

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)

(Check One)

1. Boone Florence Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant's Name THOMAS R. DUNN ARCHITECT
Phone Number 513-522-8755 Fax No. 513-522-7844
Applicant's Address 800 COMPTON RD
CINCINNATI OH 45231
City State Zip

4. Description of Request: REPLACE THE LOWER PORTION OF THE EXISTING SIGN WITH AN ELECTRONIC MESSAGE BOARD OF EQUAL SQUARE FOOTAGE. VARIANCE - SIGN WITHIN 660'

5. Name of Development SUPER 8 MOTEL

6. Location of Development 7928 DREAM ST FLORENCE, KY

7. Acreage Under Review 2.399 ACRES

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property MAHESH NACHANI (SHIVAM HOSPITALITY LLC)
Phone Number of Owner 859-283-1221

10. Address of Property Owner 7928 DREAM ST. FLORENCE, KY
City State Zip

11. Proposed Use(s) on Site MOTEL

12. Total Square Footage of Existing and/or Proposed Buildings 15,682 S.F. 2 FL

13. Current Zoning on Property C-3/PD

14. Deed Book 920 Page No. 415 Group No. 2041A

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.

Applicant's Signature: Thomas R. Dunn

Property Owner's Signature: Mahesh Nachani

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff) *RA# 51402*

- 1. Date Received *8-25-06* ^{*9-19-06*} Fee Received *\$ 650.00* ^{*\$ 921.00 RA# 51199*}
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 Approved
 10/11/06 Approved with Conditions (See #6)
 Denial (See #7)
- 6. Conditions of Approval: *SEE 10/11/06 FBOA*
MEETING MINUTE)
- 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

APPLICANT: Thomas R. Dunn, Architect for
Super 8 Motel

LOCATION: 7928 Dream Street, Florence, Kentucky

ZONING: Commercial Services/Planned Development (C-3/PD)

DATE: October 11, 2006

Proposal

- (1) The applicant is requesting a Conditional Use Permit to allow an electronic changeable message board to be placed on an existing free-standing sign. The proposed electronically changeable message board will be 12' X 3'-4" or 40.8 square feet in size. If approved, it will replace the existing 8' X 5' sign that has manual copy. The existing free-standing sign is 70 feet in height.
- (2) A Variance to allow the proposed electronically changeable message board will be within 660 feet of another electronically changeable message board. There is an electronically changeable message board at Motel 6 off Dream Street. This sign was approved by the board on March 12, 2003.

History

On January 8, 1986, the Florence Board of Adjustment approved a Variance in the size and height of the existing free-standing sign. The approved Variances allowed for the construction of a 75 foot high sign with 310 square feet of sign copy. These Variances were approved prior to the Kentucky Transportation Cabinet's program to allow advertising on the interstate.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment and Zoning Appeals are to act on Variance and Conditional Use Permit applications.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting or denying a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.

- A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. 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.

In addition, the Board should evaluate the applicant's request as it relates to the criteria necessary for granting or denying a Conditional Use Permit application as stated in Sections 262 of the Boone County Zoning Regulations.

Below is the criteria for reviewing Conditional Use Permit applications:

1. Will the application 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 the application 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 the application not be hazardous to existing or future neighboring uses;
4. Will the application 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 the application 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 the application 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 the application have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 34, Section 3430 of the Boone County Zoning Regulations permits electronically changeable message boards as a Conditional Use in the Commercial Two (C-2) and Commercial Services (C-3) zoning districts 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 of 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.

Relationship of the Request to the Comprehensive Plan

The Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site in question as Commercial, which includes "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Future Land Use Development Guidelines (pages 140-142) found in the Land Use Element state that developments in Boone County should give consideration to the overall design of the area. 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 motorist 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 or corridor" (Design, Signs, and Historic Preservation).

The Land Use Element (Florence Central Area, pg. 144) refers to the Parkway Corridor Study and its revised plan, the Central Florence Strategic Plan. Both plans discuss the need for good design features and the reconstruction of Dream Street to make it more suited to the pedestrian and local travelers.

