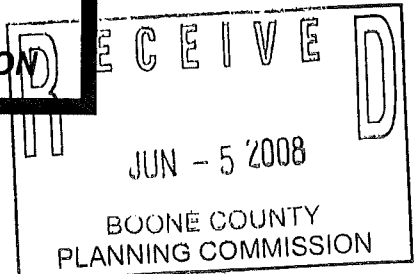


APPLICATION FORM

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 [X] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One) 2. [X] Conditional Use Permit [ ] Variance [ ] Appeal [ ] Change in Non-Conforming Use

3. Applicant's Name DETERS COMPANY DBA BLUE PANTRY Phone Number 859-283-2770 Fax No. 859-525-4686 Applicant's Address 7230 TURFWAY RD FLORENCE KY 41042

4. Description of Request: DIGITAL PRINT SIGN

5. Name of Development BP GAS STATION 6. Location of Development 8432 US 42 FLORENCE KY 41042

7. Acreage Under Review \_\_\_\_\_

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

9. Owner of Property DETERS COMPANY Address of Property Owner 7230 TURFWAY RD Phone No. 859-283-2770 FLORENCE KY 41042

11. Proposed Use(s) on Site NO CHANGE IN SITE USE OTHER THAN REQUEST ON LINE 4

12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_

13. Current Zoning on Property C-2/PD

14. Deed Book 418 Page No. 152 Group No. 2040

15. Is the site subject to a zone change? NO

16. Have you submitted a Site Plan with this request? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: [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 6-5-08 Fee Received \$ 1082.00 R# 56552
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 7/9/08 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE FBOA meeting minutes  
AND CLR
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](http://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: Deters Company (Blue Pantry)  
LOCATION: 8432 U.S. 42, Florence, Kentucky  
ZONING: Commercial Two/Planned Development (C-2/PD)  
DATE: July 9, 2008

### Proposal

The applicant has submitted a Conditional Use Permit application to allow electronic (LED) signage on the BP/Blue Pantry free-standing sign. The existing sign is approximately 24.5' tall and 148 square feet in area. The proposal is to convert the bottom 32 square feet of the sign so it displays an electronic fuel price. The actual fuel display window is 12.35 square feet in area (2'-3 9/16" x 5'-4.5").

### Pertinent Site History

10/30/97 - The Boone County Planning Commission approves a Sign Permit allowing a 24.5 foot tall, 148 square foot pole sign to be constructed on the lot (see attachments).

### Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment and Zoning Appeals is to review Conditional Use Permit applications as specified in the zoning regulations.

The Board needs to evaluate the applicant's request as it relates to the criteria necessary for granting or denying a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations. The criteria are listed below:

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 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 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 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.

Article 34, Section 3413 of the Boone County Zoning Regulations states that individual parcels of land in C-2 zoning districts shall be permitted a density of one (1) on-premises, architectural free-standing. In the City of Florence, the sign can be up to 20' tall and 150 square feet in area (dependent on road frontage).

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) 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.

#### Relationship of the Request to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the majority of the site for "Commercial" uses. This designation is defined as "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).

### Site Characteristics

The approximate 1.32 acre site is located on the northeast corner of the U.S. 42/Hopeful Church/Weaver Road intersection and contains a Blue Pantry convenience store with gasoline pumps and a gasoline canopy, a car wash, a Snappy Tomato Pizza restaurant, and a Mexican restaurant. The development has curb cuts on U.S. 42 and Hopeful Church Road and a 24.5' tall free-standing sign near the road intersection.

### Surrounding Land Uses and Zoning

North: Undeveloped Lot (C-2/PD)

South: U.S. 42, Burger King, and a strip center (C-2/PD)

East: AE Door (C-2/PD)

West: Hopeful Church Road and a strip center

### Staff Comments

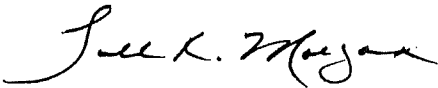
1. Staff would like to point out that the existing sign is legally non-conforming because it is 24.5' feet tall. The zoning regulations permit a maximum sign height of 20' in the City of Florence.
2. Staff recommends that the Board should analyze the "Design, Signs, and Historic Preservation" section 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 and that signs should not have a negative impact on the visual appearance of a corridor.
3. Section 3430 of the Boone County Zoning Regulations states that an electronic message board shall conform to the following criteria:
  - A. The electronic message board shall not be more than fifty percent (50)% of a permitted sign area. The message board comprises 8.3% (12.35/148) of the overall sign area.

