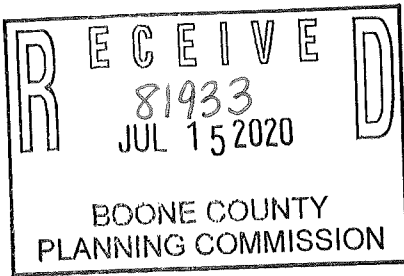


APPLICATION FORM



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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name KLOSTY SIGN ASSOCIATES
Applicant's Address 3160 E. KEMPER Rd.
Cincinnati OH 45241
City State Zip
4. Description of Request: allow electronic board as part of pole sign; allow sign to be 590' from another electronic board; allow sign to be 248' in area.
5. Name of Development Boot Country
6. Location of Development 1728 Wildcat Blvd.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision)
lot 1 - section 1 - Oakbrook Station
9. Owner of Property KYVFP, LLC
Address of Property Owner 1179 US Route 50
Milford OH 45150
City State Zip
10. Phone Number 513-240-2600 Fax No. _____ E-Mail rachel@gobootcountry.com
11. Proposed Use(s) on Site Retail
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property C3/C2
14. Deed Book 995 Page No. 977 Group No. 2025
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: William E. Van Fleet
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [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 7/15/20 Fee Received 2416.00 Receipt # 81933
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date 9/19/2020
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See File, Minutes, or CLUR

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

#4

APPLICANT: Klusty Sign Associates, per Vince Klusty, on behalf of KYVFP, LLC, per William E. Van Fleet

LOCATION: 1728 Wildcat Boulevard, Boone County, Kentucky

ZONING: Commercial Two (C-2) and Commercial Services (C-3)

DATE: August 12, 2020

PROPOSAL

- A. The applicant is requesting the following:
1. A Conditional Use Permit to allow the installation of a full color electronic message board/screen on a free standing sign.
 2. A Variance reducing the minimum spacing distance requirement between electronic message boards/screens from 660 feet to 604 feet.
 3. A Variance to increase the maximum sign area of a free standing sign from 200 square feet to 248.19 square feet (156.75 square feet for the static advertising display and 91.44 square feet for the electronic message board/screen).

SITE HISTORY

- 2005 On October 12, 2005, the Boone Board of Adjustment approved three Variances: (1) reducing the front yard setback from 50 feet to 30 feet; (2) reducing the Limaburg Road corner side yard setback from 25 feet to 15 feet; and (3) reducing the width of the KY 18 street frontage buffer yard width from 10 feet to 0.5 feet, for an approximate 1.75 acre area, including the site in question, subject to the following conditions: (1) a minimum of 10 feet wide street frontage buffer is required along KY 18 frontage, which must be planted on the subject property or in the KY 18 right-of-way; (2) the exterior construction materials of the buildings shall be consistent with the submitted elevation drawings; and (3) an encroachment permit must be secured from the state to plant the landscaping in the right-of-way (BCBOA-05-021-A).
- 2006 On January 20, 2006, the Boone County Planning Commission approved a Major Site Plan for the site in question.
- 2006 On May 19, 2006, the Boone County Planning Commission approved a Sign Permit for a 90 square foot building mounted sign on the south building façade (SP-BC-82-2006).
- 2006 On June 21, 2006, the Boone County Planning Commission approved a Tenant Finish permit to allow Boot Country to occupy the existing building.
- 2006 On September 20, 2006, the Boone County Planning Commission approved a Sign Permit for a 48 square foot building mounted sign on the south and east

building facades (SP-BC-166-2006).

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-3 District):
 - a. The activity is an integral and subordinate function of a permitted

commercial use or service; or

- b. The arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in 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-3 zoning district.

- G. Section 3430.1.2.c of the Boone County Zoning Regulations states that electronic message boards and electronic display screens shall not be permitted at intervals of less than 660 feet, measured along the centerline of each thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- H. Section 3413.4.2 of the Boone County Zoning Regulations allows a free standing sign having a maximum sign area of 200 square feet and a maximum height of 30 feet to be installed on the site in question.
- I. 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.
- J. Section 1040 of the Boone County Zoning Regulations states that “The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.”

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. Our Boone County Plan 2040 contains the following Future Land Use Development Guideline as it pertains to Design, Signs, and Cultural resource preservation (page 97):

“Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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 motorists 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 corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view.”

- C. 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).

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).

Boone County shall evaluate and promote business and economic sectors of the future and explore ways to encourage existing industry to be competitive in a regional and global economy (Economy Goal A, Objective 3).

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

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).

- D. Wildcat Boulevard is a local street providing for two way traffic within two driving lanes. There is a sidewalk along portions of the north side of the roadway.
- E. Burlington Pike is a state maintained divided arterial street providing for two way traffic within four driving lanes (two lanes in each direction). Exclusive turn lanes are provided at certain intersections. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 1.1 acre site is located along the north side of Burlington Pike, at the terminus of Wildcat Boulevard, approximately 400 feet west of Limaburg Road and approximately 500 feet east of Taylor Drive.
- B. The site is currently occupied by an approximate 7,500 square foot retail building (Boot Country) and 34 off-street parking spaces.
- C. The developed portion of the site is flat while the northern portion of the site slopes downward towards a stormwater detention facility.

