

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 CBS Sign Services Inc (Steve Cupito)
Phone Number 513-528-3363 Fax No. 513-528-3363
Applicant's Address 4152 BRANDON WAY DR
CINCINNATI OHIO 45255
City State Zip
- 4. Description of Request: ELECTRONIC MESSAGE CENTER (4'x8') TO
BE INSTALLED IN AN EXISTING BP SIGN STRUCTURE (FACE CHANGE)
- 5. Name of Development HEBROW BP
- 6. Location of Development 2144 KILGORE PL.
HEBROW, KY. 41048
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property JVP PETROLEUM INC.
Address of Property Owner 2144 KILGORE PL. Phone No. 859-586-5994
- 10. HEBROW KY 41048
City State Zip
- 11. Proposed Use(s) on Site CONVENIENCE STORE - GAS STATION
WITH ELECTRONIC MESSAGE BOARD
- 12. Total Square Footage of Existing and/or Proposed Buildings Sign - 160 TOTAL
- 13. Current Zoning on Property C3
- 14. Deed Book 983 Page No. 606 Group No. 2008
- 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.

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

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

**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 8-23-11 Fee Received \$1,082⁰⁰ R# 63455
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
9/14/11 **Approved with Conditions** (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 9/14/11 Meeting Minutes
AND C.C.U.R.
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: C&B Sign Services, Inc.

LOCATION: 2144 Kilgore Place, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: September 14, 2011

Proposal

The applicant has submitted a Conditional Use Permit application to allow an electronic message center to be installed on the 29' tall, 160 square foot BP/Dairy Queen freestanding sign. The submitted photo and rendering show that two 16 square foot manually changeable reader boards will be removed from the existing sign and will be replaced with a new sign cabinet that has an 18.18 square foot L.E.D. display. The rendering shows that messages will be displayed in green L.E.D.

Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit applications.

The Board needs to evaluate the Conditional Use Permit request terms of the criteria listed in Section 262 of the Boone County Zoning Regulations. The board may consider whether such use at the proposed location:

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.

Section 3413 of the 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. In Unincorporated Boone County, the sign can be up to 30' tall and 200 square feet in area (dependent on road frontage).

Section 3430 of the Zoning Regulations permits electronically message boards as a Conditional Use in C-2 and C-3 zoning districts.

1. The following requirements must be 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.

2. **THE FOLLOWING DOES NOT APPLY IN THE CITY OF FLORENCE CITY LIMITS.**

Electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - gas prices, hotel room rates, time and temperature, etc.) shall be permitted in the Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts subject to the following standards:

- A. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.
- B. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates 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 approximate 1.38 acre site is located at the southeast corner of the Kilgore Place/Northside Drive intersection. The property contains an approximate 5,355 square foot BP gas station convenience store and Dairy Queen restaurant. The property also contains a detached gasoline canopy, a drive through lane, and an outdoor seating area. Access to the site is provided by curb cuts on Northside Drive and Kilgore Place. The freestanding sign for the property is located at the intersection of Kilgore Place and Northside Drive and is 29 feet tall and 160 square feet in area. Boone County G.I.S. shows that the topography of the site falls from 870 feet above sea level at the Northside Drive/Kilgore Place intersection to 864 feet above sea level at the southeast property corner.

Surrounding Land Uses and Zoning

North: Northside Drive, Bank of Kentucky (C-2), Vacant Parcel (C-3)

South: Single-Family Dwelling (C-3)

East: Hebron Soft Touch Car Wash (C-3)

West: Kilgore Place, KY 237, Jimmy John's, Wings on Wheels, Spice, Arby's, U.S. Bank, Vintage Wine Bar (C-4)

Pertinent Site History

On July 16, 2002, Boone County Planning Commission Staff approved a Sign Permit to reconfigure the existing freestanding sign. The permit shows that the sign will be approximately 29' tall and 160 square feet in area when the reconfiguration is complete.

On May 17, 2011, Boone County Planning Commission Staff approved a Sign Permit allowing two manually changeable fuel prices displays to be replaced with a 12.35 square foot electronically changeable fuel price display. The permit was approved administratively because the electronic sign changes infrequently and is less than 20 square feet in area.

Staff Comments

1. Staff asked the applicant to provide the following information:
 - A. What will be advertised on the sign?

Advertisements for BP and Dairy Queen

B. Will any off-premise businesses be advertised?

No

C. How many lines of text and graphics can the electronic sign display? How tall and wide are the individual letters or numbers at each setting?

The electronic sign can advertise up to 5 lines of text or graphics. The height of the numbers and letters vary between 4 and 24 inches.

D. Will all messages be displayed in green L.E.D.?

Yes

E. How often will the message change?

Once every 10 seconds.

F. What is the maximum pixel pitch?

18 millimeters

G. Is the sign equipped with a dimmer?

Yes

H. Is approval from KY Transportation Cabinet required?

An answer will be provided at the Board of Adjustment meeting.

2. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines from the Comprehensive Plan before acting on the request. 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.

Staff has concerns that the electronic message board could have a negative visual appearance on North Bend Road/I-275 corridor and be distracting to motorists.

3. 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 existing and proposed electronic message boards would comprise 19% (30.53/160) of the overall sign area.

B. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot flash, scroll, or run.

C. Electronic message boards must be at least 660 feet apart

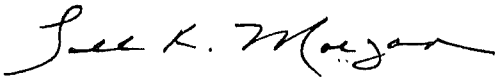
Staff did not identify any other electronic message boards within 660 feet of the proposed sign. The closest electronic sign is the Remke's sign, which is about 2,010 feet to the northeast.

4. Staff recommends the following conditions if the request is approved:
 - A. The electronic message center shall display no more than two lines of graphics.
 - B. Messages shall be displayed in one color on a black background and shall not flash, scroll, or run.
 - C. Messages shall be displayed for a minimum of 10 seconds.
 - D. The maximum LED pitch shall not exceed 18 millimeters.
 - E. The ambient light level change (sign turned off versus sign turned on) at 100' perpendicular to the sign shall be no more than 0.3 foot candles.
 - F. The sign shall be equipped with a dimmer and the messages shall dim as the sky gets darker.
 - G. The sign shall not advertise any off-premise businesses.
 - H. The applicant shall provide documentation that the sign meets the minimum standards of the Kentucky Transportation Cabinet before a Sign Permit is issued.

