

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. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

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

3. Applicant's Name JOHN DIERSING FOR QUALITY SIGNS
Applicant's Address 1530 PRODUCTION DR
BURLINGTON KY 41005
City State Zip

4. Phone Number 859-525-9766 Fax No. 859-525-0304 E-Mail JDIERSING@QUALITYSIGNS.COM
Description of Request: INSTALL A 12MM ELECTRONIC SIGN TO EXISTING POLE SIGN

5. Name of Development HEBRON CORNER MART

6. Location of Development 2006 PETERS BURG RD.
HEBRON KY

7. Acreage Under Review 1.66

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

9. Owner of Property KENNETH J. KLEKAMP, INC.
Address of Property Owner 2950 HEBRON PARK DR.

10. HEBRON KY 41048
City State Zip

- Phone Number _____ Fax No. _____ E-Mail _____

11. Proposed Use(s) on Site ELECTRONIC SIGN

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property C-2

14. Deed Book 1047 Page No. 214 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? YES

17. Have you submitted a list of adjoining property owners with this request? _____

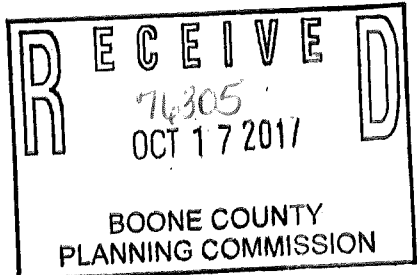
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

ORIGINAL Applicant's Signature: John Diering for Quality Signs
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

Case # 1289
#1082



**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 10/17/17 Fee Received \$1032⁰⁰ Receipt # 176305
2. Is application complete? Yes No
3. Staff Reviewer 5
4. Scheduled Board Action Date _____
5. Board Action:
11/8/17 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 11/8/17 Meeting
minutes and C.L.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: Quality Signs

LOCATION: Northwest Corner of the KY 237/KY 20 Intersection, Boone County, Kentucky

ZONING: Commercial Two (C-2)

DATE: November 8, 2017

Proposal

The applicant has submitted a Conditional Use Permit application to allow a full color electronic message center (EMC) to be installed on an existing pole sign. The existing sign is located at the northwest corner of the KY 237/KY 20 intersection and contains signage for Hebron Corner Mart and other building tenants. The submitted drawing shows the EMC will be located in a new 2'-5" x 8' cabinet will have a 2' x 7' viewing area. The applicant has informed Staff that all tenants in the building would be permitted to advertise on the sign. The overall pole sign would be 25'-5" tall and 166.33 square feet in area if the EMC is approved.

Pertinent Site History

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

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 in terms of the criteria listed 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.

Section 3413 of the zoning regulations states that shopping centers, mixed use commercial, commercial subdivisions, and planned developments shall be permitted a density of one (1) on-premises architectural freestanding sign for the purpose of identifying the name of the development, its major tenant(s), and its major access point when the property is zoned Commercial Two (C-2).

The maximum size of a architectural freestanding sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located (up to a maximum of two-hundred (200) square feet in area).

The maximum height of a architectural free standing sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale:

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

Section 3430 of the Zoning Regulations permits electronic message boards as a Conditional Use in the C-2 zone provided that the following requirements are met:

- a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.

The EMC (screen) comprises approximately 8.4% (14/166.33) of the overall sign.

- 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.

The EMC is not subject to a Advertising Display Permit from KY Transportation Cabinet because the sign isn't visible from an Interstate.

- c. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate of thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

There are no electronic message centers within 660' of the proposed sign.

- 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.

The applicant provided a letter indicating that motion will not be used on the display. All messages will be static messages.

- e. The message displayed on the board or screen 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 applicant's letter indicates all messages will be held for a minimum of 5 seconds and there will be no flashing messages.

- f. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.

The applicant's letter indicates the EMC has automatic dimming to prevent excessive brightness as the sky darkens.

- g. Full color and monochrome message boards shall meet the following pixel pitch requirements:

A 19 mm pixel pitch or better resolution shall be required when the top of the message board is located 30 feet or less above grade.

A 25 mm pixel pitch or better resolution shall be required when the top of the message board is located more than 30 feet above grade.

The applicant's letter indicates the sign will have a 12 mm pixel pitch.