SURROUNDING LAND USES AND ZONING

- North: Performance Body Repair and Mikes Auto Sales (C-3)
- South: Frisch's, Wendy's, and Arby's (C-2/PD)
- East: Promevo (C-3)
- West: Valvoline (C-2)

PROPOSED DEVELOPMENT

- A. Installation of a new architectural free standing sign:
 1. Located approximately 29 feet from the property line/right-of-way line of Burlington Pike and approximately 95 feet from the edge of pavement of Burlington Pike.
 2. Having a height of thirty (30) feet.
 3. Having a total sign area of 248.19 square feet, comprised of a 156.75 square foot static sign display and a 91.44 square foot full color electronic message board.
 4. Located approximately 604 feet east of the existing Walgreens electronic message board.

STAFF COMMENTS

- A. The following table provides a comparison between what the zoning regulations allow and what is proposed:

TYPE	PERMITTED	EXISTING
Building Mounted		
Front (South) Elevation	264 sq. ft. (132' building frontage x 2 sq. ft.)	
"Boot Country"		90 sq. ft.
"Work Country/Boot Country"		48 sq. ft.
Window Signs (applied to exterior of window)		484.5 sq. ft.
Window Signs (applied to interior of window)		285 sq. ft.
Side (East) Elevation	59 sq. ft. (59' building frontage x 1 sq. ft.)	
"Work Country/Boot Country"		48 sq. ft.
Window Signs (applied to exterior of window)		171 sq. ft.
Subtotal Building Mounted Signs		
Building Exterior Only		841.5 sq. ft.
Building Exterior and Interior		1,128.5 sq. ft.
TOTAL	323 sq. ft.	841.5/1,128.5 sq. ft.
Free Standing		Proposed
Type	Architectural	Architectural
Height	30 ft.	30 ft.
Area	200 sq. ft. (50% may be a manual reader board)	248.19 sq. ft.
Electronic Message Center (EMC)		
Area	50% of permitted sign area	91.44 sq. ft. (37%)
Spacing	660 ft. from existing EMC	604 ft.
Motion/Flashing/Scrolling	Prohibited	None
Display Interval	5 seconds	5 seconds
Photocell Dimmer	Required	Yes
Pixel Pitch	19 mm or better	16 mm
TOTAL SIGN AREA	523 sq. ft.	1,089.69/1,513.69 sq. ft.

- B. The following table provides the distance of existing signs, and the proposed sign, from the edge of pavement and centerline of Burlington Pike, between Limaburg Road and North Bend Road:

USE	DISTANCE FROM EDGE OF PAVEMENT OF BURLINGTON PIKE (feet)	DISTANCE FROM CENTERLINE OF BURLINGTON PIKE (feet)
Boot Country	97	150
Valvoline	114	167
White Castle	120	179
Chase	136	196
Library	121	168
Blair Professional Center	51	99
Cooperative Extension Service	65	145
Burger King	67	128
AutoZone	62	120
Chipotle/Guthrie's/Big League	128	190
TANK	77	140
Kroger	138	195
Walgreen's	180	230
Wendy's	125	177
Frisch's	143	203
Arby's	119	185
Oakbrook Marketplace	149	196

Looking at just the commercial uses, with the exception of the Blair Professional Center, Burger King, and AutoZone, the proposed sign will be located closer to both the edge of pavement and centerline of Burlington Pike than any other business along the roadway.

- C. There are three other electronic message boards/screens along Burlington Pike, within the vicinity of the site in question.
1. Walgreen's has a monument sign containing a 21 square foot electronic message board/screen. The Boone Board of Adjustment approved this sign as a conditional use in 2019.
 2. Blair Professional Center has a monument sign containing a 40 square foot electronic message board/screen. The Boone County Fiscal Court approved this sign as a special sign district in 2018.
 3. The Boone County Public Library has an electronic message board screen. This sign is exempt from zoning regulations pursuant to Kentucky Revised Statute

(KRS) 100.361(2).

- D. Looking from the intersection of Limaburg Road with Burlington Pike, it appears that a required vehicular use area landscape tree will block the visibility of the proposed sign. The applicant should address if this tree will be removed, and if so, where will it be replaced.
- E. An inter-departmental email was sent to Boone County Administration and the Kentucky Department of Transportation.
 - 1. Jeff Earlywine, County Administrator responded via email (see attached).
- F. The applicant should address how their proposal meets the criteria for a conditional use, as found in Sections 262 and 1033 of the Boone County Zoning Regulations.
- G. The applicant should address how their proposal meets the criteria for a variance, as found in Section 251 of the Boone County Zoning Regulations.
- H. Should the Board take action to approve the submitted requests, the following conditions should be considered as part of that action (these are the same conditions that the Board applied to the Walgreen's sign):
 - 1. No message shall contain more than one (1) still photo and/or three (3) lines of text.
 - 2. Any portion of an alphanumeric message that is not displayed on a still photo/image shall use a black background.
 - 3. The sign shall not be used to advertise off premise businesses/products/services.
- I. Should the Board take action to approve the submitted requests, the following additional conditions should be considered as part of that action:
 - 1. All existing signs within windows, whether applied to the interior or exterior of the window, shall be permanently removed prior to, or simultaneous with, the installation of the proposed sign.
 - 2. No additional signage shall be allowed on the site as long as the proposed free standing sign exists.