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 act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

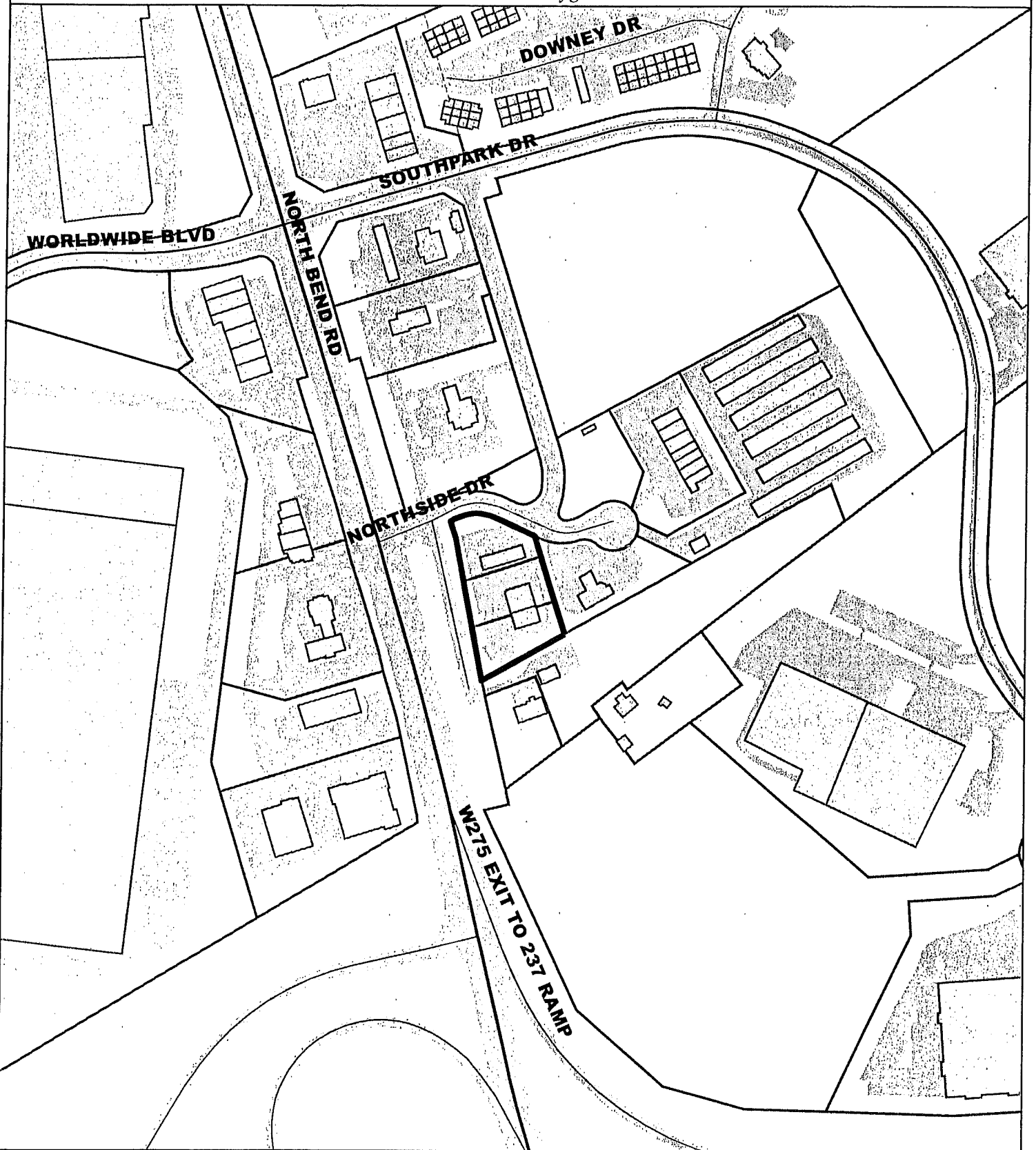
TKM/dw

Attachments

- *Site Vicinity Map
- *Picture of Existing Sign
- *Rendering of Proposed Sign
- *Specifications of Electronic Message Center
- *2009 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *5/17/11 Sign Permit
- *Application

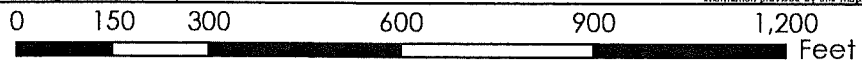
SITE VICINITY MAP

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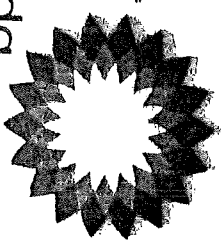
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Map Document: *.mxd

Existing

bp



BP gasoline invigorite

regular

3459

atm

DAIRY QUEEN
PIZZERIA
PIZZA
PIZZA
PIZZA
PIZZA

PIZZA IS 23
IN ALL FLAVORS

8'x8'

2'x8'

4'x8'

