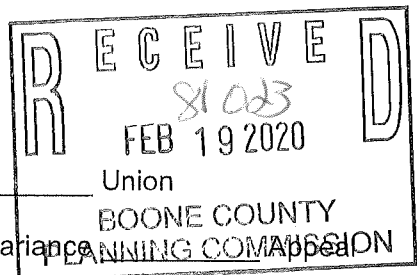


APPLICATION FORM

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) Boone _____ Florence _____ [checked] Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Change in Non-Conforming Use _____
3. Applicant's Name ABC Signs Applicant's Address 2336 Iowa Ave Cincinnati OH City State Zip
4. Description of Request:
5. Name of Development McDonalds Corporation
6. Location of Development 306 Richwood Rd Walton KY 41094
7. Acreage Under Review 1.5 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property McDonalds Corporation Address of Property Owner 10063 Dixie Hwy Florence KY 41042 City State Zip
10. Phone Number Fax No. E-Mail
11. Proposed Use(s) on Site Restaurant
12. Total Square Footage of Existing and/or Proposed Buildings 6,350 SF
13. Current Zoning on Property C-4
14. Deed Book 1000 Page No. 178 Group No. 2064
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request? Yes
17. Have you submitted a list of adjoining property owners with this request? Yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

ORIGINAL Applicant's Signature: Meghan McVey (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 2-19-20 Fee Received \$1,766.00 Receipt # 81023
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 3/11/2020
5. Board Action:
 Approved
 Approved with Conditions (See #6) (7 conditions)
 Denial (See #7)
6. Conditions of Approval: See Attached
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.

APPLICANT: ABC Signs, per Meghan Meyer, on behalf of McDonalds Corporation, per Todd Sorg

LOCATION: 306 Richwood Road, Boone County, Kentucky

ZONING: Commercial Four (C-4)

DATE: March 11, 2020

CONDITIONS OF APPROVAL

1. The electronic message board/screen shall 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. The message displayed on the electronic message board/screen shall be displayed for a minimum of THIRTY (30) second intervals.
3. The electronic message board/screen shall be equipped with a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.
4. The electronic message board/screen shall have a 19mm pixel pitch or better resolution.
5. No message on the electronic message board/screen shall contain more than one (1) still photo and/or three (3) lines of text.
6. Any portion of an alphanumeric message on the electronic message board/screen that is not displayed on a still photo shall use a black background.
7. No part of the sign shall be used to advertise off premise businesses, services, or products.

STAFF REPORT

#4

APPLICANT: ABC Signs, per Meghan Meyer, on behalf of McDonalds Corporation, per Todd Sorg

LOCATION: 306 Richwood Road, Boone County, Kentucky

ZONING: Commercial Four (C-4)

DATE: March 11, 2020

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the installation of a full color electronic message board/screen on a free standing sign and Variances to (1) reduce the minimum spacing distance requirement between electronic message boards/screens from 660 feet to 200 feet; (2) increase the maximum height of a free standing sign from twenty (20) feet to thirty (30) feet (a modification of the Board's April 11, 1990 action); and (3) increase the maximum sign area of a free standing from seventy-four (74) square feet (50 square feet for the advertising display and 24 square feet for a manual reader board) to 89.375 square feet (56.25 square feet for the advertising display and 33.125 square feet for an electronic reader board) (a modification of the Board's April 11, 1990 action)

SITE HISTORY

- 1990 –
1992 Based on Boone County GIS data, the site was developed.
- 1990 On April 11, 1990, the Boone Board of Adjustment approved a change of nonconforming use allowing McDonald's to install a sign on an existing high rise free standing sign structure, subject to the following conditions: (1) there is to be no other free standing sign used to attract traffic from I-75 and (2) that an entrance sign shall be allowed provided that it is no larger than fifty (50) square feet and no more than twenty (20) feet tall (BCBOA 90-010).
- 1990 On August 8, 1990, the Boone Board of Adjustment took action to clarify their April 11, 1990 action to allow the entrance sign to have a twenty-four (24) square foot manual reader board in addition to the fifty (50) square foot sign (BCBOA 8-8-90).
- 1997 On June 11, 1997, the Boone Board of Adjustment approved a variance allowing McDonald's to increase the height of their sign on the existing high rise free standing sign structure, subject to the condition that no other sign be placed on the structure (BCBOA 97-006).
- 1997 On November 12, 1997, the Boone Board of Adjustment approved a change of nonconforming use to allow another sign to be placed on the existing high rise free standing sign structure (BCBOA 97-014).

