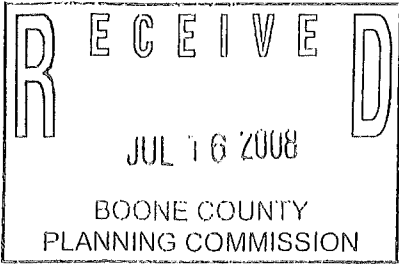


1752-00

08-BCPOA-016-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 _____ Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name Quincy Sibb
Phone Number 817-522-9766 Fax No. _____
Applicant's Address 2510 Richardson Rd
Bed TX 76084
City State Zip
- 4. Description of Request: Remove the pole sign - Replace the
low ones with LED
- 5. Name of Development Shell
- 6. Location of Development 251 Richardson Rd. Suite 104
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Greg Schrand
Address of Property Owner 251 Richardson Rd Phone No. 817-522-9766
Bed TX 76084
City State Zip
- 11. Proposed Use(s) on Site Gas / Food Mart / Car Wash
- 12. Total Square Footage of Existing and/or Proposed Buildings 196 192
- 13. Current Zoning on Property C-3
- 14. Deed Book 948 Page No. 041 Group No. 2071
- 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? Yes
- 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: Quincy Sibb

Property Owner's Signature: Greg Schrand

**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 7-16-08 Fee Received \$ 1,732.00 R18244
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8/13/08 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 8/13/08 BCBOA Meeting
MINUTES + CLUR
7. Reasons for Denial: _____

**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: 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: Quality Signs for Road Ranger Shell
LOCATION: 281 Richwood Road, Boone County, Kentucky
ZONING: Commercial Services (C-3)
DATE: August 13, 2008

Proposal

The applicant has submitted the following applications:

1. A Conditional Use Permit application to allow electronic (LED) fuel prices on the Road Ranger/Shell free-standing sign located near the Richwood Road I-75 southbound entrance ramp. The submitted plan shows that the square footage of the free-standing sign will be reduced from 196 to 192 square feet and that electronic message boards will display regular and diesel fuel prices. The regular fuel price window is 27.5" x 75.13" (14.34 square feet) and the diesel display window is 19.75" x 45.13" (6.18 square feet).
2. A Variance to allow the electronic price panels within 660' of another electronic sign. The Boone County G.I.S. system shows that the Road Ranger/Shell sign will be located approximately 540' from the BP/Blue Pantry electronic sign that was approved by the Boone County Board of Adjustment last month.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit and Variance applications.

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request in terms of the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.

- A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The Board needs to evaluate the Conditional Use Permit request as it relates to the criteria necessary for granting or denying a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations. The criteria are listed below:

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 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 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 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.

Article 34, Section 3413 of the Boone County Zoning Regulations states that individual parcels of land in C-3 zoning districts shall be permitted a density of one (1) on-premises, architectural free-standing. The sign can be up to 30' tall and 200 square feet in area (dependent on road frontage).

Article 34, Section 3430 of the Boone County Zoning Regulations permits electronically changeable message boards as a Conditional Use in the Commercial Services (C-3) 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.

Relationship of the Request to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the majority of the site for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Future Land Use Development Guidelines (pages 140-142) 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).

Site Characteristics

The 1.12 acre site is located on the south side of Richwood Road and contains a convenience store, gas pumps, and a car wash. Access is provided from a shared curb cut with Best Self Storage. All of Shell's free-standing signs are located on the storage lot.

Surrounding Land Uses and Zoning

North: Richwood Road, Frontage Road, Pilot, and Waffle House (C-3)

South: Best Self Storage (C-3)

East: Best Self Storage and I-75 Southbound Entrance Ramp (C-3)

West: Huntington Bank (C-3)

Staff Comments

1. The Shell Station and Best Self Storage are owned by the same property owner. Three off-premise signs advertise the Road Ranger Shell from the Best Self Storage lot. The electronic message boards are being proposed on the free-standing sign which is located near the Richwood Road I-75 southbound entrance ramp.

The Zoning Administrator determined that a Conditional Use Permit could be applied for because the electronic message boards do not alter the number of off-premise signs and do not increase the height or square footage of the subject sign.

