

04-BCBA-002-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name HEBRON CORNER MART (806) 816 2244 Phone Number 859-586-9887 Fax No. 859-586-5243 Applicant's Address 2006 PETERSBURG ROAD HEBRON KY 41048
4. Description of Request: we want to remove existing price sign & install new LED price sign. (SEE NOTE WILL STAY THE SAME) 38.5' PL2
5. Name of Development HEBRON ~~Corner~~ Commercial Park
6. Location of Development 2006 Petersburg Road HEBRON KY 41048
7. Acreage Under Review \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property Burlington Realty Dev. Co. Inc. Phone Number of Owner 559 556-7734
10. Address of Property Owner 2940 Hebron Park Dr. Suite 306 Hebron Ky 41048
11. Proposed Use(s) on Site GAS station C-Store
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
13. Current Zoning on Property C-2
14. Deed Book 199 Page No. 620 Group No. 2006
15. Is the site subject to a zone change? \_\_\_\_\_ If yes, give date of approval \_\_\_\_\_
16. Have you submitted a Site Plan with this request? \_\_\_\_\_
17. Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature] Robert Kirby, Pres.

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 12-22-03 Fee Received \$869.00 R# 37448 + 37449
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 1-14-04 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7).
6. Conditions of Approval: SEE 1-14-04  
BLBOA MEETING MINUTES
7. Reasons for Denial: \_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountky.org - E-mail  
[www.boonecountky.org](http://www.boonecountky.org) - Web Page

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

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

## STAFF REPORT

APPLICANT: Hebron Corner Mart

LOCATION: 2006 Petersburg Road, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: January 14, 2004

### Proposal

The Applicant is requesting a Conditional Use Permit so they can erect a 38.54 square foot electronically changeable gasoline price sign on an existing free-standing sign, which is approximately 26 feet tall and 126 square feet in area. The 38.54 square foot electronically changeable sign will replace a manually changeable gasoline price sign that is the same size.

### Site History

11/30/90 – The Boone County Planning Commission approved a sign permit to allow the construction of a 25 foot tall, 162 square foot free-standing sign.

### Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to grant conditional use permits as specified in the zoning order.

Article 34, Section 3430 of the Boone County Zoning Regulations permits electronically changeable message boards as a Conditional Use in the Commercial Two (C-2) zoning district provided that the following requirements are met:

- a. Such message boards will be considered a part of a permitted sign free-standing or building mounted; up to fifty percent (50)% of the permitted sign area can be used for an electronically changeable message board.
- b. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- c. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- e. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

The Board should also evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations.

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

#### Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Hebron Area, pp. 173-174) states that "the KY 20 and KY 237 intersection area should contain a variety of commercial and higher density residential uses to establish the location as a future service center connected to the older town of Hebron. Open space and landscaping should be an integral part of development design at this important Boone County intersection to give the appearance of coordinated development. Further Urban Residential uses planned behind the Hebron Commercial Mart development must utilize a site design that pays attention to building orientation and landscaping in order to enable an adequate visual transition from KY 20 and into older single-family areas to the north. These established residential neighborhoods will eventually be surrounded by commercial, industrial, and higher density residential development, and need some degree of visual protection."

The Future Land Use Development Guidelines (pp. 158-160) found in the Land Use Element state that developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation).

Surrounding Land Uses and Zoning

North: Hebron Commercial Park Offices (C-2)

South: Petersburg Road & Vacant 24 Acre Parcel (C-2/PD, I-1, SR-2)

East: KY 237, McDonald's (C-2), Single-Family Dwelling Fronting on Limaburg Road (SR-1 & C-2)

West: Hebron Park Drive & Church of Jesus Christ of Latter-Day Saints (C-2)

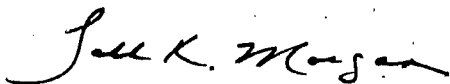
Staff Comments

1. The closest electronically changeable sign is located approximately 3,050 feet away at First Financial Bank (formerly Hebron Deposit Bank) on KY 237. The sign contains an electronically changeable clock and temperature display.
2. Staff recommends that the Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before making a decision. This section calls out that motorists should not be confused and/or distracted motorists by excessive signs and that signs should not have a negative impact on the visual appearance of a development or corridor.
3. The 38.55 square foot electronically changeable sign is used to advertise the price of gasoline throughout the week. The sign does not flash or scroll any messages. If the Board grants approval of the request, Staff recommends a condition which would prohibit any future user from converting the electronically changeable sign into one that flashes, scrolls, or displays multiple messages.