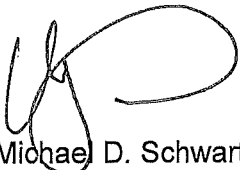
CONCLUSION

- 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
- *Electronic Sign Spacing Map
- *Application
- *Concept Development Plan
- *Email (July 16, 2020) from Jeff Earlywine, County Administrator

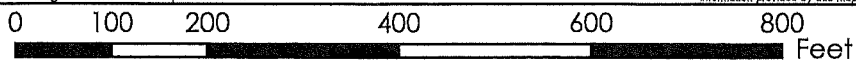
Vicinity Map

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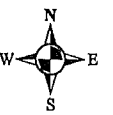
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1 inch = 200 feet

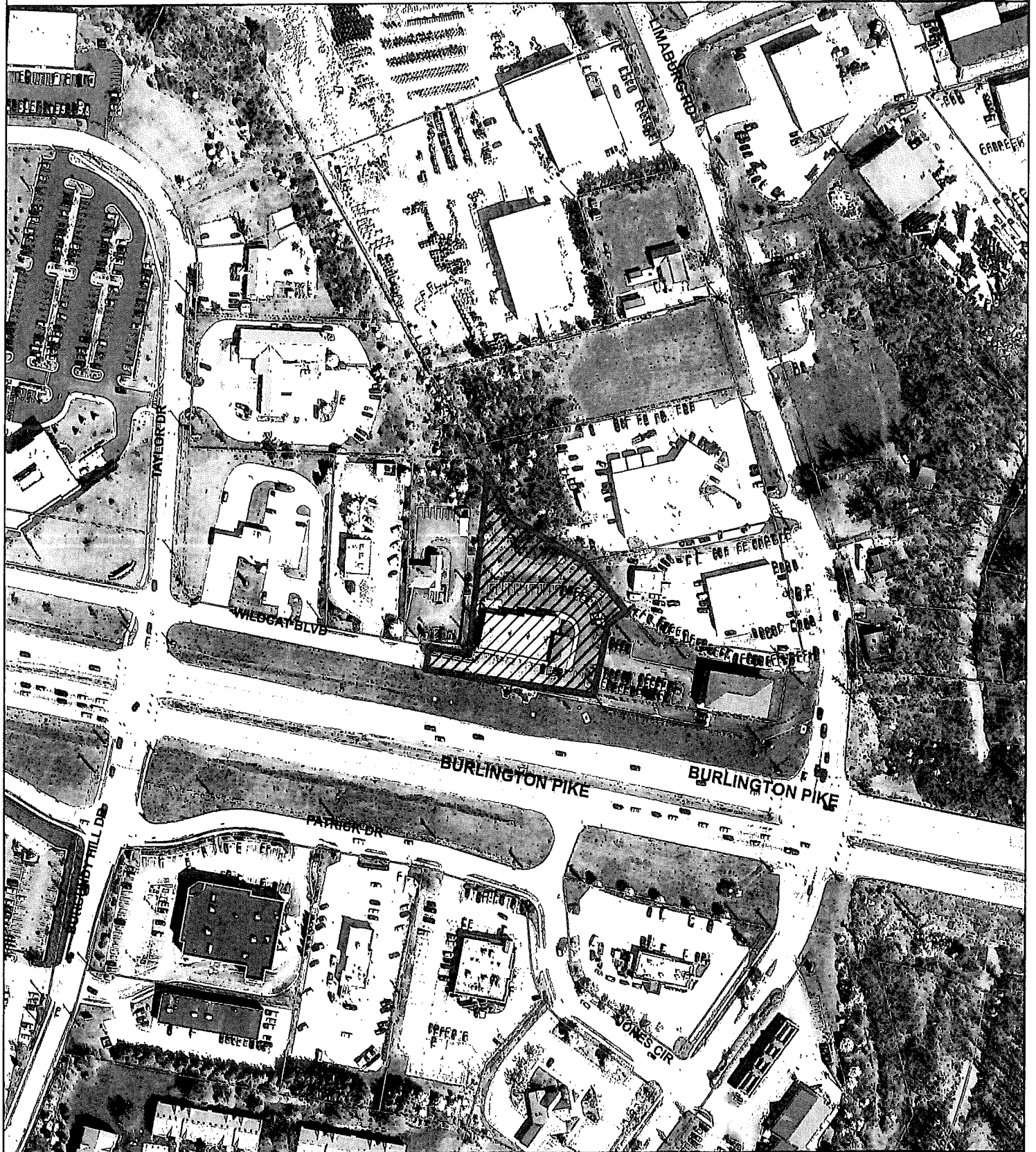


Boone County GIS