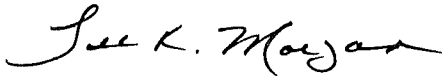
2. Staff recommends that the Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before acting on the requests. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.
3. Staff would like the applicant to address the color of the electronic copy.
4. Section 3430 of the Boone County Zoning Regulations states that an electronic message board shall conform to the following criteria:
 - A. The electronic message board shall not be more than fifty percent (50)% of a permitted sign area. The message boards comprise 10.7% (20.52/192) of the overall sign area.
 - B. Electronic messages must be displayed on the board for at least 5 seconds and that the messages cannot flash, scroll, or run. The gasoline fuel price should only be changed one or twice a day.
 - C. Electronic message boards must be at least 660' apart. A Variance request was submitted because the future BP/Blue Pantry electronic sign is located approximately 540' to the west. The BP/Blue Pantry electronic sign was approved by the Boone County Board of Adjustment last month.

4. If the application is approved, Staff recommends the following conditions:
- A. The electronic copy can only advertise fuel prices;
 - B. The electronic copy color should be defined;
 - C. The overall square footage of the sign shall not exceed 192 square feet in area; and
 - D. The sign shall not contain any manually changeable message boards.

Conclusion

K.R.S. 100.237 and 100.241 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Aerial Map
- *Existing Sign
- *Proposed Sign
- *Zoning Map
- *Future Land Use Map
- *Closest Electronic Sign
- *Application

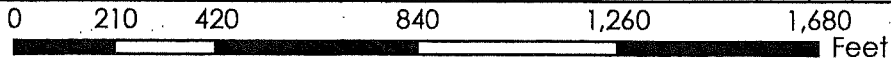
SITE VICINITY MAP

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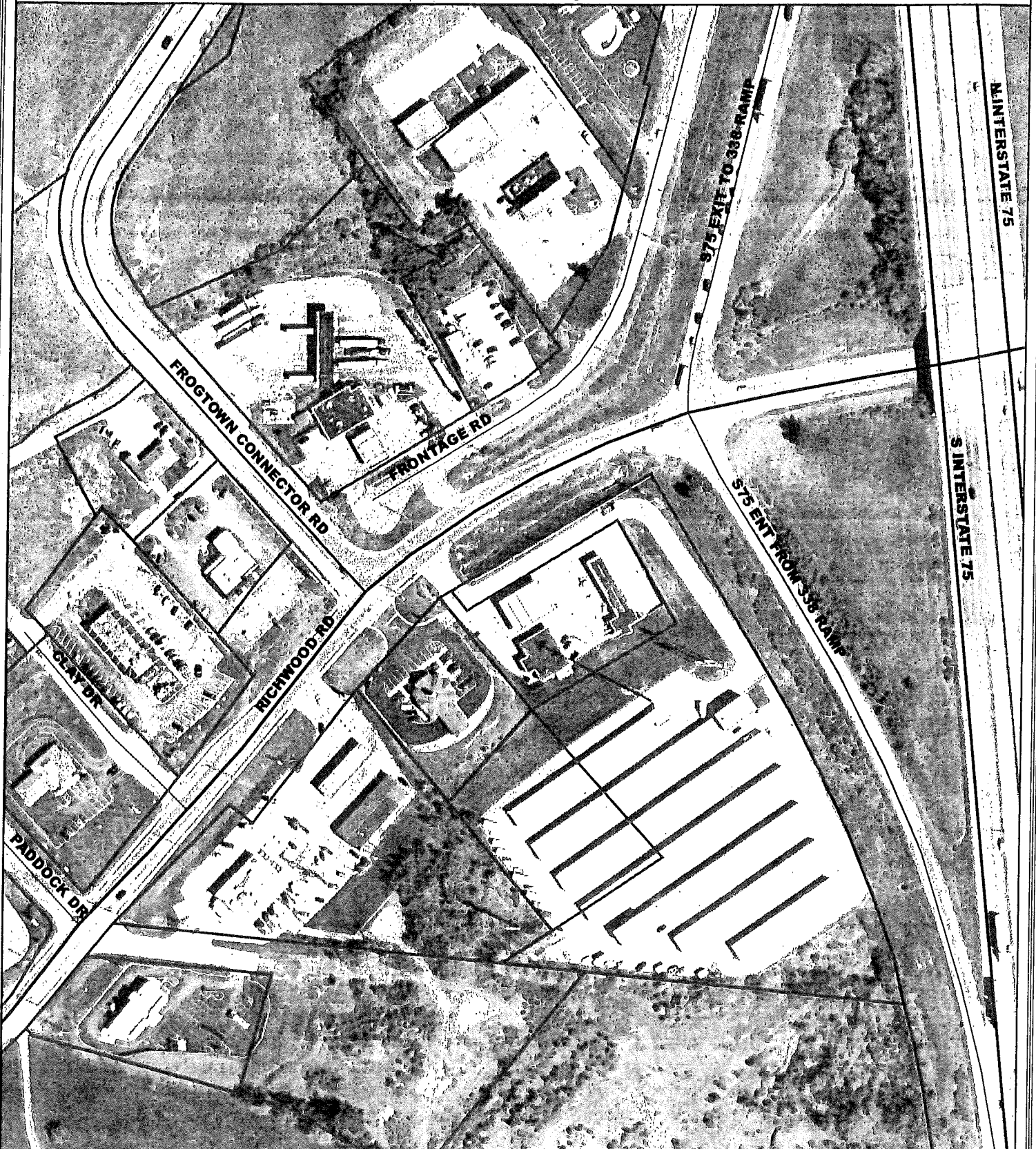
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Boone County GIS - Putting Northern Kentucky on the Map