Conclusion

K.R.S. 100.237 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use Permit.

Respectfully submitted,

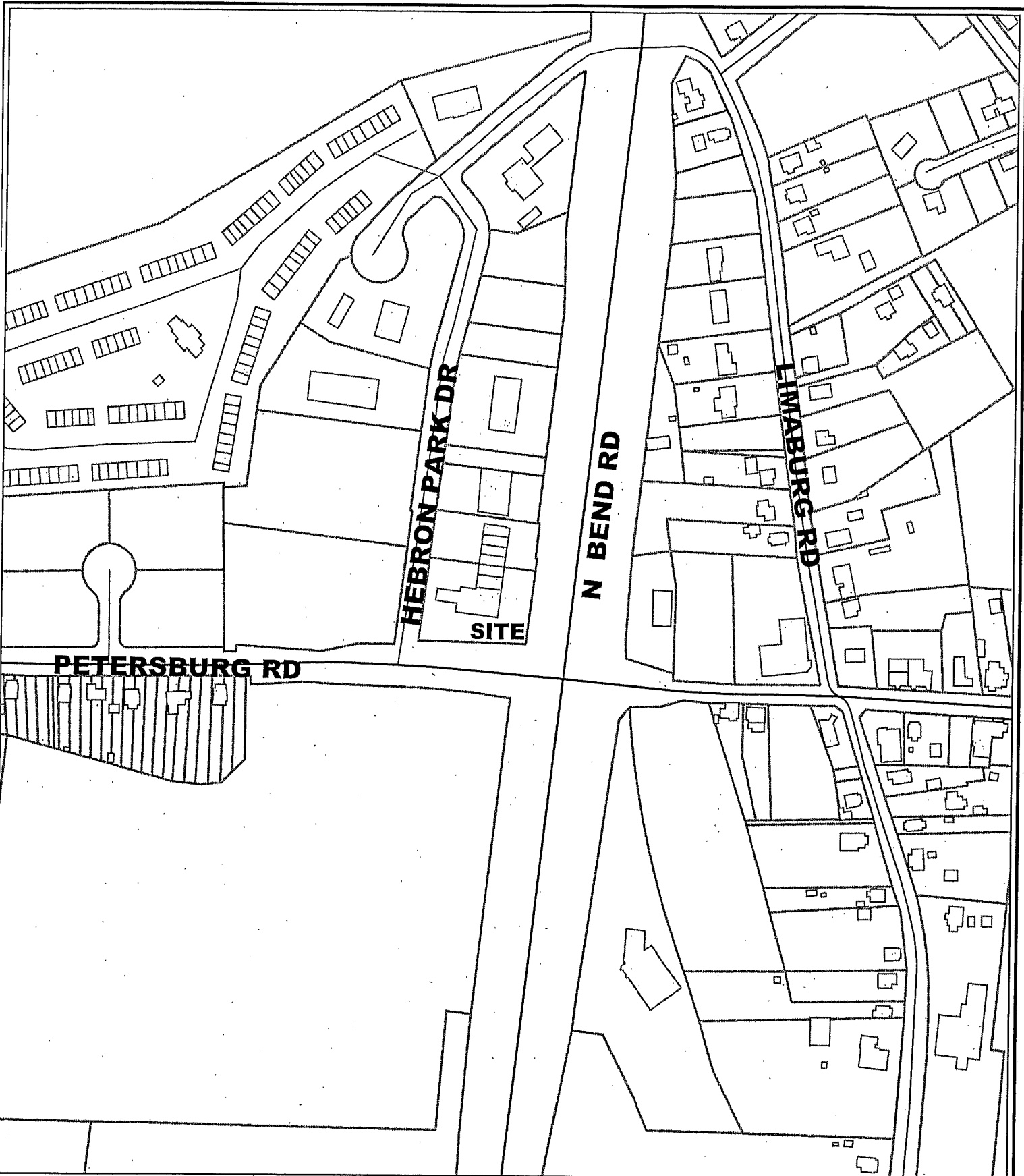


Todd K. Morgan, AICP  
Planner, Zoning Services

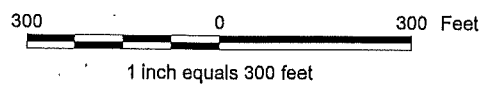
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Picture of Existing Sign
- Exhibit C – Simulation of Proposed Sign
- Exhibit D – Dimensions of Proposed Sign Cabinet
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – 11/30/90 Sign Permit
- Exhibit H – Application