Aerial Map

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0 100 200 400 600 800 Feet

1 inch = 200 feet

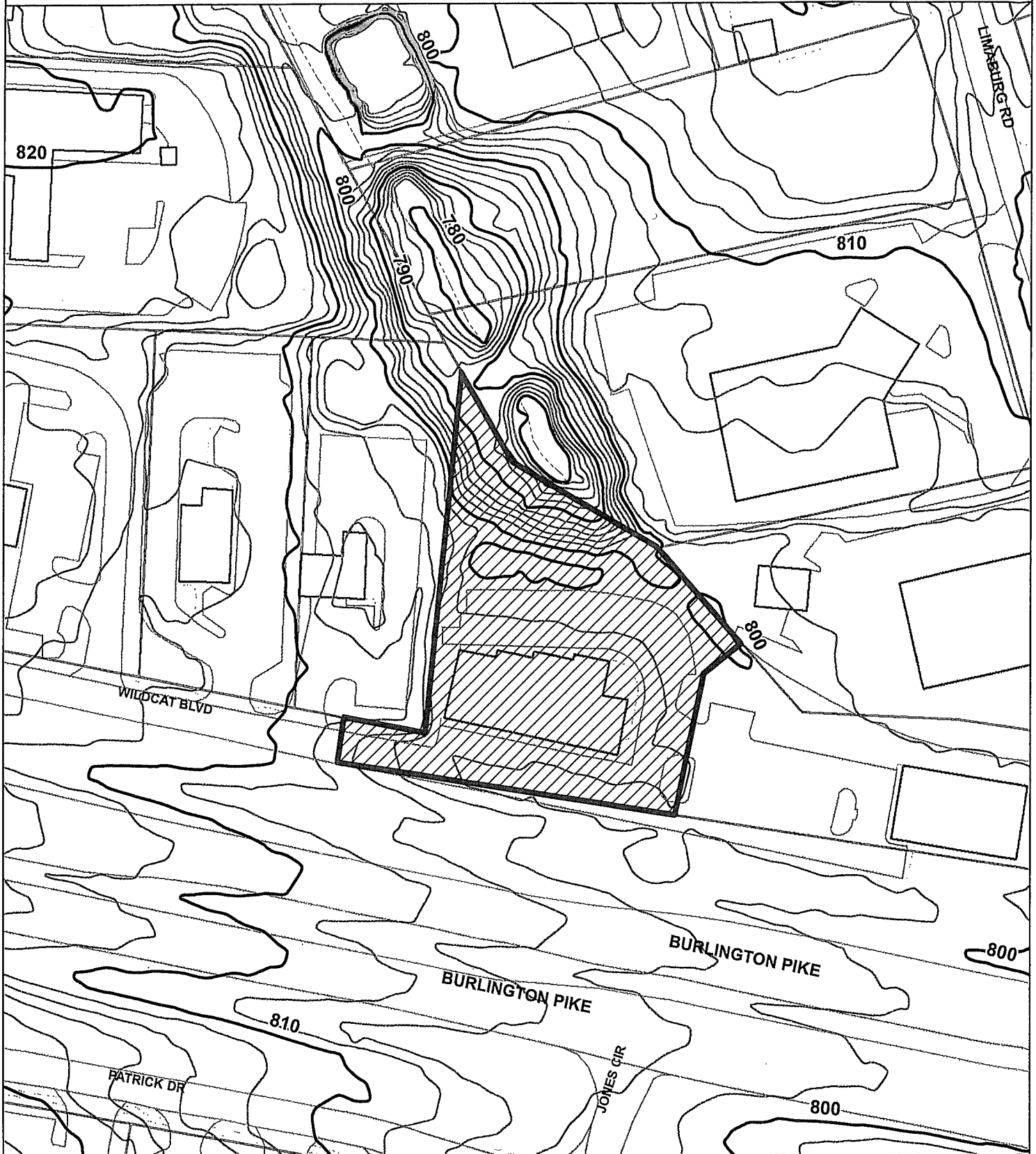


Boone County GIS - Putting Northern Kentucky on the Map



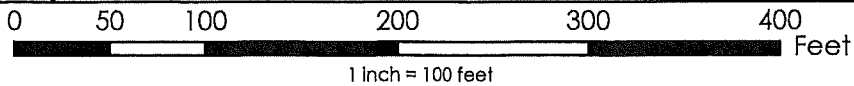
Topographical Map

www.boonecountygis.com

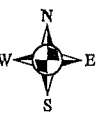


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Boone



Zoning Map

www.boonecountygis.com

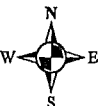
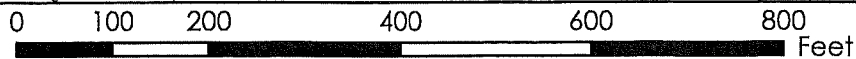


