

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) X Boone Florence Walton Union
2. (Check One) Conditional Use Permit 2X Variance Appeal
3. Applicant's Name Susan Cox Development, LLC
Applicant's Address 2768 North Highland Avenue
4. Description of Request: Request for wall mounted sign size increase
5. Name of Development Dollar General
6. Location of Development Hebron, Kentucky 41048
7. Acreage Under Review
8. Lot Number and Name of Subdivision
9. Owner of Property Susan Cox Development, LLC
10. Address of Property Owner 2768 North Highland Avenue
11. Proposed Use(s) on Site Mercantile - Dollar General
12. Total Square Footage of Existing and/or Proposed Buildings 9,323 S.F.
13. Current Zoning on Property C2/SC - Commercial Two / Overlay
14. Deed Book 102B Page No. 815 Group No. 2007
15. Is the site subject to a zone change? No
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: Susan Cox
ORIGINAL Applicant's Signature: Susan Cox
(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 10/21/13 Fee Received \$1,582.00 Receipt # 67797
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11/13/13 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 11/13/13 BCBOA
Meeting Minutes + CLK
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: Susan Cox Development, LLC for Dollar General

LOCATION: 3007 Limaburg Road, Boone County, Kentucky

ZONING: Commercial Two/Small Community Overlay (C-2/SC)

DATE: November 13, 2013

*1.04 ac
future Dollar General 9100 feet*

Proposal

The applicant has submitted two (2) Variance applications to allow increased building mounted signage on the front and corner side elevations of a proposed Dollar General store. The Small Community Overlay (SC) sign regulations permit business establishments to have one building mounted sign on an elevation that has high visibility from a street. The maximum size of such signs shall not exceed 32 square feet in area. The request is to increase the permitted sign area on the front and corner side elevations of the building from 32 square feet to 97.5 square feet. Both of the proposed sign cabinets are 3'-9" x 26'.

Applicable Regulations

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 requests as they relate to the Variance criteria as stated 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.

Section 3403 of the Boone County Zoning Regulations states that the surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a

regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.

Section 3450 of the Boone County Regulations states that building mounted and free standing signs located within Small Community (SC) Overlay and Walton Downtown (WD) Districts shall conform to the following requirements:

1. Business establishments may be permitted one (1) building mounted sign for each building elevation that is directly on, or has high visibility from any arterial, collector, or marginal access street (includes areas of major internal traffic circulation). The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width or lease space on which the sign is mounted. 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 or interfere with pedestrian traffic on sidewalks. Signs that project into a right-of-way will require written permission from the owner of 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 is 16 square feet.
3. No sign shall be permitted to be located above the parapet wall on flat roofed buildings nor shall a sign be located on any roof plane of a pitched roof building or on or above the ridge line.
4. Individual parcels of land and mixed-use commercial projects shall be permitted a density of one (1) on-premises, monument sign. The size of monument signs shall not exceed one half (½) square foot for each lineal foot of road frontage. Monument signs shall not exceed eight (8) feet in height and 32 square feet in size and shall be set in an appropriately landscaped area.
5. Sandwich Board/A-Frame Signs

The purpose and intent of the sandwich board/A-frame sign is to provide pedestrian-scaled advertising for temporary events, such as daily lunch specials, sales, gatherings, etc. A sandwich board/A-frame sign is defined as a non-illuminated portable sign that does not exceed two (2) feet in width or six (6) feet in height. The sign may be double sided and can fold out forming a triangular A-frame shape when viewed from the side. Each business establishment is allowed a maximum of one sandwich board/A-frame sign. This type of sign is only to be displayed during normal operating hours of the individual business establishment and must be removed during non-operating hours. The sign must be located on-premise or within ten (10) feet of the business which it advertises, and cannot interfere with pedestrian or vehicular traffic. A Sign Permit for sandwich board/A-frame signs is not required.

Site History

8/14/13 - Boone County Board of Adjustment approves a Variance to increase the 10' maximum corner side yard setback to 81' for a Dollar General store.