# Hebron Corner Mart Site Vicinity Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 2, 2004

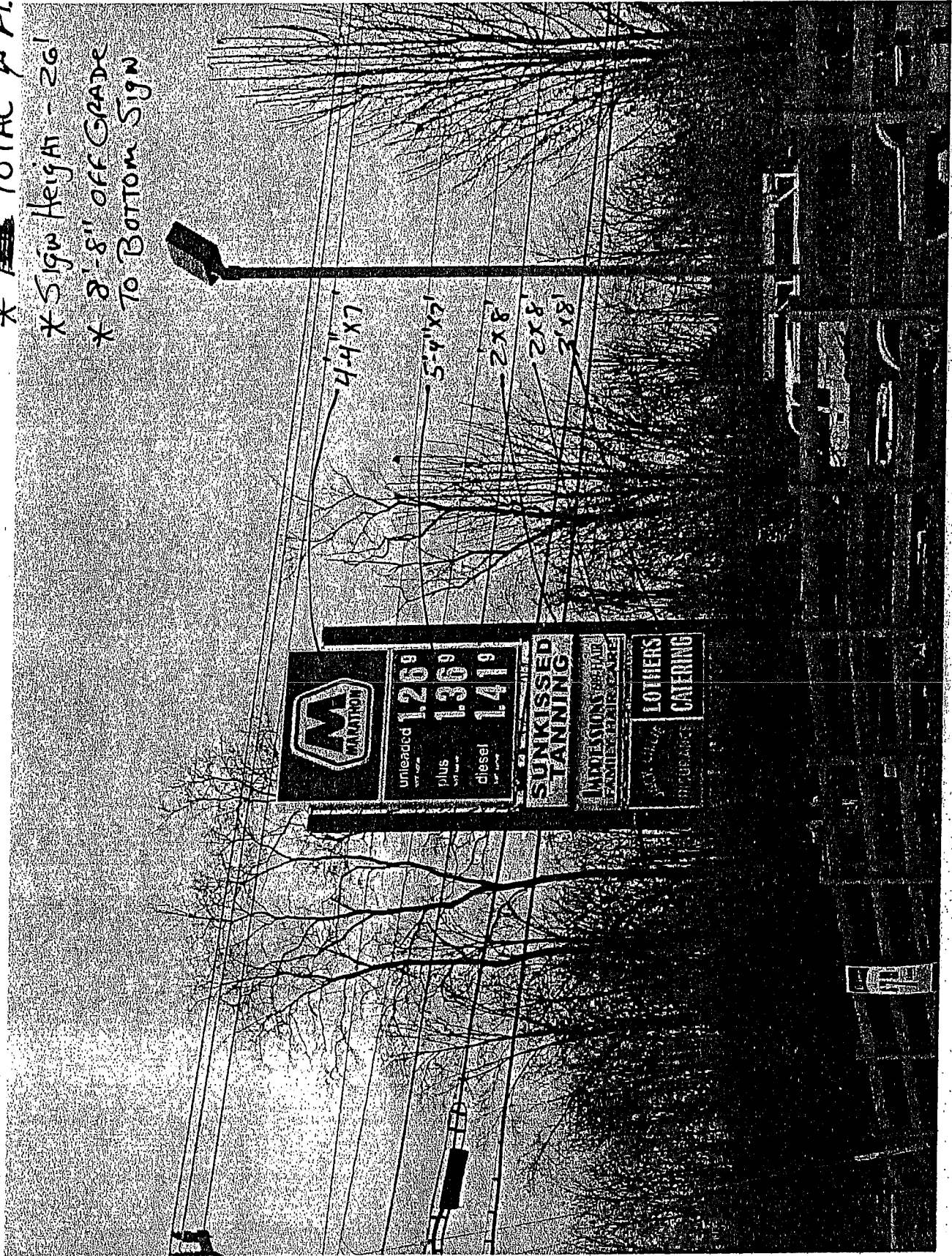


12.3.62

\* TOTAL ~~7~~ FT

\* Sign Height - 26'

\* 8'-8" OFF GRADE TO BOTTOM SIGN



4'-4" x 7'

5'-4" x 7'

2' x 8'

2' x 8'

2' x 8'


  
 unleaded 1.269
   
 plus 1.369
   
 diesel 1.419
   
 SUNKISSED TRAINING
   
 MARRIOTT HOTEL
   
 LOTTERIES
   
 CATERING



1379	1499	1599
100% TANNING 100% AFTER 100% LIPSON	100% TANNING 100% AFTER 100% LIPSON	100% TANNING 100% AFTER 100% LIPSON
100% TANNING 100% AFTER 100% LIPSON	100% TANNING 100% AFTER 100% LIPSON	100% TANNING 100% AFTER 100% LIPSON

**SUNKISSED  
TANNING**

**JAMES WILSON'S  
FAMILY HAIR CARE**

**SACK LILLY  
INSURANCE**

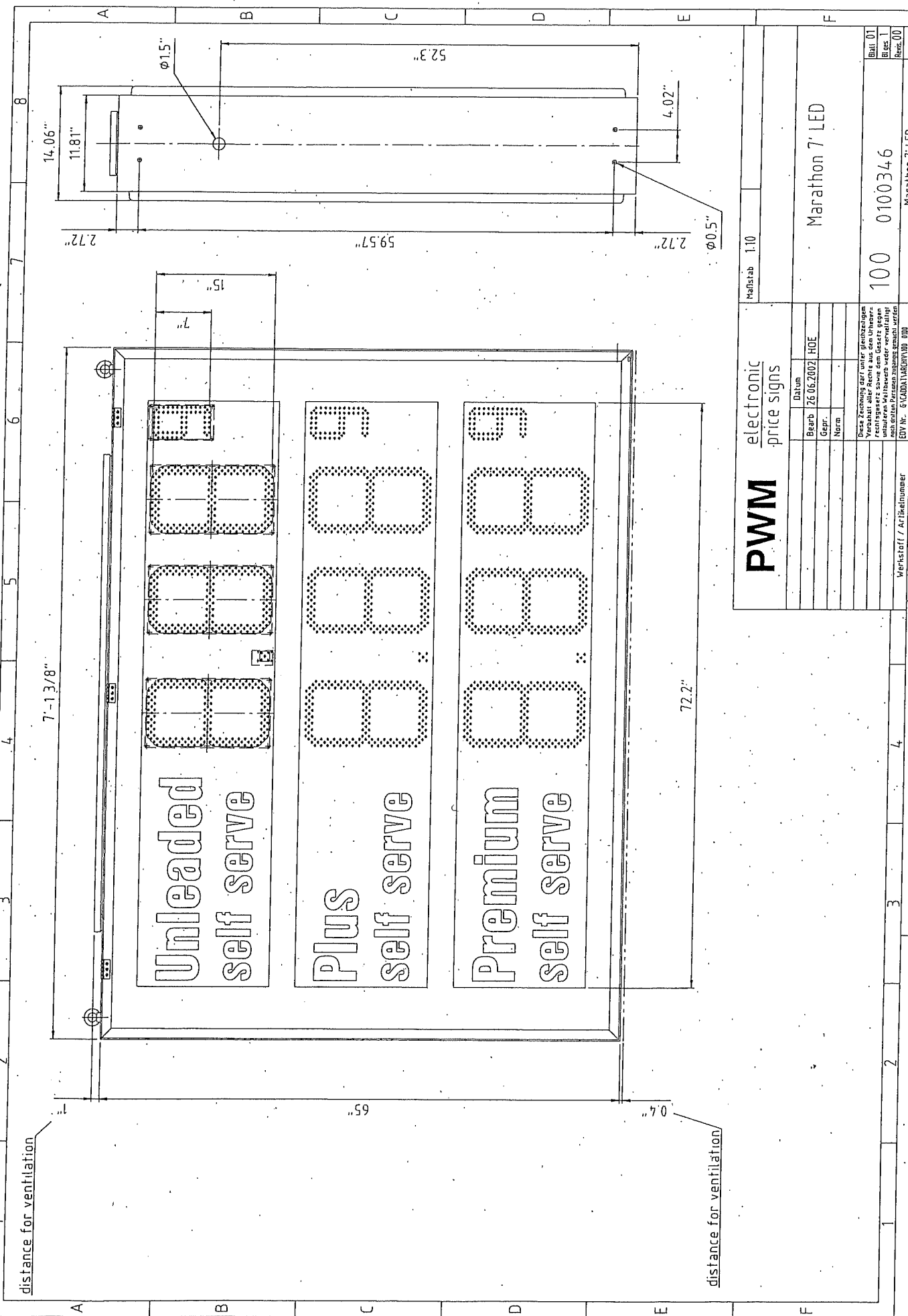
**LOTHERS  
CATERING**

distance for ventilation

distance for ventilation

7'-1 3/8"