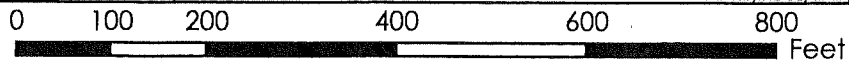
AERIAL MAP

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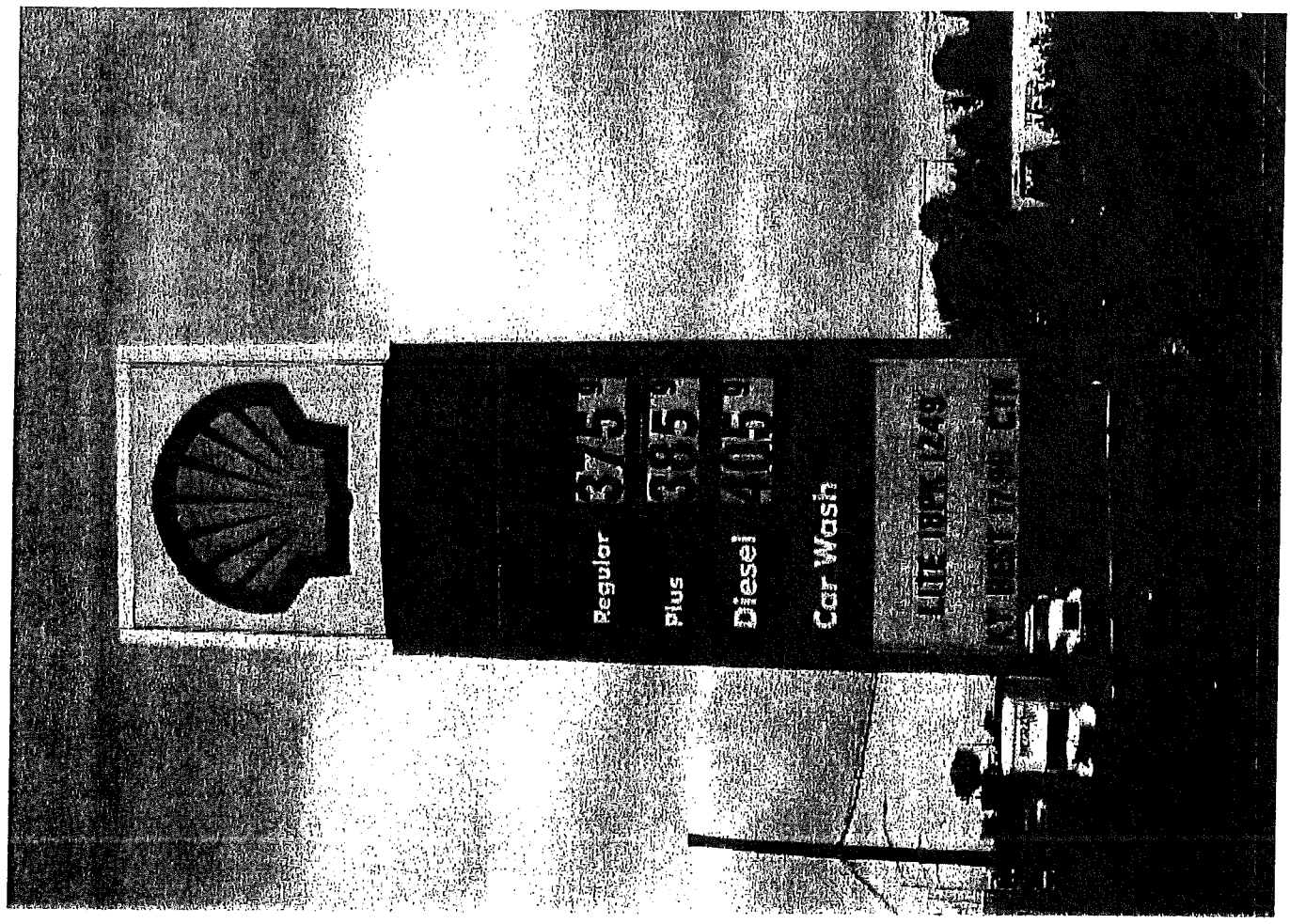