2013 On June 12, 2013, the Boone Board of Adjustment approved a variance increasing the height of two drive through menu signs to 6'-9" (BCBOA 13-015).

1994 –
2018 Several site plans were approved by the Boone County Planning Commission staff.

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, and 1033 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.

2. Criteria listed in Section 1033 of the Boone County Zoning Regulations (C-4

District):

- a. The activity is an integral and subordinate function of a permitted commercial use or service; or
 - b. The use, building or structure is subservient to and not of scale, nature, trade or other character which will compete or conflict with the purpose and permitted uses to the district.
- C. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- D. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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.
- E. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
1. Findings listed in Section 251:
 - a. 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
 - b. 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.
- F. Section 3430.1 of the Boone County Zoning Regulations states that the Board of Adjustment may permit electronic message boards and electronic display screens which advertise multiple messages as a Conditional Use in the C-4 zoning district.

- G. Section 3413.4 of the Boone County Zoning Regulations allows a free standing sign having a maximum sign area of 190 square feet and a maximum height of 25 feet to be installed on the site in question.
- H. Section 1040 of the Boone County Zoning Regulations states that "The purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Such districts shall be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum egress and ingress for the local population."

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Commercial", 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).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

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).

- C. Richwood Road is a state maintained arterial street providing for two way traffic within three driving lanes (one lane in each direction and a center dual left turn lane). There are sidewalks along both sides of the roadway.

SITE CHARACTERISTICS

- A. The approximate 1.5 acre site is located along the northwest side of Richwood Road, approximately 250 feet southwest of Frogtown Connector Road.
- B. The site is currently occupied by a McDonald's restaurant, two drive through order lanes, and 59 off-street parking spaces.

- C. An existing free standing sign is located in the southwest corner of the site and is set back approximately twenty (20) feet from the front property line.
- D. Topographically, the site is at an elevation of 840 msl at Richwood Road and rises to an elevation of 860 msl at the rear property line, a grade change of approximately 6%.

SURROUNDING LAND USES AND ZONING

- North: First Church of Christ (C-4)
- South: Wendy's, BP Gas, and Snappy Tomato (C-3)
- East: Gold Star Chili and Penn Station (C-4)
- West: BB&T Bank (C-4)

PROPOSED DEVELOPMENT

- A. Removal of the existing free standing sign
- B. Installation of a new architectural free standing sign:
 - 1. Located approximately ninety (90) feet from the front property line
 - 2. Having a total sign area of 89.375 square feet, comprised of a 56.25 square foot static sign display and a 33.125 square foot full color electronic message board
 - 3. Having a height of thirty (30) feet

STAFF COMMENTS

- A. Richwood Road is anticipated to be improved per the following:
 - 1. An approximate twenty-four (24) foot deep area along the front of the property is to be acquired by the state for additional right-of-way.
 - 2. The roadway is to be provided with 3 southwest lanes, two northeast lanes, and a raised center median.
- B. The following table provides a comparison between what the zoning regulations allow, the limitations placed by the Boone Board of Adjustment, and what is proposed:

	Zoning Regulations	Board of Adjustment Action	Proposed
Maximum Sign Area (sq. ft.)	190	50	56.25
Reader Board (type/sq. ft.)	Manual/ up to 50% of sign area	Manual/24	33.125
Total Sign Area (sq. ft.)	190	74	89.375
Maximum Height (ft.)	25	20	30

- C. With the proposed widening of Richwood Road, the proposed sign location will be set back approximately sixty-six (66) feet from the front property line.
- D. Other than gas price signs, there are no other electronic message boards along Richwood Road between Dixie Highway and Triple Crown Boulevard/Grand National Boulevard.
- E. Should the Board take action to approve the submitted requests, the following conditions should be considered as part of that action:
1. The electronic message board/screen shall 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. The message displayed on the electronic message board/screen shall be displayed for a minimum of five (5) second intervals.
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6. Any portion of an alphanumeric message on the electronic message board/screen that is not displayed on a still photo shall use a black background.
7. No part of the sign shall be used to advertise off premise businesses, services, or products.

CONCLUSION

- A. 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 Conditional Use Permit request.
- B. KRS 100.241 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 Variance requests.
- C. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.