72.2"



**PWM**

electronic price signs

Maßstab 1:10

Marathon 7' LED

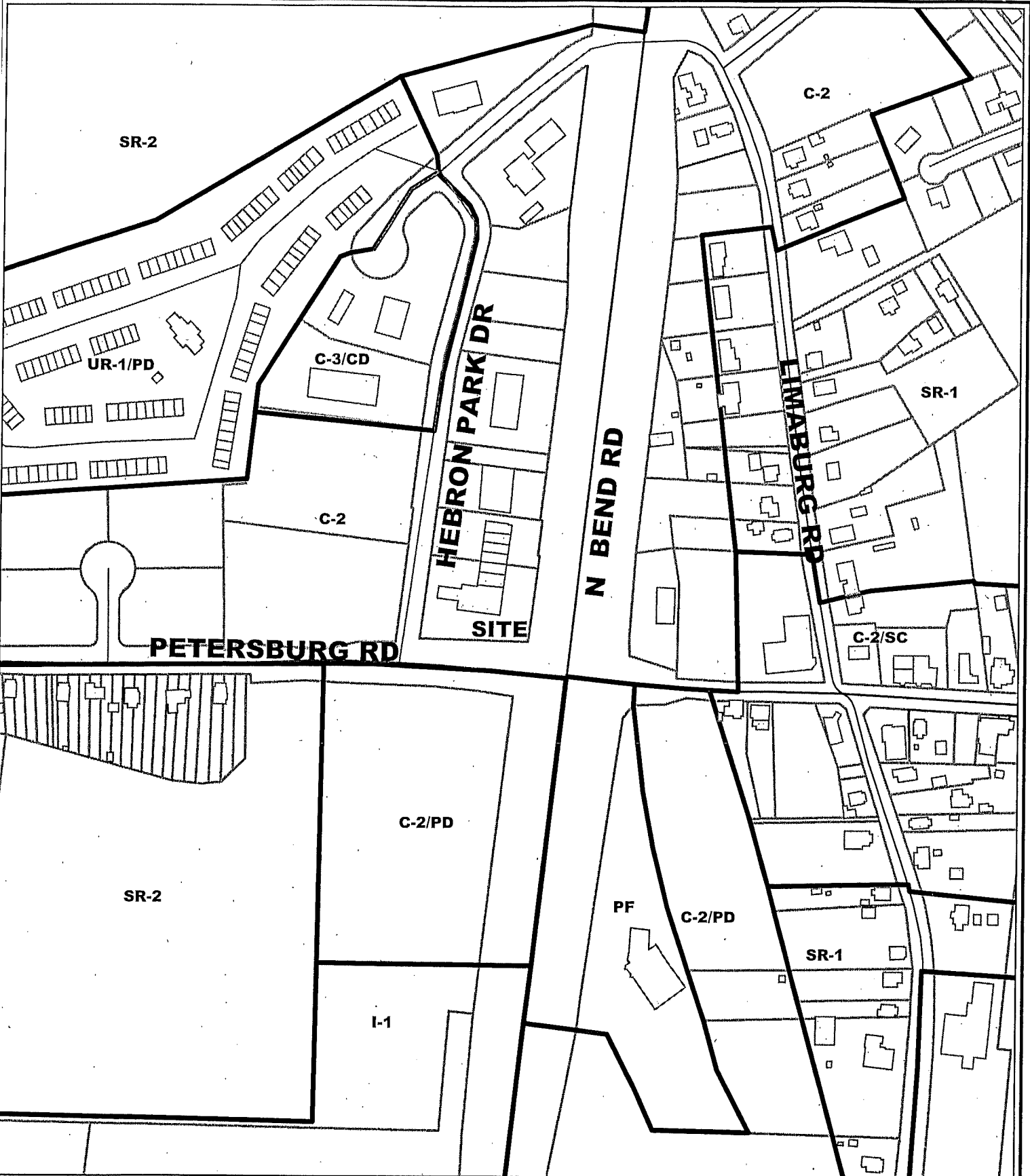
electronic price signs	
Datum	
Bearb.	26.06.2002_HOE
Gepr.	
Norm	
Diese Zeichnung darf unter gleichzeitiger Vorsehrung aller Rechte aus dem Urheberrecht nicht ohne schriftliche Genehmigung des Erfinders oder seines Erben, Nachkommen oder seiner Erben nach dem Patentrecht nachträglich verändert werden.	
EDV Nr.: 6/CADDA/MARUP/WJ_008	