1 Inch equals 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

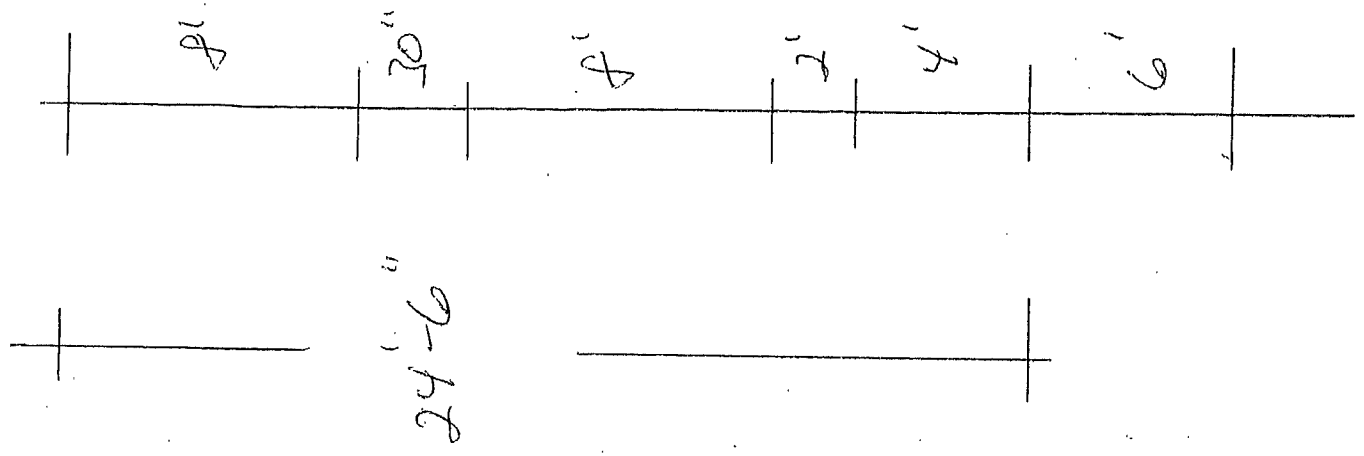
Kichwood



+ 8' +

110-18-8

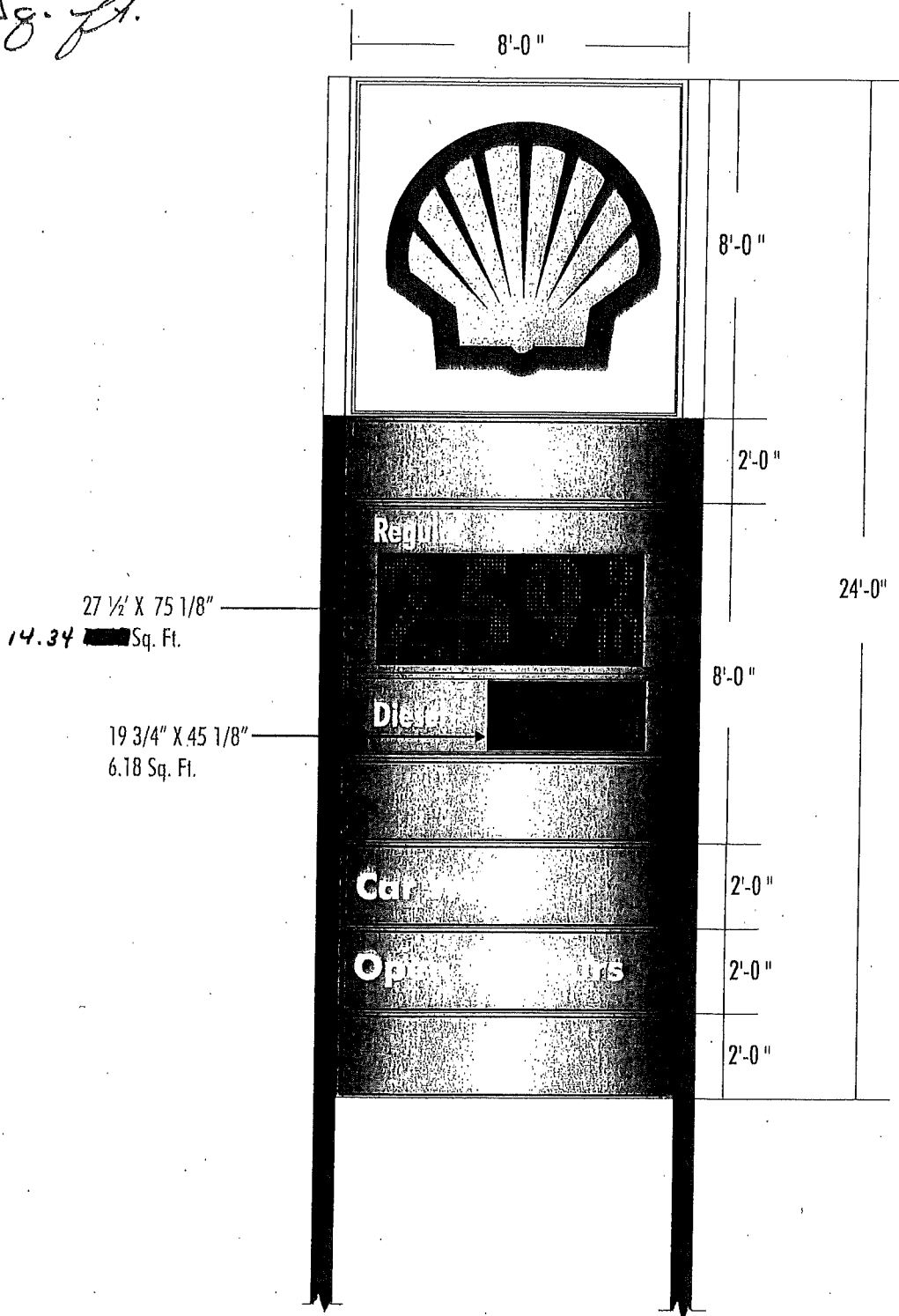
Exhaust Sign



Signage to comply with RVI Design and Conversion Standards

Proposed Sign

192 Sq. Ft.



8' x 8' Standard LED: Two Products

24" x 24" Product Panels: 2

24" x 24" Blank Panels 2

FILE: Shell 8'x8' LED-1

Approved By

DATE: 7-16-08

Sales Rep. Mark Stottman

SCALE: 1/4"=1'

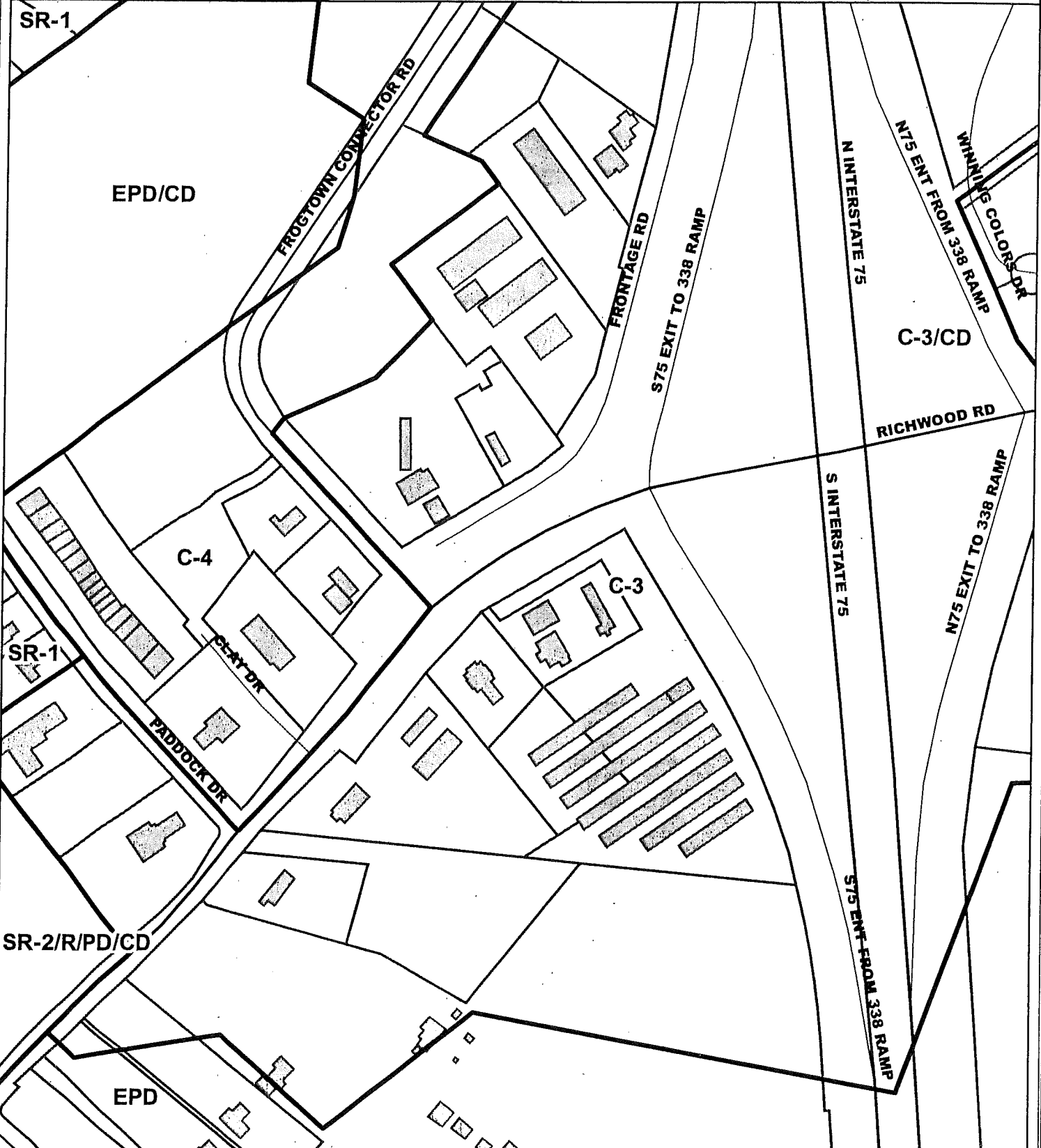
DRAWN BY: WOODY FELLINGER

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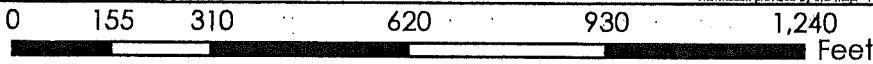