Respectfully Submitted,



Michael D. Schwartz
Planner

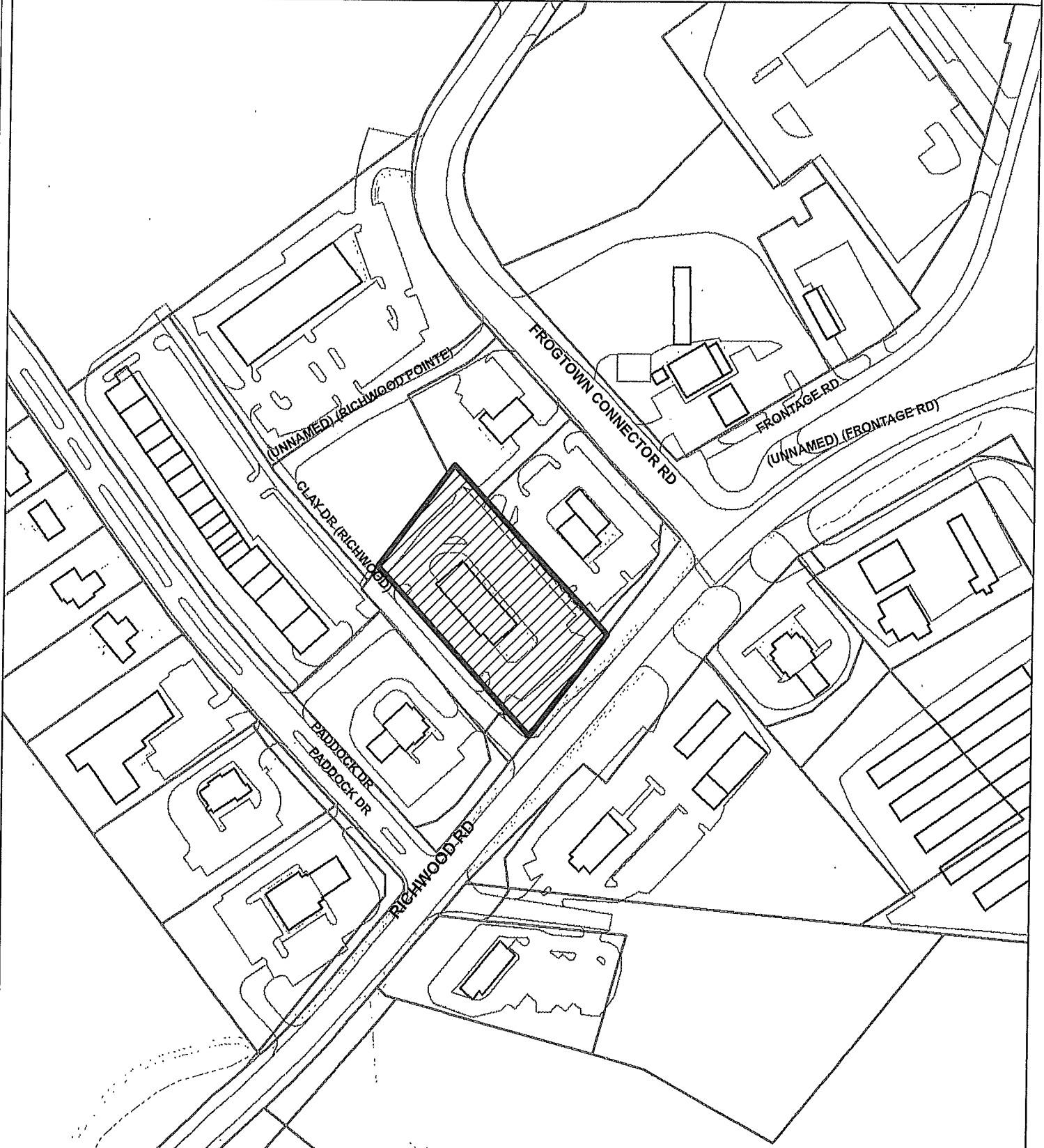
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Development Plan

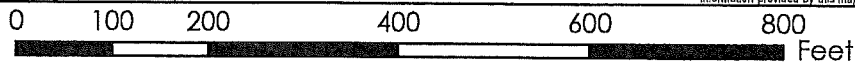
Vicinity Map

www.boonecountygis.com



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1 Inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

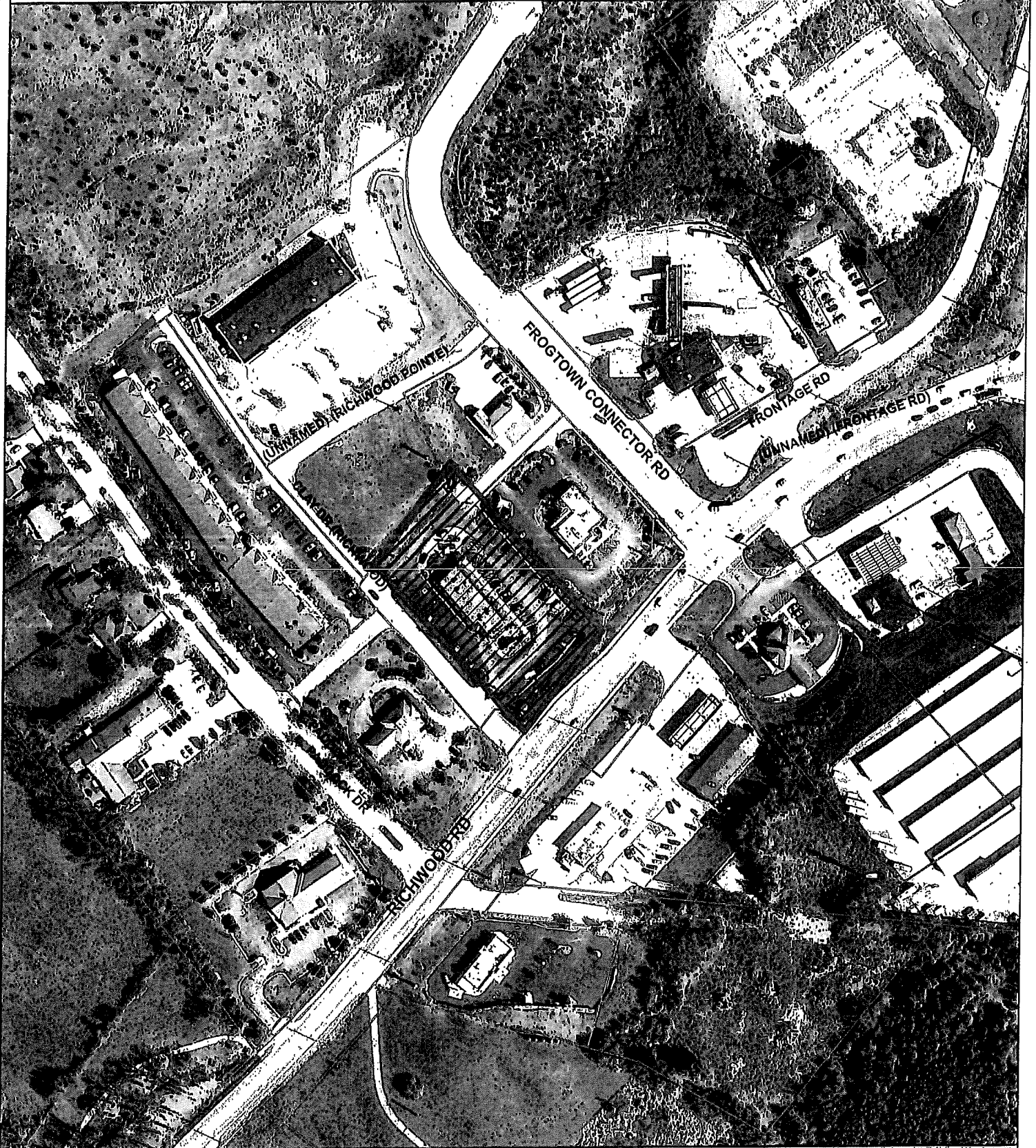


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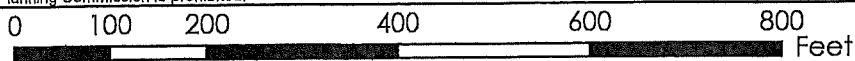
Aerial Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