Site Characteristics

The subject property is approximately 1.04 acres in area and has 158.48' of frontage on KY 20 and 163.05' of frontage on Limaburg Road. The eastern part of the property contains a vacant building, which was last occupied by a childcare center. Access to the parking lot is provided from a single curb cut on Limaburg Road. The western part of the site is an undeveloped field, which contains some mature deciduous trees. Boone County GIS shows that the topography of the site falls from 890 feet above sea level at the southeast property corner to 872 feet above sea level at the northwest property corner. Overhead utilities are located in the KY 20 and Limaburg right-of-ways and run through the eastern portion of the site.

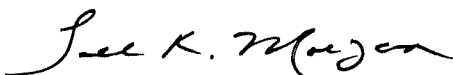
Staff Comments

1. Staff has the following comments and/or concerns:
 - A. The 97.5 square foot signs are about three times larger than what is permitted.
 - B. The applicant submitted 10 different building mounted sign options that are used by Dollar General. Staff asked the applicant to bring some scaled building elevations to the meeting which show some of these options.
 - C. Staff recommends channel letter options should be required if the Variances are approved. Staff believes channel letters are more aesthetically pleasing than sign cabinets.
 - D. The applicant informed Staff that another Variance will probably be submitted next month to increase the permitted square footage of Dollar General's monument sign. Section 3450 of the Zoning Regulations permits a 8' tall, 32 square foot monument sign. Staff would like to applicant to address the dimensions of the proposed monument sign for the record so the Board understands the exterior sign package that is being proposed.
 - E. Staff took some pictures of other business in the SC overlay for comparison purposes. These pictures are part of the PowerPoint slide show.
2. The Board needs to analyze the Variance criteria before acting on the request.

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 act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/vlm

Attachments

- *Site Vicinity Map
- *Submitted Site Plan (Has not been approved)
- *Exterior Elevations
- *Dollar General Prototype Signs
- *2012 Aerial Map
- *Zoning Map
- *Topographical Map
- *Application

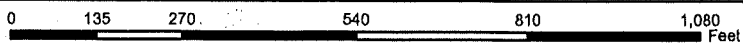
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2012 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

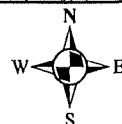
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 300 feet