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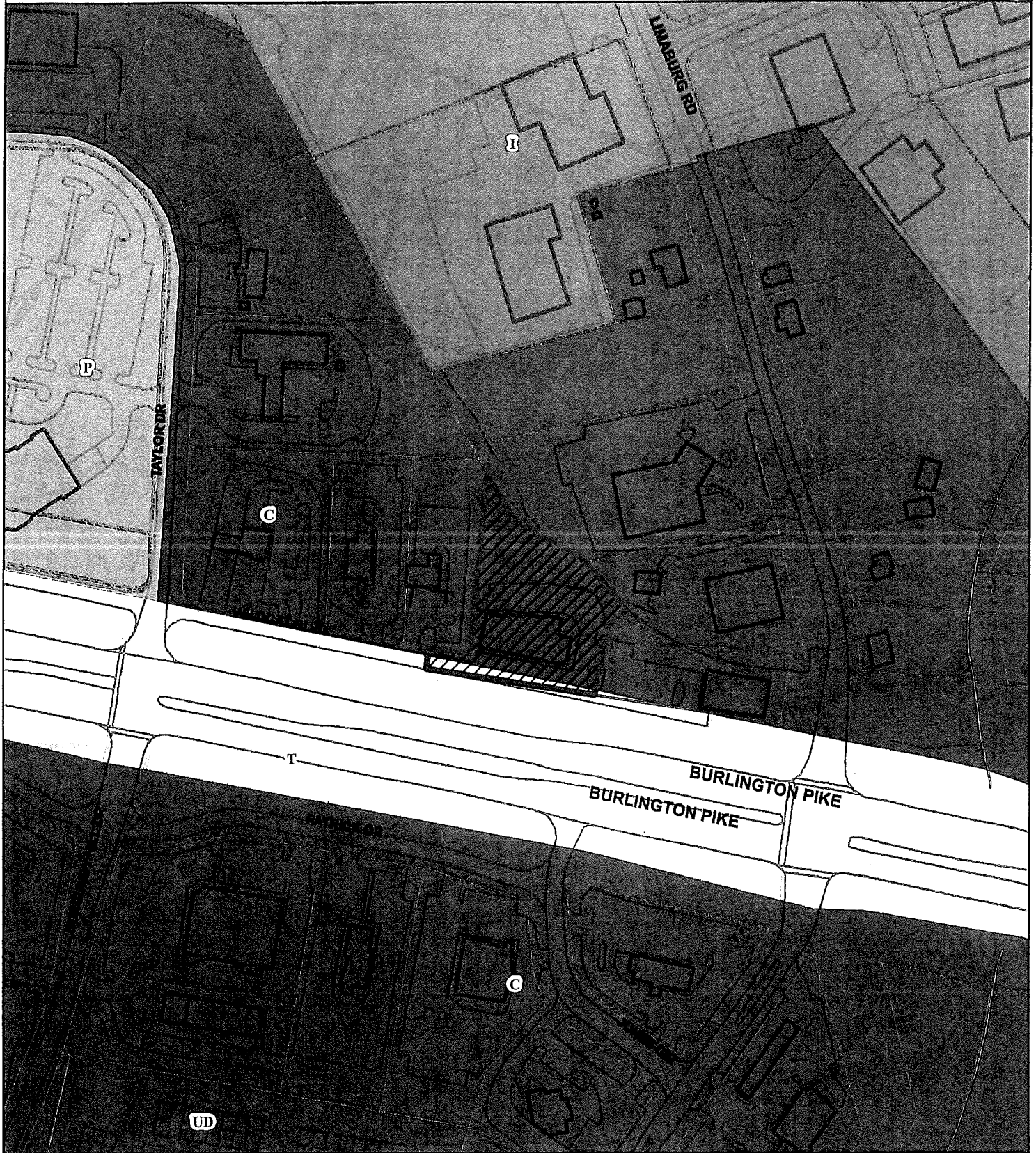


Boone



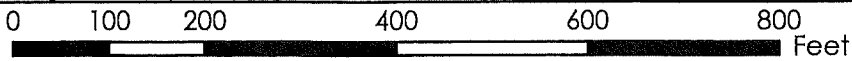
2040 Future Land Use Map

www.boonecountygis.com



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1 Inch = 200 feet



Boone



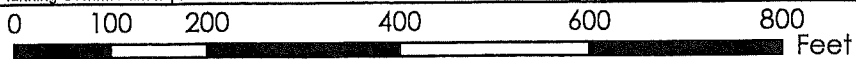
Electronic Sign Spacing Map

www.boonecountygis.com

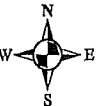


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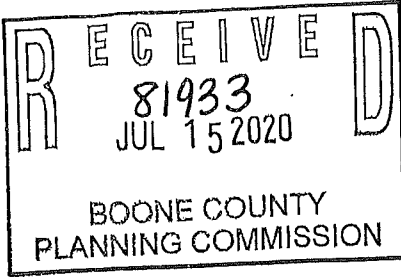
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Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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See Boone County Zoning Regulations

