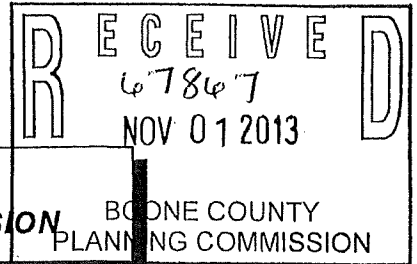


APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

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 Kroger
2. Location of Project East Side US 42 partially between Arbor Springs and Braxton
3. Total Acreage of Site 35.25 Acres
4. Current Zoning of Site "UNO" and "RSE/UTO"
5. Proposed Zoning (Classification being requested) "C-2/PD"
6. Proposed Uses (please specify each use) Neighborhood Commercial: Kroger grocery store, fuel center, bank, restaurant, etc.
7. Names of Applicant(s) Anne F. McBride, FAICP - McBride Dale Clarion
8. Address of Applicant(s) 5725 Dragon Way, Suite 220 Cincinnati Ohio 45227
9. Name of Property Owner(s) Arlinghaus I LLC, (successor by merger with Arlinghaus Builders Inc)
10. Address of Property Owner(s) 142 Barnwood Drive Edgewood Kentucky 41017
11. Proposed Building Intensities (please specify) 145,796 SF Kroger (20,506 SF potential expansion); 8,000 SF liquor store; 9 pump island fuel center and outlots.
12. Are there any existing buildings on the site? No
13. Deed Book 776 + 730 Page No. 1 + 293 Group No. 2047
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
[X] Boone County Water District
[X] Florence Public Services Dept.
[X] Duke Energy
[X] Sanitation District #1
[X] Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
[X] Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

**ZONING MAP AMENDMENT
APPLICATION
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- 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 Robert Elmroley Vice Pres. Adelington LLC
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

SECTION B (To be completed by BCPC Staff)

1. Date Received 11/1/13
2. Review Fee \$ 2,982.00 R# 67 8107
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 5 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer TODD MORGAN
6. Committee Chairman _____
7. Scheduled Public Hearing Date 12/4/13
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - 2/5/14 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.

EXHIBIT

“A”

STAFF REPORT

Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant)** for **Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 U.S. 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/U.S. 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

December 4, 2013

REQUEST

The request is for a zone change from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre tract. The submitted Concept Development Plan and project narrative indicate the following improvements are proposed:

1. A multi-tenant building and a fuel center are shown on a 22.53 acre lot. The multi-tenant building contains a 135,976 square foot Kroger Marketplace and an approximate 8,000 square foot Kroger liquor store. An approximate 26,500 square foot building addition could be constructed on the northwest facade of Kroger Marketplace if additional space is needed in the future. The plans show the building will have an attached canopy (58' x 26'-8") that covers three (3) drive through pharmacy lanes and two (2) drive through banking lanes on the northwest building facade. A truck dock and compactor are shown on the rear elevation. Access to store parking lot is proposed from a shared driveway system that connects to US 42 in two locations. The first access point is shown to the east of the US 42/Old Union Road signalized intersection. The second access point is shown to the east of the US 42/Fowlers Lane intersection and is proposed to be signalized.

A Kroger Fuel Center is shown in the southern extreme of the 22.53 acre lot. It contains 9 fuel islands, a 44.5' x 158' fuel canopy, and a 163 square foot employee kiosk. Access to the fuel center is provided from the same shared driveway network that provides access to Kroger Marketplace.

The Kroger Marketplace and fuel center parking lots are shown with a total of 730 stalls, landscaping islands, perimeter landscaping, and 41.5' tall light fixtures. The overall building intensity on the lot will be 7,574 square feet of building per acre of land if the building addition is constructed onto Kroger Marketplace in the future (170,639 square feet / 22.53 acres). A stormwater detention basin is also shown near the southernmost access point.

Building elevation drawings were submitted for the building and fuel center. The building is shown with brick, split face CMU, EIFS trim and gable faces, painted steel canopies,

green standing seam metal roofing, prefab cupolas, aluminum storefront units, dormer style windows, man doors, dock doors. Vinyl privacy fencing is shown on the rear building elevation to screen the dock pads. Rooftop mechanical units are shown on all four facades.

The elevation drawings for the fuel center show the brick used in the kiosk and canopy columns will be wrapped in brick to match the Kroger Marketplace building. The roof will be constructed green standing seam metal roofing, gables, and a cupola so it correlates to the proposed Kroger Marketplace.

2. A 7.99 acre outlot area is shown in the northeastern portion of the site. The submitted project description indicates that this area will be reserved for office-type uses for a minimum of two outlots and or 12,000 square feet of building area". All of the outlots would follow the outlot design standards that have been submitted by the applicant. Access to the area is proposed from the shared driveway network for the development. A second stormwater detention basin is also shown in this outlot area.
3. A 4.73 acre outlot area is shown along US 42 between the proposed access points. Outlot design standards and a list of principally permitted uses have been submitted by the applicant. Access to this area is proposed from the shared driveway network for the development.

As part of Planned Development (PD) zone, an applicant may request changes to the uses, intensity, signage, or other features of a proposed development. The applicant has identified that the following Planned Development Waivers are being sought with the application:

1. The list of principally permitted outlot uses includes elderly housing facilities (#59). This use is not listed as a principally permitted or conditional use in the C-2 zone.
2. Two freestanding monument signs are proposed for the development, one at each entrance. The northernmost sign is shown in the office outlot area and is 20' tall and 224 square feet in area. The southernmost sign is 12' tall and 94.5 square feet in area.

The Boone County Zoning Regulations permit shopping centers in Commercial Two (C-2) zones to have one architectural freestanding sign. The sign can be up to 30' tall and 200 square feet in area. Outlots (except for the lot where the above referenced architectural freestanding is located) are permitted a 10' tall, 100 square foot monument sign.

3. Kroger Marketplace is shown with a total of 14 signs on the front facade of the building and attached drive through canopy. The combined total of the signs is 488.66 square feet per the project description

The Boone County Zoning Regulations would allow a total of 1,116 square feet (558' feet of building frontage x 2) of signage on the front facade of the building. However, the permitted signage can only be permitted in three sign area (multiple signs can be located in a sign area but all dead space is measured between the signs).

4. The Kroger Fuel Center is shown with signage on all four faces of the canopy.

The Boone County Zoning Regulations allow up three faces of the canopy to have signage. No more than 25% of a canopy fascia may be in the form of signage.

5. The following landscaping Waivers are being sought:

- A. South Property Boundary - An 40' wide or 80' wide Buffer Yard D is required along this property line because the adjoining property (approximate 15.85 acre remainder tract) is zoned RSE/UTO zone. The proposal is to reduce this buffer to 10' width with defined plantings (see the project description and landscaping plan for more detailed information).
- B. East Property Boundary (907' behind the Kroger Lot) - An 80' wide or 40' wide buffer with a privacy fence is required. The buffer that shown is an average of 80' wide and includes a privacy fence. The Waiver is to reduce the required plantings from 182 evergreens, 100 large trees, and 182 large shrubs to 94 evergreens and 27 large trees.
- C. Eastern Boundary of Outlots/Western Kroger Boundary - Staff is unclear on the Waiver that is being sought and would like the applicant to further explain the request.
- D. Kroger Vehicular Use Area (VUA) landscaping - The interior parking lot does not conform with the following VUA landscaping requirements.
- 600 square foot landscaping islands are required at the end of every other row of parking if the row of parking is unbroken with an island for 180 linear feet or more.
 - Code requires large 1 tree to be planted every 40 linear feet if linear islands adjoins rows of parking spaces.

6. The Outlot Design Standards indicate that the outlot building and landscaping setback requirements will be 10' minimum from a public right-of-ways and 5' from internal property lines. The Boone County Zoning Regulations require 30' front, 20' rear, and 10' side yard setbacks in a C-2 zoning district.

PERTINENT SITE HISTORY

8/28/00 - The City of Union adopts the Union Town Plan and the property is rezoned to RSE/UTO and UNO.

5/7/08 - Boone County Planning Commission recommends denial of a Zoning Map Amendment request, which would have rezoned a 51.079 acre from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD). The Concept Development Plan that was submitted with the request showed the following improvements:

- A. A series of single-story in-line commercial buildings that wrapped along the south and east property boundaries. The in-line buildings were approximately 302,000 square feet in area and included a 132,866 square foot retailer (labeled "Target" on the plan) and a 45,700 square foot grocery store.
- B. Two office buildings located in the north part of the site along US 42. Both buildings were two stories tall and were 36,800 square feet in area (73,600 gsf total). A common parking lot was shown between the buildings.
- C. Four restaurant buildings located along US 42 and south of the intersection with Old Union Road. Each restaurant was labeled as being 5,000 square feet in area (20,000 gsf total). A common parking lot was shown for the four restaurants.
- D. A 1.43 acre outparcel with no building size or uses designated on the plan
- E. A 1.73 acre outparcel with a 10,540 square foot multi-tenant commercial building and drive through lane.
- F. Three access points were shown on US 42. The first was a fourth leg that was proposed at the US 42/Old Union Road signalized intersection. The second was a fourth leg that was proposed at the US 42/Fowlers Lane intersection (intersection was proposed to be upgraded with a traffic signal). The third was a right-in/right-out access point that was proposed between the two signalized intersections.

7/14/08 - The City of Union holds a public hearing and approves the Boone County Planning Commission's Committee Report in its entirety.

SITE CHARACTERISTICS

The 35.25 acre site is currently part of an approximate 51.1 acre site that is located on the east side of US 42. The 51.1 acre site has approximately 2,900 feet of road frontage. The site is largely an open grassed area that contains a pond in the north part of the site, a dwelling and several outbuildings in the south part of the site, a north-south running drive along the east boundary, and a east-west running drive between US 42 and the existing structures. An intermittent tree line runs along the east property line. Two overhead utility lines exist on site (one along US 42 frontage and the other in northern extreme of the site). There is berming and several drainage ditches near the US 42 frontage that were constructed with the road. The topography of the overall site is rolling, with the high points located near the northeast corner (888' above sea level) and southeast corner (902' above sea level). The low point of the site is the approximate center of the tract's US 42 frontage (832' above sea level). Public water and sewer mains are in the vicinity. Soil types on site include Faywood silty clay loam (FcC) and Rossmoyne silt loam (RSB and RsC).

ADJACENT LAND USES AND ZONING

North: US 42, Wendy's, Donato's, Vacant Commercial Building (UC/PD), Electric Substation, and Single-Family Residential Dwellings Fronting on Old Union Road (RS/UTO)

South: Single-Family Residential Dwellings Located in Arbor Springs at Plantation Pointe (RSE/UTO)

East: Boone County Library Scheben Branch (C-2) and Single-Family Residential Dwellings located in Union Village Subdivision (SR-1)

West: US 42, Fowlers Lane, Villas at Fowler Creek (SR-2/UTO), Undeveloped Property (RSE/UTO), and Old Union Road

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Land Use Plan" designates the site for the following uses:

Rural Lands (RL) - Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision.

Suburban Residential (SR) - Single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision.

High Suburban Density Residential (HSD) - Single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks.

Urban Density Residential (UD) - Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre.

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

The Land Use Element text makes the following statements that relate to the proposal:

- A. "This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2035 Future Land Use Map and also affect the Boone County Zoning Regulations" (Union, pp. 168-169).
- B. "New subdivisions should be developed with connecting roads providing alternative routes for residential traffic and decreasing the impact on major roadways. Road connections should include multi-modal elements such as pedestrian paths and bike lanes, and bus stops; Wetherington Boulevard is an example" (Union, pp. 168-169).
- C. "Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate

boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union" (Pleasant Valley/Oakbrook, pg. 168).

- D. "Regionally-oriented commercial development should be confined to Mall Road and the Houston Road area" (Houston-Donaldson/Mall Road, pg. 167).

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

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

areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character" (Utilization of Existing Vegetation and Topography, pp. 161-162).

- B. "As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development. The Goals and Objectives also acknowledge that fluctuations in the economy and housing market should be considered when evaluating the uses and design of developments.

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

Sanitary sewer issues have larger impact on where development occurs than do the other types of infrastructure in Boone County. The presence of sanitary sewer has a direct impact on the lot sizes of residential development in particular. Most residential development in outlying areas without access to sewer service typically develops on lots that are larger than an acre. In fact, septic system permits almost always require residential lots of greater than one acre to accommodate leach areas. On the other hand, the presence of public sanitary sewer facilities have normally resulted an increased demand for more dense single-family residential development. This development often occurs roughly in the range of three dwelling units per acre - which typifies single family projects in Boone County at this time. There is little development occurring in Boone County between these two general density levels. As pointed out in the Housing Element, this phenomenon often results in different housing and lot characteristics adjacent to each other. In these conditions, proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

The proposed development should consider in its design a band of larger lots and setbacks along the affected perimeter of the site adjacent to existing development to provide an adequate transition

The proposed development should consider a band of development along the existing main roadway in which the houses face the main road to appear rural, and where the lots in this band are larger than those in the balance of the proposed development. Building setbacks and lot frontages should imitate existing setbacks along the road.

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor.

These recommendations are site specific and should be evaluated on a case-by-case basis. There may be other design mechanisms not identified here that may work in some instances" (Development Layout, Lot Sizes, and Setbacks, pg. 162).

- C. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. 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, pp. 162-163).
- D. "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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species are often heartier than nursery stock

and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. 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. 163).

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

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds" (Stormwater Management and Erosion Control, pg 163).

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

- G. "Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. 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. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns" (Transportation and Pedestrian Network, pp. 163-164).

- H. "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. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County" (Design, Signs, and Historic Preservation, pg. 164).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the Union Zone is expected to increase from 33,568 in the year 2020 to 41,886 by the year 2030.

The Business Activity Element states the following regarding the general area:

- A. "Since the immediate Florence area figures so prominently in Boone County's commercial activity, this region has the momentum to continue dominating any expansion of commercial activity. Currently, "big box" retail has been overbuilt in the county. As a result, building vacancies and tenant changes are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings and ongoing maintenance and rehabilitation of older business districts, instead of creating new commercial districts..."
- B. "Many problems with the location and arrangement of commercial uses have emerged, especially along the KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area."
- C. "The land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial. The Union Town Center could be used as an example of planning efforts for other parts of the U.S. 42 corridor, as well as other corridors in Boone County. Ultimately, mixed use town centers should be developed at major crossroads throughout Boone County without commercial development along the roadways between the town centers. Street connectivity is critical in these types of corridors."
- D. "Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These

commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas. This principle should apply to the Limaburg area and surrounding area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community and create neighborhood centers rather than just a strip extending out of Florence. An example of this type of design is the Oakbrook Marketplace, which ties into the subdivision while serving a larger trade area" (Recommended Areas of Commercial Activity, pp 67-68).

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

- A. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multifamily) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed (Housing Densities, pg. 81).
- B. The design of true open space housing development should be encouraged as an alternative to the conventional subdivision divided entirely into ownership lots. To accomplish this, densities within portions of a site can be increased while the overall intensity on the site can remain basically the same. Topography, vegetation, and public improvement costs reduction should be incentives for open space design. Provision is made in the zoning and subdivision regulations for true open space design to occur under existing zoning. By increasing densities and clustering on portions of a site, these planned developments will preserve green space and/or provide space for public facility or recreation opportunities. The overall intensity of units per acre on the whole site becomes the issue to consider when evaluating public services and relationship to the Future Land Use Map. All residential developments should be designed to preserve and utilize natural site features wherever possible (Open Space Subdivision Design, pg 82).
- C. The factors that helped fuel growth in this area include the improvements to U.S. 42 from Florence to the Ryle High School campus near Frogtown Road; the extension of water and sanitary sewer lines, access to the interstate highway system, and the vast amount of developable land. The Union Town Plan sets the stage for development in this area as sanitary sewer has become widely available. Areas west and south of the Union Town Plan area, along U.S. 42, Hathaway Road, and Longbranch Road, contain an existing agricultural, horse farm, and estate residential character. Planning efforts, such as the Union Town Plan should be conducted in these areas. Street connections between developments and to arterials are critical in this central part of Boone County. The connections shown in the Union Town Plan need to be continued outside the study area to the next logical properties and arterial roadways (Geographic Housing Issues, Union/West Florence/West Richwood Area, pp. 84-85).

The Transportation Element provides the following comment that relates to the proposal:

- A. The Kentucky Transportation Cabinet Six-Year Plan section of the Transportation Element lists improvements described as "addition of lanes to I-75 from Mt. Zion Road to US 42 - Construction 2013" as a Six Year Plan Highway project (pg. 146). The State is currently buying right-of-way but there are no construction dollars yet.

The 2010 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments (Overall, Objective 2).
- B. Proper design principles shall be applied in development (Overall, Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed (Overall, Objective 4).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner (Overall, Objective 6).
- E. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth (Population, Goal).
- F. Land use planning should protect natural systems (streams, wetlands, forests, etc.) essential to the safety, health, economic stability, and overall quality of life (Environment, 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
- 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, Objectives).
- 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 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 a community uses shall

take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles (Business Activity, Commercial Objective 2).

- M. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (Housing, Objective 1).
- N. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient access to major streets and highways (Housing, Objective 10).
- O. Adequate recreation facilities and programs are provided, significant natural features and historic sites are preserved, and open space is preserved (Recreation and Open Space, Goal).
- P. Existing infrastructure and services (e.g. systems and facilities for: water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and storm water management) shall be utilized efficiently. The phasing of proposed development shall demonstrate a means of addressing significant impacts on existing infrastructure and services (Public Services and Facilities, Objective 1).
- Q. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective 1).
- R. Existing and future arterial roadways shall be targeted for operational studies to address access management and signalization (Transportation, Objective 12).
- S. 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, 2nd Goal).
- T. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, 2nd Goal, 3rd Objective).
- U. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, 3rd Goal, 5th Objective).

UNION TOWN PLAN

The text of the Union Town Plan (Relationship to the Boone County Comprehensive Plan, pg.2) states that it was:

- A. "Drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendations."

- B. "The 1995 *Boone County Comprehensive Plan* recommended that a detailed specific plan be prepared for the US 42 corridor area because of the anticipated impacts that major road improvements and future provision of sanitary sewer service will have in the Union area. Geographically, the Comprehensive Plan recognizes the importance of the Union area. It is near the center of Boone County, and contains developable land near existing urban and suburban development."

Directly applicable to the proposed zone change, this section (pp. 2-3) also states:

"The Land Use Element of the 1995 Comprehensive Plan recognizes that the area is distant from the interstates and is more of a developing residential area than large commercial districts, such as the Mall Road corridor in Florence. A large commercial district like Houston Road is not what the Union area would support, nor is that type of commercial district appropriate in a residential area away from interstate access. The commercial uses that will occur in the future in this area will serve surrounding development, and will not face the demand to be regional in scale like some areas in Florence. For this reason, the Comprehensive concentrated on reinforcing or rebuilding the existing Union business district, and allowing some smaller areas of commercial along the reconstructed US 42 to serve adjacent development. Between these commercial nodes, the development pattern along the new road was designed to utilize the existing rolling pastureland character of the corridor. A Rural Lands use classification was shown along the frontages of US 42 to provide an open appearance, so that residential development planned for the corridor was set back from the roadway. East of the road (existing alignment), some High Density Residential with Recreation land uses are recommended on the Future Land Use Map. The land use pattern is similar to the area that includes Triple Crown Subdivision in nearby Richwood area where attached and clustered housing in interspersed with recreation (golf course in that case) and open space.

The 2000 Union Town Plan shows a similar land use pattern in concept, where residential development is set back from US 42, but densities are higher than existing zoning or most surrounding areas. As the Comprehensive Plan recommends in several elements, high density development should occur adjacent to major arterial corridors such as US 42, with a transition of densities outward. The Union Town Plan accomplishes this objective also with the Town Center development area being centered around the intersection of new future arterial roadways, US 42 and Mt. Zion Road."

The Relationship to the Boone County Comprehensive Plan section (pg. 4) concludes with the following language:

"As described in the 1998 Union Town Plan, the study area contains a unique pastoral and small town character. The planning process indicated that this uniqueness can be incorporated into the future development of the City of Union and the surrounding area, and can result in a development district that is different than any other place in Boone County. In order to promote the Union Town Center area, a conscious effort has been made through the *Union Town Plan* to concentrate future commercial activity into a viable town center and to avoid typical strip-style commercial uses along the realigned US 42 arterial route. While concentrating the commercial activity into a town center, residential development is planned outside this town center. Generally, the *Union Town Plan* and these specific zoning regulations recommend residential development outside the town center in an effort to preserve the unique land use characteristics of the area and support the proposed commercial activity of the town center. Planned commercial uses are intended to be local and not regional in scale."

The 2000 Union Town Plan section (pg. 4) of the document includes the following text:

"The preferred land use plan presented is one that is based on the establishment of a formal Town Center, and contains incentives to developers and property owners to develop in a well designed manner that creates a distinct character for Union, and combats certain characteristic features of suburban sprawl.

This is an incentive-based plan that provides certain advantages in return for the developer addressing certain impacts of proposed development. This plan addresses the issue of sprawl by providing the following:

- compact town center that offers a mix of uses - possible to live and work in the same community
- planned street circulation pattern
- higher density than typical Florence/Union area development
- higher property values over time because of a sense of place and an "even playing field"
- free movement on most of most of US 42 because of managed access and less commercial turning movements
- better commercial services for future development along Hathaway Road and Mt. Zion Road having the commercial center around the big intersection"

The 2000 Union Town Plan Land Use Plan Map designations mirror those shown on the 2010 Boone County Comprehensive Plan's Future Land Use Map. The Union Town Land Use Map provides the following designations for the subject site:

Green Areas along the US 42 frontage. This designation is described as non-buildable, uncleared land (except for connector roads, pedestrian/bike paths and recreational buildings).

Single Family Detached along the east boundary. This designation is described as 2.2 dwelling units per acre, 4.0 dwelling units per acre with a neo-traditional design.

Town Homes in the south-central portion of the site. This designation is described as 6 dwelling units per acre - attached or detached housing - units cannot be located on top of each other.

Residential in the central portion of the site. This designation is described as 10 dwelling units per acre.

Office in the northern end of the site. This is the same part of the site that is in the UNO zone. The map indicates that the buildings must face US 42, parking lots must be located to the rear, and there is a 30' minimum setback line along the US 42 frontage.

PLANNED DEVELOPMENT STANDARDS

The application needs to be evaluated in terms of the Planned Development Standards that are found in Section 1514 of the Boone County Zoning Regulations because the property is proposed to be rezoned to Commercial Two/Planned Development (C-2/PD). A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachments).

STAFF COMMENTS

1. The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan and Union Town Plan, which was "drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendations" (pg. 2).

The Comprehensive Plan's Future Land Use Map designates the zone change site as Rural Lands (approximately 27% of the site), Suburban Residential (approximately 19%), High Suburban Density (approximately 7%), Urban Density Residential (approximately 23%), and Commercial (approximately 24%). The Union Town Plan Land Use Map mirrors the Future Land Use Map's basic land use concept by applying the Green Areas, Single-Family Detached, Town Homes, Residential (10 d.u./acre) and Office designations in basically parallel locations. The main difference between the Plan Maps is that the Union Town Land Use Plan Map is generally more definitive and includes some labels as to how development should occur (such as setbacks along US 42 and access notations) in addition to providing core land use direction. The Comprehensive Plan's Land Use Element text (Union Area, pp. 168-169) states that the "plan's (Union Town Plan) recommendations are shown on the 2035 Future Land Use Map."

Based on the various land use designations, both the Comprehensive Plan's Future Land Use Map and the Union Town Plan Land Use Plan Map designate about 76% of the site for a range of residential uses. While the Comprehensive Plan's Future Land Use Map designates the northern 24% of the site as "Commercial" (a broad category that includes retail and office uses in its definition), this site is further defined by the Union Town Land Use Plan Map which specifically identifies this area as "Office".

Both the Comprehensive Plan and Union Town Plan discuss the amount and type of commercial development that is appropriate in the corridor. First, the Land Use Element states that "mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union" (Pleasant Valley/Oakbrook, pg. 168).

The Land Use Element text discussed immediately above is echoed by the Business Activity Element, which states that "the land surrounding the U.S. 42 area, southwest of

Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial. The Union Town Center could be used as an example of planning efforts for other parts of the U.S. 42 corridor, as well as other corridors in Boone County. Ultimately, mixed use town centers should be developed at major crossroads throughout Boone County without commercial development along the roadways between the town centers. Street connectivity is critical in these types of corridors" (Recommended Areas of Commercial Activity, pp. 67-68).

The Business Activity Element also states that "commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas" (Recommended Areas of Commercial Activity, pp. 67-68).

The Union Town Plan speaks extensively about the issues identified above in a similar manner as the Comprehensive Plan, but with an emphasis on "concentrating the commercial activity into a town center" that is centered around the US 42/Mt. Zion Road intersection. Highlights from the Union Town Plan include:

- A. "The study area contains a unique pastoral and small town character. The planning process indicated that this uniqueness can be incorporated into the future development of the City of Union and the surrounding area, and can result in a development district that is different than any other place in Boone County. **In order to promote the Union Town Center area, a conscious effort has been made through the *Union Town Plan* to concentrate future commercial activity into a viable town center and to avoid typical strip-style commercial uses along the realigned US 42 arterial route. While concentrating the commercial activity into a town center, residential development is planned outside this town center.** Generally, the *Union Town Plan* and these specific zoning regulations recommend residential development outside the town center in an effort to preserve the unique land use characteristics of the area and support the proposed commercial activity of the town center. Planned commercial uses are intended to be local and not regional in scale."
- B. "The preferred land use plan presented is one that is based on the establishment of a formal Town Center, and contains incentives to developers and property owners to develop in a well designed manner that creates a distinct character for Union, and combats certain characteristic features of suburban sprawl" (pg 4).

Taken as a whole, the Comprehensive Plan and Union Town Plan speak to the issue of commercial development, or lack thereof, in this area from the perspectives of basic land use, character, compatibility, and traffic to a lesser extent. The governing bodies will also need to consider whether the current zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated by the comprehensive

plan that substantially alter the area's character.

2. Staff recommends that the following Planned Development (PD) Standards should be analyzed by Boone County Planning Commission and Union City Commission in more detail before acting on the request:

- A. **Mixed Use Orientation and Pedestrian Orientation:** This standard states that Planned Developments shall generally have a mixed use (combination of differing types of residential, commercial, and/or industrial uses) and a pedestrian orientation. The proposed development is mixed use in the fact that various commercial uses and office uses are proposed. In addition, one of the possible uses for the 4.73 outlot area is an elderly housing facility. Staff recommends that the Zone Change Committee should evaluate the list of principally permitted uses that were submitted for the outlots.

The development does have a pedestrian orientation because a sidewalk system connects US 42, the main development driveways, fuel center, and Kroger Marketplace together. The outlot design standards also indicate the outlot buildings could be setback as little as 10' from a public right-of-way line. Lastly, the project description states that the "development will cooperate with the Boone County Library to create a potential future pedestrian access from the outlot to the library should it be determined to be beneficial". Staff recommends that the Zone Change Committee should evaluate the following:

- Building orientation of the outlots.
- Outlot setback requirements.
- The sidewalk system in the 7.99 acre outlot area.
- Sidewalk connections between US 42 and the outlot buildings
- Sidewalk connections between outlot buildings
- A sidewalk connection to the library.

- B. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites.

Staff would like the applicant to address the potential commercial outlots (4.73 acre area) more specifically. The principally permitted uses that have been submitted for this area indicate that a wide range of uses could develop. Has any thought been given to the number of restaurants (freestanding or in multi-tenant buildings) that could develop or how many could have drive throughs?

The Kroger Marketplace/liquor store building could have impacts on adjoining properties in Union Village. The proposed Marketplace/liquor store building will be approximately 600' linear feet wide (excluding drive through canopy) if the building addition is constructed in the future and the truck docks are shown approximately 115' from the rear property line. A modified Buffer D (see PD Waiver section of the report) is proposed to screen the back of the building and parking lot from the properties. Staff recommends that the Zone Change Committee should evaluate this buffer in more detail.

The project narrative indicates that the parking lot light fixtures will be mounted at a height of 41.5'. Typical gas canopies are also highly illuminated. The applicant

did submit a photometric plan for the Kroger lot but the individual footcandle measurements are not legible. Staff recommends that Zone Change Committee should evaluate site lighting.

The applicant indicated the outlot buildings could be setback a minimum of 10' from a public right-of-way (US 42). However, no maximum front yard setback is defined. Staff would like the Zone Change Committee to analyze a maximum front yard setback (US 42) and a potential condition that would prohibit parking in the front yard. Such a condition would soften minimize the aesthetic impact of the development on US 42 and keep the outlots in spirit with the parking requirements of the Union Town Plan. Section 2540 of the Boone County Zoning Regulations (Design Requirements for UTC, UC, and UNO Zoning Districts) states that all parking shall be located in the side or rear of all buildings. Buildings along US 42 shall be considered to front on that road.

Staff is concerned about the location of the Kroger Fuel Center in the southern extreme of the site because it will leave the current property owner with a very irregularly shaped residual tract (approximately 15.85 acres) that is zoned RSE/UTO. Staff believes it will be very difficult to get a transitional use (multi-family, elderly housing facility, church, etc.) to develop on the residual tract and separate the development from Arbor Springs at Plantation Pointe. This concern is magnified by the fact that the applicant is proposing a Waiver to reduce the landscaping requirement along the southern property line from 80' to 10'. Staff would like the Zone Change Committee to analyze if the fueling center could be located in one of the outlot areas and if a Buffer Yard Waiver should be granted along the southern property line.

C. Open Space: This standard states that useable open space(s), in an amount over and above setback and buffer yard areas and open space areas required by the underlying zone shall be required. Staff does not see any such open space areas designated on the Concept Plan.

D. Landscaping: Substantial landscaping shall be provided in Planned Developments with emphasis given to street scape areas and buffer zones.

Staff recommends that the four landscaping Waivers that are being sought with the application should be analyzed by the Zone Change Committee.

E. Architecture: This standard states that a consistent architectural theme shall be provided be provided in a planned development. Staff has the following comments regarding architecture:

- The applicant's project description indicates that the Marketplace store will have parapet walls to screen rooftop equipment. The submitted elevation drawings show that rooftop equipment will be visible from all four sides.
- The submitted outlot design standards contain passages which address building materials, roof equipment, and waste and refuse. Staff is concerned that the building material standards could allow the outlot buildings to be constructed entirely of dryvit. In addition, the colors schemes and roofing materials would be determined solely by Kroger. Staff recommends that the outlots should follow the "materials" and "entrance"

architecture requirements that are listed in Section 2540 of the Boone County Zoning Regulations (Union Town Plan Design Requirements for UTC, UC, and UNO Zoning Districts) if the project is approved. These standards have been attached to the Staff Report for reference.

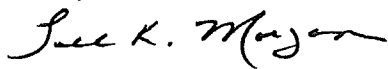
- F. Signage: This standard states that a consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Staff has the following comments regarding signage:
- The applicant is seeking sign waivers which would allow Kroger to have two freestanding signs and more building signage than is typically permitted in a C-2 zone (see PD Waiver section of the report). The Zone Change Committee should analyze if these Waivers are appropriate.
 - The applicant's project narrative indicates that all the outlots could have a monument sign that is 8' tall and 60 square feet in area and that the base of such signs would be constructed of stone. Staff recommends that amount of stone in the outlot signs should be defined to create a uniform theme.
 - Staff has attached the Union Town Plan Special Sign District Regulations to the Staff Report for comparison purposes. These sign regulations currently apply to the site.
- G. Transportation Connections and Entry Points: The standard 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.
3. A Traffic Study was submitted with the application and the whole report is part of the record. The Executive Summary and Conclusions and Recommendations from the Traffic Study has been submitted to the report.
 4. Staff sent the applicant an email on November 22, 2013 asking for clarifications regarding the application. TEC Engineering did send a reply on November 25, 2013 which addressed most of Staff's Traffic Study questions.
 5. Staff sent letters out to other agencies to see if they had any preliminary comments regarding the application. At the time the Staff Report was finalized, Union Fire Protection and Kentucky Transportation Cabinet were the only agency that responded. Union Fire had no comments and Kentucky Transportation Cabinet indicated they are still reviewing the Traffic Impact Study and will provide comments the week of December 9, 2013.
 6. Staff received four letters/emails in opposition to the request at the time the Staff Report was finalized. These letters and emails have been attached to the Staff Report.
 7. Staff would like Kroger to address their plans for their existing Union store. Will the property be sold if the Zone Change application is approved? Will any restrictions be put on the property which limit uses? Will improvements be made to the building so it doesn't look like a grocery store? What is the future economic viability of the retail center and the existing tenants?

8. For comparative purposes, Staff would like to note the Kroger Marketplace under construction on Mall Road will be 123,678 square feet in area when completed and contains similar building materials.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by the Boone County Planning Commission and Union City Commission in terms of Articles 3 and 15 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

Attachments

- *Site Vicinity Map
- *Project Description Submitted by Applicant
- *Outlot Design Standards Submitted by Applicant
- *Existing Conditions Plan
- *Preliminary Site Plan
- *Preliminary Kroger Plan
- *Preliminary Grading & Utility Plan
- *Landscape Plan
- *Photometric Plan
- *Light Fixture Specifications
- *Building Elevations for Kroger Marketplace
- *Building and Canopy Elevations for Kroger Fuel Center
- *Kroger Monument Signs
- *Executive Summary and Conclusions and Recommendations From Traffic Study
- *2013 Aerial Map
- *Zoning Map
- *2035 Future Land Use Map
- *Union Town Plan Land Use Map
- *Planned Development (PD) Standards
- *Design Requirements for UTC, UC, and UNO Zoning Districts
- *Union Town Plan Special Sign District Regulations
- *2008 Concept Plan for Midland Atlantic/Arlinghaus Zone Change Request
- *2008 Findings For Denial From Midland Atlantic/Arlinghaus Zone Change Request
- *Request for Agency Feedback
- *11/19/13 Email from Chief Michael Morgan, Union Fire Protection District
- *11/27/13 Email from Laura T. Mitchell, Kentucky Transportation Cabinet
- *11/22/13 Email to Applicant
- *11/25/13 Email From TEC Engineering Addressing Traffic Study Questions
- *Letters from Citizens
- *Application

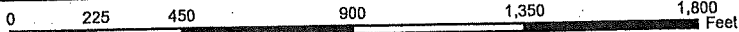
SITE VICINITY M^AP

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1 inch = 500 feet

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Map Plans for 2011/2012

Project Description

Kroger has obtained an option to purchase 35.25 acres of a 51.1 acre parcel from Arlinghaus I LLC, which is located on the east side of US 42 between Braxton Drive and Arbor Springs in the City of Union. The vacant property is currently zoned "UNO" and "RSE/UTO". A request is being made to rezone the 35.25 acres of property to "C-2/PD" which would allow for the development of the site featuring a Kroger Marketplace store.

Kroger currently operates an approximately 66,000 square foot store that opened in 1997 further north on US 42. That store is no longer able to provide the variety of merchandise and services that Union residents are requesting. Given the limited size of the site, Kroger is not able to expand the store and still provide adequate parking for customers. The proposed US 42 development would include a 135,976 square foot (gross floor area) Kroger Marketplace store with an additional 9,820 square feet of nonpublic space. The Marketplace store will allow Kroger to expand the variety of merchandise sold to meet the requests of their Union customers. The north end of the store would provide for three drive-thru lanes for the Kroger pharmacy and two drive-thru lanes for the bank. Seasonal merchandise would be attractively displayed in front of the store in the area designated on the site plan. An outdoor seating area would be provided for those wishing to consume their prepared food choices outdoors on a nice day. A 26,500+/- square foot store addition has been designated to the north of the building to provide for any future building area needs.

The development would also include an approximately 8,000 square foot Kroger liquor store, immediately adjacent to the south of the Marketplace store. Off the US 42 frontage and convenient to the store, Kroger is proposing a nine-pump island fuel center with a service kiosk. The entire Kroger development is serviced by 730 parking spaces and the required number of bike spaces. Lighting for the site will be provided by a series of energy efficient LED light fixtures which will be mounted at a height of 41.5'. All of the outlots proposed for the US 42 frontage will be accessed from the internal roadway network. The outlots will feature neighborhood-oriented uses identified as being desired in the Union area such as restaurants. The potential outlot uses and development standards for the outlots are outlined in the submitted Outlot Standards statement which assures quality and continuity throughout the development. The outlot area in the northeast corner of the development will be reserved for office-type uses for a minimum of two outlots or 12,000 square feet of building area. The development will cooperate with the Boone County Library to create a potential future pedestrian access from the outlot to the library should it be determined to be beneficial.

Vehicular access to the development will be from two points on US 42 already designated by KTC. One access point will align with the signalized intersection of Old Union Road while the second point aligns with Fowlers Lane. A Traffic Impact Analysis has been completed for the development which concludes that a traffic signal is warranted at the Fowlers Lane intersection. If approved by KTC, this signal would be installed as a part of the Kroger development, creating a safer and easier access point from Fowlers Lane to US 42. The two points of access into the development have been designed as boulevards with planted medians. Additionally, the site would include the extension of the white three-board horse fence along the US 42 frontage of the development.

Signage

Two freestanding signs are proposed for the development, one at each entrance. These signs would be located on stone bases within landscape beds. The northern sign would contain a total of 224 square feet of sign area at a height of 20'. The second sign would contain a total of 94.5 square feet at a height of 12'. Individual outlots would be permitted one ground mounted sign containing 60 square feet at 8' in height. These signs would also be located on stone bases in landscape beds. The proposed Kroger store and fuel center would include the following building signage:

Kroger Marketplace

West/Front Elevation:

"Kroger" @ Marketplace	73.13 SF
"Marketplace"	83.87 SF
"Kroger" @ Pharmacy	40.48 SF
"Pharmacy"	39.27 SF
"Bank"	30.00 SF
"Fred Meyer Jewelers"	68.00 SF
"Starbucks"	27.33 SF
"Rx Drive-Thru"	57.75 SF
"Little Clinic"	49.68 SF
"Drive Thru Enter Only" 1.16 SF x 5 =	5.80 SF
"Drive Thru Exit Only" 3.83 SF x 5 =	19.15 SF
"Clearance"	8.00 SF

Kroger Fuel Center

Canopy

South Canopy Elevation:

"Kroger" Oval	21.75 SF
"Logo"	10.50 SF
"Kroger"	7.72 SF
"Fuel Pricing"	45.50 SF

North Canopy Elevation:

"Kroger" Oval	21.75 SF
"Logo"	10.50 SF
"Kroger"	7.72 SF
"Fuel Pricing"	45.50 SF

West Canopy Elevation:

"Kroger" Oval	21.75 SF
"Logo"	10.50 SF

East Canopy Elevation:

"Kroger" Oval	21.75 SF
"Logo"	10.50 SF

Kiosk

South Elevation: "Logo" 10.50 SF
 North Elevation: "Logo" 10.50 SF

Additionally, the Kroger liquor store would have wall signage as permitted by the Zoning Resolution.

Landscaping

A landscape plan has been prepared that creates a neighborhood development featuring native plant material. With the exception of a few areas, the landscaping and buffering standards of the Zoning Resolution are met. Waivers from the standards of Article 36 are being requested as follows:

A. South Property Boundary:

The south boundary of the site is adjacent to "RSE/UTO" zoning districts which would require a Bufferyard "D" with a width of 80'. The 1,667 lineal feet of property line would require the planting of 334 evergreen trees, 184 large trees and 667 shrubs. We are requesting a waiver from these requirements to plant 45 trees from Plant List B and 336 shrubs from Plant List E, in a 10' wide buffer.

The property to the south is owned by the seller of the subject property. The waiver is requested as the plant material proposed provides a bufferyard acceptable to the property owner of the vacant land and will adequately screen the development from future development to the south.

B. East Property Boundary:

The eastern border of the site is adjacent to "SR-1/CD" zoning district which would require a bufferyard "D". A minimum width of 80' is required and an average width along the eastern property line of 8' is provided. (The buffer is 85' in width for 693' and 75' in width for 245'.) A total of 188 evergreen trees, 104 large trees, and 376 shrubs are required. Given the specifics of this site, Kroger believes the installation of a 6' privacy fence along with 94 evergreen trees and 27 large trees provides a more effective buffer.

A waiver is requested from the required plantings due to the elevation relationship of the existing residences and the proposed Kroger building. The installation of the 6' vinyl privacy fence at the top of the slope coupled with maintaining designated quality understory shrubs and vegetation along the property line and planting of evergreen and shade trees will provide more effective screening than could be achieved by installing only plant material.