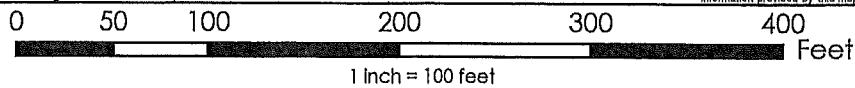
Topographical Map

www.boonecountygis.com



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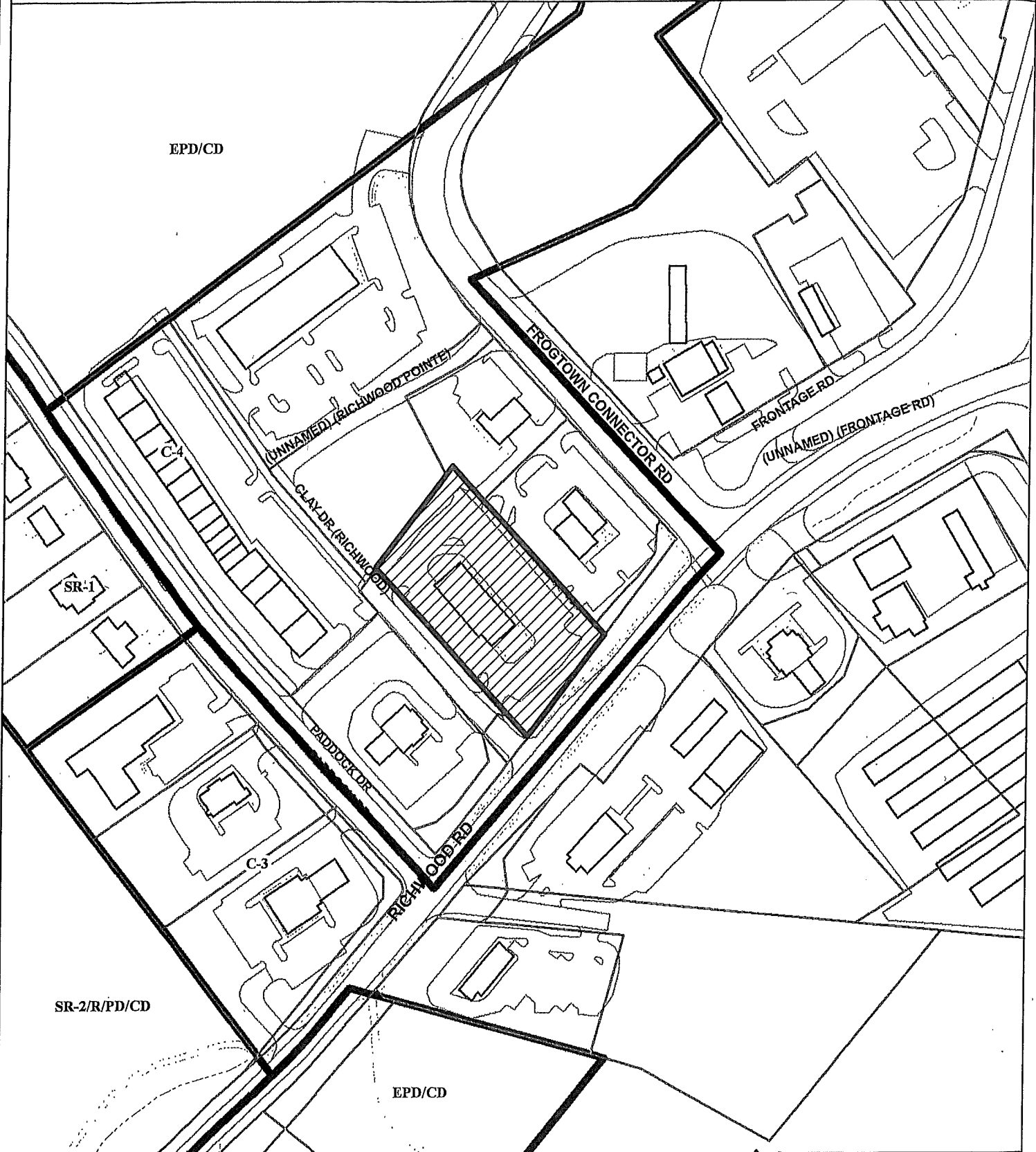


Boo



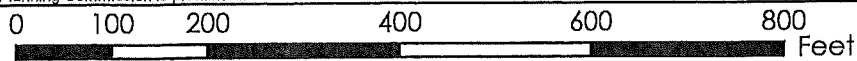
Zoning Map

www.boonecountygis.com



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Boone County GIS

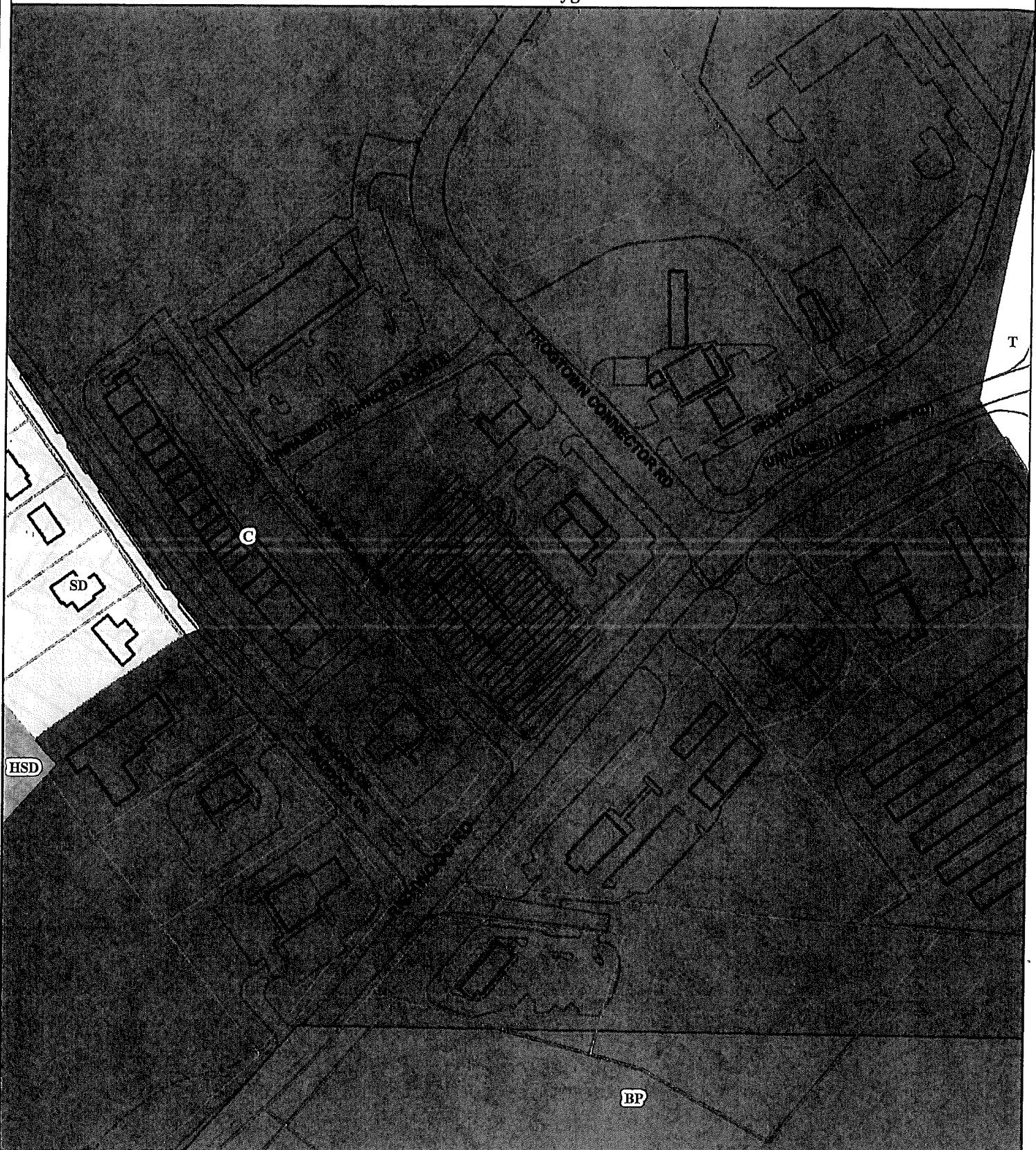
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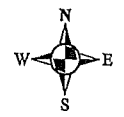
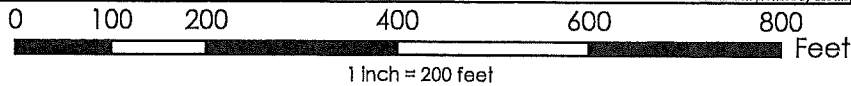
2040 Future Land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

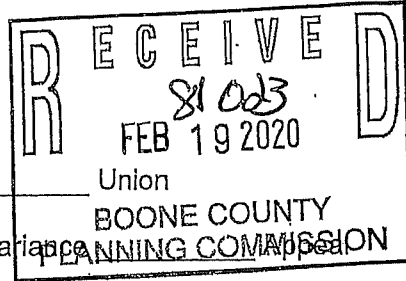
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APPLICATION FORM