Werkstoff / Artikelnummer

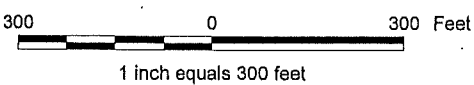
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Marathon 7' LED

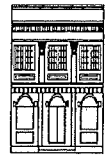
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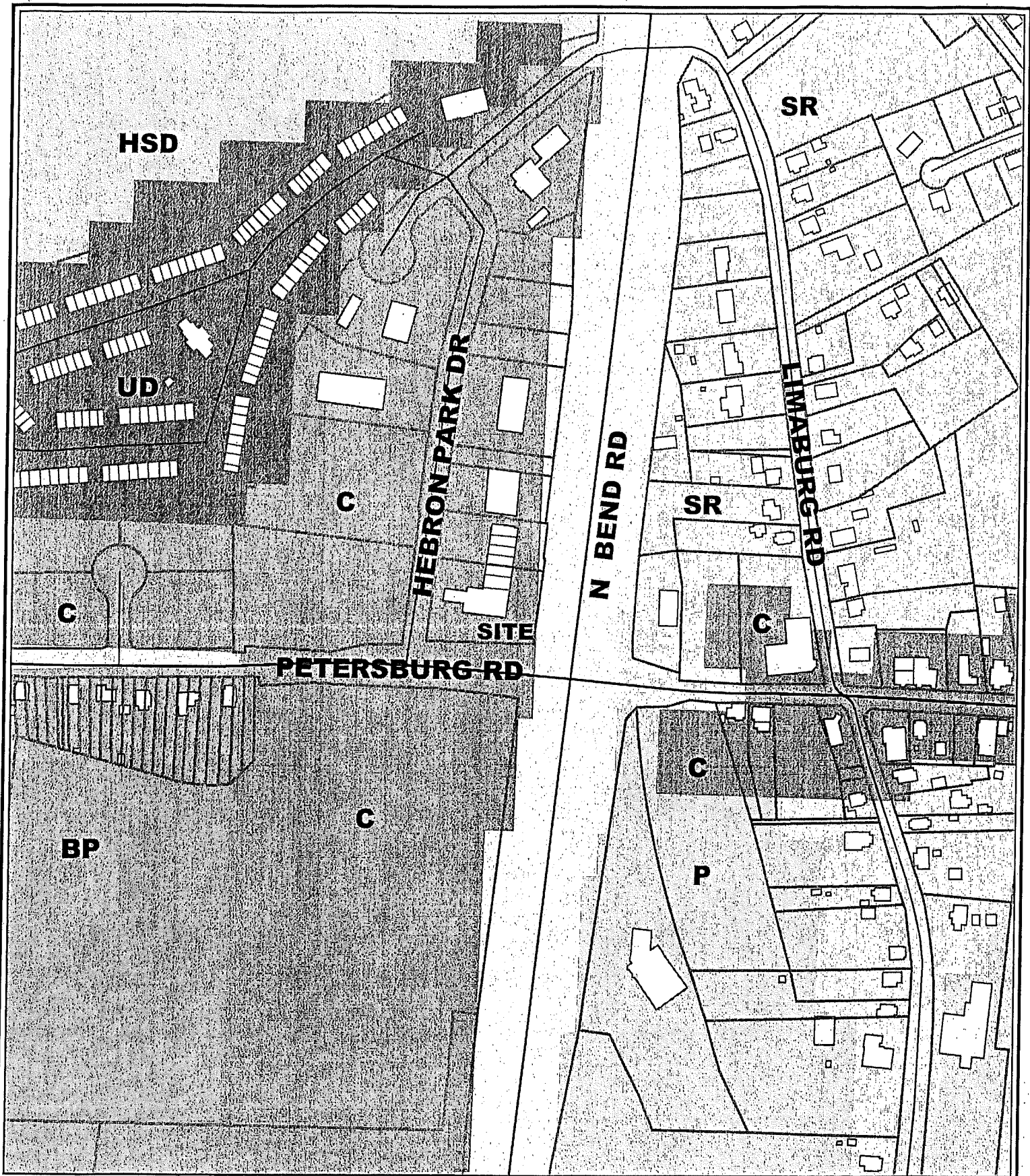