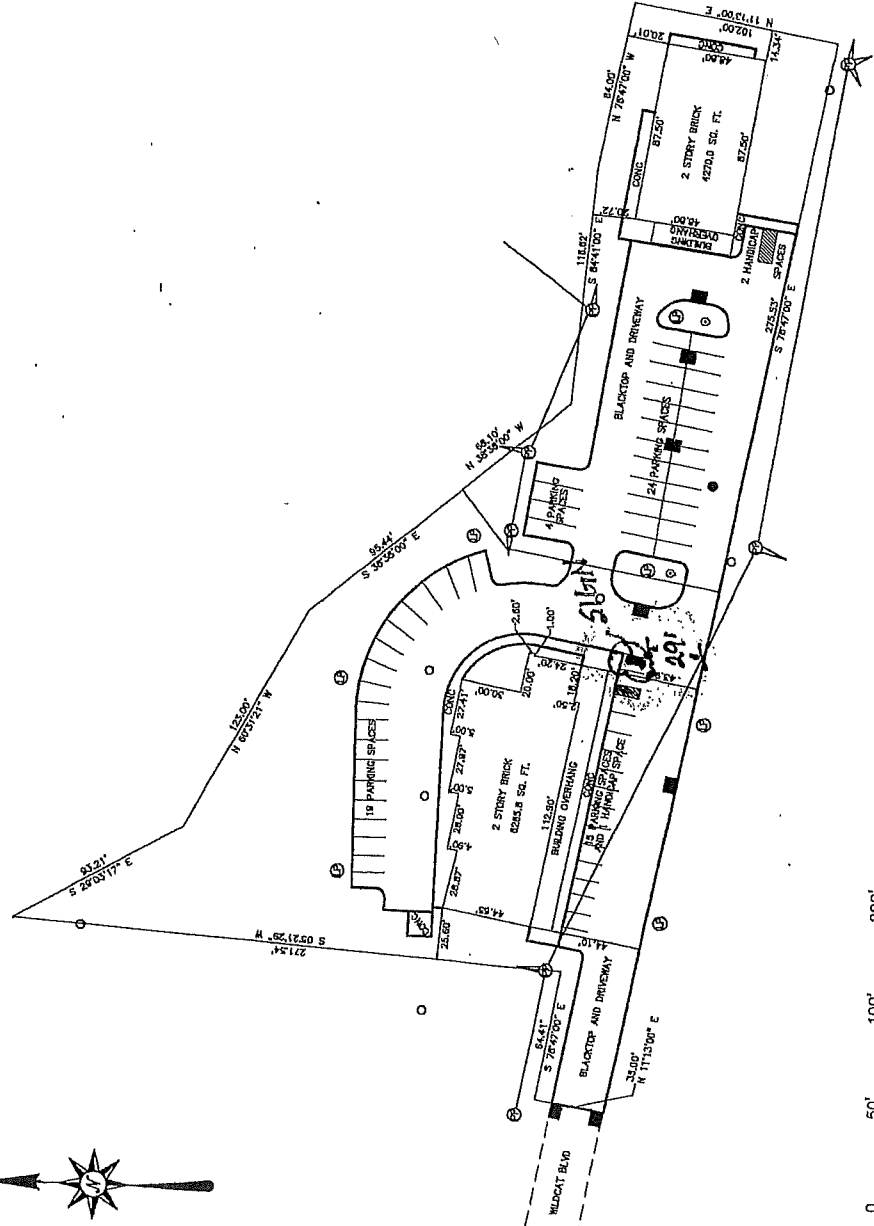
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- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
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Applicant's Address 3160 E. KEMPER Rd.
Cincinnati OH 45241
4. Description of Request: allow electronic board as part of pole sign; allow sign to be 590' from another electronic board; allow sign to be 248 ft in area.
5. Name of Development Boot Country
6. Location of Development 1728 Wildcat Blvd.
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) lot 1 - Section 1 - Oakbrook Station
9. Owner of Property K4VFP, LLC
Address of Property Owner 1179 US. Route 50
10. Milford OH 45150
Phone Number 513-240-2668 Fax No. _____ E-Mail Rachel@90
11. Proposed Use(s) on Site Retail bootcountry.com
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property C3
14. Deed Book 995 Page No. 977 Group No. _____
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If yes, give date of approval _____
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ORIGINAL Property Owner's Signature: William E. Van Fleet
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

BURLINGTON



LEGEND	
(P)	POWER POLE
(L)	LIGHT POLE
(S)	SANITARY MANHOLE
(M)	STORM MANHOLE INLET
(F)	FIRE HYDRANT
(I)	STORM INLET

SURVEYOR CERTIFICATE
 I, ANDREW R. AMINTY, LAND SURVEYOR, NO. 1000, HAVE REVIEWED THE SURVEY AND THE INSTRUMENTS USED THEREIN AND CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE KENTUCKY SURVEYING ACT AND THE INSTRUMENTS WERE PROPERLY CALIBRATED AND USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT.

