

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

RECEIVED 79859 JUL 23 2019 BOONE COUNTY PLANNING COMMISSION Appeal

SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence Walton Union
2. (Check One) Conditional Use Permit Variance Appeal
3. Applicant's Name Walgreens, Address 200 Wilnot Rd, Deerfield IL 60015
4. Description of Request: Replace electronic readboard with new full color readboard - 2'6 15/16" x 8' 0 5/8"
5. Name of Development Walgreens
6. Location of Development 1747 Patrick Drive
7. Acreage Under Review 1.55
8. Lot Number and Name of Subdivision (if part of a subdivision) Lots 3 & 4 Sec 3 Limaburg Sub (1.7099 AC)
9. Owner of Property Walgreens, Address of Property Owner 200 Wilnot Rd, Deerfield IL 60015
10. Phone Number 824-733-3561, Fax No. N/A, E-Mail michelle.reuss@walgreens.com
11. Proposed Use(s) on Site No change to existing use
12. Total Square Footage of Existing and/or Proposed Buildings No change to building
13. Current Zoning on Property C-2/PD/C2D
14. Deed Book 798, Page No. 292, Group No. 2031
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? Yes aerial view
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.

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

ORIGINAL Applicant's Signature: (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 7/23/19 Fee Received \$1082<sup>00</sup> Receipt # 79859
2. Is application complete?  Yes \_\_\_\_\_ No \_\_\_\_\_
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 9/11/19
5. Board Action:  
\_\_\_\_\_ **Approved**  
 **Approved with Conditions (See #6)**  
\_\_\_\_\_ **Denial (See #7)**
6. Conditions of Approval: See Attached List of 7 conditions  
\_\_\_\_\_  
\_\_\_\_\_
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](http://www.boonecountyky.org) - Web Page**

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

**Site Plan Review is not granted by the appropriate Board of Adjustment.**

**An application consists of all fees paid in full, submitted drawings and a completed application form.**

## STAFF REPORT

#3

APPLICANT: Expedite The Diehl, per Tracey Diehl, on behalf of Walgreens, per Michelle Reuss

LOCATION: 1747 Patrick Drive, Boone County, Kentucky

ZONING: Commercial Two/Planned Development/Concept Development Plan (C-2/PD/CD)

DATE: September 11, 2019

### PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow a face change of the existing monochrome electronic message center sign to a full color electronic message center sign on an existing monument sign on an approximate 1.6 acre property located at 1747 Patrick Drive.

### SITE HISTORY

- 1986 On November 4, 1986, Boone County Fiscal Court adopted Ordinance Number 920.101, approving a Zoning Map Amendment for a 37.3 acre area located along Burlington Pike, including the site in question, from UR-1/PD to C-2/PD (R36-86).
- 1995 On January 24, 1995, Boone County Fiscal Court adopted Ordinance Number 920.298, approving a Change In Concept Development Plan for a 4 acre area located along Burlington Pike, including the site in question (R-94-046-A).
- 1995 On February 28, 1995, Boone County Fiscal Court adopted Ordinance Number 920.300, approving a Special Sign District for the Limaburg Subdivision, including the site in question (R-95-001-A). This Special Sign District allowed the site in question to have a monument sign with as much as 50% of the square footage to be used for a changeable copy electronic message sign or manual changeable copy.
- 2001 On March 14, 2001, the Boone Board of Adjustment approved a Conditional Use Permit to allow a monochrome electronically changeable message board, as part of a monument sign, on the site in question, subject to the following conditions: (1) ground level landscaping be provided; (2) the visual message displayed on the sign shall not create any apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding and contracting or rotating shapes or other similar animation effects; and (3) the message displayed on the board must be displayed for a minimum of five-second intervals (BCBOA 01-014).
- 2001 On March 19, 2001, the Boone County Planning Commission staff approved a Major Site Plan for the Walgreens facility on the site in question.
- 2001 On July 2, 2001, the Boone County Planning Commission staff approved a sign permit for the site in question which included a monument sign having a total sign

area of 102.24 square feet, broken down into the following: (1) a static message board measuring 14'-4" x 4'-7"; and (2) an electronic message board measuring 10'-1" x 3'-7-1/2" (Sign Permit 74/2001).