Boone County GIS

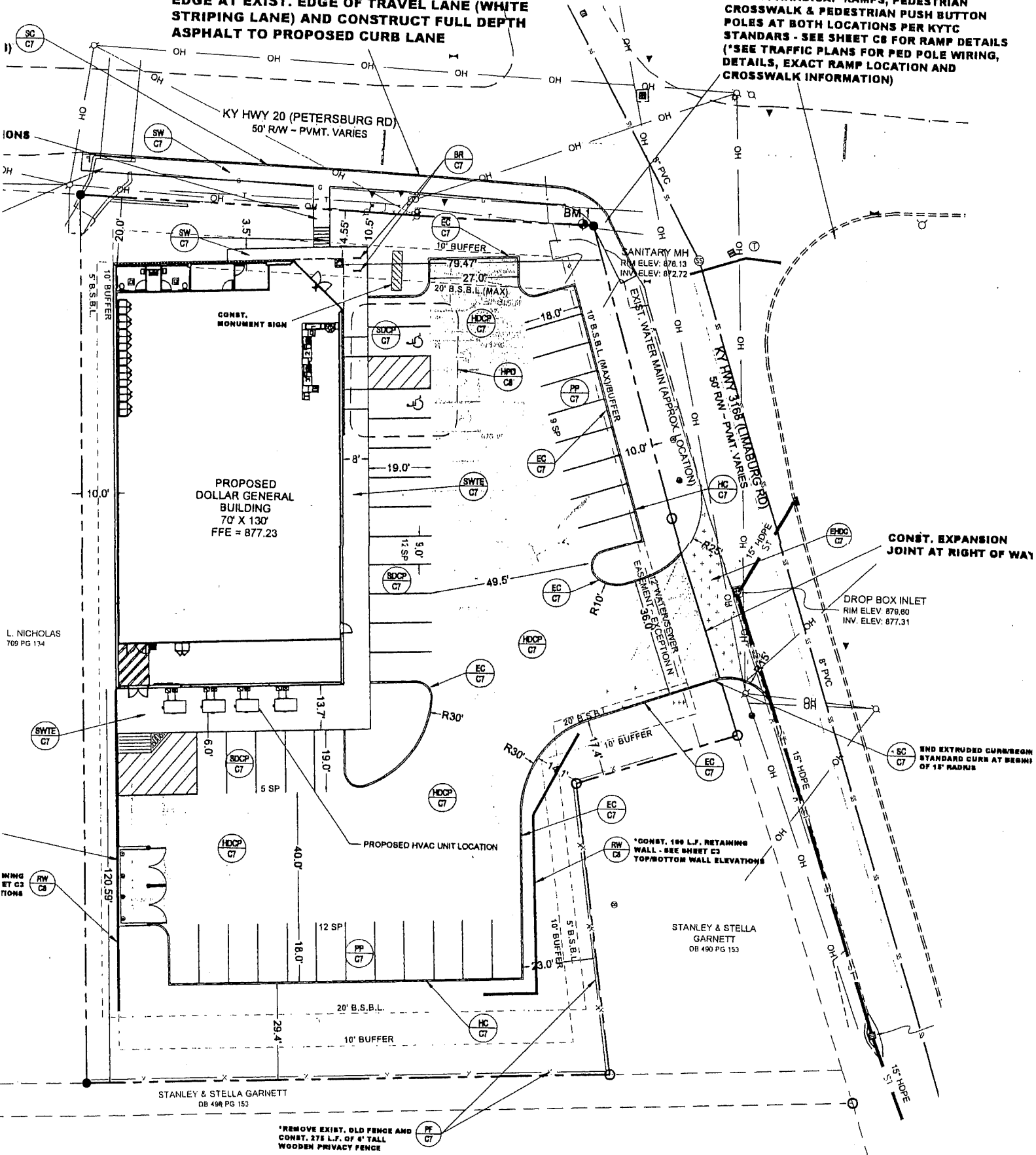
"Putting Northern Kentucky on the Map"



Boone County GIS Map 11-10-12

***NOTE: CONTRACTOR SHALL SAW CUT A CLEAN EDGE AT EXIST. EDGE OF TRAVEL LANE (WHITE STRIPING LANE) AND CONSTRUCT FULL DEPTH ASPHALT TO PROPOSED CURB LANE**

CONST. HANDICAP RAMPS, PEDESTRIAN CROSSWALK & PEDESTRIAN PUSH BUTTON POLES AT BOTH LOCATIONS PER KYTC STANDARDS - SEE SHEET C8 FOR RAMP DETAILS (*SEE TRAFFIC PLANS FOR PED POLE WIRING, DETAILS, EXACT RAMP LOCATION AND CROSSWALK INFORMATION)



