

O of BOBA-028A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

AUG 18 2001

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

- 1. (Check One) Boone [X] Florence [ ] Walton [ ] Union [ ]
2. (Check One) [X] Conditional Use Permit [ ] Variance [ ] Appeal [ ]
3. Applicant's Name Richard Strobel, Phone Number (513) 6816600, Fax No. (513) 681-0818, Applicant's Address C/o United-Maier Signs, 1030 Straight Street Cincinnati Ohio 45214
4. Description of Request: To permit an electronic message center pylon sign on owner's property. 44.37 sq ft of sign
5. Name of Development Sports of All Sorts
6. Location of Development 10094 Investment Way Florence, Kentucky 41042
7. Acreage Under Review 4.018 + 1.475
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Gene Daniels, Phone Number of Owner 859-431-5900
10. Address of Property Owner 2020 Madison Ave. Covington, KY 41014
11. Proposed Use(s) on Site
12. Total Square Footage of Existing and/or Proposed Buildings 300 x 240 = 72,200
13. Current Zoning on Property C-3
14. Deed Book 852 Page No. 246 Group No. 2058
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YES
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]

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
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**SECTION B** (To be completed by the Boone County Planning Commission Staff)

\$ 32.00  
# 853.00 (# 39927R# 39928)

1. Date Received 8-18-04 Fee Received 853.00
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer MP Bachman
4. Scheduled Board Action Date 9-8-04
5. Board Action:  
 Approved  
 Approved with Conditions (See #6)  
 Denial (See #7).
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.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: United Maier Signs  
LOCATION: 10094 Investment Way, Boone County  
ZONING: Commercial Services (C-3)  
DATE: September 8, 2004

### Proposal

The applicant is requesting a Conditional Use Permit to allow an electronically changeable message board on part of an architectural free-standing sign. The Concept Development Plan submitted with this application indicates that the area of the proposed message board would be 44.44 square feet. The total area of the sign would be 144.43 square feet. The overall height of the sign would be 30 feet. The property in question is 5.58 acres, and its zoning is Commercial Services.

Section 3430 of the Boone County Zoning Regulations permits electronically changeable message centers, provided that such signs adhere to the following conditions:

- 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 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 the lines through the center of the sign and perpendicular or radial to said centerline.
- d. Apparent motion of the visual image caused by but not limited to the illusion of moving objects, moving patterns or board 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.

Section 4000 of the Boone County Zoning Regulations defines an architectural free-standing signs as follows:

"A freestanding sign which does not have a bare, exposed, and unadorned pole structure but rather uses a cover or skirting around the pole structure; or a structure constructed of materials, colors, and design details which match or correlate to the principal building on the site; or the pole structure is designed to have sculptural or artistic characteristics. A monument style sign may be substituted as the permitted freestanding sign on parcels where an architectural freestanding sign is permitted (p.40.21)."

Section 3413 of the Zoning Regulations indicates that the overall height of an architectural free-standing sign in the Commercial Services (C-3) zoning district is proportional to the road frontage of the subject property on which the sign will be located. The following proportions apply:

Road Frontage	Maximum Sign Height
50 feet or less	15 feet in height
51 to 100 feet	20 feet in height
101 to 200 feet	25 feet in height
Over 200 feet	30 feet in height

Section 3413 also indicates that the area of an architectural free-standing sign in the Commercial Services (C-3) zoning district is permitted at a rate of one square foot of sign area per linear foot of road frontage on which the sign will be mounted. The maximum size of a free-standing sign is 200 square feet.

The Board should also evaluate the request based as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations. These findings are as follows:

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 neighborhood 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.

#### Surrounding Land Uses and Zoning

- North: Fleet Tires, zoned Commercial Services (C-3);  
Vacant property, 42.369 acre, across Mount Zion Road, zoned Commercial Services (C-3);
- Northeast: Vacant property, 0.33 acres, zoned Commercial Four/Concept Development (C-4/CD)
- Northwest: Sunoco station, across Mount Zion Road, zoned Commercial Services (C-3)
- South: Multi-family residences on a 1.26 acre parcel, part of Sherwood Lakes subdivision, zoned Urban Residential One/Concept Development Plan
- Southeast: Grace Mission Baptist Church, zoned Commercial Four/Concept Development (C-4/CD)
- East: Fifth Third Bank, across Investment Way zoned Commercial Four/Concept Development (C-4/CD);  
Vacant property, 0.94 acres, across Investment Way, zoned Commercial Four/Concept Development (C-4/CD)
- West: Vacant property, part of Sherwood Lakes subdivision, zoned Commercial Services (C-3);  
Shell Food Mart and gas station, zoned Commercial Services (C-3)

#### Site History

A Site Plan for the property in question was approved in August of 2003 to allow grading on the site. The Site Plan to allow construction of the facility was approved in October of 2003.