Relationship of the Request to the Comprehensive Plan

The 2010 Boone County Comprehensive Plan's "2035 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 161-164) 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 1.663 acre site is comprised of lots 1 and 2 of Hebron Commercial Park Subdivision and has 311.28 feet of frontage on KY 237 and 248.32 feet of frontage on KY 20. The property contains a single-story, multi-tenant office/commercial building, which is approximately 14,700 square feet in area. An attached fuel canopy is located on the southwest side of the building. The property contains some large trees along the KY 20 frontage and large shrubs along the KY 20 frontage. A wood state right-of-way fence also exists along the KY 237 property line. The freestanding pole sign for the property is located in the southeastern corner of the parking lot (near the KY 237/KY 20 intersection).

Surrounding Land Uses and Zoning

North: Multi-tenant building with R-Bar, Healing Hand Chiropractic, and offices (C-2)

South: KY 20, Tire Discounters and multi tenant building with Verizon and LaRosa's (C-2/PD)

East: KY 237, McDonald's, and Undeveloped Property Fronting on Limaburg Rd (C-2 and SR-1)

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

Staff Comments

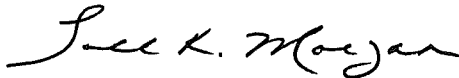
1. The Board needs to analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before acting on the Conditional Use Permit. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.
2. Staff would like the applicant and/or property owner to address the following:
 - A. Which tenants will be able to display message on the electronic message board?
 - B. How many lines of text or graphics could be displayed on the message board at any given time? How many inches tall would the characters or graphics be? How far away could these characters be seen?
 - C. The property owner owns the two (2) office/commercial buildings to the north of the subject site. Does he have any thoughts about adding electronic message centers on the monument signs that are located in front of these buildings?
3. Staff has the following concerns regarding the proposal:
 - A. The KY 237 corridor does not have any full color message boards and approval of the request could result in many other businesses seeking this kind of signage.
 - B. Motorists could be distracted if too much information is displayed on the electronic message board or if the sign changes too frequently.
 - C. The bottom of the sign could be obstructed by the right-of-way fence and/or landscaping.
4. Staff recommends the following conditions if the request is approved:
 - A. The overall sign shall be constructed as presented.
 - B. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).
 - C. No more than three lines of text and/or graphics shall be displayed at any given time.

- D. Any message and accompanying background shall be displayed on the screen for a minimum of ten (10) seconds.
- E. The electronic message center shall have a 12 millimeter pixel pitch or better resolution.
- F. The electronic message center shall be equipped with a dimmer and messages shall dim as the sky gets darker.
- G. Bright colored sign backgrounds shall not be used on the electronic message center. The property owner shall work with Boone County Planning Commission to resolve any lighting issues (brightness, glare, etc.) that are caused by the subject sign on KY 237, KY 20, or adjoining properties.
- H. Off premise-businesses shall be prohibited from advertng on the sign.

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 request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