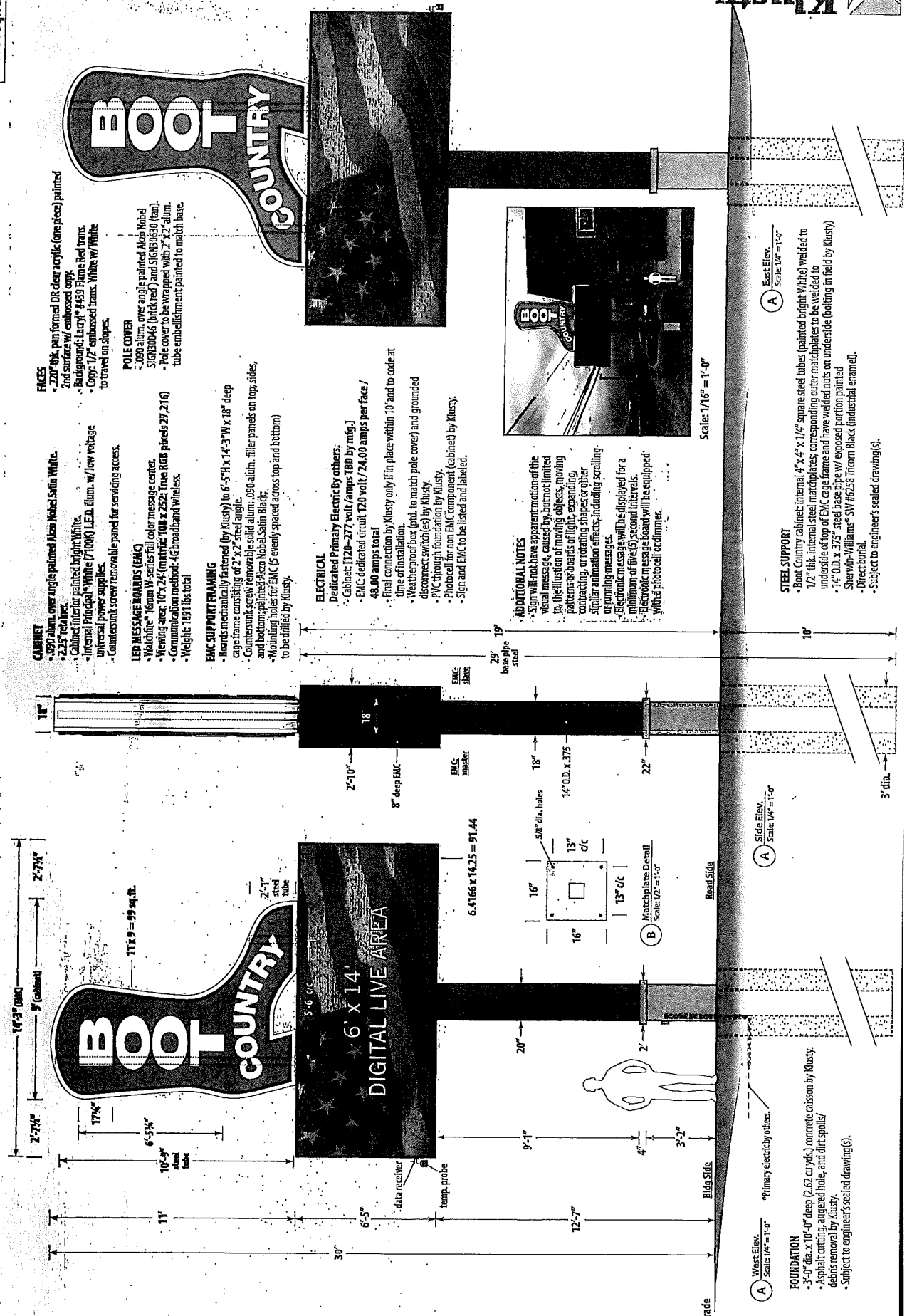
WORKSHEET NO. _____ DATE _____
 U.S. 1728

MORTGAGE SURVEY	
FOR	
U.S. Bank, N. A. & Center & Keaton Co., L.P.A. 1720 & 1728 WILDCAT BLVD CITY OF BURLINGTON COUNTY OF BOONE, STATE OF KENTUCKY	
OAKBROOK STATION	
DEED BOOK 5 PAGE 585	
ANDREW R. AMINTY LAND SURVEYOR, P.C. 533 ONE ONE LANE, INDEPENDENCE, KENTUCKY 4017 606-841-7857 www.andrewr.aminty.com	
SCALE: 1"=50'	REGISTERED:
DATE: 3/9/2011	
DRAWN: GSK	



PLYON FEATURING ONE (1) DOUBLE FACED INTERNALLY ILLUM. CABINET w/ TWO (2) SINGLE FACED ELECTRONIC MESSAGE CENTERS (EMC)

190.44 sq. ft.



- FACES**
- 2.00" thick pen formed DR clear acrylic (one piece) painted zinc surface w/ embossed copy.
 - Background: Legacy® #489 Flame Red trans.
 - Copy: 1/2" embossed trans. White w/ White to travel on slopes.

- POLE COVER**
- .090 alum. over angle painted Alco Nobel SIG131046 (black/red) and SIG131050 (tan).
 - Pole cover to be wrapped with 7'-2" alum. tube embellishment, painted to match base.

- EMC SUPPORT FRAMING**
- Rungs mechanically fastened (by Klusky) to 6'-5" H x 14'-3" W x 18" deep cage frame consisting of 2" x 2" steel angle.
 - Components: painted Alco Nobel Salin Black; and bottom: painted Alco Nobel Salin Black.
 - Mounting holes for EMC (9 evenly spaced across top and bottom) to be drilled by Klusky.

- ELECTRICAL**
- Dedicated Primary Electric By others.
 - Cabinet: 1120-377 walk /amps TBD by mfg.]
 - EMC: dedicated circuit 120 volt/ 24,00 amp. per face / 48,00 amp total
 - Final connection by Klusky only if in place within 10' and to code at time of installation.
 - Weatherproof box (not to match pole cover) and grounded disconnect switches by Klusky.
 - PVC trough foundation by Klusky.
 - Photocell for non EMC component (cabinet) by Klusky.
 - Sign and EMC to be listed and labeled.

- ADDITIONAL NOTES**
- Sign will not have apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or bands of light, expanding, contracting, or rotating shapes or other similar animation effects, including scrolling or running messages.
 - Electronic message will be displayed for a minimum of five (5) second intervals.
 - Electronic message board will be equipped with a photocell for dimming.