Surrounding Land Uses and Zoning

- North: Vacant Land (C-3/PD)
- South: Exit Realty Office Building & Real Enchilada Restaurant (C-3/PD)
- East: Vacant Land (C-3/PD)
- West: Red Lobster Restaurant & Dalton Georgia Carpet Outlet Store (C-3/PD & C-2/PD)

Staff Comments

1. The existing free-standing sign is a non-conforming structure because it exceeds the 25' sign height limitation.
2. If this application is approved as presented, the overall square footage of the existing sign will remain approximately the same.
3. The closest electronically changeable sign is located approximately 600 feet to the north. The sign is an electronically changeable room rate sign for a hotel. Staff believes that the proposed sign is for local traffic traveling along Dream Street and not the interstate. Staff would like to point out that the existing Motel 6 electronically changeable sign was approved by the Florence Board of Adjustment on March 12, 2003.
4. Staff recommends that the Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before making a decision on the Conditional Use Permit. This section calls out that motorists should not be confused and/or distracted by excessive signs. In addition, signs should not have a negative impact on the visual appearance of a corridor. The applicant has not supplied information pertaining to the actual color or design of the sign face. Color intensity or brightness cannot be evaluated since nothing has been submitted.
5. If the Board grants approval of the requests, Staff would like to remind the applicant that Section 3430 of the Boone County Zoning Regulations states that messages must be displayed on the board for at least 5 seconds and that the messages cannot flash, scroll, or run.

Conclusion

KRS 100.237 and 100.241 and Section 220 of the 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 and Variance.

Respectfully submitted,



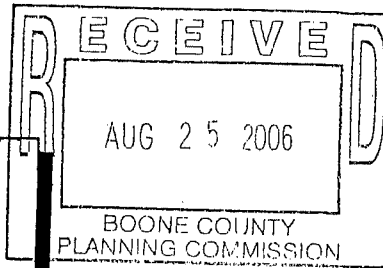
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Application Form
- Exhibit B – Letter From Applicant
- Exhibit C – Proposed Sign Drawing
- Exhibit D – Photos of Existing Sign
- Exhibit E – Aerial & Zoning Map

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)

(Check One)

1. Boone [checked] Florence [] Walton [] Union []

(Check One)

2. Conditional Use Permit [checked] Variance [] Appeal [] Change in Non-Conforming Use []

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Phone Number of Owner 792-10-859-283-1221

10. Address of Property Owner 7928 DREAM ST. FLORENCE, KY
City State Zip

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If yes, give date of approval

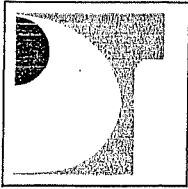
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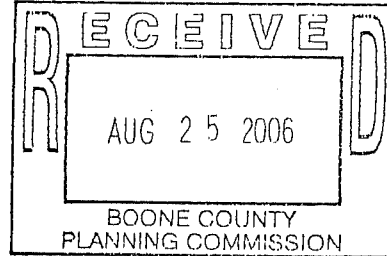
Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]



DUNN & TITUS

DESIGN/BUILD • ARCHITECTURE • INTERIOR DESIGN • PLANNING • CONSTRUCTION MANAGEMENT



Board of Adjustment
Boone county Planning Commission
2950 Washington St. Rm. 317
Burlington, Kentucky 41005