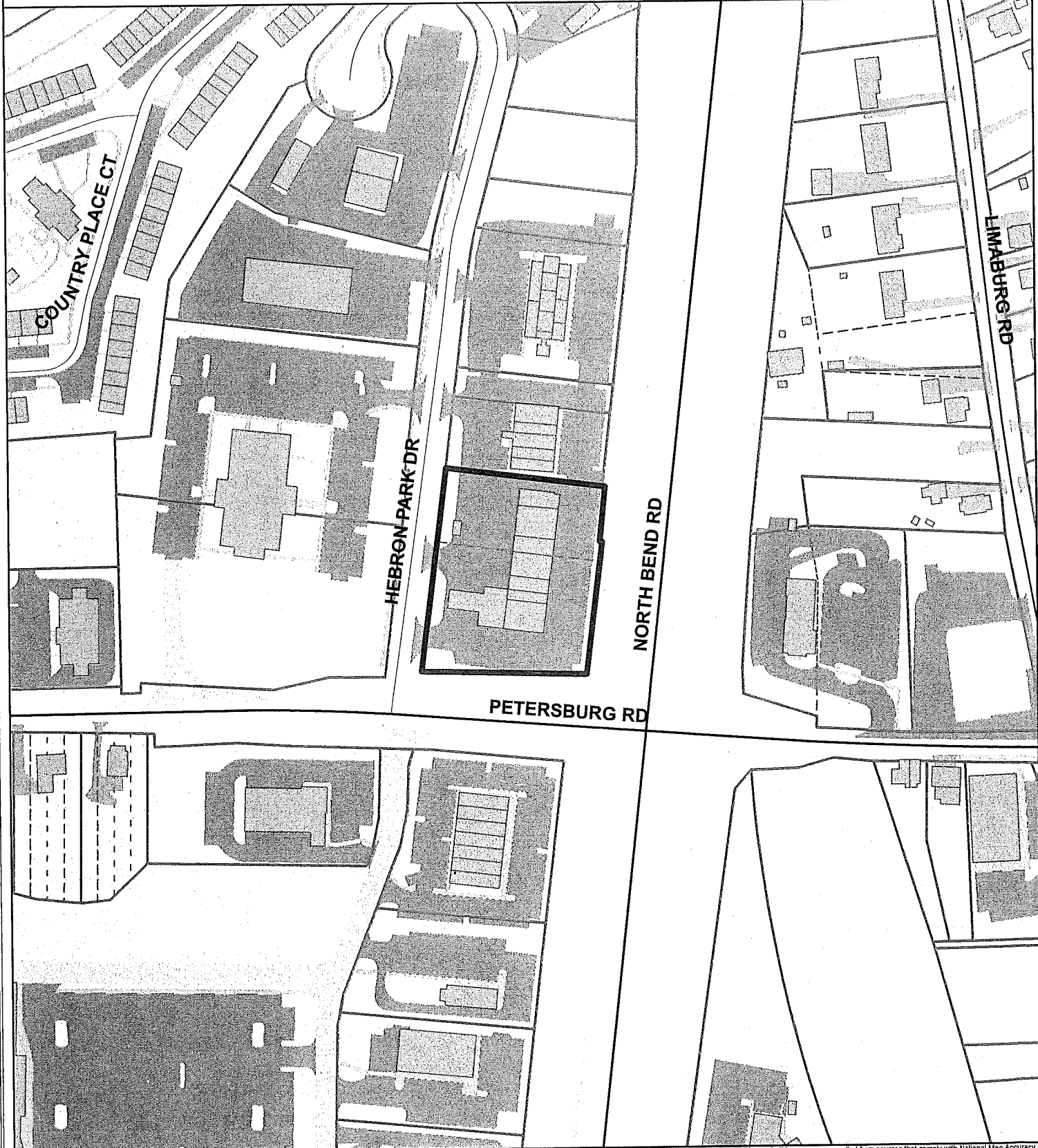
TKM/ss

Attachments

- *Site Vicinity Map
- *Proposed Sign Drawing
- *Letter From Applicant
- *2016 Aerial Map
- *Zoning Map
- *2035 Future Land Use Map
- *Topographical Map
- *Application

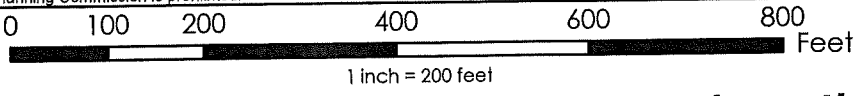
SITE VICINITY MAP

www.boonecountygis.com



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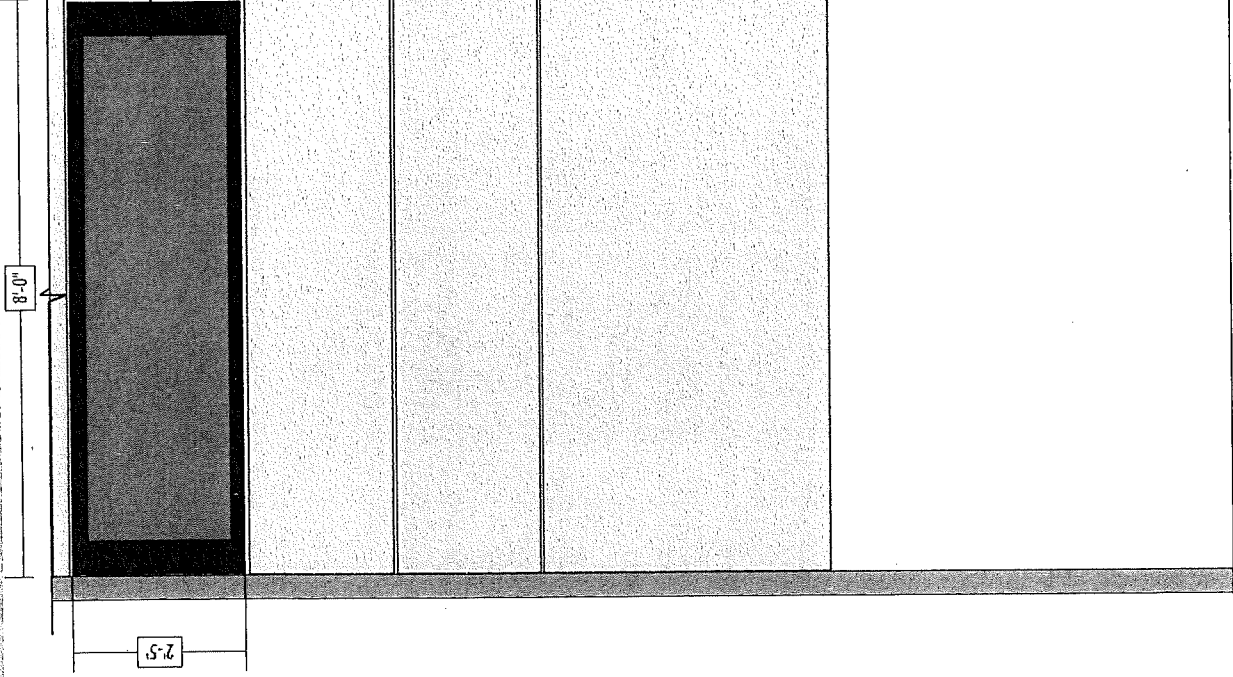
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap (file).mxd