# Hebron Corner Mart Zoning Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 2, 2004





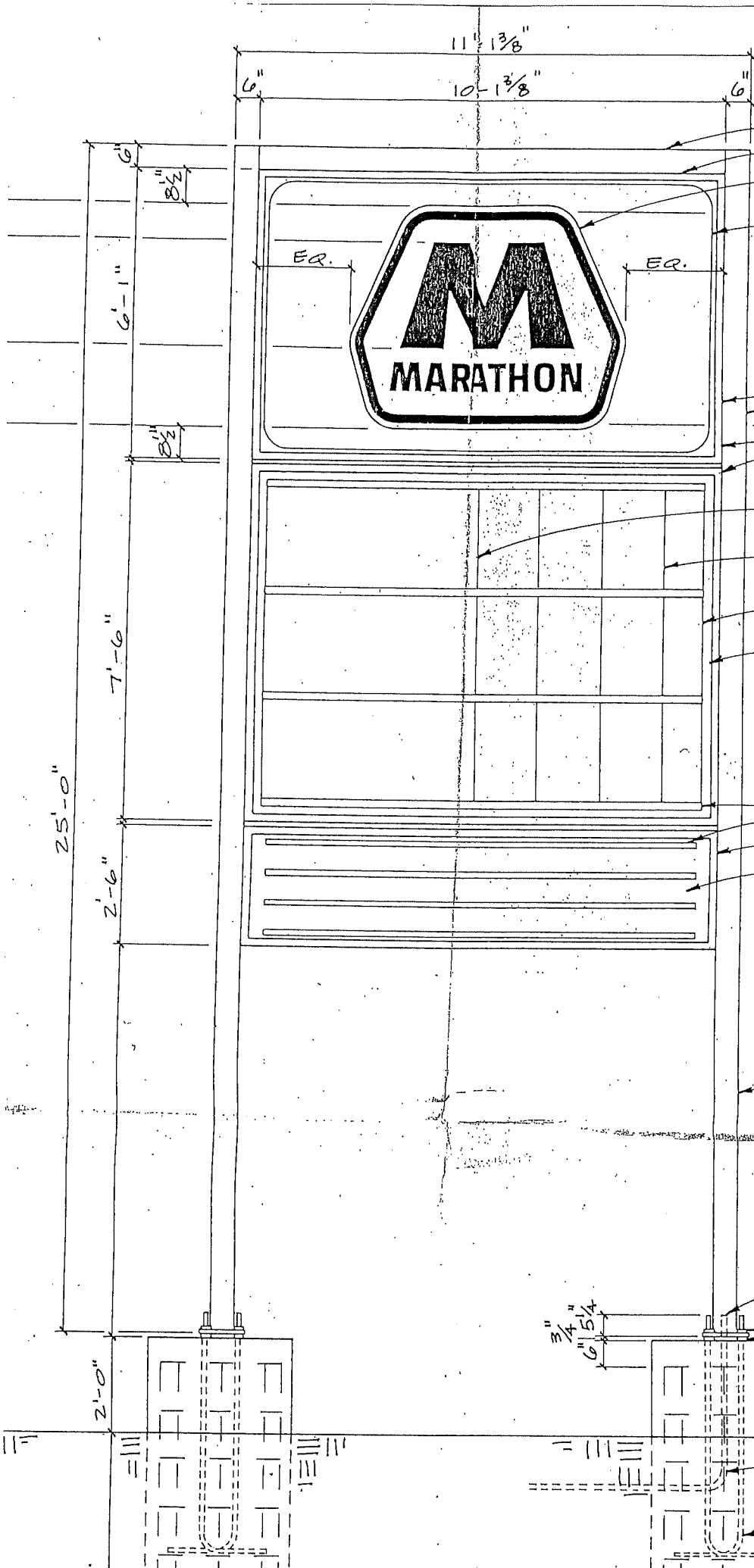
# Hebron Corner Mart Future Land Use Map

300 0 300 Feet

1 inch equals 300 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 2, 2004





6" x 6" HORIZONTAL MARATHON I.D. RED WHITE & BLU EMBOSSED LOGO ON PANEL TO HAVE 6" FLANGE TO BE 1

SIGN FRAMES TO BE PAINTED WHI EXTRUDED ALUMINIUM FRAME (TYP.) 3 PANEL PRICE

.125" LEXAN 26" x 1.0" PANEL.

