

97-BCBOA-017-A

APPLICATION FORM

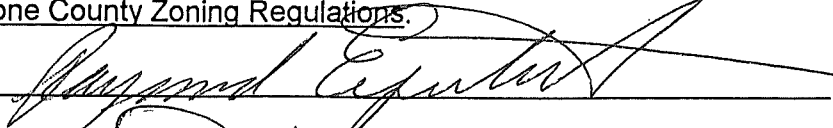
ONE PAGE
ACT 100

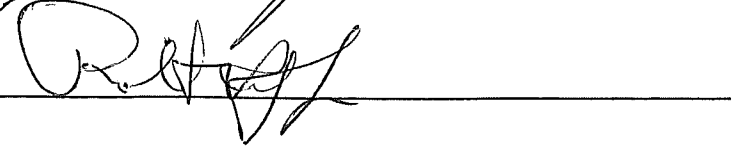
**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
NOV 19 1997
BOONE COUNTY
PLANNING COMMISSION

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 Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name Wyndemere Development LLC
Phone Number 727-4200 Fax No. 342-5852
Applicant's Address 4205 Dixie Highway
Elsmere KY 41018
City State Zip
- 4. Description of Request: Erection of a 32 SQ FT off premises sign
- 5. Name of Development Northside Park
- 6. Location of Development KY 237 1700' ± North of I-275
- 7. Acreage Under Review N/A
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
N/A
- 9. Owner of Property Burlington Realty Development Company
Phone Number of Owner 5991 Carlton Drive
- 10. Address of Property Owner Burlington KY 41005
City State Zip
- 11. Proposed Use(s) on Site N/A
- 12. Total Square Footage of Existing and/or Proposed Building N/A
- 13. Current Zoning on Property C-3
- 14. Deed Book 402 Page No. 91 Group No. 2008
- 15. Is the site subject to a zone change? No
If yes, give date of approval N/A
- 16. Have you submitted a Site Plan with this request? No
- 17. Have you submitted a list of adjoining property owners with this request? No
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: 

Property Owner's Signature: 

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 11-20-97 Fee Received \$720.00 R# 1529P
2. Is application complete? [Signature] Yes _____ No _____
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 12/10/97
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE MINUTES FROM DEC 10TH BCBOA
FOBUC HEARING
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

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

DEVELOPMENT: Northside Park Development

APPLICANT: Wyndemere Development LLC

LOCATION: Northside Park entrance, KY 237, Boone County, Kentucky

ZONING: Commercial Three (C-3)

DATE: December 10, 1997

Proposal

The Applicant is requesting a Conditional Use Permit to allow an off premise sign near the entrance to Northside Park on the east side of KY 237. The purpose of the sign is for advertising the sale of lots and homes within Wyndemere subdivision, which is located approximately 2.5 miles north of the proposed sign location on the west side of KY 237. The proposed sign is 32 square feet (4'x8') in area and approximately 9 feet in height. The specific location for the sign is at the northeast corner of KY 237 and Kilgore Place. The sign is placed approximately 5 feet off the right-of-way of KY 237. The applicant has submitted drawings of the proposed sign, the proposed location, and a centerline profile of the sign along KY 237.

Action by the Board of Adjustment and Zoning Appeals

Article 34, Section 3425 of the Boone County Zoning Regulations permits off premises signs as Conditional Uses. Unincorporated Boone County, Ordinance 920.179, allows off premises signs in Commercial Services (C-3) and Industrial One (I-1) zoning districts only. The Board of Adjustment and Zoning Appeals may permit an off premise sign as a conditional use in the C-3 and I-1 zoning districts. 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 the Conditional Use Permit shall be accompanied by the following information:
 - a. All of the information (Standard Sign Permit Information) required in Section 3405 of this Article;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
 - c. Number of the nearest milepost on an interstate highway from which the sign will be visible or distance and direction from the nearest intersection on another thoroughfare;
 - d. The location of the proposed sign on a U.S. Geological Survey, 1:24,000 scale, topographic map and the location of all existing local information signs within one-half mile of the proposed location;

- e. A profile of the line through the center of the proposed sign at an angle of zero to 75 degrees to the centerline of each thoroughfare from which the sign will be visible; and
 - f. A photograph not less than 8 inches by 10 inches in size, taken of the proposed location of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked on each photograph.
2. An off premise sign, as a conditional use, shall conform, at minimum, to the following requirements:
- a. No sign shall be larger than 1,600 square feet and no linear dimension shall exceed 100 feet;
 - b. The maximum height of any sign shall not exceed 50 feet;
 - c. All signs shall be located at least 660 feet from the right-of-way lines of any interstate highways and at least 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 1,760 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.

