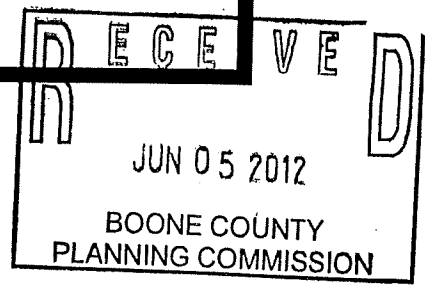


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)  
**SECTION A** (To be completed by applicant)

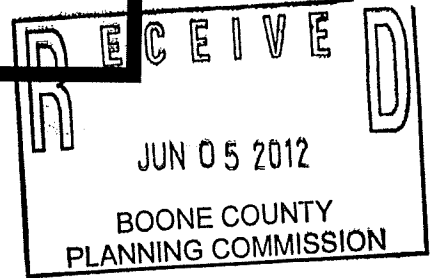
1. Check One:

- 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)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

- 2. Name of Project CROSSING OF HEBRON
- 3. Location of Project SR 237 & SR 20 (SE CORNER) 2091 North Bend Rd
- 4. Total Acreage of Site 4.00 = (3.4 ac - Heritage Bros + 0.603 ac HFPD)
- 5. Current Zoning C-2/PD, C-2/SC, PF
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) na
- 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) na
- 8. Proposed Uses (please specify each use) RETAIL
- 9. Proposed Building Intensities (please specify) 3 BUILDINGS OF 7,000 SF, 7,122 SF AND 9,300 SF = 23,422 SF
- 10. Have you submitted a Concept Development Plan? NO
- 11. Are you also applying for:
  - NO Conditional Use Permit
  - NO Dimensional Variance
- 12. Name of Applicant(s) JEFF TALKERS / LAND CONSULTANTS
- Phone Number 859-512-9228 Fax No. 812-537-4901
- 13. Address of Applicant(s) 314 FRONT STREET
- LAWRENCEBURG IN 47025
- City State Zip
- 14. Name of Property Owner(s) (BOB PATEL) / HERITAGE BROS. LLC / Fire Protection District (By Contract)
- Phone Number 859-816-2244 Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) 5653 HAWTHORNE COURT
- MASON OH 45040
- City State Zip
- 16. Are there any existing buildings on the site? YES
- How many? 1 HOUSE
- 17. Deed Book 924 Page No. 240 Group No. \_\_\_\_\_
- 18. Have you had a pre-application meeting with BCPC Staff? YES

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



**FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED**  
(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project CROSSING OF HEBRON
  2. Location of Project SR 237 & SR 20 SE CORNER (2091 NORTH BEND RD.)
  3. Total Acreage of Site 4.00 AC / (0.603 ac - HFPD)
  4. Current Zoning of Site C-2/PD, C-2/SC, PF
  5. Proposed Zoning (Classification being requested) (C-2/PD FROM PF = 0.603 ac - HFPD)
  6. Proposed Uses (please specify each use) RETAIL
- 
7. Names of Applicant(s) LAND CONSULTANTS / JEFF TALKERS  
Phone Number 859-512-9228 Fax No. 812-537-4901
  8. Address of Applicant(s) 314 FRONT STREET  
LAWRENCEBURG IN 47025  
City State Zip
  9. Name of Property Owner(s) MR. BOB PATEL / HERITAGE BROTHERS, LLC / Hebron Fire Protect. District  
Phone Number 859-816-2244 Fax No. (By Contract)
  10. Address of Property Owner(s) 5655 HAWTHORNE COURT  
MASON OHIO 45040  
City State Zip
  11. Proposed Building Intensities (please specify) 3 BUILDINGS OF 7,000 SF, 7,122 SF AND 9,300 SF = 23,422 SF
  12. Are there any existing buildings on the site? YES  
How many? 1 HOUSE
  13. Deed Book 924 Page No. 240 Group No. \_\_\_\_\_
  14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
  15. Have you submitted a Concept Development Plan? YES
  16. Have you had a pre-application meeting with BCPC Staff? YES
  17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

# EXHIBIT

“A”

## STAFF REPORT

Request of **Jeff Talkers, Land Consultants (applicant)** for **Bob Patel, Heritage Bros. LLC (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of **Jeff Talkers, Land Consultants (applicant)** for **Hebron Fire Protection District (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

July 3, 2012

### PROPOSAL

This request is for two applications for a single development. The first application is for a Concept Development Plan in a C-2/PD zone for a 3.223 acre site that is located on the southeast corner of the North Bend Road/Petersburg Road intersection, and the second application is for a Zoning Map Amendment from PF to C-2/PD for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County (a portion of the Hebron Fire Protection District property). The site is currently vacant. The northeast corner of the overall development site along Petersburg Road is part of the planned development, but is not part of this request as it is proposed to follow the Commercial Two/Small Community (C-2/SC) requirements which already apply to it.

A Concept Development Plan has been submitted with these two applications. This plan shows a single access point at the northeast corner of the development site in the C-2/SC area. This access point aligns with the driveway for McDonald's across the road. A shared north-south running private drive which would serve three building sites is in the east part of the site. A sidewalk is shown along the east side of the shared drive. A detention lot (Lot 4) is located by the access point. The building sites are as follows.

- Lot 1: This is a 1.01 acre lot in the middle of the development which faces North Bend Road. A 7,122 square foot building that is labeled for "future retail, Tire Discounters" is shown on this lot. Parking is shown at the front, rear, and south side of the lot.
- Lot 2: This is a 1.17 acre lot on the corner of the North Bend Road/Petersburg Road intersection. A 7,000 square foot building that is labeled for "future retail" is shown on the lot and oriented towards North Bend Road. Parking is shown at the front, rear, and south side of the lot.
- Lot 3: This is a 1.36 acre lot at the southern end of the development and to the immediate east of the Hebron firehouse. A 9,300 square foot building that is labeled for "future retail" is shown on the lot and oriented to the north towards Petersburg Road. Parking is shown at the front (north side) of the building.

Other than a potential tire shop/auto repair facility (Tire Discounters), no further information has been given to define the term "future retail" that is used on the plan (the planned uses stated on both application forms is "retail"). Based on the general nature of the plan, the buildings could be either single user or multi-tenant.

A conceptual landscape plan has submitted with this request. This plan shows landscape areas around the perimeter of the site and along the internal property lines. Plantings (presumably trees) are conceptually illustrated around the perimeter of the overall development and along the internal property line between Lots 1 and 2.

Architectural elevations were provided for the Tire Discounters building. It is proposed to be a brick building with a flat roof and a heavy cornice line over most of the structure. A standing seam metal hipped roof is proposed over the customer/showroom area, which is defined by the broad storefronts. The openings for the overhead doors are arched with keystones, and the overhead doors themselves are glass. No architectural concepts have been provided for the other buildings.

The submitted signage concepts include: channel style letters on the Tire Discounters building; a monument-like multi-tenant directory sign with a stone base, brick columns and a plexi-faced cabinet (no dimensions given); and a pole/pylon style freestanding sign that is on the Tire Discounters architectural elevation sheet. This pole sign is 15.5 feet high with a 16 foot by 4 foot fixed copy panel (64 sf) and a separate 8.04 foot by 4.125 foot reader board (33.165 sf). The total area proposed for the pole sign is 97.165 square feet.

A Traffic Impact Study dated July 2011 for the proposed development had been previously supplied to the Planning Commission's staff (attached w/o appendixes).

### ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following.

- A. A fast food restaurant (C-2) and a vacant lot (C-2/SC) are located to the north across Petersburg Road.
- B. Two commercial buildings and a vacant lot are to the east along the south side of Petersburg Road (C-2/SC). Several detached single family residences are located to the east between the subject site and Limaburg Road (C-2/SC and SR-1).
- C. Pasture/undeveloped land is located to the south (C-2/PD).
- D. The Hebron firehouse is located to the immediate west of the southern part of the subject site (PF). The Conner Crossing commercial subdivision is located to the west across North Bend Road (C-2/PD). This subdivision currently includes a Kroger Marketplace, fueling station, an auto parts store, and a drive-through fast

food restaurant. An auto repair facility is also approved in the subdivision. A multi-tenant commercial building is located on the northwest corner of the North Bend Road/Petersburg Road intersection (C-2).

### SITE CHARACTERISTICS

As stated above, the portions of the site subject to the Concept Development Plan and Zoning Map Amendment applications contain 3.826 acres. It has 403 feet of frontage along North Bend Road and 182 feet of frontage on Petersburg Road. There are no buildings on the site. A house that is proposed to be razed is within the C-2/SC portion of the project site that is not subject to either pending application. The site is largely covered with second generation tree growth, aside from storm water facilities that are along the KY 237 frontage just north of the firehouse parking lot.

The overall topography of the site slopes from south to north. The high point of the site is in the southwest corner of the lot behind the firehouse at approximately el 898. The low point of the site is in a drainage swale at the northwest corner of the site at approximately el 862. Soil types on the site include Jessup silt loam (JeD) and Rossmoyne silt loam (RsB and RsC). Perennial streams are located along the north, east, and west parts of the site. Public water and sanitary sewer lines exist in several locations around the site.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The subject applications were submitted prior to the adoption of the 2010 Boone County Comprehensive Plan on June 6, 2012. As such, references to both the 2005 and 2010 Boone County Comprehensive Plans are provided.

Both the 2005 and 2010 Boone County Comprehensive Plan Future Land Use Maps designate the approximate northern one third of the site as "Commercial" and the approximate southern two thirds as "Public/Institutional" (no change between the two maps). These land use designations are defined as follows:

Commercial (C): Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

Public/Institutional (P): Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

The Land Use Elements in the 2005 and 2010 Plans make the following statements that relate to the overall area.

- A. The existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development ("Hebron Area," pg. 154 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).
- B. High Suburban Density and Urban Density uses in Hebron should remain near the intersection of KY 20 and KY 237. These uses must have adequate water and sanitary sewer service and should be accompanied by increased school capacity. These developments should utilize existing woodland as a buffer to the Suburban Density Residential uses ("Hebron Area," pg. 154 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).
- C. 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," pg. 155 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).
- D. The commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses ("Hebron Area," pg. 155 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 140 of 2005 Plan; pp. 161 and 162 of 2010 Plan).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate.

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141 of 2005 Plan; pp. 162 and 163 of 2010 Plan).

C.

1a. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways ("Landscaping," pg. 141 of 2005 Plan).

1b. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways ("Landscaping," pg. 163 of 2010 Plan).

2. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141 of 2005 Plan; pg. 163 of 2010 Plan).

D.

Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service ("Access Management," pp. 141 and 142 of 2005 Plan; pg. 163 of 2010 Plan).

- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142 of 2005 Plan; pp. 163 and 164 of 2010 Plan).
- F.
- 1a. 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 ("Design, Signs, and Historic Preservation," pg. 142 of 2005 Plan).
- 1b. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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 ("Design, Signs, and Historic Preservation," pg. 164 of 2010 Plan).

The Population Element in the 2005 Comprehensive Plan outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zones in immediate proximity to the subject site (824, 826, and 906) are expected to increase as follows:

	<u>2000</u>	<u>2010</u>	<u>2020</u>
824	4116	5789	7000
826	639	839	964
906	2554	3002	3282

The Population Element in the 2010 Comprehensive Plan outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Airport" region is estimated to change to 4,141 in 2020, and to 3,886 in 2030. The population of the "Hebron" region is estimated to change to 15,086 in 2020, and to 17,886 in 2030.

The Business Activity Element states the following regarding the general Hebron 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 ("Recommended Areas of Commercial Activity," pg. 64 of 2005 Plan; pg. 69 of 2010 Plan).

The Housing Element provides the following comments that relate to the general area.

- A.
  - 1a. The new north-south airport runway has eliminated several existing subdivisions from the KY 20 corridor, east of Hebron. These include the Laurel Drive area, the part of Hickory Glen Subdivision south of Conner Road, Sycamore Drive, and Ada Lane. As shown on the Residential Growth Map, the growth along KY 20 in the Bullittsville area will continue. As demonstrated in Burlington where many Ethan's Glen residents relocated to subdivisions in that area, some Laurel Subdivision and Hickory Glen Subdivision residents may have relocated to new subdivisions west along KY 20 ("Hebron/Idlewild area," pg. 79 of 2005 Plan).

- 1b. The new north/south airport runway has eliminated several existing subdivisions from the KY 20 corridor, east of Hebron. These include the Laurel Drive area, the part of Hickory Glen Subdivision south of Conner Road, Sycamore Drive, and Ada Lane. The growth along KY 20 in the Bullittsville area will continue. As demonstrated in Burlington where many Ethan's Glen residents relocated to subdivisions in that area, some Laurel Subdivision and Hickory Glen Subdivision residents may have relocated to new subdivisions west along KY 20 ("Hebron/Idlewild area," pg. 84 of 2010 Plan).

The "Summary of the 2005 Boone County Transportation Plan Recommendations" section of the 2005 Comprehensive Plan (pp. 129 and 130) lists a "recommended capacity project" described as "KY 20 improvements west of Hebron." Figure 11.4 (pg. 131) in the 2005 Comprehensive Plan illustrates a proposed trail alignment along the section of KY 237 which adjoins the subject site. The "Summary of the 2006 (sic) Boone County Transportation Plan Recommendations" section of the 2010 Comprehensive Plan (pp. 146 and 147) also lists a "recommended capacity project" described as "KY 20 improvements west of Hebron."

The 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the

- design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
  - I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
  - J. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Objective).
  - K. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial [Retail and Office] Objective 1).
  - L. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial [Retail and Office] Objective 2).
  - M. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial [Retail and Office] Objective 3).
  - N. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
  - O. 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," 2<sup>nd</sup> Goal).
  - P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

- Q. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system ("Transportation," 3<sup>rd</sup> Goal, Objective 5).

### BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 6-1 (pg. 6-2) lists the following "Recommended Projects" that are in the general area.

Map ID 18 - KY 20 Petersburg Road - West: Widen/improve from KY 8 Idlewild Bypass to KY 237 (project text on pg. 6-7). This is listed as a medium priority project (11-20 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

Map ID 22 - KY 20 Petersburg Road - East: Widen/improve from KY 237 to KY 212 (project text on pg. 6-8). This is listed as a medium priority project (11-20 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

Exhibit 6-7 "Year 2030 Traffic Volumes and Levels of Service - Recommended Transportation Plan Network" (pg. 6-10) illustrates the part of KY 237 that adjoins the subject site as LOS E (related text is outlined in Exhibit 6-9). This same exhibit illustrates the part of KY 20 that adjoins the subject site as LOS C (related text is outlined in Exhibit 6-10).

Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates a proposed multi-use trail alignment along the part of KY 237 that adjoins the subject site.

### STAFF COMMENTS

#### 1. COMPREHENSIVE PLAN

The governing bodies need to determine whether the proposal is in agreement with the 2005 and 2010 Boone County Comprehensive Plans. Both the 2005 and 2010 Comprehensive Plan Future Land Use Maps designate the approximate northern one third of the site as "Commercial" and the approximate southern two thirds as "Public/Institutional."

Commercial development around the KY 237/KY 20 intersection where the subject site is located is a recurring theme in the Land Use Elements of both the 2005 and 2010 Comprehensive Plans. First, the Elements state "the existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development" ("Hebron Area," pg. 154 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan). The same basic point is reinforced by the

Business Activity Elements in both Plans which state "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" ("Recommended Areas of Commercial Activity," pg. 64 of 2005 Plan; pg. 69 of 2010 Plan).

The Land Use Elements continue by stating "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," pg. 155 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan). Similarly, the Elements also state "the commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses" ("Hebron Area," pg. 155 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).

Both Comprehensive Plans anticipate growth in this area. The Population Elements forecast an overall increase in population for the transportation analysis zones (2005 Plan) or transportation analysis zone "regions" (2010 Plan) in question. These forecasts are for the zones or "regions" at large and should not, in and of themselves, be construed to endorse a particular land use or intensity on a specific parcel.

The Housing Elements of both Plans discuss the elimination of several subdivisions in the KY 20 area east of KY 237 due to Airport expansion. They also discuss the relocation of residents to newer subdivisions along KY 20 to the west of KY 237, implying a demand for local commercial services in the area ("Hebron/Idlewild area," pg. 79 of 2005 Plan; page 84 of 2010 Plan).

The governing bodies will also need to consider the alternate statutory findings for the requested zone change of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

## 2. PD OVERLAY ZONE CRITERIA

Staff offers the following comments regarding the requirements set forth in Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria. This section states that Concept Development Plans shall fulfill this criteria unless a portion do not apply or relate, in whole or part, to a specific proposal.

1. Mixed Use Development and Pedestrian Orientation: This criterion states "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." Other than the fact that the subject site adjoins the firehouse and residential uses, Staff can not conclude that it is a mixed use development. Due to the size and configuration of the development site, it would be difficult to create a true, integral mixed use development from the perspective of the types of activities within it. Additionally, the Comprehensive Plan contemplates commercial development at the KY 237/KY 20 intersection as discussed above.

Relative to pedestrian orientation, this criterion states "in general, planned developments shall have a pedestrian orientation, walkway, shop, and play in the same immediate vicinity without the need for an automobile." It also includes a number of examples that have been accomplished. The Concept Development Plan includes a shared driveway, and sidewalk links from the individual lots. From the perspective of pedestrian scale, Staff recommends that the driveway of KY 237 and KY 20 be moved closer to the KY 20 water course in this part of the site), similar to the driveway along KY 20 (minimum permitted corner side yard setback) to allow the creation of more parking if a restaurant or other commercial use. An integral curb walk has been constructed along KY 20 and Merrie Drive, and no sidewalk exists along KY 20. Construction of a public sidewalk along the adjoining property is required by Section 3208 of the zoning regulations.

2. Compatibility of Uses: This criterion states "measures shall be taken to ensure compatibility of land uses within a planned development." It also states in part "compatibility measures/mitigation shall be required to meet usual minimum standards of this order when needed for the proposed development."

Based on the location and the proposal itself, this criterion is met from a development and operational perspectives. From an operational perspective, Staff has not identified any particular compatibility issue associated with the proposal in Section 1514 and the normal code requirements (such as signage, landscaping/buffers, etc). These issues are discussed further below.

From an operational standpoint, specific uses have not been proposed for Lots 2 and 3, and the auto repair facility on Lot 1 has the potential to impact the neighboring properties and roadway. In these regards, prior approvals for the Conner Crossing development directly across KY 237 can be used as a guide for evaluating potential conditions. The attached condition letter dated 12/5/06 outlines stipulations for lighting (condition #7) and permitted uses (Condition #10). The

attached condition letter dated 8/18/11 outlines stipulations for the operation of the approved auto repair facility (conditions 1.A through 1.G).

3. Open Space: This criterion states that "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." Open space in an amount over the setbacks and buffer yard areas required by the underlying C-2 zone has been provided, notably in Lot 4 at the northeast corner of the development. Due to the size, type, and location of the development, it is not particularly conducive to "useable" open space. As an alternative, Staff suggests that: 1.) a consistent landscaping concept be provided for each road frontage and along the main shared drive which functions like a local street (plantings could be credited towards the landscape requirements); and 2.) that a landscape focal point be provided at the main access on KY 20 (this would also fulfill criterion #10 regarding definition of entry points). This could be accomplished through an arrangement of plantings, a sculptural element, entry walls, stone columns, etc.

4. Multi-Modal Transportation System: This criterion states "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." As outlined previously, an internal sidewalk system is proposed and a sidewalk is required to be constructed along the KY 20 frontage. Bike racks are required to be provided per Section 3327 of the zoning regulations. Due to the immediate proximity of this site to the firehouse, Staff suggests that a sidewalk connection be provided between the two. This walk connection could be provided in the same alignment as the recommended emergency access discussed under #10 below.

5. Preservation of Existing Site Features: A concept landscape plan was provided as part of the Concept Development Plan. This plan shows new plantings around the perimeter of the site and does not show that any existing vegetation will be retained. In an effort to maintain a mature buffer to the noncommercial neighbors, the applicant should explain whether or not it is feasible to retain the existing vegetation along the east and south property lines based on the intended grading design.

6. Landscaping: This criterion states "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."

The concept landscape plan shows new plantings (presumably trees) around the perimeter of the site and along the common property line between Lots 1 and 2. All required plantings will need to be provided per the requirements of Article 36. Other landscape related comments are outlined under #3 and #5 above, and #10 below.

7. Architecture: This criterion states "a consistent architectural theme shall be provided in planned developments." It continues by stating that the "theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations in it," along with a list of representative styles which could fulfill this section.

A prototype Tire Discounters building was submitted as an architectural concept, but no images or description was provided regarding the building design on the other lots (or Lot 1 if it does not develop as an auto repair facility). Staff suggests that the Tire Discounters structure be used as the prototype for all buildings in the development in that they would all substantially use natural color brick for the exterior walls (with other materials permitted for incidental trim and details), include defined masonry detailing, have a flat roof with a defined cornice/coping line and/or a hipped roof (no mansards) with standing seam metal that has a defined color palette (such as red/rust, green, and bronze ranges). Under this basic program, the buildings in this development should also relate to the outlot buildings in Conner Crossing across KY 237.

Additionally, the original Conner Crossing conditions (12/5/06 letter) can be used as a guide for certain issues. The issues addressed in this letter include building materials and colors (condition 2.B), building orientation (condition 2.C), roof design (condition 2.D), roof equipment screening (condition 2.E), and matching the design of trash enclosures with the principal building (condition 2.G).

8. Historic and Prehistoric Features: Staff is not aware of any historic or prehistoric features on the site area that is subject to either of the pending applications. The existing dwelling that is in the C-2/SC portion of the site that is proposed to be razed is a circa 1925 bungalow. Matt Becher, Rural/Open Space Planner, has requested the opportunity to evaluate, salvage any useable materials, and document the structure before it is demolished.

9. Signage: This criterion states "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."

The building mounted signs shown on the Tire Discounter materials consist of individual channel letters. Following this lead, Staff recommends that all building mounted signage in the development use individual channel letters, provided they meet all applicable requirements of Article 34 of the zoning regulations (note - several of the Tire Discounters building mounted signs are too large per Section 3413, #1).

A pole style sign that is 15.5 feet high and which has a 64 square foot fixed copy panel (4' X 16') and a 33.165 square foot reader board (4.125' X 8.04') is proposed for the Tire Discounters lot. The pole design of this sign is inconsistent with both the objectives of this criterion and the normal requirements of Article 34. As such, Staff recommends that this design be rejected and a condition of any approval require that any freestanding sign on this lot be a monument type which uses materials, colors, and detailing which correlate to the building.

A photo of a directory style (multi-tenant) freestanding sign was submitted with the Concept Development Plan, presumably as a prototype for Lots 2 and 3. This basic concept follows the objectives of this criterion provided it is a true monument sign (close gaps between the sign cabinet and the masonry structure), is within the limits of Article 34 (10' maximum height and 100 square feet maximum area), and correlates to the design of the principal building on the specific lot.

For reference purposes, condition 5.B for the original Conner Crossing approval (12/5/06 letter) limits outlot monument signs to 8 feet in height and 42.39 square feet in area. Due to the expanded width of the KY 237 right-of-way, Staff does not take issue with using the normal 10 foot height and 100 square foot size standards in Article 34.

10. Transportation Connections and Entry Points: This criterion states "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." Because only one access point for the overall development is proposed, Staff recommends that a gated emergency access between the west part of the Lot 3 parking lot and the east part of the firehouse parking lot be considered (Hebron Fire Protection District is a party to the zone change application). This connection could be surfaced with grass pavers or some other "discreet" appearing pavement. The previously recommended sidewalk connection could be provided in this same alignment.

This criterion also states that entry points into developments should be defined. As an alternative to providing useable open space, a recommendation regarding this issue is discussed under #3 above.

11. Conformance with Comprehensive Plan: The Comprehensive Plan is discussed above.

3. TRANSPORTATION AND TRAFFIC IMPACT STUDY

A letter of preliminary approval for the access point from the Kentucky Transportation Cabinet, District 6 was included with the application materials (see attached 3/12/12 letter from Matt Bogen, P.E., Traffic Section to Jeff Talkers, P.E., Land Consultants). In response to an inquiry from the Planning Commission's staff, Mr. Bogen stated that District 6 has "no further comments for conceptual approval on this project."

A Traffic Impact Study dated July 2011 had been previously forwarded to the Planning Commission's staff. Staff has one question regarding this study for the applicant. The document implies that there is little impact from this development in the AM peak hour (determined to be 7:15 - 8:15). Accordingly, the hours of operation for the proposed businesses need to be clarified, particularly the auto repair facility, as it is customary for this type of business to have early morning hours. Key conclusions of the Traffic Impact Study for the governing bodies to consider is the statement that "no turn lanes are warranted at the development drive" (pg. 22), and that a signal is not warranted at the KY 20/development drive intersection for either the AM or PM peak hours (pg. 24).

4. OTHER OUTSIDE AGENCY COMMENTS

Greg Sketch, P.E., PLS, Boone County Engineer, the Boone County Water District, and the Hebron Fire Protection District have stated that either the submitted plan is acceptable at this stage, or that they have no comment. Sanitation District #1 has commented that sanitary sewer service is available to the site, and that the developer needs to reserve capacity for the project.