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



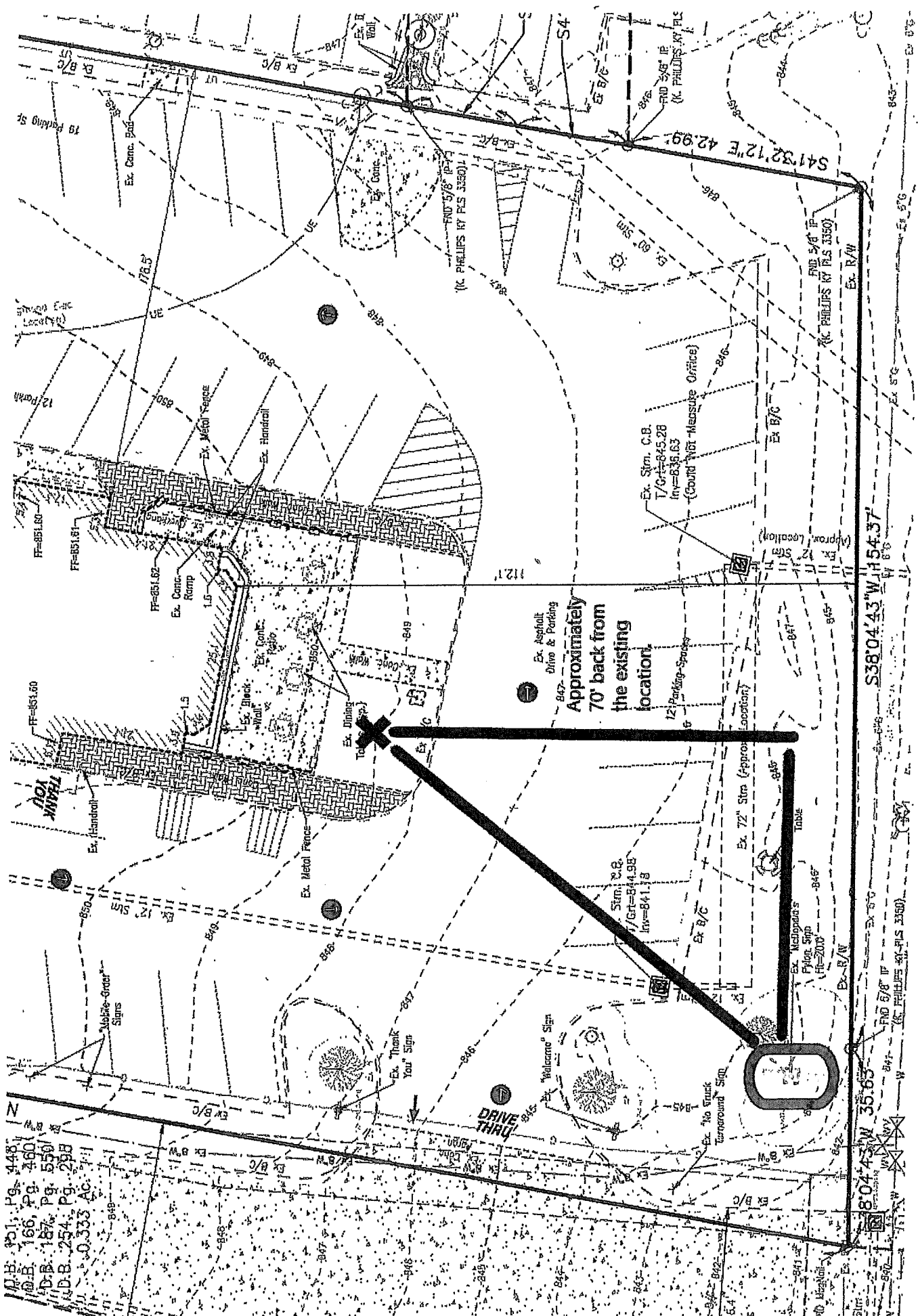
SECTION A (To be completed by applicant)

- 1. (Check One) Boone _____ Florence Walton _____ Union _____
- 2. (Check One) _____ Conditional Use Permit Variance _____
_____ Change in Non-Conforming Use.
- 3. Applicant's Name ABC Signs
Applicant's Address 2336 Iowa Ave
Cincinnati OH
City State Zip
- 4. Phone Number 513-241-8884 Fax No. 513-241-8978 E-Mail meghan@abcsign.com
Description of Request: _____
- 5. Name of Development McDonalds Corporation
- 6. Location of Development 306 Richwood Rd Walton KY 41094
- 7. Acreage Under Review 1.5 acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property McDonalds Corporation
Address of Property Owner 10063 Dixie Hwy
- 10. Florence KY 41042
City State Zip
Phone Number _____ Fax No. _____ E-Mail _____
- 11. Proposed Use(s) on Site Restaurant
- 12. Total Square Footage of Existing and/or Proposed Buildings 6,350 SF
- 13. Current Zoning on Property C-4
- 14. Deed Book 1000 Page No. 178 Group No. 2064
- 15. Is the site subject to a zone change? No
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. I, or we, understand and agree, that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

M.B. 351, Pg. 448
 D.B. 166, Pg. 260
 D.B. 187, Pg. 550
 D.B. 254, Pg. 298
 D.B. 333, Ac. 111