ZONING MAP

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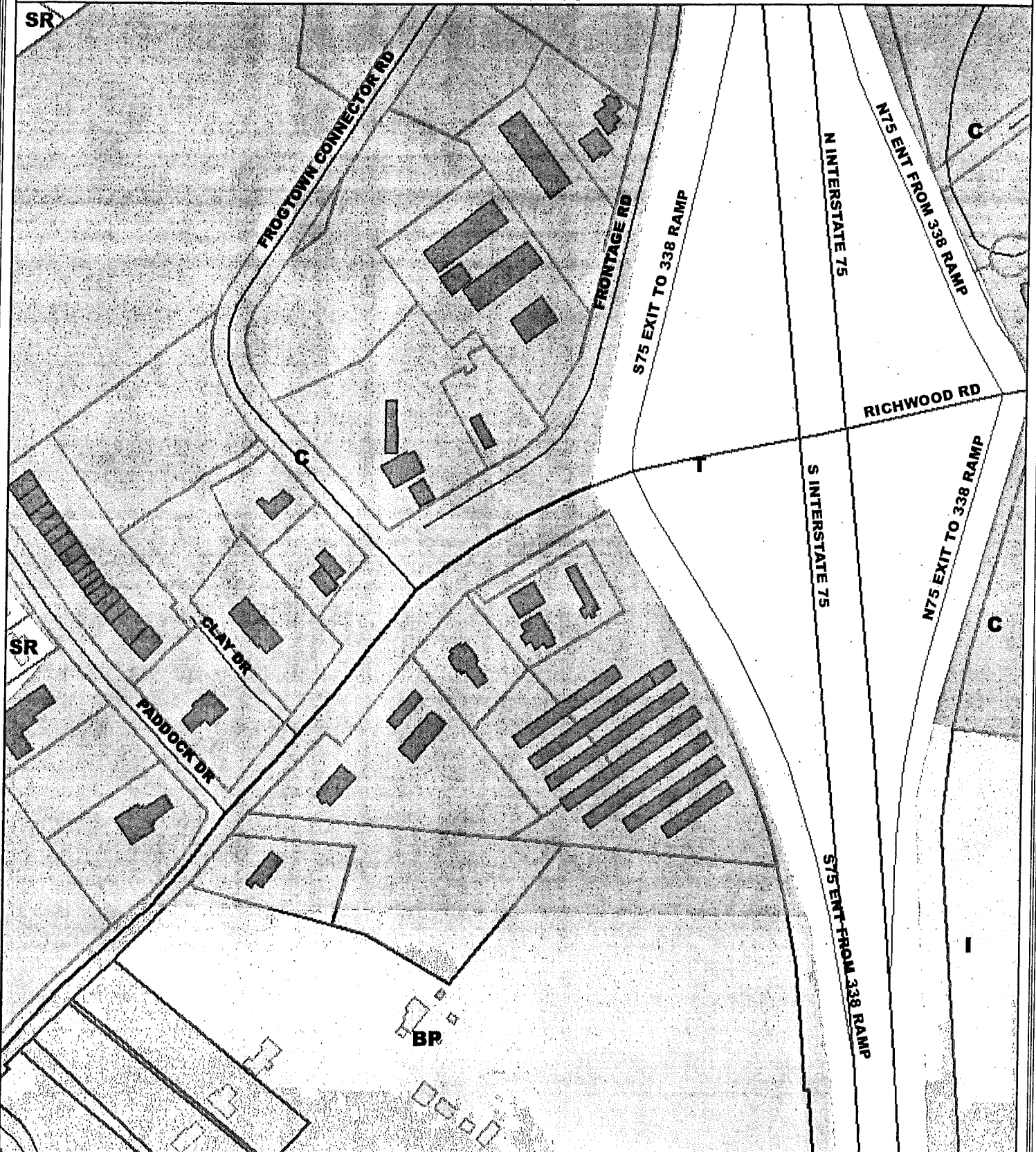
1 inch equals 300 feet.