Staff Comment

1. Staff believes that the potential impact of the sign would be minimal. There are no other electronically changeable message boards along Mount Zion Road

Conclusion

KRS 100.241 and Section 250 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 variances.

Respectfully submitted,

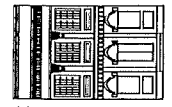
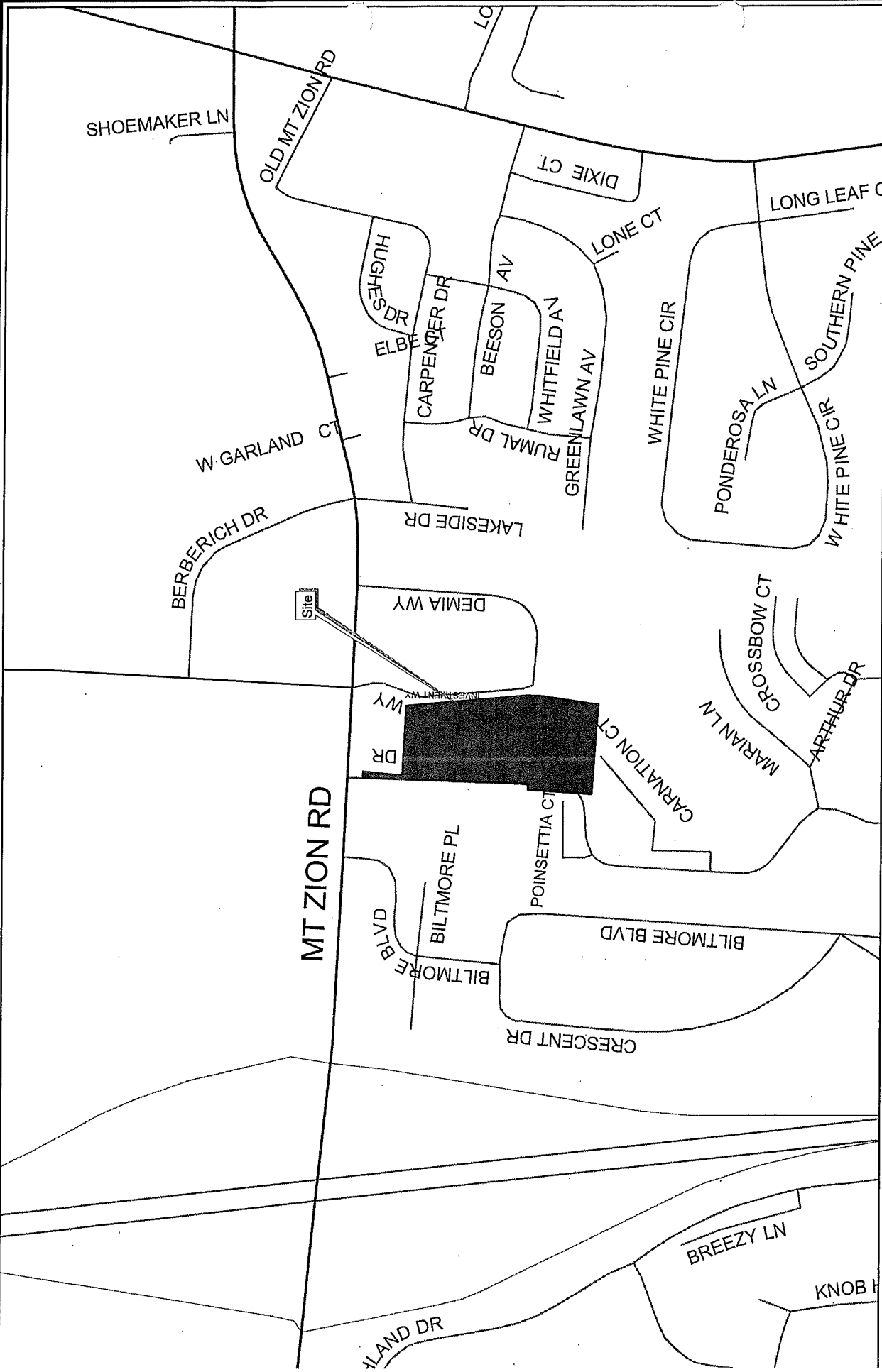


Patty Bachman  
Planner, Zoning Services

MPB/pr

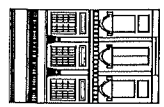
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Zoning Map
- Exhibit C – Aerial Map
- Exhibit D – Concept Development Plan
- Exhibit E – Applicant's Narrative
- Exhibit F – Applicant's Photograph of Proposed Sign Location
- Exhibit G – Application