- 2008 On October 29, 2008, the Boone County Planning Commission staff approved a sign permit for the site in question which included a face change to the static message board on the monument sign, having a sign area of 65.69 square feet, measuring 14'-4" x 4'-7" (Sign Permit 182/2008).
- 2019 On April 25, 2019, the Boone County Planning Commission staff approved a sign permit for the site in question which included a face change to the static message board on the monument sign, having a sign area of 61.43 square feet, measuring 168-1/2" x 52-1/2" (Sign Permit 064/2019). This is a reduction of 4.26 square feet of sign area for the static message board.
- 2019 On July 2, 2019, the Boone County Planning Commission staff approved a sign permit for the site in question which included a temporary face change to the electronic message board with a custom shroud vinyl overlay, having a sign area of 43.74 square feet, measuring 126" x 50" (Sign Permit 109/2019). This is an increase of 7.2 square feet of sign area for the electronic message board.

#### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 of the Boone County Zoning Regulations.
1. Findings listed in Section 262 (Findings for all Conditional Uses):
    - a. 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;
    - b. 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;
    - c. Will not be hazardous to existing or future neighboring uses;
    - d. 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;

- e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
  - f. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
  - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
- C. Section 3430 of the Boone County Zoning Regulations identifies electronic message boards and electronic display screens as a conditional use within the C-2 zone. This section also provides for minimum standards and requirements (see attachment).

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Commercial” uses, which is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

- C. Burlington Pike is identified as an arterial street providing for two-way traffic within four driving lanes (two lanes in each direction) with a grass median. There are no sidewalks along Burlington Pike. Patrick Drive is identified as a local street providing for two-way traffic within two driving lanes (one lane in each direction). A sidewalk is provided along the south side of Patrick Drive.

SITE CHARACTERISTICS

- A. The approximate 1.6 acre property is located at the southeast corner of the intersection of Patrick Drive with Burgundy Hill Drive.
- B. The site is currently occupied by a Walgreens store, off-street parking, and a monument sign.
- C. The existing monument sign contains 97.98 square feet of signage area broken into the following panels:
  - 1. A static message board containing 61.43 square feet of sign area (168-1/2" x 52-1/2").
  - 2. An electronic message board containing 36.55 square feet of sign area (10'-1" x 3'-7-1/2").

SURROUNDING LAND USES AND ZONING

- North: Chase Bank and White Castle (C-2)
- South: Snappy Tomato Pizza and a retail building (C-2/PD/CD)
- East: Wendy's (C-2/PD/CD)
- West: Kroger Shopping Center (C-4/PD/CD)

STAFF COMMENTS

- A. Along Burlington Pike, between North Bend Road and Aero Parkway/Oakbrook Road, the following electronic message center signs exist:
  - 1. Boone County Public Library at 1786 Burlington Pike – monochrome
  - 2. Primary Eye Care at 1821 Florence Pike – full color
  - 3. Florence Baptist Temple at 1898 Florence Pike – full color
  - 4. Boone County Cooperative Extension Office at 1955 Burlington Pike – full color
- B. The submitted site plan indicates that the existing monochrome electronic message panel will be replaced with a full color electronic message panel, having an image area of 20.76 square feet (96.625" x 30.9375").
- C. Staff recommends that the applicant address the following items as they relate to Section 3430 of the Boone County Zoning Regulations:
  - 1. 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.  
As proposed, the electronic message board will comprise 25% of the total

sign area.

2. 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.
3. 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 or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.  
The sign has been previously approved and this requirement is not necessary.
4. 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.
5. 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.
6. 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.
7. 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.

D. Should the Board take action to approve the Conditional Use Permit, the following conditions should be part of that action:

1. That the proposed electronic message board have no 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, Additionally, there shall be no scrolling or running messages.
2. That the message displayed on the proposed electronic message board be displayed for a minimum of five (5) second intervals.
3. That the proposed electronic message board is equipped with a photocell or dimmer and the displayed messages shall dim as the sky gets darker and brighten as the sky gets brighter.
4. That the proposed electronic message board has a 19 mm pixel pitch or better resolution.