- B. Electronic messages must be displayed on the board for at least 5 seconds and that the messages cannot flash, scroll, or run. The gasoline fuel price should only be changed one or twice a day.
  - C. Electronic message boards must be at least 660 feet apart. The closest electronic sign is the Ace Hardware sign which is approximately 1,275 feet from the BP/Blue Pantry sign.
4. If the application is approved, Staff recommends the following conditions:
- A. The electronic copy can only advertise regular fuel prices.
  - B. The electronic copy color should be defined and limited to one color.

Conclusion

K.R.S. 100.237 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

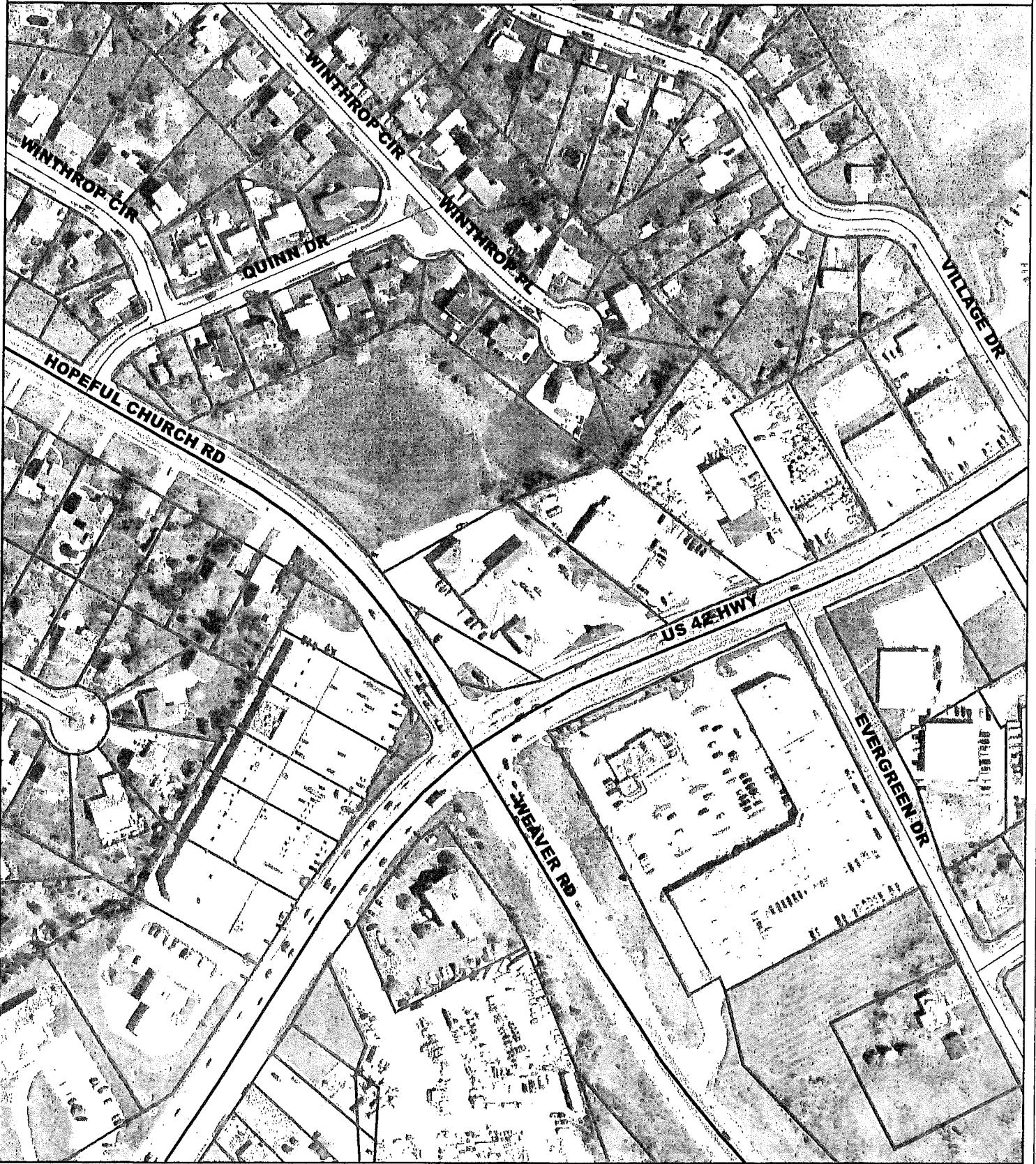
TKM/pr

Attachments

- \*Aerial Map
- \*Existing Sign & Proposal
- \*Electronic Sign Specifications
- \*Zoning Map
- \*Future Land Use Map
- \*10/30/97 Sign Permit
- \*Application