1 inch equals 500 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 September 1, 2004

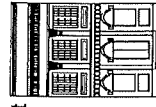
# Sports of All Sorts-Vicinity Map



1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 September 1, 2004



# Sports of All Sorts-Zoning



1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
September 1, 2004

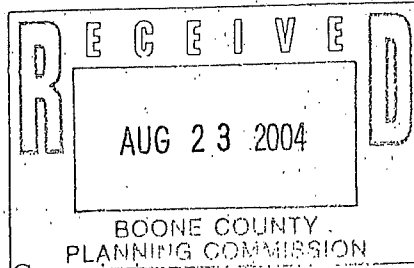


# Sports of All Sorts-Aerial Map



# United-Maier Signs, Inc.

August 18, 2004



Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

**RE: Sports of All Sorts conditional use permit**

Dear Sirs:

United-Maier Signs is working with Sports of al Sorts at 10094 Investment Way in Florence, Kentucky on a pole sign with an electronic LED Message Center.

The sign will be harmonious with and in accordance with the general objective of the County Comprehensive Plan proposed in that it fits all of the criteria in the plan.

The sign with the message center is approximately 150 sq. ft. The message center consist of 50-sq. ft. of the proposed signage area with a maximum height of 30'-0.

The sign is more than 600 feet off of any interstate and cant even be seen from the interstate and more then a 100' feet from the right of any lines of any other thoroughfares.

The sign will not be hazardous to exiting or future neighboring areas. The sign will be served adequately by essential public facilities and services for many local residence and schools. With the versatility of the LED they can advertise school events, community events and special events on it.

Boone County Planning Commission

August 18, 2004

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RE: Sports of All Sorts conditional use permit

The sign has no bearing on any public cost for public facilities and services and not be a detrimental to the economic welfare of the community. It will really be a benefit by promoting events for the community and the complex.

The sign is internally illuminated with all lighting concealed and is built based on UL specifications. The LED's actually have lenses on them to protect the LED's, and will conform to the requirements set forth in the sign regulations regarding movement.

The sign is set back off of the property at the designated set back and will not obstruct any viewing of the public throughfaces. The sign also has a height from grade of approximately 18'-0" and will not interfere with the ingress and egress of traffic flow.

