiscal Court. Mr. Light described the characteristics of the site. It is accessed by a private driveway off KY 20. The site is currently graded and a sanitary sewer main bisects the property. He reviewed the land uses and zoning of adjacent properties. The Comprehensive Plan's Future Land Use Map designates the site to be used for Commercial uses. Other references to the Comprehensive Plan are identified in the Staff Report. Mr. Light also noted that 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. 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. The Boone County Transportation Plan recommends widening KY 20 from 2 to 4 lanes from KY 8 (Idlewild By-Pass) to KY 237 in order to provide an alternative route to I-275. Mr. Light stated that the proposal should also be examined in relation to the Planned Development (PD) standards.

In regard to Staff Comments, Mr. Light stated that the application is required because automotive repair facilities were excluded from the outlot principally permitted use list when the subdivision went through the Zoning Map Amendment and Concept Development application process. The application would not be required if the use was exclusively a AAA office. Second, the Planning Commission needs to evaluate this request in relation to the previous application. The submitted plan shows that the building would be constructed per the subdivision's architectural design guidelines and contain 9 service bays. Third, what are the proposed hours of operation and how will the drop off lane be used? Fourth, there are several conditions from the 2006/2007 Concept Development Plan approval that pertain to the request. The conditions related to building facades, building materials, roof design, roof equipment, trash storage areas, sign heights, and light fixtures. Fifth, a definition of an automotive repair facility according to Article 40 is

included. Sixth, reference to the "Compatibility Uses" and "Landscaping" Planned Development Standards are included in the Staff Report. Finally, a list of potential conditions if the request is approved is included in the Staff Report. These conditions were contemplated by the Zone Change/Concept Development Plan Committee in the 2008 request. These conditions relate to limiting the type of services provided, storage of vehicles, outside storage and buffering.

Mr. Dick Haglage, of Terra Firma Associates (owner), explained the request. It has been 3 years since the previous application. Since that time, Bob Sumerel Tire has been acquired by AAA. There has been significant changes to their business model and to the building type. It is a new prototype being rolled out in Hebron. AAA would have a 2,500 square foot office in the proposed facility in order to provide their travel and insurance services/products. Further, they have made some significant changes to the site plan and building design - additional landscaping and buffering. Mr. Greg Dale, McBride Dale Clarion, applicant for the project introduced Peter Joseph, Midland Retail, Barry Coates, Hub & Weber and Fred Terry, AAA/Bob Sumerel. Mr. Dale explained that the request is a modification of the original Concept Development Plan to allow an automotive repair facility on Lot #1 only as a permitted use, but excluding body and paint work and upholstery/glass work. It is also important to note that the proposed automotive repair use occurring on the site would have to be developed in conjunction with another use. No free-standing automotive repair use would be allowed. The other use in question is the AAA travel office use. The proposal meets all of the requirements of the zoning code and all of the potential conditions originally proposed by the Zone Change Committee on the previous application. The use is compatible with the surrounding uses. Mr. Dale stated that 90% of the Bob Sumerel customers are in and out in 2 hours. On occasion, cars are left overnight. The eastern part of the building will house the AAA office. It will make up about one-third of the building size. The drive-up area is a valet service. The hours of operation are from 7:30 a.m. to 7:30 p.m. There will be 8 service bays and 42 parking spaces. The proposed sign will be 8 feet in height and 42 square feet. Building materials and color will match the Kroger store. Mr. Dale distributed a larger version of the Site Plan to Board members (see Exhibit 1). The required Buffer Yard C is provided on the west side of the building. There is also additional landscaping features being proposed beyond Buffer Yard C. The minimum buffer setback is 60 feet and they are providing 75 feet. They are proposing 27 trees instead of 15 trees, which was submitted with the previous application. There will be 87 shrubs provided. The western wall of the proposed building will not be open. It will be closed off because it is a parts storage area instead of a repair area. The distance between the property line and the proposed facility is 118 feet. The distance between the proposed facility and the closest residence is 150 feet.

Mr. Barry Coates, Huber & Web Architects, reviewed the building design and building operation. He explained that a customer would arrive under a covered canopy and be greeted by an employee. The employee would then take the vehicle to the service bay. Mr. Coates reviewed the interior layout of the facility, which highlighted the shared functions between AAA services and Bob Sumerel Tire.

Mr. Dale summarized the changes between the 2008 application and the current request.