5. OTHER

For the applicant's information, Lot 3 will need to be configured into a flag lot that conforms to the requirements in Section 315.d "Flag Lots" of the Boone County Subdivision Regulations.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the applications in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the Planned Development requirements stated in Article 15 of the zoning regulations, the 2005 and 2010 Boone County Comprehensive Plans, and the potential

impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP  
Director, Zoning Services

KTW/vlm

Attachments:

- Location map
- Aerial photograph w/ zoning
- 2030 Future Land Use Map excerpt
- 2035 Future Land Use Map excerpt
- Topographic map
- 12/5/06 condition letter to Anne F. McBride for Conner Crossing Zone Change and Concept Development Plan
- 8/18/11 condition letter to Anne F. McBride for change to Conner Crossing Concept Development Plan to allow automotive repair
- Application materials including Concept Development Plan sheets and 3/12/12 letter from Matt Bogen, P.E., Traffic Section, Kentucky Transportation Cabinet, District 6
- Traffic Impact Study, Crossings of Hebron dated July 2011 (w/o appendixes)

# Location

www.boonecountygis.com

COUNTRYPLACE CT

HEBRON PARK DR

LIMABURG RD

PHYLLIS CT

PETERSBURG RD

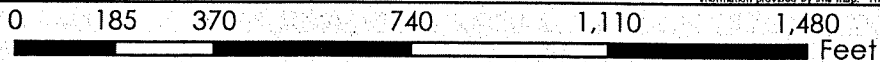
SITE

NORTH BEND RD

LANGLEY DR

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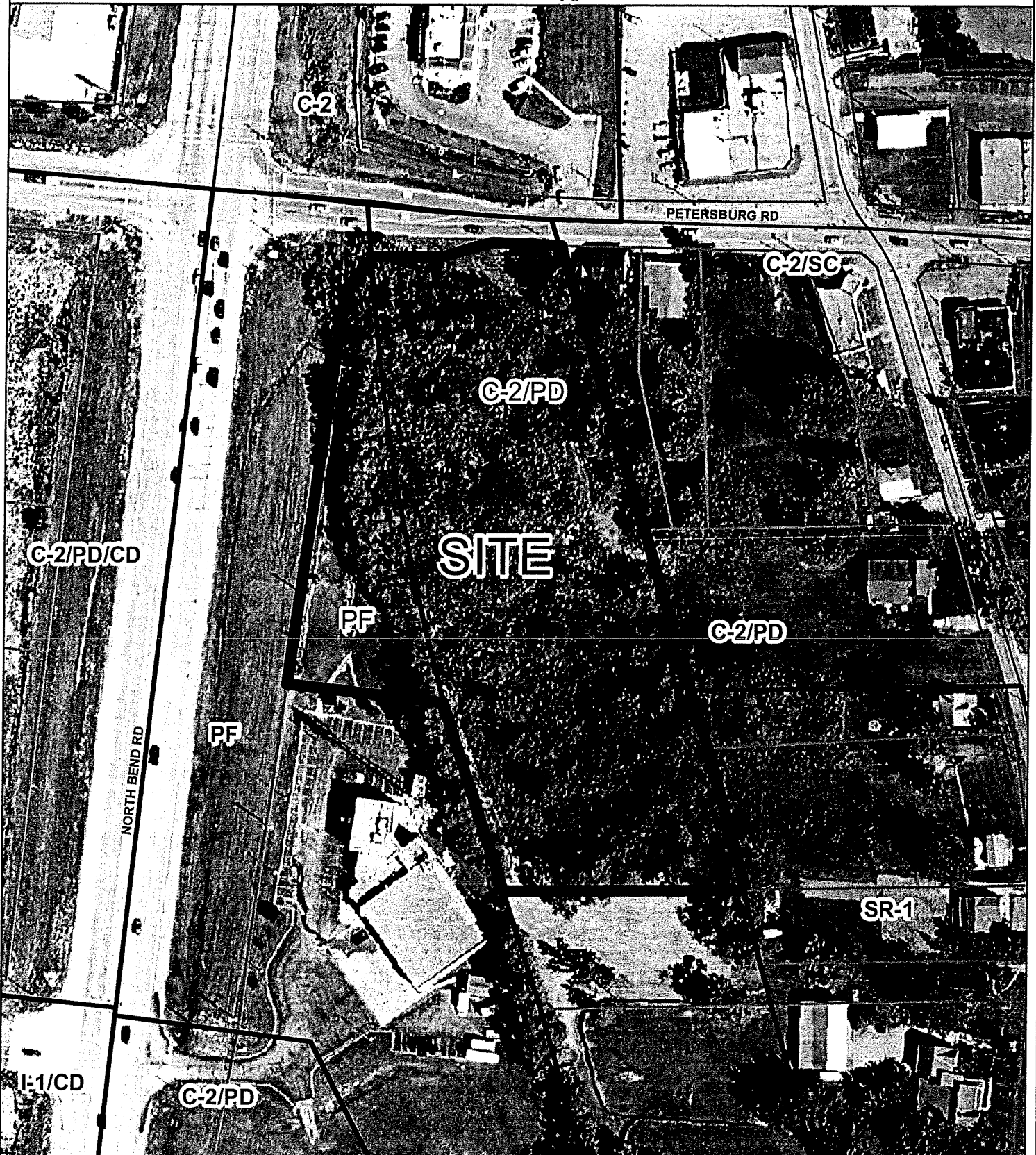
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**Boone County GIS - Putting Northern Kentucky on the Map**

# Zoning

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1 inch = 83,333 feet

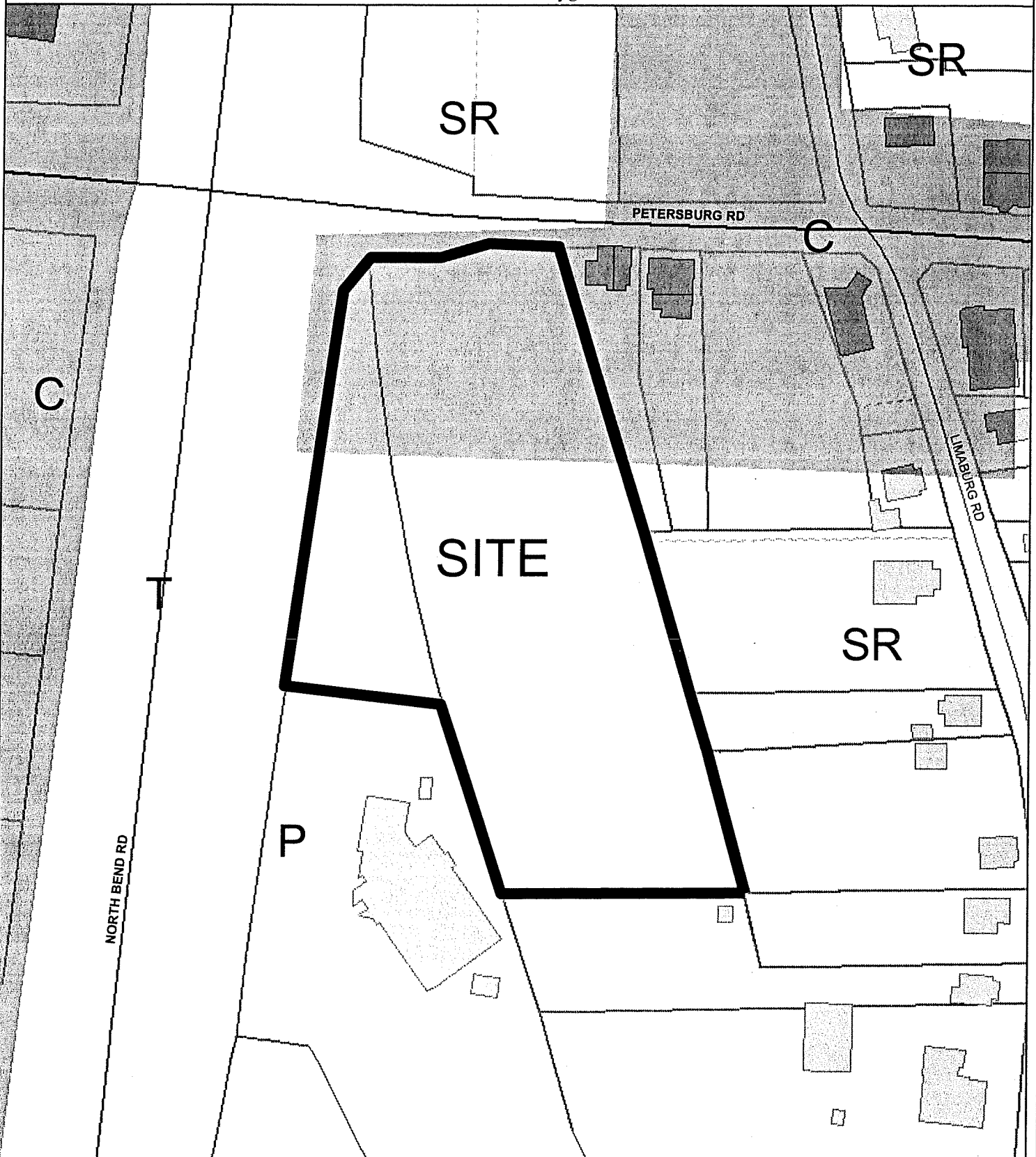


**Boone County GIS - Putting Northern Kentucky on the Map**



# 2030 Future Land Use

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Feet

1 inch = 83,333 feet

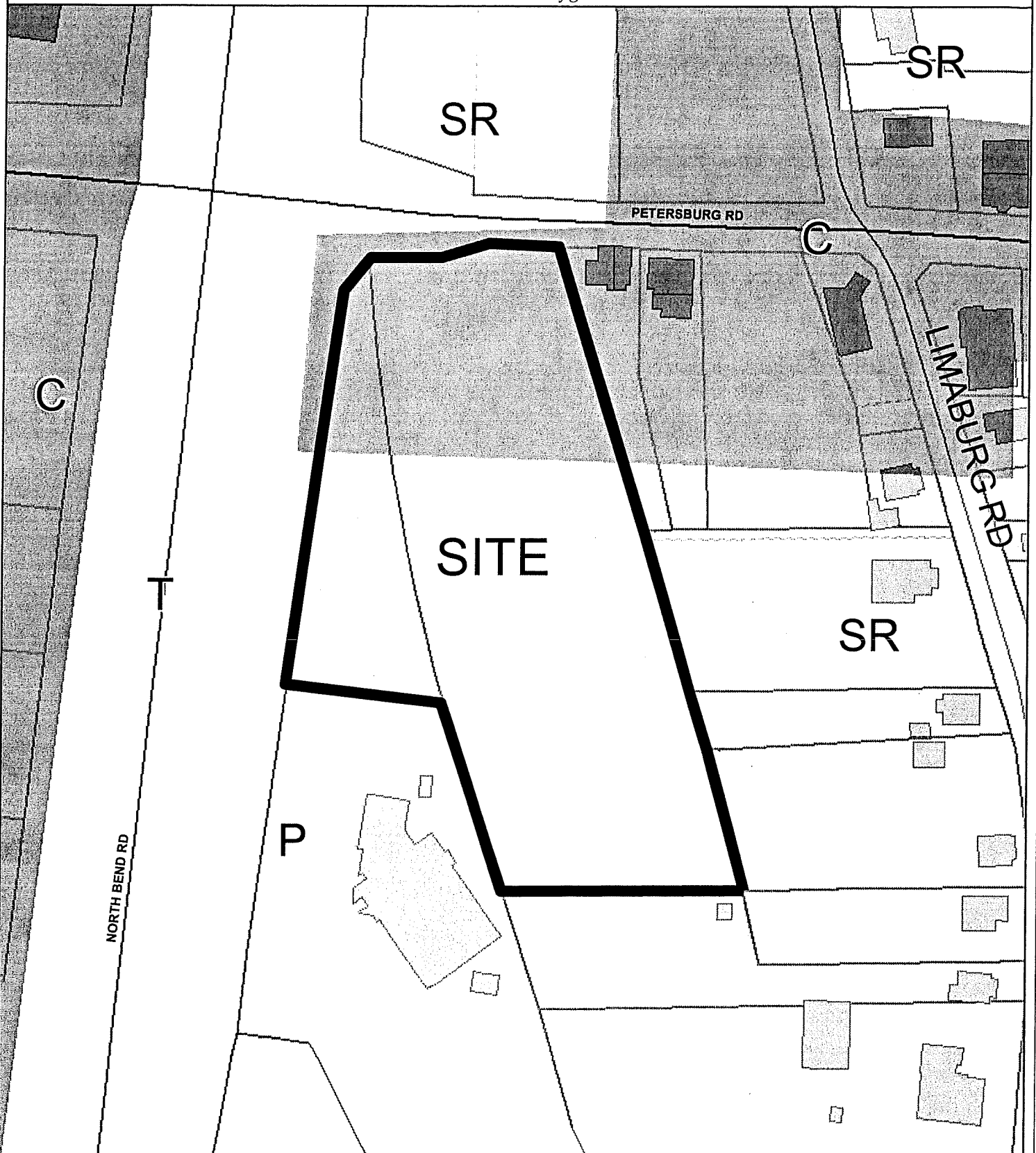


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# 2035 Future Land Use

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Feet

1 inch = 83,333 feet

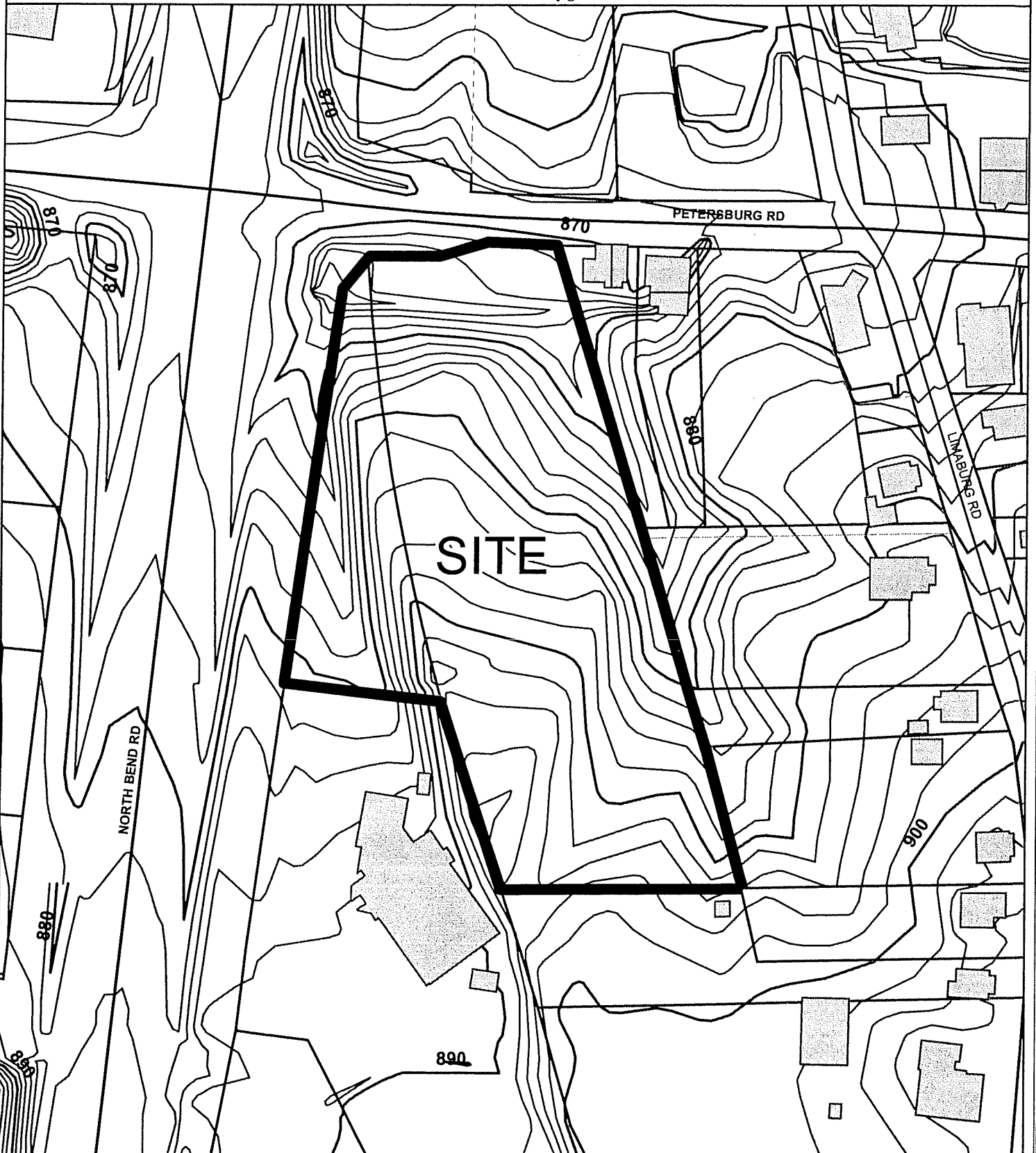


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# Topography

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Feet

1 inch = 83,333 feet



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





# BOONE COUNTY PLANNING COMMISSION

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

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

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

December 5, 2006

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

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

Dear Mrs. McBride:

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

## CONDITIONS

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

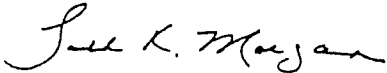
- B. The approval is based on the approved Concept Plan that was submitted at the November 1, 2006 Zone Change Committee Meeting. This plan shows a driveway connection to Galerie-au-Chocolate (see attachments).
  - C. The developer shall pay for a traffic signal at the KY 237/Conner Crossing/Hebron Fire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

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

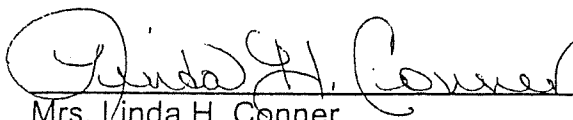
AGREEMENT

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.



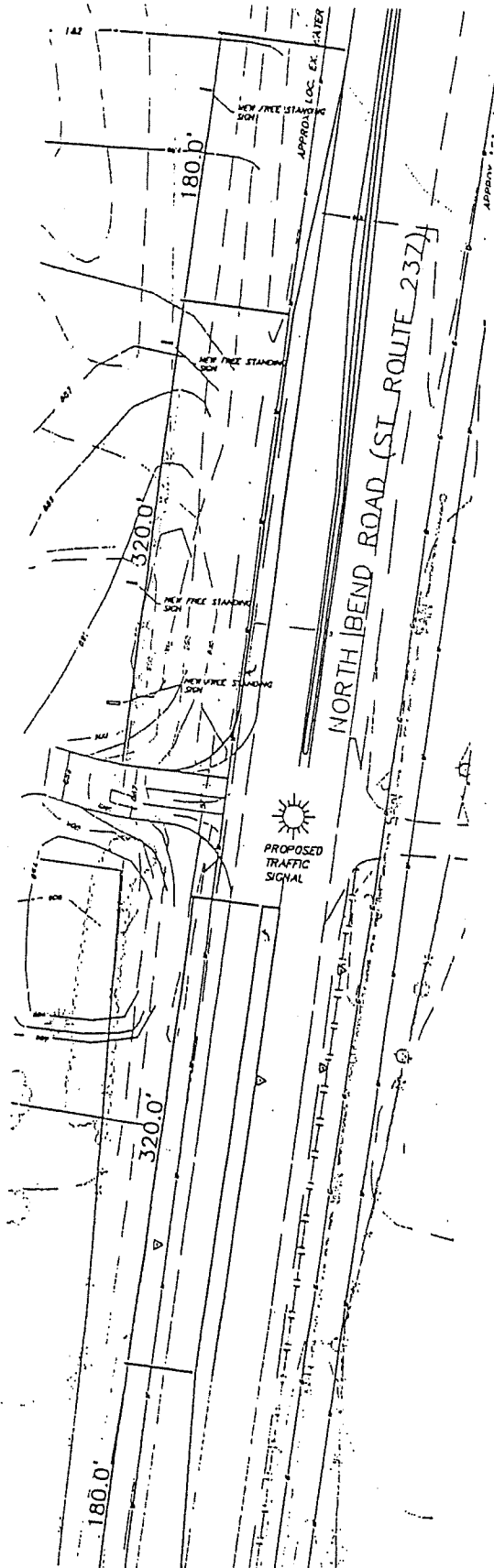
Mr. Michael A. Conner

*Dec 6, 2006*  
*MAC* Date



Mrs. Linda H. Conner

*Dec 6 '06*  
Date

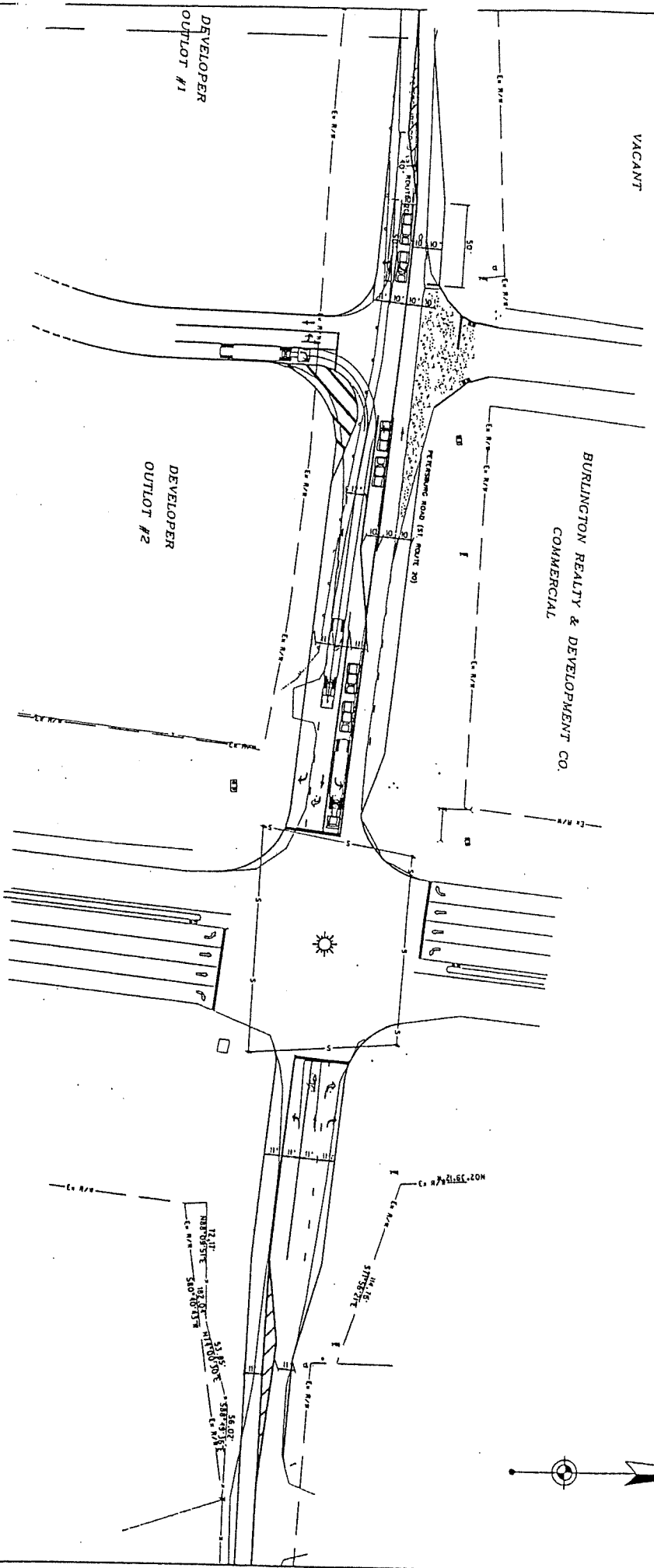


CORPORATION OF THE CHURCH  
OF JESUS CHRIST  
VACANT

BURLINGTON REALTY & DEVELOPMENT CO.  
COMMERCIAL

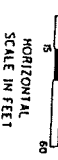
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OUTLOT #1

DEVELOPER  
OUTLOT #2



FINAL PHASE 3

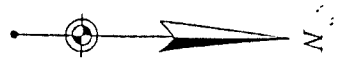
EXISTING  
PHASE 3



**Edwards  
AND  
Kelcey**

Engineers  
Architects  
Planners  
Construction  
Management  
Transportation  
Planning  
Historic Preservation  
Public Works  
and Planning Studies