Re: Revision Super 8 Motel
7928 Dream Street
Florence, Kentucky

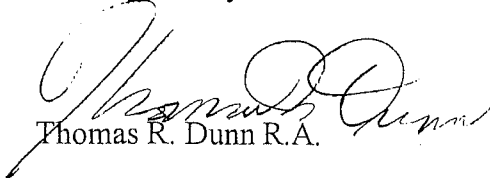
August 23, 2006
OH20179

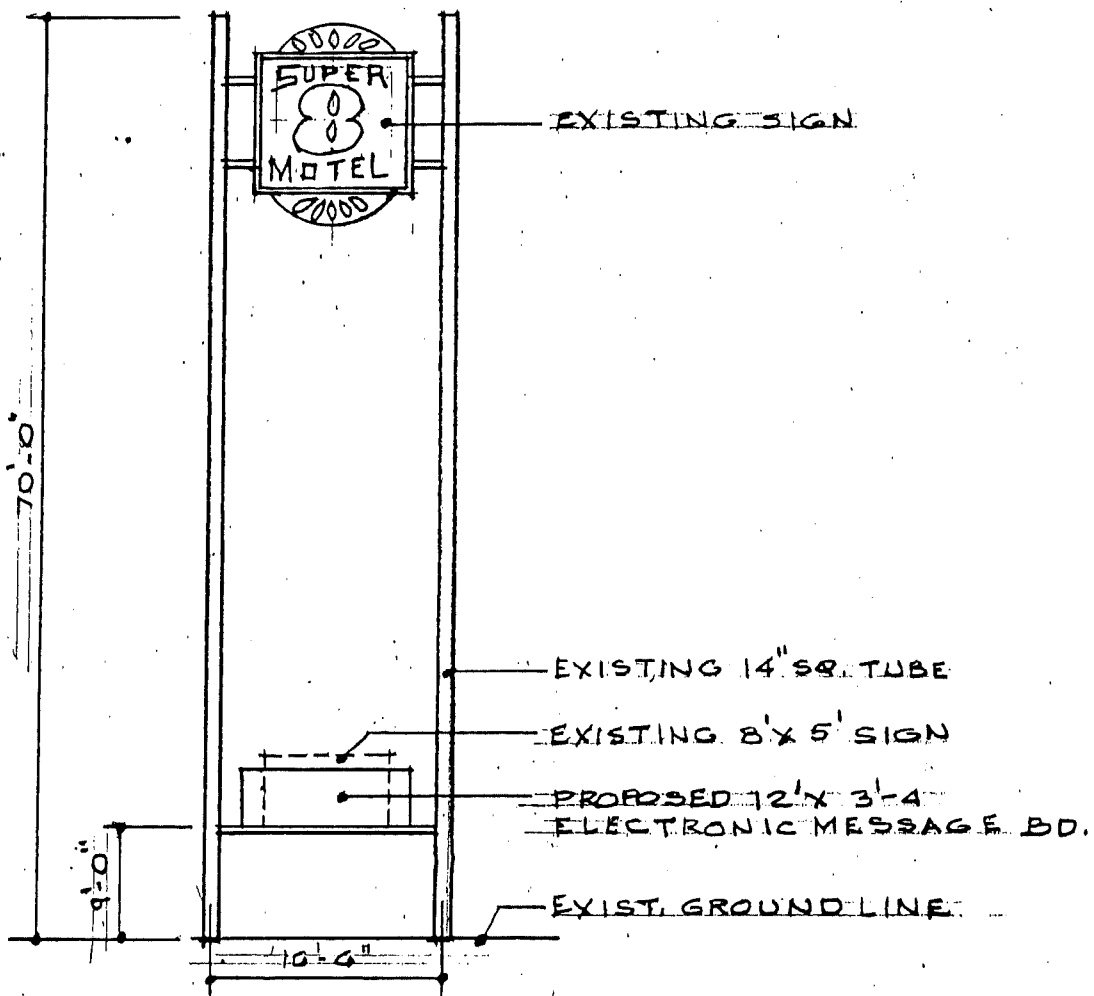
Gentlemen,

We are submitting the application and required submittal data for an alteration to the existing sign by removing the lower 8'x5' double faced sign and replacing it with a 12'-0"x 3'-4" electronic message board of equal area.

The proposed sign meets the requirements of section 3430 of Board of Adjustment and Zoning Appeals. It will be visible only from Dream Street and because only the lower portion of the sign will be altered, this portion of the sign will not be visible from I-75