C. Eastern Boundary of Outlots/Western Kroger Boundary:

A 20' shared bufferyard is provided for these two areas which has a length of 796'. A

total of 24 medium trees and 239 shrubs are required to be planted in this area. A total of 23 medium trees and 120 shrubs are being provided in this area. A waiver from the requirements is being requested to accommodate the future development of the outlots and the inclusion of a sidewalk through the area.

D. Kroger Vehicle Use Area:

The Kroger Vehicle Use Area (VUA) contains approximately 20,650 square feet. There are two standards in the Zoning Code for planting in a VUA:

Section 3625: 1 Tree per 162 SF

Figure 36.2: 1 Tree per 200 SF

Using the requirements of Figure 36.2, a total of 104 trees would be required to be planted in the VUA. A total of 54 trees are proposed to be planted in the VUA. A waiver is being requested to reduce the number of trees required within the parking area to accommodate the number of parking spaces needed for the development and the location of the LED light standards.

Building Design

The proposed Marketplace store and fuel center have been uniquely designed to represent the Union community. The following design elements and finishes have been incorporated into the Kroger design to reflect the neighborhood character:

1. The Kroger building has been finished with the same material on all four elevations and design elements have been continued on portions of both the north and south side elevations such as the pilasters on the north elevation.
2. The Kroger building has incorporated parapet walls on both the side and rear elevations to provide screening of rooftop mounted equipment. The height of the rear parapet wall has been increased to 6'8".
3. The front elevation of the building incorporates a mansard roof with dormers over the canopy to connect the gables.
4. The gables over the store entryways have been redesigned to be more consistent with the design elements of other buildings in Union.
5. The extended roofline and peak feature has been added over the liquor store entrance.
6. Three (3) Cupola design elements have been incorporated into the building design to replicate the design theme used elsewhere in the community.
7. The canopy over the drive-thru area has a sloped roof.

8. The Kroger fuel center has incorporated the following features to replicate the character of the area and create a consistent design within the development:
 - a. The canopy columns will be brick.
 - b. The kiosk building will be brick.
 - c. The roof over the fueling area will be a mansard style roof.
 - d. The fuel canopy roof will feature a cupola design element.

Summary

In summary, careful consideration has been given to the design of the Kroger development and establishing complementary guidelines for the outlot building designs. The proposed building design, materials, elements, and special features are reflective of the Union community.

The site is located within the Union Town Plan which was adopted in 2000. The Plan designates this site for office uses in the northern portion and a mixture of multi-family dwellings at various densities with additional single family residences. The Plan also designates the area surrounding the intersection of US 42 and Mt. Zion Road to be the Town Center of Union. With smaller scale 2-story buildings, parking to the rear, and a mixture of local businesses and services, the pedestrian-oriented Town Center will one day be the heart of Union. Union does, however, in addition to the Town Center, need a local grocery store within the City to provide the goods and services requested by the residents of the community.

The Business Activity Element of the Comprehensive Plan states that “the US 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses.” This proposal, in combination with the adjoining public library and residential developments, creates this mixture of uses. This section also states that “commercial developments along KY 18 and US 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area.” The proposed development will serve residents within a 10-minute drive of the site, making it a local destination versus one serving regional needs. The Union Town Plan states “the commercial uses that will occur in the future in this area will serve the surrounding development, and will not face the demand to be regional in scale like some areas in Florence.” The proposed development will be a local versus regional draw. It is not located in proximity to I-75, which has been the norm for regionally-oriented retail uses.

This section of the Business Activity Element continues by stating that “commercial developments that occur in the KY 18 and US 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly.” The proposed development uses the Planned Development overlay zone and is designed as a stand-alone development which will be extensively buffered from adjoining residential areas. The development uses design elements to relate the project to the area at large, including a common architectural theme, street trees, board fencing along US 42.

We believe that it is not a question of either the Town Center development OR a new Kroger development but rather the Town Center development AND a new Kroger development. This portion of the City is the only area large enough to accommodate an expanded Kroger store. The proposed Kroger development can be a potential catalyst for bringing about the initiation of the vision of the Town Center at US 42 and Mt. Zion Road. We believe that there is a need and a place in Union for both these projects.

Kroger Marketplace Development

UNION, KY

Outlot Design Standards

- 1.) **Use Restrictions.** Uses to be developed on the outlot properties shall be consistent with the approved list of permitted uses attached as Exhibit "A". The outlot area in the northeast corner of the development will be reserved for office type uses on a minimum of two outlots or 12,000 square feet of building area. No noxious or offensive activity shall be conducted on the property nor shall anything be done thereon which may become or create an annoyance or nuisance (by reason of unsightliness or the excessive emission of odors, dust, fumes, smoke or noise) to the owners of adjacent properties.
- 2.) **Building Materials.** The building materials for the exterior walls of all structures located on the property shall consist only of the following materials, or any combination of such materials: stone, brick, dryvit, hardboard, glass or painted or tinted concrete block. All elevations fronting on a public right-of-way or private drive shall have a similar level of finish. All structures shall be complementary to the color scheme selected by the developer and shall be designed and constructed to complement the design of the main buildings. Roofing materials used for all structures shall be architecturally compatible in terms of materials and colors as determined by Kroger. Buildings shall be constructed consistent with the Concept Development Plan as approved by the City of Union.
- 3.) **Roof Equipment.** Roof mounted mechanical equipment on all buildings shall be effectively screened from public rights-of-way and from all adjoining residential properties.
- 4.) **Parking & Landscaping.** All parking areas and drives and pedestrian walkways shall be paved with an impervious surface such as asphalt, concrete or interlocking pavers. All landscaping shall conform to the overall landscaping plan approved for the development by the City on Union with exceptions as approved on the Concept Development Plan. Landscaped and parking areas shall be properly maintained thereafter by the owner in a well-kept condition. Employee, owner or tenant parking will not be permitted on private or public dedicated streets and each property owner shall be responsible to provide such parking facilities on their own property. Parking shall be provided consistent with Article 33 or as approved by the City of Union.
- 5.) **Waste & Refuse.** No waste material or refuse shall be dumped upon or permitted to remain on any part of the property. No waste containers may be placed in the area between the front wall or walls of a structure and any public right-of-way. Waste containers shall be effectively screened from view from public rights-of-way and adjoining properties with enclosures as approved by the City of Union. Screening structures shall be constructed with materials to match the principal building on the lot.

- 6.) **Off-Street Loading.** Maneuvering of trucks and trailers are to be confined insofar as possible to the premises of each establishment. It is preferred that loading docks be located in the rear or the sides of buildings. Loading areas shall be effectively screened from view from public rights-of-way and adjoining properties. Off-street loading shall be constructed in accordance with Article 33 or as approved on the Concept Development Plan.
- 7.) **Outside Sales and Storage.** Outdoor storage shall be permitted only where such storage is screened from public rights-of-way and adjoining properties. Temporary seasonal sales of materials stored outdoors shall not constitute outside storage. Outdoor storage and outdoor sales visible from a public right-of-way shall be limited to designated areas as approved on the Concept Development Plan, Final Site Plan, or permitted as of right.
- 8.) **Signs.** Project signage shall conform to the sign standards approved by the City of Union as a part of the Concept Development Plan application. Each outlot shall be permitted one ground mounted sign with a maximum of 60 square feet of sign area at a maximum height of 8 feet. The bases of ground mounted signs shall be constructed of stone. All signs shall be located in a landscape bed equal in size to the area of the sign. All building signage for the outlots will comply with the provisions of Article 34.
- 9.) **Maintenance.** The owner or lessees of any portion of the property must at all times keep the premises, structures, all other improvements and appurtenances thereon in a safe, clean, and well-manicured condition and comply in all respects with all governmental health and police requirements and will contain and remove at their own expense any trash or rubbish of any character whatsoever which may accumulate on said lots. Grass shall be cut on all lots by the owner or lessee of such lots.
- 10.) **Outparcel Setback Requirements.** All buildings and vehicular parking areas are located on the outparcels shall be set back a minimum of 10 feet from a public right-of-way. A minimum 5 foot setback shall be provided from outlot side internal property lines.
- 11.) **Outparcel Lot Density.** Building coverage on the outparcels shall not exceed 15,000 square feet per acre.
- 12.) **Lighting.** Illumination shall be provided for the development consistent with the requirements of the Boone County Zoning Resolution or as approved by the City of Union as a part of the Concept Development Plan.
- 13.) **Fencing on US 42.** A white three board horse style fence will be constructed along the frontage of US 42 as part of the initial phase of development.
- 14.) **Development Plan Consistency.** All outparcels shall be developed in a manner consistent with the Concept Development Plan as approved by the City of Union.

Kroger Marketplace Development

Union, Kentucky

Exhibit "A"

Principal Permitted Uses for Outlots:

The following uses are permitted:

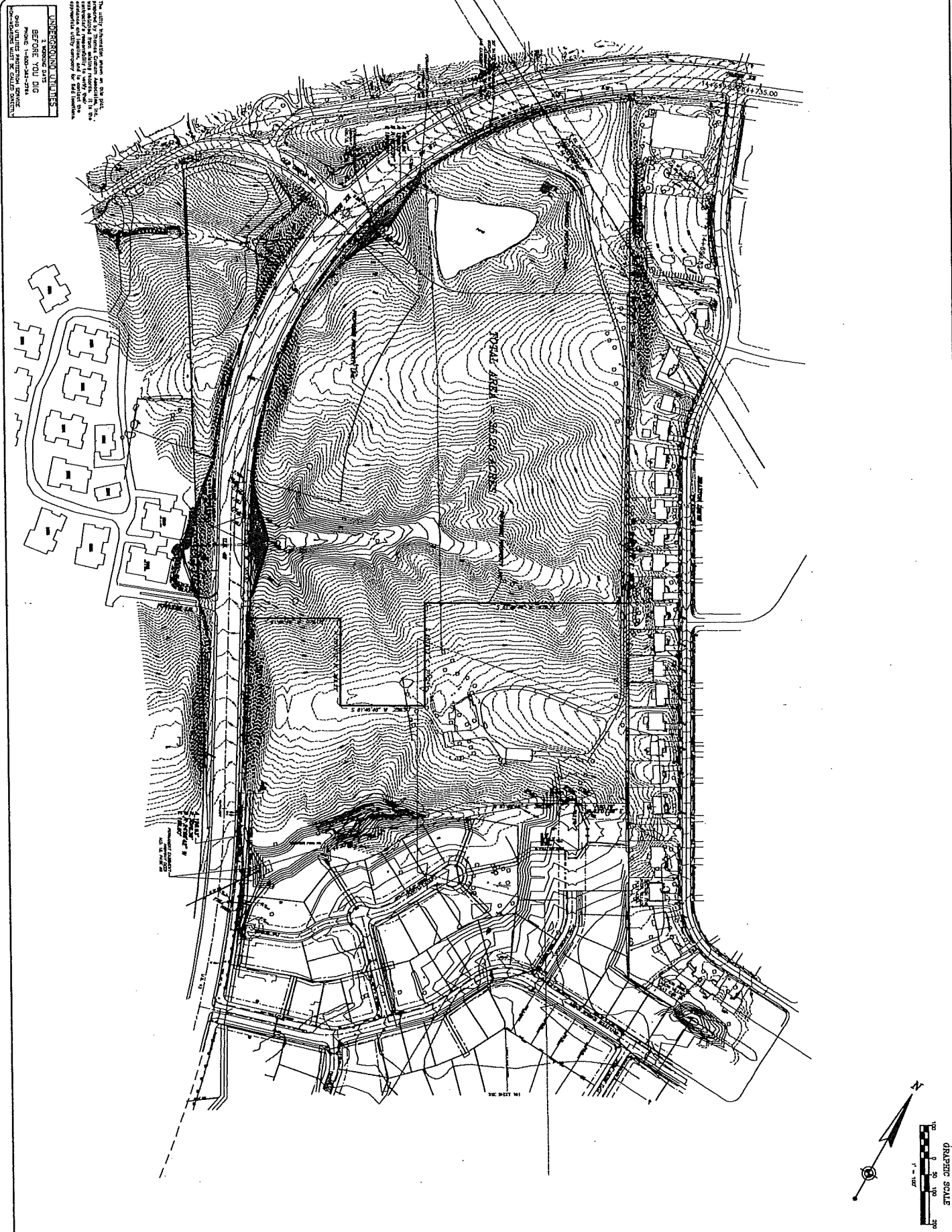
1. Business and personal credit services, holding services and title abstracting services;
2. Security brokers, investment services, insurance agents, brokers and services, and finance companies;
3. Photographic services;
4. Direct mailing and advertising services, including direct mail;
5. Business and management consulting services and associations;
6. Physician, optical and dental services including medical, optical, and dental laboratories and clinics;
7. Legal, engineering, architectural, education and professional services;
8. Accounting, auditing and bookkeeping services;
9. Hardware stores;
10. Eating and drinking establishments including alcoholic beverages;
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, pharmacy, 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;
20. Beauty and barber services and tanning saloons;
21. Laundering, dry cleaning and dyeing services;
22. Alteration and garment repair and custom tailoring;
23. Shoe sales and repair, shoe shining and hat cleaning services;
24. Jewelry stores;
25. Household electronic sales;
26. Art, craft and hobby supplies and products, gifts and novelties;
27. Antiques and used merchandise;
28. Books, stationery, newspapers, greeting cards, magazines, and related media;
29. Florists excluding greenhouses;
30. Sporting goods including bicycles;
31. Draperies, curtains, upholstery and floor coverings;
32. Day care centers;
33. Paint, glass and wallpaper stores;

34. Photo finishing services;
35. Video stores;
36. Department stores, mail order houses, direct retail selling organizations of general merchandise;
37. Furniture, home furnishings, including specialty and floor coverings;
38. Apparel stores;
39. China, glassware and metal ware;
40. Radio, t.v., watch, clock and jewelry repair;
41. Photographic, stenographic and other duplicating and mailing services;
42. Travel arranging, transportation ticket and public event or promotional booking agencies;
43. Art and craft galleries and similar exhibit space;
44. Aquariums, botanical gardens and other natural exhibitions;
45. Recreation centers, gymnasiums, clubs and similar athletic uses and recreational facilities;
46. Auto parts and accessories stores including installation provided that no overhead doors face US 42;
47. Computers and related merchandise;
48. Pet stores excluding kennels;
49. Health spas;
50. Toy and game stores;
51. Telephone supply and service;
52. Employment services;
53. Consumer and mercantile credit reporting, adjustment, and collection services;
54. Medical clinics, outpatient services;
55. Art, music, and dancing schools;
56. Household electronics sales;
57. Charitable services;
58. Arcades and other similar indoor recreational uses; and
59. Elderly housing facilities.

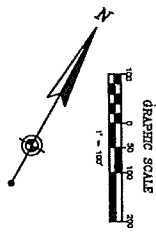
Accessory Uses:

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-through facilities operated in conjunction with a permitted use and which are conducted in accordance with Section 3155;
6. Automatic teller services; and
7. Seasonal outdoor sales as approved on Concept Development Plan.



THE CLIENT REPRESENTS THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE CLIENT REPRESENTS THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE CLIENT REPRESENTS THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.



EXISTING CONDITIONS PLAN

UNION, KENTUCKY
BOONE COUNTY

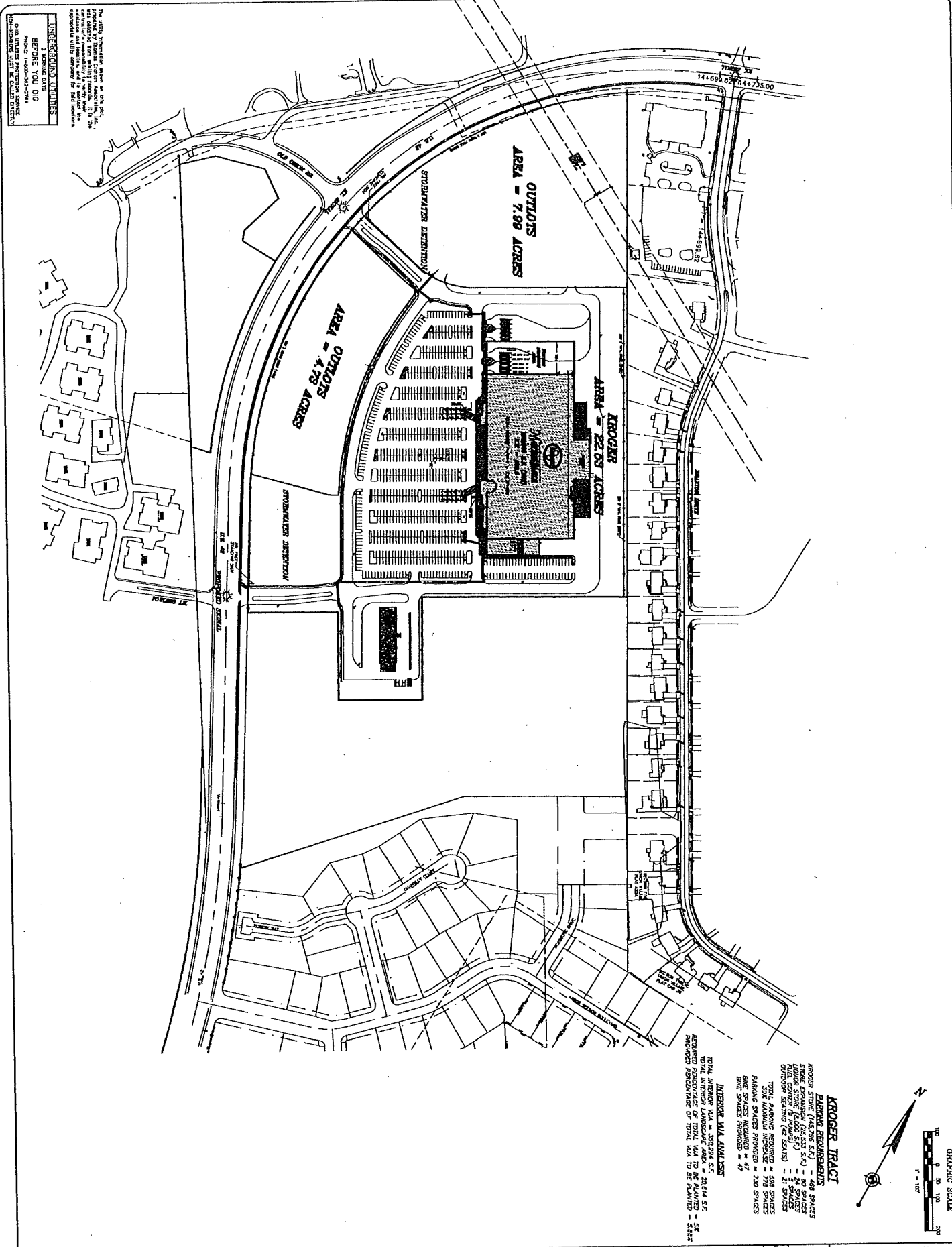
lga
TRIGG
GEORGE
ASSOCIATES, INC.
 * Engineers
 * Surveyors
 403 Courten Road
 519-551-0100
 Fax # 519-551-0200

DATE: NOV. 4, 2013
 SHEET: 1" = 100'
 SHEET NO.: 222
 SHEET TITLE: [Blank]

NO. [Blank]
 DATE [Blank]

PROJECT: 454
 DRAWN BY: J.L. [Blank]
 CHECKED BY: [Blank]
 DATE: [Blank]
 JOB NO. 7237-13



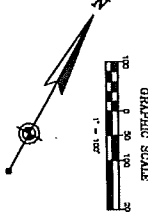


UNDESIGNED LINES
 2 WORKING DAYS
 BEFORE YOU DIG
 CALL UTILITY AGENCIES FIRST
 TO IDENTIFY ALL UTILITIES TO BE AVOIDED

The utility boundaries shown on this plan are based on records on file with the appropriate utility companies. The engineer's responsibility is to verify the location and depth of all utilities shown on this plan. The engineer is not responsible for field verification of utility boundaries.

KROGER JIRACT
 PLANNING REQUIREMENTS
 STORE (145,296 S.F.) - 468 SPACES
 STORE EXPANSION (26,433 S.F.) - 80 SPACES
 LOBBY (1,000 S.F.) - 3 SPACES
 OUTDOOR SEATING (2,500 S.F.) - 21 SPACES
 TOTAL PARKING REQUIRED - 572 SPACES
 30% MAXIMUM REQUIRED - 172 SPACES
 PARKING SPACES PROVIDED - 47
 DRIVE SPACES PROVIDED - 47

INTERVA VIA ANALYSIS
 TOTAL INTERVA VIA - 3,820 S.F. - 20,614 S.F.
 REQUIRED PERCENTAGE OF TOTAL VIA TO BE PLANNED - 3%
 PROVIDED PERCENTAGE OF TOTAL VIA TO BE PLANNED - 5.0%



PRELIMINARY SITE PLAN

UNION KENTUCKY
 BOONE COUNTY

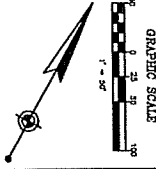
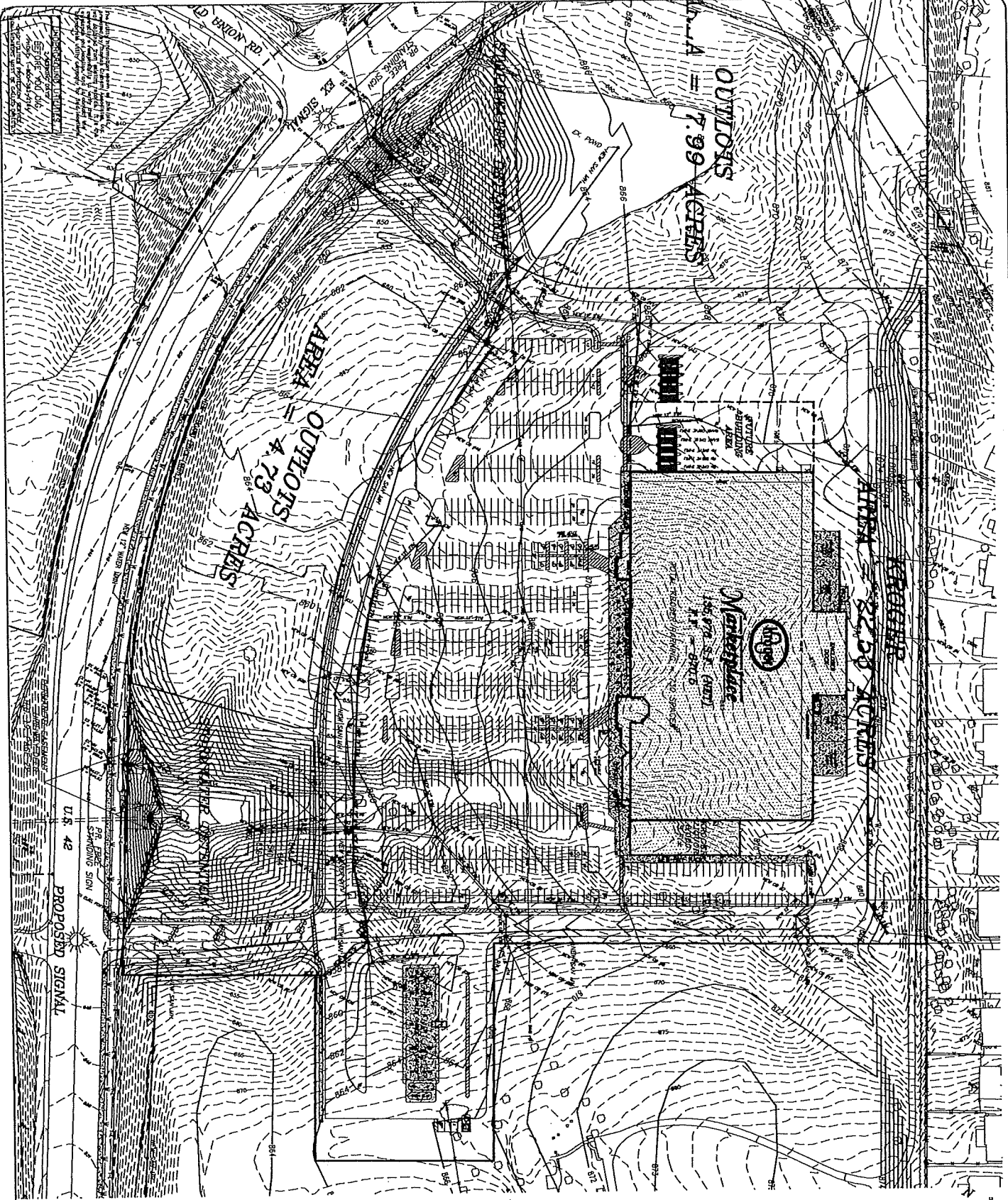
lga
 LINDA G. ANDERSON
 ARCHITECT ASSOCIATES, INC.
 • DESIGN
 803 S. Spring - 4th
 Columbus, Ohio 43206
 614-291-0700
 Fax: 614-291-0600

Date	Nov. 4, 2013
Scale	1" = 100'
Job No.	1202
Revision	
No.	Date



PROJECT NO. 454

ACAD PLOTTING: 2237_454_ADL_STUDY1.0.DWG
 Job No. 2237-13



PRELIMINARY KROGER PLAN

UNION KENTUCKY
BOONE COUNTY

DATE: NOV. 4, 2013
 SCALE: 1" = 50'
 JOB NO.: 2237
 REVISIONS:

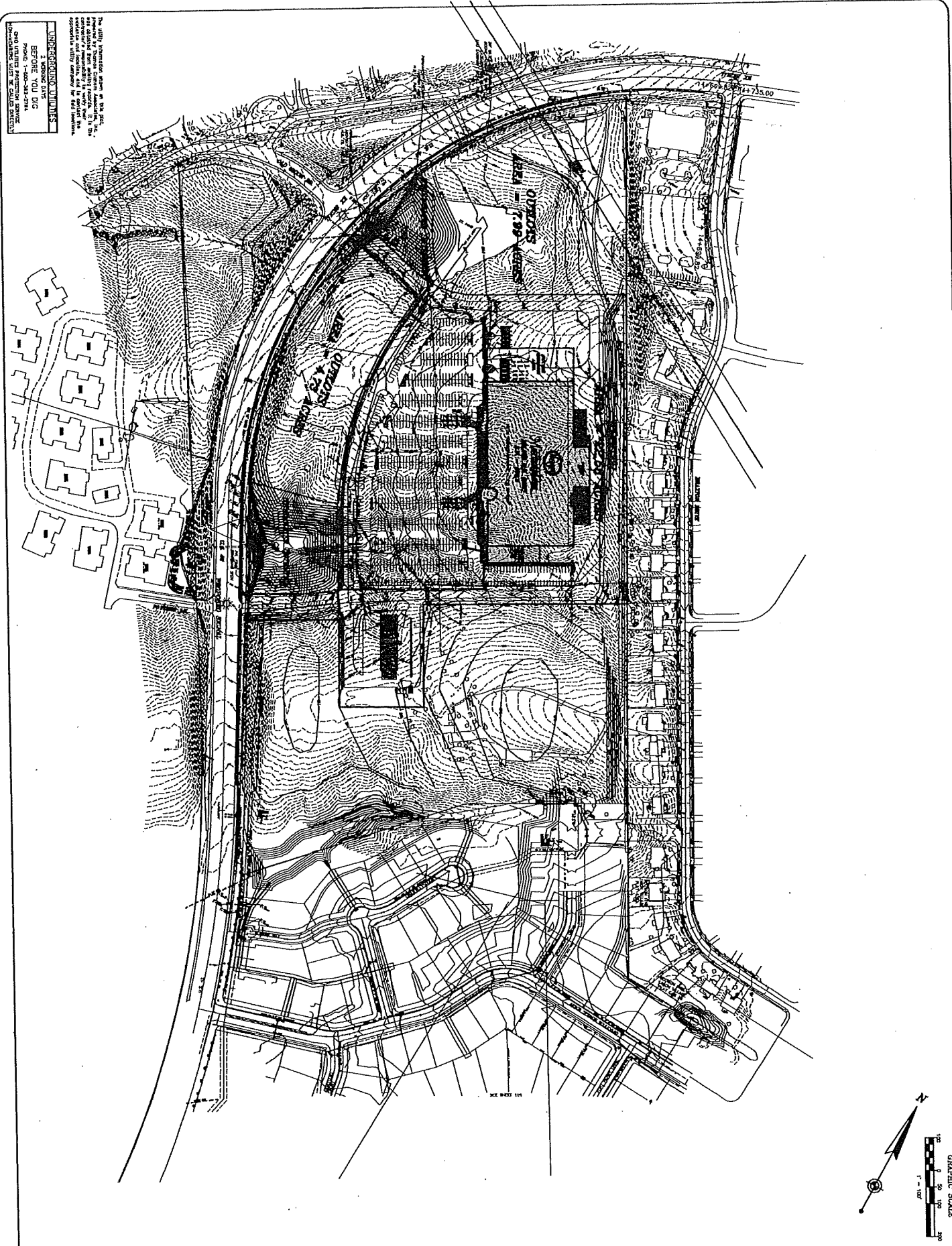
THOMAS
STOKES
ASSOCIATES, INC.
 Engineers

200 South Dixie Road
 Lexington, KY 40503
 Tel: 781-458-4500

PROJECT: 454
 DRAWN BY: S.L. HENDRICKS
 DATE: 11/04/13

ACAD FILE NO. 2237-13

ACAD FILE NO. 2237-454_ADU_STUDY13.0WG



THE CITY ENGINEER, BOONE COUNTY, MO., HAS REVIEWED THIS PLAN AND HAS APPROVED IT AS ACCORDING TO THE REQUIREMENTS OF THE CITY ENGINEER, BOONE COUNTY, MO., AND THE CITY ENGINEER, BOONE COUNTY, MO., HAS APPROVED IT AS ACCORDING TO THE REQUIREMENTS OF THE CITY ENGINEER, BOONE COUNTY, MO.

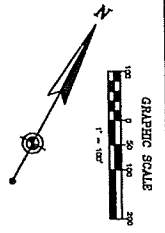
PREPARED BY: **TRIGGS**
 ENGINEERS
 303 Campbell Road
 Richmond, Mo. 64171
 Phone 816-251-2430

DATE: NOV. 4, 2015
 SCALE: 1" = 100'
 SHEET NO.: 2217
 PROJECT NO.: 2217

PREPARED BY: **TRIGGS**
 ENGINEERS
 303 Campbell Road
 Richmond, Mo. 64171
 Phone 816-251-2430

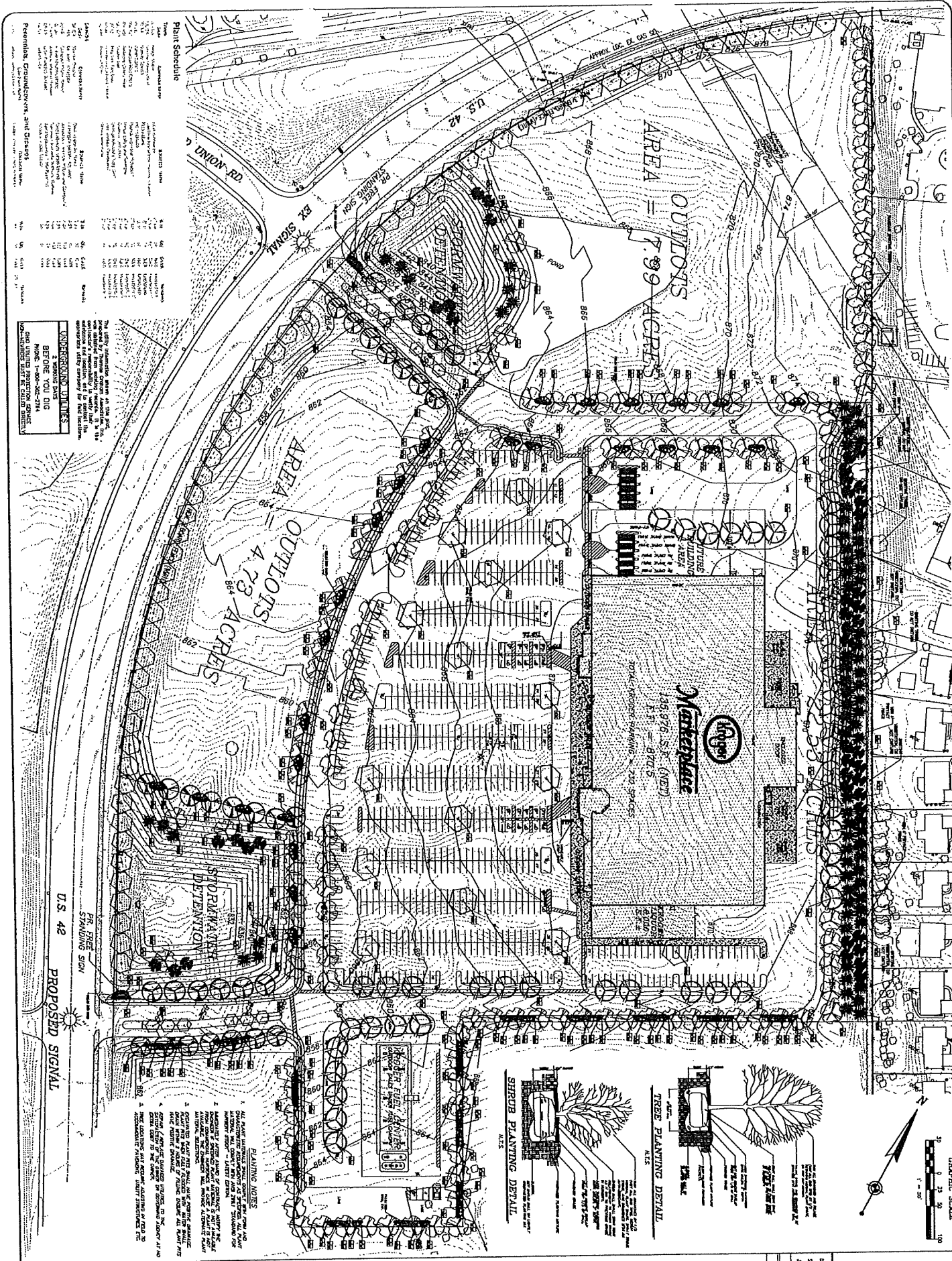
PRELIMINARY GRADING & UTILITY PLAN

UNION KENTUCKY
 BOONE COUNTY



TRIGGS
 ENGINEERS
 303 Campbell Road
 Richmond, Mo. 64171
 Phone 816-251-2430



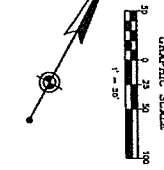


Plant Schedule

Symbol	Plant Name	Quantity	Notes
1	Aspen	10	10' x 10' spacing
2	Boxelder	20	10' x 10' spacing
3	Crabapple	15	10' x 10' spacing
4	Flowering Dogwood	10	10' x 10' spacing
5	Hamamelis	5	10' x 10' spacing
6	Hawthorn	10	10' x 10' spacing
7	Japanese Maple	5	10' x 10' spacing
8	Redbud	5	10' x 10' spacing
9	Serviceberry	10	10' x 10' spacing
10	Spirea	10	10' x 10' spacing
11	Yucca	10	10' x 10' spacing

PLANTING NOTES

1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CINCINNATI PLANTING SPECIFICATIONS AND THE CITY OF BOONE COUNTY PLANTING SPECIFICATIONS.
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CINCINNATI PLANTING SPECIFICATIONS AND THE CITY OF BOONE COUNTY PLANTING SPECIFICATIONS.
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CINCINNATI PLANTING SPECIFICATIONS AND THE CITY OF BOONE COUNTY PLANTING SPECIFICATIONS.
4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CINCINNATI PLANTING SPECIFICATIONS AND THE CITY OF BOONE COUNTY PLANTING SPECIFICATIONS.
5. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CINCINNATI PLANTING SPECIFICATIONS AND THE CITY OF BOONE COUNTY PLANTING SPECIFICATIONS.



LANDSCAPE PLAN

UNION KENTUCKY
BOONE COUNTY

JACOBS
1800 MAYCROSS ROAD
CINCINNATI, OHIO 45240
PH 513-596-7500
FAX 513-596-7000
WWW.JACOBS.COM

DATE: 08/05/11
SCALE: 1" = 50'
JOB NO.: 2232

PROJECT: 454
DRAWN BY: J. ROBERT
SHEET: 11

DESCRIPTION

The Galleon™ LED luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high-efficiency AccuLED Optics™ system provides uniform and energy conscious illumination to walkways, parking lots, roadways, building areas and security lighting applications. IP66 rated and UL/cUL Listed for wet locations.

Catalog #		Type	
Project			
Comments		Date	
Prepared by			

SPECIFICATION FEATURES

Construction

Extruded aluminum driver enclosure thermally isolated from Light Squares for optimal thermal performance. Heavy-wall, die-cast aluminum end caps enclose housing and die-cast aluminum heat sinks. A unique, patent pending interlocking housing and heat sink provides scalability with superior structural rigidity. 3G vibration tested. Optional tool-less hardware available for ease of entry into electrical chamber. Housing is IP66 rated.

Optics

Choice of 12 patented, high-efficiency AccuLED Optics™ manufactured from injection molded acrylic. Optics are precisely designed to shape the distribution maximizing efficiency and application spacing. AccuLED Optics create consistent distributions with the scalability to meet customized application requirements. Offered standard in 4000K (+/- 275K) CCT and nominal

70 CRI. Optional 6000K CCT and 3000K CCT (80 CRI).

Electrical

LED drivers are mounted to removable tray assembly for ease of maintenance. 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz operation. Shipped standard with Cooper Lighting proprietary circuit module designed to withstand 10kV of transient line surge. The Galleon LED luminaire is suitable for operation in -40°C to 40°C ambient environments. For applications with ambient temperatures exceeding 40°C, specify the HA (High Ambient) option. Light Squares are IP66 rated. 90% lumen maintenance expected at 60,000 hours.

Mounting

Extruded aluminum arm includes internal bolt guides allowing for easy positioning of fixture during assembly. Designed for pole or wall mounting. When mounting two or more luminaires at 90°

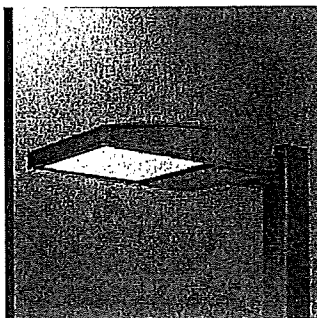
or 120° apart, specify the EA extended arm option. For wall mounting, specify wall mount bracket option. 3G vibration rated.

Finish

Housing finished in Super durable TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Heat sink is powder coated black. Standard colors include black, bronze, grey, white, dark platinum and graphite metallic. RAL and custom color matches available. Consult the McGraw-Edison Architectural Colors brochure for the complete selection.

Warranty

Five-year warranty.



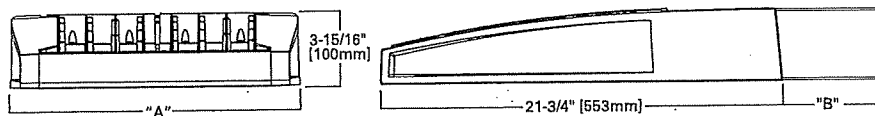
GLEON GALLEON LED

2-10 Light Squares
Solid State LED

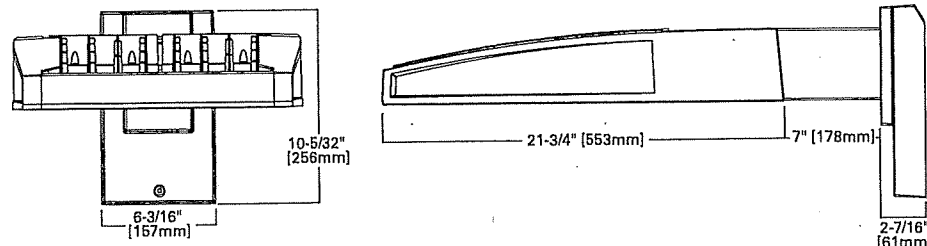
AREA/SITE LUMINAIRE

DIMENSIONS

POLE MOUNT



WALL MOUNT



DIMENSION DATA

Number of Light Squares	"A" Width	"B" Standard Arm Length	"B" Optional Arm Length ¹	Weight with Arm (lbs.)	EPA with Arm ² (Sq. Ft.)
2-4	15-1/2" (394mm)	7" (178mm)	10" (254mm)	33 (15.0 kgs.)	0.96
5-6	21-5/8" (549mm)	7" (178mm)	10" (254mm)	44 (20.0 kgs.)	1.00
7-8	27-5/8" (702mm)	7" (178mm)	13" (330mm)	54 (24.5 kgs.)	1.07
9-10	33-3/4" (857mm)	7" (178mm)	16" (406mm)	63 (28.6 kgs.)	1.12

NOTES: 1. Optional arm length to be used when mounting two fixtures at 90° on a single pole. 2. EPA calculated with optional arm length.