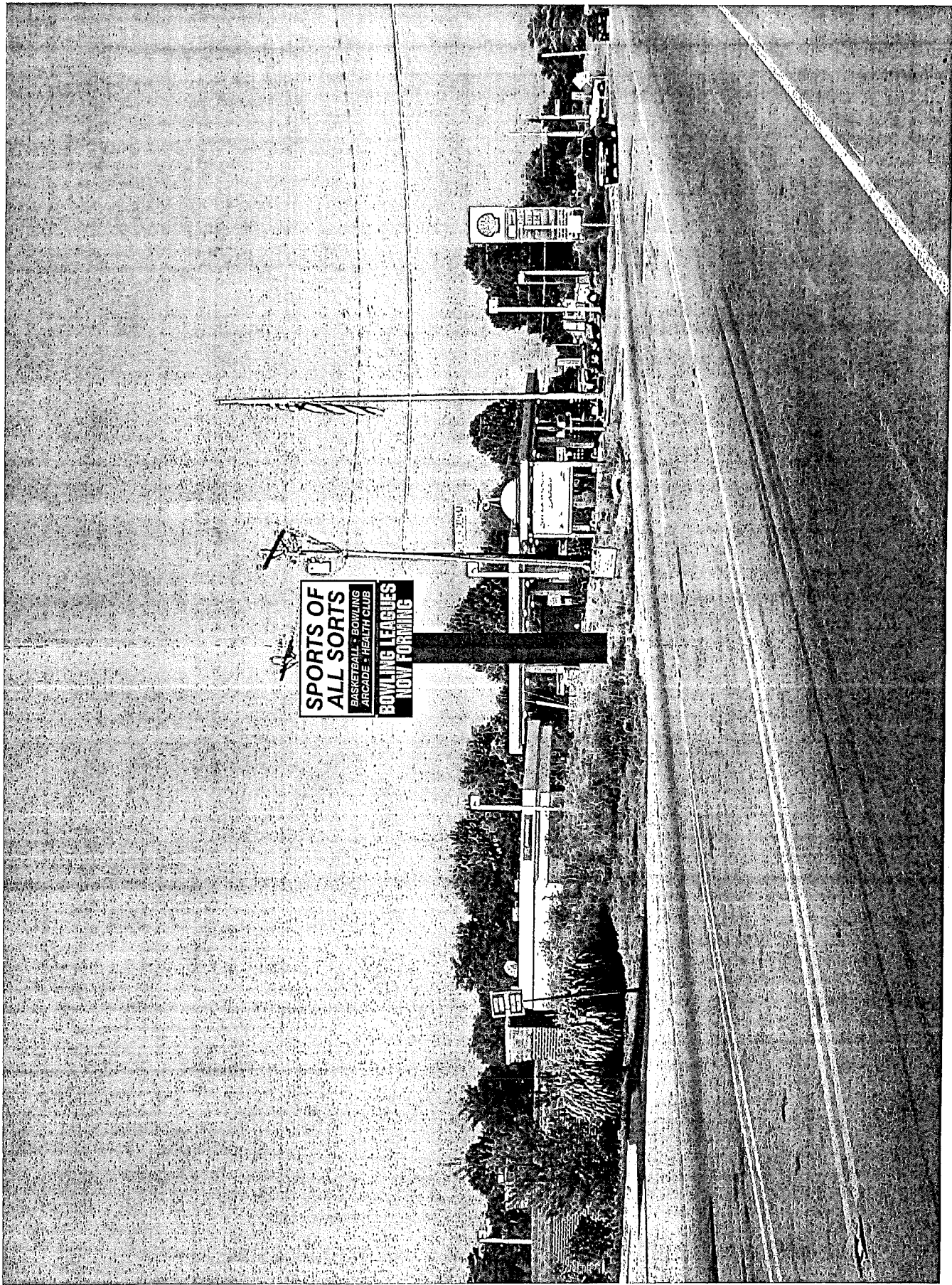
Sincerely,

UNITED-MAIER SIGNS, INC.



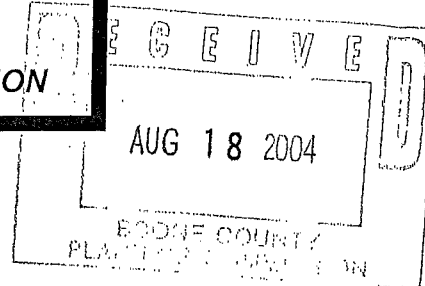
Karen Duesing  
VP Sales & Marketing

KD/ak



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  Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union
- 2. (Check One) \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal  
\_\_\_\_\_ Change in Non-Conforming Use
- 3. Applicant's Name Richard Strobel  
Phone Number (513) 6816600 Fax No. (513) 681-0818  
Applicant's Address C/o United-Maier Signs, 1030 Straight Street  
Cincinnati Ohio 45214  
City State Zip
- 4. Description of Request: To permit an electronic message center  
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- 9. Owner of Property Gene Daniels  
Phone Number of Owner 859-431-5900
- 10. Address of Property Owner 2020 Madison Ave.  
Covington, KY 41014  
City State Zip
- 11. Proposed Use(s) on Site \_\_\_\_\_
- 12. Total Square Footage of Existing and/or Proposed Buildings 300 x 240 = 72,200
- 13. Current Zoning on Property C-3
- 14. Deed Book 852 Page No. 246 Group No. 2058
- 15. Is the site subject to a zone change? NO  
If yes, give date of approval \_\_\_\_\_
- 16. Have you submitted a Site Plan with this request? YES
- 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: Richard D Strobel

Property Owner's Signature: \_\_\_\_\_

COPY

CLUR #04-BCBOA-028-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Gene Daniels  
2020 Madison Avenue  
Covington, KY 41014

2. ADDRESS OF PROPERTY

10094 Investment Way  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Sports of All Sorts

4. DEED BOOK 852

PAGE NO. 246

GROUP NO. 2058

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

*Patty Bachman*  
SIGNATURE OF COMPLETING OFFICIAL

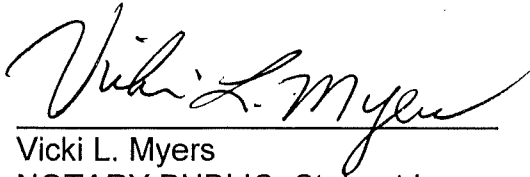
Patty Bachman, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Patty Bachman on behalf of the

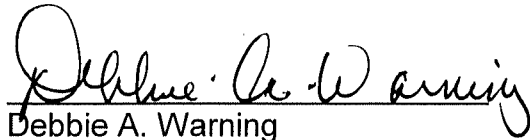
Boone County Planning Commission this 10 day of September, 2004.



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 September 8, 2004 Certificate of Land Use Restriction (#04-BCBOA-028-A), for Gene Daniels, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 852

PAGE NO. 246

GROUP NO. 2058