Additional landscaping will be installed to protect the residence west of the site. The property owner of the residence submitted a letter and does not object to the request. Further, the Comprehensive Plan designates the area where the single family houses are located on KY 20 to be Commercial and Business Park in the future. Mr. Dale referred to a large scale aerial photograph of the site, which showed retail and industrial uses in the area. The proposed use is a hybrid use, which includes an office use and a limited auto repair facility. It is consistent with the Comprehensive Plan, which recommends Commercial for the area. The use will bring 10-15 jobs to the area, which is part of the Comprehensive Plan as it relates to economic development for the area. Finally, the proposed use is narrowly defined because it has to be developed with another use. No other automotive repair use by itself can locate on the site should Bob Sumerel go out of business. Mr. Coates showed a 3-D video demonstration of the proposed facility. (See PowerPoint presentation).

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing none, Chairman Rolfsen asked if the Board members had any comments or questions?

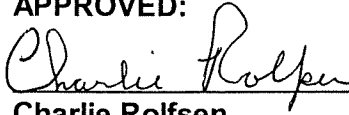
Mr. Don McMillian asked how many mechanics would be hired at the facility? Mr. Fred Terry responded that normally they would hire 10 employees - 2 managers and 8 technicians/mechanics.

Chairman Rolfsen asked about hours of operation? Mr. Terry answered that the service area will be generally opened from 7:30 a.m. to 7:30 p.m., some weekdays until 6:00 p.m. and Saturdays from 8:00 a.m. to 4:30 p.m. The AAA offices are not open late at night or early in the morning. Mr. Terry noted that they like to keep the vehicles inside for insurance purposes.

Mr. Ford asked if Bob Sumerel stored tires, equipment or tire racks outside? Mr Terry responded no.

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for these items will be on August 17, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on September 7, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 8:41 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
SEPTEMBER 7, 2011
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Susan Schultz
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/Zoning Enf. Officer
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes of the August 3, 2011 Business Meeting and the August 3, 2011 Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Reynolds moved that the Minutes be approved as written. Mr. Bunger seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

CONCEPT DEVELOPMENT PLAN

1. Request of **Jay Bayer, Bayer Becker Engineers (applicant)** for **Dry Ridge Capital (owner)** for a Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 6 acre site located immediately to the north of the property at 2200 Gateway Boulevard, Boone County, Kentucky. The request is for a Concept Development Plan to allow truck parking and other site improvements.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted 4-0-1 for the project with Mr. Bunger, Mrs. Kegley, Mr. Brandstetter and Mr. Hicks voting in favor of the request and Mr. Breetz voting as "deferred."

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a 5 minute time limit.

Mr. Jay Bayer, Applicant, stated that the owner is in full agreement with the Committee Report and Conditions. There was no one in the audience who wanted to speak against the request.

Mr. Hicks moved that the request be approved by Resolution to the Boone County Fiscal Court, with conditions, based on the Committee Report. Mr. Bunger seconded the motion. Chairman Rolfsen asked if there were any questions or comments? Seeing none, Chairman Rolfsen then asked for a vote based on the motion. The motion passed unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN

2. Request of **Anne F. McBride, McBride Dale Clarion (applicant)** for **Terra Firma Conner Crossing LLC (owner)** for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky (Lot 1, Conner Crossing Subdivision). The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses for the subject lot.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously for the project with Mr. Bunger, Mrs. Kegley, Mr. Brandstetter, Mr. Breetz and Mr. Hicks voting in favor of the request.

At this time Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor of against the request for a 5 minute time limit.

Ms. Anne McBride, Applicant, stated that the owner is in full agreement with the conditions. There was no one in the audience, who wanted to speak against the request.

Mr. Bunger moved that the request be approved by Resolution to the Boone County Fiscal Court, with conditions, based on the Committee Report. Mr. Reynolds seconded the motion. Chairman Rolfsen asked if there were any questions or comments? Seeing none, Chairman Rolfsen then asked for a vote on the motion. The motion passed unanimously.

TECHNICAL/DESIGN REVIEW

3. Walmart - 7625 Doering Drive

Staff Member, Mitch Light, presented the request (see power point presentation). The request was reviewed by the Technical/Design Review Committee last month and wanted the applicant to come back with revisions. Mr. Light showed the differences between the existing Walmart building colors and the revised colors. A new color legend was prepared showing more of a contrast and variety of colors. Mr. Light also displayed the proposed sign changes. The Applicant is well within the square footage of what was approved previously. The existing signage is 451.69 square feet and the proposed signage is 417.44 square feet. The only change to their monument sign is a sign panel change, which has a brown background and a spark. Mr. Light stated that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

There being no further comments or questions, Mr. Reynolds moved to approve the request based upon the Committee Report. Ms. Reeves seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW

4. JoAnn's Fabrics - 87 Spiral Drive

Staff Member, Todd Morgan, presented the request (see power point presentation). The request is for the building only. The Applicant will appear before the Planning Commission at a later date for signage. The site is located next to Home Depot, or the former Media Play site. The Applicant is leasing 170 lineal feet of frontage and 24,000 square feet. The Applicant will be removing the existing roof element and windows. With the proposed addition, pillars will be constructed 3 feet into the sidewalk area. The entrance will have a new aluminum glass front. Mr. Morgan referred to the architectural rendering and sample materials and colors. Mr. Morgan stated that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

There being no further comments or questions, Mr. Reynolds moved to approved the request based upon the Committee Report. Mr. Turner seconded the motion and it passed unanimously.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: September 7, 2011

RE: Request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky (Lot 1, Conner Crossing Subdivision). The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses for the subject lot.

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 agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - B. The proposal is in 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 in the subdivision. Perimeter landscaping that exceeds code will be installed when the lot develops. Architectural conditions will remain in effect which will give the subdivision a coordinated appearance.

- C. The proposal is in 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 an additional neighborhood business/service use to develop on one of 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 lot is located at the southwest corner of the KY 20/Hebron Park Drive intersection and adjoins 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. One of the conditions requires the facility to be constructed per the plans that were shown at the August 3, 2011 Public Hearing. These plans show the width of the landscaping buffer along the residential property line will be increased from 60 feet to 74 feet, the portion of the facility closest to the residential property will be a storage area, and that the western building facade will be a solid brick wall without man doors or overhead garage bays.

2. The proposal conforms 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.

- "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. Any proposed automotive repair facility on outlot 1 shall meet the following conditions:
 - A. The facility must be developed in conjunction with another principally permitted use.
 - B. Body, paint, glass, or upholstery work is prohibited.
 - C. Tow trucks cannot be kept on site.
 - D. The following types of vehicles cannot be serviced at 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.
 - Recreational vehicles.
 - E. Vehicles cannot be stored in the parking lot for more than 72 hours.
 - F. Vehicles cannot be sold from the lot.
 - G. Outside storage or display of automotive parts or accessories is prohibited.
 - H. The site shall be constructed per the submitted plans and elevation drawings that were shown at the August 3, 2011 Public Hearing.

- I. All applicable conditions from the 12/5/06 Condition Letter are still valid and 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.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
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Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/Zoning Enf. Officer

Mr. Rolfsen, Chairman, called the meeting to order at 8:11 P.M. and introduced the second item on the Agenda:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff

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At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing none, Chairman Rolfsen asked if the Board members had any comments or questions?

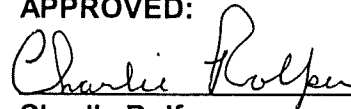
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Chairman Rolfsen asked about hours of operation? Mr. Terry answered that the service area will be generally opened from 7:30 a.m. to 7:30 p.m., some weekdays until 6:00 p.m. and Saturdays from 8:00 a.m. to 4:30 p.m. The AAA offices are not open late at night or early in the morning. Mr. Terry noted that they like to keep the vehicles inside for insurance purposes.

Mr. Ford asked if Bob Sumerel stored tires, equipment or tire racks outside? Mr. Terry responded no.

There being no further comments, Chairman Rolfsen stated that the Committee Meeting for these items will be on August 17, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on September 7, 2011 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 8:41 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 17, 2011

RE: Request of Anne F. McBride, McBride Dale Clarion (applicant) for Terra Firma Conner Crossing LLC (owner) for a Change in Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky (Lot 1, Conner Crossing Subdivision). The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses for the subject lot.

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.

Anne F. McBride, McBride Dale Clarion for Terra Firma Conner Crossing LLC

August 17, 2011

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet R. Kegley

Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Ben Brandstetter

Ben Brandstetter

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

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

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Mark Hicks

Mark Hicks (Alternate)

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Jim Longano (Alternate)

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

Charlie Reynolds (Alternate)

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

TOTAL: _____ DEFERRED 5 FOR PROJECT _____ ABSENT

_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

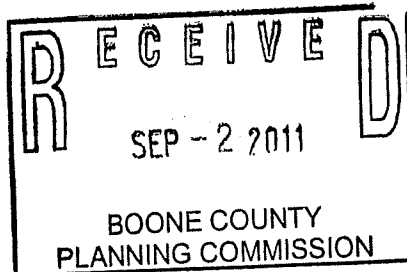
www.boonecountyky.org/pc
www.boonecountygis.com

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

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

August 18, 2011

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 Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky (Lot 1, Conner Crossing Subdivision). The request is for a change in an approved Concept Development Plan to allow automotive repair to be added to the list of principally permitted uses for the subject lot.

Dear Mrs. McBride:

The following letter represents the conditions of approval for the above referenced request. The property owner and you 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 September 6, 2011.

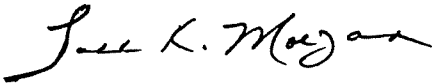
CONDITIONS

1. Any proposed automotive repair facility on outlot 1 shall meet the following conditions:
 - A. The facility must be developed in conjunction with another principally permitted use.
 - B. Body, paint, glass, or upholstery work is prohibited.
 - C. Tow trucks cannot be kept on site.
 - D. The following types of vehicles cannot be serviced at 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.
 - Recreational vehicles.
 - E. Vehicles cannot be stored in the parking lot for more than 72 hours.
 - F. Vehicles cannot be sold from the lot.

Mrs. Anne F. McBride
August 18, 2011
Page 2

- G. Outside storage or display of automotive parts or accessories is prohibited.
- H. The site shall be constructed per the submitted plans and elevation drawings that were shown at the August 3, 2011 Public Hearing.
- I. All applicable conditions from the 12/5/06 Condition Letter are still valid and in effect (see Staff Report).

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
McBride Dale Clarion

8-31-11
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

9-1-11
Date

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 ²³, 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
MICHAEL A. CONNER

Linda L. Conner
LINDA L. CONNER

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF Kenton)

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

Vicky Eltzroth
Notary Public



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 RAHNSLAGE
Its PRESIDENT

COMMONWEALTH OF KENTUCKY)

COUNTY OF Hebron)

) SS:

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

STATE OF OHIO)

COUNTY OF HAMILTON)

Vicky Eltzroth
Notary Public



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

[Signature]
Notary Public

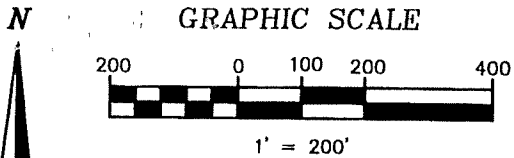
This instrument was prepared by:

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



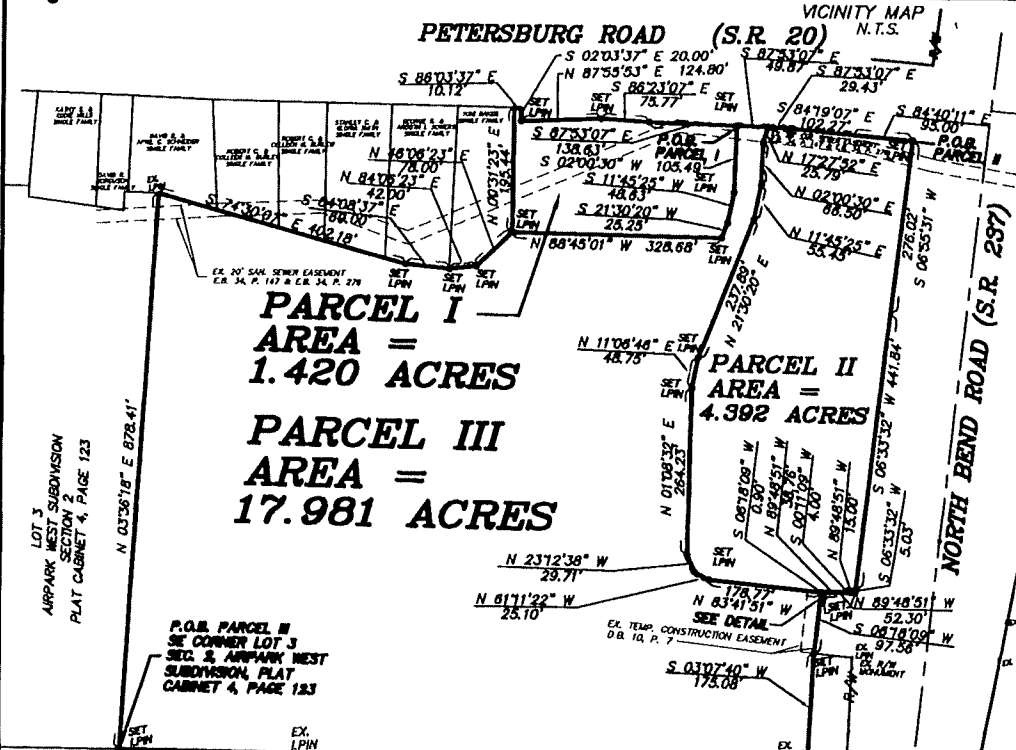
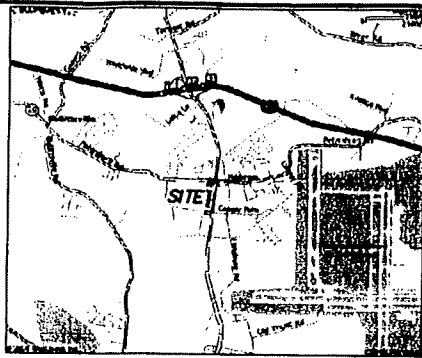
RICHARD J. HERNDON
Attorney at Law
Notary Public, State of Ohio
Commission Has No Expiration
Date: Section 147.03 O.R.C.

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



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.



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

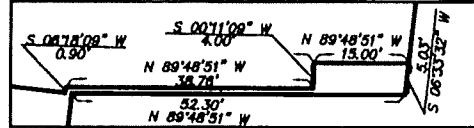
Approved for recording the transfer
 of the property only by the Boone
 County Planning Commission the
 5th day of September 2007.

Judy 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 9/10/07
 Signature of Surveyor Date



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

P & Z Code No. 4652

**THOMAS
 GRAHAM
 ASSOCIATES, INC.**

- Engineers
- Surveyors

803 Compton Road
 Cincinnati, Ohio 45231
 513-621-4780
 Fax # 521-2439

Date: SEPT. 4, 2007
 Scale: 1" = 200'
 Job No: 7550

Revisions	
No.	Date

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

ROBERT W. TRENKAMP
 KY LICENSED LAND SURVEYOR NO. 2524

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

735002aParcelI.1420Acres.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° 55' 31" West, 276.02 feet; thence South 06° 33' 32" West, 441.84 feet; thence departing the said westerly right of way line, North 89° 48' 51" West, 15.00 feet; thence South 00° 11' 09" West, 4.00 feet; thence North 89° 48' 51" West, 38.76 feet; thence South 06° 18' 09" West, 0.90 feet; thence North 83° 41' 51" West, 178.77 feet; thence North 61° 11' 22" West, 25.10 feet; thence North 23° 12' 38" West, 29.71 feet; thence North 01° 08' 32" East, 264.23 feet; thence North 11° 06' 46" East, 48.75 feet; thence North 21° 30' 20" East, 237.89 feet; thence North 11° 45' 25" East, 55.45 feet; thence North 02° 00' 30" East, 66.50 feet; thence North 17° 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° 53' 07" East, 29.43 feet; thence South 84° 19' 07" East, 102.27 feet; thence South 84° 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

7350DescParcel2_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 @1:27:15PM
TOTAL FEES: 126.00
TRANSFER TAX: 13276.00
GROUP : 2007
COUNTY CLERK: RENAI PING
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: JULIE
BOOK D943 PAGE 214 - 222

1Acres.wpd

ORDINANCE 11-10

AN ORDINANCE RELATING TO THE APPROVAL, WITH CONDITIONS, 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 1.42 ACRE LOT GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE PETERSBURG ROAD/HEBRON PARK DRIVE 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 1.42 acre lot generally located at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot generally located at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot generally located at the southwest corner of the Petersburg

Road/Hebron Park Drive intersection, Boone County, Kentucky. The real estate which is the subject of this approval of 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, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for this approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 1.42 acre lot generally located at the southwest corner of the Petersburg Road/Hebron Park Drive intersection, Boone County, Kentucky, the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

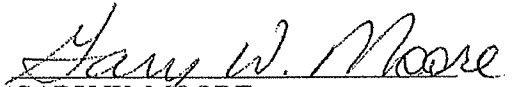
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and those are marked as "Exhibit B."

SECTION III

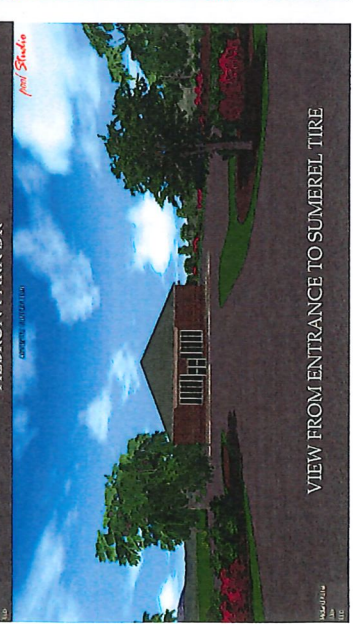
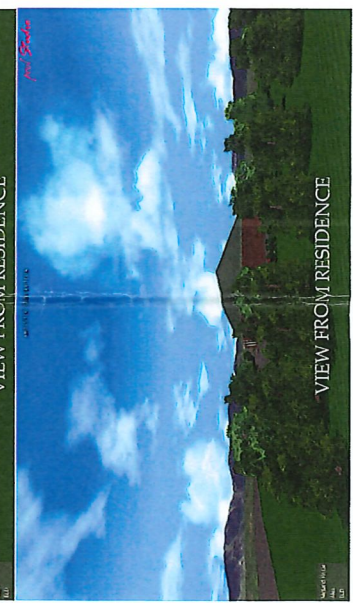
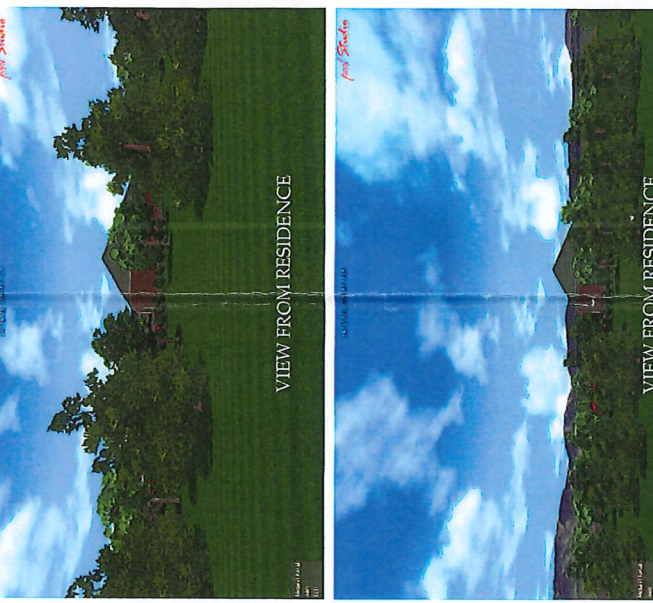
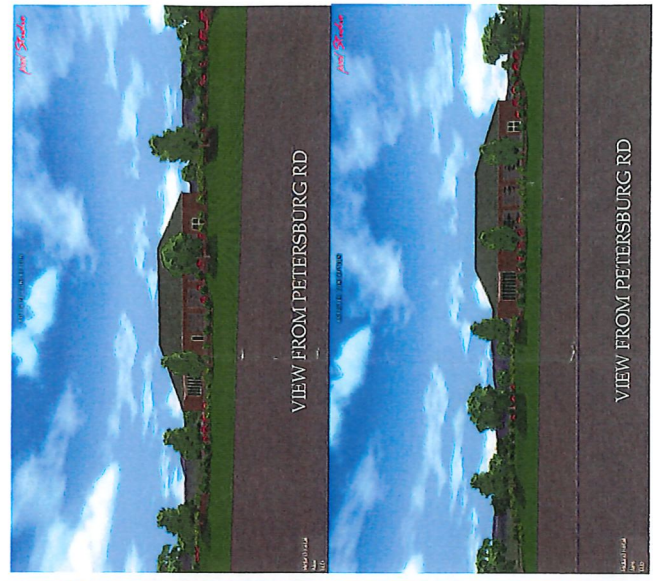
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

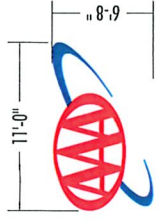
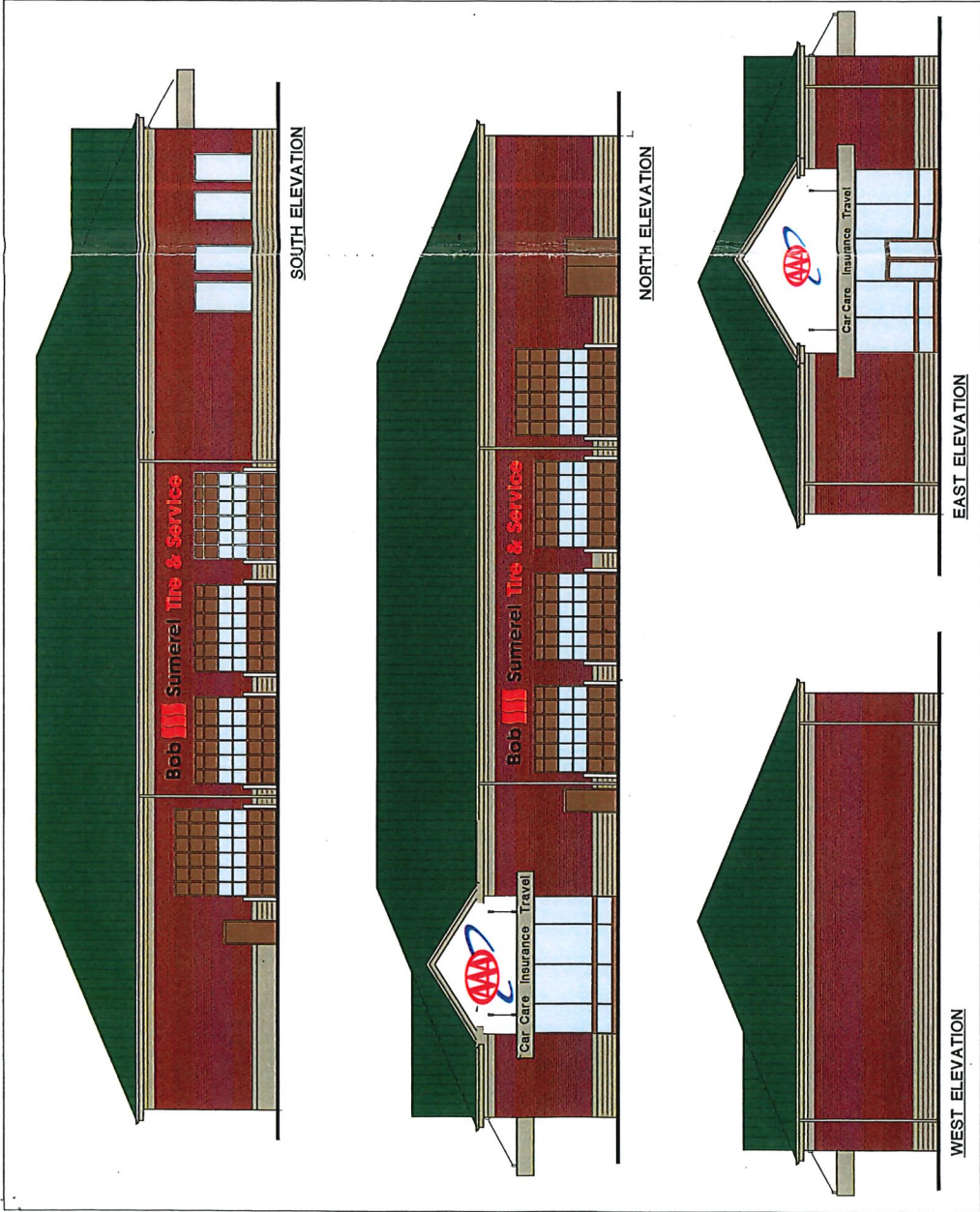
Introduced and given First Reading on the 18th day of October, 2011.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 15th day of November, 2011 and signed by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

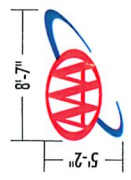

DAPHNE KORNBLUM
FISCAL COURT CLERK





Car Care Insurance Travel 1'-3"
23'-10"
39 1/2" logo
Bob Sumerel Tire & Service
41'-5 1/4"

NORTH ELEVATION LETTERS - SCALE 1/8" = 1'