Electronic Message Center
 LED SPECS
 Pitch/Character: 12MM"
 Cabinet Style: Double Face
 Color: Full Color
 Overall Size: 29' x 7'-3" x 5" Deep
 Viewing Area: 2' x 7'
 Matrix: 48 x 168
 Communications: Broadband Wireless
 w/ 5 Year Data Plan
 Temp Probe: Included



THE DESIGNS AND IDEAS EXPRESSED
 IN THIS DOCUMENT ARE THE SOLE
 PROPERTY OF QUALITY SIGNS INC.
 AND ARE NOT TO BE USED, IN WHOLE
 OR IN PART, WITHOUT THE WRITTEN
 AUTHORIZATION OF QUALITY SIGNS INC.

FILE: HCM LED-1
 DATE: 10-16-17
 SCALE: 3/8" = 1'

Approved By
 Sales Rep. John Diersing
 DRAWN BY: Scott Hofmann



Hebron Corner Mart
2006 Petersburg Road
Hebron, KY

The proposed electronic message center (EMC) will be a *watchfire* unit by *Time-O-Matic*. The existing tenant signs will be moved down and the EMC will be installed between the tenant signs and the gas price signs.

The viewing area is 24" x 84" – approximately 8% of overall sign area.

This EMC meets the standards of state and federal agencies including the Kentucky Transportation Cabinet.

There are no EMC's within 660' of this property.

Motion will not be used on this display – only static messages.

Static messages will appear for a minimum of 5 seconds.

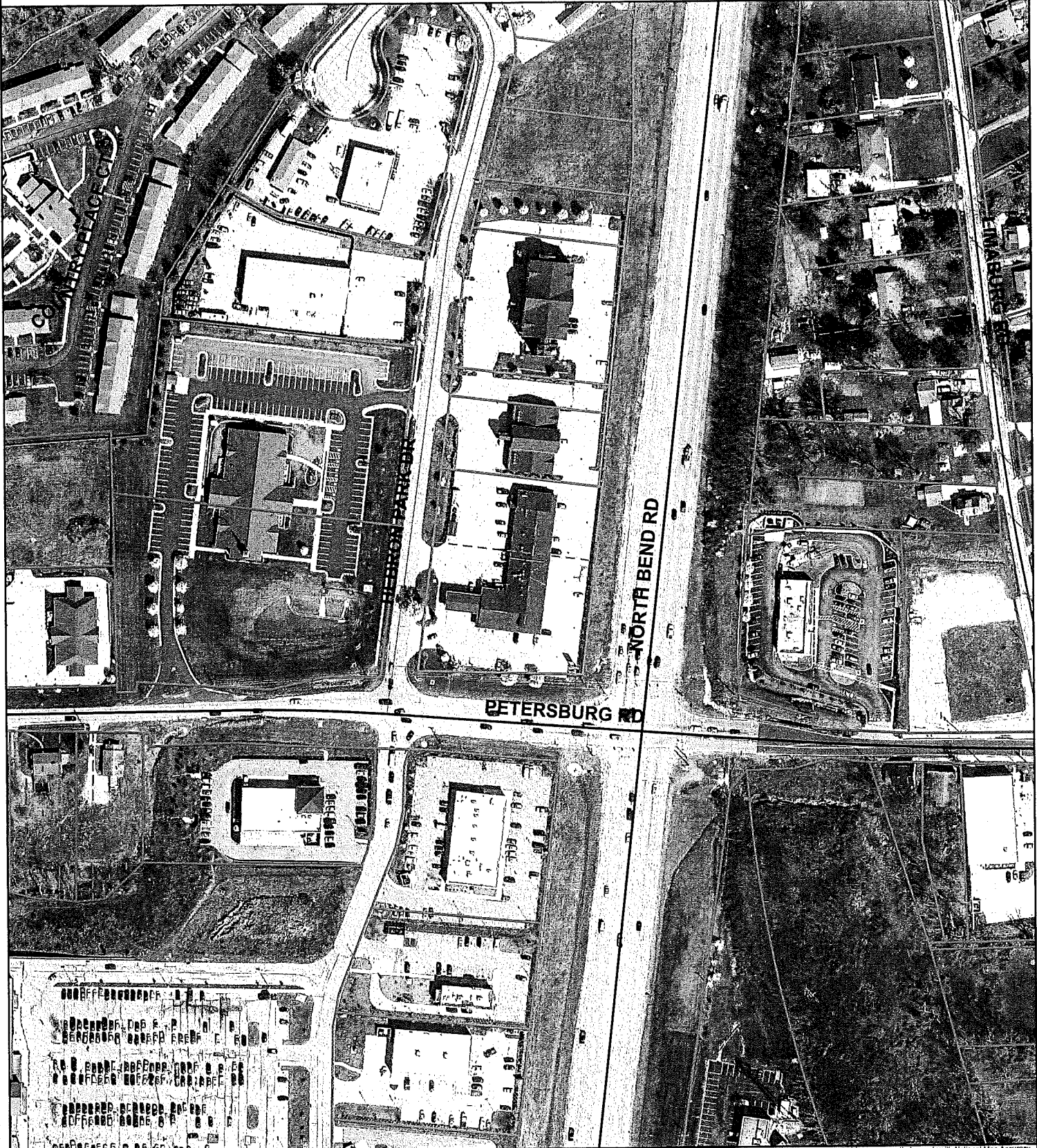
Messages will not flash onto this display.

This EMC does have automatic dimming built in to prevent excessive brightness as the sky darkens.

This unit will have a 12mm pitch with a color capability of 1.2 quintillion hues.

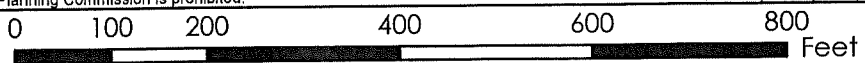
2016 AERIAL MAP

www.boonecountygis.com



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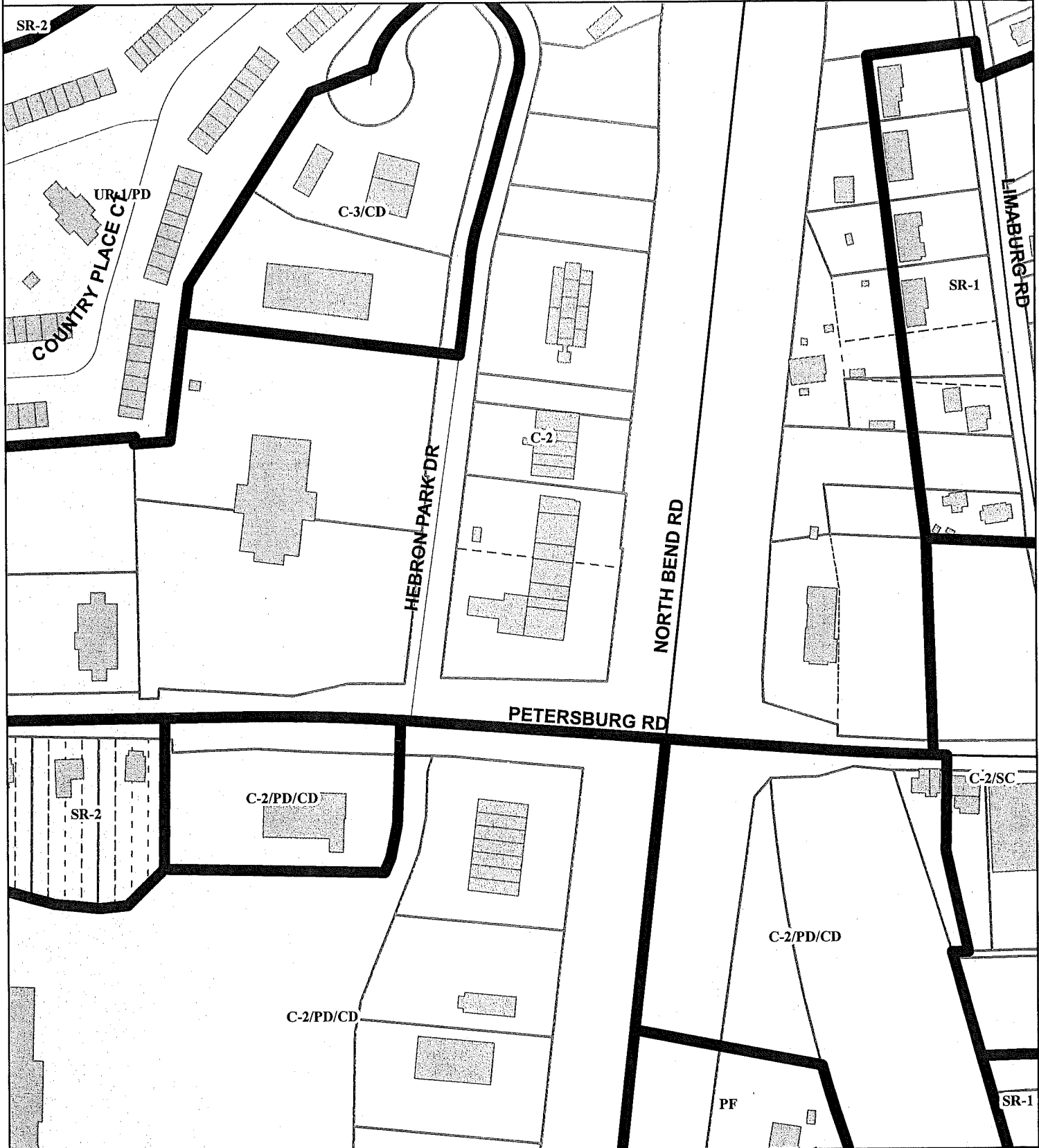
Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013
ArcMap Document: BooneMap (lite).mxd