DESIGNLIGHTS
CONSORTIUM

CERTIFICATION DATA

UL/cUL Wet Location Listed
ISO 9001
LM79 / LM80 Compliant
3G Vibration Rated
ARRA Compliant
DesignLights™ Consortium Qualified*
IP66 Rated

ENERGY DATA

Electronic LED Driver
>0.9 Power Factor
<20% Total Harmonic Distortion
120V-277V 50/60Hz
347V & 480V 60Hz
-40°C Min. Temperature
40°C Max. Temperature
50°C Max. Temperature (HA Option)

POWER AND LUMENS BY LIGHT SQUARE COUNT

Number of Light Squares	2	3	4	5	6	7	8	9	10	
Power (Wattage)	103	154	206	257	309	360	412	463	515	
Current @ 120V (A)	0.86	1.29	1.72	2.15	2.58	3.01	3.44	3.87	4.30	
Current @ 277V (A)	0.38	0.57	0.76	0.95	1.14	1.33	1.52	1.71	1.90	
Optics										
T2	Lumens	8,372	12,245	16,131	19,993	23,493	27,458	31,329	35,095	38,720
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B4-U0-G4	B4-U0-G4	B4-U0-G4	B4-U0-G4
T3	Lumens	8,340	12,198	16,069	19,916	23,403	27,353	31,209	34,961	38,572
	BUG Rating	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B4-U0-G4	B4-U0-G4	B4-U0-G4	B4-U0-G4	B4-U0-G5
T4	Lumens	7,995	11,694	15,405	19,093	22,436	26,222	29,919	33,516	36,978
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
SL2	Lumens	8,201	11,996	15,803	19,586	23,015	26,899	30,692	34,382	37,933
	BUG Rating	B2-U0-G2	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4
SL3	Lumens	8,101	11,849	15,609	19,345	22,732	26,569	30,314	33,959	37,467
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5
SL4	Lumens	8,237	12,048	15,871	19,671	23,115	27,016	30,824	34,530	38,097
	BUG Rating	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5
5MQ	Lumens	8,797	12,867	16,951	21,009	24,687	28,853	32,921	36,879	40,688
	BUG Rating	B3-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
5WQ	Lumens	8,745	12,791	16,850	20,884	24,540	28,681	32,725	36,659	40,446
	BUG Rating	B3-U0-G2	B4-U0-G2	B4-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G4
5XQ	Lumens	8,531	12,478	16,437	20,373	23,940	27,979	31,924	35,762	39,456
	BUG Rating	B3-U0-G3	B4-U0-G3	B4-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5
RW	Lumens	8,359	12,226	16,106	19,962	23,457	27,415	31,280	35,041	38,660
	BUG Rating	B3-U0-G3	B3-U0-G3	B3-U0-G3	B4-U0-G4	B4-U0-G4	B4-U0-G4	B4-U0-G4	B5-U0-G5	B5-U0-G5
SLL/ SLR	Lumens	7,835	11,459	15,096	18,710	21,986	25,696	29,319	32,844	36,236
	BUG Rating	B1-U0-G3	B2-U0-G4	B2-U0-G5	B2-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5

LUMEN MULTIPLIER

Ambient Temperature	Lumen Multiplier
10°C	1.04
15°C	1.03
25°C	1.00
40°C	0.96
50°C	0.92

LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (60,000 Hours)	Theoretical L70 (Hours)
25°C	> 94%	> 350,000
40°C	> 93%	> 250,000
50°C	> 90%	> 170,000

LIGHT SQUARE OPERATION WITH 2L BI-LEVEL SWITCHING

Number of Light Squares	Circuit 1	Circuit 2
2	1	1
3	2	1
4	2	2
5 (120-277V only)	3	2
6 (120-277V only)	3	3
7	4	3
8	4	4
9	5	4
10 (120-277V)	5	5
10 (347-480V)	6	4

NOTE: Specifications and dimensions subject to change without notice.

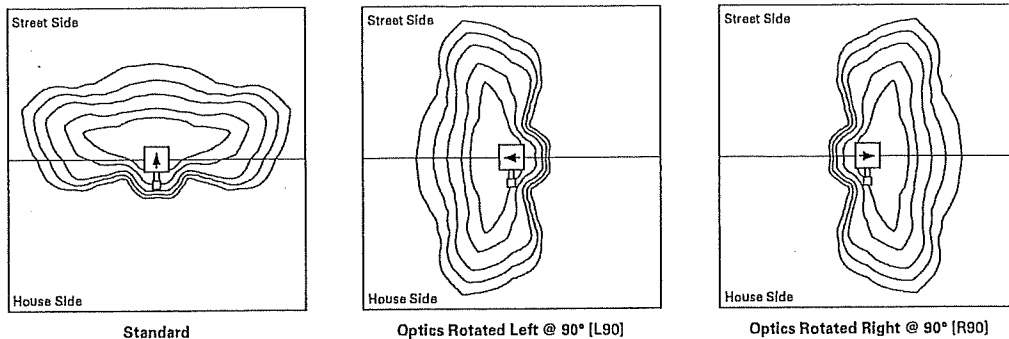
Visit our web site at www.cooperlighting.com

Customer First Center 1121 Highway 74 South Peachtree City, GA 30269 770.486.4800 FAX 770.486.4801

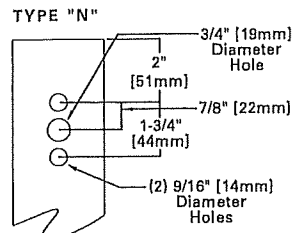
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2012-12-04 11:08:33

OPTIC ORIENTATION



DRILLING PATTERN



ORDERING INFORMATION

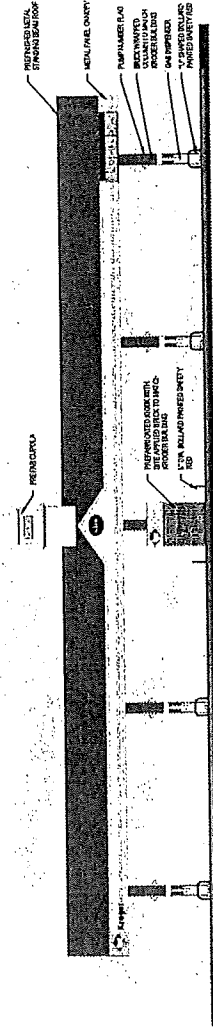
SAMPLE NUMBER: GLEON-AA-04-LED-E1-T3-GM

Product Family GLEON=Galleon	Number of Light Squares ¹ 02=2 03=3 04=4 05=5 06=6 07=7 08=8 09=9 10=10	Voltage E1=120-277V 347=347V 480=480V	Distribution T2=Type II T3=Type III T4=Type IV SL2=Type II w/Spill Control SL3=Type III w/Spill Control SL4=Type IV w/Spill Control 5MQ=Type V Square Medium 5WQ=Type V Square Wide 5XQ=Type V Square Extra Wide RW=Rectangular Wide SLL=90° Spill Light Eliminator Left SLR=90° Spill Light Eliminator Right	Color AP=Grey BZ=Bronze BK=Black DP=Dark Platinum GM=Graphite Metallic WH=White	Mounting Blank=Arm for round or square pole EA=Extended Arm ² MA=Mast Arm Adapter WM=Wall Mount	Options ³ 2L=Two Circuits ⁴ 7060=70 CRI 6000K ⁵ 8030=80 CRI 3000K ⁵ DIM=0-10V Dimming Drivers ^{6,7} HA=50°C High Ambient L90=Optics Rotated 90° Left LCF=Matching Housing and Light Square Frame Color MS/DIM-LXX=Motion Sensor for Dimming Operation ⁸ MS/X-LXX=Motion Sensor for On/Off Operation ⁸ P=Button Type Photocontrol (120, 208, 240 or 277V) R=NEMA Twistlock Photocontrol Receptacle R90=Optics Rotated 90° Right TH=Tool-less Door Hardware AMBER=Amber LEDs ⁵	Accessories ¹⁰ OA/RA1016=NEMA Photocontrol Multi-Tap - 105-285V OA/RA1027=NEMA Photocontrol - 480V OA/RA1201=NEMA Photocontrol - 347V OA/RA1013=Photocontrol Shorting Cap OA/RA1014=120V Photocontrol MA1252=10kV Surge Module Replacement MA1036-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon MA1037-XX=2 @ 180° Tenon Adapter for 2-3/8" O.D. Tenon MA1038-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon MA1039-XX=2 @ 180° Tenon Adapter for 3-1/2" O.D. Tenon FSIR-100=Wireless Configuration Tool for Occupancy Sensor ¹¹
Light Engine AA=1A, UL Class 2	Lamp Type LED=Solid State Light Emitting Diodes						

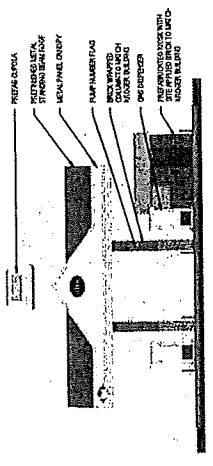
NOTES:

- Standard 4000K CCT and nominal 70 CRI.
- May be required when two or more luminaires are oriented on a 90° or 120° drilling pattern.
- Add as suffix.
- Not available with 6 Light Squares in 347V or 480V.
- Consult your Cooper Lighting representative for lead times and lumen multiplier.
- Not available with 5 or 6 Light Squares in 347V or 480V.
- Consult your Cooper Lighting representative before ordering DIM with 2L option.
- Replace XX with mounting height in feet for proper selection, e.g., MS/DIM-L25.
- Replace X with number of Light Squares operating in low output mode and replace XX with mounting height in feet for proper lens selection, e.g., MS/3-L25.
- Order separately.
- This tool enables adjustment of parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your Cooper Lighting representative for additional details.

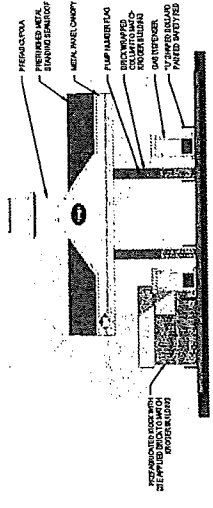
DesignLights™ Consortium Qualified, Refer to www.designlights.org Qualified Products List under Family Models for details.



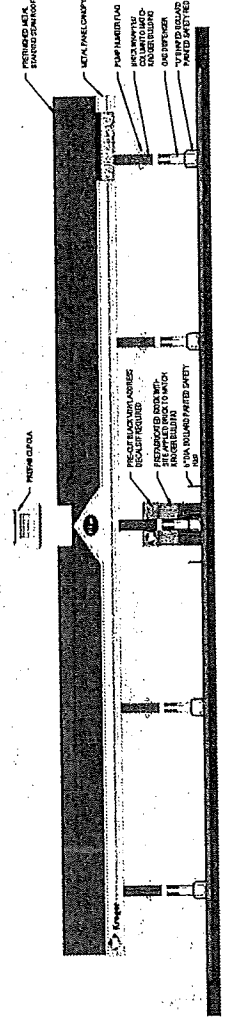
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION

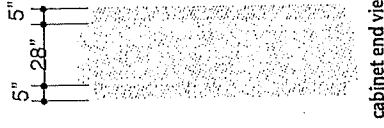
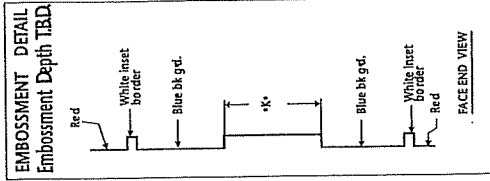


November 1, 2013

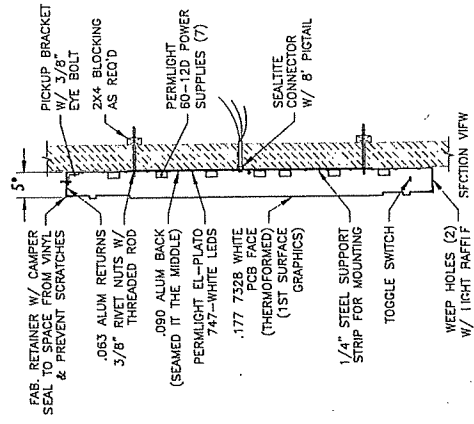


KROGER STORE A-454

Union, KY
900511.32

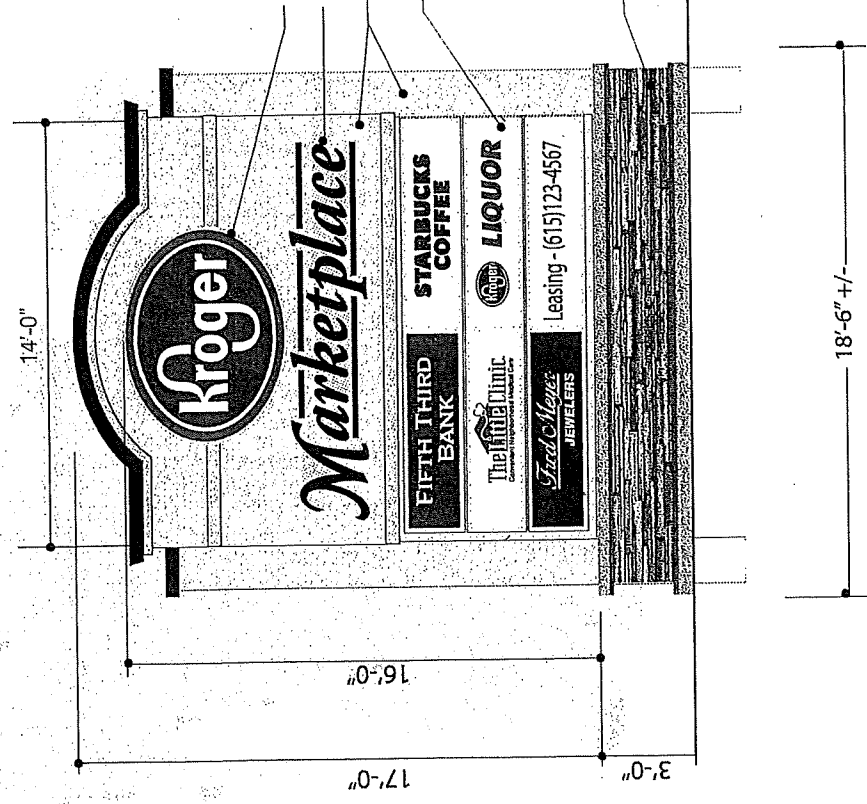


cabinet end view



- 5'-7" x 7'-3" single faced wall oval, internally illuminated
- 31" x 12'-5" "Marketplace" letter set
- 465 Oyster Shell with stipple finish
- Flat PCB tenant panel faces, internally illuminated
- Fifth Third Bank Specs
- White acrylic face with 3M vinyl applied 1st surface
- 3632-8607 Sapphire Blue
- Stone base & landscaping by others

TOTAL SQ. FOOTAGE
224 sq. ft.



DRAWING NO:
74053A
DATE: 9-24-2012
S.H.

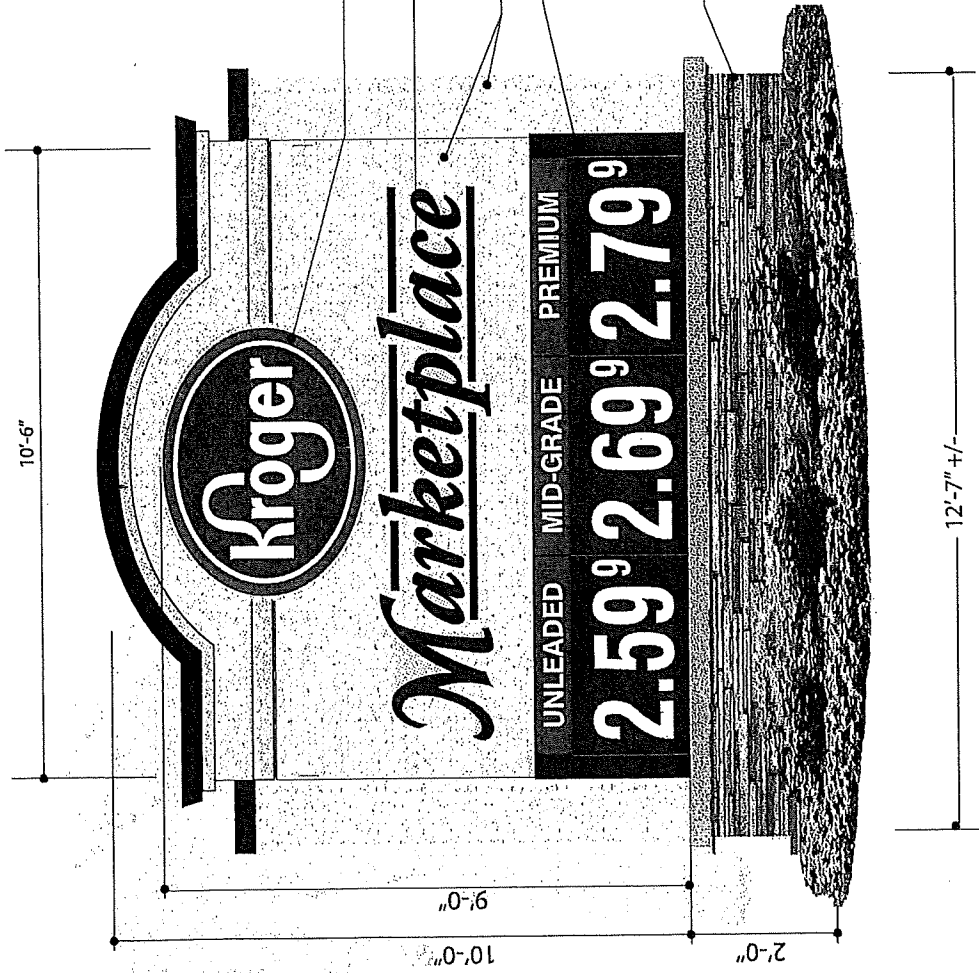


BY _____
DATE _____
Rev. #1 _____
Rev. #2 _____
Rev. #3 _____

CUSTOMER APPROVAL:
DATE: _____

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3'-6" X 4'-7" single faced wall oval, internally illuminated

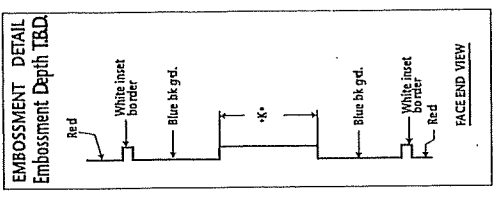
22.5" x 9'-1" "Marketplace" letter set

465 Oyster Shell with stipple finish

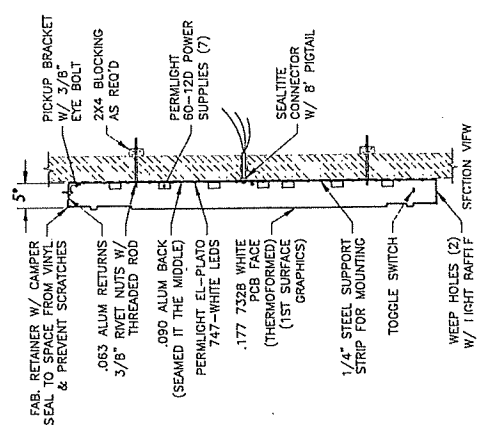
Price sign - by others
Size T.B.D.

Stone base & landscaping by others

TOTAL SQ. FOOTAGE
94.5 sq. ft.



cabinet end view



DRAWING NO:
74053B
DATE: 9-24-2012
S.H.

Kroger

DATE: _____ BY: _____
REV. #1 _____
REV. #2 _____
REV. #3 _____

CUSTOMER APPROVAL:
DATE: _____

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1. Executive Summary

TEC Engineering, Inc. was retained by Kroger LPI to conduct a Traffic Impact Study for a proposed Kroger Marketplace in Union, Kentucky. The proposed Marketplace will be located on US 42 with proposed access points across from Old Union Road and Fowlers Lane. The existing Kroger store located in the shopping center between Braxton Road & Richmond Road, just north of the proposed Marketplace site will be closed. The existing Kroger building is expected to redevelop into an alternate use in the future, however, no specifics are known at this time.

The proposed site consists of the proposed Kroger Marketplace (with attached Liquor Store) and Fuel Center combined with surrounding outlots anticipated to include restaurant, retail, bank and medical office uses. The study area includes US 42 from Gunpowder Road/Pleasant Valley Road to Frogtown Road/Double Eagle Drive. Currently, the proposed development site is an undeveloped piece of land. The traffic characteristics of the study area include a mix of commuter traffic, commercial development traffic, and residential area traffic.

Existing traffic conditions were collected and utilized in the development of this report. Manual turning movement counts were collected at the study intersections during the AM (7-9am) and PM (4-6pm) peak hours in April/May 2013. The AM peak hour for the study area was determined to be from 7:00-8:00am, and the PM peak hour was determined to be from 4:45-5:45pm.

Field observations were performed to check the existing physical conditions of the roadway surrounding the proposed development, including pavement markings and other roadway features. General pictures of the area were taken and are included throughout this report.

Trip Generation and Distribution

The proposed development is anticipated to generate about 1,570 vehicle-trips in the AM peak hour (862 inbound and 708 outbound) and 1,439 vehicle-trips in the PM peak hour (729 inbound and 710 outbound).

It is anticipated that the existing Kroger store will redevelop into another use. For this reason, *no reductions* in baseline traffic volumes were taken to account for closing of the existing Kroger store.

The trips generated by the proposed development were distributed throughout the project area.

Roadway Network Conclusions

The purpose of this traffic study is to determine whether the proposed development site will have an adverse impact on the surrounding transportation network, and what mitigation measures might be required. The results of the analysis indicate the proposed development will primarily impact two intersections within the study area, both at the proposed development access points. The improvements discussed below should be constructed for Opening Day of the Kroger Marketplace development.

US 42 and Old Union Road/Access A

- This intersection is an existing signalized intersection. According to the traffic signal analysis completed, the traffic signal will continue to be warranted with the addition of the fourth leg for the Kroger access.

- Turn lane warrant analysis indicates that turn lanes are warranted for the following movements at the intersection: northbound right on US 42, southbound left on US 42, westbound left from proposed development, and westbound right from proposed development.
- In order to achieve an overall LOS C at the intersection, and acceptable operation for all individual movements, dual left turn lanes are needed for eastbound Old Union Road. Dual left turn bays of 300' (plus taper) are recommended for the eastbound direction.
- A northbound right turn bay on US 42 of 320' (plus taper) is warranted. This bay is recommended for capacity purposes as well as safety purposes as it will separate the right turns prior to the intersection and eliminate the conflict with the bike lane along US 42.
- A southbound left turn bay on US 42 of 460' (plus taper) is recommended. Additional queue can be served (if necessary) by the two-way left turn lane.
- For the development access, left and right turn bays are warranted in addition to the through lane on this approach. Dedicated left, through, and right lanes extending the length of the segment between US 42 and the first internal intersection (approximately 250') are recommended.
- To accommodate the required widening, the existing traffic signal at the intersection will need to be re-built. Protected left turn phasing should be provided for the eastbound approach and protected/permitted phasing should be provided for the westbound and southbound approaches. Overlaps should be provided for the northbound and westbound right turn movements.

US 42 and Fowlers Lane/Access B

- Based on peak hour volumes, a traffic signal is projected to be warranted and is recommended at this intersection.
- A southbound left turn bay on US 42 of 295' (plus taper) is recommended.
- A northbound right turn bay on US 42 of 445' (plus taper) is warranted. This bay is recommended for capacity purposes as well as safety purposes as it will separate the right turns prior to the intersection and eliminate the conflict with the bike lane along US 42.
- For the development access, separate turn bays are specifically warranted, however the site plan indicates a proposed eastbound left turn bay. This bay along with a proposed bay length of 100' (plus taper) is recommended.

Summary

Implementation of the improvements at the development accesses will help to mitigate the impact of added traffic by the Kroger Marketplace. The analysis shows the proposed development will have minimal impact at the remainder of the study area intersections.

8. Conclusions & Recommendations

US 42 & Pleasant Valley Road/Gunpowder Road

The results of the capacity analysis indicate the proposed development has minimal impact on operations at the intersection of US 42 & Pleasant Valley Road/Gunpowder Road. According to the *KYTC Traffic Impact Study Requirements*, “average intersection delay shall not exceed 80 seconds and shall not increase more than 30 percent over the No Build condition. Delay for individual turning movements and lane groups shall not exceed 80 seconds.” These conditions are satisfied for all analysis horizons and peak hours.

The results of the queuing analysis indicate certain movements exceed available bay lengths for some No Build and Build analysis horizons including:

- US 42 EB Left calculated to exceed available bay length by approximately 1-2 cars for 2015/2025 PM Build conditions
- US 42 WB Left calculated to exceed available by length by approximately 1-2 cars for 2015/2025 PM Build conditions
- US 42 WB Through calculated to extend through adjacent intersection for the 2015 PM Build and 2025 No Build/Build conditions
- US 42 WB Right calculated to exceed available by length by approximately 2 cars for 2025 PM No Build conditions and 8 cars for 2025 PM Build conditions
- Pleasant Valley Road SB Left calculated to exceed available by length by approximately 1-2 cars for 2015/2025 AM No Build/Build conditions

The intersection of US 42 & Pleasant Valley Road/Gunpowder Road is included on a coordinated traffic signal system with adjacent intersections to the east on US 42, which are outside the study area. The queue results at this intersection would likely be impacted by platoon flows through adjacent coordinated intersections. For this reason, and the fact that the addition of traffic from the proposed development meets the capacity requirements of the KYTC at the intersection, *no improvements related to the Kroger development are recommended at the intersection of US 42 & Pleasant Valley Road/Gunpowder Road.*

US 42 and Old US 42/Wetherington Blvd

The results of the capacity analysis indicate the proposed development has minimal impact on operations at the intersection of US 42 & Old US 42/Wetherington Blvd. During the 2025 PM Build conditions, the overall intersection delay increases by 36% over No Build conditions (from 21.4s delay to 29.1s delay), however the overall intersection remains at a LOS C. There are no individual turning movements or lane groups which exceed 80 seconds.

The results of the queuing analysis indicate certain movements exceed available bay lengths for some No Build and Build analysis horizons including:

- US 42 EB Right calculated to exceed available bay length by approximately 1-2 cars for 2025 AM/PM Build condition
- Wetherington Blvd NB Left/Through calculated to exceed available length to adjacent intersection by approximately 2-4 cars for 2015/2025 AM/PM Build condition
- Wetherington Blvd NB Right calculated to exceed available length to adjacent intersection for a majority of the analysis scenarios

Queue analysis results show the existing eastbound right turn bay has the potential to be blocked by through queues during all No Build/Build scenarios. The short length of the eastbound right turn bay does not cause a significant impact to the network conditions. The available queue length for northbound Wetherington Blvd. is limited by the development access road (Calvary Lane) located approximately 160' from US 42. Extension to provide additional queuing space is not possible. During the worst time periods, queues may extend slightly past Calvary Lane but will not significantly impact network conditions. Additionally, since no reductions due to the existing Kroger store are being taken, the impact of relocating to the new site will actually be less than what is calculated by this study. *No improvements related to the Kroger development are recommended at the intersection of US 42 & Old US 42/Wetherington Blvd.*

US 42 and Farmview Drive/Richmond Road

The results of the capacity analysis indicate the proposed development has minimal impact on operations at the intersection of US 42 & Farmview Drive/Richmond Road. During the 2025 PM Build conditions, the overall intersection delay increases by 32% over No Build conditions (from 24.1s delay to 31.8s delay), however the overall intersection remains at a LOS C. There are no individual turning movements or lane groups which exceed 80 seconds.

The results of the queuing analysis indicate certain movements exceed available bay lengths for some Build analysis horizons including:

- Farmview Drive SB Left/Through/Right calculated to exceed available length to adjacent intersection by approximately 4 cars for 2025 AM Build condition

The available queue length for southbound Farmview Drive is limited by the adjacent intersection spacing to Old US 42. Extension to provide additional queuing space is not possible. During the worst time periods, queues may extend slightly past Old US 42 but will not significantly impact network conditions. Additionally, since no reductions due to the existing Kroger store are being taken, the impact of relocating to the new site will actually be less than what is calculated by this study. *No improvements related to the Kroger development are recommended at the intersection of US 42 & Farmview Drive/Richmond Road.*

US 42 and Bowman Way/Braxton Drive

The results of the capacity analysis indicate the proposed development has minimal impact on operations at the intersection of US 42 & Bowman Way/Braxton Drive. During the 2025 AM Build conditions, the overall intersection delay increases by 37% over No Build conditions (from 8.2s delay to 11.2s delay), however the overall intersection is still a LOS B. There are no individual turning movements or lane groups which exceed 80 seconds.

The results of the queuing analysis indicate the northbound left/through queue is calculated to exceed available adjacent intersection spacing by approximately 2 cars for 2015 PM Build condition. The available queue length for northbound Braxton Drive is limited by the adjacent intersection spacing to the development access road (Calvary Lane) located approximately 260' from US 42. Extension to provide additional queuing space is not possible. During the worst time periods, queues may extend slightly past Calvary Lane but will not significantly impact network conditions. Additionally, since no reductions due to the existing Kroger store are being taken, the impact of relocating to the new site will actually be less than what is calculated by this study. *No improvements related to the Kroger development are recommended at the intersection of US 42 & Bowman Way/Braxton Drive.*

US 42 and Old Union Road/Access A

A proposed access for the Kroger Marketplace development is located across from Old Union Road. This intersection is an existing signalized intersection. According to the traffic signal analysis completed, the traffic signal will continue to be warranted with the addition of the fourth leg for the Kroger access. Turn lane warrant analysis indicates that dedicated turn lanes are warranted for the following movements at the intersection: northbound right, southbound left, eastbound left (existing), westbound left, westbound right. In order to achieve an overall LOS C at the intersection, and acceptable operation for all individual movements, dual left turn lanes are needed for eastbound Old Union Road for capacity purposes. Queue analysis results indicate the maximum queue for this movement is 255' per lane. The calculated bay length according to the KYTC Auxiliary Turn Lane policy is 625' total. Dual left turn bays of 300' (plus taper) are recommended for the eastbound direction. A northbound right turn bay of 320' (plus taper) is warranted. This bay is recommended for capacity purposes as well as safety purposes as it will separate the right turns prior to the intersection and eliminate the conflict with the bike lane along US 42. A southbound left turn bay is also warranted. The calculated bay length according to the KYTC Auxiliary Turn Lane policy is 870'. The maximum queue for this movement is calculated as 419'. A southbound left turn bay of 450' (plus taper) is recommended. Additional queue can be served (if necessary) by the two-way left turn lane. For the development access, a three lane exit is recommended since dedicated left and right turn bays are warranted on this approach. The KYTC calculated length for the westbound left turn bay is 225'. For the westbound right turn bay, the KYTC calculated length is 625', however queue analysis shows the maximum queue for the movement is 236'. A right turn bay extending the length of the segment between US 42 and the first internal intersection (approximately 250') is recommended.

To accommodate the required widening, the existing traffic signal at the intersection will need to be re-built. Protected left turn phasing should be provided for the eastbound approach and protected/permitted phasing should be provided for the westbound and southbound approaches. Overlaps should be provided for the northbound and westbound right turn movements.

A schematic of the proposed improvements is provided in *Figure 9*. Final access alignment should be within the confines of the existing breaks in the defined access control in order to receive encroachment permit approval through KYTC.

Figure 9: Intersection Schematic: US 42 & Old Union/Access A



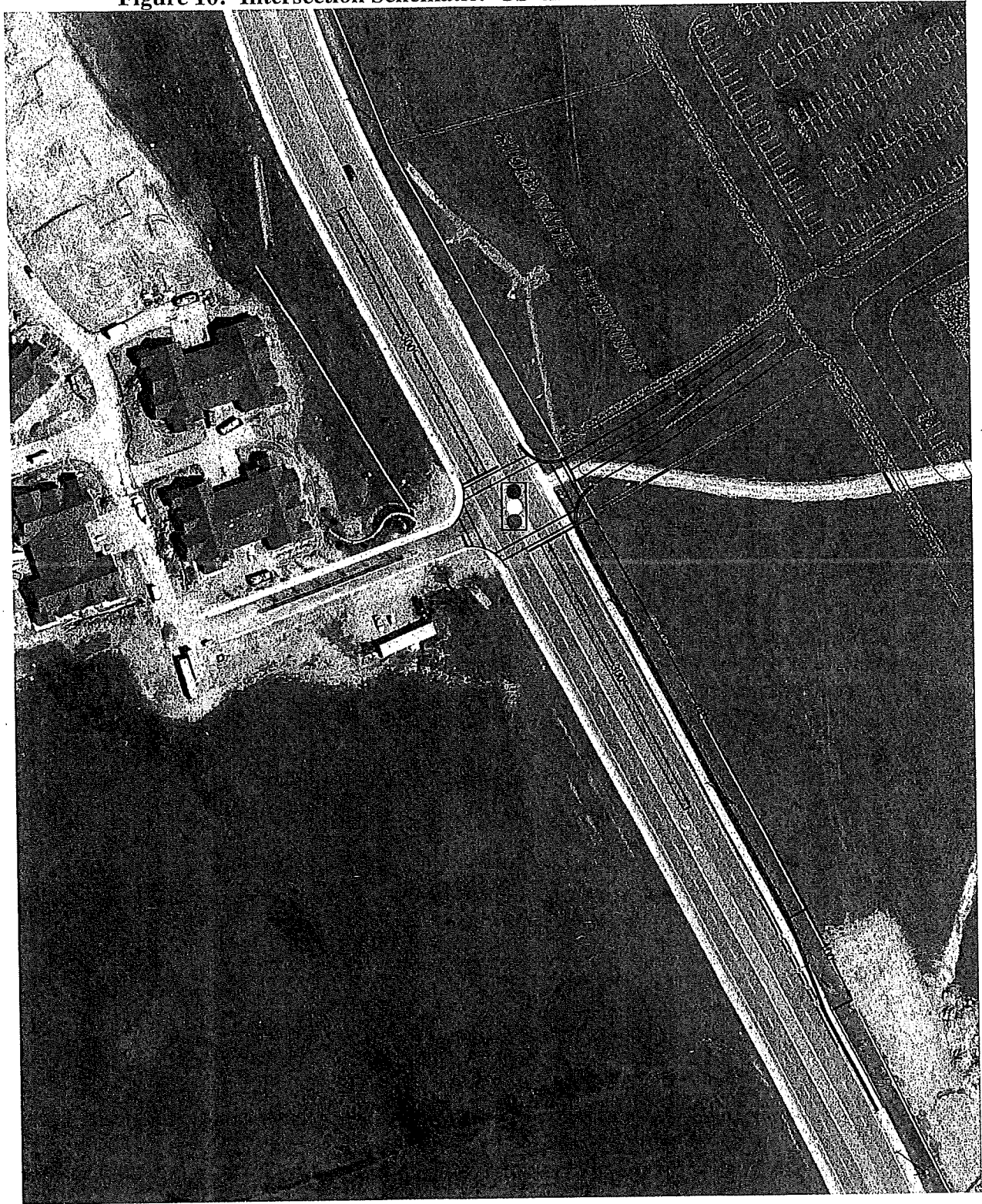
US 42 and Fowlers Lane/Access B

The second proposed access is located across from Fowlers Lane. Based on peak hour volumes, a traffic signal appears to be warranted and is recommended at this intersection. A southbound left turn bay is warranted. The calculated bay length according to the KYTC Auxiliary Turn Lane policy is 295'. A northbound right turn bay is also warranted at this intersection. The calculated bay length according to the KYTC Auxiliary Turn Lane policy is 445'. This bay is recommended for capacity purposes as well as safety purposes as it will separate the right turns prior to the intersection and eliminate the conflict with the bike lane along US 42. For the development access, no turn bays are warranted, however the site plan shows a proposed eastbound left turn bay. A proposed bay length of 100' (plus taper) is recommended.

A schematic of the proposed improvements is provided in *Figure 10*. Final access alignment should be within the confines of the existing breaks in the defined access control in order to receive encroachment permit approval through KYTC.

Concern has been raised by the residents of the Fowlers Creek development about the potential for cut-through traffic using their neighborhood streets to bypass the traffic signal at US 42 & Old Union Road. While the possibility for cut-through traffic currently exists, the 2013 peak hour traffic counts do not show this to be an existing problem. With the addition of the proposed development, the potential attractiveness of this route may increase for motorists exiting the proposed development at the Fowlers Creek intersection who would otherwise turn right onto US 42 to turn left onto Old Union Road. However, the capacity analysis results for the 2015/2025 AM/PM Build conditions indicate the northbound left turn movement is anticipated to operate at a LOS C for all analyzed time periods. TEC would only anticipate cut-through traffic to become an issue if the northbound left turn from US 42 to Old Union Road experienced significant delays. If cut-through traffic does become an issue, the residents of the Fowlers Creek development could work with their condo association and the City of Union and Boone County to pursue traffic calming measures. Speed humps could be installed on Royal Oak Lane to discourage cut-through movements. Alternatively, the back access from the Fowlers Creek development onto Old Union Road could be limited to right-in/left-in/right-out movements which would eliminate the potential for cut-through traffic on neighborhood roadways.

Figure 10: Intersection Schematic: US 42 & Fowlers Creek/Access B



US 42 and Mt. Zion Road

The results of the capacity analysis indicate the proposed development has minimal impact on operations at the intersection of US 42 & Mt. Zion Road. Average intersection delay does not exceed 80 seconds and does not increase more than 30 percent over the No Build condition for any analysis scenario. In addition, there are no individual turning movements lane groups that exceed 80 seconds. KYTC policy requirements are satisfied at this intersection.