L. NICHOLAS
709 PG 134

MINING ET C3
NOTIONS

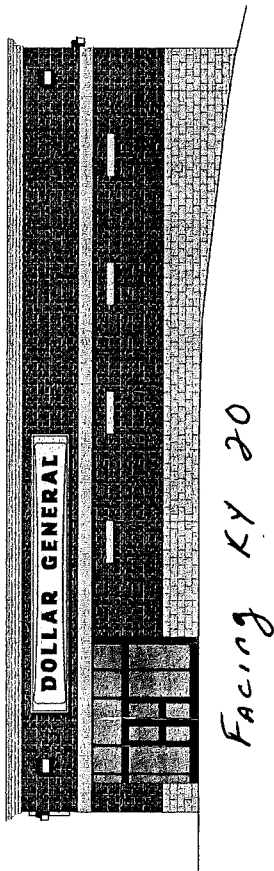
STANLEY & STELLA GARNETT
DB 49R PG 153

*REMOVE EXIST. OLD FENCE AND
CONST. 27E L.F. OF 4" TALL
WOODEN PRIVACY FENCE

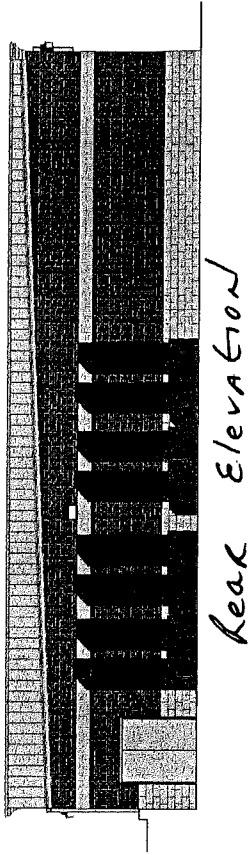
STANLEY & STELLA
GARNETT
DB 49R PG 153

BI

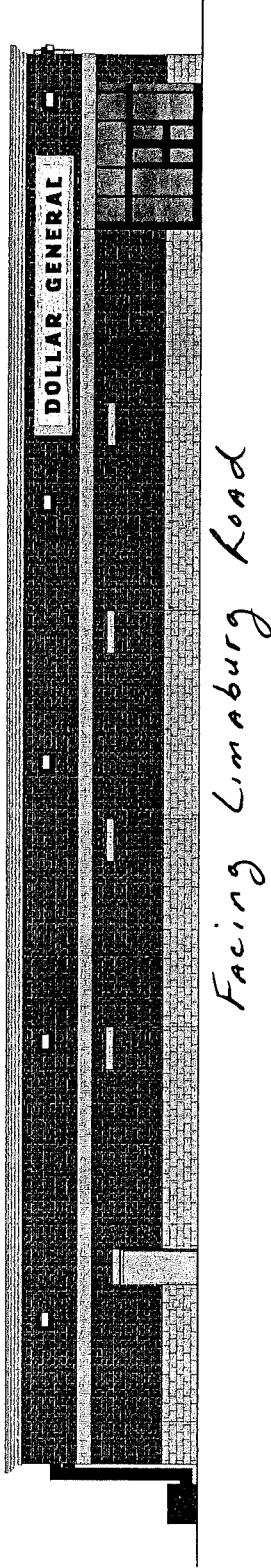
*Submitted Site Plan
Has Not Been Approved*