5. No message shall contain more than one (1) still photo and/or three (3) lines of text.
6. Any portion of an alphanumeric message that is not displayed on a still photo/image shall use a black background.
7. The sign shall not be used to advertise off premise businesses/products/services.

CONCLUSION

KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully Submitted,



Michael D. Schwartz  
Planner

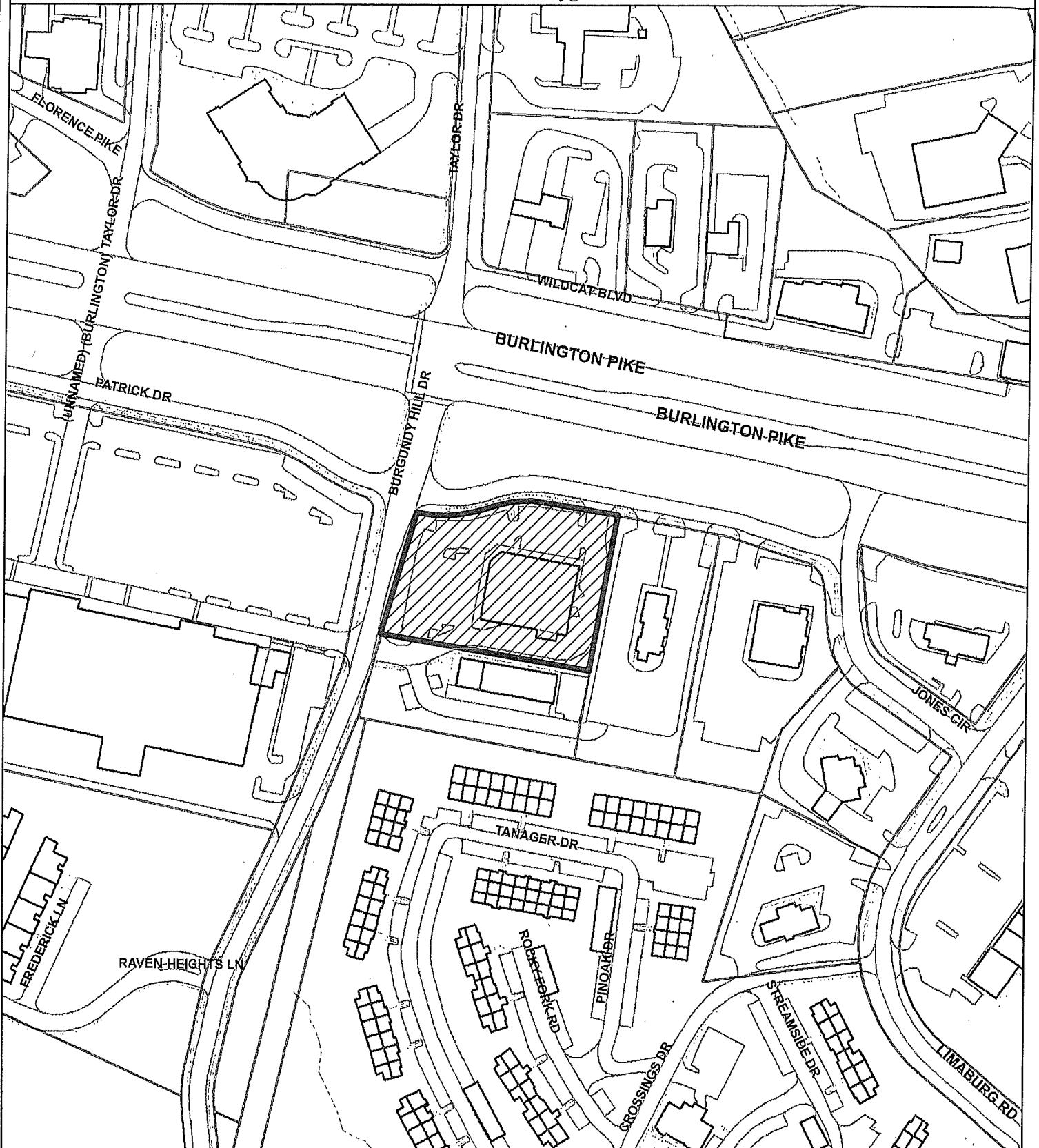
MDS/ss

Attachments

- \*Vicinity Map
- \*Aerial Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Application
- \*Concept Development Plan
- \*Electronic Sign Regulations