Thank you for your consideration

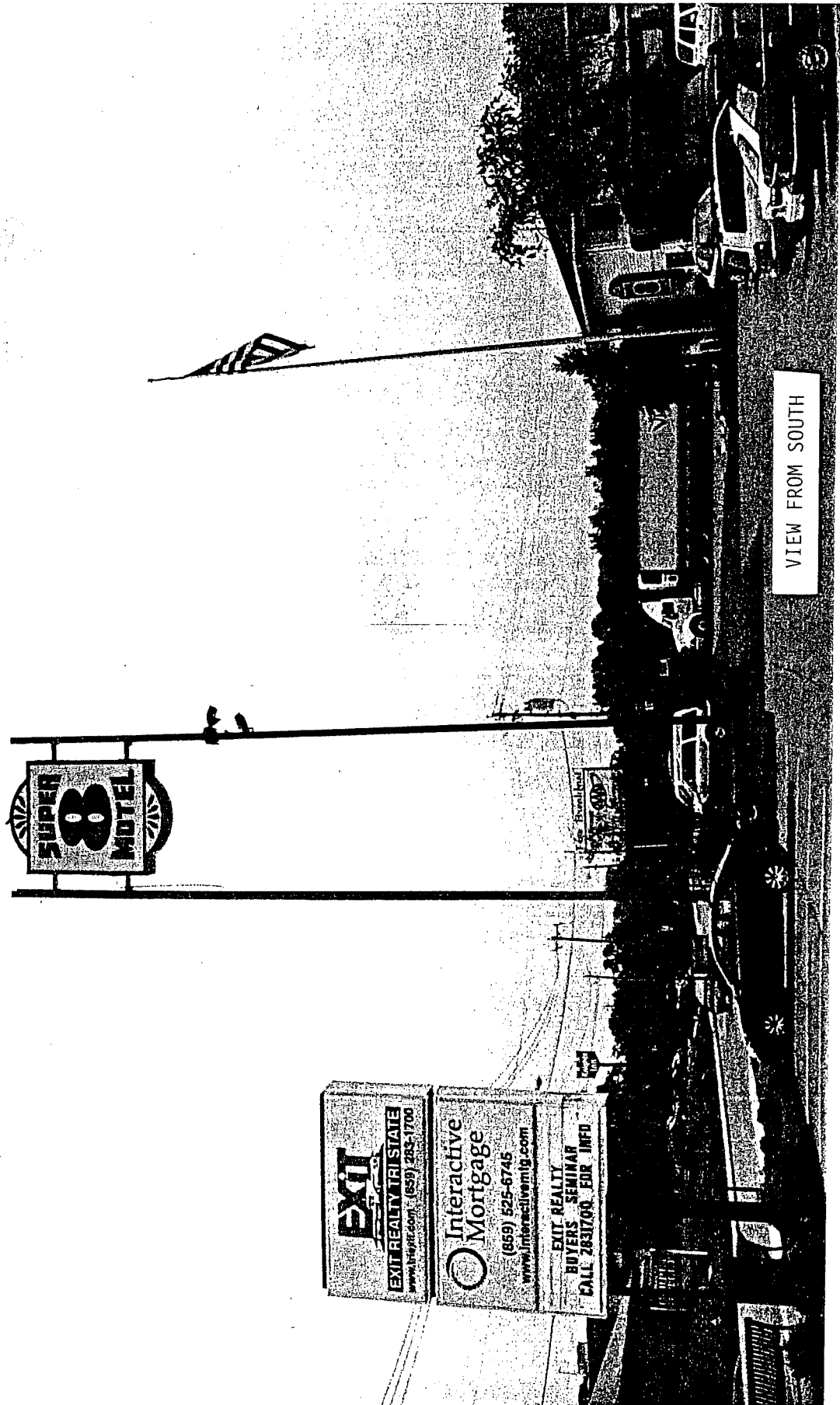

Thomas R. Dunn R.A.



PROPOSED SIGN ALTERATION
SUPER 8 MOTEL
7928 PRLAM ST. FLORENCE, KY.