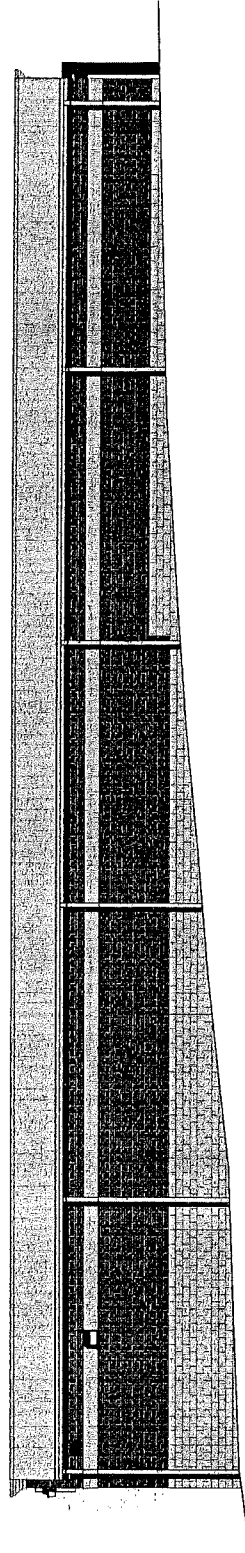
Facing KY 20



Rear Elevation



Facing Limaburg Road



ILLUMINATED BOX SIGNAGE
SIZE OPTIONS

① **DOLLAR GENERAL®**

5'-0" x 44'-0" 220 SF

② **DOLLAR GENERAL®**

4'-4" x 33'-3" 144.08 SF

③ **DOLLAR GENERAL**

3'-9" x 26'-0" 97.5 SF

PROTOTYPICAL MAIN BUILDING SIGN PREFERRED BY DOLLAR GENERAL AS SHOWN ON APPROVED SITE VARIANCE BUILDING COLOR ELEVATION

④ **DOLLAR GENERAL**

3'-0" x 23'-0" 69 SF

ILLUMINATED CHANNEL LETTER
SIZE OPTIONS

⑤ **DOLLAR GENERAL®**

4'-0" x 44'-0" 176 SF

⑥ **DOLLAR GENERAL**

3'-0" x 33'-0" 99 SF

⑦ **DOLLAR GENERAL**

2'-6" x 27'-6" 68.75 SF

⑧ **DOLLAR GENERAL**

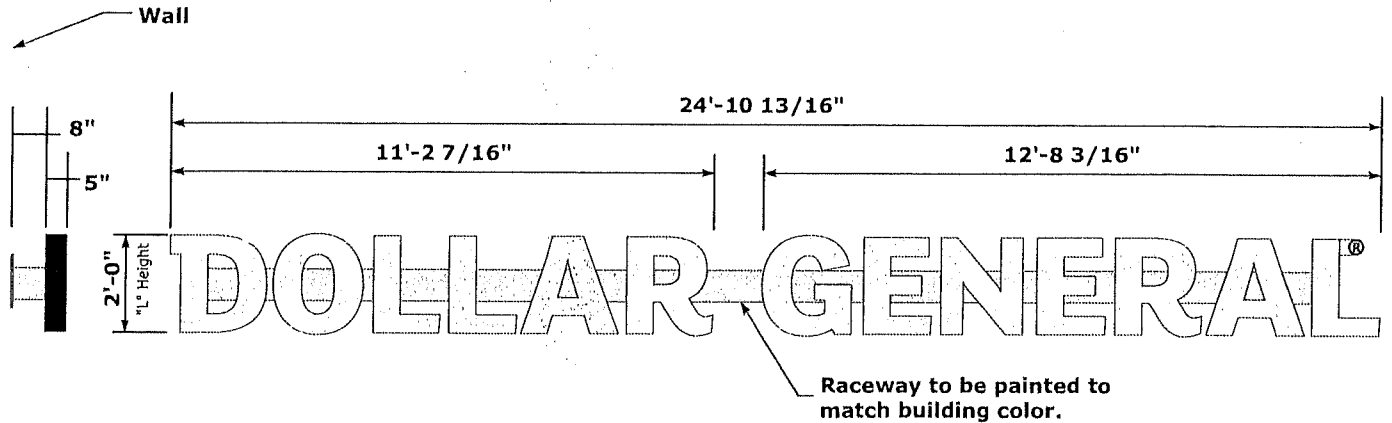
2'-0" x 22'-0" 44 SF

⑨ **DOLLAR GENERAL**

1'-6" x 16'-6" 24.75 SF

Dollar General - Prototype Building Sign Size Options
Petersburg Road
Hebron, Kentucky





SIDE

ELEVATION

10

3/16" Yellow #2037 acrylic face with Mill Coated Matte Black returns.
 To be mounted to Signcomp 8" raceway.
 Illuminated with AgiLight White LED's.

SQUARE FOOTAGE	
ACTUAL	BOXED METHOD
DOLLAR GENERAL	
27.72 sq. ft.	49.80 sq. ft.

COLOR SPECIFICATIONS	
Yellow:	match Spraylat C8-2633
Brushed Aluminum:	match Spraylat FM-171
Black (Copy):	match Spraylat Black
Satin Black (Metal):	match Black Polyurethane
Cool Gray:	match PMS Cool Gray 5
Rock Bottom Gray:	match Sherwin Williams SW7062
Green:	match PMS 368C