Surrounding Land Uses and Zoning

Southpark Industrial Park is location immediately north of the site on the east side of KY 237. The Southpark property fronting KY 237 is zoned Commercial Two (C-2). The remaining Southpark property is zoned Industrial One (I-1) and wraps around Northpark to the east. Interstate 275 is located south of the site. West of the site is KY 237 and a new development, Parkwest Industrial Park. The new industrial park is zoned Industrial One (I-1).

Staff Concerns & Comments

1. Staff recommends that the Board carefully examine Article 34, Section 3425, of the Boone County Zoning Regulations. It is Staffs' opinion that the intent of Section 3425 is to provide for those locations along interstates or major thoroughfares within Boone County, which are deemed appropriate by the Board of Adjustment and Zoning Appeals, the use of billboard signs as conditional uses, for the purpose of advertising on property, services and/or commerce that exists off-site. This conclusion is based on the following:

- A. The Zoning Regulations states that off premises signs shall not exceed 1,600 square feet. The standard size of a billboard sign is 1,600 square feet. No other provisions of the Zoning Regulations permit sign areas to exceed 200 square feet.
 - B. The maximum permitted height of an off premise sign is 50 feet. Billboard signs are typically erected at heights equal to or greater than 50 feet. No other provisions of the Zoning Regulations permit signs to exceed 30 feet in height.
 - C. All off premises signs must be located at least 660 feet (1/8 mile) from an interstate right-of-way and at least 100 feet from the rights-of-way of any other thoroughfares. These setbacks are generally required so that the signs do not cause visual impairments or distraction to motorists who are traveling at high speeds along interstates or thoroughfares and because larger signs can be set further back off a right-of-way in order to gain increased visibility at greater distances for longer periods of time.
 - D. All off premises signs must be spaced along an interstate or thoroughfare at intervals of 1760 feet (1/3 mile) or greater.
 - E. Off premises signs are only permitted in three zoning districts within Boone County. These districts, C-3, I-1, and I-2, are predominantly located along interstates and thoroughfares, which is where billboard signs are typically located.
2. The applicant does not meet the minimum 100 foot setback requirement from the right-of-way of KY 237. The Applicant's proposed sign is approximately 5 feet off the right-of-way of KY 237.
 3. Boone County has not previously issued a Conditional Use Permit for an off premise sign to be used as intended by the Applicant.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit to allow an off premise sign near the entrance to Northside Park on the east side of KY 237, Boone County, Kentucky. The Board should base its decision on the Applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit, outlined in Article 2, Section 262 of the Boone County Zoning Regulations and the criteria necessary for approving an off premise sign as a Conditional Use, listed in Article 34, Section 3425, of the Boone County Zoning Regulations.

It is Staffs' opinion that the Applicant's request for an off premise sign does not meet the intent of Article 34, Section 3425 of the Boone County Zoning Regulations. If the Board approves the Applicant's request, a precedent would be established for permitting non-billboard type off premises signs within Boone County. Staff contends that if this request is approved, this sign as well as other potential off premises signs, similar to what the Applicant is requesting, could alter the essential character of Boone County. Furthermore, it is Staffs' opinion that approving this request would permit an unreasonable circumvention of the requirements of the Boone County Zoning Regulations.