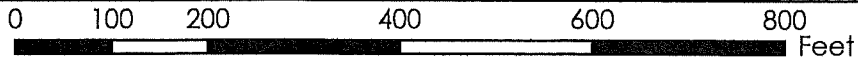
# Vicinity Map

www.boonecountygis.com



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1 Inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2018



Map Data Copyright © 2018  
ArcMap Document (\*.mxd)

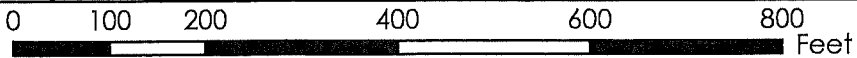
# Aerial Map

www.boonecountygis.com



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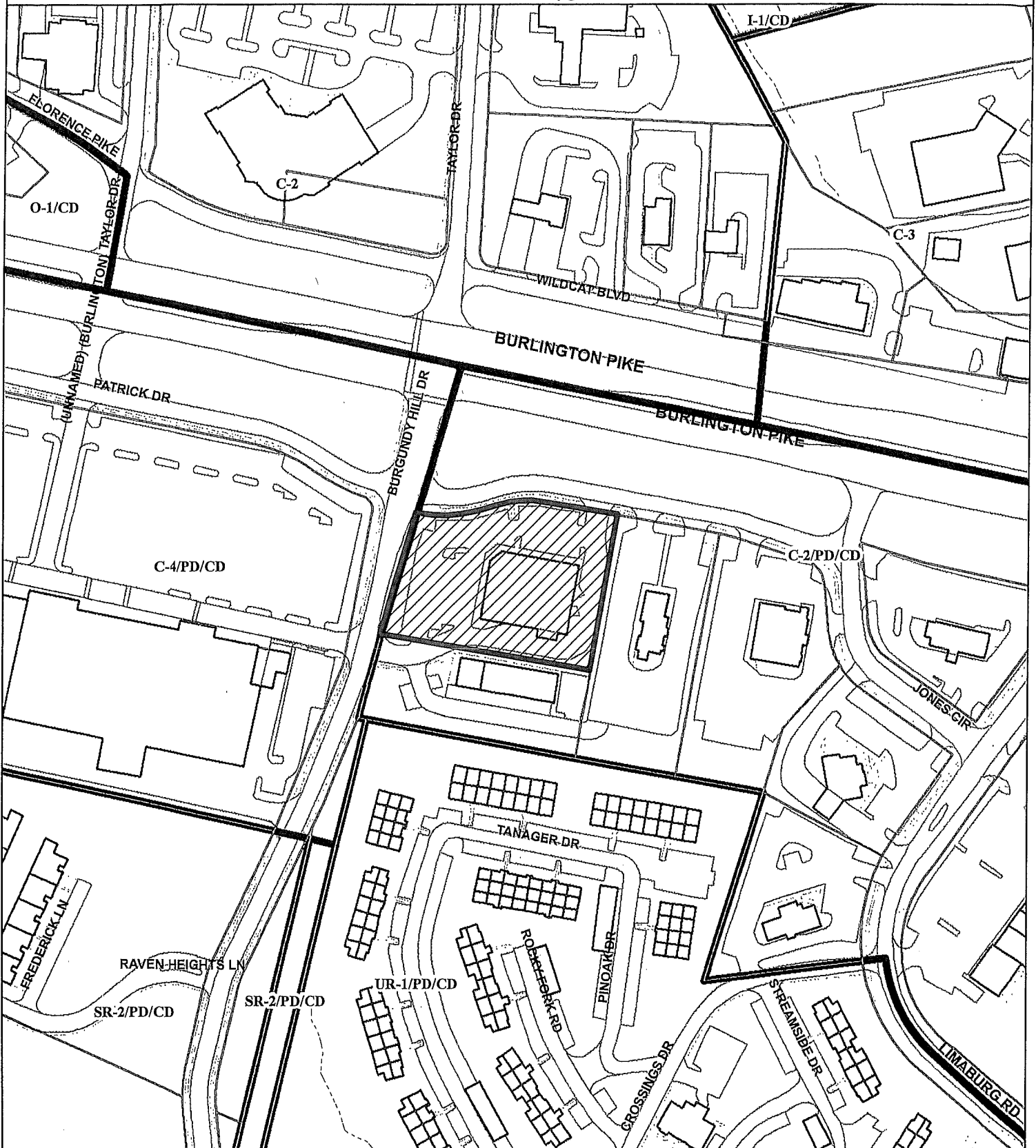