The results of the queuing analysis indicate that no movement exceeds its available bay length at the intersection of US 42 & Mt. Zion Road during any analysis scenario. *No improvements related to the Kroger development are recommended at the intersection of US 42 & Mt. Zion Road.*

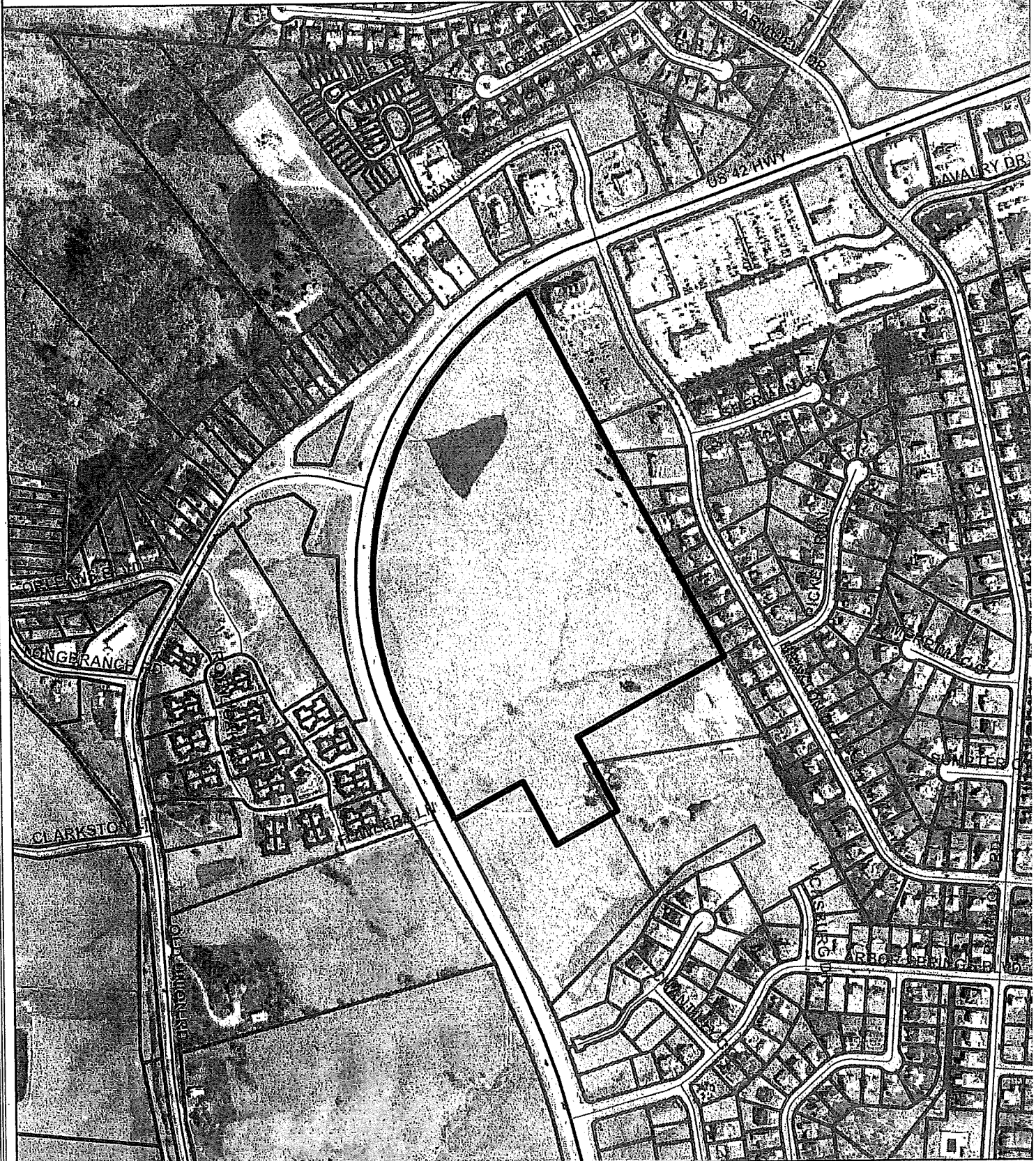
US 42 and Frogtown Road/Double Eagle Drive

The results of the capacity analysis indicate the proposed development has minimal impact on operations at the intersection of US 42 & Frogtown Road/Double Eagle Drive. Average intersection delay does not exceed 80 seconds and does not increase more than 30 percent over the No Build condition for any analysis scenario. In addition, there are no individual turning movements lane groups that exceed 80 seconds. KYTC policy requirements are satisfied at this intersection.

The results of the queuing analysis indicate that no movement exceeds its available bay length at the intersection of US 42 & Frogtown Road/Double Eagle Drive during any analysis scenario. *No improvements related to the Kroger development are recommended at the intersection of US 42 & Frogtown Road/Double Eagle Drive.*

2013 AERIAL MAP

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0 225 450 900 1,350 1,800 Feet

1 inch = 500 feet

Boone County GIS

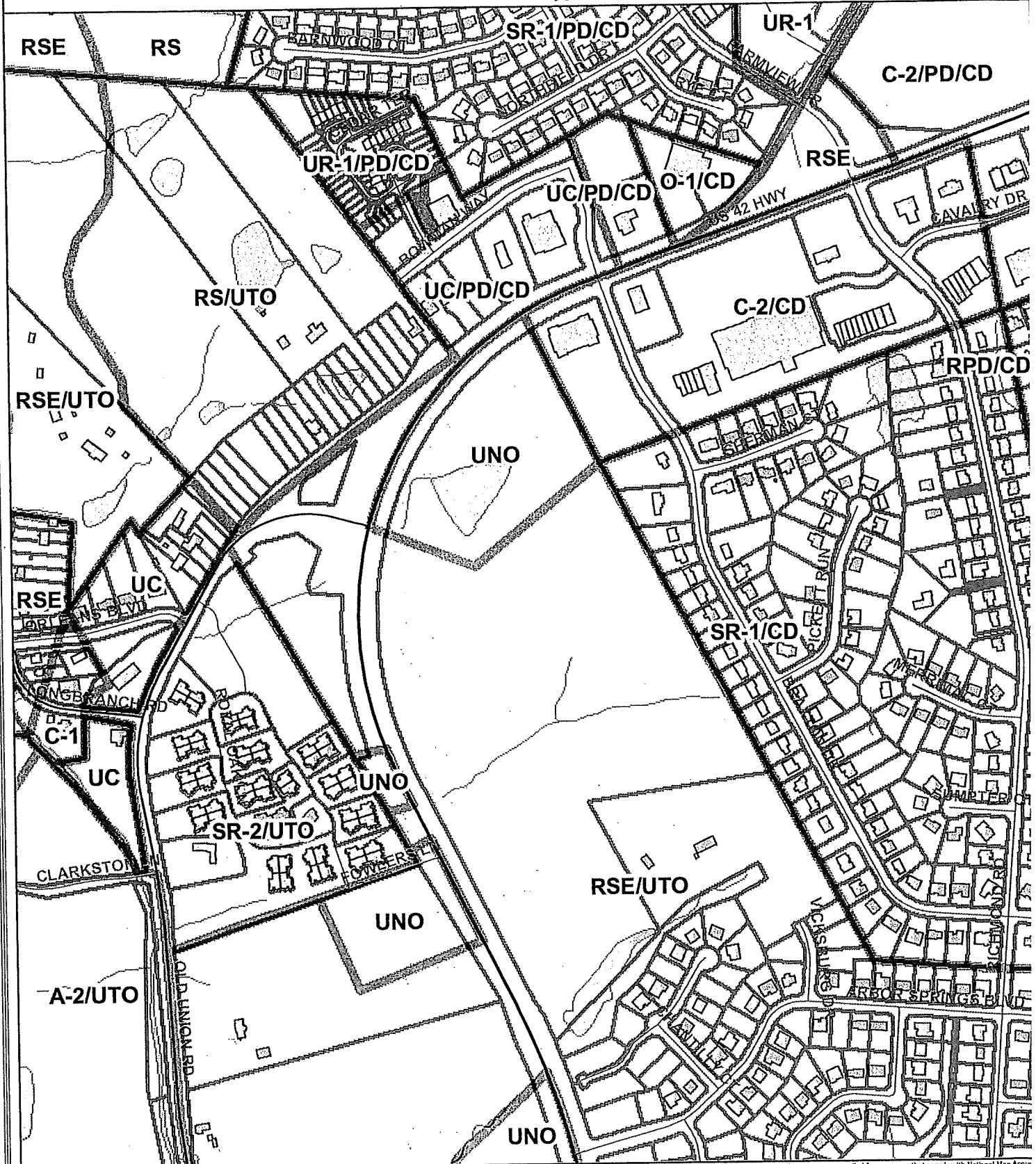
"Putting Northern Kentucky on the Map"



Boone County GIS 11/13/12

ZONING MAP

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0 225 450 900 1,350 1,800 Feet

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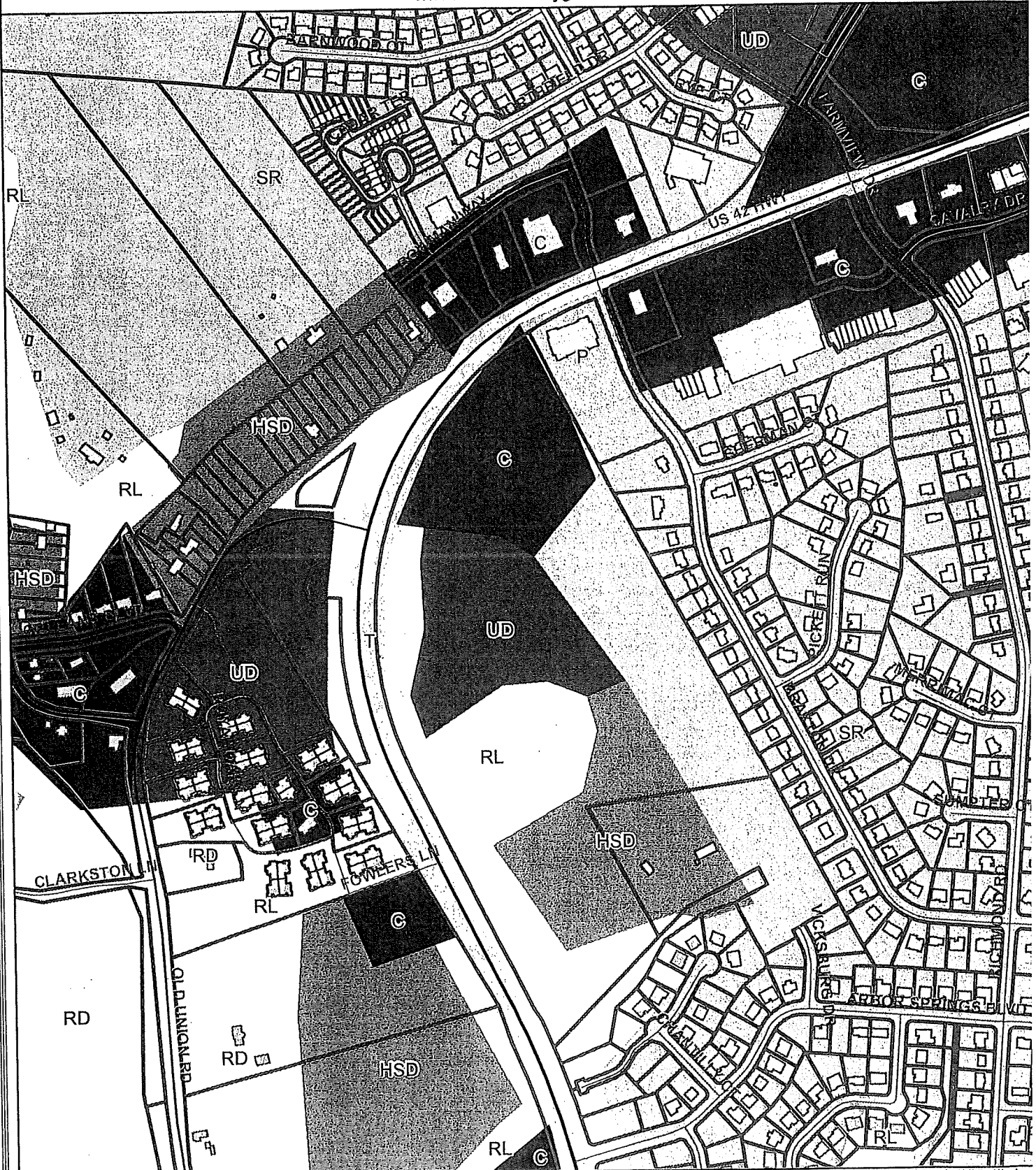
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"Putting Northern Kentucky on the Map"



2030 FUTURE LAND USE MAP

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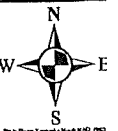
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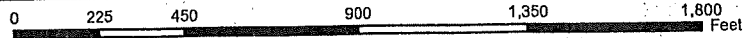
UNION TOWN PLAN LAND USE MAP

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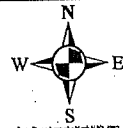
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1 inch = 500 feet

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SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

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

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

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

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

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

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

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

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

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

SECTION 1515

Procedure

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

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

SECTION 1516

Pre-Application Meeting

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

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

- d. Storage of a recreational vehicle or unit;
- e. Private recreational courts, fields, swimming pools, or similar recreational activities; and
- 2. Signage (according to this order and Article, Section 3451);
- 3. Parking (according to Article 33 and Section 2586-9. Streetscape and Improvements);
- 4. Delivery areas with no outside storage or unpacking;
- 5. Temporary buildings incidental to construction;
- 6. Automatic teller machines attached to the principle structure; and
- 7. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

SECTION 2533

Conditional Uses and Criteria

- 1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 2535

Intensity

The maximum intensity in a UNO zone district shall not exceed 20,000 square feet of gross floor area per acre of land.

SECTION 2537

Minimum Lot Size

The minimum lot size in the UNO zone district is 20,000 square feet.

SECTION 2539

Design Standards

Development in the UNO zone follows Section 2540.

SECTION 2540

Design Requirements for UTC, UC, and UNO Zoning Districts

- 1. Setbacks
 - a. Principally Permitted Structures
 - 1) Front Yard Minimum - ten (10) feet from the right-of-way line.
 - Front Yard Maximum - fifty (50) feet from the right-of-way line.
 - 2) Rear Yard Minimum Setback - twenty (20) feet from property line.
 - 3) Side Yard Minimum Setbacks - five (5) feet from property line.
 - b. Accessory Structures - The following setbacks shall apply to any accessory structure in the district: All accessory structures shall be located in the rear yards at least five (5) feet from all property lines.
- 2. Height - Maximum height of any structure is fifty (50) feet.
- 3. Impervious Space - No more than eighty percent (80%) of the site can be covered with impervious surfaces. The remaining twenty percent (20%) shall be landscaped or kept in its natural state.
- 4. Interior Open Space - The minimum shall be provided:
 - a. Pedestrian/Bike Connections - at critical points in the development linking the Town Center with green space as depicted on the 2000 *Union Town Plan* Land Use Map and other areas including other residential developments, parks, churches and schools;
 - b. Civic/Public Space - all developments shall provide some form of a public gathering place, such as a landscaped picnic table area or a decorative bus stop area, that is fronted on at least one (1) side by a public street when the site abuts a public street; and

- c. Landscaped entryways
- d. Pedestrian/Bike Path - developers shall construct a 10' minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.
- 5. Utilities - All utilities except for street lights must be located underground. Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.
- 6. Building Orientation - All structures shall front toward existing Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 when the subject site adjoins one of these roads. Any drive-through windows, automatic teller machines, or gasoline pump canopies must be located on the side or rear building facades away from these roadways.
- 7. Fences - Fences shall conform to Section 3655 of the Boone County Zoning Regulations. The UNO and UC zoning districts must provide a post and rail, horse-style fence in the front setback.
- 8. Architecture
The following architectural standards shall serve to guide the Planning Commission's Technical/Design Review Committee. Deviations from these standards shall be weighed by the Committee to determine the appropriateness of the design with the overall intent of the 2000 *Union Town Plan* and the extent of which the site is visible from public view.
 - a. Materials - All sides of the principle structure that are visible from all roads except for rear accessed alleys shall constructed of traditional materials including: stone, brick, architectural concrete masonry units with integral color (painted blocks not acceptable), wood or glass; or synthesized materials that appear as such. Rear and side elevations shall have the same architectural treatment as the front. Exposed concrete foundations shall be finished with brick or stone or a material of the appearance of such. Concrete foundations can be exposed at a minimum of two feet but screened with landscaping.
 - b. Garage/Loading/Unloading Doors - If the dwelling unit contains an attached garage or the principle structure contains a loading/unloading area, the garage or loading/unloading doors shall not face the road on which the principle structure faces and in the case of a single-family dwelling unit, the garage wall shall be extended or recessed at least two (2) feet from the front facade. This garage wall shall contain at least two (2) windows giving the garage an appearance of being a finished room within the dwelling unit.
 - c. Entrance - All buildings shall have their main entrance on the primary street with an equally defined rear entry from the parking area.
 - d. Building Length - No building which fronts on to current Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 shall have a continuous unbroken facade along that road of greater than 150 feet.
 - e. Roof - All residential buildings shall have a sloped or pitched roof.
- 9. Streetscape and Improvements
 - a. Street Connections - Street connections shall be provided in accordance with Section 305 - N) Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas - of the *Boone County Subdivision Regulations*.
 - b. Street Trees
 - 1) Spacing - Street trees shall be planted along the affected side of all public streets adjoining the development on average forty (40) feet apart on center. They can be on the right-of-way with permission of the street owner.
 - 2) Caliper Width - Street trees shall have a minimum of a two and one-half (2.5) inch caliper.
 - c. Sidewalks - Sidewalks at least 5 feet wide are required on both sides of all local, collector and arterial streets and at least 4 feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives..

d. Parking Requirements

- 1) Location - All parking shall be located in the side or rear of all buildings. Buildings along New U.S. 42 shall be considered to front toward that road. Exceptions to this requirement can be considered by the Zoning Administrator through the waiver procedure in the case of existing buildings, and renovations or additions to existing buildings, only if the proposed development advances the recommendations of the Union Town Plan and intent of this Article.
- 2) Minimum/Maximum Number of Spaces
 - aa. Retail/Office - minimum of one (1) space per 300 feet of gross floor area and a maximum of one (1) space per 200 feet of gross floor area. Adequate shared parking arrangements are permitted upon approval of the Zoning Administrator.
 - bb. Multi-family Residential - two (2) spaces per dwelling unit.
- e. Bicycle Racks - All businesses and office space that is 3,000 square feet or more shall provide and maintain bicycle parking and security features.
- f. Street Lights - Decorative, vintage street lights are required in the UTC zone for all streets at a minimum spacing of at one hundred (100) feet. In the UC and UNO zones, they are required at each drive or pedestrian entrance and at any intersection with new U.S. 42.
- g. Street Furniture - Decorative waste receptacles and street furniture including benches shall be provided in front of each commercial or office building of over 3000 square feet.
- h. Interior Driveway Connections - Parking lots for adjacent uses shall be connected.

SECTION 2550

Technical/Design Review Committee

A function of the Boone County Planning Commission's Technical/Design Review Committee shall be to review architectural design plans for all proposed structures or the remodeling of existing structures within the Union Town Center (UTC) Union Commercial (UC) and Union Neighborhood Office (UNO) zoning districts. The Planning Commission staff will provide technical support, and prepare reports for the Technical/Design Review Committee. For proposed buildings in these three zones located in the Union City Limits a member of the Union City Commission shall serve as an adjunct committee member. For proposed buildings in these three zones located in the unincorporated areas a member of the Boone County Fiscal Court or designee shall serve as an adjunct committee member. The committee shall seek professional architectural advice on a case by case basis.

1. Members - The Technical/Design Review Committee shall consist of members who are appointed by the Chairman of the Boone County Planning Commission.
2. Review Criteria - The Board shall consider the following topics while reviewing the minimum standards (SECTION 2540) within each zoning district for a proposed development:
 - a. Building height;
 - b. Building scale and mass;
 - c. Building facade design and relationship of materials;
 - d. Type, size and location of windows and doors;
 - e. Relationship of colors and accents;
 - f. Entrances and porch projections;
 - g. Architectural details;
 - h. Roof types and shapes;
 - i. Lighting;
 - j. Retaining walls, fences, or similar structures;
 - k. Drive-through windows;
 - l. Storage areas; and
 - m. Dumpster areas;

B. Special Sign Regulations, Houston-Donaldson Study Area

The Houston-Donaldson Study is a detailed, comprehensive land use plan for the Houston, Donaldson, and Turfway Road area. This Study sets specific regulations and procedures for signage within this area. Refer to the Houston-Donaldson Study for specific details, including the geographic boundaries of the Study area.

C. Florence Main Street Special Sign District

The Florence Main Street Zoning Study generally affects property fronting on both sides of Main Street in Florence from the intersection of U.S. 42/Dixie Highway to Turfway Road. The study sets specific regulations and procedures for signage in the area. Signs located within the Florence Main Street Study area shall conform to the requirements in Article 34 of this order that are not replaced by sections below, the Design Review Guidelines and those listed below. (See Boone County Planning Commission Resolution R-94-036-A and City of Florence Ordinance 0-29-94)

1. The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width. Building mounted signs shall not exceed 32 square feet in size.
2. Signs cannot project more than four (4) feet into the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs will be 16 square feet.
3. No sign shall be permitted to be located above the roof line.
4. A density of one (1) sign per building frontage will be permitted for a maximum of three (3) building mounted signs.
5. Window signage will be permitted, but shall not become cluttered to the point where visibility into the store front is prevented.
6. Canopy signs will be permitted on all three (3) sides of the canopy. The size of each sign shall be determined by the width of the canopy upon which the sign is mounted and not the building width. No sign will be permitted on the building facade where a canopy sign is located.
7. Free standing signs shall not exceed eight (8) feet in height above ground level and 32 square feet in size. All free standing signs shall be set in an appropriately landscaped area. In addition, free standing signs shall be located out of all public rights-of way and shall not obstruct a driver's visibility.
8. Multiple tenant buildings shall be permitted one building mounted sign or projecting sign per building facade. The area of the sign shall be calculated by the building frontage occupied by the individual establishment.
9. Portable signs shall be permitted but shall not exceed eight (8) square feet in size. The sign shall be of an "A" frame chalk board design. One sign will be permitted per entrance of the building and can be located within the public sidewalk next to the building. The sign shall not be located in such a way as to obstruct movement along the sidewalk or a driver's visibility. The sign shall be removed at the close of business each day.

D. Union Town Plan Special Sign District

An approximate 1,850 acre site located in the City of Union and unincorporated Boone County as defined in the 2000 *Union Town Plan*. The following sections are intended to create a harmonious sign package for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts while providing for the proper identification of all developments. Signage in these districts is subject only to the sign permit process.

1. All sections of Article 34 not otherwise replaced by the subsections below shall apply.
2. Permitted Sign Types

- a. Residential Monument Entrance Signs - One (1) residential entrance sign shall be permitted in the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts at the major entry points to any residential development that involves the development of ten (10) dwelling units or more.
 - (1) Display - Seventy-five percent (75%) or more of the sign area shall display the name of the residential subdivision. No greater than twenty-five percent (25%) of the sign area can identify individual home builders or Realtors.
 - (2) Construction - Monument style with a brick and/or stone base.
 - (3) Size - Fifty (50) square feet or split into two (2) signs at a maximum size of 25 square feet each. The sign is encouraged to have additional brick and/or stone surrounding the sign area.
 - (4) Height - Six (6) feet from the ground to top of the sign. Any additional brick or stone areas can be higher.
 - (5) Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.
- b. Business Monument Entrance Signs - One (1) business entrance sign shall be permitted in the UNO, UTC and UC zone districts at the major entry points to any commercial, office or related development. Individual offices or businesses are not permitted a business monument entrance sign.
 - (1) Display - Fifty percent (50%) or more of the sign area shall display the name of the development. No greater than fifty (50%) of the sign area can identify individual tenants or out-lot tenants of the development.
 - (2) Construction - Monument style with a brick or stone base.
 - (3) Size - Sixty (60) square feet or split into two (2) signs at a maximum size of 30 square feet each.
 - (4) Height - Six (6) feet high from ground to top of sign which includes the base and additional brick, stone or masonry areas.
 - (5) Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.
- c. Monument Identification Signs - Individual businesses, offices, places of worship, schools, civic associations, libraries, museums, social clubs, societies or related uses excluding residential uses shall be permitted in the UC, UTC, UNO, and UTO zone districts.
 - (1) Display - No greater than thirty (30) percent of the sign area can be a manual, changeable, display area to identify seasonal events, specials, and sales. This type of signage is intended to take the place of Temporary Advertising Display permits.
 - (2) Construction - Monument style with a brick or stone base.
 - (3) Size - Forty-eight (48) square feet.
 - (4) Height - Six (6) feet from the ground to top of sign which includes the base and additional brick or stone areas.
 - (5) Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.
- d. Off-Premise Monument Community Signs - One (1) off-premise community sign shall be permitted in the UC, UTC, and UNO zone districts at each corner of a street intersection which includes at least one (1) arterial or collector street for a maximum of four (4) such signs per intersection. Off-premise monument community signs shall be used to identify residential subdivisions and are not be used to identify commercial, office or related uses.
 - (1) Display - The subdivision for which the sign identifies must be located within a distance of 1,000 feet from the sign. The sign area shall display the name of the subdivision only. Each sign can display the names of no more than four (4) subdivisions.
 - (2) Construction - Monument style with a brick or stone base.
 - (3) Size - Twenty-four (24) square feet.
 - (4) Height - Four (4) feet from ground to top of sign which does not include the base and additional brick, stone or masonry areas.
 - (5) Location - Sign must be located outside of any vehicular sight triangle and at least two (2) feet from any property line. Signs must be located in a landscaped planting area.
- e. Building Mounted Signs - Building mounted signs shall be permitted for commercial, office and similar uses in the UTC, UNO and UC zone districts. One (1) building mounted sign is permitted for each building facade for a total of three (3) signs. Buildings that contain more than one tenant are permitted one (1) sign for each tenant.
 - (1) Size - Twenty-four (24) square feet.

- (2) Height - Individual letters shall not exceed twenty-four (24) inches in height.
 - f. Projecting Signs - are permitted in place of any building mounted sign in accordance to Section 3460 - 2. of the *Boone County Zoning Regulations*.
 - g. Canopy Signs shall conform to Section 3413.2.
 - h. Sandwich Board/A-frame Signs - one sign per establishment is permitted in the UTC and UC zoning districts to identify temporary events, such daily lunch specials, sales, gatherings, etc. This type of sign is intended to take the place of Temporary Advertising Display Permits.
 - (1) Size - 24 inches wide by 36 inches high.
 - (2) Location - on premises, within 20 feet of the business for which it advertises, and not to impede pedestrian circulation.
 - (3) Configuration - placed on the ground, not mounted on a pole or raised off the ground.
3. Additional Standards
- a. Illumination - If a sign is to be illuminated, it shall be externally illuminated by a source that is concealed from public view. In the UNO and UC zones only, internally illuminated channel letters are also permitted for building mounted signs.
 - b. Color - All signs shall contain a maximum of three (3) colors.
2. Special Sign Districts Proposed By Developers and Property Owners
- A. **Commonwealth Park Special Sign District**
A 16 acre site bounded by Turfway Road on the north, Houston Road on the west, the south-bound I-75/Turfway Road exit ramp on the south, and I-75 on the east (see Boone County Planning Commission Resolution R-09-87 and City of Florence Ordinance #0-6-87).
 - B. **Turfway Commercial Park Special Sign District**
A 54.6 acre development site located south of I-75 and west of Burlington Pike is the Turfway Commercial Special Sign District (see Boone County Planning Commission Resolution R-25-87 and City of Florence Ordinance #0-2-88).
 - C. **Airport Exchange Business Park Special Sign District**
An approximate 76 acre site bounded by Mineola Pike to the east, I-275 to the south, and Point Pleasant Road to the west (see Boone County Planning Commission Resolution R-07-89 and Boone County Ordinance 920.173).
 - D. **Richwood Park Commercial Subdivision Special Sign District**
A 6.14 acre site located at the northeast quadrant of I-75 and Richwood Road (see Boone County Planning Commission Resolution R-95-019-A and Boone County Ordinance 920.319).
 - E. **Turfway Park Special Sign District**
A 210 acre site located at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky (see Boone County Planning Commission Resolution R-95-031-A and Boone County Ordinance 920.319).
 - F. **Limaburg Subdivision Special Sign District**
A 6.5 acre site located on the south side of KY 18 at its intersection with Limaburg Road. The north side of the Special Sign District is bound by KY 18, the east side is bound by Limaburg Road, the south side is bound by The Crossings at Oakbrook apartments, and the west is bound by undeveloped real estate (see Boone County Planning Commission Resolution R-95-001-A and Boone County Ordinance 920.300).
 - G. **Corporex I Special Sign District**
A 32 acre site located at the southwest quadrant of I-275 and Mineola Pike comprises the Circleport I Special Sign District (See Boone County Planning Commission Resolution R-96-001-A and Boone County Ordinance 920.326).

The Findings of Fact for Denial stated below were read at the May 7, 2008 Business Meeting and were adopted by the full Planning Commission by a vote of 6-3.

**MIDLAND ATLANTIC/ARLINGHAUS
FINDINGS FOR DENIAL**

May 7, 2008

The requested zone change from RSE/UTO and UNO to C-2/PD for an approximate 54 acre area on both sides of US 42, Union, Kentucky, should be denied for the following reasons.

1. The Comprehensive Plan's Future Land Use Map designates the site as Rural Lands (approximately 27% of the site), Suburban Residential (approximately 22%), High Suburban Density Residential (approximately 20%), Urban Density Residential (approximately 16%), and Commercial (approximately 15%) which includes office uses. The Union Town Land Use Plan Map mirrors the Future Land Use Map's basic land use concept by applying the Green Areas, Single Family Detached, Town Homes, Residential (10 d.u/acre), and Office designations in basically parallel locations. The Comprehensive Plan's Land Use Element text ("Union Area," pg. 146) states "the plan's (Union Town Plan) recommendations are shown on the 2030 Future Land Use Map." Thus, the text of the Land Use Element does not give wholesale discretion to abandon the direction given by these maps.

The proposal in question is for a regional scale strip commercial project with outlots, whereas both maps contemplate the site substantially for various types of residential uses, with an incidental area specifically for office uses per the Union Town Land Use Plan map. Neither map gives credence to a wide range of commercial uses or commercial type structures across the entire site.

2. Both the Comprehensive Plan and Union Town Plan discuss the issue of regionally oriented retail in general and the location of commercial uses in the US 42 corridor in various contexts. The Land Use Element says that "regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand on to U.S. 42, KY 18 or Hopeful Church Road" ("Florence Commercial Area," pg. 144) and "this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42" ("Union Area," pg. 146). The applicant has contended that the proposal is for a neighborhood commercial center because it is intended to serve residents within a 6 to 10 minute drive time. Although this may be the intent, the development will undoubtedly attract customers from beyond this range, particularly as the development is of the size and scale of similar developments along Mall Road and Houston Road which are characterized as regional by the Comprehensive Plan. The development proposes approximately 418,00 gsf on 54 total acres including a 133,000 gsf anchor - this is larger than several comparable developments on Mall Road and Houston. The plan layout of the proposal is also very comparable to a number of multi-building/multi-tenant commercial developments in these other areas. In short, irrespective of the intended market,

the development would be "regionally-oriented" based on its physical traits and resulting character. Additionally, traffic data supplied by the applicant indicates that 48 percent of the traffic that would be generated by the development would be coming from the east, meaning that approximately one half of the traffic attributable to this project is not "pass by" but is new traffic that would affect this section of US 42.

The Land Use Element continues by stating "mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection (US 42/Pleasant Valley Road) on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union" ("Pleasant Valley-West Florence Area," pp. 145 and 146). The subject site is in the vicinity of the Florence/Union corporate boundary. Instead of the range of commercial uses declining to smaller-scaled institutional uses to this area from the US 42 intersection, this proposal creates the opposite effect, with the range of uses and building sizes dramatically increasing on this site. This quoted text is reinforced by the Future Land Use Map and Union Town Land Use Plan Map which show commercial uses generically and office uses specifically in the northeast corner of the east site adjoining the public library, and various types of residential uses on the majority of the remaining property.

The Business Activity Element ("Recommended Areas of Commercial Activity," pp. 63 and 64) provides similar language by stating that "the land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial." Again, the proposal is for a much larger scale development versus smaller scale as sought by the Element. The proposal includes over 400,000 square feet in what are largely linear buildings which stretch almost 2,000 feet across the rear of the site, with a parking lot that has over 2,000 spaces and whose central area in front of the main buildings is roughly 500 feet by 1,500 feet. In short, the configuration and character of the development is that of a stereotypical strip center, a fact which can not be altered by improved cosmetics.

The text of the Union Town Plan (pp. 2- 4) reinforces these basic points by stating "a conscious effort has been made through the Union Town Plan to concentrate future commercial activity into a viable town center and to avoid typical strip-style commercial uses along the realigned U.S. 42 arterial route" and "planned commercial uses are intended to be local and not regional in scale."

3. The application fails to adequately meet all pertinent aspects of Section 1514 "Planned Development Standards" in the zoning regulations. Although the agreed conditions address several of the detailed design issues raised under this section, the overall project is incompatible with the adjoining sites based on its size, scale, arrangement, uses, that it does not provide any vehicular inter-connectivity with neighboring sites, and does not meet the Comprehensive Plan as discussed above. The scale of the retail uses are not compatible with the neighboring uses. The proposed retail uses are similar to what is found along Mall Road and Houston Road, and near I-75. Therefore, the proposal does not fulfill standards #2 "Compatibility of Uses," #10 "Transportation Connections and Entry Points," and #11 "Conformance with Comprehensive Plan." Similarly, the proposal does not meet a number of expectations noted on the Union Town Land Use Plan Map and in Section 2540 "Design Requirements for UTC, UC, and UNO Zoning Districts," which outlines development standards for commercial and office uses in the Union Town Plan area.
4. A market study to support the proposed development was submitted by the applicant. Although several issues were raised in the Staff Report regarding this document, the document is moot because it can not justify a development that does not agree with the Comprehensive Plan.
5. No facts which legitimately support a finding that the existing zoning classification is inappropriate at this time and that the proposed zoning classification is appropriate have been identified. Regardless of comments made by the applicant, the residential uses planned for the site are appropriate uses which are compatible with the adjoining properties and which contribute to a transition of uses along US 42. The proposed commercial development is not appropriate based on its size, scale, range of uses, physical arrangement, and incompatibility with the neighboring properties as discussed above.
6. No facts which legitimately support finding that there have been major changes of an economic, physical, or social nature not anticipated in the recently adopted comprehensive plan that substantially alter the area's character have been identified.



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

TO: Greg Haggard, Sanitation District No. 1
Gretchen Bartley, Division of Water
Keith Feldhaus, Boone County Water District
Col. Les Hill, Boone County Sheriff's Department
Laura Mitchell, Kentucky Transportation Cabinet
Chief Michael Morgan, Union Fire
Barry Burke, City of Union Engineer

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

DATE: November 7, 2013

RE: Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant) for Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of US 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across US 42 from the Old Union Road/US 42 and Fowlers Lane/US 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

I have enclosed a copy of the Concept Development Plan and project description for the above referenced application. The public hearing for this application has been scheduled for December 4, 2013.

Please review this proposal relative to your agency's policies and service abilities and provide any comments in writing to me by November 22, 2013. Please provide a written response, even if your agency has no comments on the proposal. Comments can be e-mailed to tmorgan@boonecountyky.org or faxed to (859) 334-2264. Your feedback is greatly appreciated.

Todd Morgan

From: Morgan, Michael <m.morgan@unionky911.org>
Sent: Tuesday, November 19, 2013 1:28 PM
To: Todd Morgan
Subject: Union Kroger

Todd,

The Union Fire Protection District has no issues or comments regarding the concept development plan for the new Union Kroger Marketplace.

Thanks and have a great week.

Michael Morgan, Fire Chief
Union Fire Protection District
9611 U.S. Hwy. 42
Union, KY 41091
Office: 859-384-3342, ext. 102
Cell: 859-620-0675
m.morgan@unionky911.org

Todd Morgan

From: Mitchell, Laura (KYTC-D06) <Laura.Mitchell@ky.gov>
Sent: Wednesday, November 27, 2013 11:44 AM
To: Todd Morgan
Cc: Minckley, James (KYTC-D06); Bogen, Matthew (KYTC-D06)
Subject: Union Kroger TIS - KYTC Recommendations

Hi Todd,

The Kentucky Transportation Cabinet will be prepared to provide final comment regarding the proposed Union Kroger Traffic Impact Study the week of December 9, 2013. We are still in the process of reviewing.

Please let me know if you have any additional questions.

Have a Happy Thanksgiving!

Laura Mitchell

Laura T. Mitchell, P.E.
Permits Supervisor
District 6, Covington
Kentucky Transportation Cabinet
Laura.Mitchell@ky.gov

Todd Morgan

From: Todd Morgan
Sent: Friday, November 22, 2013 12:09 PM
To: 'Anne McBride'
Subject: Preliminary Questions and Comments for Kroger/Arlinghaus Zone Change Application

Anne:

I hope you are having a great vacation.

I have a long list of questions and comments:

1. Concept Plans
 - A. What are the exact dimensions of the pharmacy/banking canopy, fuel canopy, and fuel kiosk?
 - B. I have never received a legible copy of the photometric plan.
 - C. The species labels on the landscaping plan are too small to read.
 - D. The banking/pharmacy drive through lanes do not meet code. Section 3155 of the Zoning Regulations requires them to be 10' wide. Is this a Waiver or something that will be fixed?
 - E. The banking/pharmacy bypass lane does not meet code. Section 3323 of the Zoning Regulations require it to be 14' wide. Is this a Waiver or something that will be fixed?
 - F. Could Kroger's outdoor seating area be anywhere on the sidewalk? Is this area going to be fenced off?
 - G. Have tractor trailer/gas tanker turning movements been analyzed in and out of the site? Should the landscaping islands be shortened?
 - H. I would like lane striping details on both of the development access points (between the US 42 intersection and first internal driveway).
 - I. I would like to see the gas canopy elevations relabeled. The front should be labeled southwest, the rear northeast, etc.
2. Project Description
 - A. Page 1, Third Paragraph – "The outlot area in the northeast corner of the development will be reserved for office-type uses for a minimum of two outlots or 12,000 square feet of building area". I am taking this to mean that this area can only be occupied by office users (medical, dental, law, etc.), In addition, there will be a minimum of two outlots and each outlot building will be no larger than 12,000 square feet in area. Am I reading this correctly? I would recommend rewording this sentence differently. Kevin Costello, Kevin Wall, and I were not clear on its meaning. This same language is found in Outlot Design Standard #1
 - B. Page 2, Kroger Marketplace Front Elevation Signage – I don't think the drive thru enter signs should be on this façade. I think they are shown on the rear elevation.
 - C. Page 3 and 4 East Boundary of Outlots/Western Kroger Boundary Landscaping – Please call me to discuss.
 - D. Page 4, VUA Landscaping – Please call me to discuss.
 - E. Page 4, Building Design #2. The submitted elevation do not show that the roof equipment is being screened.
3. Outlot Design Standards
 - A. Use Restrictions - See Comment 2A above.
 - B. Outparcel setback requirements – What is the proposed rear yard setback?
 - C. I do not see any language regarding building orientation. Will the front façade of all outlot buildings face US 42?
4. Traffic Study
 - A. Has Kentucky Transportation Cabinet reviewed the Traffic Study and provided any feedback?

- B. The Executive Summary indicates that the proposed development is anticipated to generate about 1,570 vehicle trips in the AM peak and 1,439 vehicle trips in the PM peak? We were surprised that there are more anticipated trips in the AM peak. Can you confirm these figures are correct?
- C. We are concerned about the lane capacity on eastbound Old Union Road. Does the Scenario Evaluation section of the report take into account all the planned residential growth that is on paper to the west of the US 42/Old Union Road intersection? Westbrook Estates Subdivision, Kilbelin Subdivision, and others are on paper but have not been significantly built out.
- D. Traffic Projections, Table 1 – Can you supply me with the description of a specialty retail center (ITE Code 826)? Can these retail centers have restaurants with drive throughs? The paragraph above this table indicates that they are not expected to be open between 7:00 and 9:00 AM.
- E. Traffic Projections, Table 2 – This table shows there will be no internal trips in the AM peak hours (7:00 – 9:00 AM). We don't think this is accurate. Kroger, drive through restaurants, a bank with an ATM, etc. could all be open for business and generate internal trips
- F. Traffic Analysis, Table 6 – Can someone better explain this last column of this table to me. For example, when I look at the SBL movement on US 42 for the US 42 & Fowlers Lane intersection a "295' minimum/345' desirable" turn lane is calculated. When I go to Figure 10 in the Conclusion and Recommendations a 300' turn lane is shown. Why wouldn't a 345' turn lane be provided?
- G. Figure 9 in the Conclusions and Recommendations section shows three lanes (2 lefts, and a right/through lane) for motorists traveling eastbound on Old Union Road. We are concerned that one motorist wanting to go through to Kroger could create stacking issues. Can an additional lane be added so there would be a designated through lane and a designated right hand turn lane?
- H. Are the proposed left hand turn lane improvements on US 42 (Old Union Road and Fowlers Lane intersections) going to be limited to restriping or will there be raised medians?
- I. Are the proposed lane striping configurations for the development driveways shown correctly? (see comment 1H. above).
- J. Has any analysis been done for Fowlers Lane? We are concerned that Fowlers Lane only has one egress lane versus what is proposed for the development access point.
- K. The road improvement recommendations are not shown on the Concept Plan. Has Kroger committed to making these improvements and installing them before the developments open for business? If so, I would like to see the road improvements shown on the Concept Plans. The updated plans can be submitted at the Zone Change Committee meeting.

At this point I think we should work on getting the clarification issues worked out (comments 1A, 1D, 1E, 2A, 2B, 2C, 2D, 2E, 3A, 3B, 3C) so my report and your project description/outlot design standards will be accurate. I think all the other items could be addressed at the Public Hearing or Zone Change Committee meeting.

I'll talk with you soon.

Todd
859-334-2196

Todd Morgan

From: Sara Senger <ssenger@teceng.com>
Sent: Monday, November 25, 2013 4:44 PM
To: Todd Morgan
Cc: 'Rob Trenkamp'; 'Ammons, Lisa M'; 'Anne McBride'
Subject: RE: Fwd: Fwd: FW: Preliminary Questions and Comments for Kroger/Arlinghaus Zone Change Application

Todd,

Below are TEC's responses to the Traffic Study related comments. If you need additional clarification on any of the points, we would be happy to discuss further with you.

- A. Has Kentucky Transportation Cabinet reviewed the Traffic Study and provided any feedback?

TEC has not received comments from KYTC to date. Comments are anticipated the first week of December.

- B. The Executive Summary indicates that the proposed development is anticipated to generate about 1,570 vehicle trips in the AM peak and 1,439 vehicle trips in the PM peak? We were surprised that there are more anticipated trips in the AM peak. Can you confirm these figures are correct?

The site generates 1,570 trips in the AM and 2,088 trips in the PM (of which 649 are calculated to be internal trips and reduced from PM trip totals). TEC will update the discussion clearly illustrate the trips in terms of total trips.

- C. We are concerned about the lane capacity on eastbound Old Union Road. Does the Scenario Evaluation section of the report take into account all the planned residential growth that is on paper to the west of the US 42/Old Union Road intersection? Westbrook Estates Subdivision, Kilbelin Subdivision, and others are on paper but have not been significantly built out.

The scenario evaluation takes into account growth in the area by applying a 1.8% growth rate per year for all existing traffic movements. Background traffic growth is done to account for various developments occurring within and outside the extents of the study.

- D. Traffic Projections, Table 1 – Can you supply me with the description of a specialty retail center (ITE Code 826)? Can these retail centers have restaurants with drive throughs? The paragraph above this table indicates that they are not expected to be open between 7:00 and 9:00 AM.

From ITE: "Specialty retail centers are generally small strip shopping centers that contain a variety of retail shops and specialize in quality apparel, hard goods, and services, such as real estate offices, dance studios, florists and small restaurants." A restaurant with a drive through is a separate use. Three fast-food restaurants (with drive through) have been included in the trip generation tables for this site to account for such uses.

- E. Traffic Projections, Table 2 – This table shows there will be no internal trips in the AM peak hours (7:00 – 9:00 AM). We don't think this is accurate. Kroger, drive through restaurants, a bank with an ATM, etc. could all be open for business and generate internal trips

Internal capture rates are not provided for the AM peak hour in the ITE Trip Generation Handbook, therefore no reductions for internal trips during the AM peak hour were taken. Without any reductions, the AM trips represent worst case scenario, a conservative approach used since no data is available.

- F. Traffic Analysis, Table 6 – Can someone better explain this last column of this table to me. For example, when I look at the SBL movement on US 42 for the US 42 & Fowlers Lane intersection a “295’ minimum/345’ desirable” turn lane is calculated. When I go to Figure 10 in the Conclusion and Recommendations a 300’ turn lane is shown. Why wouldn’t a 345’ turn lane be provided?

The KYTC turn lane warrant calculation spreadsheet includes calculation of both a "minimum" and "desirable" turn lane length. TEC considers both calculated bay length, as well as 95th percentile queues calculated using SimTraffic. In this case, the minimum bay length (295') can easily accommodate the maximum 95th percentile queue for this movement (51').

- G. Figure 9 in the Conclusions and Recommendations section shows three lanes (2 lefts, and a right/through lane) for motorists traveling eastbound on Old Union Road. We are concerned that one motorist wanting to go through to Kroger could create stacking issues. Can an additional lane be added so there would be a designated through lane and a designated right hand turn lane?

A designated right turn lane is not warranted according to the requirements of the KYTC turn lane warrant calculation spreadsheet (shown in the report Table 6). The right turn volume in the worst case scenario (2025 AM Build) is only 34 vehicles. This amounts to 1-2 right turning vehicles per cycle. In TEC's opinion, this does not merit construction of separate through and right lanes.

- H. Are the proposed left hand turn lane improvements on US 42 (Old Union Road and Fowlers Lane intersections) going to be limited to restriping or will there be raised medians?

The planned method would be restriping.

- I. Are the proposed lane striping configurations for the development driveways shown correctly? (see comment 1H. above).

Comment to be addressed by Kroger/site designer.

- J. Has any analysis been done for Fowlers Lane? We are concerned that Fowlers Lane only has one egress lane versus what is proposed for the development access point.

Capacity analysis was completed for Fowlers Lane as shown in Table 13 of the report. The existing eastbound lane configuration (single lane in each direction) was used in the analysis. The results show with the proposed signal, the eastbound approach is anticipated to operate at a LOS B during all peak hours and analysis horizons. During the PM Peak hour, the Build delays (with traffic signal) are actually calculated to be less than the No Build (unsignalized) condition.

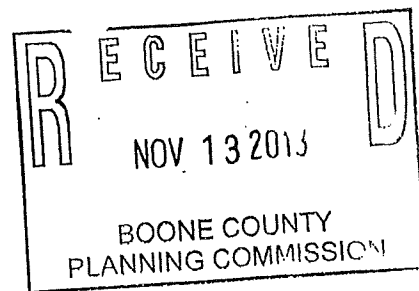
- K. The road improvement recommendations are not shown on the Concept Plan. Has Kroger committed to making these improvements and installing them before the developments open for business? If so, I would like to see the road improvements shown on the Concept Plans. The updated plans can be submitted at the Zone Change Committee meeting.

Comment to be addressed by Kroger/site designer.

Sara M Senger, PE, PTOE
Project Engineer

TEC Engineering, Inc.

Boone County Planning Commission
November 11, 2013



Dear Commissioners:

Recently my husband and I attended an informational meeting regarding a proposed Kroger Marketplace to be built southwest of the Boone County Library in Union Kentucky. The people invited to attend were residents of the Villas of Fowler's Creek across US42 to the West and Braxton Lane to the East which is immediately South of the Boone County Library. Per Kroger these neighborhoods would be most impacted by the proposed new Marketplace.

Kroger representatives distributed a plot plan showing how the 35-acre complex would be developed. One of the Marketplace entrances would be directly across from the Villas of Fowler's Creek, a senior community. After listening to Kroger's presentation, we learned additional facts, including Kroger's plan to sell or lease some of the property to other businesses. It was discouraging to learn that a gas station would be directly across the highway from the Villas of Fowler's Creek main entrance!

Kroger did ask for our comments and said they would get back with us on any unanswered questions, they also took an informal poll (at an attendee's request) about the development. The poll showed that a majority of attendees did not want the Marketplace built in the proposed location. At the conclusion of the meeting, Kroger said they would review our comments to determine if they would go forward with the proposal and the necessary rezoning process.

At the meeting, Kroger said the proposed Marketplace in Union would be "like, but bigger than, the one in Hebron." We visited this Marketplace, as well as the Florence and Walton locations and we noted that none of those developments were in a residential neighborhood. The Union Marketplace would be surrounded by residential areas except on the north side of the development.

At the Hebron Marketplace we stood across North Bend Road from its main entrance to get a perspective of what we would see in our community. This was discouraging, many of out-lot businesses including a gas station, fast food restaurants and auto parts stores bordered the developed site with signs and parking for their business. None of these are bad businesses, but they are not what you want to see from your living room windows or as you drive out of your community. Especially when litter from the business piled in their parking lots and blowing across the road. Add in the potential additional factor of increased traffic (including through our neighborhood to avoid traffic), noise/light pollution, the potential for decrease in our property value and you can see why residents are upset.

We are against the zoning change to make this property commercial right in the middle of residential neighborhoods. There is other land for sale in Union Township

that commercial development, such as Kroger's Marketplace, would be most welcomed.

Therefore, we ask you to vote no to rezoning of this land.

Sincerely,

Handwritten signature of Charlie and Phyllis Myer in cursive script.

Charlie and Phyllis Myer

9067 Royal Oak LN
Union, KY 41091
765-474-8996

Subj: **RE: Kroger Marketplace in Union**
Date: 11/11/2013 9:36:59 A.M. Eastern Standard Time
From: PattiRaftery@aol.com
To: k.costello@boonecountyky.org
BCC: pattiraftery@aol.com

RE: Kroger Marketplace in Union

Dear Mr. Costello

My husband and I have been residents of The Villas of Fowler's Creek since May 2007 and are dismayed to learn that Kroger is requesting a zoning change to build a Marketplace right across from our community. We are very much opposed to a Kroger Marketplace in Union.

Five years ago The Midland Co. tried to get the zoning changed to build an "upscale" shopping center with a large Target store as the anchor. There was a great deal of opposition to this from the residents of the City of Union, and the City of Union Commissioners voted against that zoning change in the best interest of the city and its residents.

There is a Kroger Marketplace presently under construction on Mall Road just a little over three miles and a few minutes away from us. We don't need or want another one in the area. The property is now zoned for single family homes and should remain that way. We have friends who were interested in buying in The Villas but when they heard about the proposed Kroger Marketplace they are no longer interested. This residential area is quite simply not the appropriate place for a commercial development.

We chose The Villas because of the quiet rural-like setting away from all the noise, traffic, litter, lights, and pollution of a commercial district. If a Kroger Marketplace and the out-lots are allowed, our property values will plummet and our peaceful lifestyle will be destroyed. **Please don't allow this to happen.**

Would you please forward this to the other members of the Planning & Zoning Commission?
Thank you.

Patti Raftery
9171 Royal Oak Lane
Union, KY 41091
Phone: 817-0945

Todd Morgan

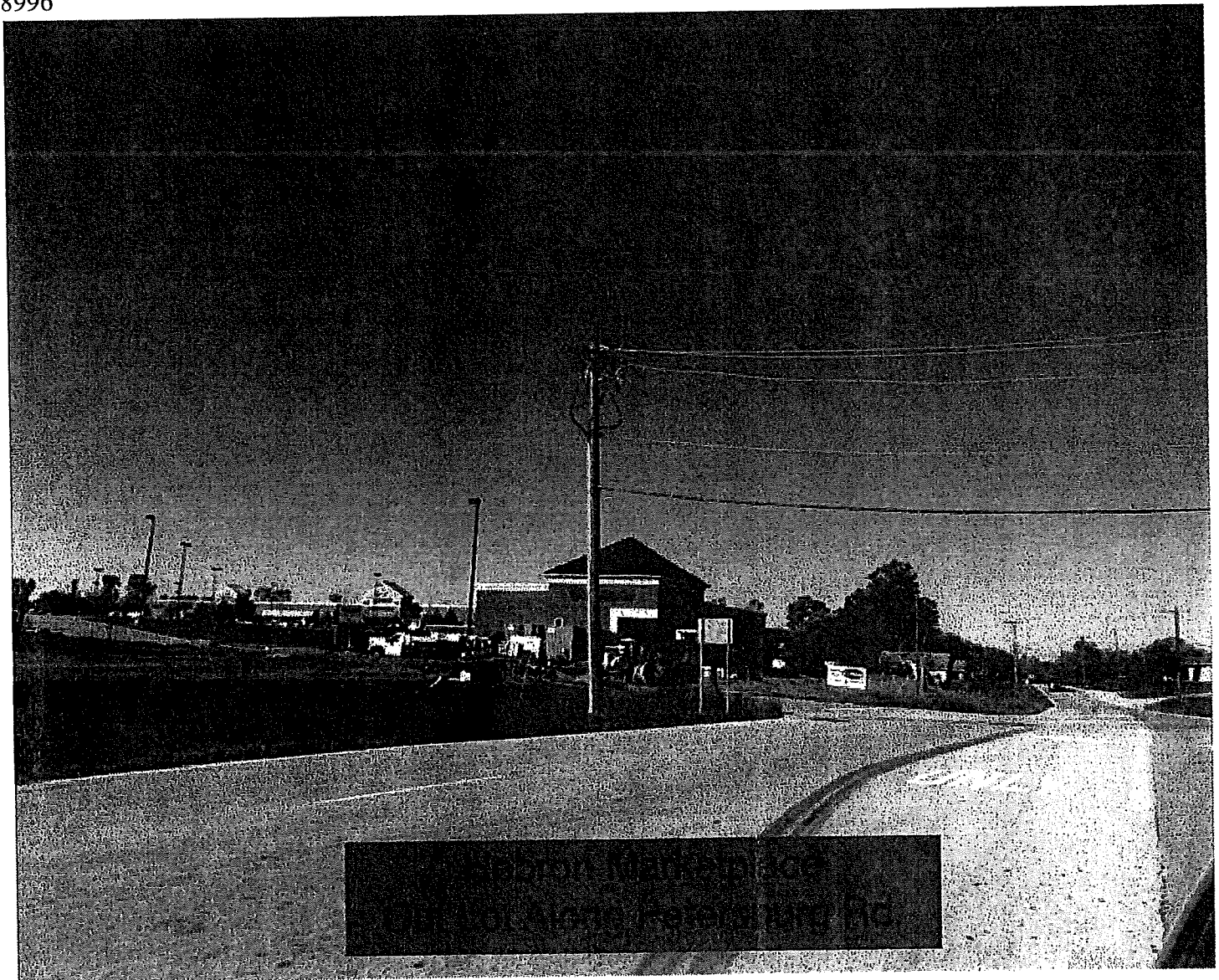
From: Charlie Myer <cbike2@gmail.com>
Sent: Monday, November 18, 2013 12:27 PM
To: Todd Morgan
Subject: Pics for Dec 4th Zoning Meeting

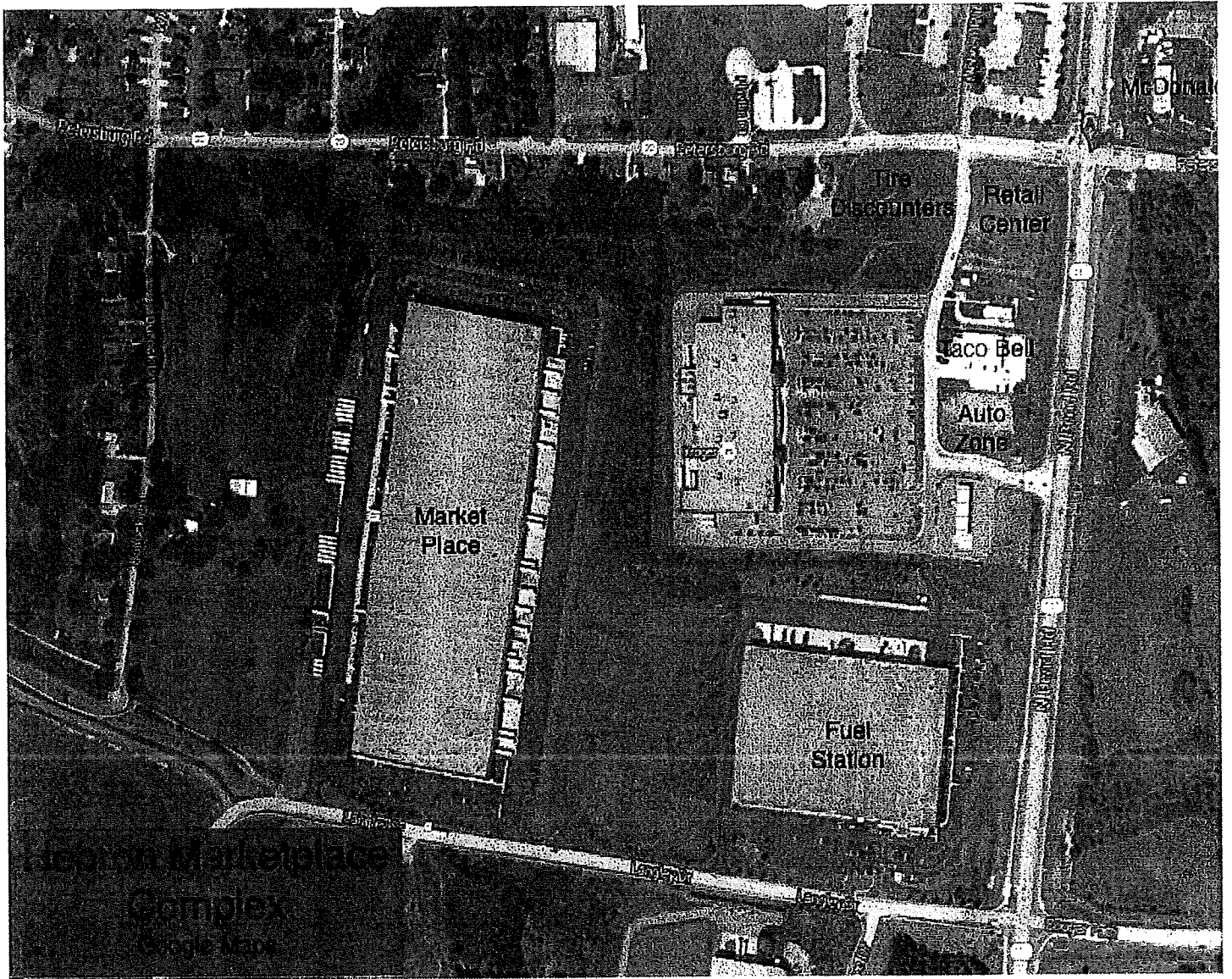
Todd

I talked with you last week regarding pictures which could be included in your Power Point presentation. Attached are several pics of Hebron and Walton Kroger Marketplace complexes. The pics are in JPG format with some captions.

Please let me know if you received all eight pics.

Thank you
Charlie Myer
Union, KY
765-474-
8996

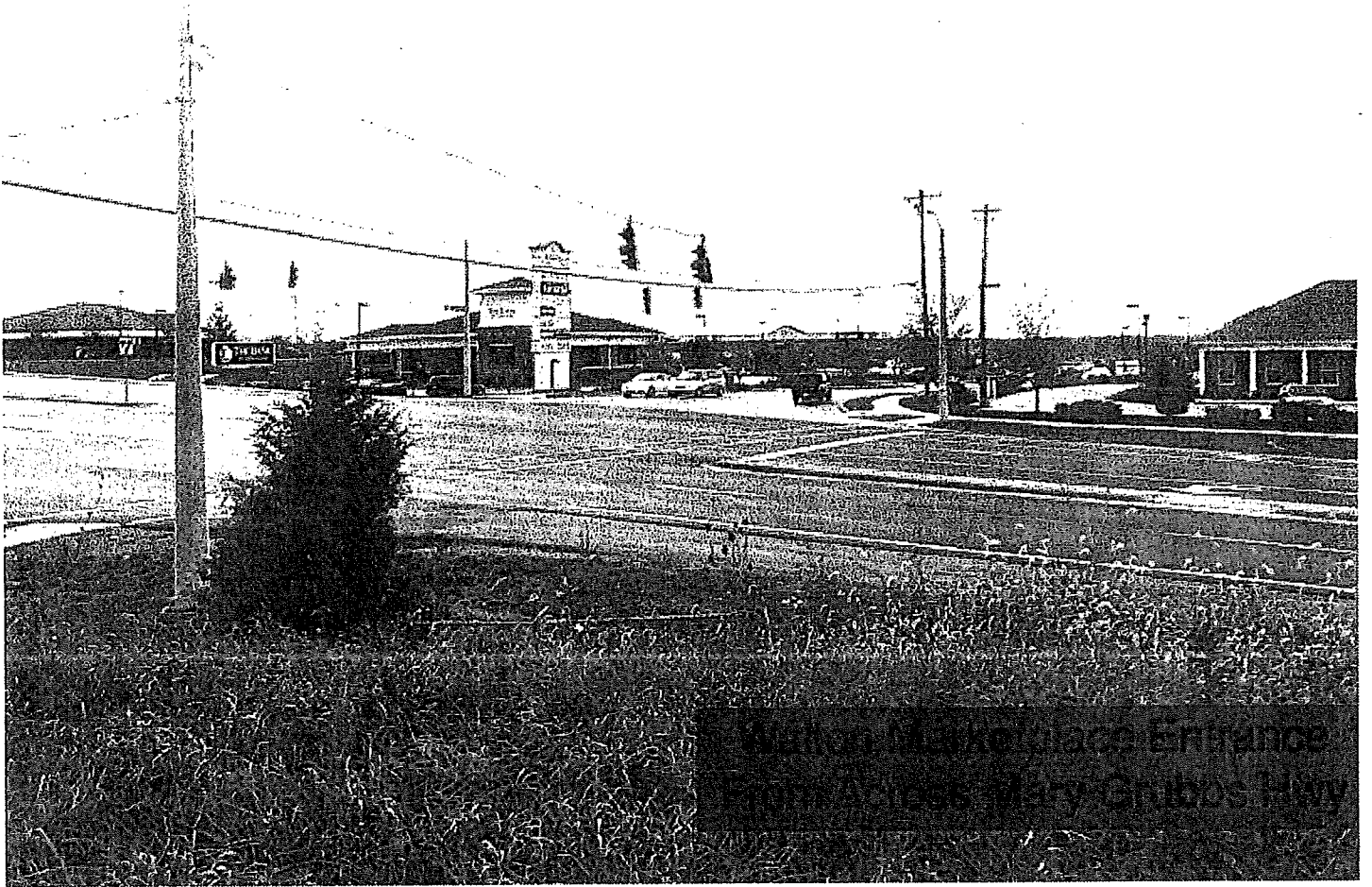






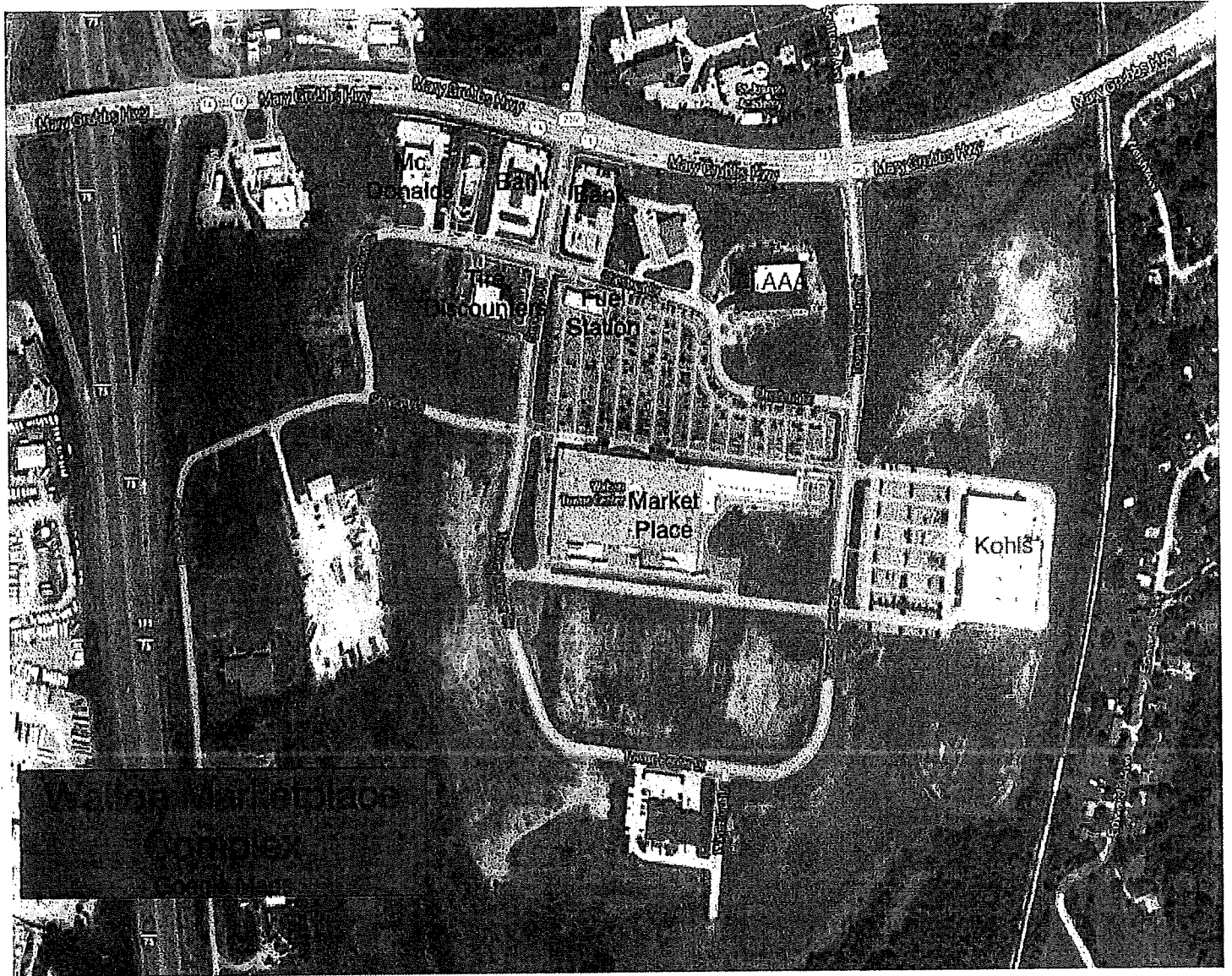


Valley Market Drive Entrance
from across Mary Church Hwy
at St. Joseph Academy





Hebron Marketplace
From Across North Bend Rd.





Hebron Marketplace
View From Fire Station Entrance Across
North Bend Rd.

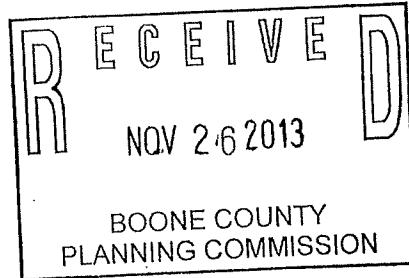


BOONE COUNTY PLANNING COMMISSION

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2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

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



November 18, 2013

Dear Property Owner:

The purpose of this letter is to make you aware of an upcoming Public Hearing and to briefly explain the process. The request is as follows:

Request of Anne F. McBride, FAICP, McBride Dale Clarion (applicant) for Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner) for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/U.S. 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

The Public Hearing will be held on Wednesday, December 4, 2013 at 7:30 p.m. in the First Floor Fiscal Courtroom of the Boone County Administration Building, 2950 Washington Street, Burlington, Kentucky. The Planning Commission's Staff will present a Staff Report which details the request's relationship to the Boone County Comprehensive Plan and potential land use impacts. The applicant will be given the opportunity to present their application of how the site will develop should the request be approved. Individuals in attendance at the Public Hearing will be given the opportunity to express opinions and ask questions. Opinions and questions are to be presented in an informal but orderly manner. Minutes of the Public Hearing will be taken and will serve as a part of the record along with any exhibits and reports that have been presented.

The Planning Commission makes a decision regarding the request based upon the finding of fact collected at the Public Hearing. The decision is based on the applicant's presentation, land use impacts, and Articles 3 and 15 of the Boone County Zoning Regulations. The Planning Commission's decision occurs at the next regularly scheduled Business Meeting after the Public Hearing. The decision will either be approval, approval with conditions, denial, or deferral of the request.

The Planning Commission's decision will be forwarded in the form of a recommendation to the City of Union. They will take final action on the request by either adopting, adopting with modification, or denying the Planning Commission's recommendation.

You may call for an appointment to come to the Planning Commission's office to review and discuss the submitted request. Any questions or concerns should be directed to me.

Sincerely,

Todd K. Morgan, AICP
Senior Planner

TKM/vlm

DUE TO MY WIFE'S HEALTH WE WILL NOT BE
ABLE TO ATTEND THE PUBLIC HEARING.
WE ARE AGAINST THE ZONE CHANGE.
WE DID NOT WANT A TARGET STORE BEHIND
US AND WE DON'T WANT A KROGER STORE
BEHIND US.

DAN + MAXINE BOTTOMI
9061 BRAXTON DR.

APPLICATION FORM

R	E C E I V E	D
	67867	
	NOV 01 2013	
BOONE COUNTY PLANNING COMMISSION		

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 Kroger
2. Location of Project East Side US 42 partially between Arbor Springs and Braxton
3. Total Acreage of Site 35.25 Acres
4. Current Zoning of Site "UNO" and "RSE/UTO"
5. Proposed Zoning (Classification being requested) "C-2/PD"
6. Proposed Uses (please specify each use) Neighborhood Commercial: Kroger grocery store, fuel center, bank, restaurant, etc.
7. Names of Applicant(s) Anne F. McBride, FAICP - McBride Dale Clarion
Phone No. 513-561-6232 Fax No. 513-561-1615 E-Mail amcbride@mcbridedale.com
8. Address of Applicant(s) 5725 Dragon Way, Suite 220
Cincinnati Ohio 45227
City State Zip
9. Name of Property Owner(s) Arlinghaus I LLC, (successor by merger with Arlinghaus Builders Inc)
Phone No. 859-392-8900 Fax No. 859-344-7983 E-Mail rschroder@arlinghaus.com
10. Address of Property Owner(s) 142 Barnwood Drive
Edgewood Kentucky 41017
City State Zip
11. Proposed Building Intensities (please specify) 145,796 SF Kroger (20,506 SF potential expansion); 8,000 SF liquor store; 9 pump island fuel center and outlots.
12. Are there any existing buildings on the site? No
How many? -0-
13. Deed Book 776 + 730 Page No. 1 + 293 Group No. 2047
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
 Boone County Water District
 Florence Public Services Dept.
 Duke Energy
 Sanitation District #1
 Cincinnati Bell
 Owen Electric Cooperative, Inc.
 Boone County Public Works Department
 Kentucky Transportation Cabinet
 Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: February 5, 2014

RE: Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant)** for **Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 U.S. 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/U.S. 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

REMARKS:

We, the Committee, recommend denial of the above referenced request based on the following findings of fact:

FINDINGS OF FACT

1. The Committee has concluded that the request is not in agreement with the 2010 Boone County Comprehensive Plan for the following reasons:
 - A. The Land Use Element text states that "this section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2035 Future Land Use Map and also affect the Boone County Zoning Regulations" (Union, pp. 168-169).
 - B. The Land Use Element text states that "Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the

Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union” (Pleasant Valley/Oakbrook, pg. 168).

- C. The Business Activity Element text (Recommended Areas of Commercial Activity, pp. 67-68) states that “the land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial. The Union Town Center could be used as an example of planning efforts for other parts of the U.S. 42 corridor, as well as other corridors in Boone County. Ultimately, mixed use town centers should be developed at major crossroads throughout Boone County without commercial development along the roadways between the town centers. Street connectivity is critical in these types of corridors.”
- D. The Comprehensive Plan’s 2035 Future Land Use Map designates the zone change site as Rural Lands (approximately 27% of the site), Suburban Residential (approximately 19%), High Suburban Density (approximately 7%), Urban Density Residential (approximately 23%), and Commercial (approximately 24%) which includes office uses. The Union Town Plan Land Use Map mirrors the Future Land Use Map’s basic land use concept by applying the Green Areas, Single-Family Detached, Town Homes, Residential (10 d.u./acre) and Office designations in basically parallel locations. The Comprehensive Plan’s Land Use Element text (Union Area, pp. 168-169) states that the “plan’s (Union Town Plan) recommendations are shown on the 2035 Future Land Use Map.” Thus, the text of the Land Use Element does not give wholesale discretion to abandon the direction given by these maps.

The Committee determined that the proposal is not the mix of residential and office uses that is recommended by the Boone County Comprehensive Plan or Union Town Plan. The submitted Concept Development Plan does not contain residential uses and the proposed commercial/office uses are in strip commercial form with associated outlots. The submitted plan would allow a 135,976 square foot Kroger Marketplace, 8,000 square foot Kroger liquor store, Kroger fuel center, and 730 parking spaces on a 22.53 acre lot and office and commercial outlots on 12.72 acres of land. Neither the Comprehensive Plan’s 2035 Future Land Use Map or the 2000 Union Town Plan Land Use Plan Map gives credence to a wide range of office/commercial uses or commercial type structures across the entire site.

2. The application fails to adequately meet all the pertinent aspects of Section 1514 "Planned Development Standards" in the zoning regulations. Although the Zone Change Committee and applicant met five (5) times and worked through several of the detailed design issues raised under this section, the overall project is incompatible with adjoining sites based on its size, scale, arrangement, and uses. Some of the key Planned Development Standards analyzed by the Committee are as follows:

#2 "Compatibility of Uses" - The scale of the commercial and office uses are not compatible with neighboring uses. Residential developments are located to the south (Arbor Springs at Plantation Pointe), east (Union Village), and west (Villas of Fowler Creek) of the subject property.

#6 "Landscaping" - This standard states that substantial landscaping shall be provided in a Planned Development. The Committee was especially concerned about the landscaping Waiver that was proposed along several of the southern property lines because those property lines adjoin residentially zoned property. The Waiver would allow the landscape buffers along many of the south property lines to be reduced from Buffer Yard D (80' wide or 40' wide buffer) to Buffer Yard A (10' wide buffer). The applicant's revised Concept Plan shows that they would be willing to install additional landscaping in an easement on the adjoining property (Arlinghaus property) but that land was not advertised as part of the request and cannot be considered by Boone County Planning Commission unless the Zoning Map Amendment process is started over.

#11 "Conformance with the Comprehensive Plan - See Findings of Fact 1A. - 1D. on pages 1 and 2.

3. No facts have been identified which legitimately support a finding that the existing zoning classification is inappropriate at this time and that the proposed zoning classification is appropriate. Regardless of the comments made by the applicant, the residential uses planned for the site are appropriate uses which are compatible with the adjoining properties and which contribute to a transition of uses along US 42. The proposed office/commercial development is not appropriate based on its size, scale, range of uses, physical arrangement, and incompatibility with neighboring properties as discussed above.
4. No facts have been identified which legitimately support a finding that there have been major changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

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 are the signature pages from the Zone Change/Concept Development Plan Committee votes.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: January 29, 2014

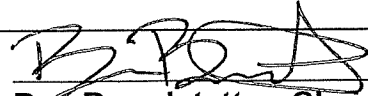
RE: Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant) for Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/US 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

REMARKS:

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

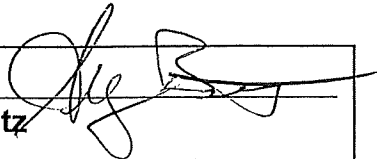
Anne F. McBride, FAICP/Arlinghaus I LLC

January 29, 2014



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

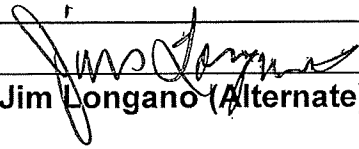
For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

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 ____ FOR PROJECT ____ ABSENT ____
3 ____ AGAINST PROJECT ____ ABSTAIN ____

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: January 15, 2014

RE: Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant) for Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/US 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

REMARKS:

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

Anne F. McBride, FAICP/Arlinghaus I LLC

January 9, 2014

Ben Brandstetter
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 K. Kegley
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
Jim Longano (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: January 9, 2014

RE: Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant)** for **Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc)** (**owner**) for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/US 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

REMARKS:

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

Anne F. McBride, FAICP/Arlinghaus I LLC

January 9, 2014

Ben Brandstetter
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 K. Kegley
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
Jim Longano (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: 4 DEFERRED FOR PROJECT 4 ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: December 19, 2013

RE: Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant) for Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/US 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

REMARKS:

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

Anne F. McBride, FAICP/Arlinghaus I LLC

December 19, 2013

Ben Brandstetter
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

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
Jim Longano (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

TOTAL: 4 DEFERRED ___ FOR PROJECT 5 ABSENT
 ___ AGAINST PROJECT ___ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: December 12, 2013


RE: Request of Anne F. McBride, FAICP, McBride Dale Clarion (applicant) for Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner) for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/US 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

REMARKS:

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

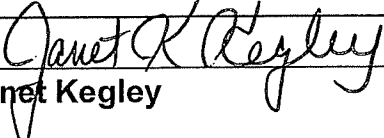
Anne F. McBride, FAICP/Arlinghaus I LLC

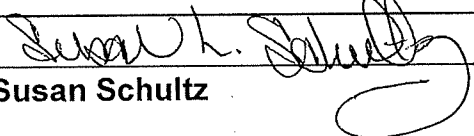
December 12, 2013


Ben Brandstetter, Chairman
 For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Greg Breetz
 For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

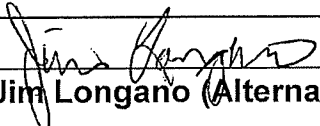
Kim Bunger
 For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___


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: 4 DEFERRED ___ FOR PROJECT ___ ABSENT
 ___ AGAINST PROJECT ___ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
DECEMBER 4, 2013
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 7:30 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Ben Brandstetter, Chairman; Todd Morgan, Staff

1. Request of **Anne F. McBride, FAICP, McBride Dale Clarion (applicant)** for **Arlinghaus I LLC (successor by merger with Arlinghaus Builders Inc) (owner)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two/Planned Development (C-2/PD) for a 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 US 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/US 42 and Fowlers Lane/U.S. 42 intersections, Union, Kentucky. The request is for a zone change to allow commercial, office, and elderly housing facility uses.

Chairman Rolfsen briefly explained the process of tonight's Public Hearing with a staff presentation first followed by the applicant's presentation, comments from the audience and then questions/comments from the Board members.

Staff Member, Todd Morgan, presented the Staff Report, which included a power point presentation (see Staff Report). Mr. Morgan explained that the site was 35.25 acres located on the east side of U.S. 42. It is located across from Fowlers Lane and Old Union Road. The site is also adjacent to the Scheben branch of the Boone County Library and some single-family dwellings in Union Village Subdivision. It is a zone change request. The current zoning of the site is Union Neighborhood Office (UNO) on the northern portion of the property and the southern part is zoned Rural Suburban Estates/Union Town Overlay (RSE/UTO). The proposal is to change the entire site to Commercial Two/Planned Development C-2/PD with a submitted Concept Development Plan. The Concept Development Plan is divided into 3 distinct sections. The first is a 22.53 acre tract. It contains an almost 136,000 square foot Kroger Marketplace building with an attached 8,000 square foot liquor store. The Marketplace store has five drive-thru lanes, of which 3 are for the pharmacy and 2 for banking. There is also a potential 26,500 square foot addition. If this would occur, then the pharmacy and drive through lanes would need to be relocated. In the southern notch of the property, there will be a Kroger fuel center. It has 9 pumps and a 163 square foot kiosk. There are 730 parking spaces on the parcel. Access to the site will be from 2 new driveways. One is directly across from Old Union Road at an existing traffic signal. There is also an access point across from Fowlers Lane with a proposed traffic signal. The second section is located on the northern portion of the site. It would involve office uses only. It is 7.99 acres in area and would consist of outlots. Mr. Morgan stated there is a clarification about this area that will be discussed by the applicant. The third section is located between the two entrances. It is 4.73 acres in size and can allow a multitude of C-2 uses. This list of uses is included in the Staff Report. The applicant is also requesting the possibility of elderly housing in this outlot area. Mr. Morgan showed elevations of the proposed Marketplace building. It is mostly constructed of brick and some split-faced CMU at the bottom and gabled areas are EIFs. The roof will be standing seam metal with dormer windows and cupolas which relate back to Union Village Subdivision. Mr. Morgan also showed an elevation of the proposed fuel center and the rear portion of the Marketplace building, which shows the loading docks and privacy fencing. The materials used in the fuel center will match the proposed Marketplace building.

Mr. Morgan explained that the applicant is requesting a number of waivers as part of the Planned Development (PD) process. The first request is to allow the retail center to have 2 free-standing signs off U.S. 42. The first sign would be 20 feet tall and 224 square feet in area. It would advertise Kroger and all of the tenants in the Kroger Marketplace building. The second sign would be located at the second entrance across from Fowlers Lane. It would advertise the fuel center and fuel prices. It is 12 foot tall and 94.5 square feet in area. The applicant is also requesting more building mounted sign area. The current regulations only allow 3 sign areas and the applicant wants 14 signs on the front facade of the building. Five of the proposed signs are for the drive-thru lanes. The applicant is also requesting a sign waiver to allow signage on all four faces of the canopy versus 3 that the current zoning code requires.

In regard to landscaping, the applicant is requesting several waivers. The first one is located along the southern property line. The normal requirement is a 40 foot buffer with a fence or an 80 foot buffer without a fence when a commercial property develops next to a residentially zoned parcel. The applicant is requesting a 10 foot buffer in this area with reduced plantings. The second waiver involves the eastern property line where the applicant is requesting a reduced number of plantings while installing an 80 foot average buffer and a fence. The third waiver involves the vehicular use area (VUA) or landscaping islands in the parking lot. The normal requirement is that 5% of the VUA area must be in the form of landscaping islands and end caps in every other aisle must be 600 square feet in area. They are requesting some relief in this area. A fourth waiver involves the 4.73 outlot area and a street frontage buffer. This waiver needs to be addressed more clearly by the applicant. The applicant has submitted a revised landscaping plan for the Public Hearing.

Mr. Morgan discussed the site history. In 2000, the Planning Commission approved the current zoning of the property as part of the adoption of the Union Town Plan. In 2008, the Planning Commission and the City of Union denied a Zoning Map Amendment request on a 51.079 acre parcel. The request at the time included 302,000 square feet of commercial use with a 133,000 square foot Target store. It also included a grocery store, 4 restaurants, office buildings and outlots. The Planning Commission recommended denial of the request and the City of Union held their own Public Hearing. In the end, the City of Union upheld the Planning Commission's decision. Mr. Morgan described the site characteristics, adjacent zoning and photographs of the site and neighboring properties. Mr. Morgan showed the 2035 Future Lane Use Map from the Comprehensive Plan, which recommended Rural Lands, Suburban Residential, High Suburban Density Residential, Urban Density Residential and Commercial. Mr. Morgan referred to the Goals and Objectives of the Comprehensive Plan, particularly letter "i", which states "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas." Also, letter "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." He also referred to letter "q", "Priority shall be given towards maintaining, protecting and improving the capacity and safety of the existing road system." Mr. Morgan then referred to the Union Town Plan. The Plan was "drafted to help define the Comprehensive Plan for this important Study area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendation." Mr. Morgan referred to the land use designations for the site under the Union Town Plan. What is recommended in the

Union Town Plan mirrors what is recommended in the Boone County Comprehensive Plan. Specifically, it suggests single family detached homes, townhomes, residential uses and office uses. On page 15 of the Staff Report, there is a reference to the Planned Development Standards, which are also included in the Staff Report (Section 1514 of the Zoning Regulations).

In regard to the Staff comments, Mr. Morgan explained that the Comprehensive Plan's Future Land Use Map designates the zone change site as Rural Lands (approximately 27% of the site), Suburban Residential (approximately 19%), High Suburban Density Residential (approximately 7%), Urban Density Residential (approximately 23%), and Commercial (approximately 24%). The Union Town Plan Land Use Map mirrors the Future Land Use Map's basic land use concept by applying the Green Areas, Single-Family Detached, Town Homes, Residential (10 d.u./acre) and Office designations in basically parallel locations. The main difference between the Plan Maps is that the Union Town Land Use Plan Map is generally more definitive and includes some labels as to how development should occur (such as setbacks along US 42 and access notations) in addition to providing core land use direction. The Comprehensive Plan's Land Use Element text (Union Area, pp. 168-169) states that the "plan's (Union Town Plan) recommendations are shown on the 2035 Future Land Use Map." Based on the various land use designations, both the Comprehensive Plan's Future Land Use Map and the Union Town Plan Land Use Plan Map designate about 76% of the site for a range of residential uses. While the Comprehensive Plan's Future Land Use Map designates the northern 24% of the site as "Commercial" (a broad category that includes retail and office uses in its definition), this site is further defined by the Union Town Plan Land Use Map which specifically identifies this area as "Office".

The Land Use Element text discussed above is echoed by the Business Activity Element, which states that "the land surrounding the U.S. 42 area, southwest of Florence, will experience additional commercial growth towards the City of Union, but should be done on a smaller scale to mitigate any adverse impacts and to be compatible with surrounding land uses and densities. The U.S. 42 corridor toward Union will have a mixture of commercial, office, institutional, public facility and residential uses. As defined by the 2000 Union Town Plan, commercial development should occur in neighborhood business district form in specified locations instead of strip style commercial. The Union Town Center could be used as an example of planning efforts for other parts of the U.S. 42 corridor, as well as other corridors in Boone County. Ultimately, mixed use town centers should be developed at major crossroads throughout Boone County without commercial development along the roadways between the town centers. Street connectivity is critical in these types of corridors" (Recommended Areas of Commercial Activity, pp. 67-68).

The Union Town Plan speaks extensively about the issues identified above in a similar manner as the Comprehensive Plan, but with an emphasis on "concentrating the commercial activity into a town center" that is centered around the US 42/Mt. Zion Road intersection. Highlights from the Union Town Plan include:

- A. "The study area contains a unique pastoral and small town character. The planning process indicated that this uniqueness can be incorporated into the future development of the City of Union and the surrounding area, and can result in a

development district that is different than any other place in Boone County. **In order to promote the Union Town Center area, a conscious effort has been made through the *Union Town Plan* to concentrate future commercial activity into a viable town center and to avoid typical strip-style commercial uses along the realigned US 42 arterial route. While concentrating the commercial activity into a town center, residential development is planned outside this town center.** Generally, the *Union Town Plan* and these specific zoning regulations recommend residential development outside the town center in an effort to preserve the unique land use characteristics of the area and support the proposed commercial activity of the town center. Planned commercial uses are intended to be local and not regional in scale."

Mr. Morgan referenced page 17 of the Staff Report and the Planned Development (PD) Standards. The first PD standard is **Mixed Use Orientation and Pedestrian Orientation**. He recommended that the applicant address a few items at the Zone Change Committee meeting. The first item is the compatibility of uses shown in the outlot area, the sidewalk connections between U.S. 42 and the outlot buildings and to the library. The second PD standard is **Compatibility of Uses**. He asked the applicant to address the number of restaurants and restaurants with drive-thru facilities that could develop on the outlots. Mr. Morgan noted that the Kroger Marketplace/ liquor store building could have impacts on adjoining properties in Union Village. The proposed Marketplace/liquor store building will be approximately 600' linear feet wide (excluding drive through canopy) if the building addition is constructed in the future and the truck docks are shown approximately 115' from the rear property line. A modified Buffer D (see PD Waiver section of the report) is proposed to screen the back of the building and parking lot from the properties. Staff recommends that the Zone Change Committee should evaluate this buffer in more detail. The project narrative indicates that the parking lot light fixtures will be mounted at a height of 41.5' and lights would be visible underneath the fuel canopy, especially from the remainder tract and the properties located in Arbor Springs Subdivision especially in lieu of the reduced buffer yard.

The third PD standard is **Open Space**. Mr. Morgan stated there was no useable open space designated on the submitted Concept Development Plan. **Landscaping** is another PD standard. Substantial landscaping is required and he suggested that the Zone Change Committee should closely evaluate the applicant's landscaping waivers. The fifth PD standard is **Architecture**. Mr. Morgan expressed a concern for the proposed outlot buildings. There is nothing that would prohibit an all EIFS building being located along U.S. 42. It is recommended that masonry requirements be included for the development of the outlot area subject to the Union Town Plan and similar to what was completed for the Kroger Marketplace development in Hebron. The next standard is **Signage** and the Committee should evaluate what is proposed based upon his earlier comments. A final PD standard is **Transportation Connection and Entry Points**. Mr. Morgan offered several things to consider, including connections to adjoining properties in the outlot area and the proposed sidewalk system. He noted that the applicant did submit a traffic study. The recommended improvements in the traffic study were not included in the submitted Concept Development Plan. Are there committed road improvements? Mr. Morgan stated that comments from the Kentucky Transportation Cabinet about the traffic study have not been received yet.

Mr. Morgan stated that he hoped he would receive comments from the Kentucky Transportation Cabinet by early next week. Mr. Morgan noted that he included the executive summary and recommendations of the traffic study in the Staff Report. He stated that the full version of the transportation study is to be included as part of the official record (see exhibit). Mr. Morgan referred to 2 drawings from the traffic study and then described the proposed transportation improvements. At the Old Union Road intersection, the applicant will install a 450 foot left turn lane on U.S. 42, two 300' left turn lanes and one through lane on Old Union Road. On northbound U.S. 42, there will be a 320' right turn or deceleration lane with 100' taper. At the Fowlers Lane intersection, a new traffic signal would be installed along with a 300' left turn lane on southbound U.S. 42 and a 445' right turn lane on northbound U.S. 42. Staff did submit a list of questions to the applicant's transportation engineer. The response from TEC is attached to the Staff Report. There are still some remaining items that need to be addressed by the applicant. The Union Fire District did not have any comments on the project. The Kentucky Transportation Cabinet did submit a letter to the Planning Commission stating that they would forward comments during the week of December 9th. The Staff did receive four letters/e-mails in opposition to the request at the time the Staff Report was finalized and they are attached to the Staff Report along with 3 additional letters that were distributed tonight (see exhibit). Mr. Morgan stated that he would like Kroger to address their plans for their existing Union store. Will the property be sold if the Zone Change application is approved? Will any restrictions be put on the property which limit uses? Will improvements be made to the building so it doesn't look like a grocery store? What is the future economic viability of the retail center and the existing tenants? For comparative purposes, Staff would like to note the Kroger Marketplace under construction on Mall Road will be 123,678 square feet in area when completed and contains similar building materials. Mr. Morgan concluded his presentation by showing photographs of the Kroger Marketplace store being built on Mall Road.

At this time, Chairman Rolfsen asked if the applicant would like to proceed with their presentation?

Ms. Anne F. McBride of McBride Dale Clarion, (Applicant) stated that the existing Kroger store is 66,000 square feet and was built in 1997 and the City of Union had about 1,400 residents at the time. Based upon the 2012 U.S. Census, the City of Union had 5,500 residents and the OKI projection for the Union area is over 33,000 for the year 2020 and over 41,000 residents for the year 2030. It represents an increase in population of over 290% when comparing the 1997 population with the 2012 population. From 1997 to the year 2020, it would be an increase of 2,200%, yet they are operating out of the original store. Most people don't drive a great distance to grocery shop. It is a local convenience or service. Kroger is fortunate to receive customer feedback. One person commented that the existing Union store was close and convenient but lacks size and variety. The existing store is simply too small to carry the variety of merchandise in a comfortable surrounding with adequate parking. When Kroger selected the site and prepared a series of Concept Development Plans, they tried to obtain as much input from the community as possible. Kroger held a number of meetings with Union representatives, Planning Commission staff, the Union Economic Development Committee, Boone County Library officials and neighborhood meetings with adjacent property owners. They attempted to incorporate the various comments into the proposed project. The site is located in the Union Town Plan area. The Plan does

designate part of the site located in the northeast corner adjacent to the library as office. Kroger is planning to use a portion of the 7.99 acre site for office uses, which would be in conformance with the Comprehensive Plan. There is some confusion on how much of this area will be used for office use. This matter will be resolved with the Zone Change Committee. Ms. McBride referred to the Comprehensive Plan. She stated that the U.S. 42 corridor toward Union will have a mixture of commercial, office, public facility, institutional and residential uses. The proposed development along with existing retail office, library and residential uses creates the mixture of uses called for in the Comprehensive Plan. The Comprehensive Plan is also specific about the developments along U.S. 42 of not being regionally oriented. Kroger is an existing retailer in this area. They are a local retailer as the bulk of their customers come from a 10 minute drive time to the store. The Comprehensive Plan also talks about commercial developments along the U.S. 42 corridor being clustered to serve growing residential neighborhoods and in the vicinity of other commercial uses. The site is adjacent to existing commercial uses within the view of other commercial uses and in proximity of a good transportation network to provide a connection to other residential areas. There is also a need to do future developments according to Planned Development (PD) district requirements. The proposed project achieves this opportunity. Ms. McBride mentioned that there are a number of representatives from Kroger at the Public Hearing to answer any questions.

Mr. Mike Haffner, TEC Engineering, explained that the traffic study not only looked at the immediate site, but also U.S. 42 from Gunpowder Road to Frogtown Road. The analysis examined a.m. and p.m. peak hour traffic, build and no-build conditions and assumed 2015 opening year, a full build-out and traffic growth to the year 2025. U.S. 42 is an urban arterial road, which moves a lot of traffic. The key traffic impacts from the development are the access points. He stated that they are recommending improvements to the Kroger site and Old Union Road. Dual left turn lanes on Old Union Road are recommended to accommodate future growth since only single lanes exist. In regard to Fowlers Lane, it has low volumes of traffic now, but as a result of the proposed development, a traffic signal will need to be installed. Overall, the network can accommodate the traffic from the Kroger site. The proposed improvements help the development traffic enter and exit but also assure the existing traffic movements are okay now and into the future.

Mr. Don Barnett, Kroger Real Estate Department, explained that his role is to deal with the residual development around the Kroger store, including the old store. He stated that Kroger is concerned and motivated about old stores so they don't become an eyesore. The intent is to redevelop the old store and lease it. They have had recent success stories both locally and nationally. Typical uses are furniture stores, hobby/craft stores, soft goods, clothing, outdoor sporting goods, fitness facilities and medical/hospital uses. In Anderson Township, Christ Hospital went into the old Kroger store. It doesn't look like a Kroger store now. The look of an old Kroger store would be driven by a tenant. Typically, tenants want their own identity and don't want to be associated with the old Kroger store look. They want a new look. Kroger is willing to put money into the old stores so they have a new life and they remain a viable property.

At this time, Chairman Rolfsen explained that the public is invited to ask questions or make comments. Mr. Costello proceeded to call names of individuals as they registered

to speak. If some didn't register, there may be time to comment at the end of the Public Hearing.

Mr. Bob Klette, 104 Burgess Avenue, Florence, stated that he goes to the existing Kroger often and he also visits the Walton store. The existing store is not friendly and the aisles are jammed. He doesn't go there even though he lives up the street. Kroger has been a great business in Boone County. Their property is well taken care of and they do a lot to help Union. Quite frankly, the way Union is growing, he doesn't understand why anyone would fight the new store. Everyone is in the mode of not in my backyard. They want to use it but not in their backyard.

Mr. Jim Marshall, Hathaway Road, stated that he has lived in Union the past 40 years. He commented that he was in favor of the project and it would be a great thing for the City of Union. He thought that the Target project was a good idea. Nevertheless, this is another opportunity. Something is going to happen to the land sometime down the road. The Kroger store is a great store and it would be a win win for the City of Union.

Mr. David Wallace, Attorney, spoke representing Tony and Candy Frohlich, who have some concerns about the Kroger development and some areas that the Planning Commission should take into account. First, there is a concern about the architectural design of the property so that it fits in with the neighborhood. He also expressed concerns for proper landscaping and buffering, as well as additional open space. This would make it a quality development. Proper traffic management is also key to this site. Mr. Frohlich bought his property in 1983 and has lived on it since 1986. Mr. Frohlich was on the Committee that was formed to assist in the drafting of the Union Town Plan. He is familiar with the Plan and the different alternatives that were analyzed. One item that the Planning Commission should look at are the changes that have occurred in the area since the adoption of the Union Town Plan in 2000. Originally, the McClellan site (where the Villas of Fowler Creek is now) was supposed to be development at one unit per acre with the historic house built in 1817 being preserved. Also important was a green space buffer area. Mr. Wallace submitted photographs of what the property looked like prior to the development and what the green space looks like today (see exhibit). There was also a change at the corner of Frogtown Road and U.S. 42 to allow commercial development. There has been some significant economic changes in the area since 2008. Originally, there was an idea of having a gateway of open space going into the Town Center area. Now there are condominiums. The Committee also looked at commercial nodes with them being located at the front and end of the Town Center area. He asked the Commission to look at the history of the Union Town Plan and the various alternatives to see how it fits into the year 2013 versus 2000.

Ms. Patti Rafferty, 9191 Royal Oak Lane, read a letter (see exhibit) opposing the request because of impacts such as noise, traffic, litter, lights and pollution from the commercial zoning district. Ms. Rafferty also referred to the denial of the Midland Atlantic proposal five years ago and the new Kroger Marketplace being built on Mall Road. She suggested keeping the residential zoning on the subject property. If the Kroger Marketplace and outlots are allowed, property values will plummet as well as her peaceful life-style and quality of life will be destroyed.

Mr. John Mefford, 10710 Aspen Place, stated he is against the proposed development as it stands. He is not against Kroger building a larger store in Union and not against development in Union. Mr. Mefford stated that he is against C-2 development in Union. Five years ago when Midland Atlantic was trying to get the same zone change, he was a Commissioner. At the time, the Commissioners were advised that legally, if they allowed C-2 zoning for a development, then they could not legally stop it for anyone else. At the time, Union decided to be a different unique community - a town center community like Hyde Park. The Commissioners agreed with the Planning Commission to deny Midland Atlantic's request. At that time, four new people decided to run against the current City Commissioners, who supported Target. As a result, the incumbents won re-election 58 to 42%. The voting public clearly stated then and still do now that they do not want C-2 development. He suggested that Kroger think about their design, partner with the City of Union and become an anchor for the Town Center development.

Ms. Donna Bird stated that she would pass on the opportunity to speak.

Mr. Charlie and Ms. Phyllis Myer, 9067 Royal Oak Lane, read a letter (see exhibit). Mr. Myer stated that he and his wife visited the Kroger Marketplaces in Hebron, Florence and Walton and none of them were surrounded by residential neighborhoods. The outlet businesses, including a gas station, a fast food restaurant and an auto parts store were an eye-opener as these types of businesses could be viewed by residents from their living room. He asked that anyone making a decision about the request should visit the Hebron Fire Station and look to the west. Should zoning designed to protect property owners be changed to allow large corporations to develop next to residential properties? The increased traffic and noise/light pollution and potential decrease in property values will affect the residents. He asked that his presentation, pictures and speech be made part of the record.

Mr. Frank Beemon, 8872 Richmond Road, expressed a concern that the applicant really didn't specify what was going to be built in the outlot area. They should tell you what exactly they want to do. It would be a different story. The existing store is crowded but they are friendly. He stated that we need a bigger Kroger. The fuel facility should be out near the road.

Ms. Mary Lou Pleasants, 9158 Royal Oak Lane, read a letter (see exhibit) stating her opposition to the Kroger Marketplace. If the store is doubled so will the traffic. She also expressed a concern for safety of school age children. There are five schools in the area with many buses, sporting events and school activities. There are also problems with traffic and the two proposed exits. There is a lot of traffic on Old Union Road from Orleans Subdivision, Longbranch Elementary and Cooper High School. There is usually a 12-15 car back-up in this area. This problem will only escalate. She also stated a concern about emergency response from the Union Fire Department. Since there will be more traffic from the development, then more lanes on U.S. 42 will be needed.

Ms. Noreene Morgan, 9205 Royal Oak Drive, noted that she has lived in Union for 8 years. Prior to this, she lived in Florence and moved to get away from the traffic and noise. What attracted her to Union was the small town feeling, the rolling hills and the green space once you past the Union library. She stated she is opposed to the commercial rezoning. If it is approved, then we are on our way to becoming another

Florence - one commercial building after another. She mentioned that she is not opposed to the property being developed as residential - either single-family homes, condos or apartments. She is not opposed to Kroger going into the Town Center area. There is a serious concern about storm water runoff if the project is developed with 730 parking spaces. There were times when large amounts of rain resulted in the existing lake overflowing. What happens when 35 acres of green grass is gone? Thirty-five acres of building and pavement converts to about 1 million buckets of water. It has to go somewhere. Are these 2 drainage areas enough? There will be pollution from the increase in traffic - autos and diesel trucks. With only 2 entrances into the site, vehicles will be stopped with idling engines. All truck deliveries will have to go through the 2 areas. The fact that the applicant wants build this in the middle of a residential area creates a problem. What has changed since the Planning Commission denied Target? The Comprehensive Plan and the Union Town Plan was the basis for the denial. What has really changed? Maybe a little more traffic from more residential homes? From the plans, a regional scale strip development with outlots really should not be allowed on U.S. 42. Ms. Morgan submitted petitions opposing the request and she has more that she wants to submit but needs to make copies (see exhibit). She said that they collected over 500 signatures from Union and Florence residents, who are opposed to it.

Mrs. Dorothy Eschan, 744 Oakridge Drive, stated that she lived in Union and Florence for over 60 years. She said that the bottom line is that the people don't want it. There is nothing wrong with the existing Kroger store. They can expand the existing store and they have one on Mall Road. People need to be taken seriously of what they want. Union was told that the Town Center was going to be a very unique place - a nice place for families and a nice place to build your home. You can see many of the homes that have been built. If Target was turned down, why in the world would you want to put a Kroger on the same site? Think about the people living there and don't make any hasty decisions. Think about who you are representing. We have to live with it.

Ms. Marilyn Mirick, 9182 Royal Oak Drive, stated she is opposed to the Kroger Marketplace. The proposed building only has 2 entrances to the site, whereas the Hebron store has 3. The Kroger Marketplace in Independence has 3 access points. The Florence location has 8. The old Kroger store in Union has 5 entrances into it. Why is there only 2 entrances and the proposed building is the largest Marketplace?

Ms. Sharon Landers, 9160 Royal Oak Lane, stated that when she visited the area to build a house she asked her friends in the area whether Union was a planned community? Her friends answered no but she noticed that the tire shop and other buildings reminded her of an upscale New England town. From the library, you can see and hear horses. It reminds her of England. All of the waiver requests don't make sense, especially considering all the work that went into the Union Town Plan.

Ms. Carol Shaw, 9076 Royal Oak Lane mentioned her concerns about the other stores next to the existing Kroger store should they build the new Marketplace store. It could result in less traffic for these businesses and the businesses could move and abandon their existing locations. Abandoned property becomes eyesores. That is not what we want to see happen in Union. It gives the impression that the community as a whole is not thriving. It is a negative impression. If there are a number of abandoned buildings in close proximity to each other, statistics show that it leads to an increase in calls to police

because of theft, drugs and violence. Property damage occurs as a result of fires and arson activity. This increases the number of insurance claims resulting in higher insurance rates. A Study done in Philadelphia found that homes with a close proximity to vacant commercial property experienced a net loss of \$7,000 in property values. The cost of city services increases due to an increase in fire, police and emergency service calls. There is a decrease in tax revenue. Union should consider all of these aspects.

Ms. Gerry Sawrey, 9138 Royal Oak Lane, stated she is a new resident of Union. She is opposed to the proposed Marketplace. She explained that she moved back to the Cincinnati area after 37 years. She selected Union because it was peaceful, quiet and rural rather than a busy area. Florence is a very busy and chaotic place and not well planned. Union, however is very organized and planned with easy access to shopping and health care facilities. Why are the census projections so high for Union? It is because people are looking for this type of environment to settle. If this zoning is changed, then you won't see the population increase. People will then begin to turn away from Union. It will just resemble many of the other places in the area. Please keep Union as it is - the way people want it to be.

Ms. Patricia McKaige, 9116 Royal Oak Lane, passed on her opportunity to speak.

Mr. Mark Akrousch, 8449 U.S. 42, stated that he is a small business owner that depends on Kroger. What will happen to the businesses around Kroger? He explained that he invested a lot of money in his business and relied on Kroger to be there. Now they want to uproot. What will happen to him? They have not considered that impact? Did they make an effort to buy any adjacent properties like the strip center and the former Blockbuster building for their parking? Do they need an 8,000 square foot liquor store? The less the better. Is pressure going to be taken off the existing Kroger if they are building the new store on Mall Road 3 miles away? How long did it take to rent out the old Kroger building in Anderson Township? It sat vacant for a very long time. Businesses moved in and out of it. Why didn't Kroger plan for growth when they built the original store?

Mr. Larry Kocisko, 9131 Royal Oak Lane, stated he has been on the Board of Fowlers Creek Villas for 6.5 years. He has lived in the area for over 20 years. He attended a Union Focus Group meeting. There were 7 subdivisions involved - Triple Crown, Lassing Pointe, Harmony, Gunpowder, Hampshire, Plantation Pointe and Villas of Fowlers Creek - and everyone was against the request. He also collected petition signatures and found only one person in favor of Kroger. He stated that he thinks the Union Town Center is a good idea but it won't happen if the Kroger project is built on the proposed site. Mr. Kocisko noted that in speaking with a WCPO reporter, the old Mt. Orab Kroger store stood vacant for over 3 years. Do you want the existing store decaying? Every reason the Planning Commission rejected the Target store is more than enough to reject the Kroger store. At 7:30 a.m. each morning, there are 26 buses traveling on U.S. 42. The traffic is worse with football games. It will only get worse with a new Kroger store. Does the residential area need all of the noise from the trucks? The diesel trucks are running early in the morning because the food needs to be refrigerated. Do you want the fumes from the trucks and the smell from the garbage dumpsters in your backyard? Please keep it zoned residential.

Mr. Richard Chorez, 9716 Colbalt Way, said he has been Krogering for 50 plus years and has lived in Union for 25 years. He has lived in Harmony Subdivision for the past 3 years. What has changed since the Target request? He responded that he wasn't sure why it was turned down and what has happened in the interim. Go ahead and give Kroger the go ahead? Why does Kroger think they can convince Boone County and Union that a zoning change and an additional store would benefit the community? It could be motivated by money by politics? It couldn't be motivated by both or could it? Why does Kroger want to build this new store when there is a new one being built on Mall Road 3 miles east? Really? The Walton location is ideal but no tax dollars flow into Union or Florence. Walmart wanted to locate on Mall Road years ago and the city and county said no and definitely not with gas pumps. Not sure if Kroger money was a motivator or not but the building is going up and you can be the judge. I am glad Kroger is going on Mall Road. It appears that Kroger is trying to compete with St. Elizabeth as far as locations are concerned.

Ms. Eva McGlynn, 9076 Chantilly Court, stated that she just moved to Union a year ago. It is a safe area for her kids to play. Ms. McGlynn expressed a concern about the safety of her neighborhood if the Kroger store is built. Traffic and security are her major concerns. The proposed Kroger store is too close to her house. She is opposed to the Kroger store, especially the fuel facility since she will have a view of it from her house. Ms. McGlynn submitted her letter (see exhibit).

Ms. Stephanie Fuller, 955 Aristides Drive, thought that the request is a slippery slope just as Mr. Mefford explained previously. If the proposed project is approved, it will be difficult to say no to something else. She noted that she shops at Kroger all the time but something this big will result in a slippery slope with U.S. 42 turning into a strip mall. She is not opposed to development like the Union Town Plan. She prefers something more charming than a strip mall. If the issue is to serve more people and people don't like to drive further for their groceries, then why don't they build a store in Richwood instead of another larger store in Union? Maybe the compromise is to build another store elsewhere instead of abandoning the Union Town Plan.

Mr. Costello noted that Kroger was originally interested in the Richwood area after a zone change application was approved. After several years of litigation, Kroger chose not to locate a new store at the site in question.

Mr. Sandy Smith stated that he has lived in Boone County for 57 years. It still takes a long time to get to and through Union because of traffic lights. Kroger has selected a prime parcel. It is residential and pretty. The site has a pond and Canadian geese live there. The pond will be eliminated by Kroger and the Canadian geese will have no where to go. Say no to Kroger because it will result in more traffic, wider roads and more taxes. He explained that he lives off Hopeful Church Road. There is a Kroger a mile and a half in front of him and in back of him. There is also one on KY 18. The proposed building is already outdated. It is old looking.

Mr. Jim Mirick, 9182 Royal Oak Lane, mentioned that he sits on the Boone County Board of Appeals and hears code violations within the County pertaining to the construction industry. We live by strict rules and one cannot deviate from them. We

hear the pros and cons and weigh those things. When it comes to public safety, we don't deviate from the books and the Planning Commission should do the same thing.

At this time, Chairman Rolfsen asked if the Board members had any comments or questions.

Mr. Longano noted that we can make this complicated and discuss how small the Kroger store is and how bad the parking is at the existing store. It really is not complicated. It is simple. On one hand, we have a relatively young Union Town Plan adopted in 2000 with a tremendous amount of effort from planners, consultants and residents, who came up with the zoning of the subject property. On the other hand, there is a proposal in direct conflict with the Union Town Plan. You couldn't get anymore in conflict with the Plan than with this proposal. It is a simple matter. Do you want to recommend approval of any project that comes along, or do you want to change the Plan first? He stated that he is not an advocate of taking the temperature of the room and voting against or making a decision based on that it goes against the Plan since everyone worked so hard for in the past. It is a simple thing and let's not make it anymore complicated than it has to be.

Mr. Bessler asked what was the current population of Union? Mr. Costello responded that the 2012 population of Union is about 5,600 residents.

Mr. Reynolds asked if Union was going to grow by leaps and bounds, then where will they build the housing? It seems that because the property is zoned residential, then they will need to house all of the people coming to Union. Why change it?

Ms. Schultz asked how the new Marketplace store on Mall Road will take the pressure off the Union store as it becomes less crowded?

Ms. McBride explained that whenever Kroger thinks about doing a new Marketplace store or an expansion, they take into account their existing stores and any proposed stores. When they saw they needed a new Marketplace in Union, they already had the Mall Road Marketplace underway.

Chairman Rolfsen asked what was the plan for the old store on Mall Road? Ms. McBride stated that the space or the old Kroger store has been turned over to the landlord, Brixmor. Brixmor is actively marketing the old store site.

Mr. Ford asked if the project moved forward, what would happen with the existing fuel center? Ms. McBride responded that the current fuel center would remain open. There could be two Kroger fuel centers within several hundred yards of each other.

Mr. Don McMillian mentioned that everyone has to deal with changes just like the invention of the outdoor toilet and seat belts. He stated he is not against change. Nothing is written in stone. Everybody goes to a grocery store. Everybody doesn't go to a Target store. There is a difference between the two. The Union Town Plan is great, but it hasn't fulfilled all of the ideas that people had going in there. They put offices in there. They didn't want the dentist but it finally made it, along with the liquor store across from the school. Nobody wants fumes in their backyard. Nobody should be

against changes. They are coming. Every day is different. That's okay. Everyone is in a hurry and don't want to drive 3 miles.

Mr. Longano stated that he agrees that plans need to change from time to time so you do a review of the plan. Every plan may need to be reviewed after so many years and maybe you will make some changes to it. You just don't make a decision that goes in direct conflict with the plan before you change the plan.

Mr. Reynolds asked how much land does Kroger own behind the existing store? Ms. McBride said there is no land available since there is a driveway aisle and a buffer zone. Ms. McBride stated that it is about 50 feet in width. Mr. Reynolds noted that Kroger has a 50 foot buffer zone and a berm next to a residential area, but they don't want it for the proposed fuel facility? Mr. Morgan stated that the buffer width behind the proposed store largely meets the requirements. It averages about 80 feet in width with a fence, but they want reduced plantings. Ms. McBride said that the waiver of the shrubs was based upon a topographic change. Mr. Morgan explained that some of the buffer to the rear is at 75 feet as requested. The buffer on the south side is being proposed to be reduced from 80 feet to 10 feet.

Chairman Rolfsen asked what does the Union Town Plan recommend for the site? Mr. Morgan answered that the northern portion of the site was forecasted for office uses, which mirrors the UNO zoning district. The rest of the property was various forms of residential uses. About 24% of the site is designated for office use and 76% residential.

Chairman Rolfsen asked if Kroger had completed a study of where the new Mall Road store will draw from and will it impact people who visit the Union Kroger?

Ms. Lisa Ammons responded that they took both stores in consideration. The new Mall Road store will impact the Union store. The impact could increase over a period of time because people will go to the Mall Road store for the variety and selection that they can't get at the Union store. Kroger felt they could support both stores in both communities. Upon questioning from Chairman Rolfsen, Ms. Ammons replied that it would have an 18-20% impact on the Union store. Chairman Rolfsen asked Kroger if they could provide an exact figure at the Zone Change Committee meeting.

Ms. Schultz asked what is the design plan for the new Union store versus the new Mall Road store? Will it be exactly the same in terms of merchandise? Ms. Ammons responded the Mall Road store is 123,000 square feet, while the new Union store will be 135,000 square feet. The Mall Road store has a 7,500 square foot liquor store, while the Union store will have an 8,000 square foot liquor store. The majority of the departments from the Mall Road store will be in the Union store. Some departments may be expanded as well as the Little Clinic. There may be 3 waiting rooms instead of two. The banking partner has also asked for more space. The additional square footage spreads out among the departments within the building. The furniture area will be replaced with apparel.

Ms. Reeves asked what was the current size of the Union Kroger liquor store? Ms. Ammons responded 5,000 square feet.

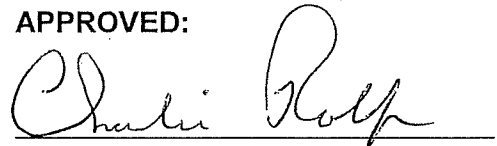
Mr. Ford asked what type of businesses could be allowed under the C-2 zoning? Mr. Morgan answered that the applicant submitted a list of C-2 permitted uses which appears in the Staff Report. The list also includes an elderly housing facility.

Mr. Breetz asked when was the last time the Union Town Plan was updated? Mr. Costello responded there hasn't been an update. When the State decided to relocate U.S. 42, the Planning Commission, the City of Union and the Boone County Fiscal Court wanted to get ahead of the curve of future development. In 2000, the Union Town Plan was adopted even though the road was not constructed. The road opened in late 2004.

Ms. Mary Lou Pleasants stated that she has friends who are appraisers, realtors and insurance agents and they say that Union is a hot spot to live. She emphasized that she wanted Union to remain a hot spot and keep that status.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 12, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on January 9, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:30 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibits

- TEC Engineering Kroger Traffic Impact Study - November, 2013
- E-Mail from Don & Eva McGlynn (December 3, 2013)
- E-Mail from Krista Oliver (December 4, 2013)
- E-Mail from Shane Shupe (December 3, 2013)
- 5 Photographs Submitted by David Wallace for the Frohlichs
- Letter from Patti & Ronald Rafferty
- Letter & Power Point Photographs from Charlie & Phyllis Myer (December 4, 2013)
- Letter from Mary Lou Pleasants
- Two Petitions Opposing the Request Submitted by Noreen Morgan
- Letter from Don & Eva McGlynn

SUPPORTING INFORMATION

cc: Todd Morgan,
BC Planning



TRANSPORTATION CABINET

Steven L. Beshear
Governor

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700
January 28, 2014

Michael W. Hancock, P.E.
Secretary

Ms. Sara Senger
TEC Engineering
77 West Elmwood Drive
Dayton, Ohio 45459

RE: Traffic Impact Study – Proposed Kroger Marketplace, Union, Kentucky

Dear Ms. Senger:

Thank you for your recent submission of the Traffic Impact Study and associated revisions in support of the proposed Kroger Marketplace located on US 42 in Boone County within the City Limits of Union, Kentucky.

The Kentucky Transportation Cabinet, District 6 concurs with the findings of the revised Traffic Impact Study revision submitted to our office on January 13, 2014. This includes:

- At the intersection of US 42 and Old Union Road, construction of a SBLT Lane, NBRT Lane, Dual EBLT lanes and EBThru/Right turn lane, WBLT lane, WBThru Lane, and WBRT lane. This includes all associated signal modifications, roadway work and any additional work to support these improvements;
- At the intersection of US 42 and Fowlers Lane, the construction of a SBLT lane, NBRT lane, WBThru and WBLT lane and installation of a traffic signal. This includes all associated signal modifications, roadway work and any additional work to support these improvements;
- Storage length and taper lengths for all new turn lanes will be determined upon submission of the formal permit application.

Please be advised that US 42 is a controlled access facility. All access points must adhere to already identified break in access points as denoted on the US 42 roadway plans provided by our office previously.

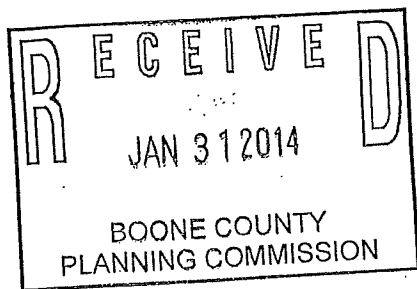
The improvements noted above are preliminary recommendations. Final confirmation of improvements will not be given until a formal permit application is submitted to our office. A formal approval will then be given through permit approval. Any changes to the site plan will require re-examination of the Traffic Impact Study and improvements listed above.

Please do not hesitate to contact me should you have any comments or concerns at Laura.Mitchell@ky.gov or by telephone at (859) 341-2700.

Respectfully,

Laura T. Mitchell, P.E.
District 6 Permits Supervisor

Robert A. Hans, P.E.
Executive Director, District 6



October 23, 2013

803 Compton Road, Suite A
Cincinnati, Ohio 45231-3819
(513) 521-4760
Fax (513) 521-2439
bobtrenkamp@tgraham.com

Description: Area to be Re-Zoned (35.25 Acres)

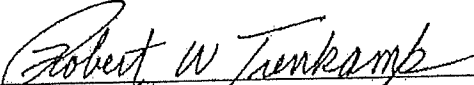
Situated in City of Union, Boone County, Kentucky and being more particularly described as follows:

Commencing at the northwest corner of Parcel "F", open space as shown and recorded in Section sixteen of Arbor Springs at Plantation Pointe, said point also being in the easterly Right-of-Way line of U.S. 42; thence continuing along the said east Right-of-Way line along the arc of a curve whose radius is 3018.36 feet, counterclockwise, 196.63 feet, (chord of said arc bears North 24° 58' 42" West, 196.60 feet); thence North 26° 50' 41" West, 579.00 feet to the point of beginning of the tract herein described; thence continuing along said easterly Right-of-Way, North 26° 50' 41" West, 365.82 feet; thence with the arc of a curve whose radius is 1246.72 feet, clockwise, 1835.56 feet, (chord of said arc bears North 15° 20' 01" East, 1674.20 feet); thence departing the said Right-of-Way of U.S. 42, South 28° 17' 18" East, 1274.83 feet; thence South 28° 19' 19" East, 258.26 feet; thence South 61° 46' 48" West, 626.79 feet; thence South 28° 13' 12" East, 311.24 feet; thence South 61° 46' 48" West, 259.50 feet; thence North 28° 13' 12" West, 265.27 feet; thence South 61° 46' 48" West, 278.06 feet to the point of beginning.

The above described tract contains 35.25 Acres of land and is subject to all easements and restrictions of record.

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

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



Robert W. Trenkamp, Registered Land Surveyor #2524 in Kentucky

CITY OF UNION, KENTUCKY
ORDINANCE NO. 2014- 004

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING THE REQUEST OF ANNE F. MCBRIDE, FAICP, MCBRIDE DALE CLARION (APPLICANT) FOR ARLINGHAUS I, LLC (SUCCESSOR BY MERGER WITH ARLINGHAUS BUILDERS, INC. (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES/UNION TOWN OVERLAY (RSE/UTO) AND UNION NEIGHBORHOOD OFFICE (UNO) TO COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2PD FOR A 35.25 ACRE SITE LOCATED ON THE SOUTH/EAST SIDE OF U.S. 42, TO THE WEST AND SOUTHWEST OF THE BOONE COUNTY LIBRARY SCHEBEN BRANCH AT 8899 US 42, TO THE WEST OF UNION VILLAGE SUBDIVISION, AND ACROSS US 42 FROM THE OLD UNION ROAD/US 42 AND FOWLERS LANE/US 42 INTERSECTIONS, LOCATED IN UNION, KENTUCKY.

WHEREAS, the City of Union, Kentucky is a member of the county-wide planning unit, having a county-wide planning commission know as the Boone County Planning Commission; and

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two Planned Development Zone for a 35.25 acre site located on the south/east side of U.S. 42, to the West and Southwest of the Boone County Library Scheben Branch at 8899 US 42, to the West of Union Village Subdivision, and across US 42 from the Old Union Road/US 42 and Fowlers Lane/US 42 Intersections, located in the City of Union, Kentucky.

and;

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Union, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the Zoning Map Amendment; and

WHEREAS, the Boone County Planning Commission by Resolution No.R-14-003-D recommended denial of the rezoning described above; and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Commission for the City of Union, Kentucky; and

WHEREAS, that the Union City Commission held a public hearing on April 3, 2014 allowing the Applicant and the City of Union residents to present their respective opinions regarding the proposed Zoning Map Amendment; and

WHEREAS, a majority of the Union City Commission desires to override the recommendation of the Boone County Planning Commission pursuant to K.R.S. 100.211 within ninety (90) days of the Planning Commission's final action and grant the application of the Zoning Map Amendment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY as follows:

SECTION I

That the request for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two Planned Development in the Union Commercial (UC) Zone for the 35.25 acre site located on the south/east side of U.S. 42, to the west and southwest of the Boone County Library Scheben Branch at 8899 U.S. 42, to the west of Union Village Subdivision, and across U.S. 42 from the Old Union Road/U.S. 42 and Fowlers lane/U.S. 42 intersections shall be and is hereby approved, with conditions. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II

That as a basis for overriding the recommendation of the Planning Commission, the Union City Commission sets forth the following findings of fact:

1. That pursuant to K.R.S. 100.213 and Section 308(3) of the Boone County Zoning Regulations the Union City Commission finds that there has been major changes of an economic, physical and social nature not anticipated under the Comprehensive Plan when it was adopted which substantially alters the areas character, specifically Pursuant to Section 308 of the Zoning Resolution, there have been major changes of an economic, physical or social nature not anticipated in the adopted

comprehensive plan that substantially alter the area's character as follows:

- a. The population of the City of Union has grown exponentially from 1,001 in 1990 to 5,379 in 2010. The future growth of the Union area is anticipated to reach 33,568 by 2020 and 41,886 by 2030, according to OKI.
- b. This dramatic increase in population creates increased demand for basic needs, such as grocery stores. Without adequate retail services, residents will be forced to leave the community to meet basic needs, resulting in inconvenience and increased vehicular miles traveled. The City is underserved by basic local retail services, and the capacity to provide basic local commercial services to the Union community must grow to keep pace with the population growth.
- c. At the same time, the retail landscape has changed, especially the grocery industry which has experienced major changes over the last 10+ years. Customers expect greater variety, selection, and services as part of their grocery store shopping experience. Kroger's existing store in Union, which opened in 1997 at a store size of 66,846 SF, cannot and does not meet these expectations. In order for Kroger to adequately serve the needs of the residents of the City of Union, the store must relocate to a larger Market Place format where Kroger can meet and exceed the expectations of today's grocery store customers and incorporate the new merchandising trends future customers will demand. These expectations require relocation to a site capable of handling the current and projected growth in the community. These changed market circumstances contribute to the need for this zoning map amendment.
- d. The proposed multi-family units currently planned for the subject site would better serve the community if located in closer proximity to the Union Town Center, helping to provide market support for the local businesses contemplated for that site.

e. The proposed Union Town Center, which has been planned for almost 15 years as a land use that will help meet basic service needs of the community, has not yet been developed, leaving the growing commercial demand to serve surrounding development unaddressed.