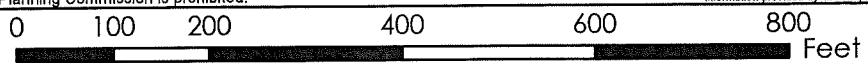
ZONING MAP

www.boonecountygis.com



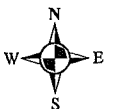
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Map Created: 07/01/2013

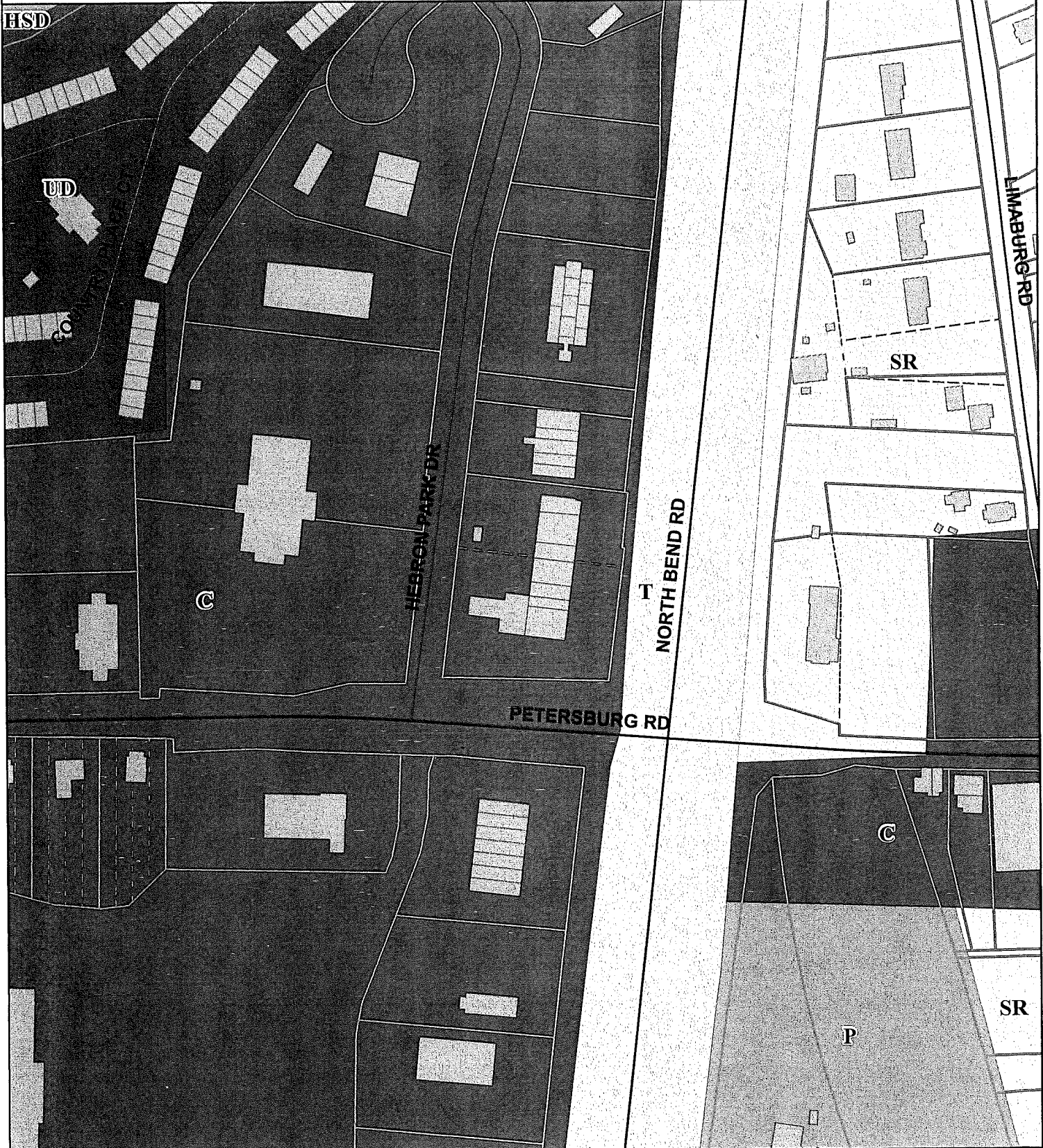
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS - Putting Northern Kentucky on the Map
ArcMap Document: BooneMap (lfe).mxd