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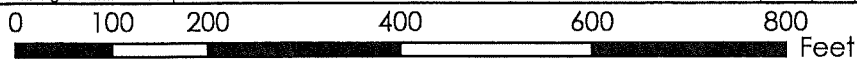
# Zoning Map

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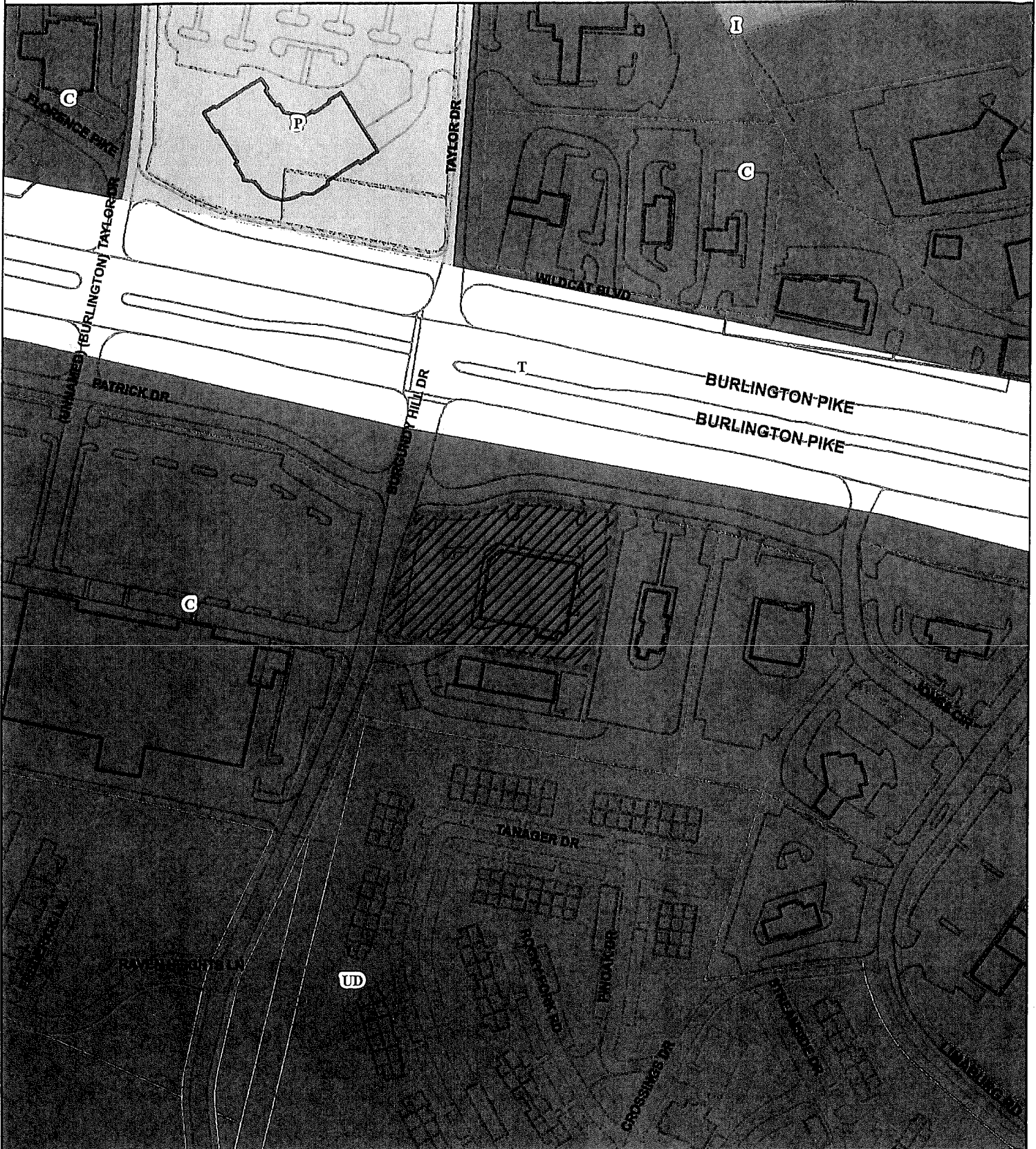