Respectfully Submitted,

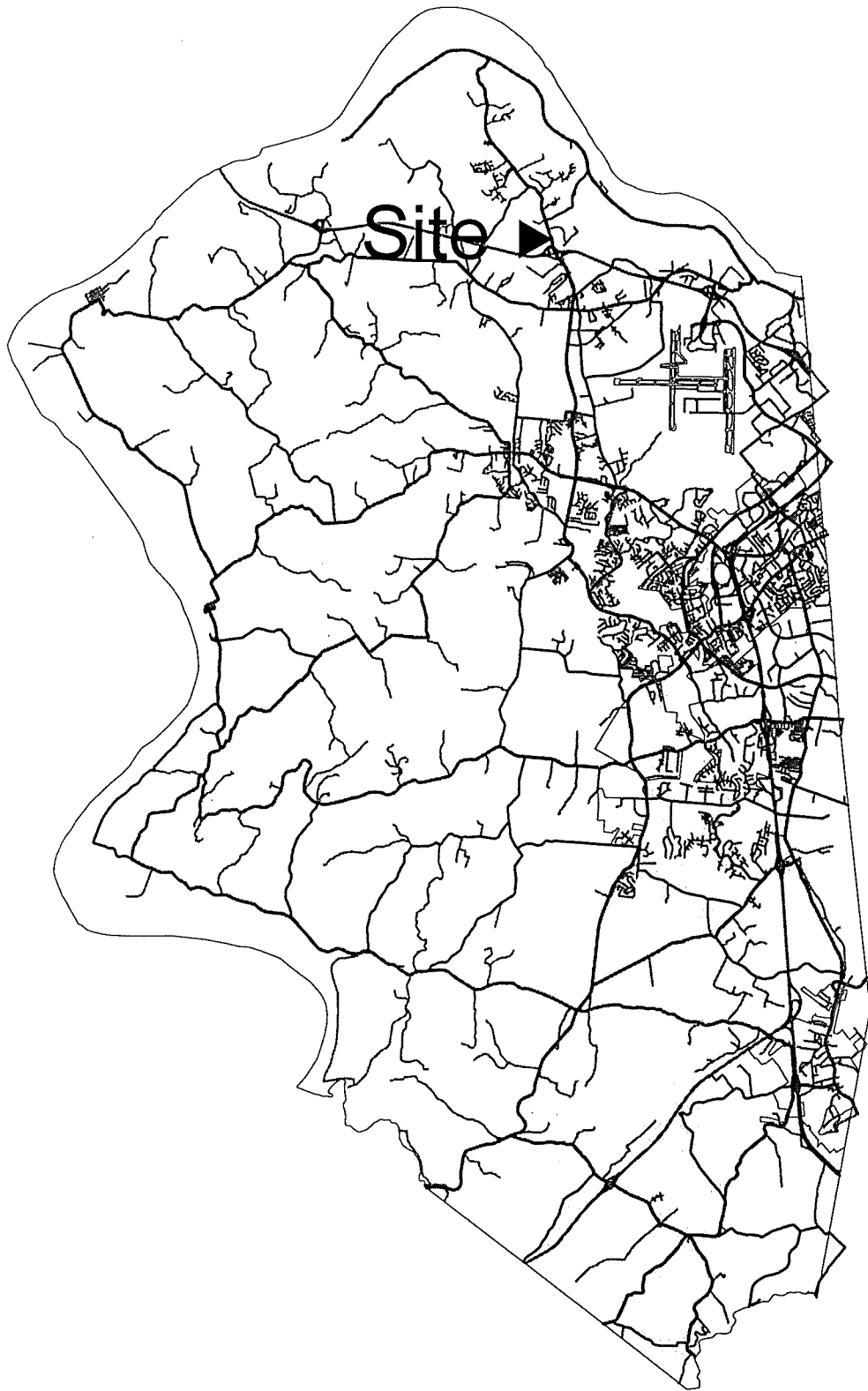


Edward Coleman
Planner

EC\pr

Attachments

- Location Map
- Site Map
- Proposed Sign Information



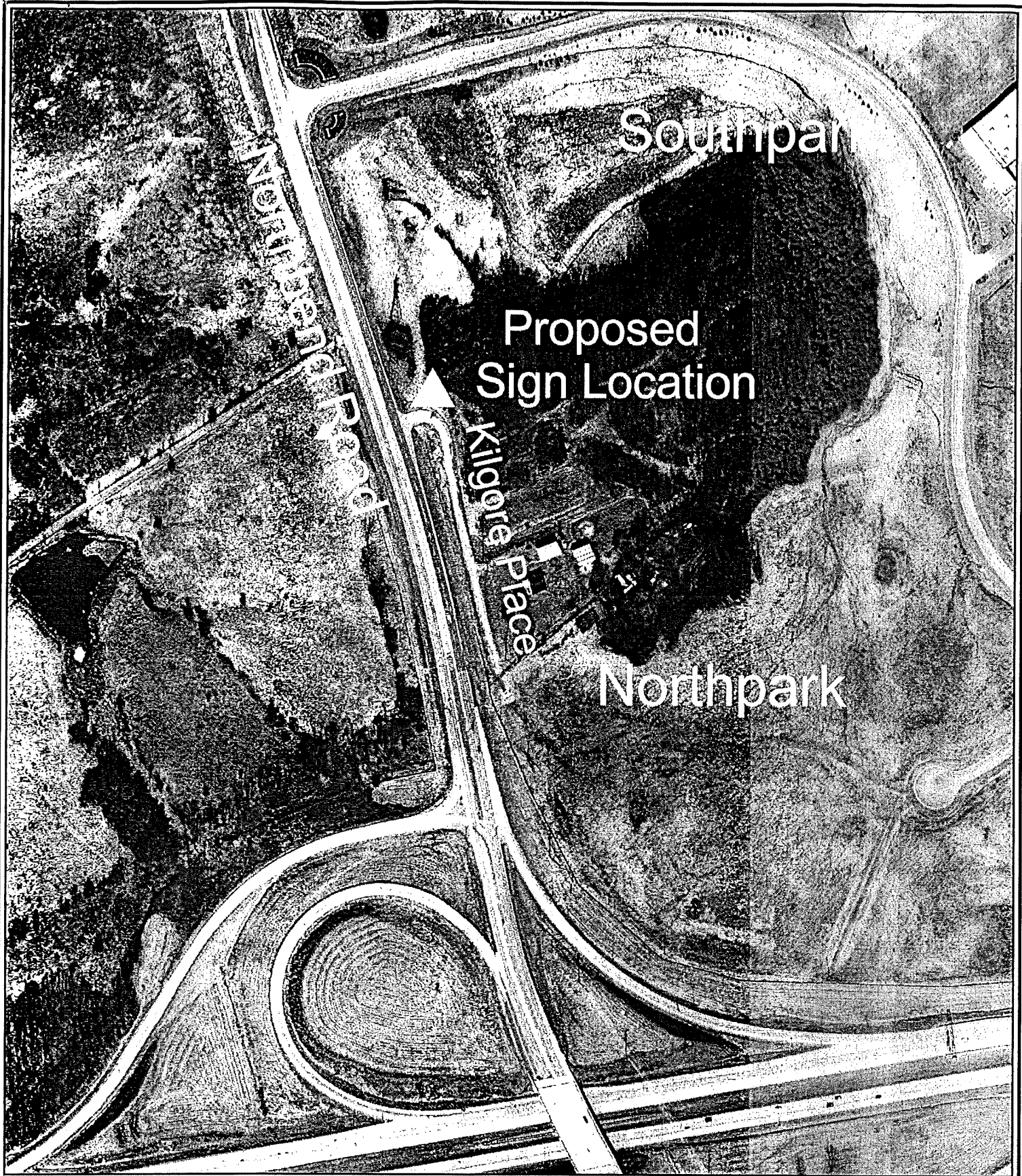
16500 0 16500 Feet



Location Map Northside Park

1 inch equals 16500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 5, 1997



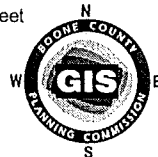


Northside Park

300 0 300 Feet



1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 5, 1997



SOUTH BOUND VIEW

NORTH BOUND VIEW

32 SQ. FT.

8'

RYLAND

PLEASE TURN AROUND
~~2 Miles Back~~ Is Your New Home At
Wyndemere Place
 From The \$120's