- STEEL SUPPORT**
- Boot Country cabinet: internal 4" x 4" x 1/4" square steel tubes (painted bright white) welded to 1/2" thick internal steel matchplates; corresponding outer matchplates to be welded to underside of top of EMC cage frame and have welded nuts on underside (bolting in field by Klusky)
 - 1 1/2" O.D. x 3/16" steel base pipe w/ exposed portion painted Sherwin-Williams® SW #6256 (Iron Black Industrial enamel).
 - Direct burial.
 - Subject to engineer's sealed drawing(s).

- FOUNDATION**
- 3'-0" dia. x 10'-0" deep (2.62 cu yds.) concrete caisson by Klusky.
 - Asphalt cutting, augered hole, and dirt spoils/debris removal by Klusky.
 - Subject to engineer's sealed drawing(s).

Klusky
Design | Branding | Logistics
3160 East Kemper Road • Cincinnati, OH 45241 1517
CLIENT: Boot Country
Loc: 1728 Wildcat Blvd
Burlington, KY 41005
DRAWING NO: BWC14271.C
DATE: 6/13/20
BY: Brian Marco
RFP: Vince Klusky

After zoning approval, manufacturing methods may be subject to change.
Colors may not be exact as shown because of printer limitations. Refer to actual material color charts for true color representation.
APPROVED BY: _____ DATE: _____
APPROVED BY: _____ DATE: _____
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Michael Schwartz

From: Jeff Earlywine
Sent: Thursday, July 16, 2020 1:03 PM
To: Michael Schwartz
Subject: RE: Boot Country - 1728 Wildcat Boulevard

Mike,

Thank you for the notice and opportunity to weigh in on this conditional use/dimension variance application. I will preface my remarks with an acknowledgement that signage represents in part a first amendment/free speech matter and we cannot legislate content....nothing in my response constitutes an effort to encroach on content. With that stipulation I do have some comments and observations.

As you are aware, KRS 100.237 states that condition use permits may approved by the board *"to allow for proper integration into the community of uses.....which may be suitable only in specific locations....."*. In my opinion it is very difficult to make the case that proper integration would occur with this proposal. If you examine the SR 18 corridor in this vicinity, you will see a collection of improvements and investment in public assets in recent years designed to improve the streetscape and overall aesthetics. A new library with a quality façade, a new SPUI with decorative design elements, a new Boone County Enrichment Center with a quality façade, a newer farmers market, extensive landscaping and tree planting, etc. The overall corridor has a clear design trajectory and direction; and this conditional use permit would move in a different direction. Its approval would not permit for proper integration.

IF the permit was granted, I do not believe a case can made that variances are in order arising from "special circumstances which do not generally apply to land in the general vicinity" (KRS 100.243 (1) (a)). The building sits as close to SR 18 as any structure, has great visibility, outstanding access, etc. Variances to support a larger sign are not warranted based upon current conditions.

Thank you for the opportunity to review the application and submit comments.

Jeff

From: Michael Schwartz
Sent: Thursday, July 16, 2020 11:18 AM
To: 'Brefeld, Linzy M (KYTC-D06)'; 'Brannon, Mark K (KYTC-D06)'; Jeff Earlywine
Subject: Boot Country - 1728 Wildcat Boulevard

We are in receipt of a Conditional Use Permit and Variances for the above referenced property. The applicant is proposing to (1) allow the installation of an electronic message board/screen on a free standing sign; (2) reduce the minimum spacing distance requirement between electronic message boards/screens from 660 feet to 604 feet; and (3) increase the maximum sign area of a free standing sign from 200 square feet to 248.19 square feet (156.75 square feet for the advertising display and 91.44 square feet for the electronic message board/screen).

If you would like to provide comments to the Boone Board of Adjustment, please forward them to me no later than Wednesday, August 5, 2020.

Michael D. Schwartz, Planner



BOONE COUNTY
PLANNING COMMISSION

2950 Washington Street, Room 317
Burlington, Kentucky 41005
(P) 859-334-2196 (F) 859-334-2264

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
KYVFP, LLC
1179 US Route 50
Milford, OH 45150
2. ADDRESS OF PROPERTY
1179 US Route 50
Milford, OH 45150
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Boot Country
4. DEED BOOK 995 PAGE NO. 977 GROUP NO. 2025
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 Variances (2)
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

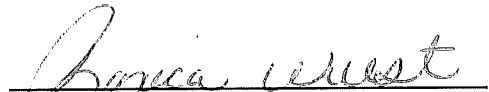
on behalf of the Boone County Planning Commission this 10 day of September, 2020.



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:



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 C.U.P. & Variances (2) approved by the Boone Board of Adjustment and in accordance with the current zoning in effect as of September 9, 2020 Certificate of Land Use Restriction (#20-BCBOA-018-A), for KYVFP, LLC , Property Owner(s).

The following conditions will apply:

1. The total sign area of the sign shall not exceed 200 square feet.
2. The height of the sign shall not exceed 30 feet and the ground clearance of the sign shall not be greater than 13 feet.
3. No message shall contain more than one (1) still photo and/or three (3) lines of text.
4. Any portion of an alphanumeric message that is not displayed on a still photo/image shall use a black background.
5. The sign shall not be used to advertise off premise businesses/products/services. Mr. Vaught-Hall seconded the motion.

The approved C.U.P. and Variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 995

PAGE NO. 977

GROUP NO. 2025