File Name: Dollar General Cutsheets 2013

Project #: 13-0181

Page 16 of 33

Date: 04/12/2013

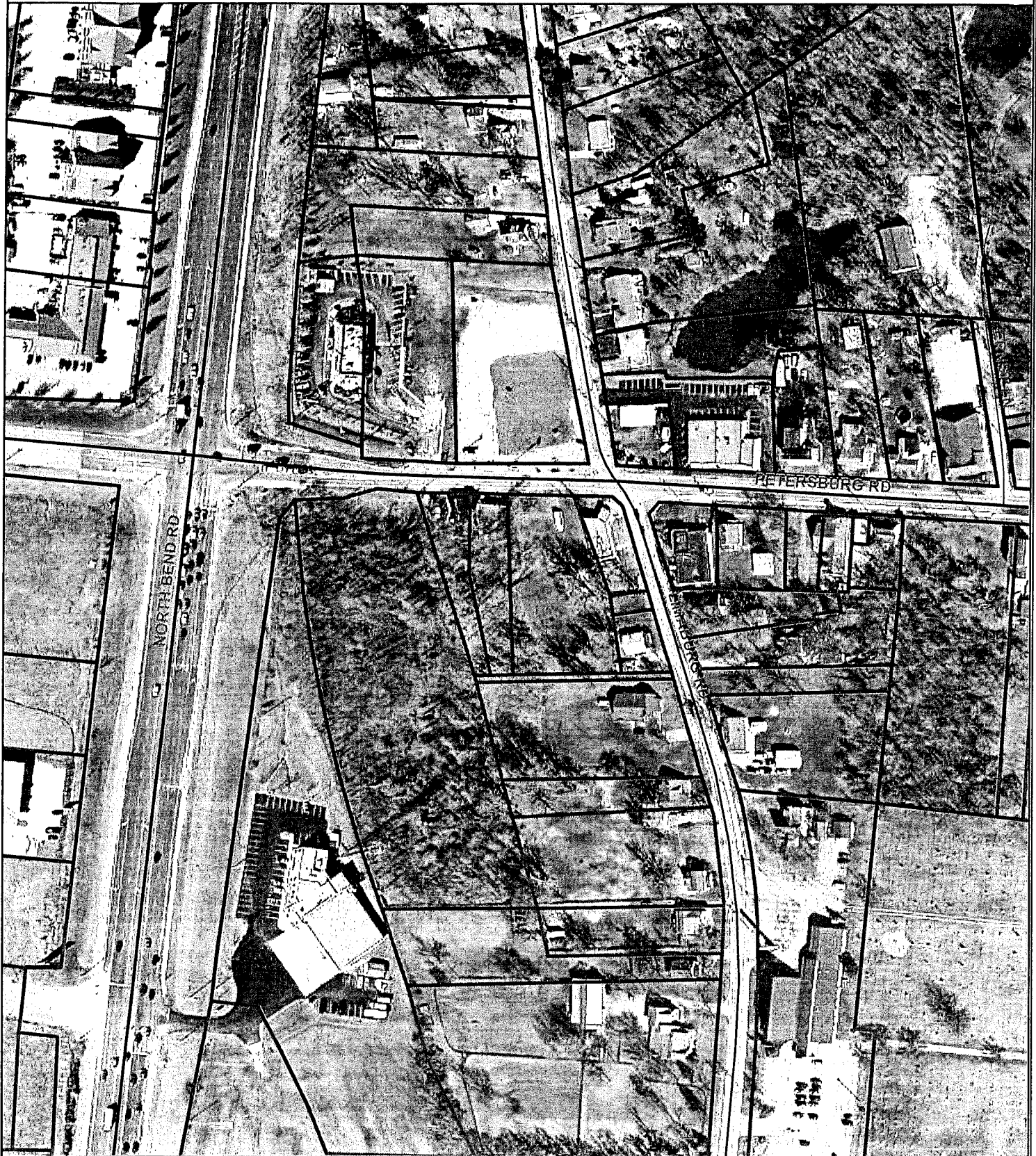
Approved By:



135 SOUTH DAVID LANE
 KNOXVILLE, TN 37922
 OFFICE: 865-539-4001
 FAX: 865-539-0851
 WWW.LINKENGR.COM

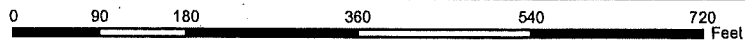
2012 AERIAL MAP

www.boonecountygis.com



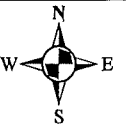
Copyright 2012 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet

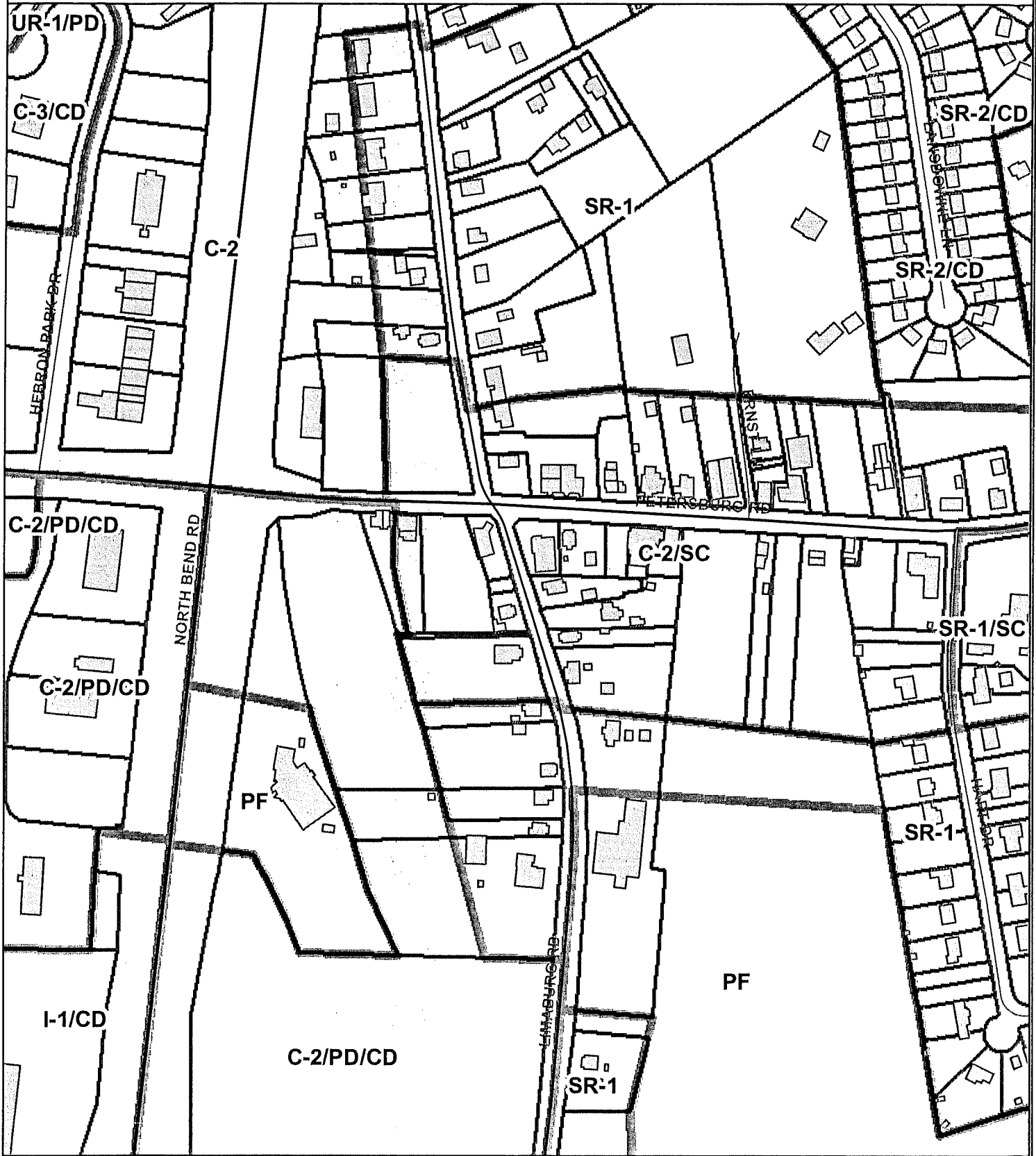
Boone County GIS
"Putting Northern Kentucky on the Map"