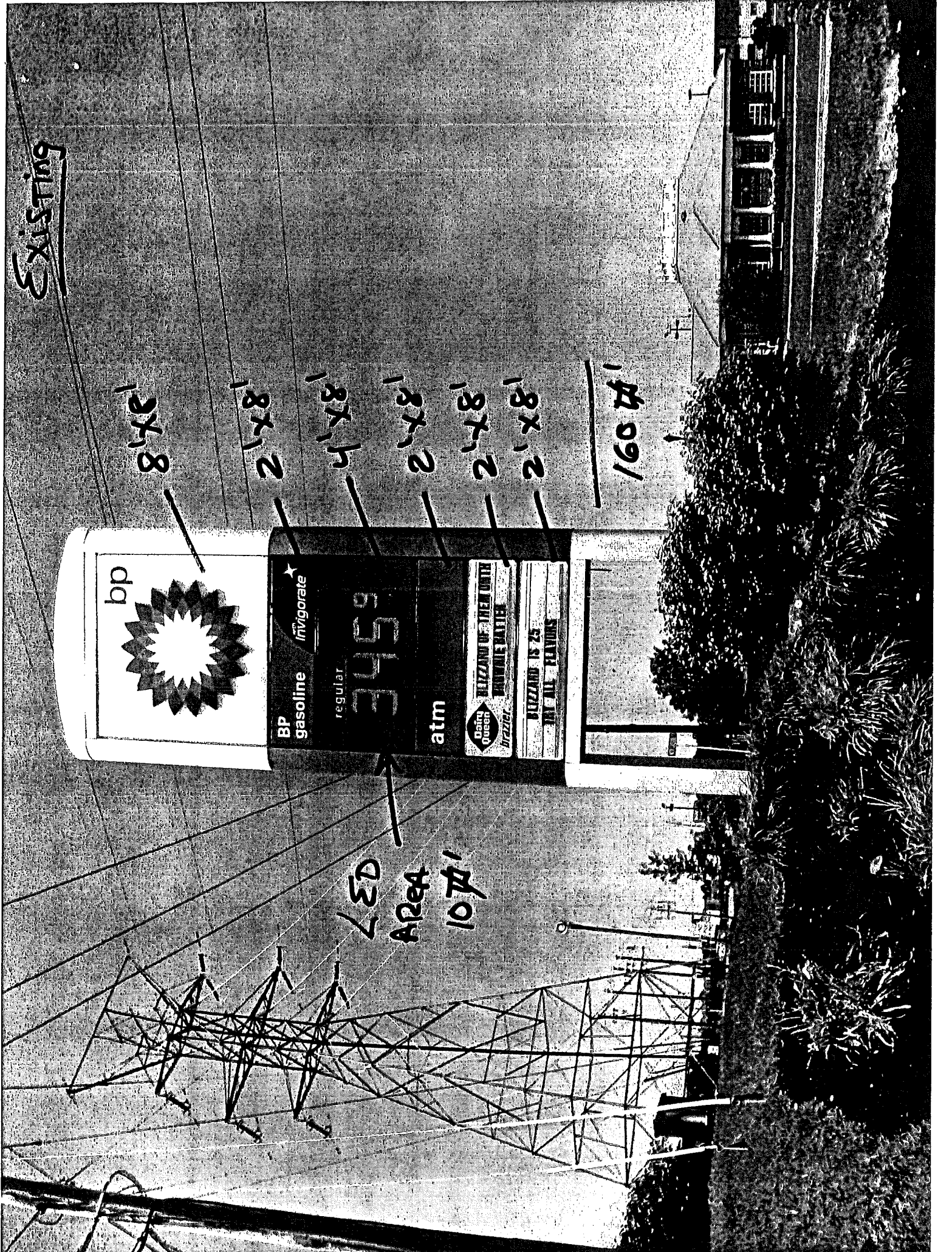
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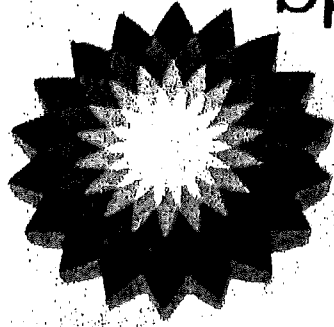
2'x8'

2'x8'

1607A

LED
AREA
107A





bp

BP
gasoline

with *Invigorate* 

regular

34.99

96 in

24 in

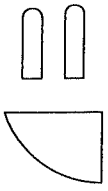


Grill Chill

77 in

34 in

LED DISPLAY
LED DISPLAY



BLAIR COMPANIES
SIGNS • FIXTURES • LOGISTICS

5107 KISSELL AVENUE
ALTOONA, PA. 16601
PHONE: (814) 949-3287
FAX: (814) 949-8293
www.blaircompanies.com

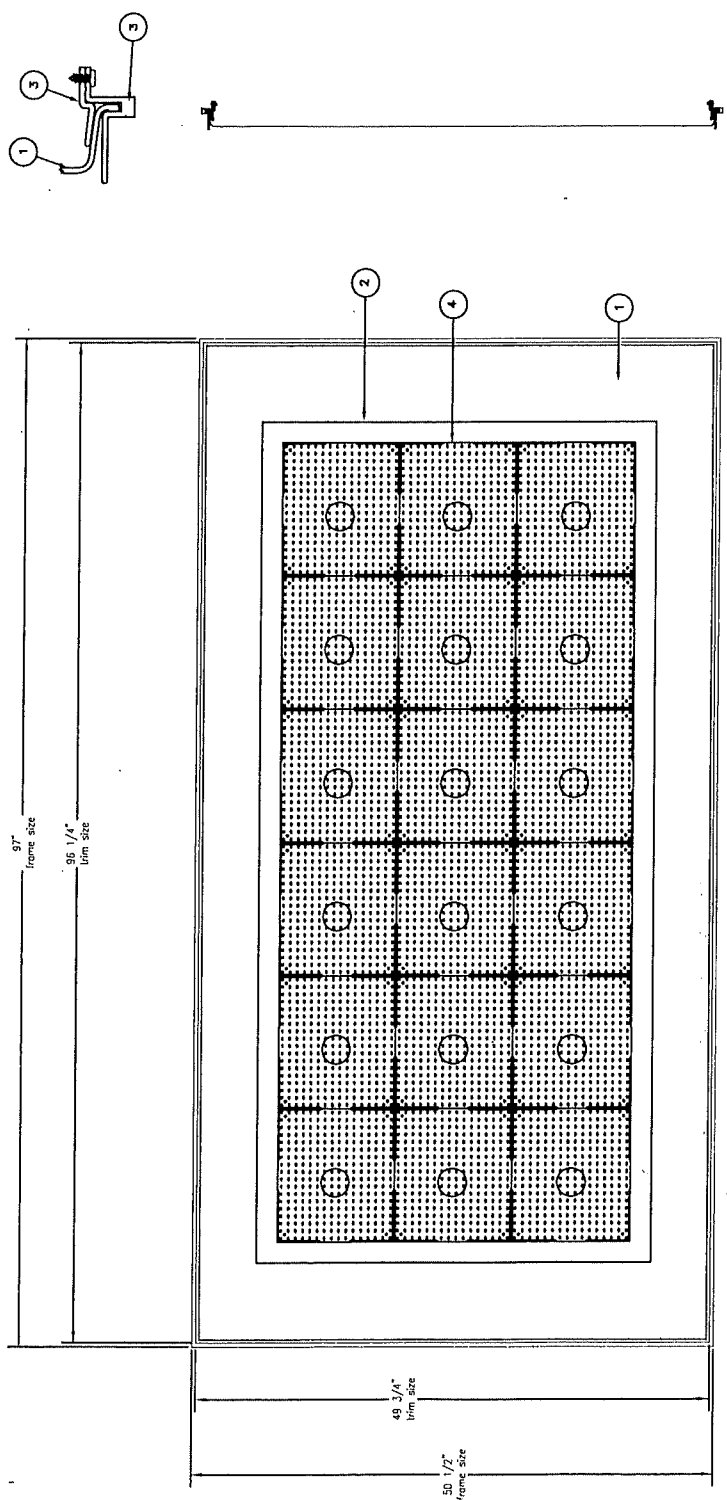
BP OIL
CHICAGO, IL
SQ NUMBER: 81014
DRAWING NO.: BPL 81014-09
DATE: 5/1/09
DRAFTER: MSW
SHEET: 2 OF 11
SCALE: 1"=1'-0" 8 SIZE

REVISIONS	
A	
B	
C	
D	
E	
F	

DO NOT SCALE DRAWING!
DIMENSIONS SUPERSEDE DRAWING
NOTES. ALWAYS VERIFY DIMENSIONS
MUST CHECK AND VERIFY ALL DIMENSIONS
AND CONDITIONS AS INDICATED HEREON IN
THE FIELD PRIOR TO PROCEEDING WITH
THE NECESSARY WORK. ANY
DISCREPANCIES MUST BE
REPORTED TO THIS OFFICE IMMEDIATELY.
INFORMATION SHOWN ON THIS DRAWING IS
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REPRODUCED, DISCLOSED OR
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PURPOSE NOT AUTHORIZED BY BLAIR
COMPANIES



- 1. .0910" VACUUMED FORMED FACE
 - 2. BLACK VINYL
 - 3. EXTRUDED RETAINER
 - 4. GREEN MONOCHROME EMC BOARD
- COLOR SCHEDULE:
A. FACE: BP GREEN
B. RETAINER: PANT GREEN

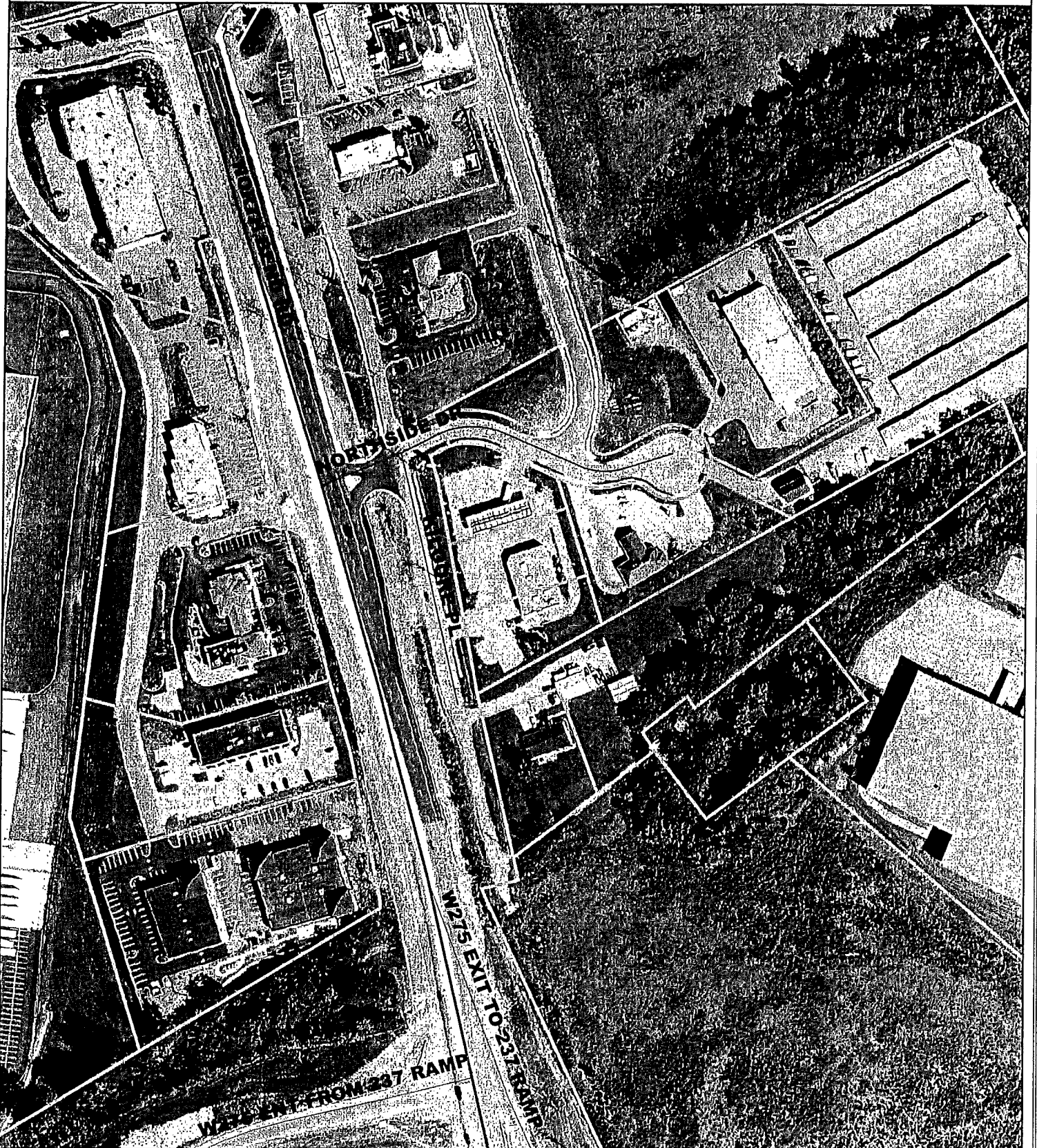


PAN FACE WITH RETAINER

DISPLAY SIZE: 34" X 76.9"
SKU# BSC-BPH8-DH

2009 AERIAL MAP

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0 8,750 17,500 26,250 35,000 43,750 52,500 61,250 70,000

Feet

1 Inch = 83,333 feet

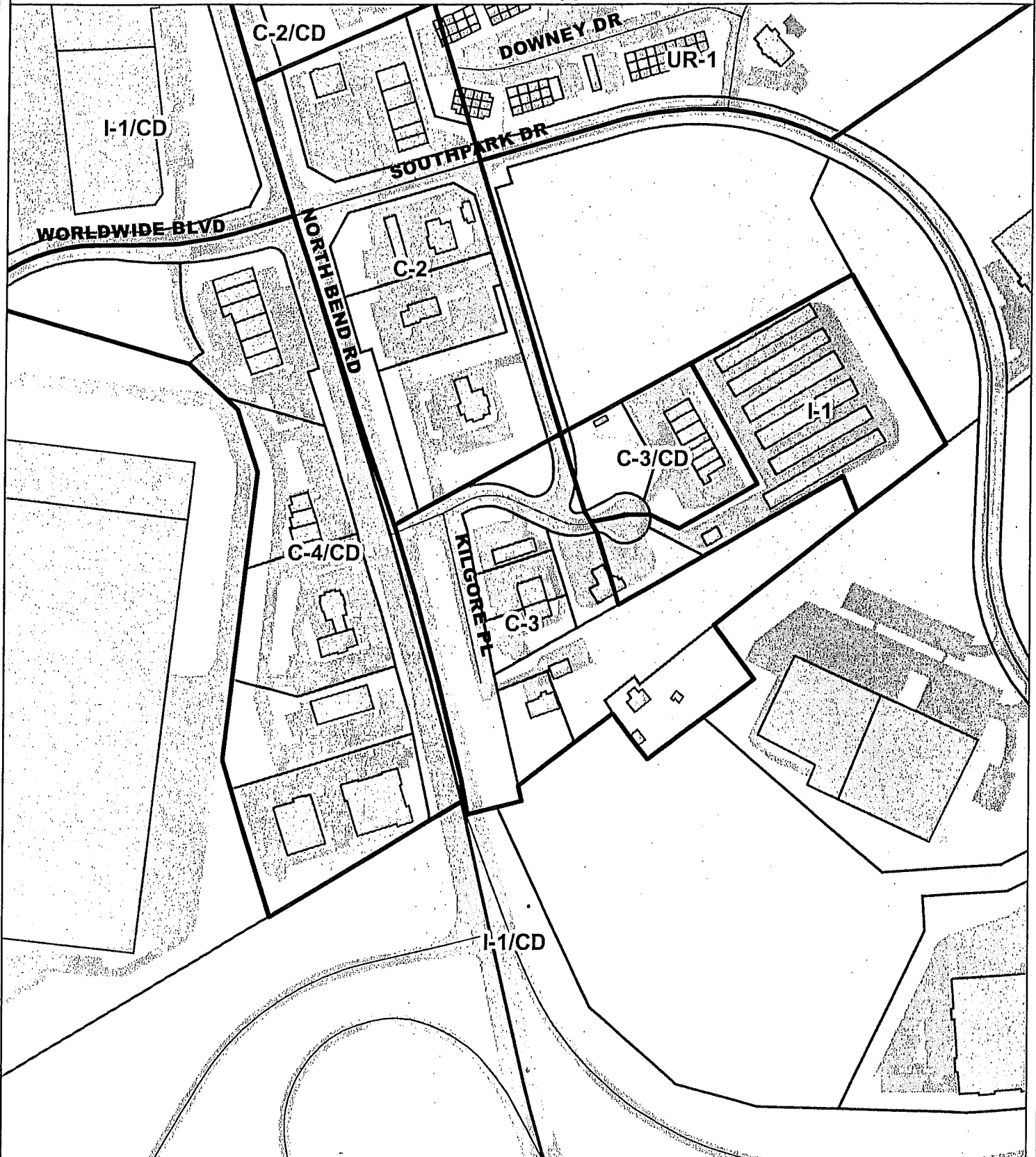


Boone County GIS - Putting Northern Kentucky on the Map



ZONING MAP

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0 8,750 17,500 26,250 35,000 43,750 52,500 61,250 70,000

Feet

1 inch = 83,333 feet

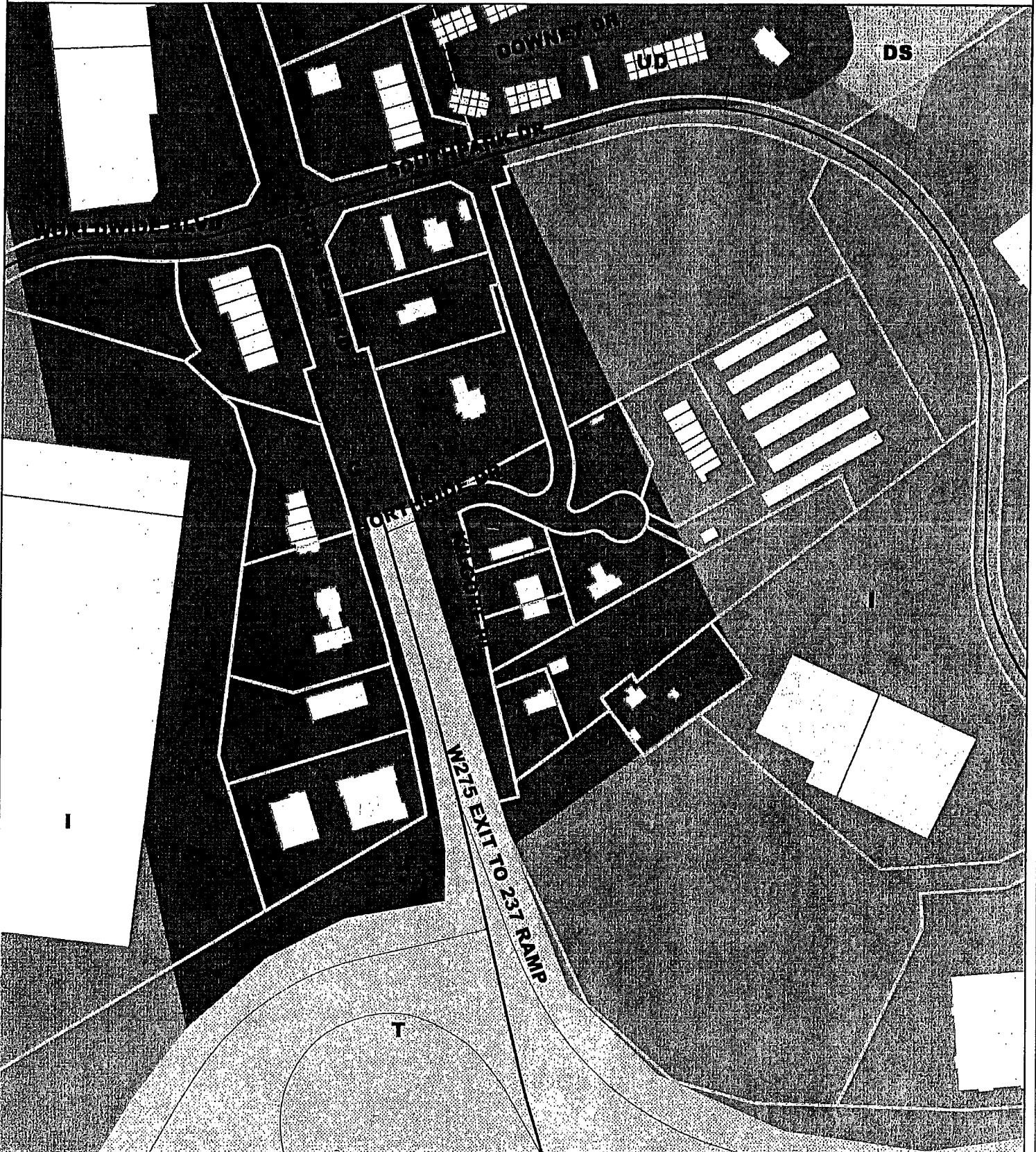


Boone County GIS - Putting Northern Kentucky on the Map



FUTURE LAND USE MAP

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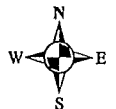
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Feet

1 inch = 83,333 feet

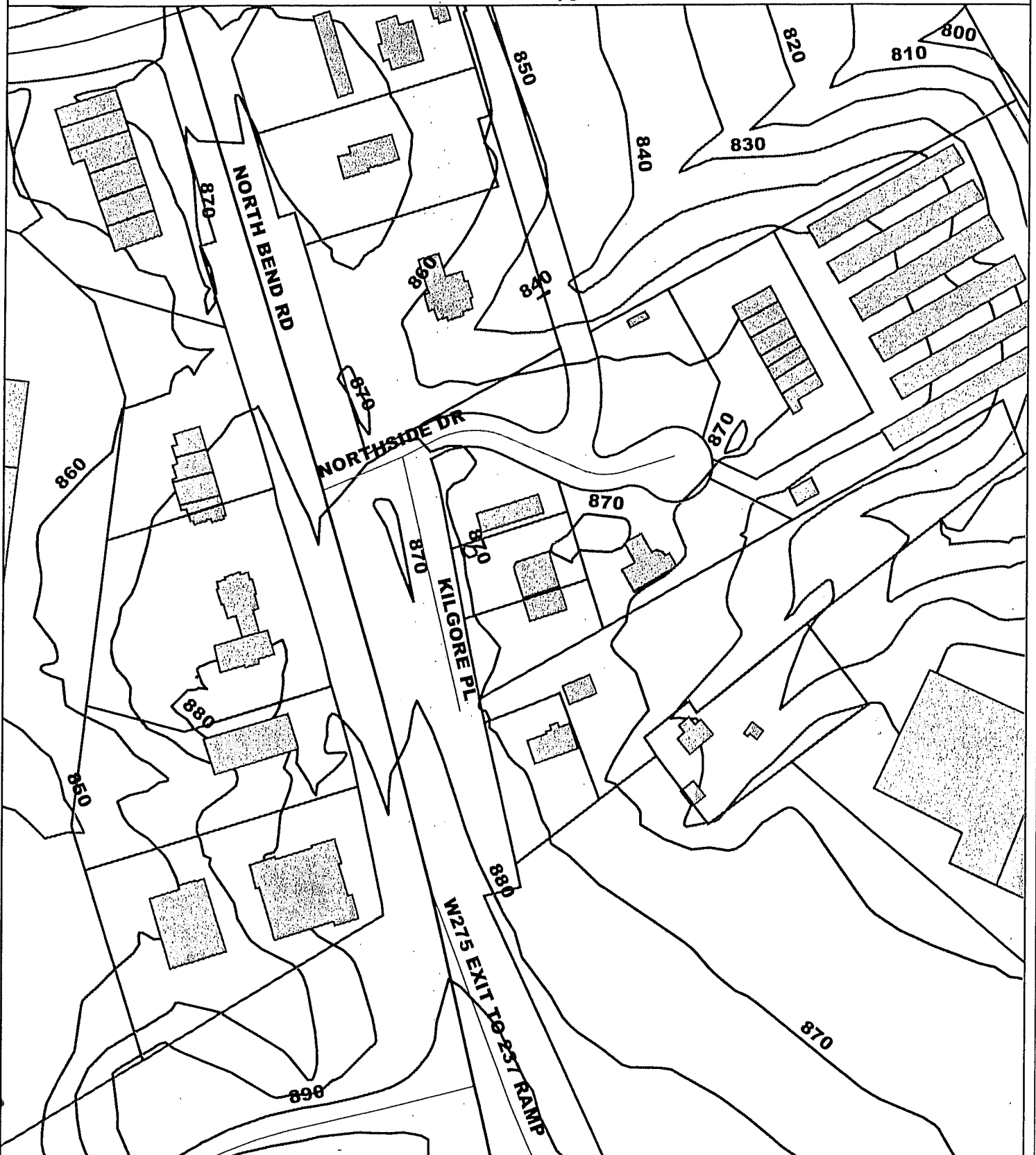


Boone County GIS - Putting Northern Kentucky on the Map



TOPOGRAPHICAL MAP

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0 8,750 17,500 26,250 35,000 43,750 52,500 61,250 70,000

1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



**BOONE COUNTY PLANNING COMMISSION
SIGN PERMIT**

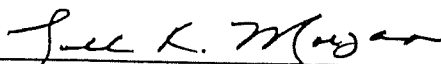
****NOTE:** *Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements*

A Sign Permit is hereby granted to C & B Sign Service Inc. for Hebron BP property located at 2144 Kilgore Place, Boone County, KY and zoned C-3, for the purpose of erecting signage in accordance with Article 34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the following special conditions/descriptions:

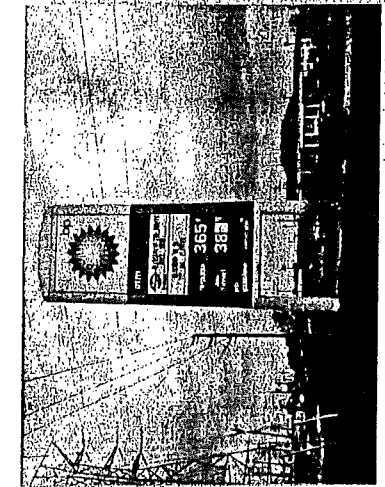
- One permit to change the face of a 34.02 square foot cabinet in an existing free-standing sign. The new sign cabinet contains a 12.35 square foot L.E.D. gas price display.

Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

5/17/11
DATE



Todd K. Morgan, AICP
Senior Planner



EXISTING VIEW

LED AREA
27'9 1/2" X 64.5"



PROPOSED VIEW

CONCEPTUAL PYLON SIGN



BLAIR COMPANIES
SIGNAGE • FACTORIES • LOGISTICS

address: 5107 Kissell Avenue
Altoona PA 16601
telephone: 814.949.8287
fax: 814.949.8293
web: blaircompanies.com

project information

client: BP
address: C & B Service
store #:
m number: 96545
date: 05/04/11
rendered: MJA
file name: BPL96545_11

revisions

a. n/a

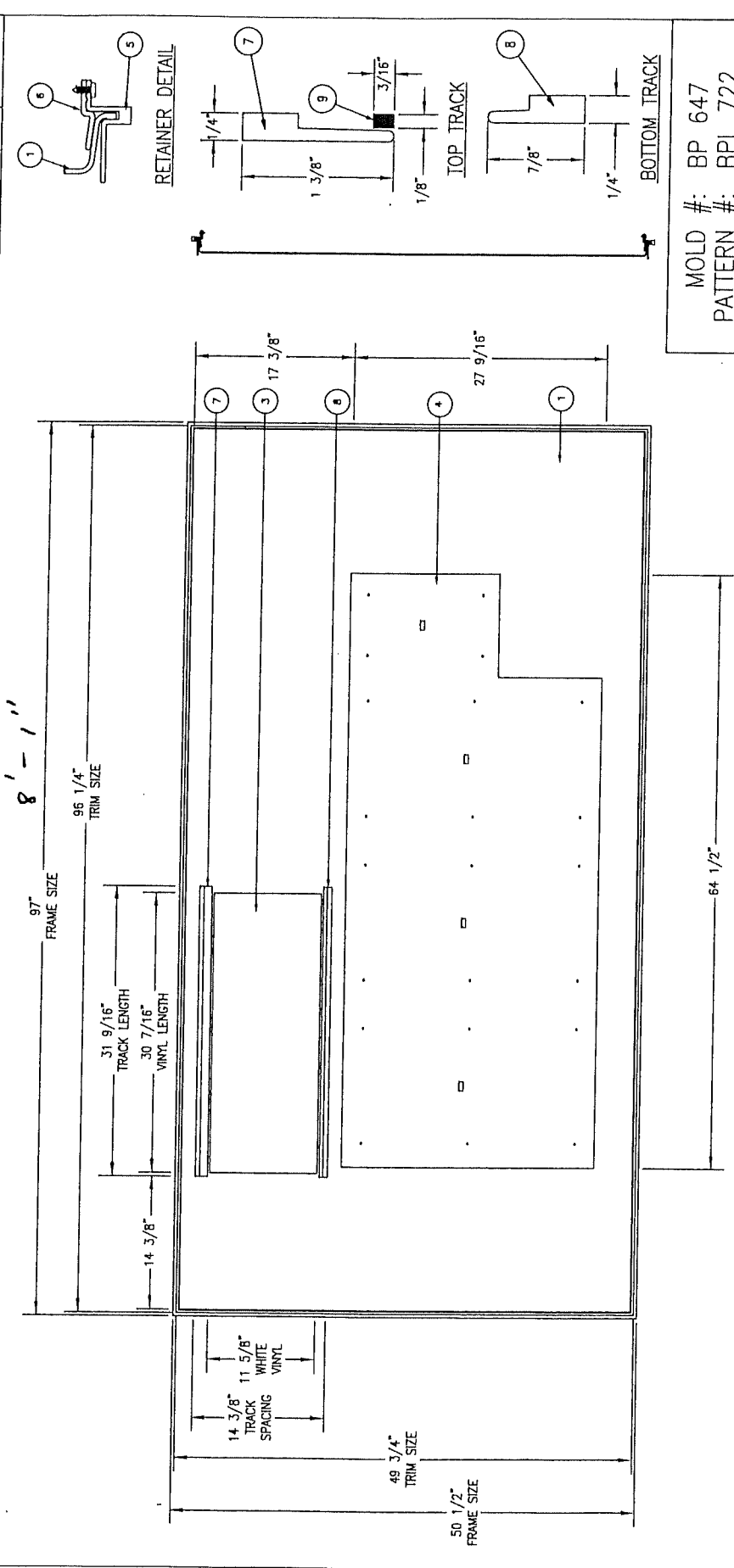
notes:

These drawings are not for construction. The information contained herein is intended to express design intent only.

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HARDWARE KIT		PACKING LIST		PART DESCRIPTION		PART		REMARKS		QUANTITY	
NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.	NO.
A	A	1	1	.150" THK. CLEAR POLYCARBONATE	05						34 SF
B	B	2	2	PANT OPAQUE GREEN	09						
C	C	3	3	WHITE BACKSPRAY	09			APPLIED 2nd SURFACE			
D	D	4	4	BLACK VINYL #851-48-07DM	11			APPLIED 2nd SURFACE			
E	E	5	5	RETAINER	21			APPLIED 1st SURFACE			12 SF
F	F	6	6	.090" ALUM. CLIP	21			PANT GREEN			25
G	G	7	7	WAGNER ZIP-CHANGE (CLEAR) 8" LENGTHS	17			TOP TRACK #179047			2 SF
		8	8	WAGNER ZIP-CHANGE (CLEAR) 8" LENGTHS	17			BOTTOM TRACK #179049			4
		9	9	STOP BLOCK	14			CLEAR LEXAN ATTACH WITH WELD-ON 15			3
		10	10	76" x 34" x 22" BOX AND LID	14			14-00-12			1



PAN FACE WITH RETAINER

MOLD #: BP 647
PATTERN #: BPL 722

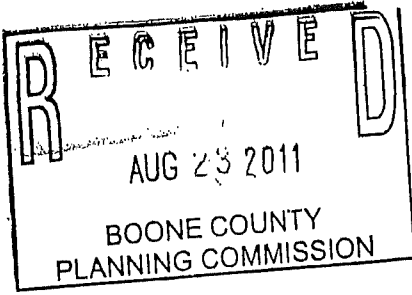
CUSTOM PART #: BPL_FA_00011

REVISIONS		MATERIAL		TITLE		MATERIAL	
CHG.	DATE	BY	DESCRIPTION	NO.	DATE	BY	DESCRIPTION
A	4/29/09	MSW	WORD PLATE LAYOUT CHANGE	1			

CUT DISK:	SH	PRE-OUT RWT:	No	TITLE:	BP
PATTERN #:	BPL 722	LOCATION:	EXTERIOR		
DRAWN BY:		APPROVED BY:			
DATE:		SCALE:	1 1/2" = 1'-0"	M NUMBER:	
SHEET:	1 OF 2	FINAL APP:		DWG. NO.	

5107 KESSSEL AVENUE ALTOONA, PA 16601 (814) 949-8287 FAX (814) 949-0223 E-MAIL: cad@blair-fig.com

4-2.5



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 [X] Florence _____ Walton _____ Union _____
2. (Check One) [X] Conditional Use Permit _____ Variance _____ Appeal _____
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Phone Number 513-528-3363 Fax No. 513-528-3363
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ORIGINAL Applicant's Signature: [Signature] (Agent) (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #11-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

JVP Petroleum Inc.
2144 Kilgore Place
Hebron, KY 41048

2. ADDRESS OF PROPERTY

2144 Kilgore Place
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

BP/Dairy Queen

4. DEED BOOK 983

PAGE NO. 606

GROUP NO. 2008

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

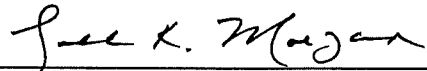
Subdivision Plat
(Not Recorded)

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



SIGNATURE OF COMPLETING OFFICIAL

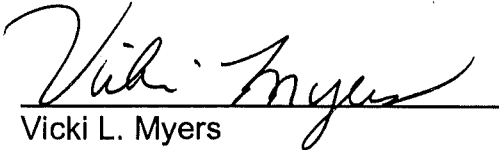
Todd K. Morgan, AICP, Senior Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

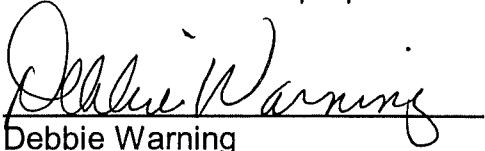
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of September, 2011.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie 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 approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of September 14, 2011 Certificate of Land Use Restriction (#11-BCBOA-010-A), for JVP Petroleum Inc., Property Owner(s).

The following conditions will apply:

- 1) The electronic message center shall display no more than three lines of graphics.
- 2) Messages shall be displayed in one color on a black background and shall not flash, scroll, or run.
- 3) Messages shall be displayed for a minimum of 10 seconds.
- 4) The maximum LED pitch shall not exceed 18 millimeters.
- 5) The ambient light level change (sign turned off versus sign turned on) at 100' perpendicular to the sign shall be no more than 0.3 foot candles.
- 6) The sign shall be equipped with a timer which causes the messages to dim as the sky gets darker.
- 7) The sign shall not advertise any off-premise businesses.
- 8) The applicant shall provide documentation that the sign meets the minimum standards of the Kentucky Transportation Cabinet before a Sign Permit is issued.

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

DEED BOOK 983

PAGE NO. 606

GROUP NO. 2008