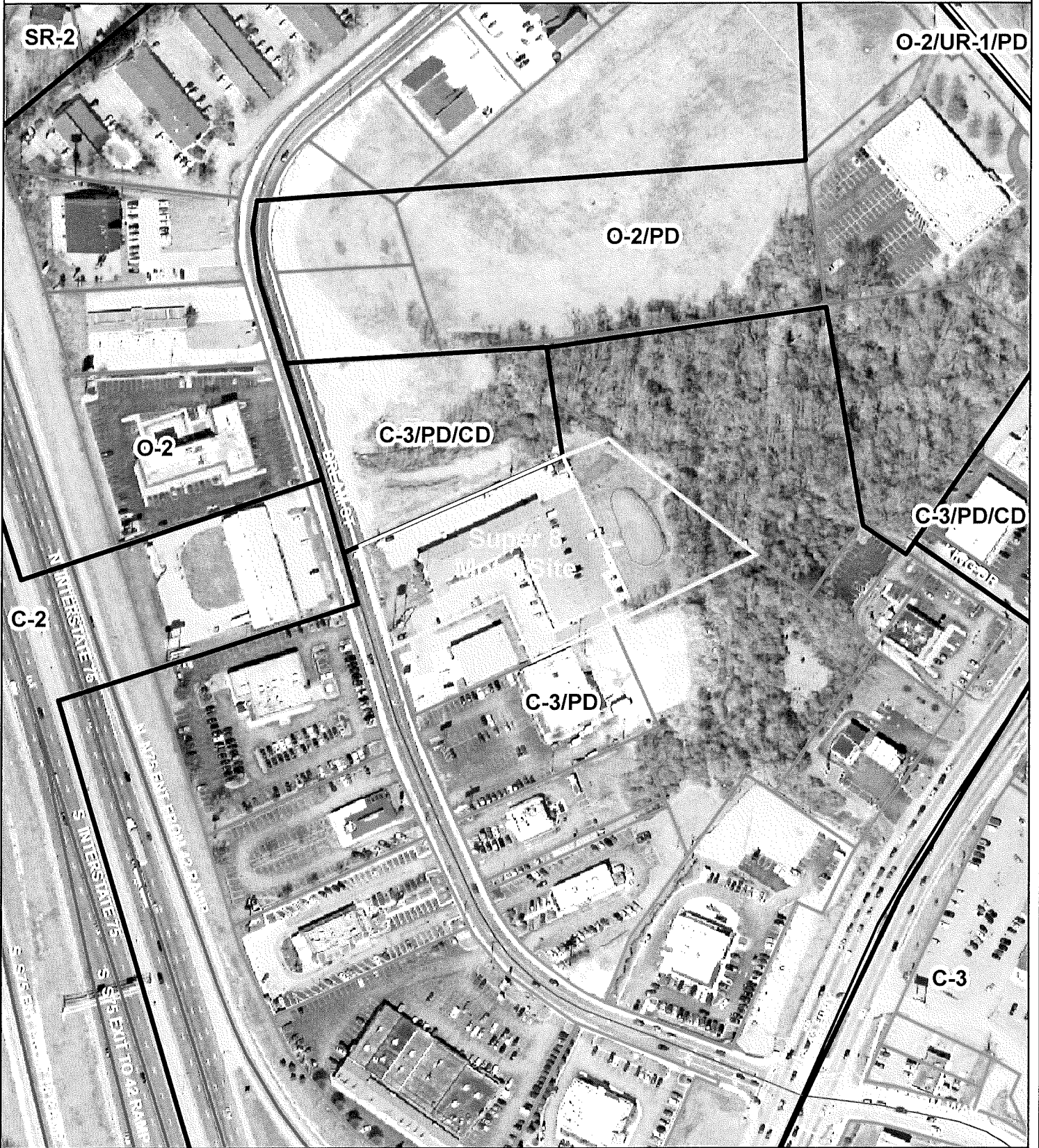
VIEW FROM NORTH



VIEW FROM SOUTH

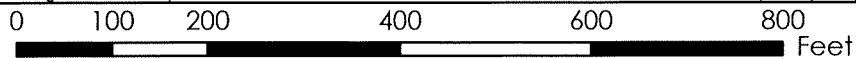
Super 8 Motel Site

www.boonecountygis.com



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1 inch equals 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



COPY

CLUR #06-FBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Shivam Hospitality, LLC
7928 Dream Street
Florence, KY 41042
2. ADDRESS OF PROPERTY
7928 Dream Street
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Super 8 Motel
4. DEED BOOK 920 PAGE NO. 415 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

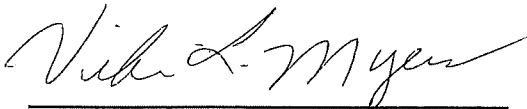
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

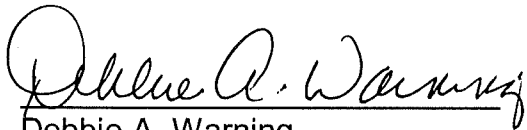
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 25 day of October, 2006.



Vicki L. Myers
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
Debbie A. Warning
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 Variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of October 11, 2006 Certificate of Land Use Restriction (#06-FBOA-009-A), for Shivam Hospitality, LLC, Property Owner(s).

The following conditions will apply:

- 1) The electronic message board can only use one color of red.
- 2) There is to be an automatic light sensor to dim the sign.

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

DEED BOOK 920 PAGE NO. 415 GROUP NO. 2041A

MODE = MEMORY TRANSMISSION

START=OCT-26 16:44

END=OCT-26 16:44

FILE NO.=537

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
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-BOONE COUNTY PLAINNING -

***** UF-8000 v2 ***** - ***** - 8593342264- *****

COPY

CLUR #06-FBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

- NAME AND ADDRESS OF PROPERTY OWNER(S)
Shivam Hospitality, LLC
7928 Dream Street
Florence, KY 41042
- ADDRESS OF PROPERTY
7928 Dream Street
Florence, KY 41042
- NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Super 8 Motel
- DEED BOOK 920 PAGE NO. 415 GROUP NO. 2041A
- 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
- 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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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