**Boone County GIS - Putting Northern Kentucky on the Map**



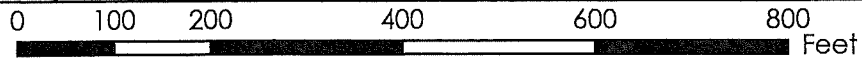
# 2040 Future Land Use Map

www.boonecountygis.com



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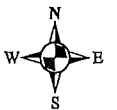
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



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

RECEIVED 79859 JUL 23 2019 BOONE COUNTY PLANNING COMMISSION

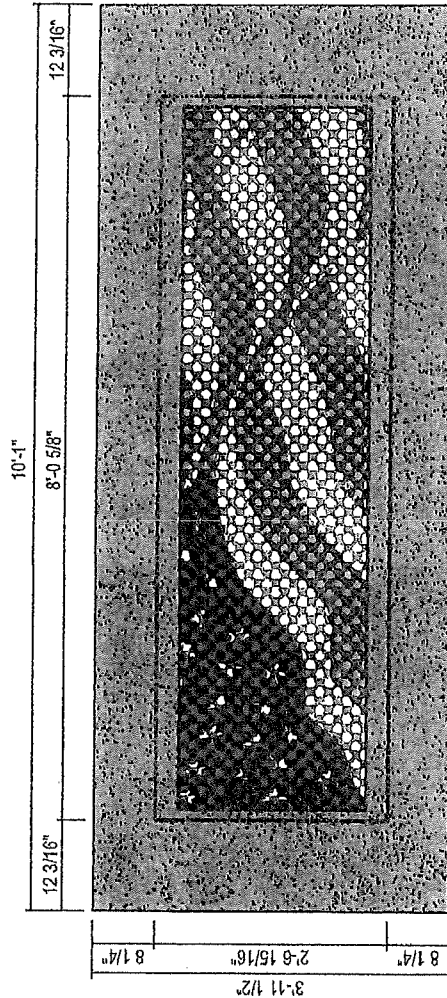
SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Walgreens
Applicant's Address 200 Wilmat Rd
City Deerfield IL 60015
Phone Number Tracey 614-828-8215 Fax No. 206-350-1097 E-Mail tracey@etd.website
4. Description of Request: Replace electronic readboard with new full color readboard - 2'6" 15/16" X 8' 0 5/8"
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6. Location of Development 1747 Patrick Drive
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Address of Property Owner 200 Wilmat Rd
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12. Total Square Footage of Existing and/or Proposed Buildings No change to building
13. Current Zoning on Property C-2/PD/CD
14. Deed Book 798 Page No. 292 Group No.
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? Yes aerial view
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.

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

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

DESIGN: DATA  
 ACCOUNTERS &  
 DESIGNERS  
 ADMINISTERED BY



2'-6 15/16" X 8'-0 5/8" FULL COLOR ELECTRONIC READERBOARD

Scale 1/2"=1'-0"

NOTE:  
 INSTALL NEW ELECTRONIC READERBOARD.  
 CABINET PAINT TO MATCH EXISTING.  
 FILLER PANELS WILL BE NEEDED.  
 SEE TO BE NEEDED.  
 VARIANCE REQUIRED



**ICON**

1701 Golf Road, 1-900, Rolling Meadows, Illinois 60008

**SECTION 3425**

**Off Premises Signs Permitted as a Conditional Use**

The Board of Adjustment and Zoning Appeals may permit an off-premises sign as a conditional use in the I-1, and I-2 districts (See footnote below). Local information signs as conditional uses shall conform to Sections 260-267, inclusive, of this order, and further, shall be subject to the following minimum regulations and requirements:

1. The application for conditional use permit shall be accompanied by the following information:
  - a. All of the information required in Section 3405 of this Article; and
  - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
2. An off-premises sign, as a conditional use, shall conform, at minimum, to the following requirements:
  - a. No sign shall be larger than eight hundred (800) square feet and no linear dimension shall exceed fifty (50) feet;
  - b. The maximum height of any sign shall not exceed thirty (30) feet;
  - c. All signs shall be located at least six hundred and sixty (660) feet from the right-of-way lines of any interstate highways and at least one hundred (100) feet from the right-of-way lines of any other thoroughfares;
  - d. Off-premises signs shall not be permitted at intervals of less than two thousand six hundred and forty (2,640) feet, measured along the centerline of each interstate highway or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

\*\* NOTE: The City of Florence, Ordinance 0-29-80, allows off-premises signs in the I-1 zone only. Unincorporated Boone County, Ordinance 920.179, allows off-premises signs in the I-1 zone only.

The Board of Adjustment shall convey a copy of all off-premises sign conditional use applications and permits to the Zoning Administrator.

**SECTION 3430**

**Electronic Message Boards and Electronic Display Screens**

**The following version of Section 3430 applies to Unincorporated Boone County, City of Union and City of Walton only.**

1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as a Conditional Use in C-1, C-2, C-3, C-4, PF and R zoning districts. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
  - (1). The application for conditional use permit shall be accompanied by the following information:
    - a. All of the information required in Section 3405 of this Article;
    - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and
    - c. A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.
  - (2). Electronic message boards and electronic display screens as conditional uses, shall conform, at minimum to the following requirements:

- 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.
- 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.
- 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 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 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.
- 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.
- g. Full color and monochrome message boards shall meet the follow 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 boards is located more than 30 feet above grade.

Note: The pixel pitch requirements shall not apply to price boards (gas prices, hotel room rates, and other similar fixed price displays).

- 2. 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, and other similar fixed price displays) shall be permitted in the Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3), Commercial Four (C-4), Public Facilities (PF) and Recreation (R) 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.

**The following version of Section 3430 applies to the City of Florence only.**

- 1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as Conditional Use in C-2 and C-3 zoning districts. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
  - (1). The application for conditional use permit shall be accompanied by the following information:
    - a. All of the information required in Section 3405 of this Article;
    - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Walgreens  
200 Wilmot Road  
Deerfield, IL 60015

2. ADDRESS OF PROPERTY

1747 Patrick Drive  
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Walgreens

4. DEED BOOK 798

PAGE NO. 292

GROUP NO. 2031

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

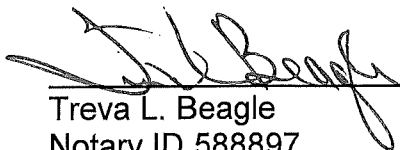
Michael D. Schwartz - Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

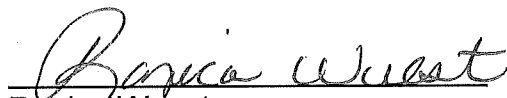
Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

on behalf of the Boone County Planning Commission this 12 day of September, 2019.

  
\_\_\_\_\_  
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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of September 11, 2019 Certificate of Land Use Restriction (#19-BCBOA-014-A), for Walgreens, Property Owner(s).

The following conditions will apply:

- (1) That the proposed electronic message board have no 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, Additionally, there shall be no scrolling or running messages.
- (2) That the message displayed on the proposed electronic message board be displayed for a minimum of five (5) second intervals.
- (3) That the proposed electronic message board is equipped with a photocell or dimmer and the displayed messages shall dim as the sky gets darker and brighten as the sky gets brighter.
- (4) That the proposed electronic message board has a 19 mm pixel pitch or better resolution.
- (5) No message shall contain more than one (1) still photo and/or three (3) lines of text.
- (6) Any portion of an alphanumeric message that is not displayed on a still photo/image shall use a black background.
- (7) The sign shall not be used to advertise off premise businesses/products/services. Mr. Vaught seconded the motion. Chairman Whitton asked if there was any discussion. There was no response.

The approved conditional use permit as well as the preceding conditions apply to the property described in: