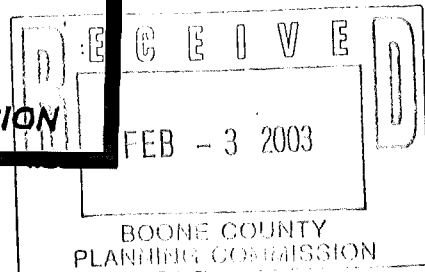


03-FBOA-002-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) [checked] Conditional Use Permit _____ Variance _____ Appeal _____
3. Applicant's Name DUALITE SALES & SERVICE
Phone Number (513) 724-7100 Fax No. (513) 724-6407
Applicant's Address ONE DUALITE LANE
Williamsburg Ohio 45176
City State Zip
4. Description of Request: Permit that will allow Motel 6 to keep THE ELECTRONIC ROOM RATE PRICES (20.55)
5. Name of Development Motel 6
6. Location of Development 7937 Dream St.
Florence, KY 41012
7. Acreage Under Review N/A 1.56 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property ACCOC N.A.
Phone Number of Owner (702) 912-6840
10. Address of Property Owner 14651 DALLAS PARKWAY DALLAS, TX 75240
City State Zip
11. Proposed Use(s) on Site Advertise Room Rate (20.55 on Electronic Sign)
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property O-2
14. Deed Book 703 Page No. 17 Group No. 2041A
15. Is the site subject to a zone change?
If yes, give date of approval
16. Have you submitted a Site Plan with this request? Yes
17. Have you submitted a list of adjoining property owners with this request? 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.

Applicant's Signature: Kevin O. Lester KEVIN O. LESTER
DUALITE SALES & SERVICE

Property Owner's Signature: (SEE ATTACHED LETTER)

**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 2-3-03 Fee Received \$885.00 RA#34109
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action: _____
3-12-03 **Approved**
3-12-03 **Approved with Conditions (See #6)**
_____ **Denial (See #7).**
- 6. Conditions of Approval: SEE 3-12-03
Florence B.O.A. MEETING MINUTES
- 7. Reasons for Denial: _____

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

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

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

STAFF REPORT

APPLICANT: Dualite Sales & Service, Inc.

LOCATION: 7937 Dream Street, Florence, KY

ZONING: Office Two (O-2)

DATE: March 12, 2003

Proposal

The Applicant is requesting a Conditional Use Permit so Motel 6 can keep their 20.55 square foot electronically changeable message board on their free-standing sign. The electronic message board was illegally installed in October of 1997. The subject sign is located at 7937 Dream Street, Florence, Kentucky. The property is zoned Office Two (O-2)

Site History

- 11/13/85 The Florence Board of Adjustment approved a Variance to allow the overall height of a free-standing sign to be increased from 50 feet to 65 feet.
- 12/23/85 The Boone County Planning Commission approved a sign permit for a 65 foot tall, 238 square foot free-standing sign. The maximum sign area permitted in the 1980 Boone County Zoning Regulations was 250 square feet (see attachments).
- 07/29/97 The Boone County Planning Commission approved a Change of Face Permit for a 320 square foot sign cabinet on the 65 foot tall sign. Staff is unclear whether the original sign cabinet was put up illegally or if Staff made an error in approving a change of face permit for a larger sign. In any case, the approved permit did not indicate that any portion of the sign would contain electronically changeable copy (see attachments).

Applicable Regulations

Article 2, Section 220 of the 1996 Boone County Zoning Regulations states that one of the duties of the Board of Adjustment and Zoning Appeals is to grant conditional use permits as specified in the zoning order.

Article 2, Section 272 of the 1996 Boone County Zoning Regulations states that "any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use."

Article 34, Section 3430 of the 1996 Boone County Zoning Regulations permits electronically changeable message boards as a Conditional Use in the Office Two (O-2) zoning district provided that the following requirements are met:

- a. Such message boards will be considered a part of a permitted sign free-standing or building mounted; up to fifty percent (50)% of the permitted sign area can be used for an electronically changeable message board.
- b. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

- c. Electronically changeable message boards 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 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.

Article 34, Section 3430 of the 2001/2002 Boone County Zoning Regulations does not permit electronically changeable message boards as a Conditional Use in the Office Two (O-2) zoning district.

The Board should also evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 of the 1996 Boone County Zoning Regulations.

Findings listed in Section 262:

- 1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
- 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
- 3. Will not be hazardous to existing or future neighboring uses;
- 4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
- 5. Will 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;
- 6. 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;
- 7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element (Florence Central, p. 162) states the following regarding this area:

- A. "Development in the area west of I-75 should follow the guidelines of the Houston-Donaldson Study. Additionally, a study for the Dream Street area should be prepared."

Relationship to the Dream Street Streetscape Improvement Study

The study recommends creating a special sign district for Dream Street limiting the height of free-standing signs to 10 feet. "This will work to eliminate some of the visual cluttering occurring with the higher signs along the corridor." The study also recommends limiting the square footage of free-standing signs to 60 square feet.

Surrounding Land Uses and Zoning

North: Auto Bath Car Wash (O-2)

South: Tim Hogan's Flooring (C-2)

East: Dream Street & Vacant Property Owned By Monohan Development (O-2/PD & C-3/PD/CD)

West: Interstate 71/75

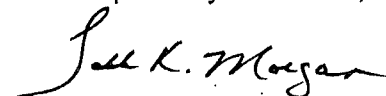
Staff Comments

1. The application was submitted one day prior to the City of Florence adopting the 2001/2002 zoning regulations. The 1996 zoning regulations allowed electronically changeable message boards in the Office Two (O-2) zone, while the 2001/2002 zoning regulations do not.
2. The Applicant provided a letter (see attachments) which indicates the chain of events which led to the electronically changeable message board being installed on the free-standing sign.
3. The 20.55 square foot electronically changeable board is used to advertise the price of the motel rooms throughout the week. The sign does not flash or scroll any messages. If the Board grants approval of the request, Staff recommends a condition which would prohibit the sign from flashing or scrolling any messages.

Conclusion

KRS 100.237 and Sections 220 and 3430 of the 1996 Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,

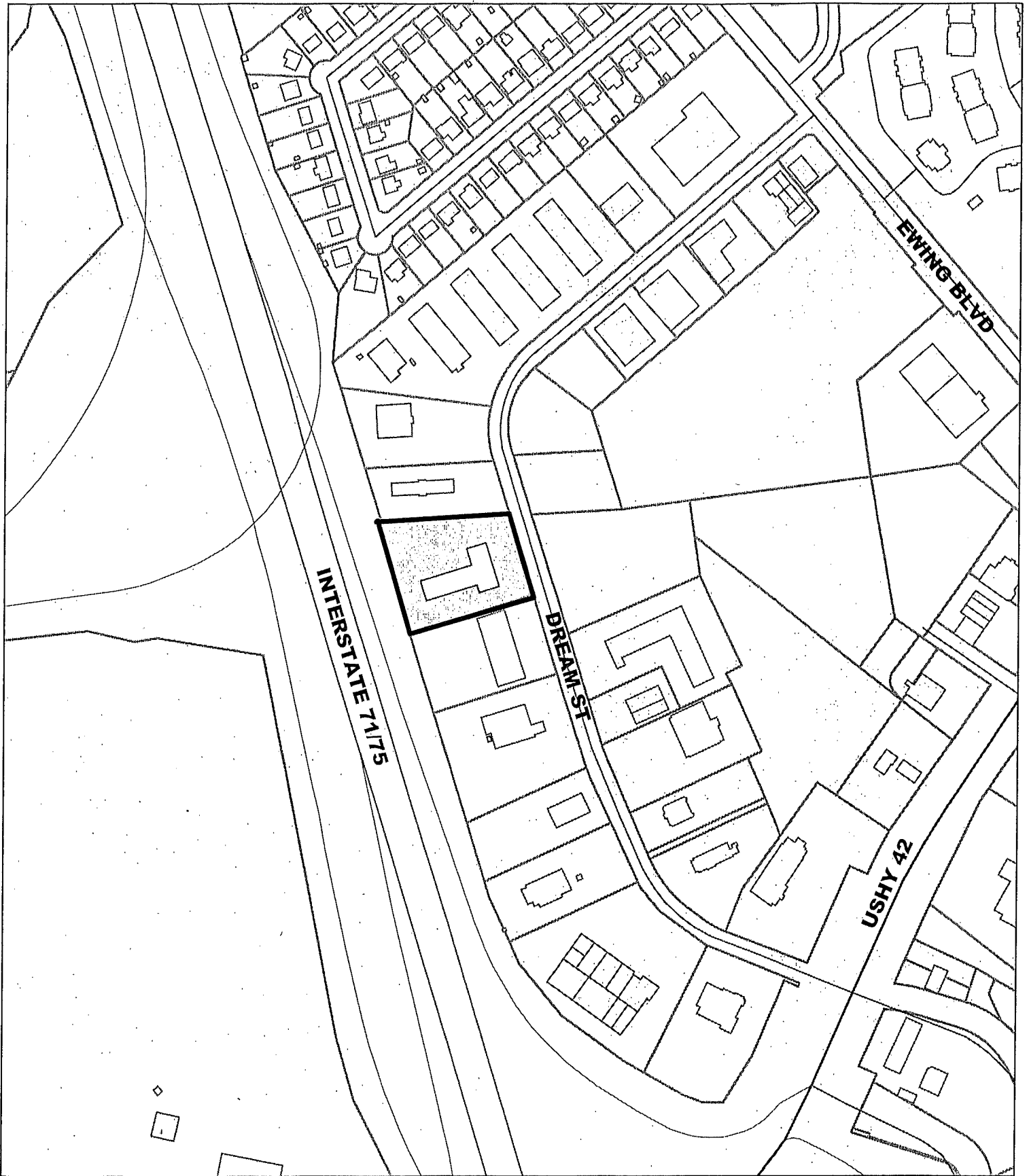


Todd K. Morgan, AICP
Planner, Zoning Services

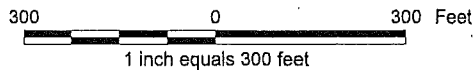
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Applicant
- Exhibit C – 12/23/85 Sign Permit
- Exhibit D – 07/29/97 Sign Permit
- Exhibit E – Existing Sign
- Exhibit F – Aerial Map
- Exhibit G – Zoning Map
- Exhibit H – Future Land Use Map
- Exhibit I – Application



Motel 6 Site Vicinity Map



Produced by the
Boone County Planning Commission
GIS Services Division
February 24, 2003





Dualite Sales & Service, Inc.

February 4, 2003

Mr. Todd Morgan
Boone County Planning Commission
2995 Washington Street
Burlington, KY
41005

Todd,

First, allow me to take this opportunity to thank you for your assistance in putting together the documents required for the 'CUP' application.

You requested a letter stating "how we got to this situation", here it is.

In June of 1997 Dualite hired Holthaus Signs (out of Cincinnati) to act as our agents for permitting process and installation of the new logo faces and the "room-rate displays" on the existing sign at the Motel 6 in Florence.

Holthaus advised the only restrictions to adding the room-rate displays were: 1) The overall square footage of the sign could not be increased. 2) The units had to have UL approval. 3) The units could not display messages or be animated.

Formal UL approval was received in October of 1997 - we proceeded with production and installation. We proceeded ONLY because we were of the opinion that the displays we were to install were not violating any code/regulation in place at the time.

It has now become painfully obvious to us, here at Dualite, that the information we were given was erroneous. You should be aware that Dualite no longer does business with Holthaus Signs and, when we contacted them in regard to the situation we find ourselves in, they seem to have abandoned this project.

Please do not hesitate to contact me if you have any additional questions or if you require any additional documentation.

Best Regards,

Kevin O. Lester
Project Manager/Field Services
Ph. (513) 536-3135
Fax (513) 724-6437
Email klester@dualite.com

12/23/85
SIGN
PERMIT



14'-0"

17'-0"

65'-0"

2305 #

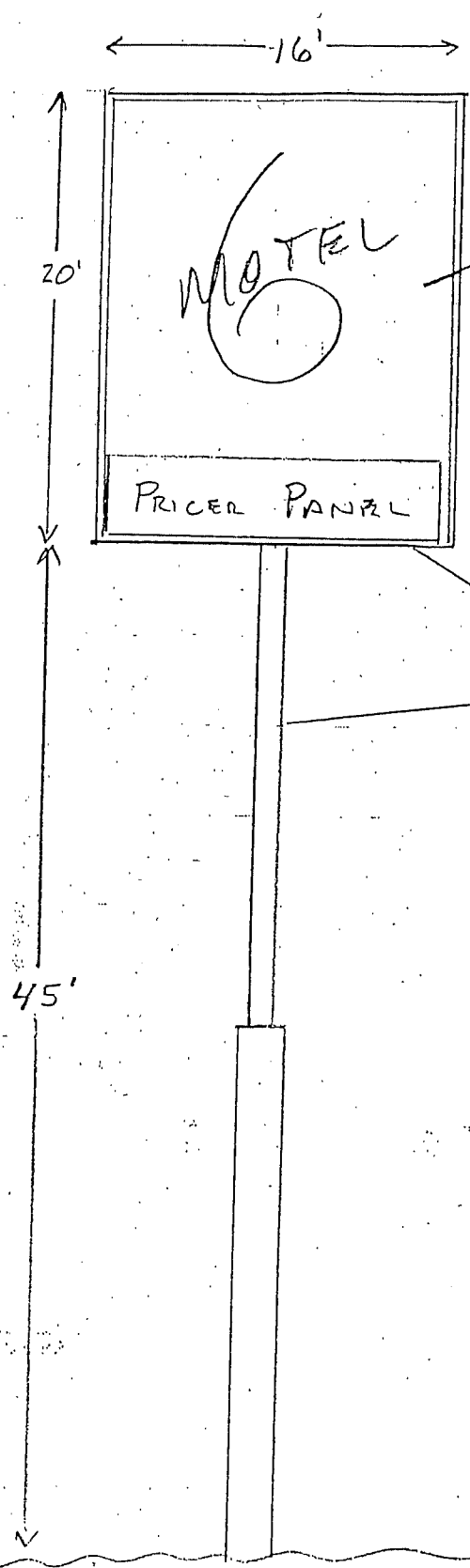


1

M-16 Pylon Sign

SCALE 3/8" = 1'-0"

2



7/29/97
CHANGE OF FACE
PERMIT

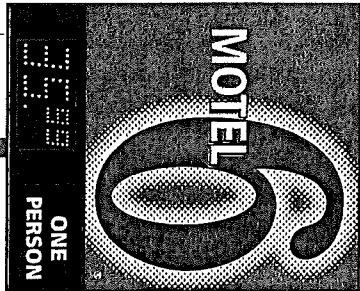
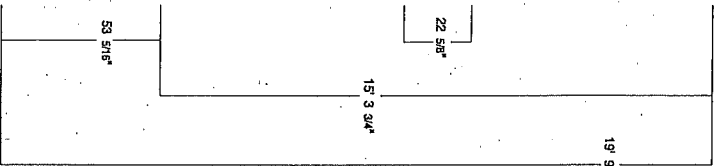
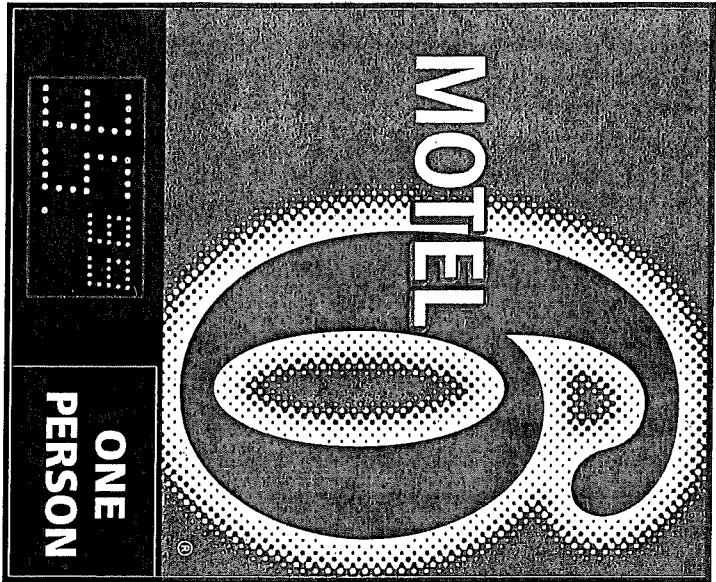
FACE REPLACEMENT
ONLY

EXISTING SIGN
CABINET +
STRUCTURE

MOTEL 6
7937 DREAM ST.
FLORENCE, KY

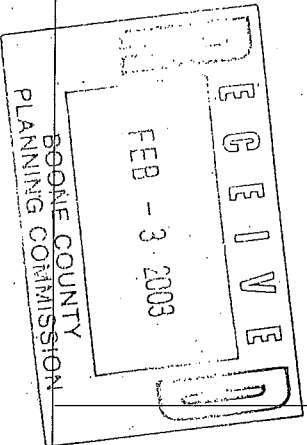
JUNE 9th 1997 MOTEL 6 LOGO • M-16 with 10 INCH "ONE PERSON" COPY and AMBER RETROFIT PRICER • at 65 FEET OVERALL HEIGHT

16' 0 1/2"



45 FEET 2 1/2 INCHES

65 FEET OVERALL HEIGHT



Dualite Sales & Service, Inc.

WILLIAMSBURG, OHIO • CEDAR HILL, TEXAS
 Note: ©2003 Dualite Sales & Service, Inc. • All Rights Reserved • This drawing was created by Dualite Sales & Service, Inc. and contains exclusive design elements executed by Dualite and may not be reproduced or utilized without Dualite's consent.
 FEBRUARY 3rd, 2003 © • FILE# 03-1-271-MOTEL01-GSP

FLORENCE, KENTUCKY

SCALE: 3/16 INCH = 1 FOOT

M-16 / LOGO / AMBER LED PRICER:

19 FEET 9 1/2 INCHES x 16 FEET 0 1/2 INCH

#5a 2 "MOTEL" GRAPHICS RECEIVED AS OF 6-9-97
 MOVED "E" and "I" into "6"

MOVED BALANCE OF LETTERS SLIGHTLY TO RIGHT
 ADD 25% to HORIZONTAL STROKE at TOP of "T"
 (REVISED 5-28-97: 50% INCREASE on RIGHT SIDE
 of VERTICAL LEG of "T"
 SHADOW of "T" behind "6"

RETAINER: MATTHEWS BLUE to MATCH ST#2930

2 COLORS:

ST# 2410 RED (NUMERAL 6)

ST# 2930 BLUE (BACKGROUND COLOR and GRADATION)

"MOTEL COPY" is WHITE on BLUE and RED

with BLUE DROP SHADOW

FX PROTECTIVE COATING on TOP ...

TEDLAR COATING on BOTTOM

5 INCH WHITE REGISTER MARK

PRICER AREA :

AREA around LED UNIT is BLACK
 WHITE TRANSLUCENT "ONE PERSON" COPY CUT OUT of
 BLACK OPAQUE VINYL BACKGROUND on 1st SURFACE
 (SIGNTECH# 2025 SUPERTAC VINYL)

RETROFIT LED CABINET SIZE:

40 INCHES x 74 INCHES for M-16 LOGO/PRICER SIGNS

DOLLAR NUMERAL HEIGHT: 30.157 INCHES (2 INCH LED)
 CENTS NUMERAL HEIGHT: 14.34 INCHES (1 3/8 INCH LED)
 RETAINER: 1 INCH PAINTED BLACK
 ALUMINUM BACKGROUND is BLACK

10 INCH FRUITIGER BLACK MODIFIED TYPE STYLE for "ONE PERSON"

"E" in "ONE PERSON" is 10 INCHES

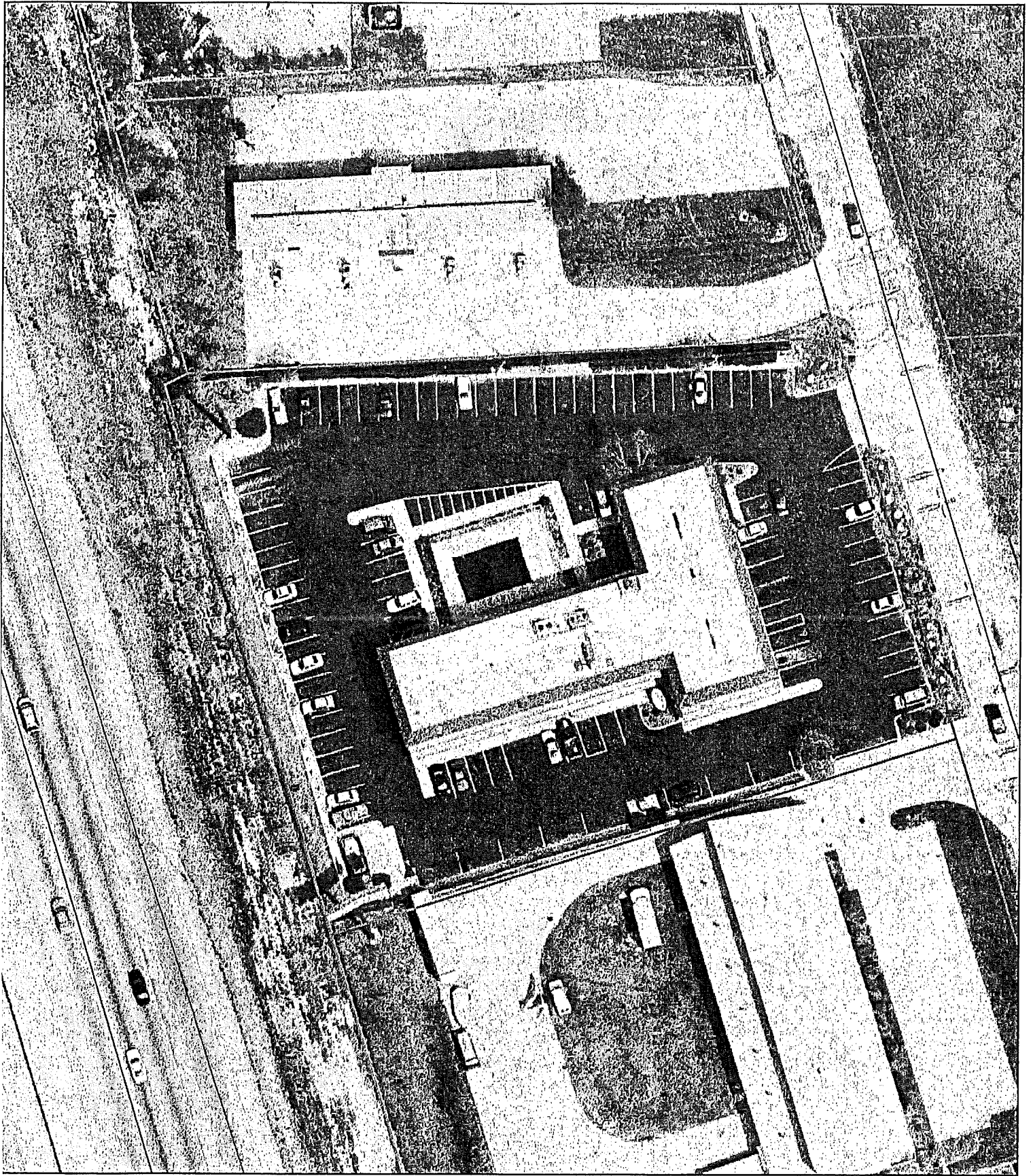
"ONE PERSON" STACKED is 26.58 INCHES in HEIGHT

"PERSON" LENGTH is .54 INCHES

MATERIAL SIZE: 21 FEET 6 INCHES x 17 FEET 0 INCH

V.O. SCREENED AREA: 19 FEET 5 1/16 INCHES x 15 FEET 8 7/16 INCHES

SCREENED AREA: 15 FEET 3 3/4 INCHES x 16 FEET 0 7/16 INCHES

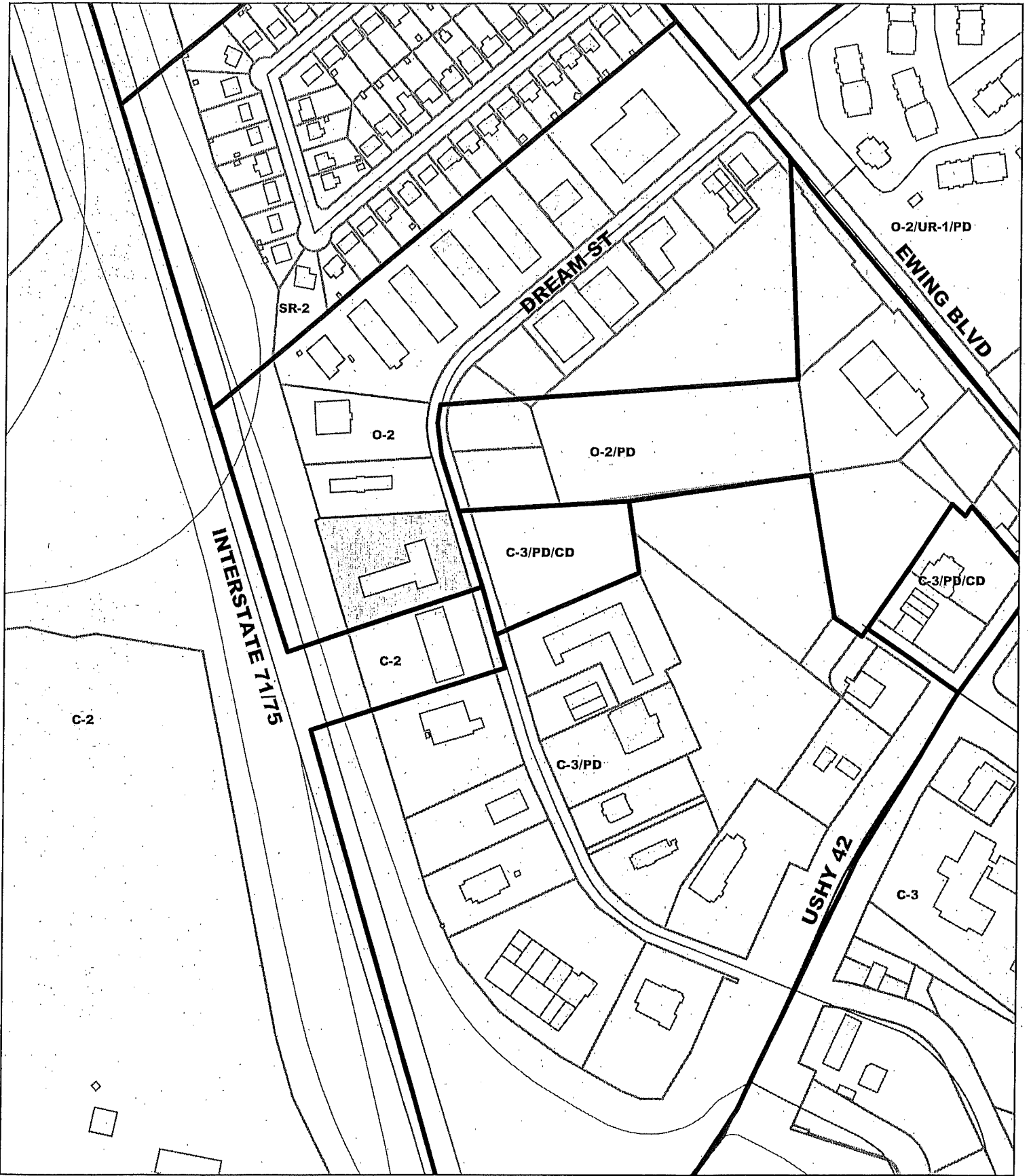


Motel 6 Aerial Map

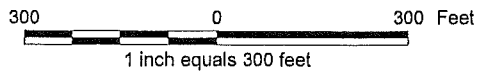
60 0 60 Feet
1 inch equals 60 feet

Produced by the
Boone County Planning Commission
GIS Services Division
February 24, 2003



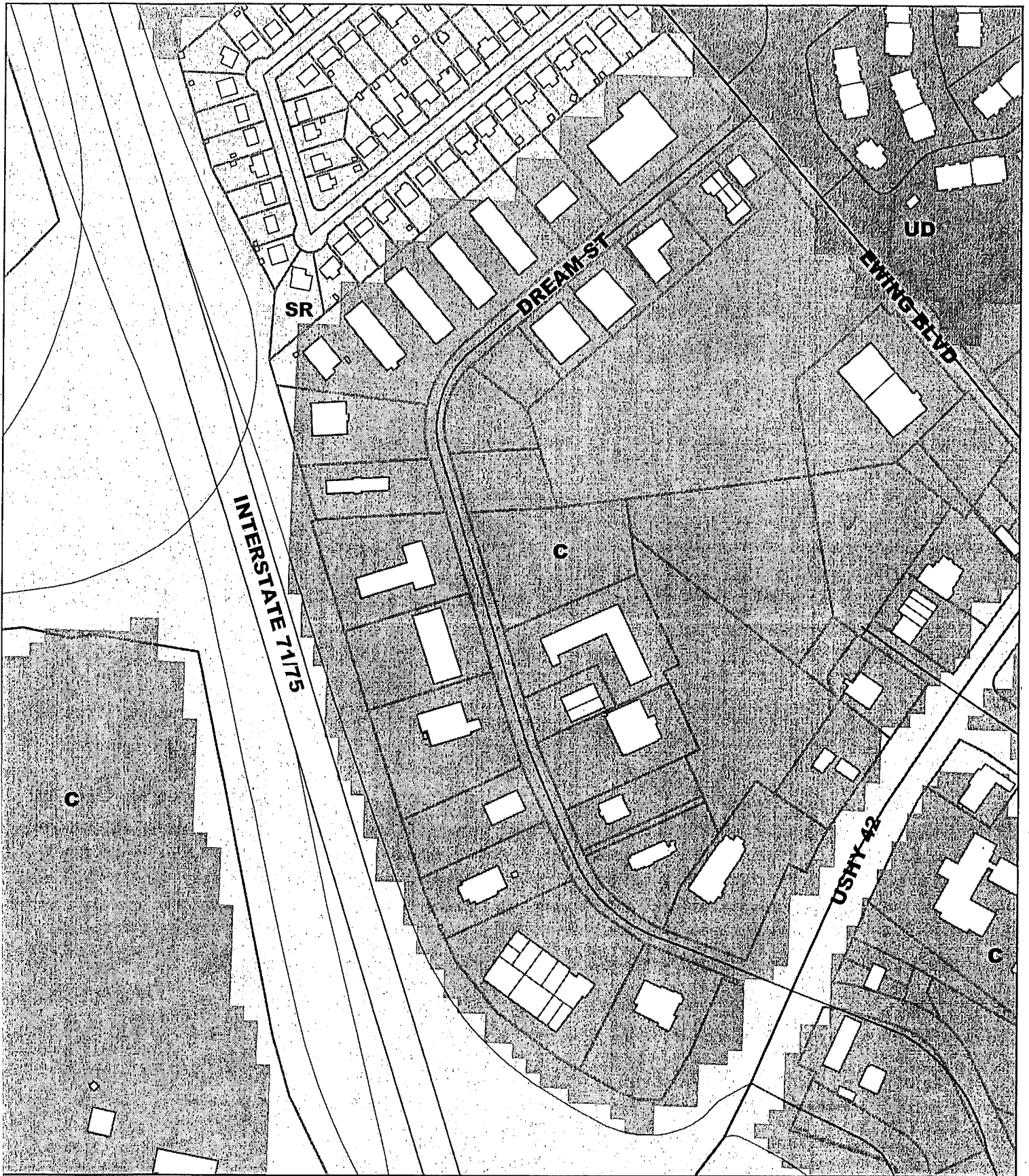


Motel 6 Zoning Map

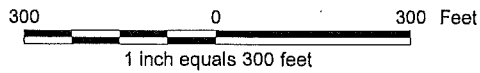


Produced by the
Boone County Planning Commission
GIS Services Division
February 24, 2003