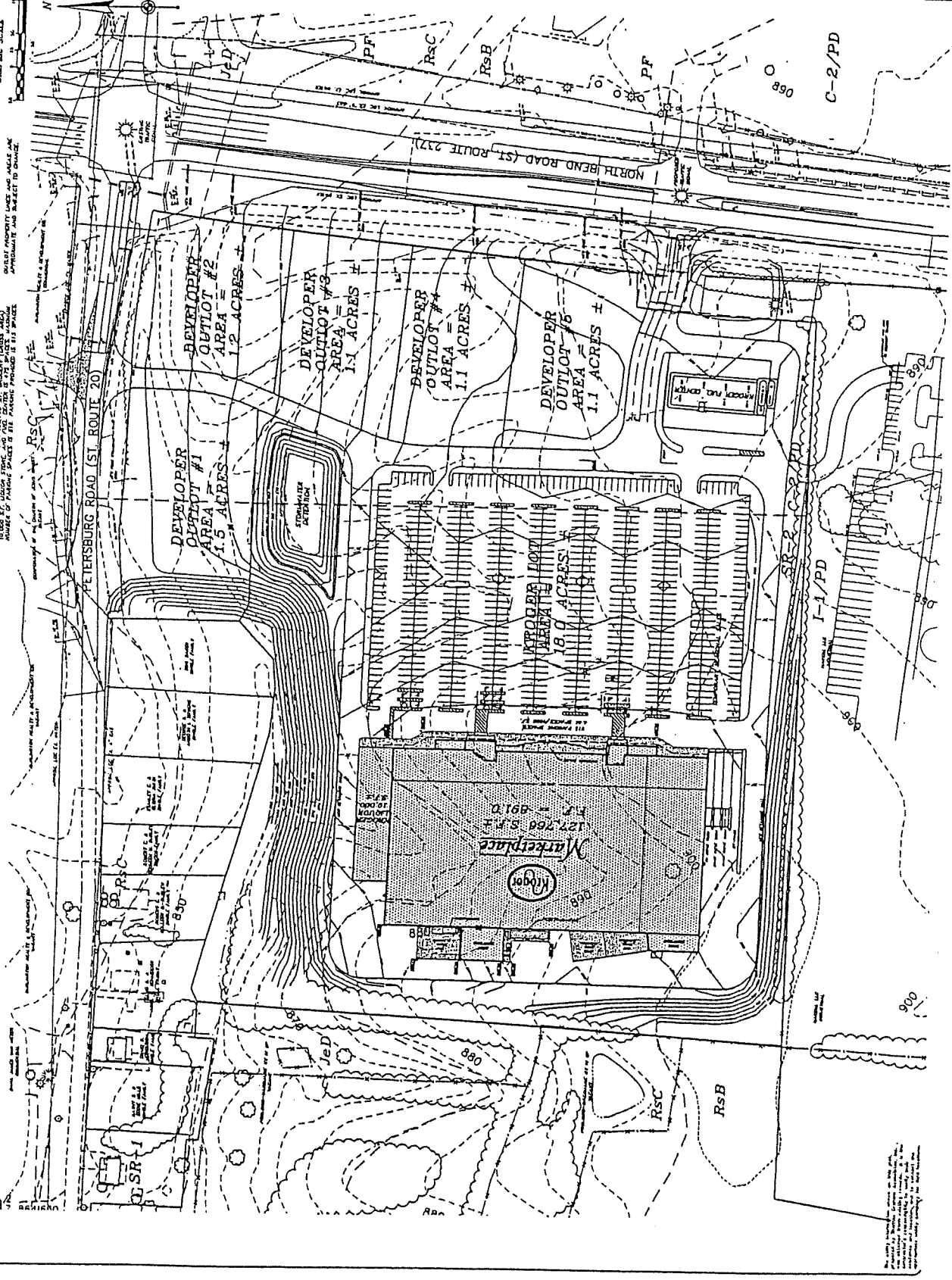
1000 North Main Street  
Burlington, Vermont 05401  
Tel: 802/251-1111  
Fax: 802/251-1112



**tga**  
 THOMAS  
 ASSOCIATES, INC.  
 1 Engineers  
 3000 Corporate Blvd.  
 Silver Spring, MD 20910  
 Tel: 301-581-7111  
 Fax: 301-581-7111

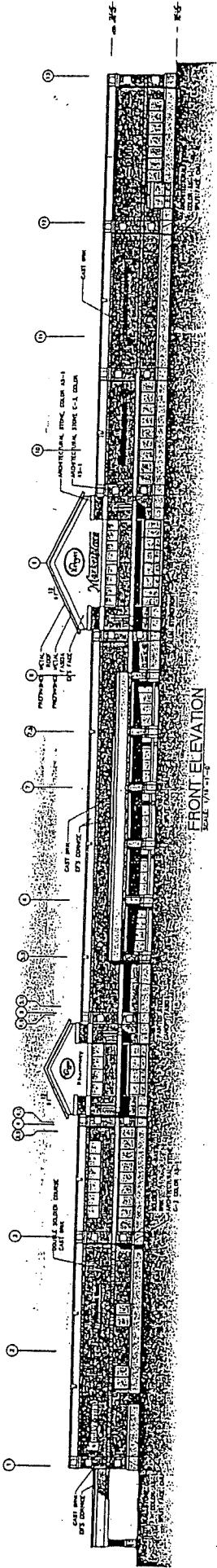
STUDY PLAN #6  
 NORTH BEND ROAD (ST. ROUTE 217)  
 INTERSECTION WITH NORTH BEND RD  
 ANNAPOLIS, MARYLAND

DATE: 05/21/2006  
 DRAWN BY: J. J. [unreadable]  
 CHECKED BY: [unreadable]  
 PROJECT NO.: 7450-04

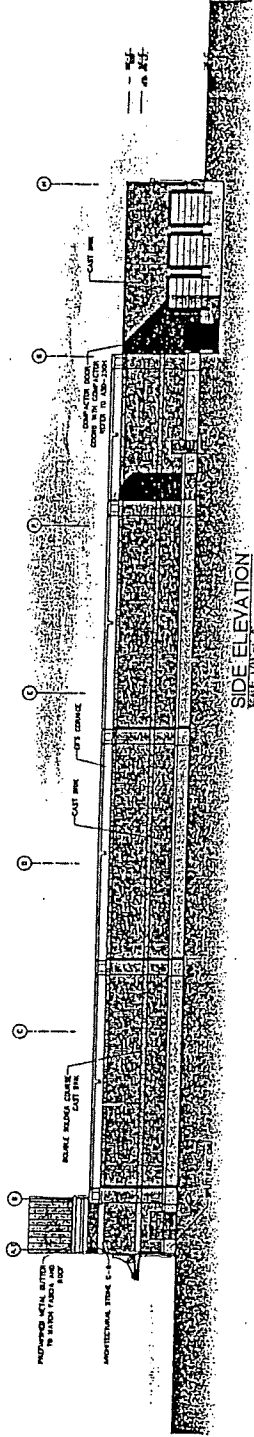


**PARKING SUMMARY**  
 NUMBER OF SPACES: 180 (174 ST. PROPERTY, 66 SPACES ALSO)  
 NUMBER OF PARKING SPACES IN THIS PROJECT: 180 (174 ST. PROPERTY, 66 SPACES ALSO)  
 NOTE: PARKING SPACES ARE SUBJECT TO CHANGE.

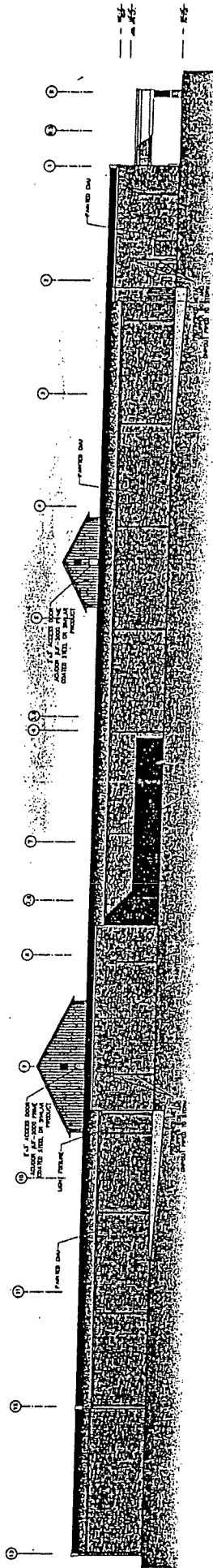
DATE PRINTED NOV 01 2006



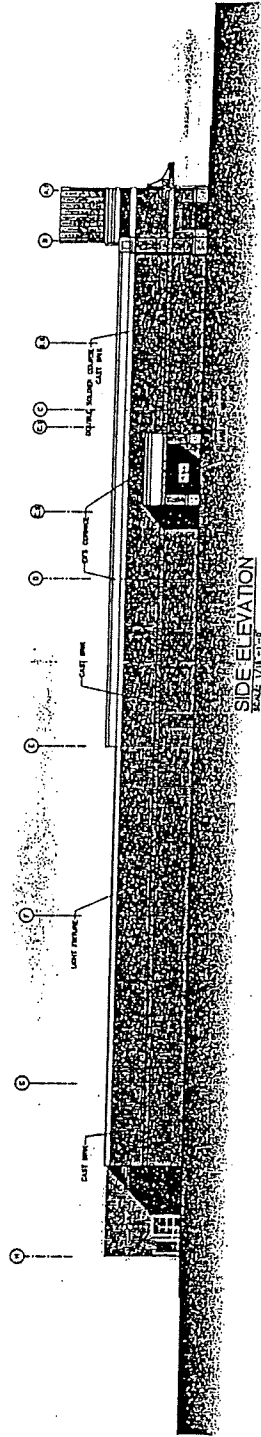
FRONT ELEVATION  
SCALE 1/8" = 1'-0"



SIDE ELEVATION  
SCALE 1/8" = 1'-0"



REAR ELEVATION  
SCALE 1/8" = 1'-0"



SIDE ELEVATION  
SCALE 1/8" = 1'-0"

10.25.06

Kroger A409, Hebron, KY

900506.B9



Cole + Russell Architects  
an URSITE Company



## 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.



# BOONE COUNTY PLANNING COMMISSION

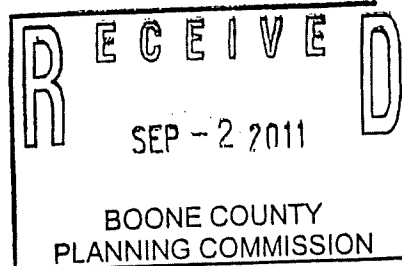
[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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

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

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.

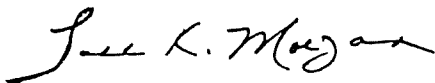
## CONDITIONS

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,

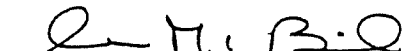


Todd K. Morgan, AICP  
Senior Planner, Zoning Services

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.



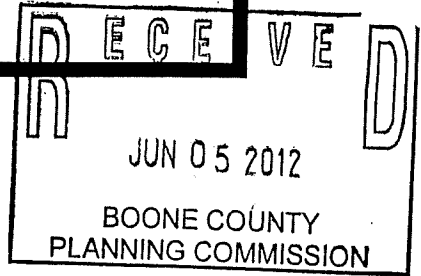
---

Mr. Richard A. Haglage  
Terra Firma Corner Crossing LLC

9-1-11  
Date

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(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)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
- Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)

2. Name of Project CROSSING OF HEBRON
3. Location of Project SR 237 & SR 20 (SE CORNER)
4. Total Acreage of Site 4.00 = (3.4 ac - Heritage Bros + 0.603 ac HFPD)
5. Current Zoning C-2/PD, C-2/SC, PF
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) na
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) na
8. Proposed Uses (please specify each use) RETAIL
9. Proposed Building Intensities (please specify) 3 BUILDINGS OF 7,000 SF, 7,122 SF AND 9,300 SF = 23,422 SF
10. Have you submitted a Concept Development Plan? NO
11. Are you also applying for:  
 Conditional Use Permit  
 Dimensional Variance
12. Name of Applicant(s) JEFF TALKERS / LAND CONSULTANTS  
 Phone Number 859-512-9228 Fax No. 812-537-4901
13. Address of Applicant(s) 314 FRONT STREET  
LAWRENCEBURG IN 47025  
 City State Zip
14. Name of Property Owner(s) (BOB PATEL) / HERITAGE BROS. LLC / Hebron Fire Protection District (By Contract)  
 Phone Number 859-816-2244 Fax No. \_\_\_\_\_
15. Address of Property Owner(s) 5655 HAWTHORNE COURT  
MASON OH 45040  
 City State Zip
16. Are there any existing buildings on the site? YES  
 How many? 1 HOUSE
17. Deed Book 924 Page No. 240 Group No. \_\_\_\_\_
18. Have you had a pre-application meeting with BCPC Staff? YES

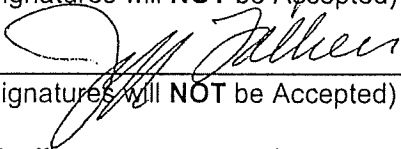
(over)

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

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

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

21. ORIGINAL Property Owner's Signature   
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature   
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

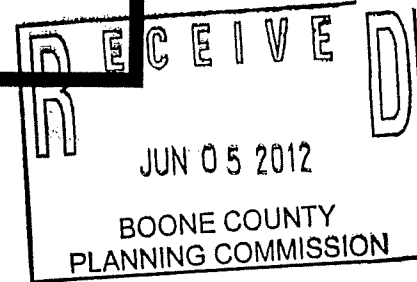
1. Date Received 6-5-12 Fee Received \$ 2080.00 R# 64996
2. Check what has been submitted:  
 Application  Fee  Legal Description  
 Concept Development Plan  Addresses of Adjoining Property Owners  
 No. of copies of plan received \*\*
3. Is application complete? YES  NO
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson \_\_\_\_\_
6. Scheduled Public Hearing Date 7/3/12
7. Boone County Planning Commission Action:  
 Approved  Approved With Conditions  
 Denied
8. Other: \_\_\_\_\_

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

**Note:** See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.  
BCPC: 8/11

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED  
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

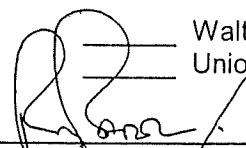
1. Name of Project CROSSING OF HEBRON
  2. Location of Project SR 237 & SR 20 SE CORNER (2091 NORTH BEARD RD.)
  3. Total Acreage of Site 4.00 AC / (0.603 ac - HFPD)
  4. Current Zoning of Site C-2/PD, C-2/SC, PF
  5. Proposed Zoning (Classification being requested) (C-2/PD FROM PF = 0.603 ac - HFPD)
  6. Proposed Uses (please specify each use) RETAIL
- 
7. Names of Applicant(s) LAND CONSULTANTS / JEFF TALKERS  
Phone Number 859-512-9228 Fax No. 812-537-4901
  8. Address of Applicant(s) 314 FRONT STREET  
LAWRENCEBURG IN 47025  
City State Zip
  9. Name of Property Owner(s) MR. BOB PATEL / HERITAGE BROTHERS, LLC / Hebron Fire Protect. District  
Phone Number 859-816-2244 Fax No. \_\_\_\_\_  
10. Address of Property Owner(s) \_\_\_\_\_  
MASON OHIO 45040 (By Contra)  
City State Zip
  11. Proposed Building Intensities (please specify) 3 BUILDINGS OF 7,000 SF, 7,122 SF AND 9,300 SF = 23,422 SF
  12. Are there any existing buildings on the site? YES  
How many? 1 HOUSE
  13. Deed Book 924 Page No. 240 Group No. \_\_\_\_\_
  14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
  15. Have you submitted a Concept Development Plan? YES
  16. Have you had a pre-application meeting with BCPC Staff? YES
  17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- \_\_\_\_\_ Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- \_\_\_\_\_ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

18. Project Jurisdiction/Location  
 Unincorporated Boone County  
 Florence  
 Walton Union

19. ORIGINAL Property Owner's Signature   
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature   
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received 6-5-12
2. Review Fee \$ 2295.00 R# 64997 ck
3. Check what has been submitted:  
 Application  
 Fee  
 Legal Description  
 Concept Development Plan  
 Address of Adjoining Property Owners  
 Number of copies of plan received\*\*
4. Is application complete?  Yes  No
5. Staff Reviewer KEVIN WALKER
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date 7/3/12
8. Boone County Planning Commission Action:  
 Approval  
 Approval with Conditions  
 Denial
9. Other: \_\_\_\_\_

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

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.



associate companies and services  
THE ENGINEERING GROUP  
THE SURVEY COMPANY  
LAND DEVELOPMENT CONSULTING  
COMMUNITY AND ECONOMIC PLANNING

June 5, 2012

Mr. Todd Morgan  
Boone County Planning Commission  
KY 18  
Burlington, KY

Subject: Crossings of Hebron – Commercial Subdivision  
Southeast Corner of SR 237 and SR 20

Dear Mr. Morgan:

Enclosed is our submittal for the request of a Zone Map Amendment and Concept Development Plan Approval for the Crossings of Hebron Commercial Subdivision in Hebron, Kentucky.

The project consists of a 4.0 acre parcel of which we are requesting a zone map amendment for the 0.603 acre parcel being purchased from the Hebron Fire Protection District from PF to C2/PD.

The Concept Development Plan includes 3 lots and 1 outlot parcel for storm water detention facilities with access from SR 20. Phase 1 consists of developing a 1 acre lot for a Tire Discounters Store, the entrance drive and associated utilities. A copy of our preliminary approval letter from KTC for an entrance on SR 20 is included. We have also included photographs of the Tire Discounter Store plan and elevation, as well as the concept of the proposed signage for the store and the development. The development sign is proposed at the corner of SR 20 and SR 237.

Please place this project on the agenda for the next Planning Commission Meeting.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeff Talkers", written in a cursive style.

Jeff Talkers, P.E.  
Vice President

*Serving the tri-state since 1976*

---

555 GEST STREET, SUITE 200 ♦ CINCINNATI, OHIO 45203 ♦ OFFICE 513-381-1020  
314 FRONT STREET ♦ LAWRENCEBURG, INDIANA 47025 ♦ OFFICE 812-537-2145 ♦ FAX 812-537-4901  
TOLL-FREE 888-537-2145 ♦ WWW.LANDCONSUL.COM







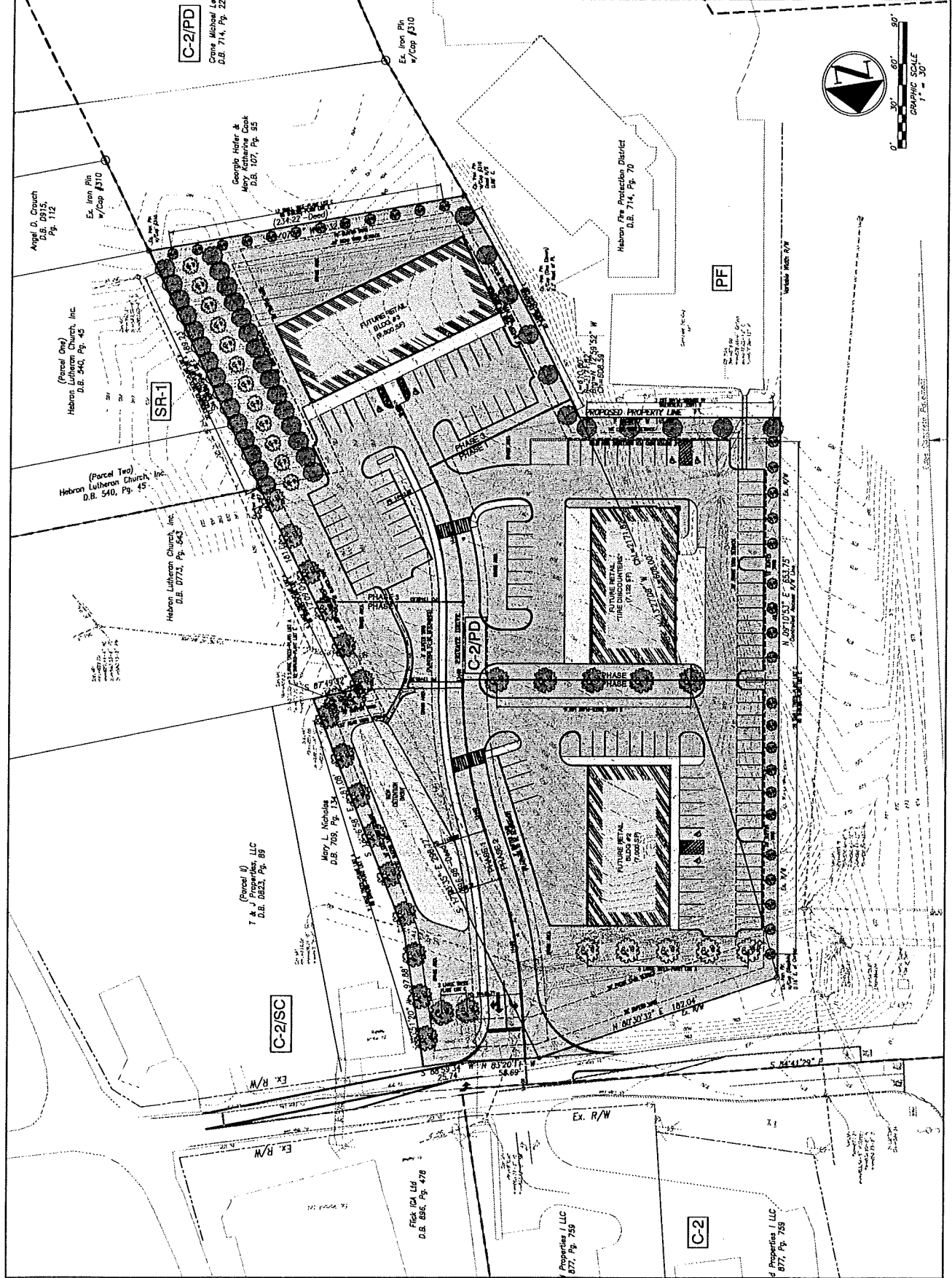
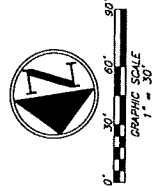
CONCEPTUAL  
LANDSCAPING PLAN  
CROSSINGS OF HEBRON  
KY 237 & KY 20  
HEBRON, BOONE COUNTY, KY

SHEET  
REFERENCE  
NUMBER:  
**L-101**  
SHEET 1 of 1

DATE: June 5, 2012  
PROJECT: HEBRON  
DRAWN BY: [Redacted]  
CHECKED BY: [Redacted]  
SCALE: AS SHOWN

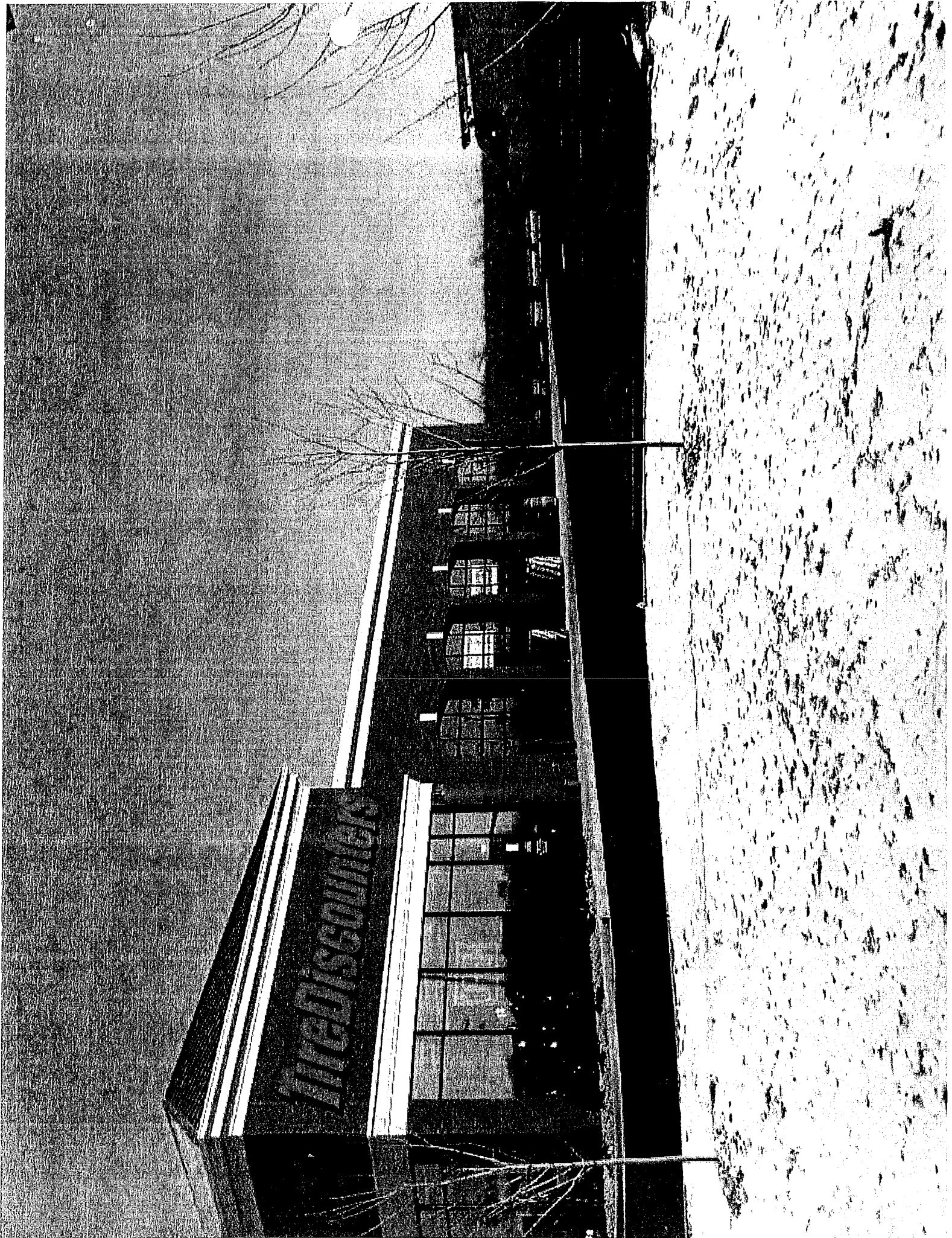
PRELIMINARY  
NOT FOR  
CONSTRUCTION

LAND  
CONSULTANTS  
214 FINE FINE  
[Redacted]  
[Redacted]  
[Redacted]

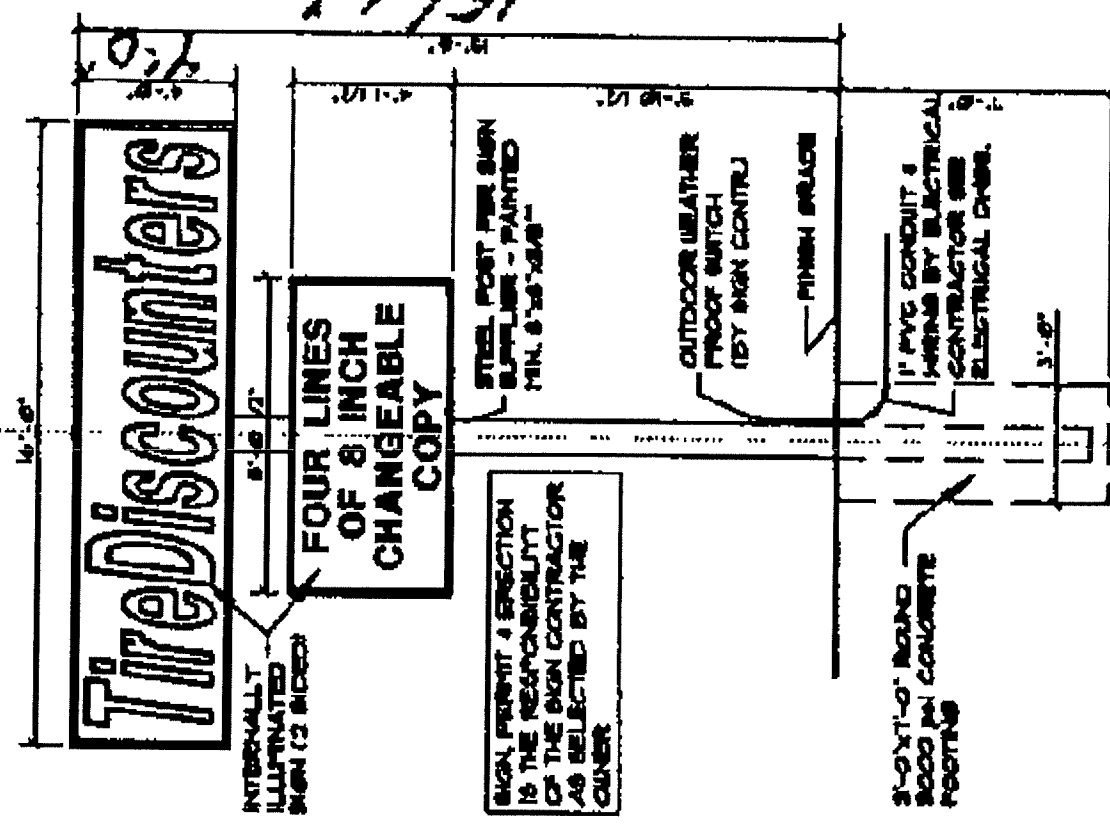


\\s011\0301\Drawings\Projects\Hebron\Drawings\Landscaping\Conceptual Landscaping Plan\2012\6-5-12\101.dwg





16'-0"



15-6

SIGN PERMIT & ERECTION IS THE RESPONSIBILITY OF THE SIGN CONTRACTOR AS SELECTED BY THE OWNER

**DETAIL** 1/4" = 1'-0"

1  
A1 PYLON SIGN

petco



SHERWIN  
WILLIAMS.