Pursuant to the provisions of Section 1514 Planned Development Criteria, the proposed zone map amendment fulfills the following criteria:

a. The proposed development contains a mixture of commercial, service and office uses. The relationship between the proposed Planned Development and adjacent sites expands the mixed uses in the area to include both residential and institutional. The proposed development has incorporated a comprehensive pedestrian circulation network that not only links uses within the Planned Development but connects them to the sidewalk system on US 42 and adjacent properties.

b. The Planned Development has taken measures to assure land use compatibility within the development and to adjacent properties through the use of buffer zones, landscape features, and design techniques such as architectural features on the Kroger building.

c. Open space areas featuring outdoor seating areas are planned/anticipated for the development, including the outdoor seating area associated with the Kroger store.

d. Multi-modal transportation elements have been incorporated in the proposed Planned Development in the form of pedestrian circulation and bicycle parking areas.

e. The Planned Development will preserve and enhance the significant shrub/tree line previously planted on the east property line adjacent to the residences on Braxton Lane.

f. Substantial landscaping is proposed for the Planned Development including streetscape plantings, bufferyard plantings, landscaping within the detention area, and plantings within the vehicular use areas. Approximately 882 trees and 1,107 shrubs will be incorporated into the initial phase of the Planned Development with additional landscaping proposed for the outlot areas of the development.

- g. The proposed Kroger building and fuel center have been designed to incorporate architectural design elements, building materials, and colors found elsewhere in this portion of Union. Design standards have been created to assure that the development of the outlots will reflect a similar high quality of architectural design and construction.
- h. There are no known historic or prehistoric features on the site.
- i. A consistent signage theme has been proposed for the Planned Development that limits the number, size and height of signs and requires all freestanding signs to be mounted on stone bases for consistency.
- j. The two entry points to the Planned Development are located at the points designated for access to and approved by the KTC. Pedestrian sidewalks have been provided to interconnect the development as well as multiple connections provided to sidewalks on US 42. Bicycle facilities have also be incorporated into the development. The potential for future pedestrian connection to the adjacent library has been provided for.
- k. Consistent with the comprehensive plan, the proposed Planned Development has been designed to provide local foods and services to the immediate Union community. The proposed development will allow an existing local business, which is not regional in nature, to relocate within the City of Union. Consistent with the comprehensive plan is the inclusion of office uses in the northeastern portion of the development.

2. The Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two Planned Development is in agreement with the adopted Comprehension Plan, specifically the areas of future commercial activity, which states that the U.S. 42 area will experience additional commercial and commercial development should occur in Neighborhood Business District form. The proposed Zoning Map Amendment is appropriate and shall be in Neighborhood Business District form.

3. That the Union City Commission finds that the citizens and residents of Union,

Kentucky will benefit from approving the Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two Planned Development subject to certain conditions which are marked Exhibit "B" and hereby incorporates by reference those conditions into the Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two Planned Development.

SECTION III

If this approval for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) and Union Neighborhood Office (UNO) to Commercial Two Planned Development shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.


SECTION IV

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.

PASSED AND APPROVED ON FIRST READING this the 3rd day of April, 2014

PASSED AND APPROVED ON SECOND READING this 14th day of April, 2014.

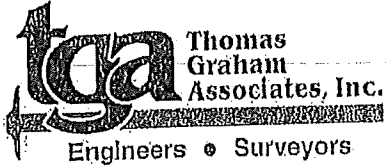
APPROVED:


DONALD KIRBY, MAYOR
BRYAN MILLER, MAYOR PRO TEM

ATTEST:

Kathy Porter
KATHY PORTER, CITY CLERK

Misty Ezell
MISTY EZELL, ASSISTANT



803 Compton Road, Suite A
Cincinnati, Ohio 45231-3819
(513) 521-4760
Fax (513) 521-2439
bobtrenkamp@tgraham.com

October 23, 2013

Description: Area to be Re-Zoned (35.25 Acres)

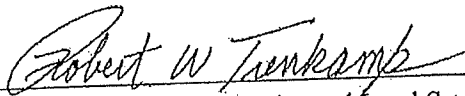
Situated in City of Union, Boone County, Kentucky and being more particularly described as follows:

Commencing at the northwest corner of Parcel "F", open space as shown and recorded in Section sixteen of Arbor Springs at Plantation Pointe, said point also being in the easterly Right-of-Way line of U.S. 42; thence continuing along the said east Right-of-Way line along the arc of a curve whose radius is 3018.36 feet, counterclockwise, 196.63 feet, (chord of said arc bears North 24° 58' 42" West, 196.60 feet); thence North 26° 50' 41" West, 579.00 feet to the point of beginning of the tract herein described; thence continuing along said easterly Right-of-Way, North 26° 50' 41" West, 365.82 feet; thence with the arc of a curve whose radius is 1246.72 feet, clockwise, 1835.56 feet, (chord of said arc bears North 15° 20' 01" East, 1674.20 feet); thence departing the said Right-of-Way of U.S. 42, South 28° 17' 18" East, 1274.83 feet; thence South 28° 19' 19" East, 258.26 feet; thence South 61° 46' 48" West, 626.79 feet; thence South 28° 13' 12" East, 311.24 feet; thence South 61° 46' 48" West, 259.50 feet; thence North 28° 13' 12" West, 265.27 feet; thence South 61° 46' 48" West, 278.06 feet to the point of beginning.

The above described tract contains 35.25 Acres of land and is subject to all easements and restrictions of record.

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

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



Robert W. Trenkamp, Registered Land Surveyor #2524 in Kentucky

CONDITIONS

1. The approval is based on the following Concept Development Plans:
 - A. Preliminary Site Plan shown at 12/4/13 Public Hearing
 - B. Kroger Monument Sign for Fuel Center shown at 12/4/13 Public Hearing
 - C. 12/19/13 Kroger Monument Sign for Tenants
 - D. 1/9/14 Landscaping Plans
 - E. 1/9/14 Photometric Plan
 - F. 1/15/14 Kroger Marketplace and Liquor Store Elevation Drawings and Building Mounted Signs
 - G. 1/15/14 Sidewalk Plan
 - H. 1/29/14 Kroger Fuel Center Elevation Drawings and Building Mounted Signs
 - I. 1/29/14 Outside Seating Area Location and Fencing Detail

Any exceptions or modifications to these plans are outlined in the conditions below.

2. Per the applicant, the future 26,500 square foot addition on Kroger Marketplace has been removed from the application.
3. The following Planned Development Waivers are being approved with the application:
 - A. Two (2) freestanding signs are permitted on the Kroger lot per the submitted sign drawings.
 - B. Kroger Marketplace is permitted fourteen (14) signs on the front facade (including drive through canopy) per the submitted drawings.
 - C. Kroger Fuel Center is permitted signage on three (3) faces of the gas canopy per the submitted drawings. The signage may exceed 25% of the fascia area.
 - D. Kroger's eastern landscape buffer yard shall be an average of 80' wide and shall contain all required Buffer Yard D plantings and a six (6) foot tall privacy fence.
 - E. Kroger's southern landscape buffer yard shall meet the following requirements:
 - Property lines 1, 2, and 4 shown on the 1/9/14 landscaping plan shall meet Buffer Yard A requirements from the Boone County Zoning Regulations.
 - Property line 3 shown on the 1/9/14 landscaping plan shall meet Buffer Yard D requirements from the Boone County Zoning Regulations.
 - Property line 5 shall be planted per the 1/9/14 landscaping plan. The 30' landscaping easement shown on the adjoining parcel shall be recorded and run in perpetuity with the land.
 - F. The number of required of trees in some of Kroger's Vehicular Use Area (VUA) islands are being reduced and are being moved elsewhere on the Kroger lot (see exhibit). The relocated trees shall not be used to fulfill Kroger's perimeter landscaping requirements.

- G. The Kroger drive through pharmacy and banking lanes can be reduced from ten feet (10') in width to nine feet (9') in width.
 - H. Kroger Marketplace and Kroger Fuel Center is permitted to display merchandise (landscaping materials, Christmas trees, firewood, produce, pumpkins, grills, car accessories, food and drinks, etc.) in the areas marked on the Concept Development Plan without the issuance of Temporary Commercial Display Permits.
 - I. The outlot buildings shall not follow the Commercial Two (C-2) building setback requirements. See the attached Outlot design standards for the specific requirements.
4. The Concept Development Plan shows that Kroger Marketplace will have an outdoor seating area. The fencing around the seating area shall comply with the submitted plan and fencing detail.
 5. The footcandle measurements on the Kroger lot shall comply with the submitted photometric plan. Light poles and fixtures shall not exceed 41.5' in height and all lighting shall be directed downwards and inwards towards the subject site.
 6. The following sidewalks shall be provided in the development:
 - A. The sidewalks shown on the 1/15/14 Zone Change Committee exhibit.
 - B. Pedestrian connectivity shall be required for all outlot buildings (4.73 acre and 7.99 acre). Sidewalk connections shall be provided between main building entrances and the public sidewalk system on US 42 or the sidewalk system along the development driveways.
 - C. Sidewalk connections between all outlot buildings.
 7. Boone County Library shall determine if a pedestrian connection is required between the 7.99 acre outlot area and the library (Scheben Branch). The discussion between the owner/developer and the library shall occur before the first outlot develops in the 7.99 acre area. The final decision by the library shall be furnished to the Boone County Planning Commission in writing. The owner/developer shall pay for all improvements located on the outlot property.
 8. The Outlot areas shown on the submitted Concept Development Plan shall be developed according to the "Outlot Uses and Standards" attachment.

**Kroger Marketplace
Union, KY
Outlot Uses and Standards**

Principally Permitted Uses:

1. Eating and drinking establishments including alcoholic beverages, and drive-through, franchise style fast food establishments. With the condition that no more than four (4) eating and drinking establishments are permitted in the outlot areas;
2. Hardware stores;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Liquor, beverage, pharmacy, drug and proprietary stores;
7. Banking services, savings and loan associations, credit unions, and other credit services, including drive-through facilities;
8. Insurance carriers and agents;
9. Real estate and related services;
10. Accounting, auditing and bookkeeping services;
11. 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;
12. Physician, dental, optical goods and services;
13. Veterinary services and pet grooming services;
14. Beauty and barber services and tanning salons;
15. Nursery and day care centers;
16. Laundering, dry cleaning and dyeing services;
17. Alteration, and garment repair and custom tailoring;
18. Shoe sales and repair, shoe shining and hat cleaning services;
19. Department stores, family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
20. Jewelry stores;
21. Household appliances and electronic sales and repair;
22. Art, craft and hobby supplies and products, gifts and novelties;
23. Antiques and used merchandise;
24. Books, stationery, newspapers, greeting cards, magazines, and related media;
25. Florists excluding greenhouses;
26. Sporting goods including bicycles;
27. Draperies, curtains, upholstery and floor coverings;
28. Paint, glass, and wallpaper stores;
29. Photo finishing services;
30. Funeral homes and crematoriums-excluding cemeteries or mausoleums;
31. Furniture, home furnishings including specialty and floor coverings;
32. Specialized upholstery and furniture repair or refinishing services;
33. Apparel stores;
34. Household appliances, china, glassware and metalware;
35. Legal services, engineering, architectural, education and professional services;
36. Title abstracting services, holding and investment services;
37. Advertising services including direct mail;
38. Business and management consulting services, credit services;

39. Employment services;
40. Consumer and mercantile credit reporting, adjustment and collection services;
41. Travel arranging, transportation ticket and public event or promotional booking agencies;
42. Radio and television broadcasting studios excluding transmitting stations and towers;
43. Art, music and dancing schools, libraries and museums;
44. Medical and dental laboratory services;
45. Medical clinics - out - patient services;
46. Welfare and charitable services;
47. Business associations and professional membership organizations including civic, social and fraternal organizations;
48. Art and craft galleries and similar exhibit space;
49. Aquariums, botanical gardens and other natural exhibitions;
50. Real estate management services and builders offices excluding any outside storage;
51. Photographic, stenographic, and other duplicating and mailing services;
52. Research, development and testing services of an office nature;
53. Business colleges or schools;
54. Retail sale of office supplies and equipment;
55. Generic professional offices;
56. Video rental and sales;
57. Storm water management facilities designed in accordance with Article 3 of the Boone County Subdivision Regulations (site plan review required);
58. Pet stores excluding kennels;
59. Toy and game stores;
60. Telephone sales and service; and
61. Recreation centers, gymnasiums, clubs, and athletic uses and recreational facilities provided that no single use exceeds 12,000 square feet.

Accessory Uses:

Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:

1. Signage;
2. Parking;
3. Delivery areas with no outside storage or unpacking;
4. Temporary buildings incidental to construction;
5. Automatic teller machines attached to the principal structure;
6. Accessory uses for office facilities. With the condition that the accessory use can be retail sales only. The accessory use shall not be a restaurant.

Area/Use Restrictions:

The northeast portion of the 7.99 acre outlot area shall be reserved for development as either a minimum of two office outlots or a minimum of 12,000 square feet of office building area.

Design Requirements:

1. Setbacks:

Principally Permitted Structures:

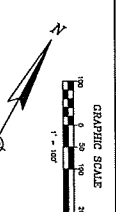
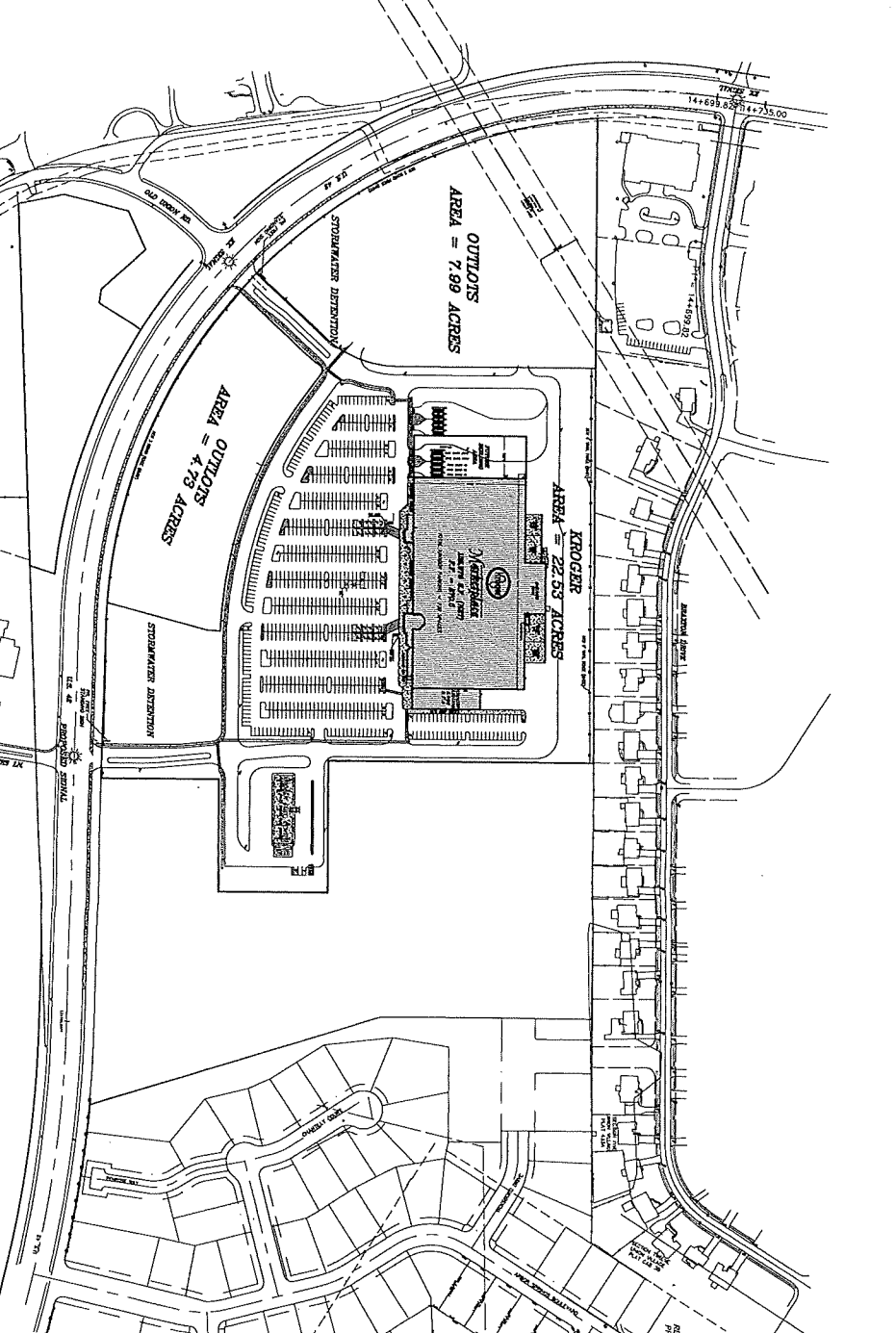
- A. Front Yard Minimum Setback: Ten (10) feet from the right-of-way line.
 - B. Rear Yard Minimum Setback: Twenty (20) feet from the property line.
 - C. Side Yard Minimum Setbacks: Five (5) feet from the property line.
2. Height:
- A. The maximum height of any commercial use is one story.
 - B. The maximum height of any office use is fifty (50) feet.
3. Impervious Surface: No more than eighty percent (80%) of the site may be covered with impervious surfaces. The remaining twenty percent (20%) shall be landscaped or kept in its natural state.
4. Maximum Building Intensity: 15,000 square feet of building per acre of land.
5. Utilities: All utilities within the development, except for street lights, shall be located underground.
6. Building Orientation: All structures shall front toward existing US 42. Any drive-through windows or automatic teller machines must be located on the side or rear of buildings away from US 42.
7. Fencing on US 42: A white three board horse style fence will be constructed along the frontage of US 42 as part of the initial phase of development.
8. Architecture: The following architectural standards shall be reviewed by Planning Commission Staff when Major Site Plan applications are submitted for each outlot building. Any appeal of the architectural standards shall be heard by the Boone County Planning Commission's Technical Design Review Committee.
- A. Materials: All sides of the principle structure that are visible from all roads except for rear accessed alleys shall constructed of traditional materials including: stone, brick, architectural concrete masonry units with integral color (painted blocks not acceptable), wood or glass; or synthesized materials that appear as such. Rear and side elevations shall have the same architectural treatment as the front. The amount of EIFS on any given building facade shall correlate to the percentage of EIFS shown on the front facade of the Kroger Marketplace building. Exposed concrete foundations shall be finished with brick or stone or a material of the appearance of such. Concrete foundations can be exposed at a minimum of two feet but screened with landscaping.
 - B. Garage/Loading/Unloading Doors: Garage or loading/unloading doors shall not face US 42.
 - C. Entrance: All building shall have their main entrance on the primary street (US 42).
 - D. Building Length: No outlot building shall have a continuous unbroken facade that is greater than 150' unless it broken up with architectural treatments or projections (changes in color shall not be considered an architectural treatment).

E. Roof Equipment - Roof mounted mechanical equipment on all buildings shall be screened from public rights-of-way and from all adjoining residential properties.

9. Waste & Refuse: Trash Areas shall be located to the side or rear of the principal structure. All trash areas shall be completely enclosed within a structure to minimize their visual impact from public streets, internal circulation areas, and adjoining properties. The sides and rear of the enclosure shall be constructed with masonry materials that match the principal building on site. Solid gates shall be used be constructed with wood, vinyl, or metal materials.
10. Parking & Landscaping: A maximum of one row of parking (drive aisle with parking on both sides) shall be permitted between US 42 and the principal structure. All parking areas and drives and pedestrian walkways shall be paved with an impervious surface such as asphalt, concrete or interlocking pavers. All landscaping provided on the outlots shall conform to the Boone County Zoning Regulations. Landscaped and parking areas shall be properly maintained thereafter by the owner in a well-kept condition. Employee, owner or tenant parking will not be permitted on private or public dedicated streets and each property owner shall be responsible to provide such parking facilities on their own property. Parking requirements shall be provided consistent with Article 33 or as approved by the City of Union.
11. Signage: Outlot building mounted signage shall conform to the provisions of Article 34. In addition, each outlot shall be permitted one monument style sign with a stone base. Each sign may contain 48 square feet of sign area per side at a maximum height of 6 feet. Thirty percent (30%) of the sign area may be used as a manual changeable display area. Signs shall be located outside of any vehicular sight triangle and be at least 5 feet from any property line. Signs may be illuminated and must be located within a landscaped bed.
12. Lighting: All lighting shall comply with Section 3316 and Figure 33.5 of the Boone County Zoning Regulations. Fixtures mounted on light poles shall not exceed 30' in height and shall be oriented downwards and inwards towards the subject site.
13. Outside Sales and Storage: Shall comply with Sections 3154 and 3510 of the Boone County Zoning Regulations.
14. Maintenance: The owner or lessees of any portion of the property must at all times keep the premises, structures, all other improvements and appurtenances thereon in a safe, clean, and well-manicured condition and comply in all respects with all governmental health and police requirements and will contain and remove at their own expense any trash or rubbish of any character whatsoever which may accumulate on said lots. Grass shall be cut on all lots by the owner or lessee of such lots.

This Office has prepared these plans as the best representation of the information furnished to it. It is not responsible for any errors or omissions in the information furnished to it, nor for any consequences that may result from the use of these plans. The user of these plans shall be responsible for obtaining all necessary permits and for complying with all applicable laws and regulations.

UNDESIGNED PORTIONS
 1. EXISTING DRIVE
 BEFORE YOU DIG
 PHONE 1-800-368-2514
 WWW.KENTUCKYGOVERNMENT.COM



KROGER TRACT
PARKING REQUIREMENTS
 KROGER STORE (8,000 S.F.) = 40 SPACES
 OUTDOOR SEATING (24 SEATING) = 24 SPACES
 TOTAL PARKING REQUIRED = 64 SPACES
 PARKING SPACES PROVIDED = 710 SPACES
 BICYCLE SPACES PROVIDED = 42

INTERIOR V.I.A. ANALYSIS
 TOTAL INTERIOR V.I.A. = 308,294 S.F.
 REQUIRED PERCENTAGE OF TOTAL V.I.A. TO BE PLANTED = 5%
 PROVIDED PERCENTAGE OF TOTAL V.I.A. TO BE PLANTED = 3.68%

PRELIMINARY SITE PLAN
 WAGON KENTUCKY
 BOONE COUNTY

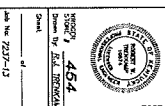
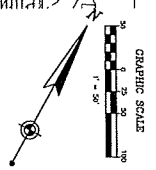
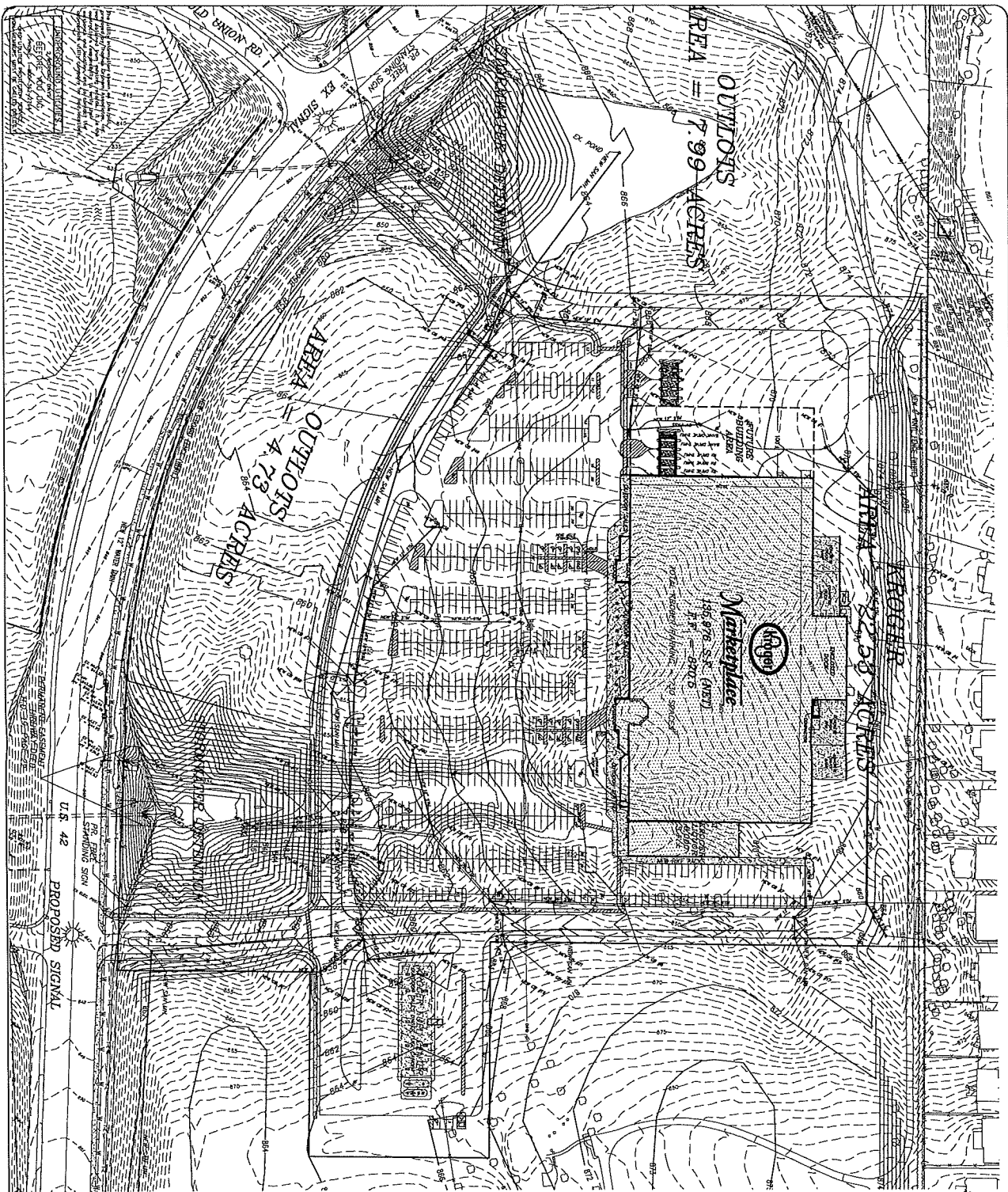
THOMAS
GRUBBS
ASSOCIATES, INC.
 303 Commerce Road
 Louisville, KY 40220
 Tel / Fax: 502-426-7230

DATE: 04/20/11
 DRAWN BY: J. BRYAN
 CHECKED BY: J. BRYAN

PROJECT NO.: 454
 SHEET NO.: 11



7237_454_A01_DRAWING



2008, 454
 Drawn by: KEITH BOSTICK
 Date: 11/11/11
 No. 2237-13

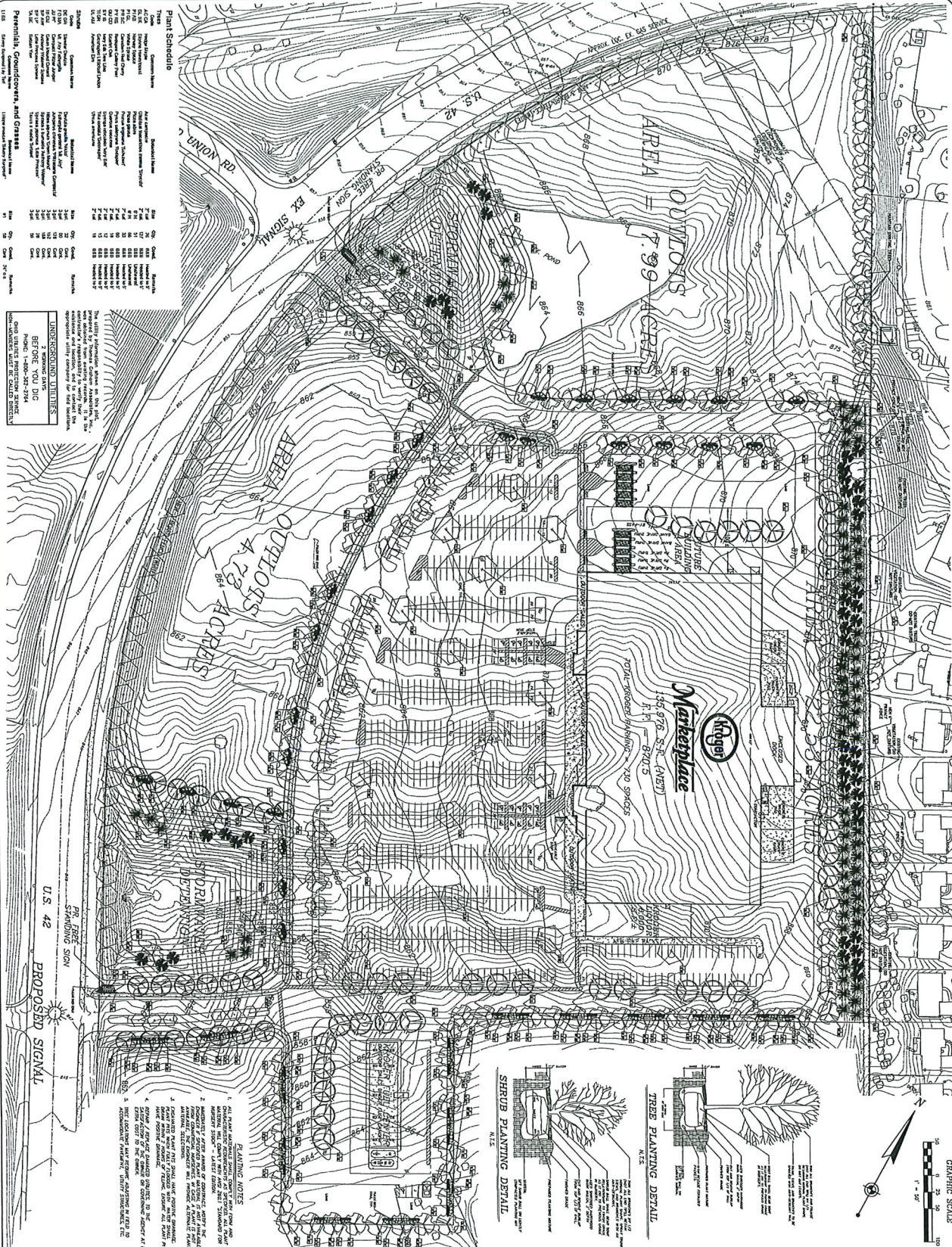
PRELIMINARY KROGER PLAN

UNION KENTUCKY
 BOONE COUNTY

Date: 11/11/11
 Scale: 1" = 50'
 Job No.: 2237
 Revision: 1
 Title: Plans



803 Corporate Road
 Louisville, KY 40203
 Tel: 502-261-2429



Plant Schedule

Plant	Quantity	Notes
1.00	100	Plant Schedule
2.00	200	Plant Schedule
3.00	300	Plant Schedule
4.00	400	Plant Schedule
5.00	500	Plant Schedule
6.00	600	Plant Schedule
7.00	700	Plant Schedule
8.00	800	Plant Schedule
9.00	900	Plant Schedule
10.00	1000	Plant Schedule

PERMISSIBLE CONDITIONS AND CRITERIA

1. All plantings shall be installed in accordance with the approved plant schedule.

2. All plantings shall be installed in accordance with the approved site plan.

3. All plantings shall be installed in accordance with the approved landscape plan.

4. All plantings shall be installed in accordance with the approved site plan.

5. All plantings shall be installed in accordance with the approved landscape plan.

PLANTING NOTES

1. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED PLANT SCHEDULE.

2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED SITE PLAN.

3. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN.

4. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED SITE PLAN.

5. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN.

GRAPHIC SCALE

1" = 20'

0 20 40 60 80 100

TREE PLANTING DETAIL

1. TREE PLANTING DETAIL

2. TREE PLANTING DETAIL

3. TREE PLANTING DETAIL

4. TREE PLANTING DETAIL

5. TREE PLANTING DETAIL

SHRUB PLANTING DETAIL

1. SHRUB PLANTING DETAIL

2. SHRUB PLANTING DETAIL

3. SHRUB PLANTING DETAIL

4. SHRUB PLANTING DETAIL

5. SHRUB PLANTING DETAIL

LANDSCAPE PLAN

UNION KENTUCKY
BOONE COUNTY

JACOBS

1800 KATY CROSS ROAD
CINCINNATI, OHIO 45240
PH 513-576-7515
FAX 513-576-7531
WWW.JACOBS.COM

454

DATE: NOVEMBER 1, 2011
SCALE: 1" = 20'
JOB NO: 2237
SHEET NO: 11

ACAD FILENAME: 2237_454_ADL_STUDYBOARD

COOPER Lighting
 10000 Highway 101, Suite 100
 Louisville, KY 40223
 Phone: 502-261-1000
 Fax: 502-261-1001
 Email: sales@cooperlighting.com

Project: Koper #A-54
 Location: Union, KY
 Date: 10/30/2013
 Rev: 1302461E

Symbol	Light Type	Quantity	Notes
1	100W PAR38	1	100W PAR38
2	150W PAR38	1	150W PAR38
3	200W PAR38	1	200W PAR38
4	250W PAR38	1	250W PAR38
5	300W PAR38	1	300W PAR38
6	350W PAR38	1	350W PAR38
7	400W PAR38	1	400W PAR38
8	450W PAR38	1	450W PAR38
9	500W PAR38	1	500W PAR38
10	550W PAR38	1	550W PAR38
11	600W PAR38	1	600W PAR38
12	650W PAR38	1	650W PAR38
13	700W PAR38	1	700W PAR38
14	750W PAR38	1	750W PAR38
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198	9950W PAR38	1	9950W PAR38
199	10000W PAR38	1	10000W PAR38

Light Type	Quantity	Notes
100W PAR38	1	100W PAR38
150W PAR38	1	150W PAR38
200W PAR38	1	200W PAR38
250W PAR38	1	250W PAR38
300W PAR38	1	300W PAR38
350W PAR38	1	350W PAR38
400W PAR38	1	400W PAR38
450W PAR38	1	450W PAR38
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2250W PAR38	1	2250W PAR38
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2350W PAR38	1	2350W PAR38
2400W PAR38	1	2400W PAR38
2450W PAR38	1	2450W PAR38
2500W PAR38	1	2500W PAR38

POWER AND LUMENS BY LIGHT SQUARE COUNT

Number of Light Squares	2	3	4	5	6	7	8	9	10
Power (Watts)	103	164	206	257	309	360	412	463	515
Current @ 120V (A)	0.86	1.29	1.72	2.15	2.58	3.01	3.44	3.87	4.30
Current @ 277V (A)	0.38	0.57	0.76	0.95	1.14	1.33	1.52	1.71	1.90

Optics	T2	T3	T4	SL2	SL3	SL4	SMQ	SWQ	EXQ	RW	SLR
Lumens	8,372	8,340	7,995	8,201	8,101	8,237	8,787	8,745	8,631	8,559	7,835
BUG Rating	B2-U0-G2	B2-U0-G2	B1-U0-G2	B2-U0-G2	B2-U0-G2	B2-U0-G2	B4-U0-G2	B3-U0-G2	B3-U0-G2	B3-U0-G3	B1-U0-G3
Lumens	12,245	12,198	11,694	11,996	11,849	12,048	12,667	12,791	12,478	12,226	11,459
BUG Rating	B3-U0-G3	B3-U0-G3	B2-U0-G2	B2-U0-G2	B2-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B4-U0-G2	B3-U0-G3	B2-U0-G4
Lumens	16,191	16,099	16,405	15,803	15,609	15,871	16,951	16,650	16,437	16,109	15,096
BUG Rating	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B4-U0-G3	B4-U0-G3	B4-U0-G3	B3-U0-G3	B2-U0-G5
Lumens	23,493	23,403	22,436	19,666	19,345	19,671	24,687	24,540	23,940	23,457	18,710
BUG Rating	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G3	B4-U0-G4	B3-U0-G5
Lumens	27,468	27,353	26,222	26,699	26,569	27,016	28,653	28,681	27,979	27,416	25,696
BUG Rating	B4-U0-G4	B4-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G4	B4-U0-G4	B3-U0-G5
Lumens	31,239	31,209	29,919	30,692	30,314	30,824	32,921	32,725	31,824	31,280	29,319
BUG Rating	B4-U0-G4	B4-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G4	B4-U0-G4	B3-U0-G5
Lumens	35,095	34,961	33,516	34,382	33,959	34,530	36,879	36,659	35,762	35,041	32,844
BUG Rating	B4-U0-G4	B4-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5	B4-U0-G5	B3-U0-G5
Lumens	39,720	39,678	37,467	37,933	37,467	38,097	40,688	40,446	39,456	38,660	36,236
BUG Rating	B4-U0-G4	B4-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5	B4-U0-G5	B3-U0-G5

LUMEN MULTPLIER LUMEN MAINTENANCE LIGHT SQUARE OPERATION WITH 2L BI-LEVEL SWITCHING

Ambient Temperature	104	103	100	98	97
Lumen Multiplier	1.04	1.03	1.00	0.98	0.97
Ambient Temperature	25°C	25°C	49°C	50°C	50°C
Maintenance (60,000 Hours)	> 84%	> 83%	> 80%	> 77,000	> 77,000

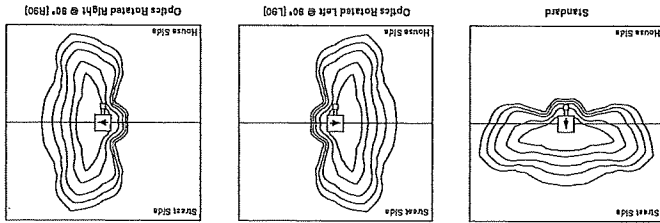
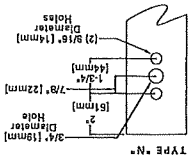
Number of Light Squares	1	2	3	4	5	6	7	8	9	10
Circuit 1	1	2	3	4	5	6	7	8	9	10
Circuit 2	1	2	3	4	5	6	7	8	9	10

Light Squares	10 (120-277V only)	8 (120-277V only)	6 (120-277V only)	4 (120-277V only)	2 (120-277V only)
10 (120-277V only)	10	8	6	4	2
8 (120-277V only)	8	6	4	2	1
6 (120-277V only)	6	4	2	1	1
4 (120-277V only)	4	2	1	1	1
2 (120-277V only)	2	1	1	1	1

NOTE: Spectra, beam and dimensions subject to change without notice. Visit our web site at www.gleonlighting.com Customer First Center 1121 Highway 74 South Peachtree City, GA 30269 770.485.4800 FAX 770.486.4801 ADH120641 2012-12-04 11:08:33