Motel 6 Future Land Use Map

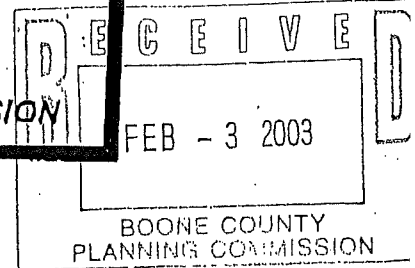


Produced by the
Boone County Planning Commission
GIS Services Division
February 24, 2003



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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 _____
3. Applicant's Name DUALITE SALES & SERVICE
Phone Number (513) 724-7100 Fax No. (513) 724-6437
Applicant's Address ONE DUALITE LANE WILLIAMSBURG OHIO 45176
4. Description of Request: PERMIT THAT WILL ALLOW MOTEL 6 TO KEEP THE ELECTRONIC ROOM RATE PRICES (20.55)
5. Name of Development Motel 6
6. Location of Development 7937 DREAM ST. FLORENCE, KY 41042
7. Acreage Under Review N/A 1.56 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property ACCOR N.A.
Phone Number of Owner (702) 972-6840
10. Address of Property Owner 14651 DALLAS PARKWAY DALLAS, TX 75240
11. Proposed Use(s) on Site Advertise Room Rate (20.55 on Electronic Sign)
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property O-2
14. Deed Book 703 Page No. 17 Group No. 2041A
15. Is the site subject to a zone change?
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.

Applicant's Signature: Kevin O. Lester KEVIN O. LESTER DUALITE SALES & SERVICE

Property Owner's Signature: (SEE ATTACHED LETTER)

COPY

CLUR #03-FBOA-002B-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Accor N.A.
14651 Dallas Parkway
Dallas, TX 75240

2. ADDRESS OF PROPERTY
7937 Dream Street
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Motel 6

4. DEED BOOK 703 PAGE NO. 17 GROUP NO. 2041A

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

 Zoning Map Amendment: Conditional Use Permit
 From To

 Development Plan Conditional Zoning

 Subdivision Plat Other:
 (Not Recorded)

 Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

THIS CERTIFICATE OF LAND USE RESTRICTION REPLACES AND SUPERCEDES CERTIFICATE OF LAND USE RESTRICTION #03-FBOA-002-A, RECORDED IN MC 945, PG 96. SEE THE APRIL 9, 2003 FLORENCE BOARD OF ADJUSTMENT MEETING MINUTES FOR DETAILS.

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

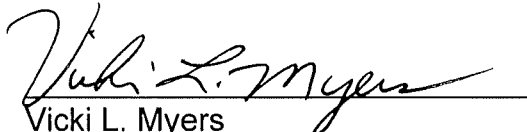
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

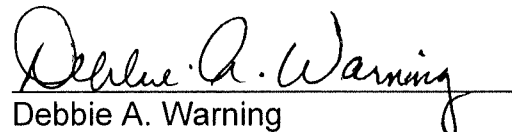
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 10 day of April, 2003.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

This instrument was prepared for recording purposes only by:


Debbie A. Warning
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 Florence Board of Adjustments and in accordance with the current zoning in effect as of April 9, 2003 Certificate of Land Use Restriction (#03-FBOA-002B-A), for Accor N.A., Property Owner(s).

The following conditions will apply:

- 1) The electronic area is to be no larger than it is now and can only be used for price.
- 2) The sign cannot flash or scroll.
- 3) Any change in LED color would have to go before the Board of Adjustment for approval.

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

DEED BOOK 703

PAGE NO. 17

GROUP NO. 2041A

COPY

CLUR #03-FBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Accor N.A.
14651 Dallas Parkway
Dallas, TX 75240
2. ADDRESS OF PROPERTY
7937 Dream Street
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Motel 6
4. DEED BOOK 703 PAGE NO. 17 GROUP NO. 2041A
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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

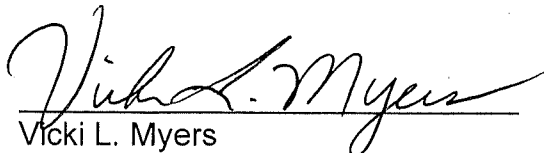

SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

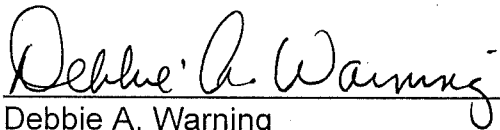
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 21 day of March, 2003.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
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 Florence Board of Adjustments and in accordance with the current zoning in effect as of March 12, 2003 Certificate of Land Use Restriction (#03-FBOA-002-A), for Accor N.A., Property Owner(s).

The following conditions will apply:

- 1) The electronic area is to be no larger than it is now and can only be used for price.
- 2) The sign cannot flash or scroll or be displayed for less than five second intervals.
- 3) Any change in LED color would have to go before the Board of Adjustment for approval.

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

DEED BOOK 703

PAGE NO. 17

GROUP NO. 2041A