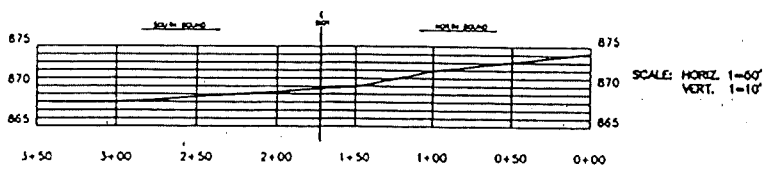
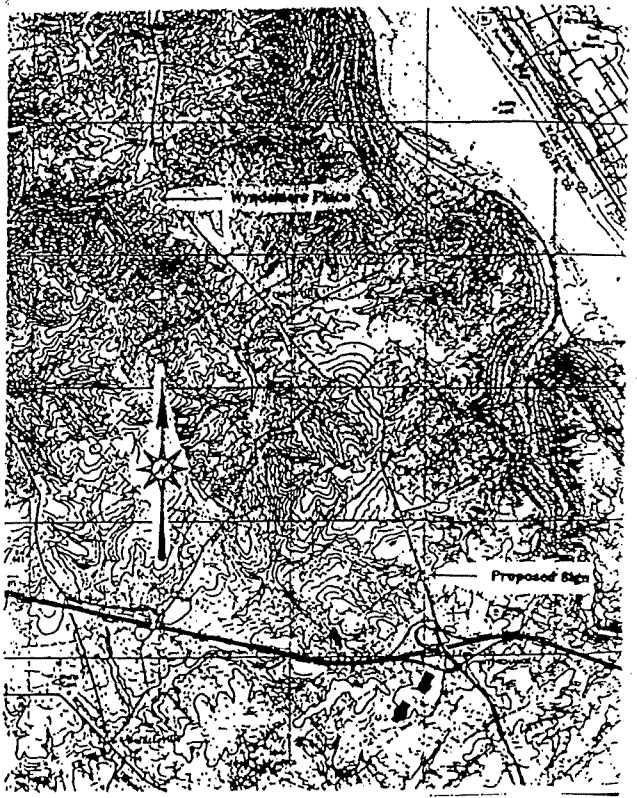
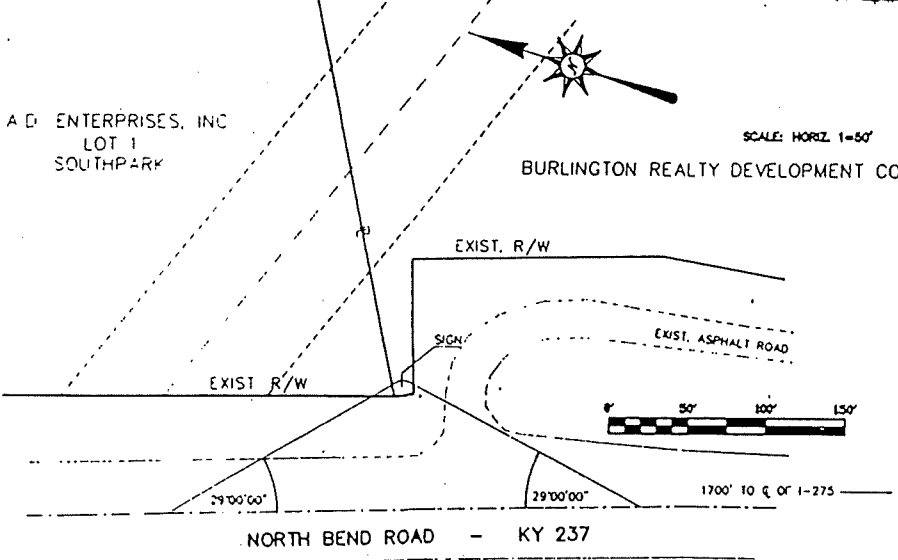
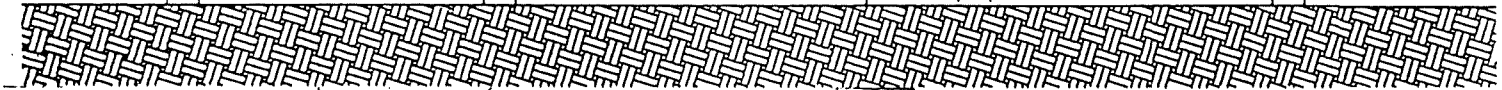
689-0526

RYLAND

Wyndemere Place
 Homes From The \$120's
 2 Miles Ahead

689-0526

5' MAXIMUM



PROFILE THRU CENTER LINE OF SIGN

COPY

CLUR # 97-BCBOA-017-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Burlington Realty Development Company
5991 Carlton Drive
Burlington, Kentucky 41048

2. ADDRESS OF PROPERTY

KY 237
Boone County, Kentucky

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Northside Park

DEED BOOK: 402

PAGE NO.:91

GROUP NO.:2008

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment:
From to

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Unrecorded)

Other:

Variance

5. 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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

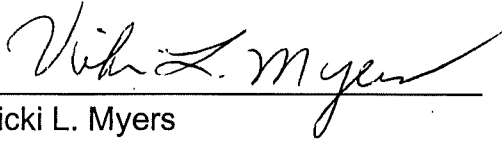
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman on behalf of
the Boone County Planning Commission this 9th day of January 1998.

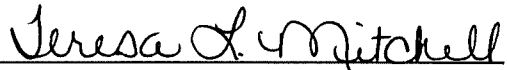


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
Boone County Planning Commission
2995 Washington Street
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 County Board of Adjustments and in accordance with the current zoning in effect as of December 10, 1997 Certificate of Land Use Restriction (# 97-BCBOA -014-A), for Burlington Realty Development, property Owners

The following conditions will apply: 1). The Conditional Use Permit for the sign shall expire on December 10, 1999. (2). The 32 square foot sign shall not exceed 9 feet in height.

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

described in: DEED BOOK 402

PAGE NO. 91

Group No. 2008