Boone County GIS - Putting Northern Kentucky on the Map

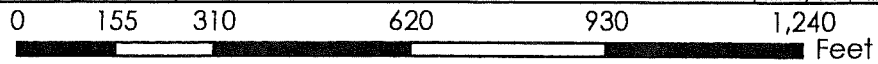
FUTURE LAND USE MAP

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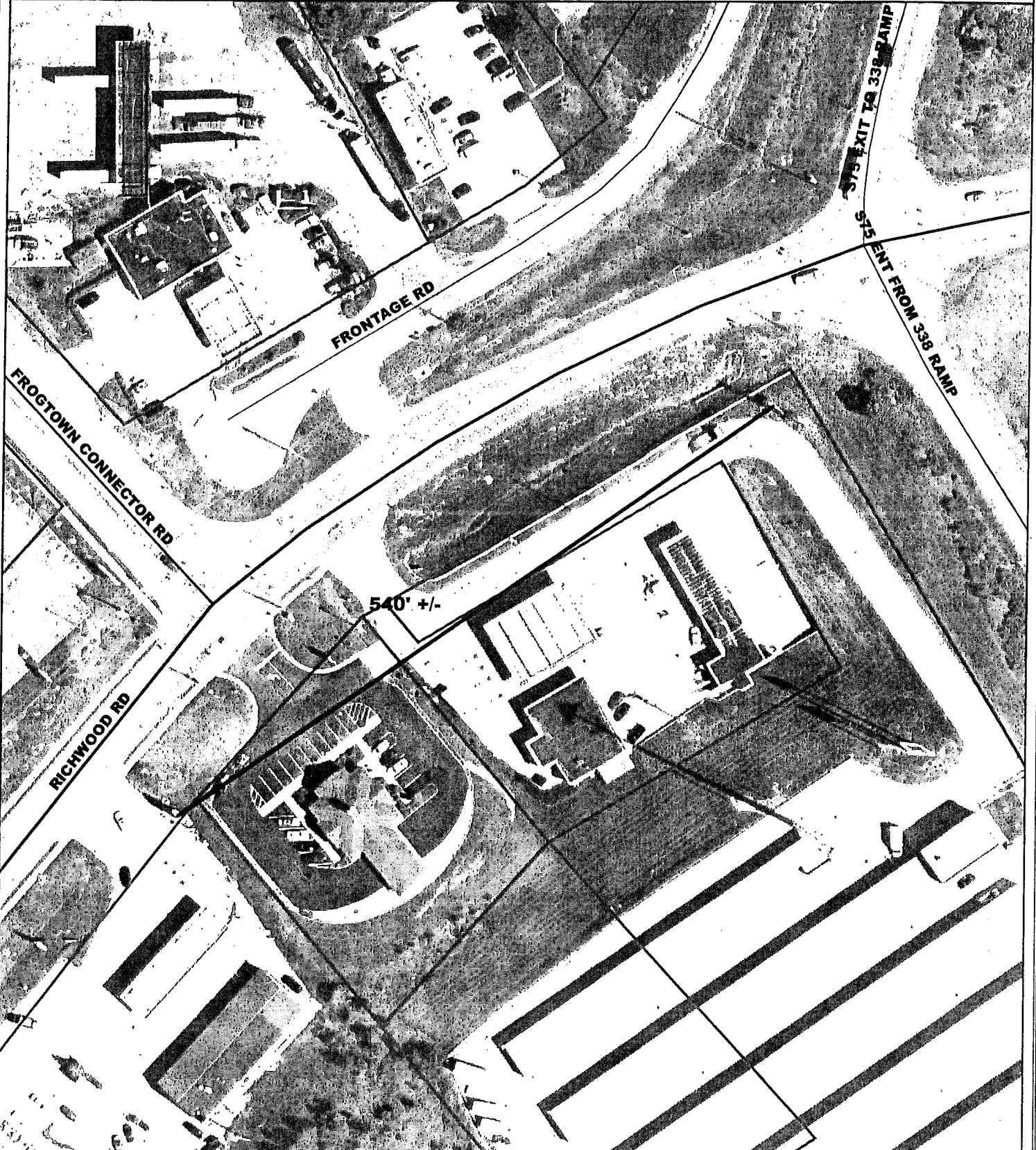