GLEON GALLEON LED

DRILLING PATTERN



OPTIC ORIENTATION

ORDERING INFORMATION

SAMPLE NUMBER: GLEON-AA-04-LED-E1-T3-GM

Product	GLEON=Galileo
Light Engine	MA=FL ULC Class 2
Number of Light Squares	02=2 03=3 04=4 05=5 06=6 07=7 08=8 09=9 10=10
Lamp Type	LED=Solid State Light Emitting Diodes
Voltage	120=120V 277=277V 480=480V
Distribution	AP=Asym BL=Black BR=Bronze CH=Chrome GR=Graphite MA=Matte WH=White
Color	BL=Black BR=Bronze CH=Chrome GR=Graphite MA=Matte WH=White
Mounting	BL=Black BR=Bronze CH=Chrome GR=Graphite MA=Matte WH=White
Options	AP=Asym BL=Black BR=Bronze CH=Chrome GR=Graphite MA=Matte WH=White
Accessories	AP=Asym BL=Black BR=Bronze CH=Chrome GR=Graphite MA=Matte WH=White

NOTES:
 1. Standard 4000K CCT and nominal 70 CRI.
 2. May be required when two or more luminaires are ordered on a 90° or 120° drilling pattern.
 3. Mount with a 1/4\"/>



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CUSTOMER APPROVAL:
 DATE: _____

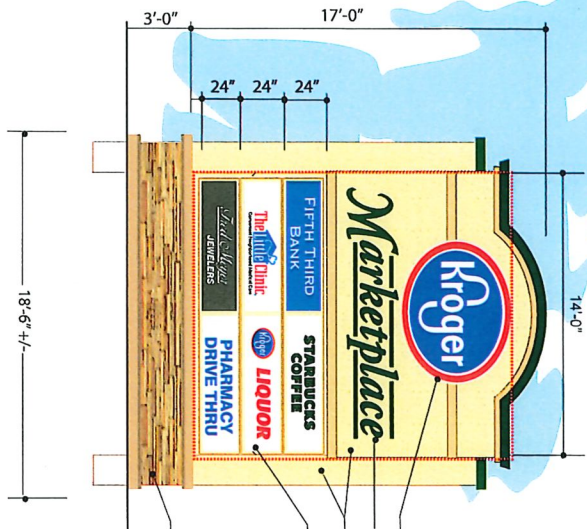
DATE: _____

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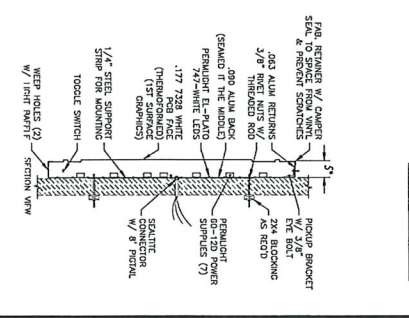
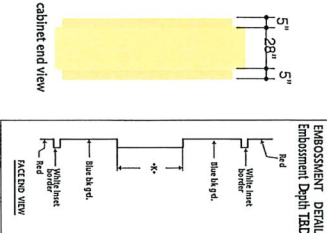


DRAWING NO.: 74053.07
 DATE: 12-19-2013

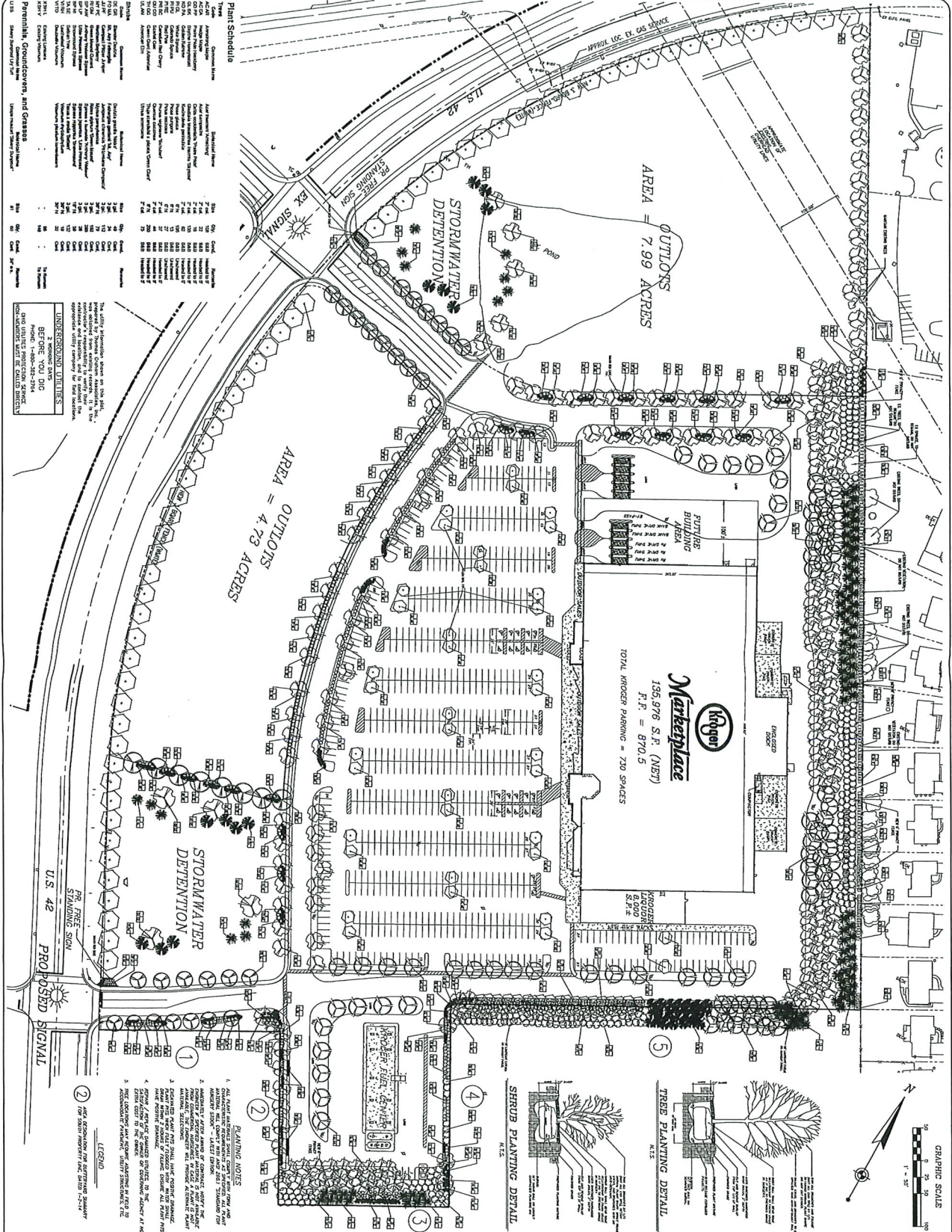


- 5'-7" x 7'-3" single faced wall oval, internally illuminated
- 31" x 12.5" "Marketplace" letter set
- 465 Oyster Shell with stipple finish
- Flat PCB tenant panel faces, internally illuminated
- Fifth Third Bank Space
- White acrylic face with 3M Vinyl applied 1st surface
- 3632-8607 Sapphire Blue
- Stone base & landscaping by others

TOTAL SQ. FOOTAGE
219.94 SF



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 DEC 19 2013
 BOONE COUNTY
 PLANNING COMMISSION



Plant Schedule

Code	Plant Name	Quantity	Notes
1
2
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100

The utility information shown in this plan is provided by various utility authorities. The contractor is responsible for verifying the location and depth of all utilities before construction. The contractor shall be responsible for any damage to existing utilities.

UNDERGROUND UTILITIES

2" WOODEN PIPE
 6" R.C.P.
 12" R.C.P.
 18" R.C.P.
 24" R.C.P.
 30" R.C.P.
 36" R.C.P.
 42" R.C.P.
 48" R.C.P.
 54" R.C.P.
 60" R.C.P.
 66" R.C.P.
 72" R.C.P.
 78" R.C.P.
 84" R.C.P.
 90" R.C.P.
 96" R.C.P.
 102" R.C.P.
 108" R.C.P.
 114" R.C.P.
 120" R.C.P.

SEE DRAWING SHEET 02 FOR UTILITY INFORMATION.

LANDSCAPE PLAN

UNION KENTUCKY
BOONE COUNTY

PROJECT: 454
 DRAWN BY: JAC/MS
 DATE: 11/14/13

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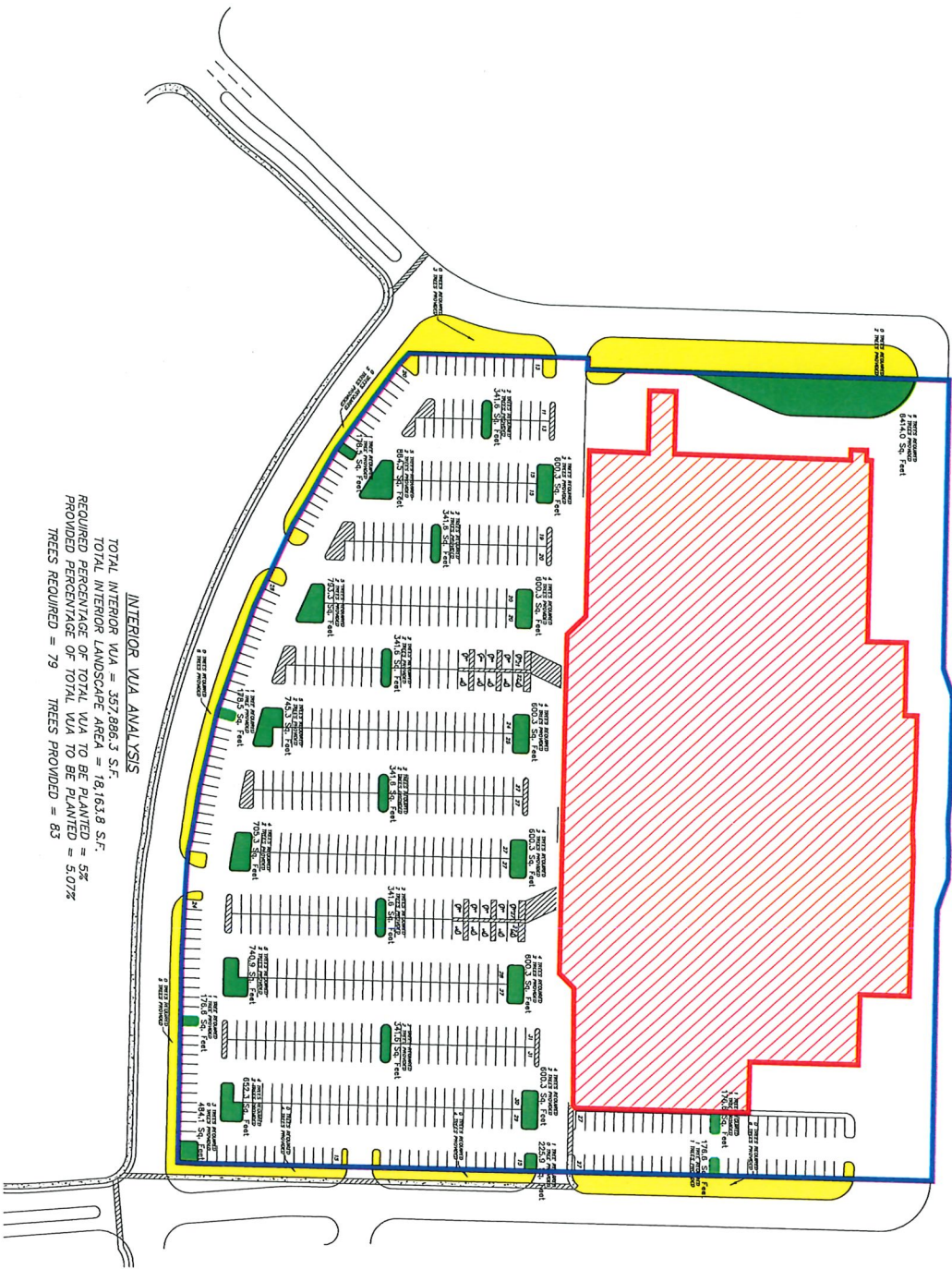
JAN 09 2014

BOONE COUNTY
PLANNING COMMISSION

JACOBS

1650 WALKERS ROAD
 CINCINNATI, OH 45240
 PH 513-555-7515
 FAX 513-555-7833
 WWW.JACOBS.COM

R E C E I V E D
 BOONE COUNTY
 JAN 09 2014
 PLANNING COMMISSION



INTERIOR VIA ANALYSIS
 TOTAL INTERIOR VIA = 357,898.3 S.F.
 TOTAL INTERIOR LANDSCAPE AREA = 18,163.8 S.F.
 REQUIRED PERCENTAGE OF TOTAL VIA TO BE PLANTED = 5%
 PROVIDED PERCENTAGE OF TOTAL VIA TO BE PLANTED = 5.07%
 TREES REQUIRED = 79 TREES PROVIDED = 83

*Approved
1/9/14*

LANDSCAPING REQUIREMENTS SUMMARY
South and East Property Lines Only
 Kroger Store 454 - Union, Kentucky
 January 2, 2014

SOUTH PROPERTY LINE
 Proposed C-2/PD adjacent to RSE/UTO

Section 1 278.06 feet
 Bufferyard "D" Required - Request waiver from Bufferyard "D" to Bufferyard "A"

Item	Required	Provided	Comment
Bufferyard "A"	10 feet	+20 feet	Bufferyard "D" Required Width - 80 feet
Large Evergreen (3 Large Evergreen or Large Tree/100')	9 (8.34)	9	Bufferyard "D" Required 56 (20 trees/100')
Large Tree			Bufferyard "D" Required 31 (11 trees/100')
Large Shrubs (30 shrubs/100')	84 (83.4)	84	Bufferyard "D" Required 112 (40 shrubs/100')

Section 2 225.27 feet (265.27' - 40')
 Bufferyard "D" Required - Request waiver from Bufferyard "D" to Bufferyard "A"

Item	Required	Provided	Comment
Bufferyard "A"	10 feet	10 feet	Bufferyard "D" Required Width - 80 feet
Large Evergreen (3 Large Evergreen or Large Tree/100')	7 (6.75)	7	Bufferyard "D" Required 45 (20 trees/100')
Large Tree			Bufferyard "D" Required 25 (11 trees/100')
Large Shrubs (30 shrubs/100')	68 (67.5)	68	Bufferyard "D" Required 90 (40 shrubs/100')

LANDSCAPING REQUIREMENTS SUMMARY

South and East Property Lines Only
 Kroger Store 454 - Union, Kentucky

January 2, 2014

Section 3 - Fuel Center 259.5 feet
 Bufferyard "D" Required

Item	Required	Provided	Comment
Bufferyard "D" Width	40 feet w/ fence	40 feet to 60 feet with fence	
Large Evergreen (20 trees/100')	52 (51.8)	52	
Large Tree (11 trees/100')	29 (28.49)	29	
Large Shrubs (20 shrubs/100')	52 (51.8)	52	

Section 4 271.24 feet (311.24' - 40')
 Bufferyard "D" Required - Request waiver from Bufferyard "D" to Bufferyard "A"

Plant Material	Required	Provided	Comment
Buffer Width	10 feet	10 feet	Bufferyard "D" Required Width - 80 feet
Large Evergreen (3 Large Evergreen or Large Tree/100')	9 (8.13)	9	Bufferyard "D" Required 55 (20 trees/100')
Large Tree	7 Large Evergreen		Bufferyard "D" Required 30 (11 trees/100')
Large Shrubs (30 shrubs/100')	82 (81.3)	82	Bufferyard "D" Required 109 (40 shrubs/100')

LANDSCAPING REQUIREMENTS SUMMARY
South and East Property Lines Only
 Kroger Store 454 - Union, Kentucky
 January 2, 2014

Section 5 546.79 feet (626.79' - 80')
 Bufferyard "D" Required

Item	Required	Provided	Comment
Bufferyard "D"	80 feet	40 feet (10' + 30' landscape easement)	
Large Evergreen (20 trees/100')	110 (109.4)	110	
Large Tree (11 trees/100')	61 (60.17)	61	
Large Shrubs (40 shrubs/100')	219 (218.8)	219	

EAST PROPERTY LINE - INITIAL REZONING ABUTTING RESIDENTIAL
 Proposed C-2/PD adjacent to SR-1/CD

East Property Line 938 feet
 Bufferyard "D" Required

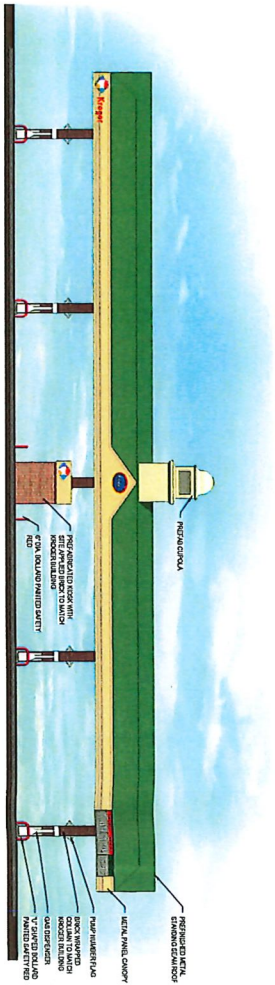
Item	Required	Provided	Comment
Buffer Width	40 feet w/ fence	80 feet to 60 feet with fence	
Large Evergreen (20 trees/100')	188 (187.6)	188	Includes 1 ex. tree
Large Tree (11 trees/100')	104 (103.18)	104	Includes 2 ex. trees
Large Shrubs (40 shrubs/100') / 0.5 with fence]]	188 (187.6)	202	Includes 202 ex. shrubs

LANDSCAPING REQUIREMENTS SUMMARY
South and East Property Lines Only
 Kroger Store 454 - Union, Kentucky
 January 2, 2014

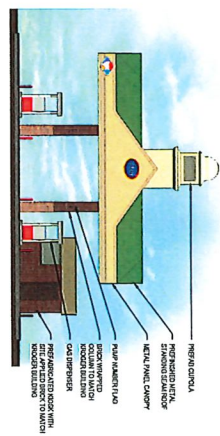
EAST PROPERTY LINE – FUTURE REZONING ABUTTING RESIDENTIAL

East Property Line 47 feet
 Bufferyard "D" Required

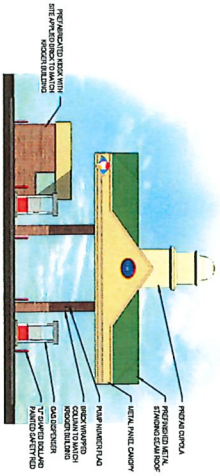
Item	Required	Provided	Comment
Buffer Width	40 feet w/ fence	80 feet with fence	
Large Evergreen (20 trees/100')	10 (9.4)	10	
Large Tree (11 trees/100')	6 (5.17)	6	
Large Shrubs [(40 shrubs/100') / 0.5 with fence]	10 (9.4)	10	



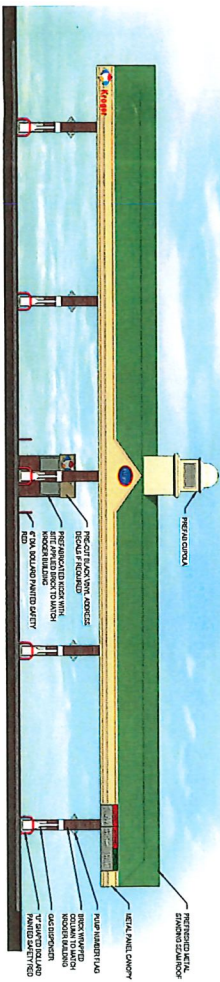
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



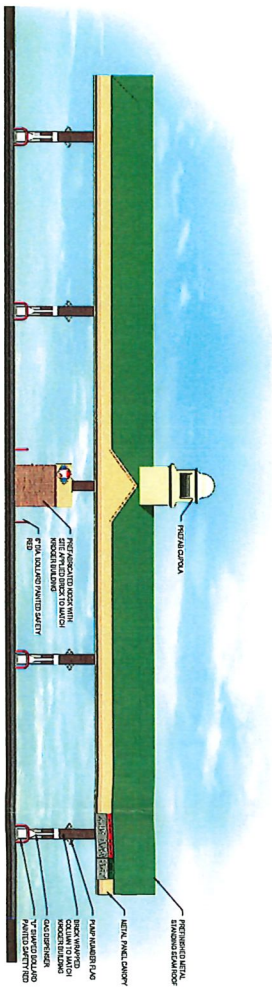
November 1, 2013

KROGER STORE A-454

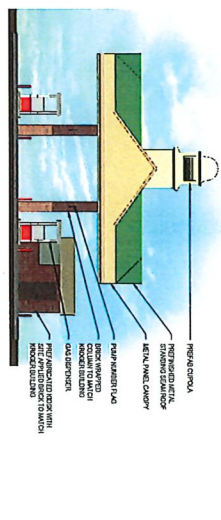
Union, KY
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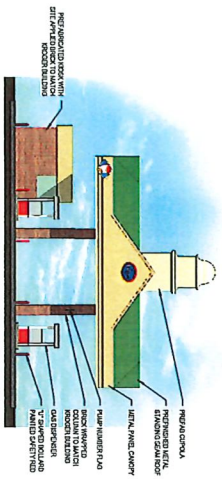
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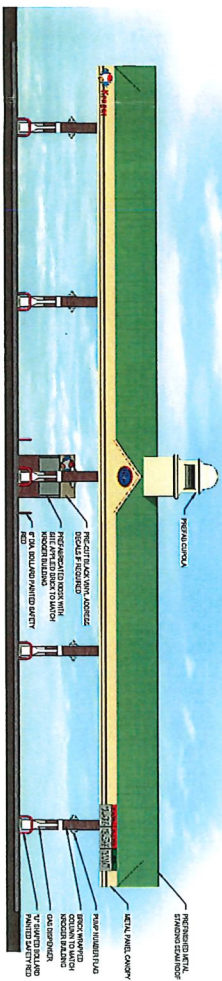
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

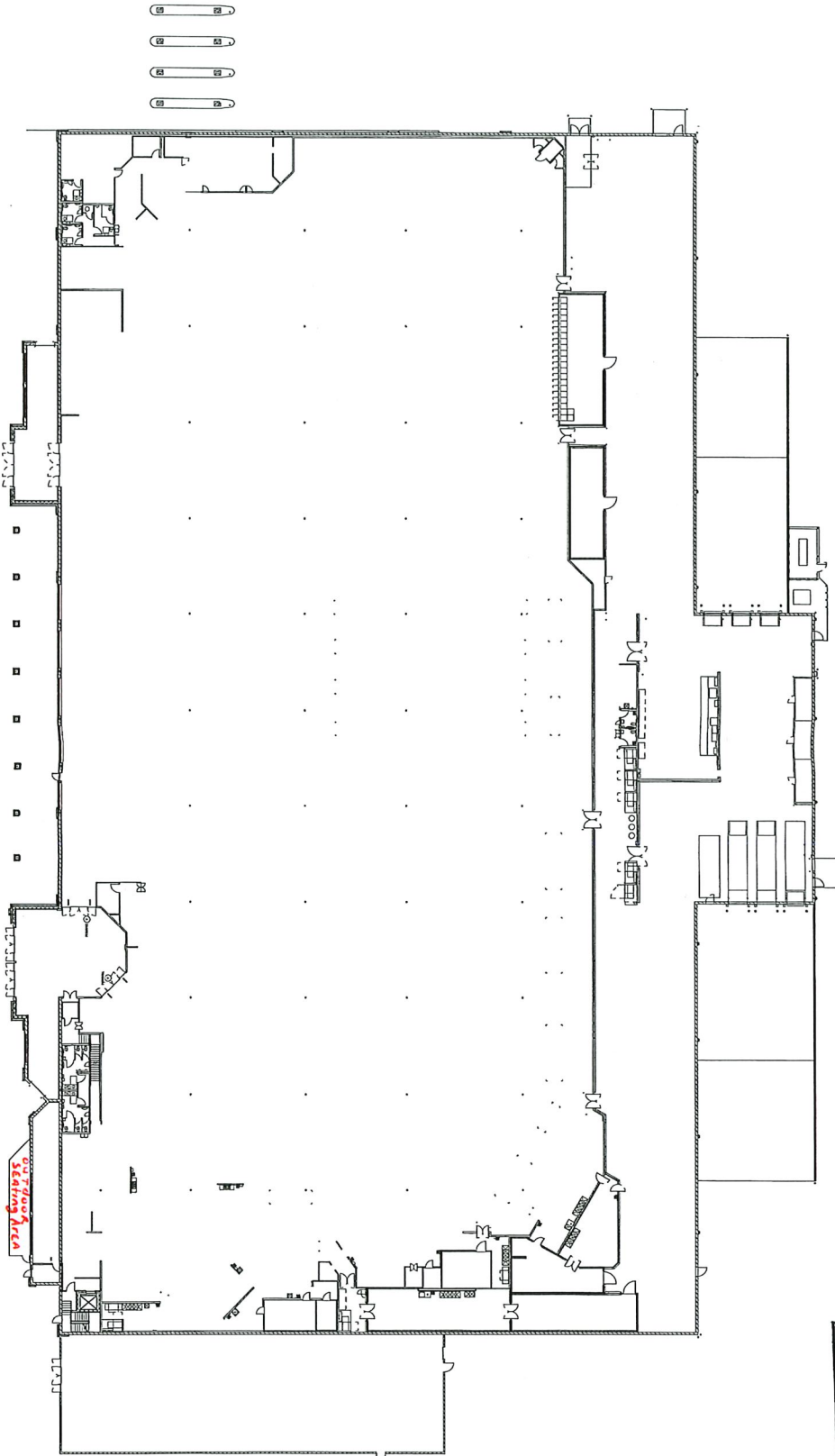


January 22, 2014

KROGER STORE A-454

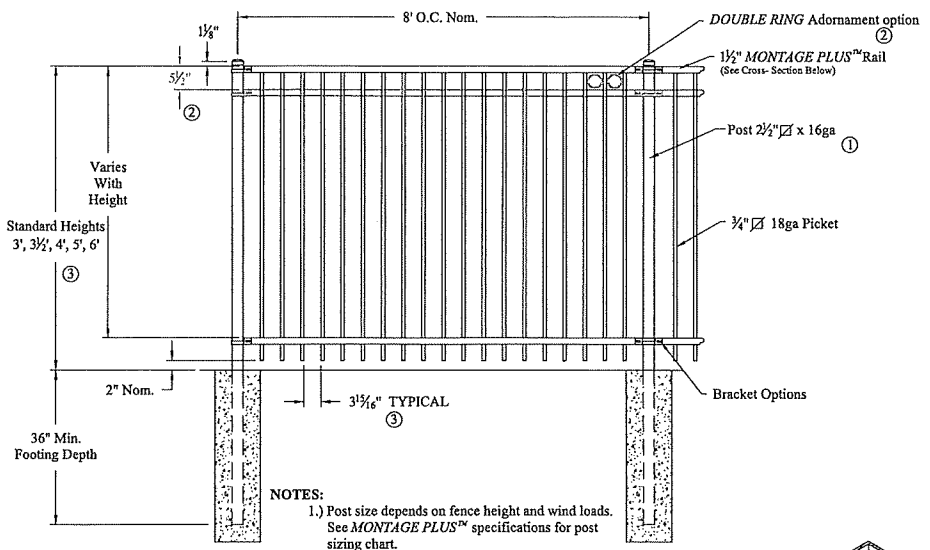
Union, KY
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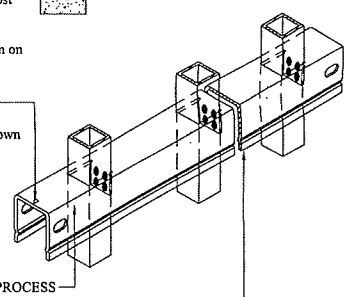
R **E** **C** **E** **I** **V** **E** **D**
 BOONE COUNTY
 PLANNING COMMISSION
 JAN 29 2014

R E C E I V E D
 JAN 29 2014
 BOONE COUNTY
 PLANNING COMMISSION



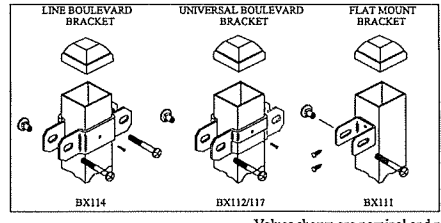
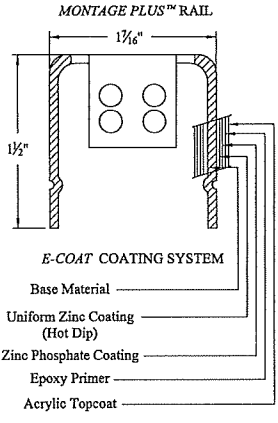
- NOTES:**
- 1.) Post size depends on fence height and wind loads. See MONTAGE PLUS™ specifications for post sizing chart.
 - 2.) Third rail required for Double Rings.
 - 3.) Available in 3" air space and/or Flush Bottom on most heights.

RAKING DIRECTIONAL ARROW
 Welded panel can be raked 30° over 8' with arrow pointing down grade.



PROFUSION™ WELDING PROCESS
 No exposed welds, Good Neighbor profile - Same appearance on both sides

MONTAGE PLUS™ RAIL
 Specially formed high strength architectural shape.



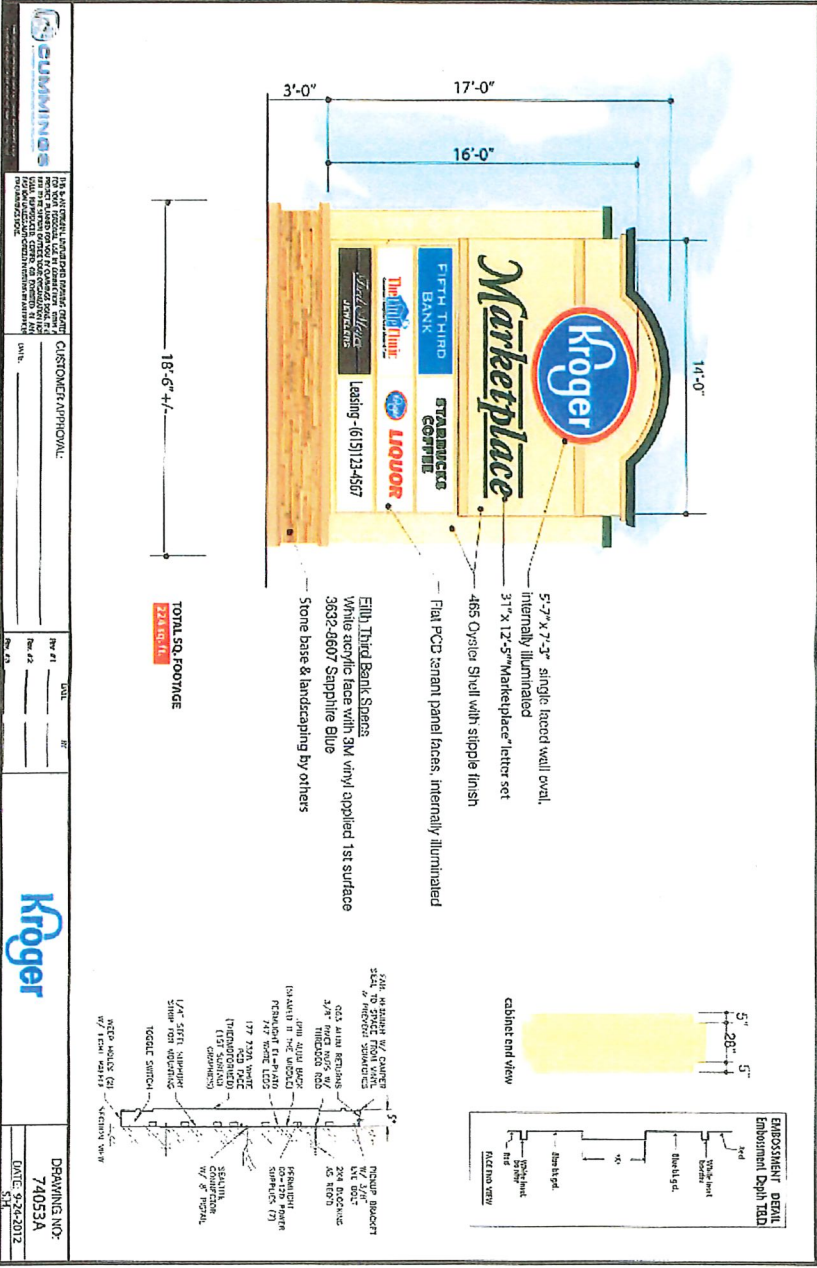
COMMERCIAL STRENGTH WELDED STEEL PANEL
 PRE-ASSEMBLED

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements. 1RMISC

MONTAGE PLUS MAJESTIC 2/3-RAIL		
DR: CI	SH. 1 of 1	SCALE: DO NOT SCALE
CK: ME	Date 6/28/10	REV: c

AMERISTAR®

1555 N. Mingo
Tulsa, OK 74116
1-888-333-3422
www.ameristarfence.com



Revised at
Zone Change
Committee
Meetings

Kroger Marketplace
Union, KY
Outlot Uses and Standards

Principally Permitted Uses:

1. Eating and drinking establishments including alcoholic beverages, and drive-through, franchise style fast food establishments. With the condition that no more than four (4) eating and drinking establishments are permitted in the outlot areas;
2. Hardware stores;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Liquor, beverage, pharmacy, drug and proprietary stores;
7. Banking services, savings and loan associations, credit unions, and other credit services, including drive-through facilities;
8. Insurance carriers and agents;
9. Real estate and related services;
10. Accounting, auditing and bookkeeping services;
11. 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;
12. Physician, dental, optical goods and services;
13. Veterinary services and pet grooming services;
14. Beauty and barber services and tanning salons;
15. Nursery and day care centers;
16. Laundering, dry cleaning and dyeing services;
17. Alteration, and garment repair and custom tailoring;
18. Shoe sales and repair, shoe shining and hat cleaning services;
19. Department stores, family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
20. Jewelry stores;
21. Household appliances and electronic sales and repair;
22. Art, craft and hobby supplies and products, gifts and novelties;
23. Antiques and used merchandise;
24. Books, stationery, newspapers, greeting cards, magazines, and related media;
25. Florists excluding greenhouses;
26. Sporting goods including bicycles;
27. Draperies, curtains, upholstery and floor coverings;
28. Paint, glass, and wallpaper stores;
29. Photo finishing services;
30. Funeral homes and crematoriums excluding cemeteries or mausoleums;
31. Furniture, home furnishings including specialty and floor coverings;
32. Specialized upholstery and furniture repair or refinishing services;
33. Apparel stores;
34. Household appliances, china, glassware and metalware;
35. Legal services, engineering, architectural, education and professional services;
36. Title abstracting services, holding and investment services;
37. Advertising services including direct mail;

38. Business and management consulting services, credit services;
39. Employment services;
40. Consumer and mercantile credit reporting, adjustment and collection services;
41. Travel arranging, transportation ticket and public event or promotional booking agencies;
42. Radio and television broadcasting studios excluding transmitting stations and towers;
43. Art, music and dancing schools, libraries and museums;
44. Medical and dental laboratory services;
45. Medical clinics - out - patient services;
46. Welfare and charitable services;
47. Business associations and professional membership organizations including civic, social and fraternal organizations;
48. Art and craft galleries and similar exhibit space;
49. Aquariums, botanical gardens and other natural exhibitions;
50. Real estate management services and builders offices excluding any outside storage;
51. Photographic, stenographic, and other duplicating and mailing services;
52. Research, development and testing services of an office nature;
53. Business colleges or schools;
54. Retail sale of office supplies and equipment;
55. Generic professional offices;
56. Video rental and sales;
57. Storm water management facilities designed in accordance with Article 3 of the Boone County Subdivision Regulations (site plan review required);
58. Pet stores excluding kennels;
59. Toy and game stores;
60. Telephone sales and service; and
61. Recreation centers, gymnasiums, clubs, and athletic uses and recreational facilities provided that no single use exceeds 12,000 square feet.

Accessory Uses:

Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:

1. Signage;
2. Parking;
3. Delivery areas with no outside storage or unpacking;
4. Temporary buildings incidental to construction;
5. Automatic teller machines attached to the principal structure;
6. Accessory uses for office facilities. With the condition that the accessory use can be retail sales only. The accessory use shall not be a restaurant.

Area/Use Restrictions:

The northeast portion of the 7.99 acre outlot area shall be reserved for development as either a minimum of two office outlots or a minimum of 12,000 square feet of office building area.

Design Requirements:

1. Setbacks:

Principally Permitted Structures:

- A. Front Yard Minimum Setback: Ten (10) feet from the right-of-way line.
 - B. Rear Yard Minimum Setback: Twenty (20) feet from the property line.
 - C. Side Yard Minimum Setbacks: Five (5) feet from the property line.
2. Height:
- A. The maximum height of any commercial use is one story.
 - B. The maximum height of any office use is fifty (50) feet.
3. Impervious Surface: No more than eighty percent (80%) of the site may be covered with impervious surfaces. The remaining twenty percent (20%) shall be landscaped or kept in its natural state.
4. Maximum Building Intensity: 15,000 square feet of building per acre of land.
5. Utilities: All utilities within the development, except for street lights, shall be located underground.
6. Building Orientation: All structures shall front toward existing US 42. Any drive-through windows or automatic teller machines must be located on the side or rear of buildings away from US 42.
7. Fencing on US 42: A white three board horse style fence will be constructed along the frontage of US 42 as part of the initial phase of development.
8. Architecture: The following architectural standards shall be reviewed by Planning Commission Staff when Major Site Plan applications are submitted for each outlot building. Any appeal of the architectural standards shall be heard by the Boone County Planning Commission's Technical Design Review Committee.
- A. Materials: All sides of the principle structure that are visible from all roads except for rear accessed alleys shall constructed of traditional materials including: stone, brick, architectural concrete masonry units with integral color (painted blocks not acceptable), wood or glass; or synthesized materials that appear as such. Rear and side elevations shall have the same architectural treatment as the front. The amount of EIFS on any given building facade shall correlate to the percentage of EIFS shown on the front facade of the Kroger Marketplace building. Exposed concrete foundations shall be finished with brick or stone or a material of the appearance of such. Concrete foundations can be exposed at a minimum of two feet but screened with landscaping.
 - B. Garage/Loading/Unloading Doors: Garage or loading/unloading doors shall not face US 42.
 - C. Entrance: All building shall have their main entrance on the primary street (US 42).

- D. Building Length: No outlot building shall have a continuous unbroken facade that is greater than 150' unless it broken up with architectural treatments or projections (changes in color shall not be considered an architectural treatment).
 - E. Roof Equipment - Roof mounted mechanical equipment on all buildings shall be screened from public rights-of-way and from all adjoining residential properties.
9. Waste & Refuse: Trash Areas shall be located to the side or rear of the principal structure. All trash areas shall be completely enclosed within a structure to minimize their visual impact from public streets, internal circulation areas, and adjoining properties. The sides and rear of the enclosure shall be constructed with masonry materials that match the principal building on site. Solid gates shall be used be constructed with wood, vinyl, or metal materials.
 10. Parking & Landscaping: A maximum of one row of parking (drive aisle with parking on both sides) shall be permitted between US 42 and the principal structure. All parking areas and drives and pedestrian walkways shall be paved with an impervious surface such as asphalt, concrete or interlocking pavers. All landscaping provided on the outlots shall conform to the Boone County Zoning Regulations. Landscaped and parking areas shall be properly maintained thereafter by the owner in a well-kept condition. Employee, owner or tenant parking will not be permitted on private or public dedicated streets and each property owner shall be responsible to provide such parking facilities on their own property. Parking requirements shall be provided consistent with Article 33 or as approved by the City of Union.
 11. Signage: Outlot building mounted signage shall conform to the provisions of Article 34. In addition, each outlot shall be permitted one monument style sign with a stone base. Each sign may contain 48 square feet of sign area per side at a maximum height of 6 feet. Thirty percent (30%) of the sign area may be used as a manual changeable display area. Signs shall be located outside of any vehicular sight triangle and be at least 5 feet from any property line. Signs may be illuminated and must be located within a landscaped bed.
 12. Lighting: All lighting shall comply with Section 3316 and Figure 33.5 of the Boone County Zoning Regulations. Fixtures mounted on light poles shall not exceed 30' in height and shall be oriented downwards and inwards towards the subject site.
 13. Outside Sales and Storage: Shall comply with Sections 3154 and 3510 of the Boone County Zoning Regulations.
 14. Maintenance: The owner or lessees of any portion of the property must at all times keep the premises, structures, all other improvements and appurtenances thereon in a safe, clean, and well-manicured condition and comply in all respects with all governmental health and police requirements and will contain and remove at their own expense any trash or rubbish of any character whatsoever which may accumulate on said lots. Grass shall be cut on all lots by the owner or lessee of such lots.