Boone County GIS

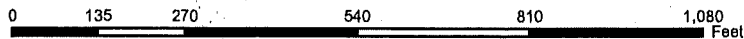
ZONING MAP

www.boonecountygis.com



Copyright 2012 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 300 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map by Thomas Swanson & Associates, Inc. 2002

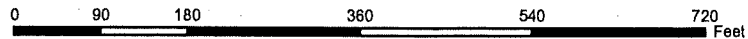
TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2012 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

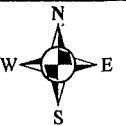
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



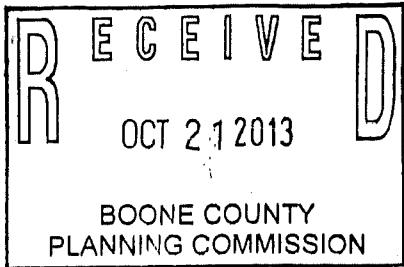
1 inch = 200 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS 1/2012



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

- 1. X Boone Florence Walton Union

(Check One)

- 2. Conditional Use Permit 2X Variance Appeal Change in Non-Conforming Use

3. Applicant's Name Susan Cox Development, LLC Applicant's Address 2768 North Highland Avenue Jackson TN 38305 City State Zip

4. Phone Number (731) 660-2391 Fax No. (731) 660-9061 E-Mail susancox_const@bellsouth.net

Description of Request: Request for wall mounted sign size increase 2 building mounted sign VARIANCES

5. Name of Development Dollar General - [redacted]

6. Location of Development [redacted], Hebron, Kentucky 41048

Current Address - 3007 Limaburg Rd.

7. Acreage Under Review

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property Susan Cox Development, LLC

Address of Property Owner 2768 North Highland Avenue

10. Jackson TN 38305 City State Zip

Phone Number (731) 660-2391 Fax No. (731) 660-9061 E-Mail susancox_const@bellsouth.net

11. Proposed Use(s) on Site Mercantile - Dollar General

12. Total Square Footage of Existing and/or Proposed Buildings 9,323 S.F.

13. Current Zoning on Property C2/SC - Commercial Two / Overlay

14. Deed Book 1028 Page No. 815 Group No. 2007

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?

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: Susan Cox (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Susan Cox (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

COPY

CLUR #13-BCBOA-022-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Susan Cox Development, LLC
2768 North Highland Avenue
Jackson, TN 38505

- 2. ADDRESS OF PROPERTY
3007 Limaburg Road
Hebron, KY

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Dollar General Store

- 4. DEED BOOK 1028 PAGE NO. 815 GROUP NO. 2007

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
 From To
 Development Plan Conditional Zoning
 Subdivision Plat Other:
 (Not Recorded)
 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, AICP, Senior Planner
Name and Title of Completing Official

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of November 13, 2013 Certificate of Land Use Restriction (#13-BCBOA-022-A), for Susan Cox Development, LLC, Property Owner(s).

The following conditions will apply:

1. A 2' x 24' – 11" (49.8 square foot) channel letter sign is permitted on the front and corner side façade of the building per the submitted elevation drawing.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 1028

PAGE NO. 815

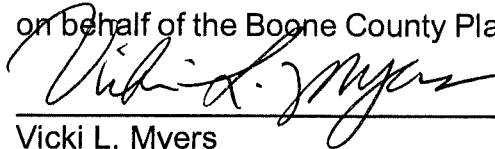
GROUP NO. 2007

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

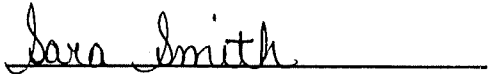
on behalf of the Boone County Planning Commission this 18 day of November, 2013.



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:



Sara Smith
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.)