Approximately
 70' back from
 the existing
 location

S38°04'43"W 154.37'

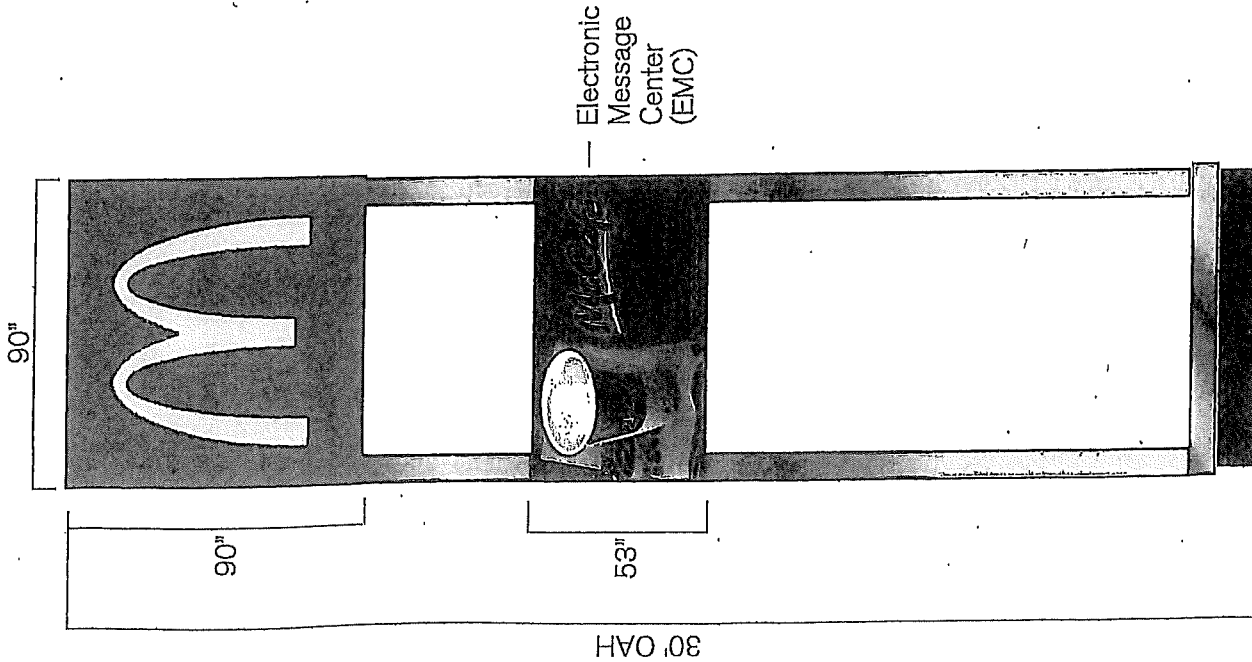
S41°32'12"E 42.99'

S80°43'W 35.63'

(C. PHILLIPS BY PLS 3350)

(C. PHILLIPS BY PLS 3350)

Next Gen 30' Road Sign



Illumination: LED

Electrical: 11.20 Amps @ 120 Volts

Power Supply: Agilight PS12-60W-100/277V

Face Detail: Laser cut aluminum faces with illuminated copy and push thru arch

Available EMC sizes :

3'-5" X 7'-6"

4'-5" X 7'-6" (shown)

Available in Full Color

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
McDonald's Corporation
10063 Dixie Highway
Florence, KY 41042
2. ADDRESS OF PROPERTY
306 Richwood Road
Walton, KY
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
McDonald's
4. DEED BOOK 1000 PAGE NO. 178 GROUP NO. 2064
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: X Conditional Use Permit
From ___ To
- ___ Development Plan ___ Conditional Zoning
- ___ Subdivision Plat ___ Other:
(Not Recorded)
- X Variance x 3
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 13 day of March, 2020.



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:



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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit and variances x 3 approved by the Board of Adjustment and in accordance with the current zoning in effect as of March 12, 2020 Certificate of Land Use Restriction (#20-BCBOA-004-A), for McDonald's Corporation, Property Owner(s).

The following conditions will apply:

1. The electronic message board/screen shall 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. The message displayed on the electronic message board/screen shall be displayed for a minimum of THIRTY (30) second intervals.
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6. Any portion of an alphanumeric message on the electronic message board/screen that is not displayed on a still photo shall use a black background.
7. No part of the sign shall be used to advertise off premise businesses, services, or products.

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

DEED BOOK 1000

PAGE NO.178

GROUP NO. 2064