Great Clips

DEVELOPED BY



NEVER  
PROPERTIES

513-563-7555





## TRANSPORTATION CABINET

**Steven L. Beshear**  
Governor

Department of Highways District 6 Office  
421 Buttermilk Pike  
Covington, KY 41017  
(859) 341-2700

**Michael W. Hancock, P.E.**  
Secretary

March 12, 2012

To: Mr. Jeff Talkers, PE  
Vice President, Land Consultants

Subject: Boone County, 008-0020-16.68  
KY 20 (Petersburg Rd.)  
Permit Number pending

Dear Mr. Talkers,

After reviewing the preliminary plans you have provided, the Transportation Cabinet is willing to grant access onto KY 20 for the proposed Crossings of Hebron development. Please present this letter to the local planning and zoning commission in order to proceed with their zone map amendment process.

Please note that this is only a preliminary approval, and that a formal encroachment permit submittal will need to be satisfied before any construction on state right-of-way can begin. Please contact Caroline Justice in our Permits section when you are ready to proceed with submittal.

If you have any questions, please do not hesitate to contact me by phone at (859) 341-2700 or by fax at (859) 341-3661.

Sincerely,

A handwritten signature in cursive script that reads "Matt Bogen".

Matt Bogen, PE  
Traffic Section  
KY Department of Highways  
District 6 – Covington  
421 Buttermilk Pike  
Covington, KY 41017



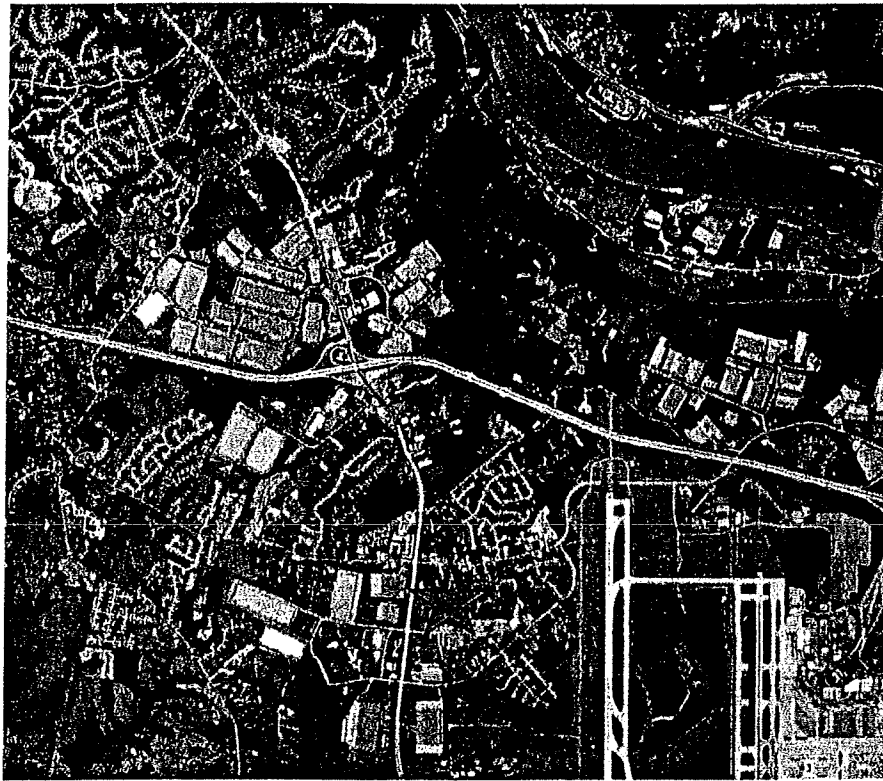
An Equal Opportunity Employer M/F/D

# **TRAFFIC IMPACT STUDY**

**Crossings of Hebron  
City of Hebron  
Boone County, Kentucky**

**Prepared For:**

**Land Consultants  
314 Front Street  
Lawrenceburg, Indiana 47025**



**Prepared By:**

***TEC*** Engineering, Inc.

214 West Mason Street  
Mason, OH 45040

---

161 Northland Blvd.  
Cincinnati, Ohio 45246

---

77 West Elmwood Drive, Suite 200  
Dayton, Ohio 45459

**July 2011**

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## I. EXECUTIVE SUMMARY

### Purpose and Objectives

TEC Engineering, Inc. was retained by Land Consultants to complete a traffic impact study for a proposed development on the southeast corner of KY 237 (North Bend Road) and KY 20 (Petersburg Road), in Hebron Kentucky. The initial objective of this report is to document the existing traffic conditions and evaluate the potential impacts of the proposed development on the surrounding transportation system.

### Existing Conditions

The proposed site for the development is located on the southeast corner of the intersection of KY 237 (North Bend Road) and KY 20 (Petersburg Road). Manual turning movement counts were collected at the intersection during the AM peak and PM peak.

### Proposed Site Development

The proposed site for the development is located on the east side of KY 237, just south of KY 20. The site is approximately 3.75 acres with three buildings. The preliminary plans for the buildings include a 7,122 sq ft tire store, a 9,300 sq ft shopping center and another 7,000 sq ft building assumed to be a shopping center

### Projected Traffic

The trips generated by the proposed development were projected using the following ITE land use codes; *Land Use 820, Shopping Center, Land Uses 849 Tire Superstore*. These trips were then distributed between the access points and carried through the study intersections accordingly. A summary of the ITE Trip Generation results can be found below.

*ITE Trip Generation Summary  
NewTrips*

Trip Generation					
Hebron KY					
Land Use Type	Size	Generated Trips			
		AM		PM	
		Enter	Exit	Enter	Exit
Shopping Center	9,300 sq ft	23	15	43	48
Shopping Center 2	7,000 sq ft	19	12	35	39
Tire Store	7,122 sq ft	13	8	11	15
<b>Total Trips</b>		<b>55</b>	<b>35</b>	<b>89</b>	<b>102</b>
		<b>90</b>		<b>191</b>	

### Traffic Analyses

The software program *HCS+* was used to analyze capacity and determine level of service at the intersections. The proposed development is anticipated to be fully built and open in 2013. To determine the roadway improvements necessary to accommodate the traffic generated by the proposed development, the following scenarios were compared and analyzed:

*2013 No Build*

*2013 Build*

Turn lane (left and right) requirements and traffic signal warrants were evaluated with regards to the site.

### Conclusions and Recommendations

This study was performed to determine any impact that the proposed site development would have on existing traffic in the study area and to recommend any necessary measures in order to fully mitigate these effects. All intersections are at acceptable delay values and any change in LOS or delay due to the proposed development should not be considered detrimental.

### Qualifications

TEC Engineering, Inc. is a Southwest Ohio-based consulting engineering firm established in 1992 specializing in the fields of Transportation Planning, Traffic Engineering, and Roadway and Highway Design, including all ancillary services. In its fifteen year history in the Tri-State, the firm has completed a variety of transportation improvement and enhancement projects across a wide spectrum, including: Traffic Signal Design, Intelligent Transportation Systems Planning, Design and Operations, Roadway/Highway Design, Engineering Studies, and Roadway/Highway and Parking Lighting Systems.

TEC has conducted a wide variety of Traffic Impact Studies throughout Ohio, Kentucky and Indiana. These studies include both retail and residential developments. The retail developments range in size from a single commercial building to multiuse sites covering several acres. Likewise, the residential developments range in size from small communities to large developments with several hundred single family homes.

*"I certify that this TRAFFIC IMPACT STUDY has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering."*

---

*Edward R. Williams, P.E., P.T.O.E.  
Kentucky Registration #24973  
TEC Engineering, Inc.*

## II. EXISTING CONDITIONS

### A. General Layout

TEC Engineering, Inc. was retained by Land Consultants to complete a traffic impact study for a proposed retail development in the City of Hebron, Kentucky.

The major roadways that services this area are North Bend Road (KY 237) and Petersburg Road (KY 20). Limaburg Road was also considered in the study area. According to the KYTC functional classification system, North Bend Road is classified as an Urban Principal Arterial. Petersburg Road is an Urban Collector west of North Bend and an Urban Minor Arterial east of the intersection. Limaburg Road is a local road.

The main intersection in the area is North Bend Road and Petersburg Road. This intersection is signalized. The intersection of Petersburg and Limaburg is also signalized. The speed limits in the area are: North Bend Road 35 mph, Petersburg Road 35 mph and Limaburg Road 25 mph. The speed limit within the development was assumed to be 25 mph for the purposes of this study.

North Bend Road is a 2 lane road in area of the development which widens out at the intersection of Petersburg Road to have a left turn and right turn in both directions. Petersburg is a two lane road, with right and left turn lanes in both directions at North Bend. Limaburg Road is a two lane road.

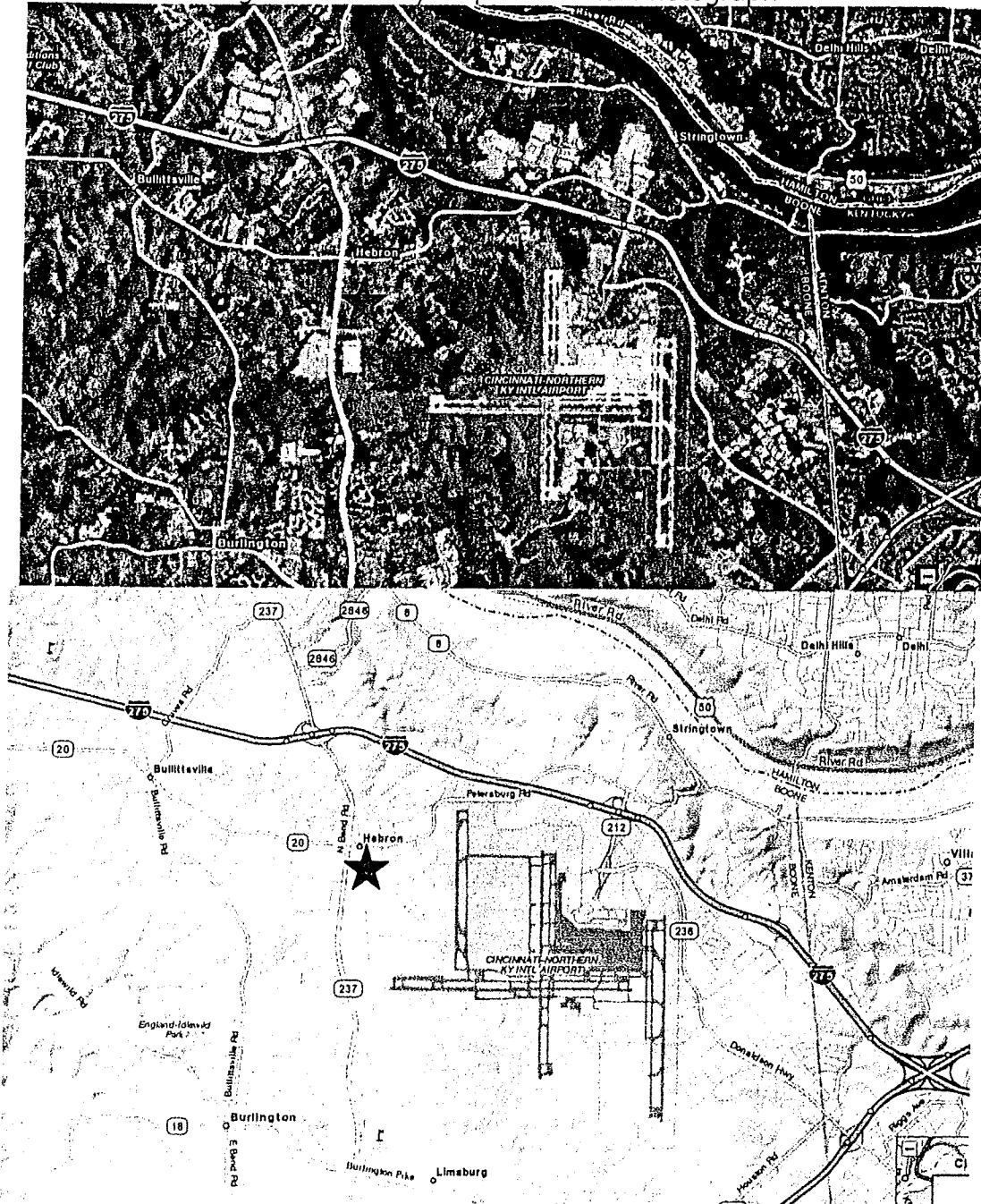
There is one access drive on Petersburg Road for the proposed development located approximately 300' east North Bend Road.

A location map and aerial photograph for this area is shown on the following page as Figure 1.

### B. Existing Volumes

Peak hour counts were conducted in the area during the AM (7am-9am) and PM (4pm-6pm) peak period. It was determined that the peak hours are from 7:15 am-8:15am and 5:00pm-6:00pm. Traffic count data sheets have been provided in *Appendix A*.

Figure 1: Vicinity Map and Aerial Photograph



### III. PROPOSED SITE DEVELOPMENT

#### A. Site Description

The proposed site for the development is located on the east side of North Bend Road, just south of Petersburg Road. The proposed development is 3.75 acres with three buildings, tentatively planned as a tire store and shopping center.

#### B. Site Access

There is one access to the site located on Petersburg Road approximately 300' east of North Bend Road. There are four access points off this private drive to accommodate the three separate parcels.

The current proposed site plan is shown in *Figure 2*.



#### IV. PROJECTED TRAFFIC

##### C. Site Traffic

###### Trip Generation

The *Institute of Transportation Engineers (ITE) Trip Generation Manual* is the most widely accepted publication for projecting traffic volumes related to specific land uses. The trip generation was done for the peak hour of adjacent street traffic. Trips were generated for the following Land Uses: *Land Use 820 Shopping Center, 9,000 sq ft and 7,000 sq ft, and Lane Use 848 Tire Store, 7,122 sq ft.* The KYTC Trip Generation worksheet was used for the Shopping Center but was not used for the tire store, since values are only shown for “# of Service Bays” and not for the square footage of the building. The values for the tire store were acquired directly from the *ITE Trip Generation Manual*

The new generated trips were provided and are shown in *Table 1* below.

Table 1: Total Generated Trips

Trip Generation Hebron, KY				
Land Use Type	Generated Trips			
	AM		PM	
	Enter	Exit	Enter	Exit
Shopping Center 1	23	15	63	68
Shopping Center 2	19	12	52	56
Tire Store	13	8	13	17
<b>Total Trips</b>	<b>55</b>	<b>35</b>	<b>128</b>	<b>141</b>
	<b>90</b>		<b>269</b>	

Due to the nature of the site, a portion of the trips generated will be pass-by trips. Pass-by drips are defined as follows:

*Pass-by trips: trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. These trips do not require a diversion from another roadway.*

The pass-by trips were calculated using percentages from the *KYTC Trip Generation Spreadsheet and the ITE Trip Generation Handbook*. For Shopping Center there are no pass-by trips provided for the AM and 24% of the trips generated by the shopping center are pass-by trips for the PM Peak. These trips

generated by the proposed development will come from existing traffic that will be passing the site en route to another primary destination. The pass-by trips are shown in *Table 2* and *Figure 4*.

Table 2: Pass-By Trips

<b>Trip Generation Hebron, KY</b>												
<b>Land Use Type</b>	<b>Generated Trips</b>				<b>Internal Trips</b>				<b>Pass-by Trips</b>			
	<b>AM</b>		<b>PM</b>		<b>AM</b>		<b>PM</b>		<b>AM</b>		<b>PM</b>	
	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>
<b>Shopping Center 1</b>	23	15	63	68	0	0	-5	-5	0	0	-15	-15
<b>Shopping Center 2</b>	19	12	52	56	0	0	-5	-5	0	0	-12	-12
<b>Tire Store</b>	13	8	13	17	0	0	-2	-2	0	0	0	0
<b>Total Trips</b>	<b>55</b>	<b>35</b>	<b>128</b>	<b>141</b>	<b>0</b>	<b>0</b>	<b>-12</b>	<b>-12</b>	<b>0</b>	<b>0</b>	<b>-27</b>	<b>-27</b>
	<b>90</b>		<b>269</b>		<b>0</b>		<b>-24</b>		<b>0</b>		<b>-54</b>	

The new trips are simply those trips that are generated by the site but are not part of existing traffic. For new trips, the proposed site is the primary destination. The new trips generated by the proposed development are shown in *Table 3* below.

Table 3: New Trips

<b>Primary Trips Hebron, KY</b>				
<b>Land Use Type</b>	<b>Primary Trips</b>			
	<b>AM</b>		<b>PM</b>	
	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>
<b>Shopping Center</b>	23	15	43	48
<b>Shopping Center 2</b>	19	12	35	39
<b>Tire Store</b>	13	8	11	15
<b>Total Trips</b>	<b>55</b>	<b>35</b>	<b>89</b>	<b>102</b>
	<b>90</b>		<b>191</b>	

### Trip Distribution

The directional distribution of the site traffic for the proposed development was determined based on existing traffic patterns

The trip distribution is shown in *Figures 3a and 3b*. The pass-by trips are shown in *Figure 4*. The trips generated are shown in *Figures 5a and 5b*.

Figure 3a: Trip Distribution-Entering

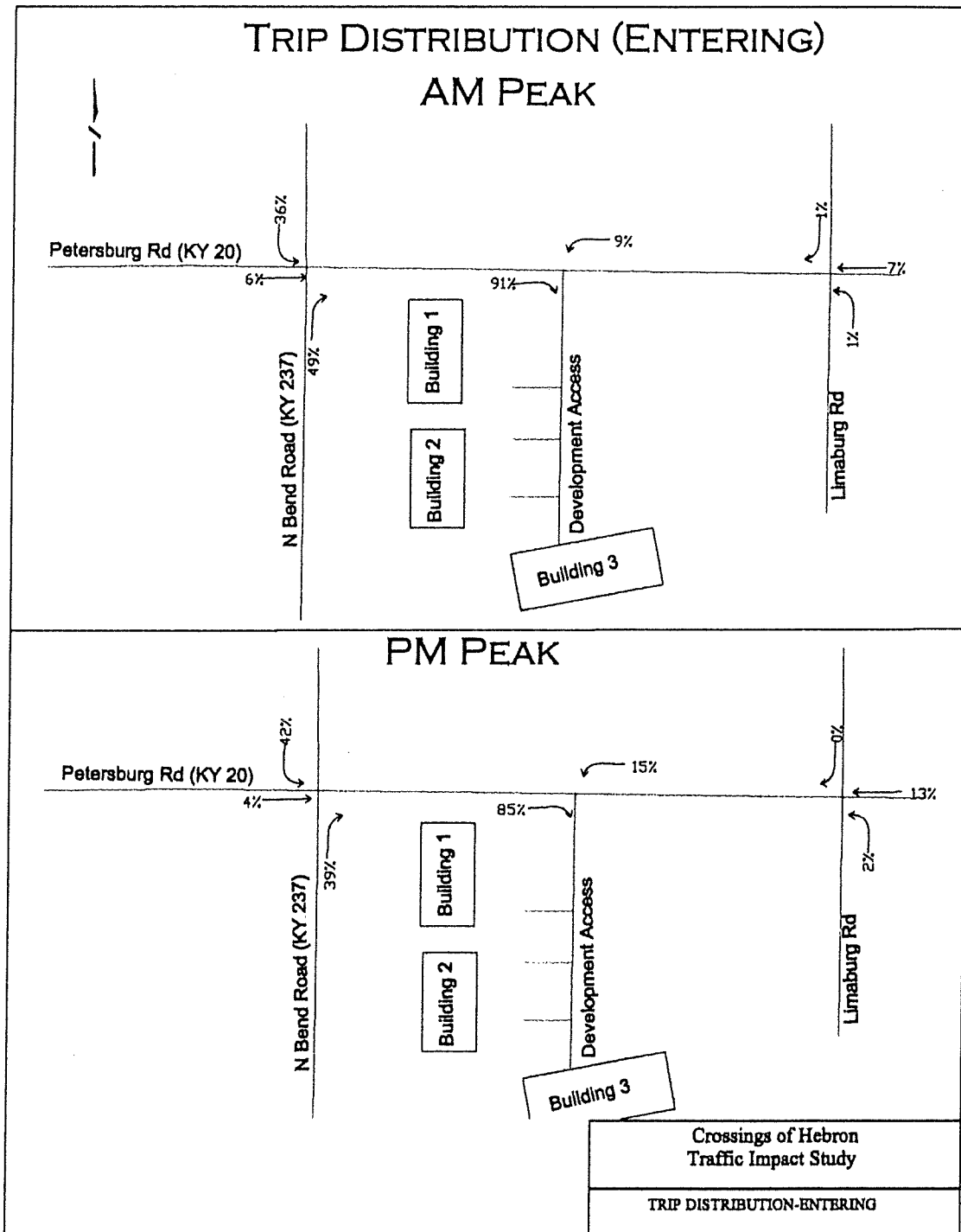


Figure 3b: Trip Distribution-Exiting

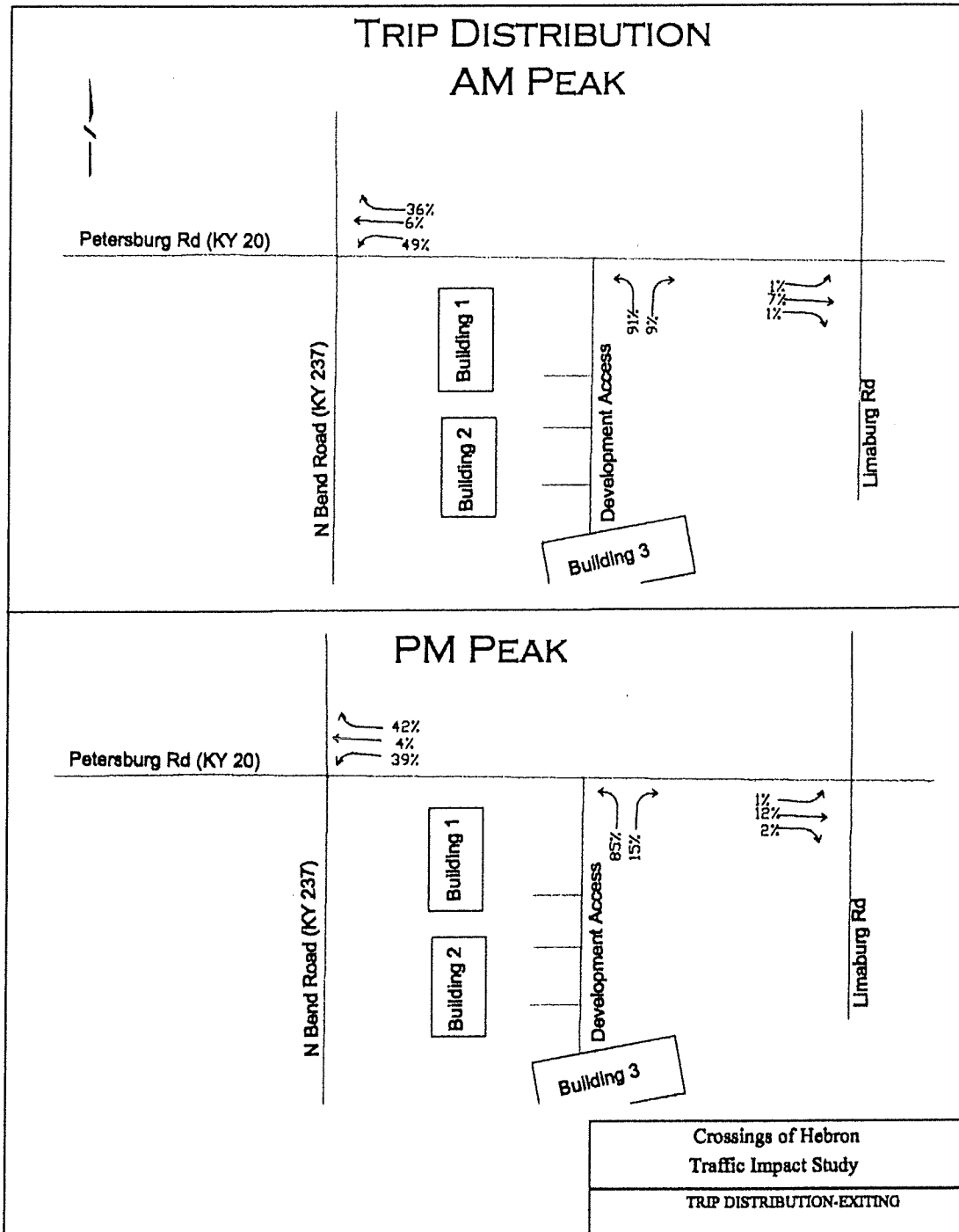


Figure 4: Pass-By Trips

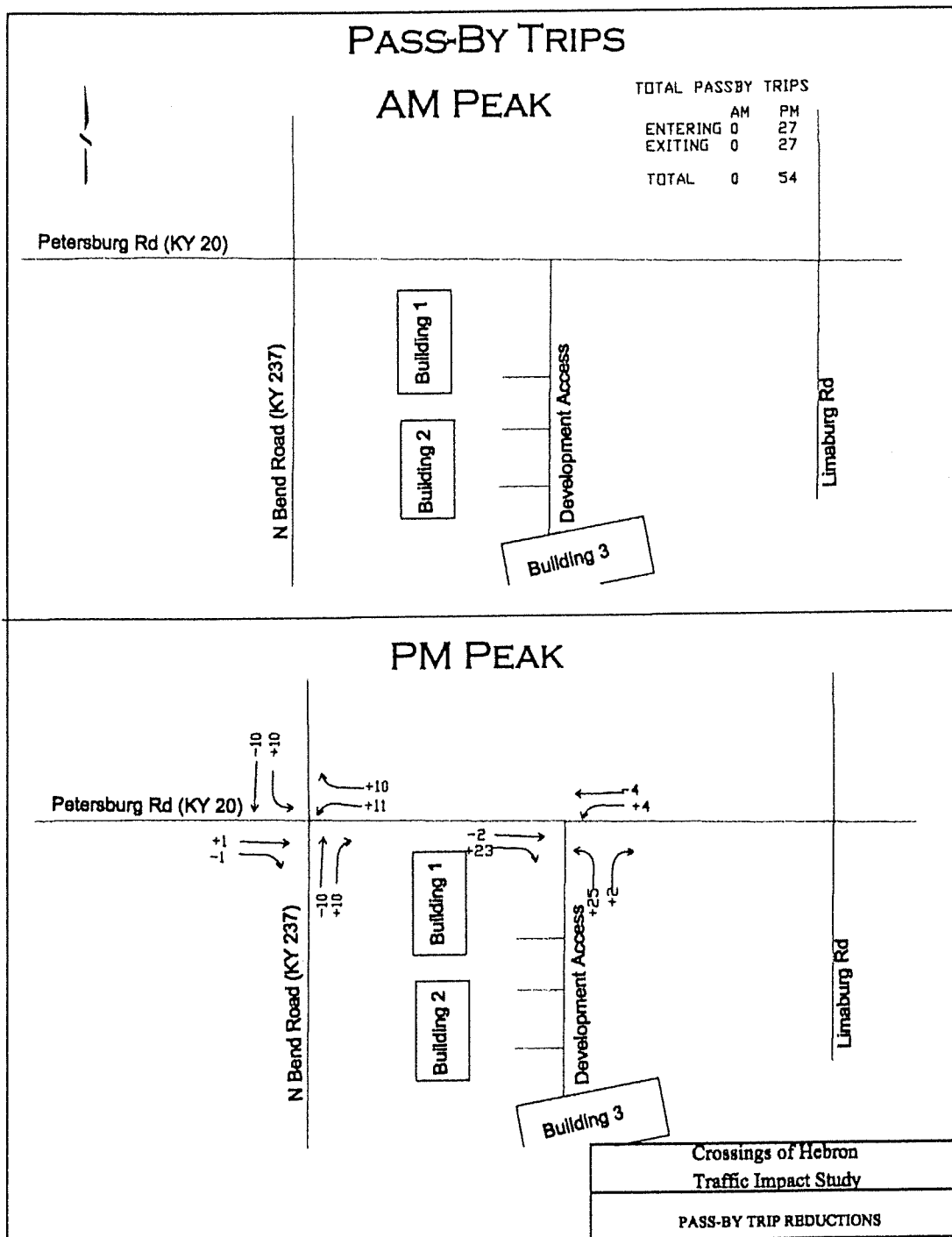


Figure 5a: Trips Generated-Entering

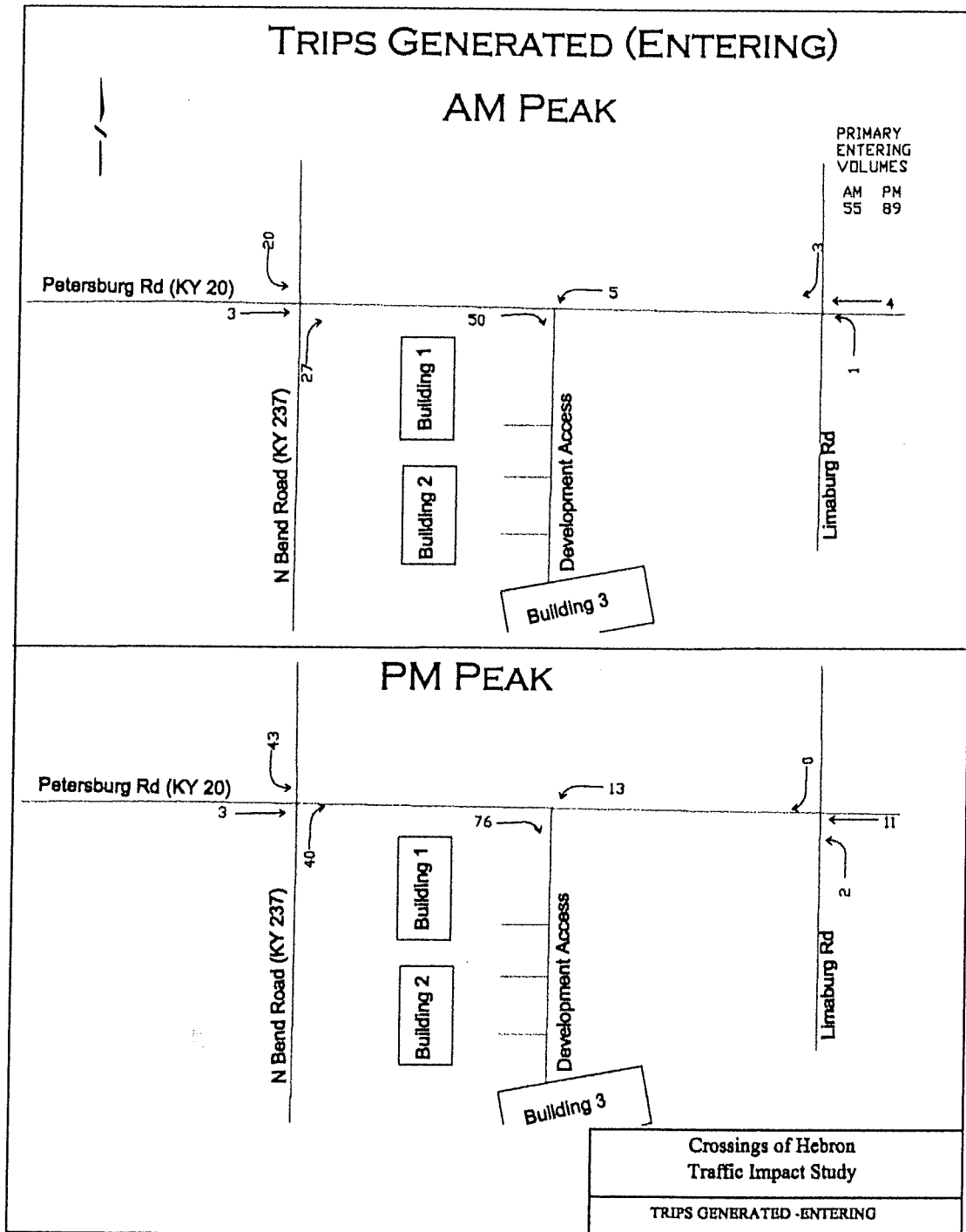
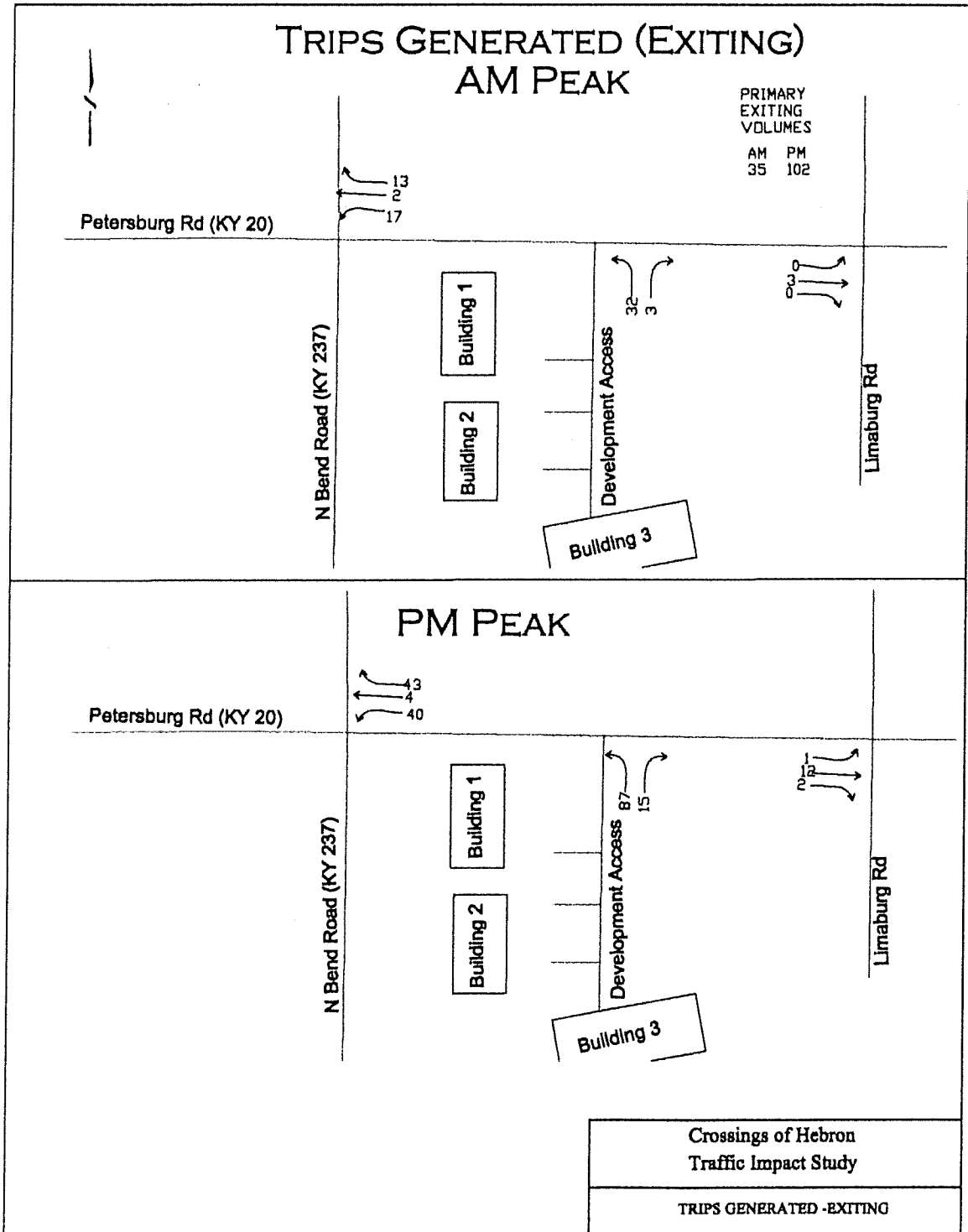


Figure 5b: Trips Generated-Exiting



#### **D. Total Traffic**

This report assumes that the development will be fully built in 2013. This growth rate is based on historical counts in the area provided by KYTC show a negative growth rate in the area. In the analysis a 0% growth rate was used. To determine any improvements necessary to accommodate the traffic generated by the proposed development, the following scenarios were compared and analyzed:

- *No Build – 2013(Opening Day)*
- *Build – 2013(Opening Day)*

##### *2013 No Build*

The 2013 year traffic volumes, under the scenario that the development is not built, are taken directly from peak hour counts conducted by TEC Engineering. *Figure 6* is a schematic showing the 2013 No Build peak traffic.

##### *2013 Build*

Traffic volumes were projected under the scenario that the development is built. These volumes were projected using the existing volumes and the generated trips from the proposed development. *Figure 7* is a schematic showing the 2013 Build peak volumes.

Figure 6: 2013 No Build Traffic Volumes

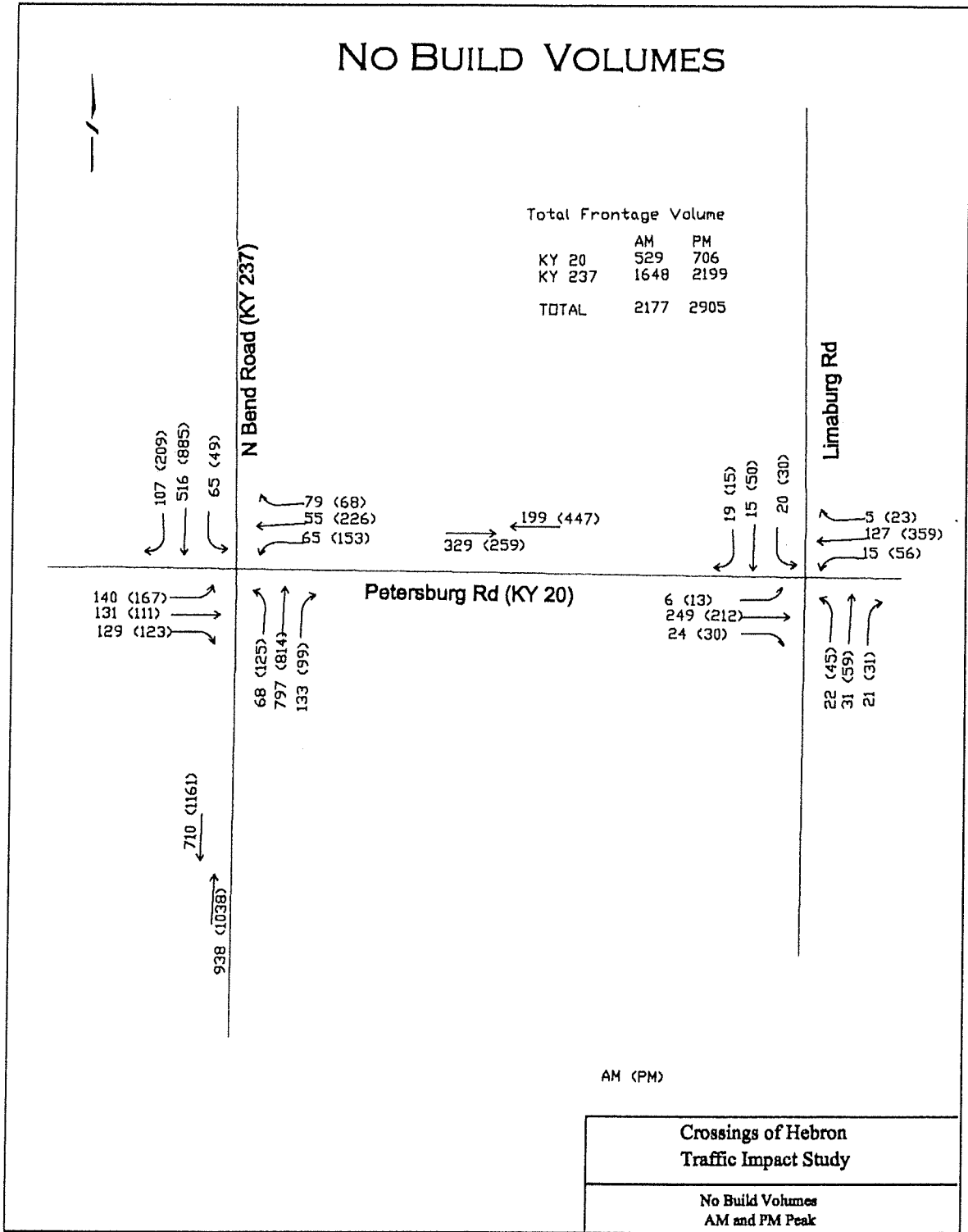
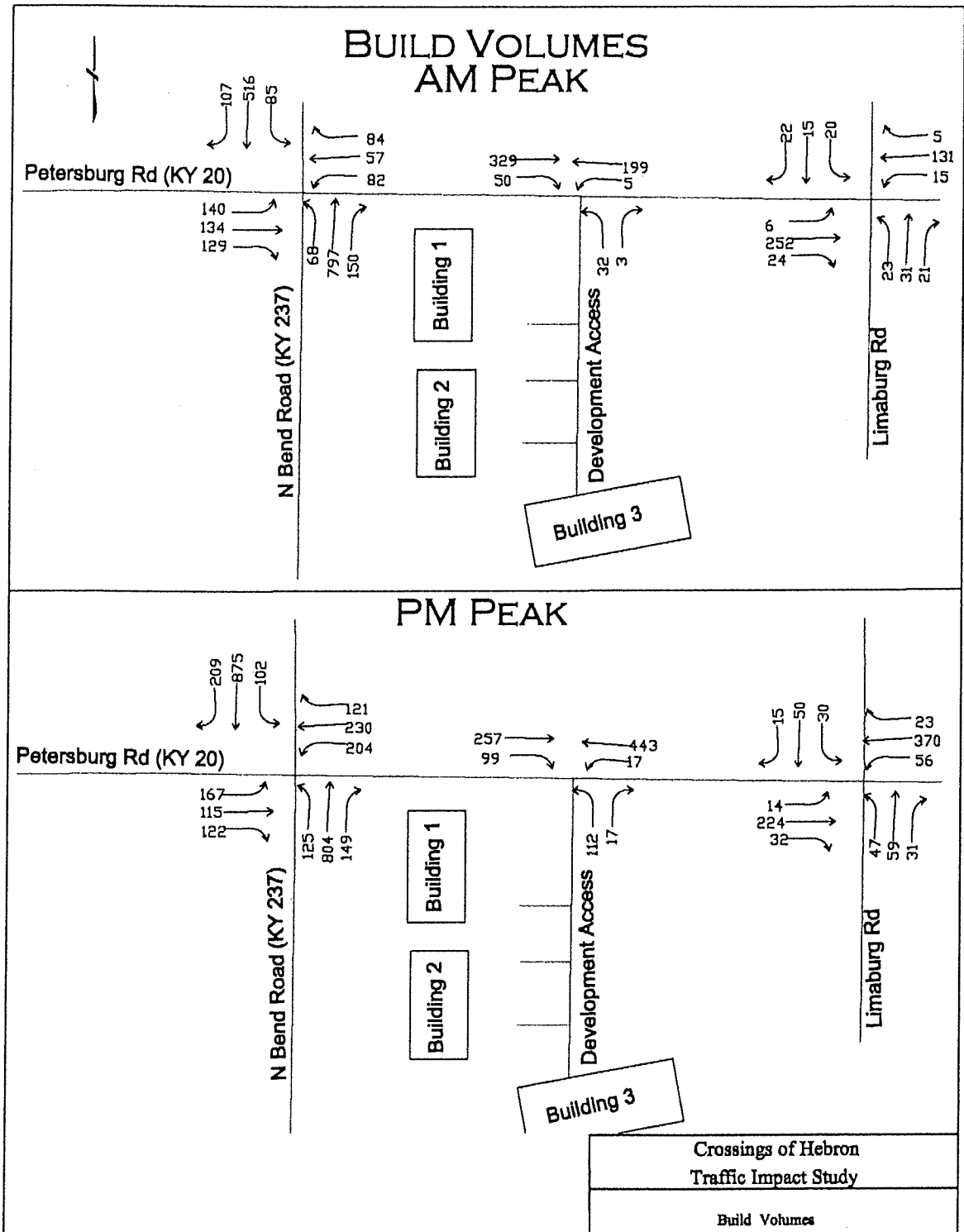


Figure 7: 2013 Build Traffic Volumes



## V. TRAFFIC ANALYSIS

### A. Intersection Level of Service

The software program *HCS+* was used to analyze the capacity at each intersection. *HCS+* uses the methods prescribed in the *Highway Capacity Manual (HCM)* to determine the level of service (LOS). LOS is defined in terms of delay and is a measure of driver discomfort and intersection performance. Delay refers to total average stopped delay experienced by motorists at the referenced intersection. LOS is measured with respect to vehicular capacity and quality of service provided to road users. The level of service at a particular intersection can range from A to F. *Table 4* shows LOS classifications for an unsignalized intersection.

Table 4: LOS at Unsignalized Intersections

Level of Service	Description	Delay
A	Very low delay	<10 seconds/vehicle
B	Good progression	10-15 seconds/vehicle
C	Limit of acceptable delay	15-25 seconds/vehicle
D	Start of traffic breakdown	25-35 seconds/vehicle
E	High delay	35-50 seconds/vehicle
F	Congested conditions, unacceptable delay	>50 seconds/vehicle

A capacity analysis was performed at each of the intersections in study area for the Existing Conditions as well as the Opening Day Conditions.

Summaries of the capacity analyses are presented in *Tables 5-7*. The capacity analysis output can be seen in *Appendix B*. Due to the nature of HCM calculations, intersection LOS cannot be computed at unsignalized intersections. Additionally, approach LOS cannot be computed for free movement approaches. As a result, the tables below only show delay per vehicle for unsignalized intersections and free movements.

Table 5: North Bend Rd (KY 237) and Petersburg Rd (KY 20)  
Capacity Analysis Summary

North Bend Rd (KY 237) and Petersburg Rd (KY 20)							
Scenario	Peak Period	Approach Delay/LOS					Intersection Delay per Vehicle/LOS
		Petersburg	Petersburg	North Bend	North Bend		
		EB	WB	NB	SB		
No Build	AM	41.9s/D	45.7s/D	35.0s/D	31.8s/C	36.2s/D	
	PM	49.6s/D	55.3s/E	42.3s/D	43.6s/D	45.7s/D	
Build	AM	42.0s/D	45.8s/D	35.0s/D	32.5s/C	36.5s/D	
	PM	49.6s/D	57.9s/E	41.8s/D	43.6s/D	46.2s/D	

Table 6: Petersburg Rd (KY 20) and Limaburg Rd  
Capacity Analysis Summary

Petersburg Rd (KY 20) and Limaburg Rd						
Scenario	Peak Period	Approach Delay/LOS				Intersection Delay per Vehicle/LOS
		Petersburg	Petersburg	North Bend	North Bend	
		EB	WB	NB	SB	
No Build	AM	11.4s/B	10.2s/B	21.2s/C	20.9s/C	13.3s/B
	PM	11.2s/B	13.8s/B	22.2s/C	21.5s/C	15.1s/B
Build	AM	11.4s/B	10.2s/B	21.2s/C	21.0s/C	13.4s/B
	PM	11.4s/B	14.0s/B	22.3s/C	21.5s/C	15.2s/B

Table 7: Petersburg Rd (KY 20) and Development Drive  
Capacity Analysis Summary

Petersburg Rd (KY 20) and Development Drive					
Scenario	Peak Period	Approach Delay/LOS			Intersection Delay per Vehicle/LOS
		Petersburg Rd	Petersburg Rd	Development Dr	
		WB LT	EB	NB LR	
No Build	AM	-	-	-	-
	PM	-	-	-	-
Build	AM	8.0s	-	12.7s/B	-
	PM	8.0s	-	17.6s/C	-

## B. Turn Lane Analyses

The need for exclusive turn lanes at the unsignalized intersection was examined. Specifically, right and left turn lanes on Petersburg Rd (KY 20) at the Development Drive. Turn lane warrants were completed as set forth in the Kentucky Highway Design Manual. The recommended turn lane lengths of existing storage lanes affected by the development traffic at North Bend Rd (KY 237) and Petersburg Rd (KY20) were also calculated. The westbound left turn lane is not sufficient. Under the build condition, it would need to be 300'. Using No Build volumes, the turn lane would need to be at least 250', both of which are less than the current length of 175'. However, lengthening the turn bay would make it longer than the link distance between the signal and the development drive and the existing McDonalds drive, which is not recommended. See the Queue Analysis for further information. **No turn lanes are warranted at the development drive.**

Table 8: Turn Lane Analysis Summary

Turn Lane Warrant Results				
Intersection	Turn Lane	Turn Lane Warrants?		Minimum Storage Length
		AM Peak	PM Peak	
Petersburg Rd and Development	WB Left	No	No	-
	EB Right	No	No	-
North Bend Rd and Petersburg Rd	WB Left	Existing (175')		325'
	WB Right	Existing (180')		200'
	NB Right	Existing (360')		250'
	SB Left	Existing (365')		175'

## C. Queue Analyses

A queue analysis was performed for all stopped movements to examine possible conflicts between queues and access points. The 95<sup>th</sup> percentile queue was used. The queue results are shown in number of vehicles in the queue. Most of the queues are not greatly affected by the development, increasing by 1 vehicle or less. The westbound queue at North Bend and Petersburg show a much bigger increase. The westbound left queue increases from 10.3 vehicles to 14.4 vehicles during the PM Peak; this increases the queue length from 260' to 360' which is past the development. The average queue for this movement under the Build condition is 7.1 vehicles which translates to 177.5'. This shows that under most circumstances, the queue will not exceed the storage lane. Results of this analysis are shown in *Table 9*. The full results are in *Appendix B*.

Table 9: Queue Analysis Summary

<b>Queue Analysis</b>					
<b>Intersection</b>	<b>Movement</b>	<b>95 Percentile Queue (Veh)</b>			
		<b>AM Peak</b>		<b>PM Peak</b>	
		<b>No Build</b>	<b>Build</b>	<b>No Build</b>	<b>Build</b>
<b>North Bend and Petersburg</b>	<b>EBL</b>	6.5	6.5	11.4	11.4
	<b>EBT</b>	8.7	8.9	7.3	7.6
	<b>EB R</b>	8.8	8.8	8.4	8.3
	<b>WBL</b>	4.0	5.1	10.3	14.4
	<b>WBT</b>	3.5	3.6	16.3	16.7
	<b>WBR</b>	5.2	5.5	4.5	8.2
	<b>NBL</b>	4.6	4.6	8.5	8.5
	<b>NBT</b>	22.4	22.4	25.9	25.4
	<b>NBR</b>	7.2	8.0	5.9	8.7
	<b>SBL</b>	4.4	5.8	3.2	6.9
	<b>SBT</b>	13.8	13.8	29.6	29.1
<b>Petersburg and Limaburg</b>	<b>SBR</b>	5.9	5.9	12.0	12.0
	<b>EB LTR</b>	8.4	8.5	7.7	8.2
	<b>WB LTR</b>	4.5	4.7	13.7	14.1
	<b>NB LTR</b>	2.8	2.9	5.3	5.4
<b>Petersburg and Development drive</b>	<b>SB LTR</b>	1.3	2.2	3.7	3.7
	<b>EB TR</b>	-	-	-	-
	<b>WB LT</b>	-	0.01	-	0.04
	<b>NB LTR</b>	-	0.22	-	1.31

#### D. Signal Warrant Analysis

Signal warrant analyses were performed at the new intersection, Petersburg Road and the Development Access. Due to the limited nature of the trip generation, the Peak Hour Warrant was used. *Table 10* shows the results of this warrant.

Table 10: Signal Warrant Summary

Signal Warrant Analysis		
Intersection	Peak Period	Meets Warrant 3B?
Petersburg Road and Development Drive	AM Peak	No
	PM Peak	No

#### VI. CONCLUSIONS AND RECOMMENDATIONS

This study was performed to determine any impact that the proposed site development would have on existing traffic in the study area and to recommend any necessary measures in order to fully mitigate these effects. All intersections are at acceptable delay values and any change in LOS or delay due to the proposed development should not be considered detrimental. The westbound left turn lane at North Bend and Peterson is not a sufficient length to accommodate the 95<sup>th</sup> percentile queue. However, due to the location of the proposed and existing driveways and the average queue analysis, lengthening this turn bay is not recommended at this time.

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
JULY 3, 2012  
7:30 P.M.**

---

**COMMISSION MEMBERS PRESENT:**

Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Ms. Susan Schultz  
Mr. Bob Schwenke

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Greg Breetz  
Mr. Kim Bunger, Secretary/Treasurer  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin Wall, AICP, Director, Zoning Services  
Mr. Todd Morgan, AICP, Senior Planner

Mr. Mike Ford, Vice-Chairman called the Public Hearing to order at 7:30 p.m. and introduced the first item on the Agenda:

**CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT - Kevin Wall, Staff**

1. Request of **Jeff Talkers, Land Consultants (applicant)** for **Bob Patel, Heritage Bros. LLC (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of **Jeff Talkers, Land Consultants (applicant)** for **Hebron Fire Protection District (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

Staff Member, Kevin Wall, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The project involves two applications for one development. The first application involves a 0.603 parcel located along KY 237. It involves a Zone Change from PF to C-2/PD on a site owned by the Hebron Fire District. The other application involves a Concept Development Plan in a C-2/PD zone on a parcel located at the southeast corner of KY 20 and KY 237. The bulk of the site is zoned C-2/PD. The 2030 and 2035 Future Land Use Maps designates the site to be Commercial (C) and Public Institutional (P). The topography of the site slopes from the south to the north. There is a perennial stream located along KY 20. The Concept Development Plan shows three commercial buildings. Tire Discounters was withdrawn from the proposal immediately before the Public Hearing. Two of the buildings are approximately 7,000 square feet in size and the third building is over 9,000 square feet. There is one access point being planned and it is aligned with the curb cut to the McDonald's restaurant across the street. A proposed private shared driveway will serve the three commercial or retail lots. The applicant has submitted a conceptual landscaping plan and utility plan. Mr. Wall showed photos of a Tire Discounters store indicating building architecture and materials and signage. In addition, he showed photos of adjoining properties.

Mr. Wall referred to Staff comments. The first comment refers to the Comprehensive Plan. Approximately one-third of the northern part of the site is recommended to be Commercial (C) and the remaining two-thirds to the south is identified as Public/Institutional (P). The text of both the Land Use and Business Activity Elements endorse commercial uses at the intersection of KY 20 and KY 237. Mr. Wall stated that the Planning Commission should also consider the alternate findings, other than the Comprehensive Plan, for acting on a Zone Change application. A second comment involves the application of the Planned Development (PD) overlay zone, or Article 15 of the Zoning Regulations. The Planned Development criteria is outlined in Section 1514. The first criteria is "mixed use development and pedestrian orientation." The site isn't a mixed use site since it is all retail. It is not conducive to a mixed use due to its location, configuration and overall size. However, it is recommended that building #2 be moved closer to KY 20 in order to encourage a pedestrian orientation if it is feasible. A sidewalk system is proposed along the private driveway and one would be required along KY 20. This will connect the development to the new sidewalk system located to the east. The second criteria includes "compatibility of uses." Specific uses have not been outlined with the proposal. The applicant has indicated that the uses will be general retail, including offices and restaurants. Mr. Wall referred to the Conner Crossing project

where commercial uses were restricted. This could be a guide and are attached to the Staff Report. It could also be used as a guide for lighting. The third criteria refers to "open space." It is being proposed on Lot #4, where the detention pond will be located. Since it is not considered to be useable public open space, landscaping would be more appropriate like a street scape treatment along the private driveway and a landscaped entrance near KY 20.

A fourth criteria involves "multi-modal transportation," which usually involves sidewalks. Mr. Wall recommended a sidewalk connection to the firehouse site. "Preservation of existing site features" is the fifth criteria. Mr. Wall also suggested that the applicant investigate the feasibility of retaining the existing vegetation on the south and east property lines. There are mature trees located in these two areas. "Landscaping" is the sixth criteria and the applicant will have to meet the requirements of Article 36 of the Zoning Regulations. In terms of "architecture," the submitted architectural drawings for Tire Discounters could be used as a basis for building materials and architecture. The Staff Report suggests ways to complete this task. The eighth criteria involved "historic and prehistoric features." It is recommended that the existing 1925 bungalow residence be evaluated, salvaged and documented before it is demolished. The ninth criteria involves "signage." Channel letters and a monument sign are recommended to be part of the development. A directory style sign should be modified to be a monument sign. Criteria ten is "transportation connections and entry points." Since there is only one access point, it is recommended that a gated emergency access to the firehouse be provided between the west part of the Lot 3 parking lot and the eastern part of the firehouse parking lot. The final criteria is the "comprehensive plan" and it has already been discussed. A Traffic Impact Study was submitted as part of the application. The only item with this Study is the projected morning peak hour traffic. There is very little shown and it is not clear what these figures are based upon as auto repair related uses usually generates traffic in the morning. The key conclusions in the Traffic Study was that no turn lanes or traffic signals were warranted at the access point. Mr. Wall explained there were not other comments from outside agencies. Mr. Wall stated that Lot 3 will need to be configured into a flag lot that meets the requirements of the Subdivision Regulations. Both the Fiscal Court and the Planning Commission will need to evaluate the request based upon Articles 3 and 15 of the Zoning Regulations and both the 2005 and 2010 Boone County Comprehensive Plan. If approved, the Future Land Use Map will need to be amended.

At this time, Vice-Chairman Ford asked if the applicant was prepared to make a presentation. Mr. Jeff Talkers, Land Consultants (Applicant) for Pat and Bob Patel, owners of the property stated that he has talked to the Fire Department and they are open to the parking lot driveway and sidewalk connection between both properties. In regard to the a.m. peak hour traffic, they cannot provide an answer because they don't have a user for the property.

Vice-Chairman Ford asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Mike Crane, 3135 Limaburg Road, stated he adjoins the property and is 100% opposed to the project for many reasons. He was happy to hear that Tire Discounters was no longer interested in locating on the property. No one knows what is going to go

there. He has lived in the area for over 40 years and his property is a registered farm. He is concerned about keeping the trees. There are a lot of trees on the property line. He planted some of them. The area has a church, cemetery, firehouse and a library and it doesn't need retail in the middle of it. There is plenty of retail available in the area. The roads are limited - two lanes and it is congested at lunch time and when school is let out. He stated that he installed a 10 foot high privacy fence because of the lights from the Kroger site across the street. He has show horses and they get nervous with activity in the area - both noise and light. He is concerned about storm water drainage and doesn't support the connection to the firehouse because kids cut through the area when they leave from school to McDonald's. The existing trees are 18" in diameter and should be kept. Perhaps a 10 foot high privacy fence could work. The southern portion of the site is a natural area that should be preserved.

Based upon a question by Mr. Crane, Mr. Costello explained the Zone Change process and he referred to a number of handouts that were available on the table outside the meeting room.

Ms. Angel Crouch Meredith, 3115 Limaburg Road, stated that she is a neighbor of Mr. Crane and agreed with his comments. She expressed three major concerns - noise; privacy and traffic. She has spent thousands of dollars installing a fence to prevent kids from cutting across her property. If this development occurs, it will encourage kids to take short cuts again. Limaburg Road is a busy road with school traffic, work traffic (park and ride) and cyclists. There is always a lot of traffic on KY 20 with the existing McDonalds. There is a lot of vehicular and pedestrian traffic in the area and the site has only one access point. It is a residential area.

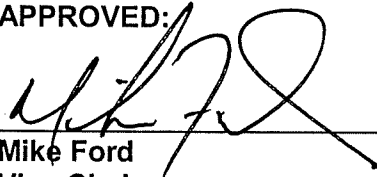
Vice-Chairman Ford asked Mr. Talkers if he wanted to respond to any of the comments? He stated no.

Vice-Chairman Ford asked if the Planning Commission members had any questions or comments? Mr. Schwenke asked if the applicant would identify the appropriate uses from the C-2 list he is interested in having at the Committee meeting. Also, he asked that the applicant have a better idea of what he was planning in terms of storm water management.

Mr. Longano suggested that the Committee look very closely at the principally permitted uses allowed in the C-2 zone based upon traffic generation and noise impacts. He stated that you could potentially have 2 fast food restaurants with a drive-thru and a car wash on the same site.

There being no further questions or comments, Vice-Chairman Ford announced that the Committee Meeting for this item will be on July 18, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on August 1, 2012 at 7:00 P.M. Vice-Chairman Ford closed the Public Hearing at 7:59 P.M.

APPROVED:

  
\_\_\_\_\_  
Mike Ford  
Vice-Chairman

Attest:

  
\_\_\_\_\_  
Kevin P. Costello, AICP  
Executive Director

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
SEPTEMBER 5, 2012  
7:00 P.M.**

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Chairman Rolfsen welcomed the audience to the Planning Commission's September 5th Business Meeting. He invited everyone to join him in reciting the Pledge of Allegiance.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Ms. Susan Schultz  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO  
Mr. Todd K. Morgan, AICP, Senior Planner

**Approval of the Minutes:**

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the August 1, 2012 Business Meeting and Public Hearing. He asked if there were any comments or corrections. There being no changes to the minutes, **Mr. Turner moved that the Minutes be approved as written. Mr. Ford seconded the motion and it carried unanimously.**

**ACTION ON PLAN REVIEWS:**

Chairman Rolfsen changed the order of the items before the Planning Commission. He referred to Item #3 to be the first item for discussion.

**TECHNICAL/DESIGN REVIEW - Todd Morgan, Staff; Jim Longano, Chairman**

3. Mike's Carwash - Burlington Pike

Staff Member, Todd Morgan, presented the request using a Power Point presentation. The applicant is requesting Design Review for signage. Mr. Morgan showed the location of the two menu board signs from the approved Mike's Carwash Site Plan. There will also be a panel sign for the car wash on the existing Morris Home Center free-standing sign. The applicant is proposing a 60.2 square foot panel sign on the existing 30 foot free-standing sign for the Morris Home Center. Thus, the total square feet on the Morris Home Center free-standing sign is 210.94 square feet. The applicant is requesting a waiver of 10.94 square feet on the free-standing sign since the *Houston-Donaldson Study* only allows a maximum of 200 square feet. The menu board signs will require landscaping to screen them from KY 18. Each menu board is 20.42 square feet in area. Mr. Morgan showed elevations of the proposed building mounted signs. The proposed south and east elevation building signs are 71.16 square feet in size. The west elevation building mounted sign is 66 square feet in size. There will be some additional signage on the canopy located on the west elevation. The total square footage on the west elevation is 74.57 square feet. There is no signage proposed on the backside of the building. The total square footage of building mounted sign is 216.89 square feet in size.

Mr. Morgan stated that the Technical/Design Review Committee met prior to the Business Meeting and recommended approval with one condition that there be landscaping behind the two menu boards. Mr. Longano moved to approve the request as recommended by the Committee. Mr. Bessler seconded the motion and it passed unanimously.

**CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT - Kevin Wall, Staff; Ben Brandstetter, Chairman**

1. Request of **Jeff Talkers, Land Consultants (applicant)** for **Bob Patel, Heritage Bros. LLC (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of **Jeff Talkers, Land Consultants (applicant)** for **Hebron Fire Protection District (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

Staff Member, Kevin Wall read the Committee Report, which recommended approval with conditions (see Committee Report). He noted the Committee voted 3-0 to approve the request with Mr. Breetz, Mrs. Kegley and Mrs. Schultz 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 or against the request for a 5 minute limit?

Mr. Jeff Talkers, Applicant, stated that he had nothing to add at this time.

Mr. Mike Crane, 3135 Limaburg Road, stated that the site in question is bounded by KY 20 to the north, KY 237 to the west, Limaburg Road to the east and Conner Road to the south. The main concern he expressed was that the site was very small - only 3 acres with 3 large buildings and 112 parking spaces. The area has many public facilities - fire station, library, schools, churches and the Conner Crossing complex. The site is one of the last remaining areas in downtown Hebron where there could be more green space. Mr. Crane expressed a continued concern of not knowing what will be built on the site, especially the smell and noise from unknown restaurants like Long John Silvers and Burger King. There will be a lot of traffic in the area, especially with the rebuilt McDonald's. Three buildings of unknown uses seems to be too much for the area, especially with the existing residential uses along Limaburg Road.

**Seeing no further comments, Mr. Brandstetter moved that the request be approved with conditions by Resolution to the Boone County Fiscal Court based upon the Committee Report. Mrs. Kegley seconded the motion.**

Chairman Rolfsen asked if there were any questions or comments from the Board members?

Mr. Kim Bunger referred to Condition #5 in the Committee Report, which required the installation of a fence or retaining wall and suggested additional language to include "maintained in a like new condition" because it would be there forever. The fence should be very nice in appearance for the adjoining residents.

Chairman Rolfsen asked Mr. Talkers if he would agree to the additional language to Condition #5? Mr. Talkers responded, yes. Chairman Rolfsen also asked Mr. Brandstetter and Mrs. Kegley if they would agree to amend their motion and second to include this additional language to Condition #5? Both Mr. Brandstetter and Mrs. Kegley agreed to the additional language.

Mr. Schwenke asked how much can the approved Concept Development Plan vary due to the economy, for example one large building versus four buildings. Mr. Wall responded there is a section in the Zoning Regulations, which he read to the full Board. It referred to Section 1522, which described major and minor amendments to the approved Concept Development Plan. Any changes would need to follow the basic concept.

Mr. McMillian asked if the Fire Department approved the project? Mr. Wall stated that the Chief of the Hebron Fire Department had signed off on the condition letter since they are a property owner.

Hebron Fire Chief Dan Hitzfield stated that he agreed to Mr. Talkers plan. The Chief explained that they reviewed a possible emergency access with a gate. He felt that by the time he unlocked the gate, they could travel on KY 237 and KY 20 and get to the site quickly. Most of the buildings are located close to the fire department's parking lot. They have coverage from their lot and from KY 20.

Chairman Rolfsen asked if there was a potential for a second access off KY 237. Mr. Wall replied that the submitted Concept Development Plan doesn't show one and doubts whether the State would approve one because of the close proximity to the signalized intersection. It would be a substantive change to the Concept Development Plan. Chairman Rolfsen asked how many parking spaces are being proposed? Mr. Wall stated that the parking requirements would be based on the specific uses or tenants. It is based upon a ratio.

Mr. McMillian questioned whether the applicant could get access from other property owners from either side? Mr. Talkers explained that he explored a second access point through Mr. Crane's property since it adjoined the Flick property. This route would provide access to the KY 237 traffic signal. He believed that the two property owners were not interested.

Mr. Ford asked the applicant if the developer had any uses or tenants lined up? Mr. Talkers responded no.

Mr. Bunger asked Staff to outline the proposed square footage of the buildings versus what is allowed. Mr. Wall referred to page 1 of the Staff Report. Lot 1 is about one acre with 7,100 square feet. Lot 2 is just over one acre with 7,000 square feet. Lot 3 is 1.36 acres in size with 9,300 square feet. The maximum intensity in an underlying C-2 zone is 15,000 square feet per acre. It is plus or minus less than half of the permitted intensity on each lot. The PD allows a bonus intensity, but it was not requested. Mr. Bunger asked about screening roof equipment units. Would it be by buffering or by an installed parapet? Mr. Wall replied that it would be dependent on the location of the units - roof or ground mounted.

**At this time, Chairman Rolfsen asked for a vote on the original motion as amended made by Mr. Brandstetter and seconded by Mrs. Kegley. The vote found Mr. Bessler, Mr. Brandstetter, Mr. Bunger, Mr. Ford, Mr. Hicks, Mrs. Kegley, Mr. Longano, Ms. Reeves, Chairman Rolfsen, Mrs. Schultz, Mr. Schwenke and Mr. Turner in favor of the request or motion and Mr. McMillian voting against the request. The motion passed 12-1 in favor of the request.**

Mr. McMillian stated that he wasn't against the project but voted no because he preferred another access to the site. He expressed disappointment with the Fire Department. There is only one way in and one way out. If something happens there, where are you going? He realizes that the fire truck is set back far enough to put out a fire, but what about people?

**ZONING MAP AMENDMENT - Mitchell A. Light, Staff; Kim Bunger, Chairman**

2. Request of **City of Walton and Omaha Enterprises LLC (applicants)** for **Omaha Enterprises LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for 21.91 acres located on the south side of Percival Road between Showalter Trace and the property at 13059 Percival Road, to the east of Showalter Green Subdivision, and on the north side of High Street between the property at 104 High Street and the Boone/Kenton county line, Walton, Kentucky. The zone change area is part of a 279.8795 acre site at 494 Jones Road that is located in the City of Walton and in both Boone and Kenton Counties. The request is for a zone change to allow uses permitted in the I-1 zone.

Staff Member, Mitch Light read the Committee Report, which recommended approval (See Committee Report). He noted the Committee voted 5-0 to approve the request with Mr. Bunger, Mr. Breetz, Mrs. Kegley, Mr. Brandstetter and Mrs. Schultz 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 or against the request for a 5 minute time limit?

Mr. Gerry Dusing, Attorney representing Omaha Enterprises, LLC, stated that he would like to defer his 5 minutes for rebuttal purposes in case there are any questions.

Seeing no one else in the audience who wanted to speak in favor or against the request, Chairman Rolfsen asked for a motion to take action on the request.

**Mr. Bunger moved that the request be approved with conditions by Resolution to the City of Walton based upon the Committee Report. Mr. Schwenke seconded the motion.**

Chairman Rolfsen asked if there were any questions or comments from the Planning Commission members?

Chairman Rolfsen asked Staff to point out exactly where the proposed realignment of the Mary Grubbs extension will be located? Mr. Light referred to a map of the new alignment. He explained that the traffic would have to make a left turn to get to the residential section of High Street. This new alignment will keep trucks on a new road serving industrial development, instead of going through a residential area and it would be a continuous route versus stopping and then turning. This new alignment is better but it has to be approved

**EXHIBIT**

**“B”**

**THIS COMMITTEE REPORT WAS ADOPTED WITH THE WORDING OF CONDITION #5 AMENDED ON THE FLOOR BY THE FULL PLANNING COMMISSION AT ITS SEPTEMBER 5, 2012 BUSINESS MEETING.**

#1

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: September 5, 2012

RE: Request of **Jeff Talkers, Land Consultants (applicant)** for **Bob Patel, Heritage Bros. LLC (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of **Jeff Talkers, Land Consultants (applicant)** for **Hebron Fire Protection District (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Concept Development Plan and Zoning Map Amendment applications are in agreement with the 2005 Boone County Comprehensive Plan and 2010 Boone County Comprehensive Plan due to the following reasons.
  - A. Both the 2005 and 2010 Boone County Comprehensive Plan Future Land Use Maps designate the approximate northern one third of the site as "Commercial" and the approximate southern two thirds as "Public/Institutional." The "Commercial" designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The "Public/Institutional" designation is defined as "government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc." From a land use character and impact standpoint, there are similarities between typical commercial and public facility type uses. The proposed commercial uses are generally less intensive with fewer impacts than some of the possible Public/Institutional uses contemplated by the Future Land Use Maps, such

as maintenance shops and public works yards, particularly when considering the agreed conditions outlined below. These conditions limit possible uses and outside activities in the development, and manage potential impacts.

- B. The Committee has determined that the text of both Comprehensive Plans contemplate commercial uses around the KY 237/KY 20 intersection, including the site in question. This conclusion is supported by the following quotes.
- i. The existing and planned residential areas located on the east and west side of KY 237, north of KY 20, should remain, with an area of commercial uses around the KY 20 and KY 237 intersection to serve area development (Land Use Element - "Hebron Area," pg. 154 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).
  - ii. 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 (Land Use Element - "Hebron Area," pg. 155 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).
  - iii. The commercial uses at this intersection should be consistent in architectural design and landscaping with adjacent residential uses (Land Use Element - "Hebron Area," pg. 155 of 2005 Plan; "Hebron," pg. 179 of 2010 Plan).
  - iv. 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 South Park Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road (Business Activity Element - "Recommended Areas of Commercial Activity," pg. 64 of 2005 Plan; pg. 69 of 2010 Plan).

The quotes outlined in paragraphs B.ii and B.iii above also discuss development design, including landscaping, open space, and architectural design. These topics are addressed in the agreed conditions to assure that the overall development will appear coordinated, and have a level of quality that is commensurate with recent projects in the immediate area, such as

Conner Crossing Subdivision that is across KY 237. These conditions also assure agreement with the applicable Future Land Use Development Guidelines in both Comprehensive Plans, and the 2010 Boone County Comprehensive Plan Goals and Objectives.

- C. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the applicable Future Land Use Development Guidelines and the Goals and Objectives. The Land Use Element's "Future Land Use Development Guidelines" in both Comprehensive Plans include several provisions that pertain to this proposal which are quoted in the Staff Report. These include landscaping and buffering, signage, architectural design, minimizing disturbance and retaining existing vegetation, access management, and transportation connections. These basic tenets are also discussed in the 2010 Goals and Objectives.
2. The Committee has concluded that the Concept Development Plan, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District," including Section 1514 "Planned Development Criteria," of the Boone County Zoning Regulations. Compliance with Section 1514 is discussed in the Staff Report for this request, and the property owners have agreed to the conditions listed below which address the Staff Report comments and testimony given at the 7/3/12 Public Hearing.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 and 2010 Boone County Comprehensive Plans and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The development shall follow the commitments outlined in the 7/30/12 letter and accompanying attachments from Jeff Talkers, P.E., Vice President, Land Consultants ("7/30/12 Talkers letter," attached), except when clarified or superseded by the conditions below.
2. The development shall be subject to the following additional use restrictions.
  - A. An accessory drive-through facility shall only be permitted on Lot 2 (northernmost lot).

- B. Lot 3 (southern-most lot) shall be limited to office uses only.
  - C. No conditional uses shall be permitted in the overall development.
  - D. Outside sales, display, or storage shall not be permitted in the overall development. All business activities aside from the accessory drive-through permitted on Lot 2 shall occur indoors.
3. The maximum building height for all buildings in the development shall be two (2) stories.
  4. The overall development shall follow the basic configuration illustrated on the Concept Development Plan (arrangement of buildings, parking and vehicular areas, access onto KY 20, landscaping and open spaces, etc.). Also, the basic site arrangement shown for Lot 3 shall be followed to maintain the inherent screening qualities ( $\pm 10'$  grade reduction, retention of existing landscaping, and locations of building and parking) from light, noise, and activity for the adjoining residential zones and/or uses to the south and east.
  5. A 6 foot vertical barrier, such as a solid privacy fence or retaining wall, which shall be maintained in a like-new condition, shall be provided within the interior of the buffer yards along the south and east boundaries to prevent trespass between this development and the adjoining residential zones and/or uses.
  6. As a point of clarification, the "20 foot buffer of existing vegetation" described in paragraph 5 of the 7/30/12 Talkers letter shall be a minimum 20 foot wide no disturb area in which the existing vegetation shall be retained and no grading, grubbing, or other land disturbance shall occur.
  7. As a point of clarification to paragraph 9 in the 7/30/12 Talkers letter, the size, height, and other aspects of any monument signs shall meet all applicable requirements of Article 34 of the Boone County Zoning Regulations.
  8. Garbage dumpsters shall be located internally to the overall development and away from the adjoining residential zones and/or uses.
  9. The following requirements shall apply to lighting in the development.
    - A. Any lights mounted on the south or east sides of Building 3 shall be residential in nature and not commercial style wall packs.
    - B. Any fixtures on freestanding masts in the overall development shall be downlit and shall not exceed 16 feet in height.

10. The view of any mechanical equipment shall be screened from the adjoining residential zones and/or uses.
11. The widening improvements to be constructed by the developer on Petersburg Road, which are discussed in paragraph 10 of the 7/30/12 Talkers letter, shall follow the attached exhibit entitled "KY 20 Improvements Concept."
12. The sidewalk connection and gated emergency access between the subject site and the Hebron firehouse lot that are discussed in paragraphs 4 and 10 of the 7/30/12 Talkers letter shall not be required.

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



associate companies and services

The Engineering Group

The Survey Company

Land Development Consulting

Community and Economic Planning

July 30, 2012

Mr. Kevin Wall  
Boone County Planning Commission  
KY 18  
Burlington, KY 41042

Subject: Crossings of Hebron – Commercial Subdivision  
Southeast Corner of SR 237 and SR 20

Dear Mr. Wall:

In response to your Staff Report dated July 3, 2012 in regards to the subject project, we offer the following comments:

1. Mixed Use Development and Pedestrian Orientation – The owner will move Building 2 as close to SR 20 as possible pending the location of the existing sanitary sewer and drainage channel. We also will build a public sidewalk along the SR 20 frontage as required under Section 3208 of the zoning regulations.
2. Compatibility of Uses - The owner agrees that a plan to minimize the impact on the adjacent single family residential zone is important and want to offer the following: As it relates to Lot 3 on the southern portion of the site, the Owner agrees to **delete** from the principally permitted uses of C-2,
  - a. **Eating and Drinking Establishments including alcoholic beverages**
  - b. **Auto parts and accessories stores**
  - c. **Gasoline filling stations**
  - d. **Auto Repair facilities**
3. Open Space – The owner agrees with the concept of a consistent landscaping plan along the frontage of each lot and the main shared drive, and that a landscape focal point be provided at the main access off of SR 20. This will be accomplished with a stone entry monument.
4. Multi-Modal Transportation System – The owner agrees to place a sidewalk from the development to the firehouse parking lot pending fire department approval. Bike racks will be provided per Section 3327.
5. Preservation of Existing Site Features – The owner agrees to provide a **20 foot buffer of existing vegetation** along the eastern and southern property lines adjacent to the SR-1 and C-2 zoning as shown on the **attached exhibit**. Buffer to be undisturbed.
6. Landscaping – All required plantings will be provided per Article 36.

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7. Architecture – The owner agrees that the buildings in the development would all substantially use natural color brick for the exterior walls, include defined masonry detailing, have a flat roof with a defined cornice line and or a hipped roof with standing seam metal roof (no mansards) that has a defined color palette.
8. Historic and Prehistoric Features – The owner will allow BCPC to evaluate, salvage, and document the structure before it's demolished.
9. Signage – The owner agrees all building mounted signage be individual channel letters that meet the requirements of Article 34. All freestanding signs will be monument type which uses materials, colors, and detailing which correlate to the buildings.
10. Transportation Connections and Entry Points – The owner agrees to provide a gated emergency access to the west part of Lot 3 parking lot with approval from the fire department. This could follow the sidewalk alignment connection as well. **The owner also agrees to provide improvements on SR 20 as stated in the letter for the Kentucky Transportation Cabinet to allow for a left turn lane into the development.**

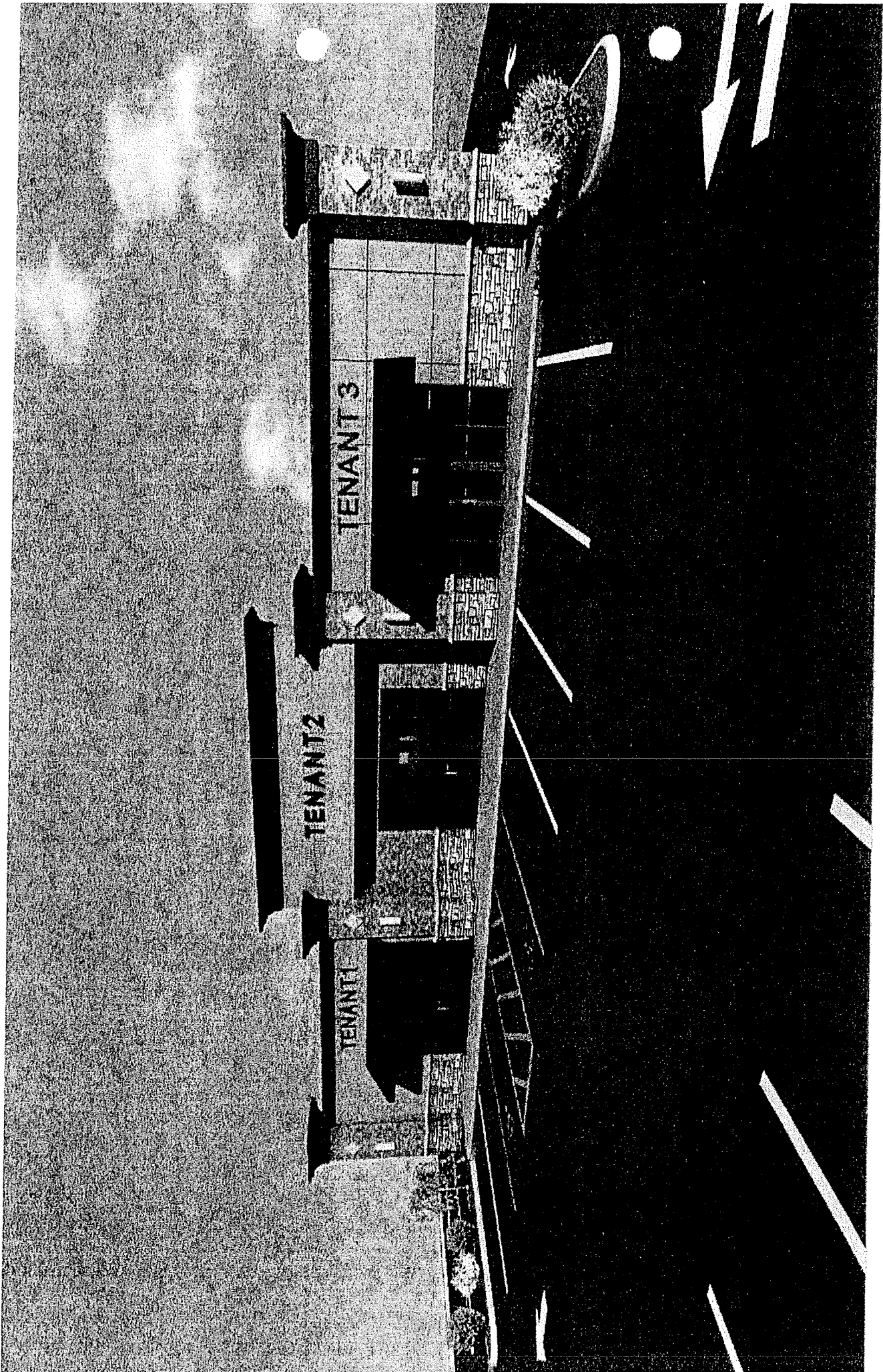
Additional considerations which the owner agrees to include the Lot 3 will be configured as a flag lot when platted and follow the requirements of Section 315d. of the Boone County Subdivision Regulations.

As stated above the owners intentions are to limit the uses on Lot 3 to favor residential neighbors and decrease lighting and noise. They envision an office building on lot 3, restaurant on lot 2, and a strip center building on lot 1 (**see attached exhibit**, currently shown as Tire Discounters).

Each subsequent sale of a Lot will allow them to resubmit a complete, specific site plan for the Planning Commission and Fiscal courts approval. Please review this submittal and provide your favorable recommendation to the Planning Commission.

Respectfully Submitted,

Jeff Talkers, P.E.  
Vice President

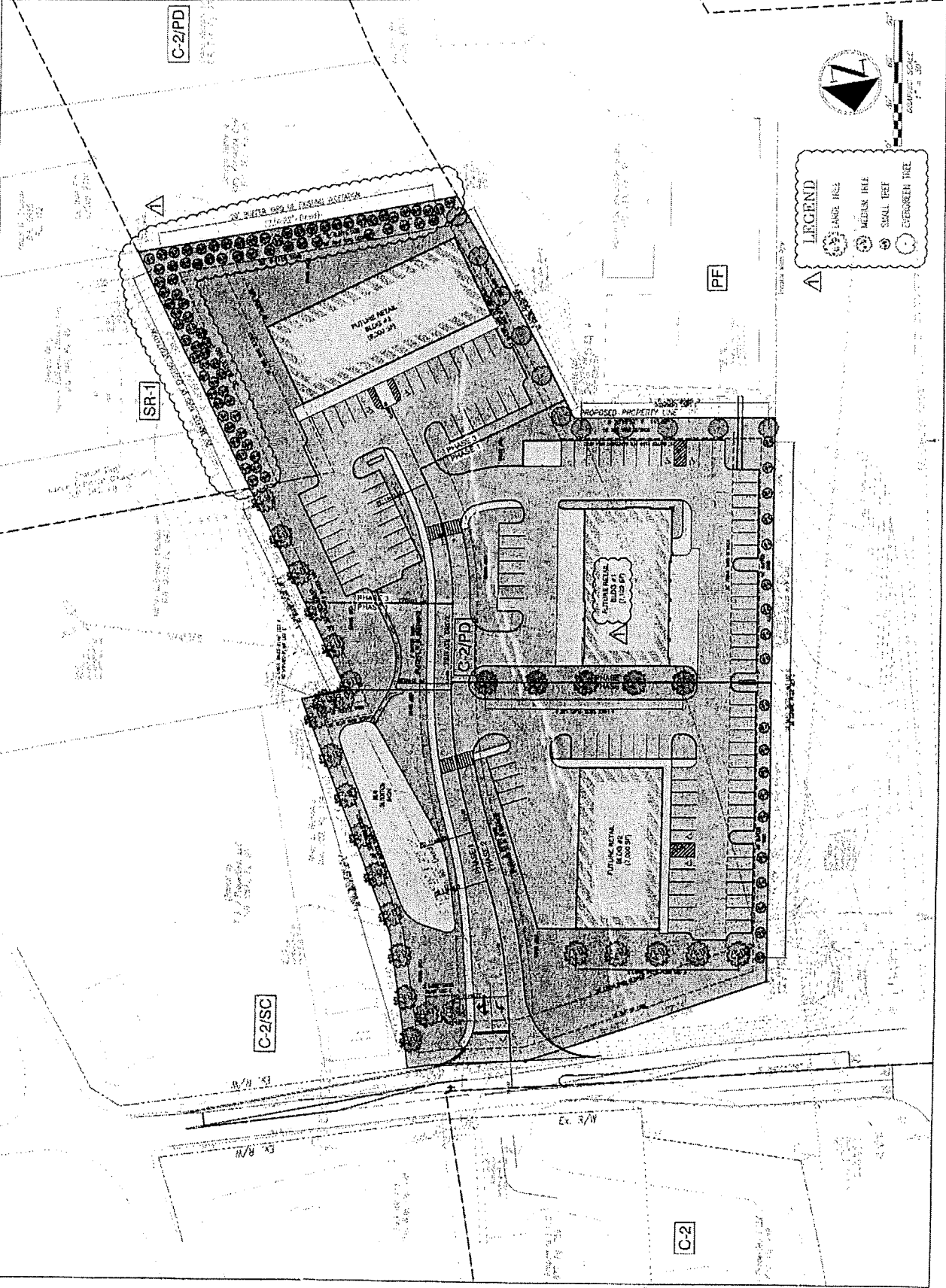


TENANT 3

TENANT 2

TENANT 1

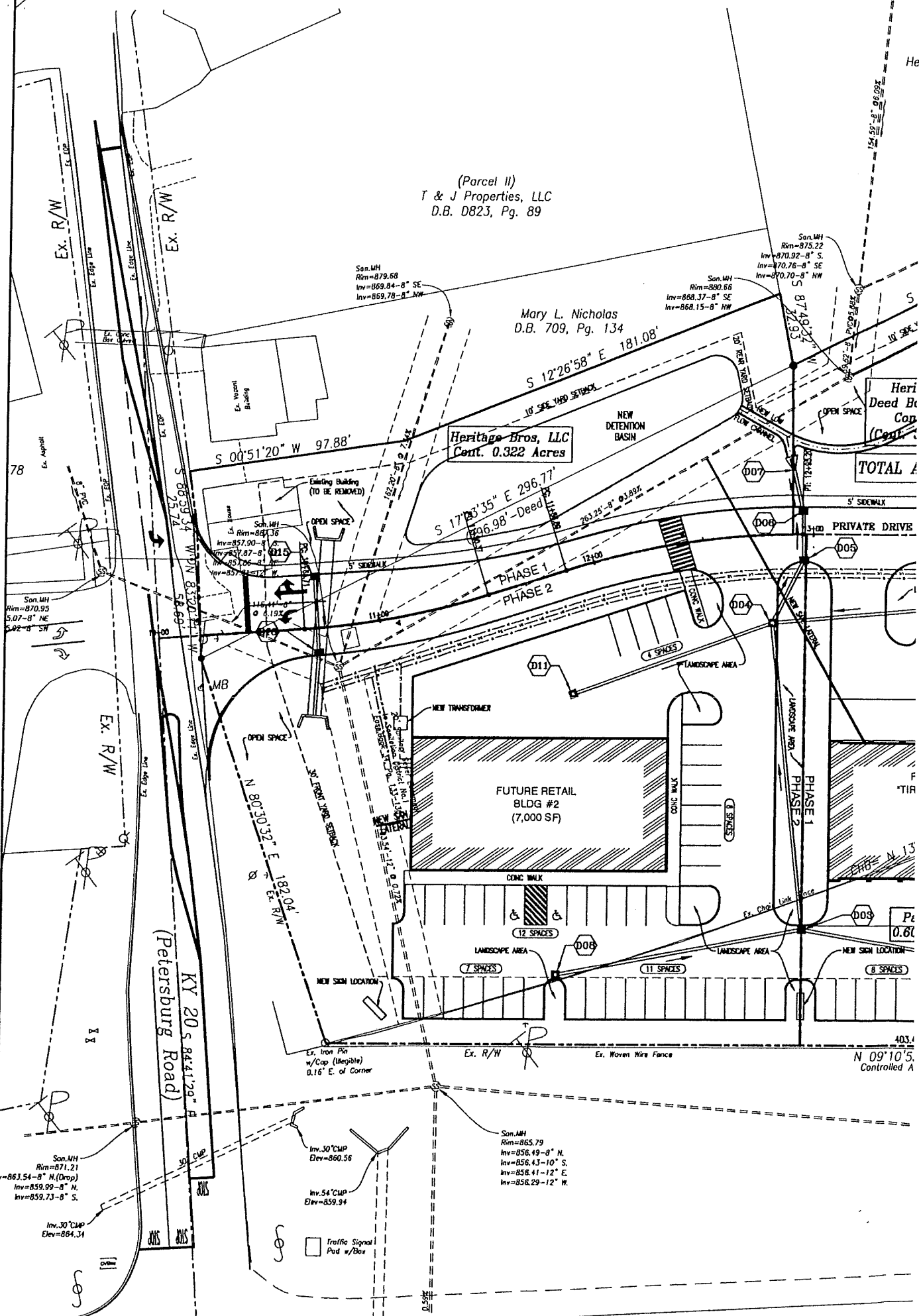
<p>LAND CONSULTANTS SBC CONSULTING 214 E. BROAD STREET DALLAS, TEXAS 75202 TEL: 214.760.1234 WWW.LANDCONSULTANTS.COM</p>	<p>PROJECT LOCATION</p> <p>CROSSING OF HERON</p>	<p>DATE: 05/11/2011</p> <p>SCALE: 1" = 40'</p>	<p>PROJECT NO: 1110001</p> <p>DATE: 05/11/2011</p>	<p>CLIENT: CROSSINGS OF HERON</p> <p>141142001.001</p>	<p>PROJECT ADDRESS: KY 237 &amp; KY 20 HERON, BOONE COUNTY, KY</p>	<p>SCALE: 1" = 40'</p> <p>PROJECT NO: L-101</p>



# KY 20 IMPROVEMENTS CONCEPT

Inv=880.33-0  
Inv=880.18-8" NW

(Parcel II)  
T & J Properties, LLC  
D.B. D823, Pg. 89



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N 09°10'5"  
Controlled A

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
JULY 3, 2012  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mr. Jim Longano  
Mr. Don McMillian  
Ms. Lisa Reeves  
Ms. Susan Schultz  
Mr. Bob Schwenke

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Ben Brandstetter, Temporary Presiding Officer  
Mr. Greg Breetz  
Mr. Kim Bungler, Secretary/Treasurer  
Mrs. Janet Kegley  
Mr. Charlie Reynolds  
Mr. Charlie Rolfsen, Chairman  
Mr. Steve Turner

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin Wall, AICP, Director, Zoning Services  
Mr. Todd Morgan, AICP, Senior Planner

Mr. Mike Ford, Vice-Chairman called the Public Hearing to order at 7:30 p.m. and introduced the first item on the Agenda:

CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT - Kevin Wall, Staff

1. Request of Jeff Talkers, Land Consultants (applicant) for Bob Patel, Heritage Bros. LLC (owners) for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of Jeff Talkers, Land Consultants (applicant) for Hebron Fire Protection District (owner) for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

Staff Member, Kevin Wall, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The project involves two applications for one development. The first application involves a 0.603 parcel located along KY 237. It involves a Zone Change from PF to C-2/PD on a site owned by the Hebron Fire District. The other application involves a Concept Development Plan in a C-2/PD zone on a parcel located at the southeast corner of KY 20 and KY 237. The bulk of the site is zoned C-2/PD. The 2030 and 2035 Future Land Use Maps designates the site to be Commercial (C) and Public Institutional (P). The topography of the site slopes from the south to the north. There is a perennial stream located along KY 20. The Concept Development Plan shows three commercial buildings. Tire Discounters was withdrawn from the proposal immediately before the Public Hearing. Two of the buildings are approximately 7,000 square feet in size and the third building is over 9,000 square feet. There is one access point being planned and it is aligned with the curb cut to the McDonald's restaurant across the street. A proposed private shared driveway will serve the three commercial or retail lots. The applicant has submitted a conceptual landscaping plan and utility plan. Mr. Wall showed photos of a Tire Discounters store indicating building architecture and materials and signage. In addition, he showed photos of adjoining properties.

Mr. Wall referred to Staff comments. The first comment refers to the Comprehensive Plan. Approximately one-third of the northern part of the site is recommended to be Commercial (C) and the remaining two-thirds to the south is identified as Public/Institutional (P). The text of both the Land Use and Business Activity Elements endorse commercial uses at the intersection of KY 20 and KY 237. Mr. Wall stated that the Planning Commission should also consider the alternate findings, other than the Comprehensive Plan, for acting on a Zone Change application. A second comment involves the application of the Planned Development (PD) overlay zone, or Article 15 of the Zoning Regulations. The Planned Development criteria is outlined in Section 1514. The first criteria is "mixed use development and pedestrian orientation." The site isn't a mixed use site since it is all retail. It is not conducive to a mixed use due to its location, configuration and overall size. However, it is recommended that building #2 be moved closer to KY 20 in order to encourage a pedestrian orientation if it is feasible. A sidewalk system is proposed along the private driveway and one would be required along KY 20. This will connect the development to the new sidewalk system located to the east. The second criteria includes "compatibility of uses." Specific uses have not been outlined with the proposal. The applicant has indicated that the uses will be general retail, including offices and restaurants. Mr. Wall referred to the Conner Crossing project

where commercial uses were restricted. This could be a guide and are attached to the Staff Report. It could also be used as a guide for lighting. The third criteria refers to "open space." It is being proposed on Lot #4, where the detention pond will be located. Since it is not considered to be useable public open space, landscaping would be more appropriate like a street scape treatment along the private driveway and a landscaped entrance near KY 20.

A fourth criteria involves "multi-modal transportation," which usually involves sidewalks. Mr. Wall recommended a sidewalk connection to the firehouse site. "Preservation of existing site features" is the fifth criteria. Mr. Wall also suggested that the applicant investigate the feasibility of retaining the existing vegetation on the south and east property lines. There are mature trees located in these two areas. "Landscaping" is the sixth criteria and the applicant will have to meet the requirements of Article 36 of the Zoning Regulations. In terms of "architecture," the submitted architectural drawings for Tire Discounters could be used as a basis for building materials and architecture. The Staff Report suggests ways to complete this task. The eighth criteria involved "historic and prehistoric features." It is recommended that the existing 1925 bungalow residence be evaluated, salvaged and documented before it is demolished. The ninth criteria involves "signage." Channel letters and a monument sign are recommended to be part of the development. A directory style sign should be modified to be a monument sign. Criteria ten is "transportation connections and entry points." Since there is only one access point, it is recommended that a gated emergency access to the firehouse be provided between the west part of the Lot 3 parking lot and the eastern part of the firehouse parking lot. The final criteria is the "comprehensive plan" and it has already been discussed. A Traffic Impact Study was submitted as part of the application. The only item with this Study is the projected morning peak hour traffic. There is very little shown and it is not clear what these figures are based upon as auto repair related uses usually generates traffic in the morning. The key conclusions in the Traffic Study was that no turn lanes or traffic signals were warranted at the access point. Mr. Wall explained there were not other comments from outside agencies. Mr. Wall stated that Lot 3 will need to be configured into a flag lot that meets the requirements of the Subdivision Regulations. Both the Fiscal Court and the Planning Commission will need to evaluate the request based upon Articles 3 and 15 of the Zoning Regulations and both the 2005 and 2010 Boone County Comprehensive Plan. If approved, the Future Land Use Map will need to be amended.

At this time, Vice-Chairman Ford asked if the applicant was prepared to make a presentation. Mr. Jeff Talkers, Land Consultants (Applicant) for Pat and Bob Patel, owners of the property stated that he has talked to the Fire Department and they are open to the parking lot driveway and sidewalk connection between both properties. In regard to the a.m. peak hour traffic, they cannot provide an answer because they don't have a user for the property.