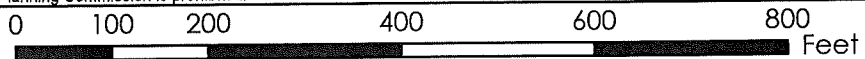
2035 FUTURE LAND USE MAP

www.boonecountygis.com



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1 inch = 200 feet

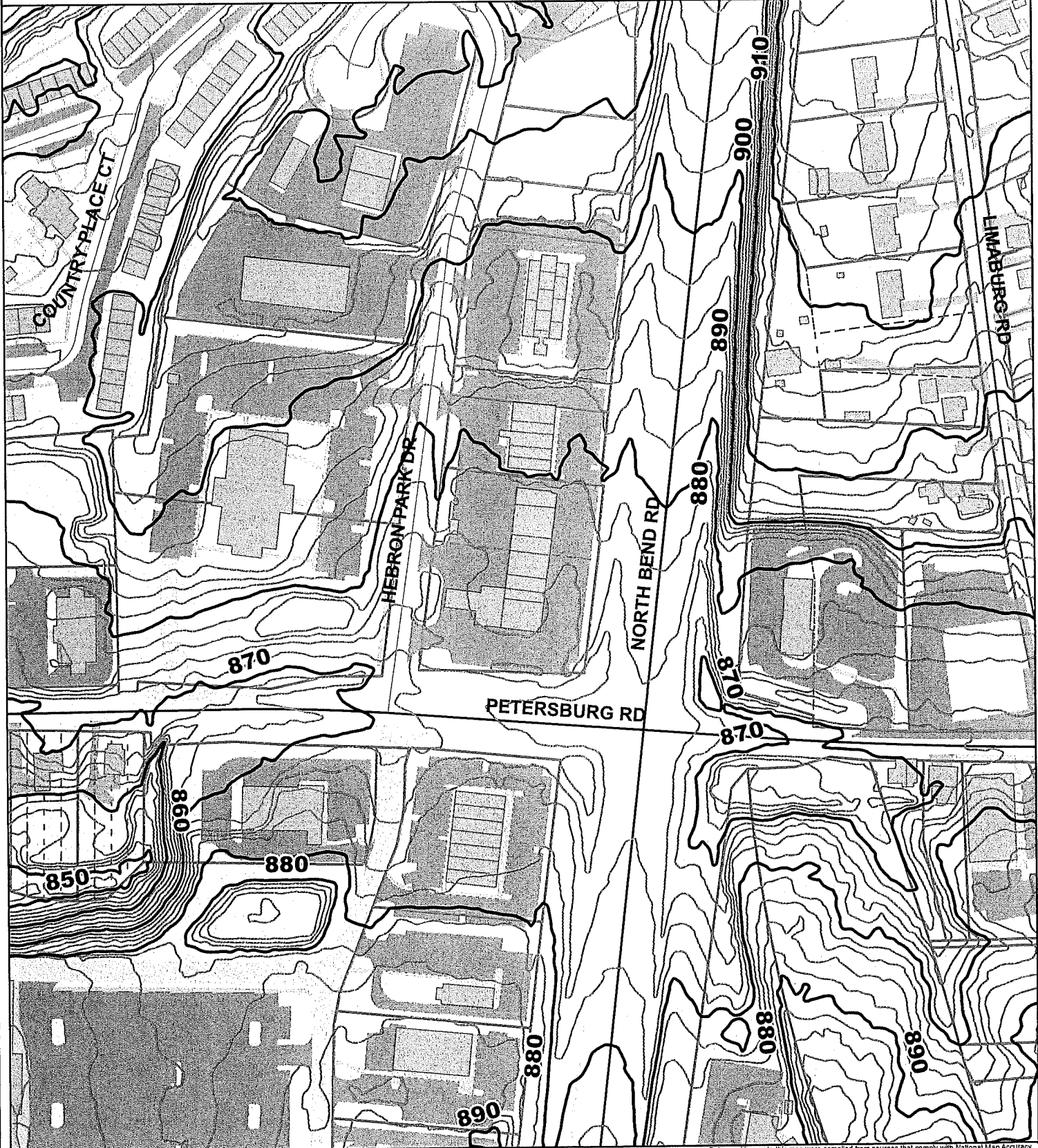


Boone County GIS - Putting Northern Kentucky on the Map



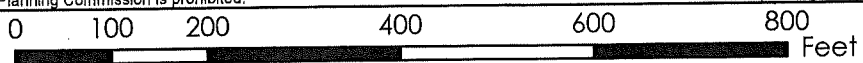
TOPOGRAPHICAL MAP

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File: C:\gis\maps\BooneMap.mxd
ArcMap Document: BooneMap (16).mxd

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

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(Check One)

1. Boone _____ Florence _____ Walton _____ Union _____

(Check One)

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

3. Applicant's Name JOHN DIERSING FOR QUALITY SIGNS

Applicant's Address 1530 PRODUCTION DR

BURLINGTON KY 41005

City State Zip

Phone Number 859-525-9766 Fax No. 859-525-0304 E-Mail JDIERSING@QUALITYSIGNS.COM

4. Description of Request: INSTALL A 12MM ELECTRONIC SIGN TO EXISTING POLE SIGN

5. Name of Development HEBRON CORNER MART

6. Location of Development 2006 PETERSBURG RD. HEBRON KY

7. Acreage Under Review 1.66

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

9. Owner of Property KENNETH J. KLEKAMP, INC.

Address of Property Owner 2950 HEBRON PARK DR.

10. HEBRON KY 41048

City State Zip

Phone Number _____ Fax No. _____ E-Mail _____

11. Proposed Use(s) on Site ELECTRONIC SIGN

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property C-2

14. Deed Book 1047 Page No. 214 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? 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.

ORIGINAL Property Owner's Signature: [Signature]

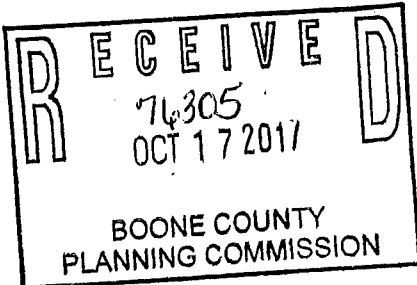
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: John Diering for QUALITY SIGNS

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

(over)