.125" LEXAN 26" PANEL.

.125" LEXAN 26" NUMERAL PANEL

PRODUCT I.D. PAN COPY TO BE WHIT FIELD.

HORIZONTAL RETICULATED READER BOARD.

(3) LINES OF 6" WHITE BACKGROUND TO BE 7" PANEL BE .003" ACRYL

ALL MODULES ON SIGN TO HAVE AND PROP RODS MAINTENANCE.

6" x 6" STEEL T. ALL STRUCTURAL FURNISHED BY C

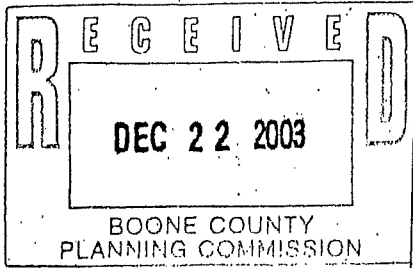
INSTALL 3/4" GAL CONDUIT, 6" ABOVE

DOUBLE NUTS. CONCRETE.

GRADE.

(2) 120V CIRCUITS SINGLE PHASE, 2 REQUIRED FROM

(4) 1/4" DIA. x 77" L WITH 17" HOOKS TO BE FURNISHED



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- (Check One) 1. Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
(Check One) 2. [checked] Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name HEBRON CORNER MART (Bob) 816 2244
Phone Number 859-586-9887 Fax No. 859-586-5243
Applicant's Address 2006 PETERSBURG ROAD
HEBRON KY 41048
4. Description of Request: WE WANT TO REMOVE EXISTING PRICE SIGN & INSTALL NEW LED PRICE SIGN. (S.D.A. [SIZE] REMAIN WITH STAY THE SAME)
5. Name of Development HEBRON [REDACTED] COMMERCIAL PARK
6. Location of Development 2006 PETERSBURG ROAD.
HEBRON KY 41048
7. Acreage Under Review \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property Burlington Realty Dev. Co. Inc.
Phone Number of Owner 859 586-7734
10. Address of Property Owner 2940 Hebron Park Dr Suite 306
Hebron Ky 41048
11. Proposed Use(s) on Site GAS station C-STORE
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
13. Current Zoning on Property C-2
14. Deed Book 199 Page No. 620 Group No. \_\_\_\_\_
15. Is the site subject to a zone change? \_\_\_\_\_
16. Have you submitted a Site Plan with this request? \_\_\_\_\_
17. Have you submitted a list of adjoining property owners with this request? \_\_\_\_\_
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature] Robert Kirby, Pres.

COPY

CLUR #04-BCBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Burlington Realty Development Co., Inc.  
2940 Hebron Park Dr., Suite 306  
Hebron, KY 41048
2. ADDRESS OF PROPERTY  
2006 Petersburg Road  
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Hebron Corner Mart
4. DEED BOOK 199      PAGE NO. 620      GROUP NO. 2006
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_
- Conditional Use Permit
- Development Plan       Conditional Zoning
- Subdivision Plat  
(Not Recorded)       Other:
- Variance
6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005


  
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

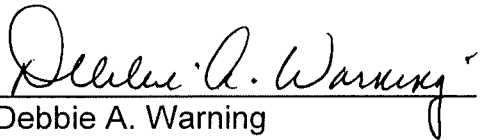
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 22 day of January, 2004.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of January 14, 2004 Certificate of Land Use Restriction (#04-BCBOA-002-A), for Burlington Realty Development Company, Inc., Property Owner(s).

The following conditions will apply:

The sign cannot flash or scroll messages and any future user is also prohibited from changing the sign into one that flashes, scrolls or has multiple messages.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 199

PAGE NO. 620

GROUP NO. 2006