Car Care Insurance Travel 1'-0"
19'-2 3/4"
39 1/2" logo

EAST ELEVATION LETTERS - SCALE 1/8" = 1'

39 1/2" logo
Bob Sumerel Tire & Service
41'-5 1/4"

SOUTH ELEVATION LETTERS - SCALE 1/8" = 1'

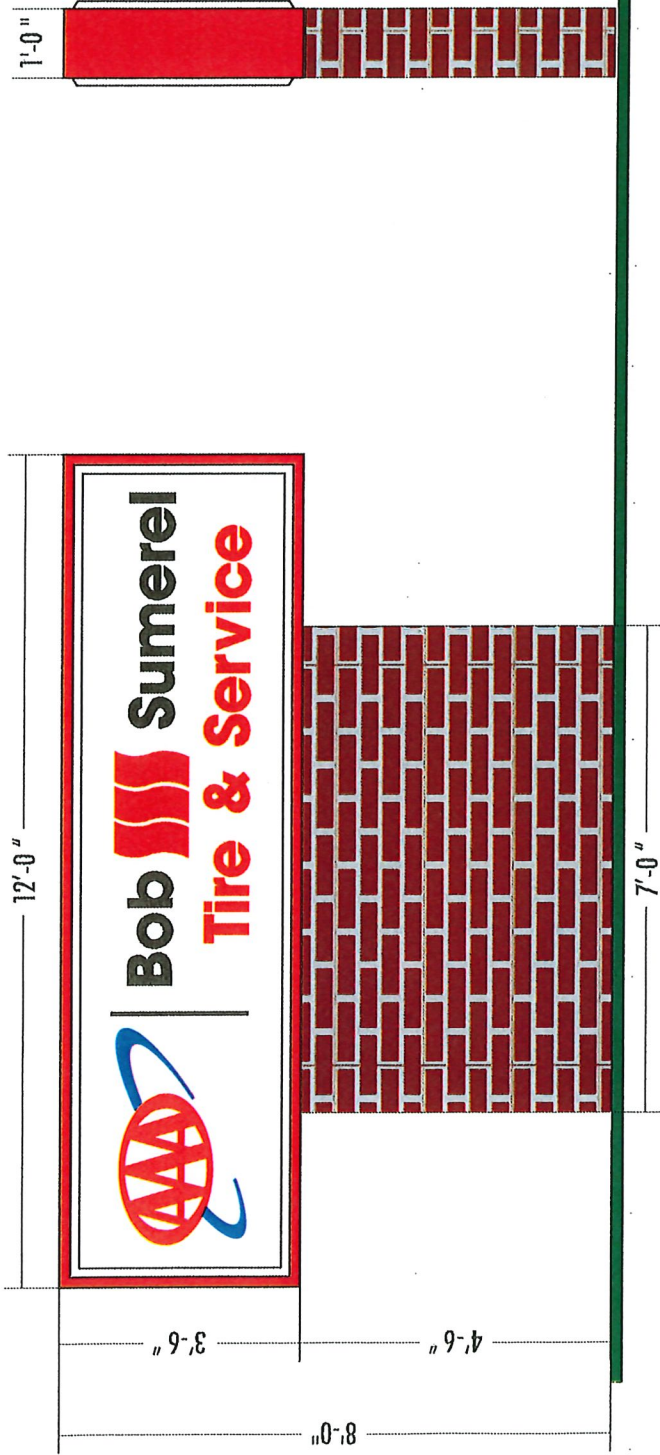
SCALE: 1/16" = 1'



THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.

FILE: BSAAA Hebron CL-3
DATE: 7-1-11
SCALE: See Sketch

Approved By: _____
Sales Rep: Mark Stottman
DRAWN BY: WOODY FELLINGER



Furnish and install one D/F internally illuminated monument sign

Base - To be brick

HEADER SIGN SPECS

- Cabinet to be aluminum painted red (PMS 485)
- Faces to be panned Lexan
- Bob Sumerel- Red (PMS 485) and Black embossed graphics
- AAA- Blue (PMS 287), Red(PMS 485) and Black embossed graphics
- Illumination w/ HO Fluorescent Illumination
- UL Listed and Labeled

Bob Sumerel: Hebron -Monument Sign w/ LED Message Center

FILE: BS Hebron Mon-3

DATE: 7-25-11

SCALE: 3/8" = 1'

Approved By

Sales Rep. Mark Stoffman

DRAWN BY: WOODY FELLINGER

THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.