CC# 1289
#1082 w



Copy

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Kenneth J. Klekamp, Inc.
2950 Hebron Park Drive
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 1047

PAGE NO. 214

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
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

(COPY)

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 13 day of November,

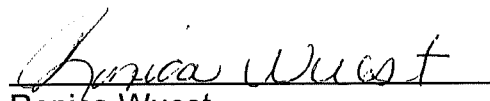
2017.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
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.)

(COPY)

CLUR #17-BCBOA-015-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Board of Adjustment and in accordance with the current zoning in effect as of November 8, 2017 Certificate of Land Use Restriction (#17-BCBOA-015-A), for Kenneth J. Klekamp Property Owner(s).

The following conditions will apply:

1. The overall sign shall be constructed as presented.
2. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.)
3. No more than three lines of text and/or graphics shall be displayed at any given time.
4. Any message and accompanying background shall be displayed on the screen for a minimum of seven (7) seconds.
5. The electronic message center shall have a 12 millimeter pixel pitch or better resolution.
6. The electronic message center shall be equipped with a dimmer and messages shall dim as the sky gets darker.
7. Bright colored sign backgrounds shall not be used on the electronic message center. The property owner shall work with Boone County Planning Commission to resolve any lighting issues (brightness, glare, etc.) that are caused by the subject sign on KY 237, KY 20, or adjoining properties.
8. Off premise-businesses shall be prohibited from advertizing on the sign.

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

DEED BOOK 1047

PAGE NO. 214

GROUP NO. 2006