Vice-Chairman Ford asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Mike Crane, 3135 Limaburg Road, stated he adjoins the property and is 100% opposed to the project for many reasons. He was happy to hear that Tire Discounters was no longer interested in locating on the property. No one knows what is going to go

there. He has lived in the area for over 40 years and his property is a registered farm. He is concerned about keeping the trees. There are a lot of trees on the property line. He planted some of them. The area has a church, cemetery, firehouse and a library and it doesn't need retail in the middle of it. There is plenty of retail available in the area. The roads are limited - two lanes and it is congested at lunch time and when school is let out. He stated that he installed a 10 foot high privacy fence because of the lights from the Kroger site across the street. He has show horses and they get nervous with activity in the area - both noise and light. He is concerned about storm water drainage and doesn't support the connection to the firehouse because kids cut through the area when they leave from school to McDonald's. The existing trees are 18" in diameter and should be kept. Perhaps a 10 foot high privacy fence could work. The southern portion of the site is a natural area that should be preserved.

Based upon a question by Mr. Crane, Mr. Costello explained the Zone Change process and he referred to a number of handouts that were available on the table outside the meeting room.

Ms. Angel Crouch Meredith, 3115 Limaburg Road, stated that she is a neighbor of Mr. Crane and agreed with his comments. She expressed three major concerns - noise; privacy and traffic. She has spent thousands of dollars installing a fence to prevent kids from cutting across her property. If this development occurs, it will encourage kids to take short cuts again. Limaburg Road is a busy road with school traffic, work traffic (park and ride) and cyclists. There is always a lot of traffic on KY 20 with the existing McDonalds. There is a lot of vehicular and pedestrian traffic in the area and the site has only one access point. It is a residential area.

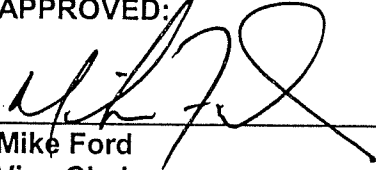
Vice-Chairman Ford asked Mr. Talkers if he wanted to respond to any of the comments? He stated no.

Vice-Chairman Ford asked if the Planning Commission members had any questions or comments? Mr. Schwenke asked if the applicant would identify the appropriate uses from the C-2 list he is interested in having at the Committee meeting. Also, he asked that the applicant have a better idea of what he was planning in terms of storm water management.

Mr. Longano suggested that the Committee look very closely at the principally permitted uses allowed in the C-2 zone based upon traffic generation and noise impacts. He stated that you could potentially have 2 fast food restaurants with a drive-thru and a car wash on the same site.

There being no further questions or comments, Vice-Chairman Ford announced that the Committee Meeting for this item will be on July 18, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on August 1, 2012 at 7:00 P.M. Vice-Chairman Ford closed the Public Hearing at 7:59 P.M.

APPROVED:



---

Mike Ford  
Vice-Chairman

Attest:



---

Kevin P. Costello, AICP  
Executive Director

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: August 15, 2012

RE: **CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT - Kevin Wall, Staff**

Request of **Jeff Talkers, Land Consultants (applicant)** for **Bob Patel, Heritage Bros. LLC (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of **Jeff Talkers, Land Consultants (applicant)** for **Hebron Fire Protection District (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

### REMARKS:

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

\_\_\_\_\_  
**Ben Brandstetter, Chairman**

For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Greg Breetz**

For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Kim Bunger**

For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Janet Kegley**

For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Susan Schultz**

For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Charlie Reynolds (Alternate)**

For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Mark Hicks (Alternate)**

For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Jim Longano (Alternate)**

For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

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

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: August 1, 2012

RE: **CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT - Kevin Wall, Staff**

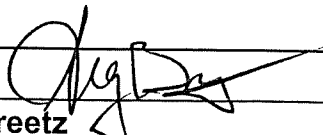
Request of **Jeff Talkers, Land Consultants (applicant)** for **Bob Patel, Heritage Bros. LLC (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of **Jeff Talkers, Land Consultants (applicant)** for **Hebron Fire Protection District (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

### REMARKS:

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\_\_\_\_\_  
**Ben Brandstetter, Chairman**

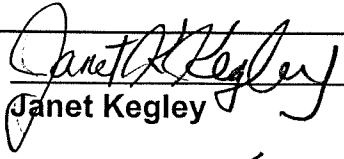
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Greg Breetz**

For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Kim Bunger**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Janet Kegley**

For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Susan Schultz**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

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**Charlie Reynolds (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Mark Hicks (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Jim Longano (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

**TOTAL:    \_\_\_\_ DEFERRED    \_\_\_\_ FOR PROJECT    \_\_\_\_ ABSENT**  
**\_\_\_\_ AGAINST PROJECT    \_\_\_\_ ABSTAIN**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: July 18, 2012

RE: **CONCEPT DEVELOPMENT PLAN AND ZONING MAP AMENDMENT - Kevin Wall, Staff**

Request of **Jeff Talkers, Land Consultants (applicant)** for **Bob Patel, Heritage Bros. LLC (owners)** for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and the request of **Jeff Talkers, Land Consultants (applicant)** for **Hebron Fire Protection District (owner)** for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. Both applications are for a total 3.826 acre site to allow a multi-building commercial development.

### REMARKS:

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

Jeff Talkers, Bob Patel, Hebron Fire Protection District

July 18, 2012

\_\_\_\_\_  
**Ben Brandstetter, Chairman**

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Greg Breetz** *Greg Breetz*

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred

\_\_\_\_\_  
**Kim Bunger**

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Janet Kegley** *Janet Kegley*

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred

\_\_\_\_\_  
**Susan Schultz** *Susan L. Schultz*

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred

\_\_\_\_\_  
**Charlie Reynolds (Alternate)**

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Mark Hicks (Alternate)**

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Jim Longano (Alternate)**

For Project \_\_\_ Absent \_\_\_  
 Against Project \_\_\_  
 Abstain \_\_\_ Deferred \_\_\_

TOTAL: 3 DEFERRED \_\_\_ FOR PROJECT \_\_\_ ABSENT  
 \_\_\_ AGAINST PROJECT \_\_\_ ABSTAIN

# **SUPPORTING INFORMATION**



# **BOONE COUNTY PLANNING COMMISSION**

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

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

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

September 6, 2012

Mr. Bob Patel, Heritage Bros. LLC  
Mr. Dan Hitzfield, Chief, Hebron Fire Protection District  
c/o Mr. Jeff Talkers, P.E.  
Land Consultants  
314 Front Street  
Lawrenceburg, IN 47025

FAX: 812-537-4901

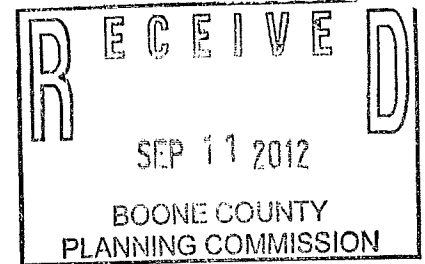
RE: Revised Conditions of Approval for Bob Patel/Heritage Brothers/Hebron Fire Protection District Concept Development Plan and Zoning Map Amendment from PF to C-2/PD Applications for Total 3.826 Acre Site at Southeast Corner of North Bend Road/Petersburg Road Intersection, Boone County, Kentucky

Dear Messrs. Patel and Hitzfield:

The following represents the recommended conditions of approval for the above referenced applications as discussed by the Planning Commission's Zone Change Committee at their August 1, 2012 and August 15, 2012 meetings, and as amended by the full Planning Commission at the September 5, 2012 Business Meeting. If you, as the authorized representatives of the property owners agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, September 14, 2012.

## CONDITIONS

1. The development shall follow the commitments outlined in the 7/30/12 letter and accompanying attachments from Jeff Talkers, P.E., Vice President, Land Consultants ("7/30/12 Talkers letter," attached), except when clarified or superceded by the conditions below.
2. The development shall be subject to the following additional use restrictions.
  - A. An accessory drive-through facility shall only be permitted on Lot 2 (northern-most lot).



- B. Lot 3 (southern-most lot) shall be limited to office uses only.
  - C. No conditional uses shall be permitted in the overall development.
  - D. Outside sales, display, or storage shall not be permitted in the overall development. All business activities aside from the accessory drive-through permitted on Lot 2 shall occur indoors.
3. The maximum building height for all buildings in the development shall be two (2) stories.
  4. The overall development shall follow the basic configuration illustrated on the Concept Development Plan (arrangement of buildings, parking and vehicular areas, access onto KY 20, landscaping and open spaces, etc.). Also, the basic site arrangement shown for Lot 3 shall be followed to maintain the inherent screening qualities ( $\pm 10'$  grade reduction, retention of existing landscaping, and locations of building and parking) from light, noise, and activity for the adjoining residential zones and/or uses to the south and east.
  5. A 6 foot vertical barrier, such as a solid privacy fence or retaining wall, which shall be maintained in a like-new condition, shall be provided within the interior of the buffer yards along the south and east boundaries to prevent trespass between this development and the adjoining residential zones and/or uses.
  6. As a point of clarification, the "20 foot buffer of existing vegetation" described in paragraph 5 of the 7/30/12 Talkers letter shall be a minimum 20 foot wide no disturb area in which the existing vegetation shall be retained and no grading, grubbing, or other land disturbance shall occur.
  7. As a point of clarification to paragraph 9 in the 7/30/12 Talkers letter, the size, height, and other aspects of any monument signs shall meet all applicable requirements of Article 34 of the Boone County Zoning Regulations.
  8. Garbage dumpsters shall be located internally to the overall development and away from the adjoining residential zones and/or uses.
  9. The following requirements shall apply to lighting in the development.
    - A. Any lights mounted on the south or east sides of Building 3 shall be residential in nature and not commercial style wall packs.
    - B. Any fixtures on freestanding masts in the overall development shall be downlit and shall not exceed 16 feet in height.

Mr. Bob Patel, Heritage Bros. LLC  
Mr. Dan Hitzfield, Chief, Hebron Fire Protection District  
September 6, 2012  
Page 3

10. The view of any mechanical equipment shall be screened from the adjoining residential zones and/or uses.
11. The widening improvements to be constructed by the developer on Petersburg Road, which are discussed in paragraph 10 of the 7/30/12 Talkers letter, shall follow the attached exhibit entitled "KY 20 Improvements Concept."
12. The sidewalk connection and gated emergency access between the subject site and the Hebron firehouse lot that are discussed in paragraphs 4 and 10 of the 7/30/12 Talkers letter shall not be required.

Sincerely,



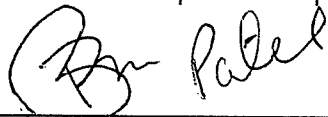
Kevin T. Wall, AICP  
Director, Zoning Services

KTW/vlm

Enclosures

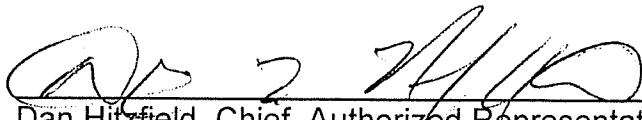
AGREEMENT

We, the authorized representatives of the property owners of the 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky, and the 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Concept Development Plan and Zoning Map Amendment applications.



Bob Patel, Authorized Representative for  
Heritage Bros. LLC, Property Owner

9/6/2012  
Date



Dan Hitzfield, Chief, Authorized Representative for  
Hebron Fire Protection District, Property Owner

9/7/2012  
Date



July 30, 2012

Mr. Kevin Wall  
Boone County Planning Commission  
KY 18  
Burlington, KY 41042

Subject: Crossings of Hebron – Commercial Subdivision  
Southeast Corner of SR 237 and SR 20

Dear Mr. Wall:

In response to your Staff Report dated July 3, 2012 in regards to the subject project, we offer the following comments:

1. Mixed Use Development and Pedestrian Orientation – The owner will move Building 2 as close to SR 20 as possible pending the location of the existing sanitary sewer and drainage channel. We also will build a public sidewalk along the SR 20 frontage as required under Section 3208 of the zoning regulations.
2. Compatibility of Uses - The owner agrees that a plan to minimize the impact on the adjacent single family residential zone is important and want to offer the following: As it relates to Lot 3 on the southern portion of the site, the Owner agrees to delete from the principally permitted uses of C-2,
  - a. Eating and Drinking Establishments including alcoholic beverages
  - b. Auto parts and accessories stores
  - c. Gasoline filling stations
  - d. Auto Repair facilities
3. Open Space – The owner agrees with the concept of a consistent landscaping plan along the frontage of each lot and the main shared drive, and that a landscape focal point be provided at the main access off of SR 20. This will be accomplished with a stone entry monument.
4. Multi-Modal Transportation System – The owner agrees to place a sidewalk from the development to the firehouse parking lot pending fire department approval. Bike racks will be provided per Section 3327.
5. Preservation of Existing Site Features – The owner agrees to provide a 20 foot buffer of existing vegetation along the eastern and southern property lines adjacent to the SR-1 and C-2 zoning as shown on the attached exhibit. Buffer to be undisturbed.
6. Landscaping – All required plantings will be provided per Article 36.

*Serving the tri-state since 1976*

555 Gest Street, Suite 200 + Cincinnati, Ohio 45203 + Office 513-381-1020  
314 Front Street + Lawrenceburg, Indiana 47025 + Office 812-537-2145 + Fax 812-537-4901  
Toll-free 888-537-2145 + [www.landconsult.com](http://www.landconsult.com)

7. Architecture – The owner agrees that the buildings in the development would all substantially use natural color brick for the exterior walls, include defined masonry detailing, have a flat roof with a defined cornice line and or a hipped roof with standing seam metal roof (no mansards) that has a defined color palette.
8. Historic and Prehistoric Features – The owner will allow BCPC to evaluate, salvage, and document the structure before it's demolished.
9. Signage – The owner agrees all building mounted signage be individual channel letters that meet the requirements of Article 34. All freestanding signs will be monument type which uses materials, colors, and detailing which correlate to the buildings.
10. Transportation Connections and Entry Points – The owner agrees to provide a gated emergency access to the west part of Lot 3 parking lot with approval from the fire department. This could follow the sidewalk alignment connection as well. The owner also agrees to provide improvements on SR 20 as stated in the letter for the Kentucky Transportation Cabinet to allow for a left turn lane into the development.

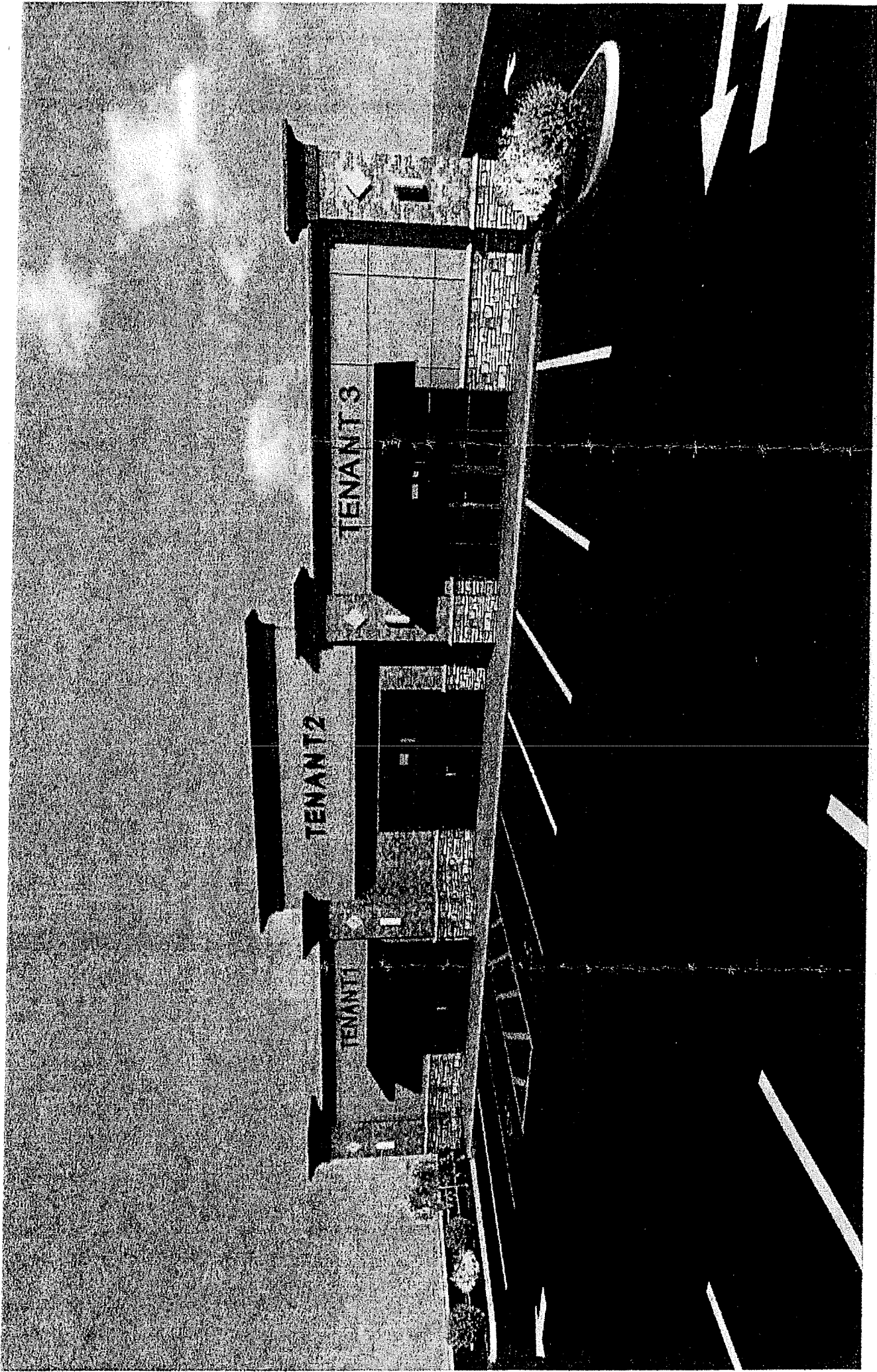
Additional considerations which the owner agrees to include the Lot 3 will be configured as a flag lot when platted and follow the requirements of Section 315d. of the Boone County Subdivision Regulations.

As stated above the owners intentions are to limit the uses on Lot 3 to favor residential neighbors and decrease lighting and noise. They envision an office building on lot 3, restaurant on lot 2, and a strip center building on lot 1 (see attached exhibit, currently shown as Tire Discounters).

Each subsequent sale of a Lot will allow them to resubmit a complete, specific site plan for the Planning Commission and Fiscal courts approval. Please review this submittal and provide your favorable recommendation to the Planning Commission.

Respectfully Submitted,

Jeff Talkers, P.E.  
Vice President



TENANT 3

TENANT 2

TENANT 1

**LAND CONSULTANTS**  
 582 Crutcher  
 1000 S. 10th Street  
 Louisville, KY 40203  
 (502) 582-1111  
 Fax: (502) 582-1112  
 www.landconsultants.com

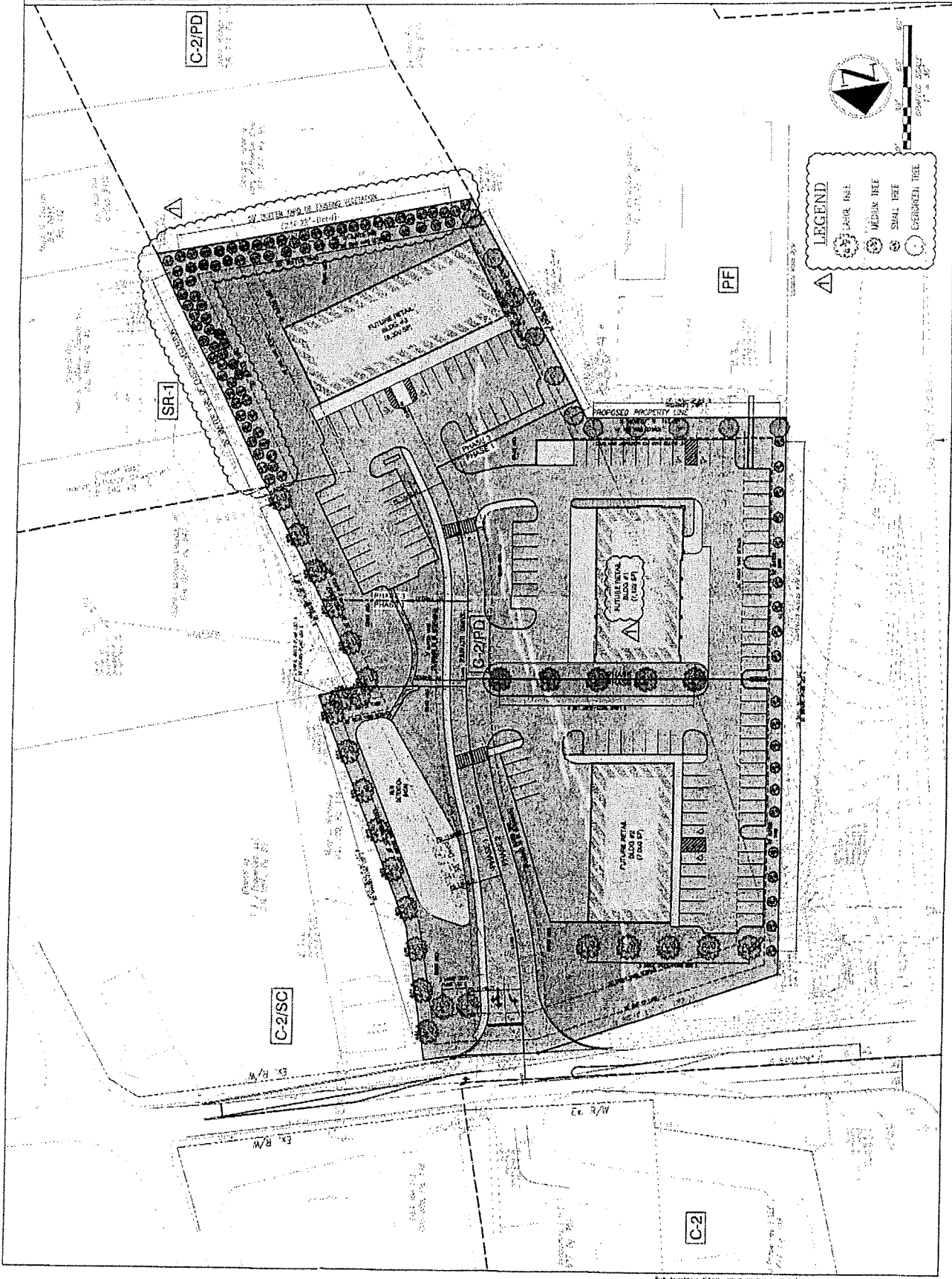
ENGINEERING  
 CONSTRUCTION

NO.	DATE	DESCRIPTION

DATE: 05/11/10  
 PROJECT: CROSSINGS OF HERON  
 SHEET NO.: L-101  
 SHEET TOTAL: 101

**CONCEPTUAL LANDSCAPING PLAN**  
 CROSSINGS OF HERON  
 KY 237 & KY 20  
 HERON, BOONE COUNTY, KY

SHEET NUMBER  
**L-101**  
 SHEET TOTAL  
 101



1:100 (1:100) - Check all dimensions and notes on this sheet for accuracy. The sheet is to be used in conjunction with the other sheets in this set.







## ORDINANCE 12-19

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF JEFF TALKERS, LAND CONSULTANTS (APPLICANT) FOR BOB PATEL, HERITAGE BROS. LLC (OWNER) FOR A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 3.223 ACRE SITE AT THE SOUTHEAST CORNER OF THE NORTH BEND ROAD/PETERSBURG ROAD INTERSECTION, BOONE COUNTY, KENTUCKY; AND THE REQUEST OF JEFF TALKERS, LAND CONSULTANTS (APPLICANT) FOR HEBRON FIRE PROTECTION DISTRICT (OWNER) FOR A ZONING MAP AMENDMENT FROM PUBLIC FACILITIES (PF) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) FOR 0.603 ACRES AT THE NORTHERN END OF THE PROPERTY AT 3120 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY.

**WHEREAS**, the Boone County Planning Commission received a request for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and for a Zoning Map Amendment from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky which is more particularly described below; and,

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

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

## **SECTION I**

That the request for a Concept Development Plan and a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, for a Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 3.223 acre site at the southeast corner of the North Bend Road/Petersburg Road intersection, Boone County, Kentucky; and approved, with conditions, for a Zoning Map Amendment being a zone change from Public Facilities (PF) to Commercial Two/Planned Development (C-2/PD) for 0.603 acres at the northern end of the property at 3120 North Bend Road, Boone County, Kentucky. The real estate which is the subject of this request is more particularly described in DEED BOOK 924, PAGE NO. 240 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

## **SECTION II**

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

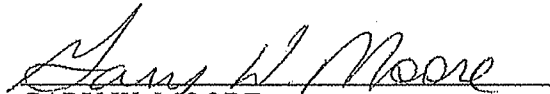
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and same shall be marked as "Exhibit B."

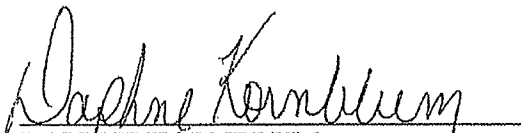
### SECTION III

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 23<sup>rd</sup> day of October.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 27<sup>th</sup> day of November 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