Boone County GIS - Putting Northern Kentucky on the Map



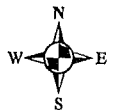
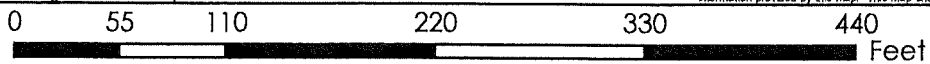
CLOSEST ELECTRONIC SIGN

www.boonecountygis.com



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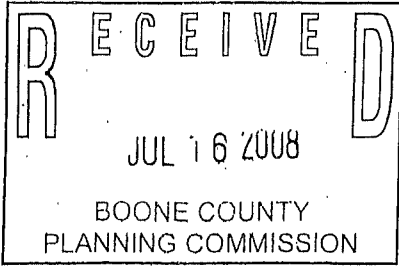
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Boone County GIS - Putting Northern Kentucky on the Map

1782-00

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) X Boone ___ Florence ___ Walton ___ Union ___
2. (Check One) X Conditional Use Permit X Variance ___ Appeal ___
3. Applicant's Name Quality Sign Phone Number 209-526-9966 Fax No. Applicant's Address LEO Production Co. City: Berl State: Ky Zip: 41025
4. Description of Request: Reconstruct the pole sign Replace the low price sign with LED
5. Name of Development Shell
6. Location of Development 241 Richmond Rd. Walton Ky 41094
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Greg Schrand Address of Property Owner 241 Richmond Rd Phone No. 202-481-1100
10. City: Walton State: Ky Zip: 41094
11. Proposed Use(s) on Site Gas / Food Mart / Car wash
12. Total Square Footage of Existing and/or Proposed Buildings 196 197
13. Current Zoning on Property C-3
14. Deed Book 948 Page No. 041 Group No. 2071
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? YES
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: M. Stitt Quality Sign

Property Owner's Signature: Greg Schrand

COPY

CLUR #08-BCBOA-016-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Greg Schrand
281 Richwood Road
Walton, KY 41094

2. ADDRESS OF PROPERTY

281 Richwood Road
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Shell

4. DEED BOOK 948

PAGE NO. 641

GROUP NO. 2071

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

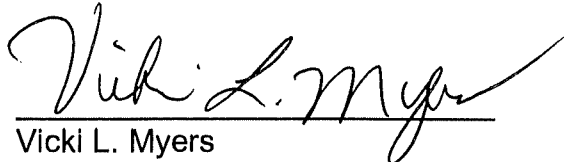
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

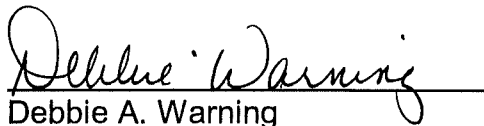
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 25 day of August, 2008.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
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 and Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of August 13, 2008 Certificate of Land Use Restriction (#08-BCBOA-016-A), for Greg Schrand, Property Owner(s).

The following conditions will apply:

- 1) The electronic copy will only advertise fuel prices – the colors are to be red for gasoline (regular fuel) and green for diesel.
- 2) The overall square footage of the sign is not to exceed 192 square feet in area.
- 3) The sign is not to contain any manually changeable message boards.

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

DEED BOOK 948 PAGE NO. 641 GROUP NO. 2071