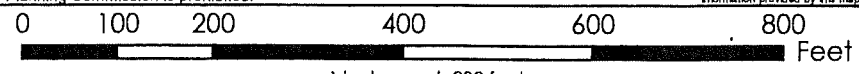
# AERIAL MAP

www.boonecountygis.com



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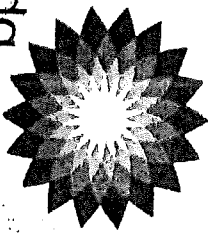
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**Boone County GIS - Putting Northern Kentucky on the Map**

**EXISTING SIGN**

bp



64 SQ. FEET (REMAINS)

16 SQ. FEET (REMAINS)

16 SQ. FEET (REMAINS)

16 SQ. FEET (REMAINS)

32 SQ. FEET (ELEC. PRICE)

BLUE PANTRY  
Snappy Tomato PIZZA  
MAYAS Mexican Restaurant  
FNB Farmers National Bank ATM STAR  
regular 397<sup>9</sup>

42



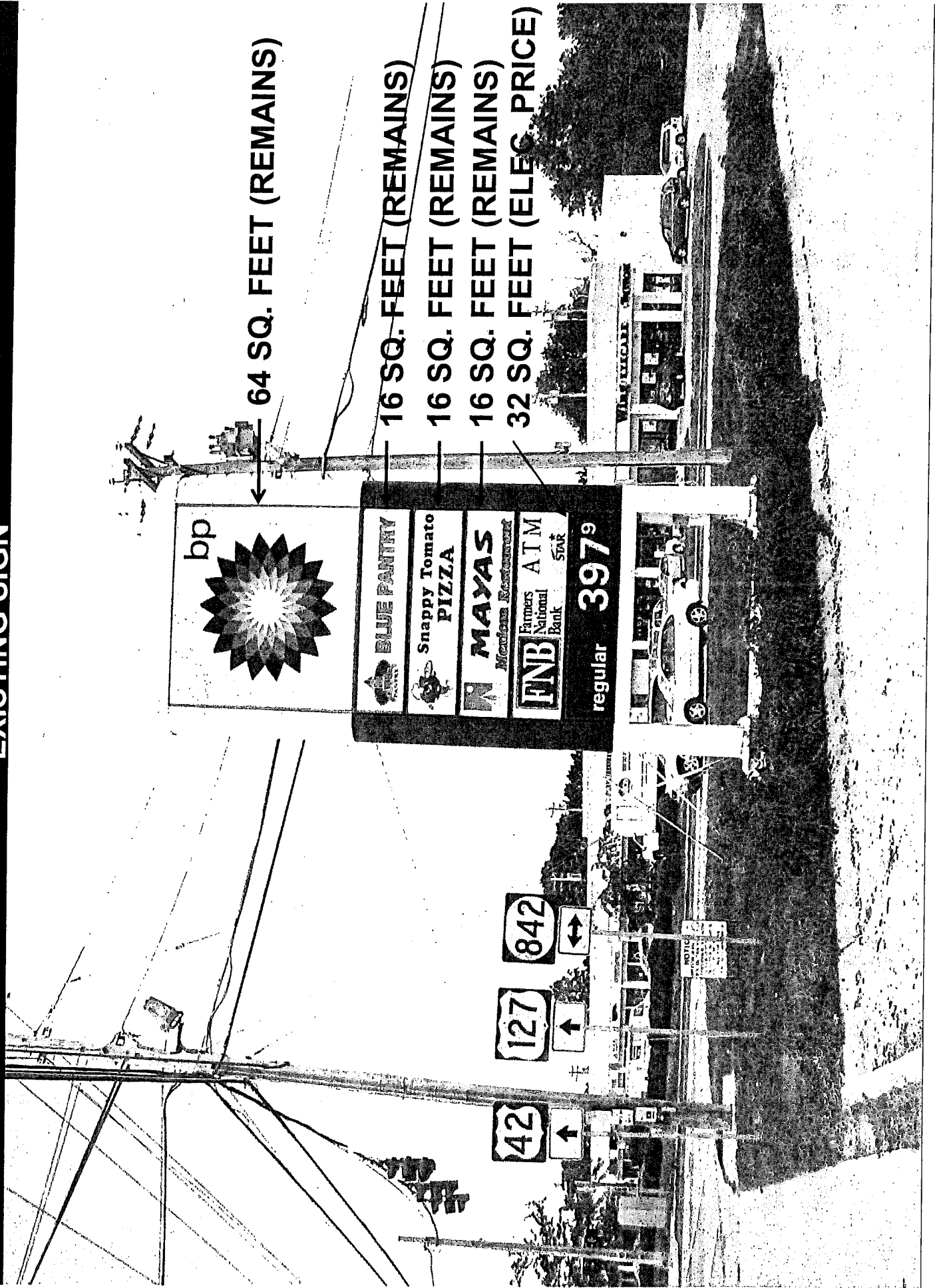
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842

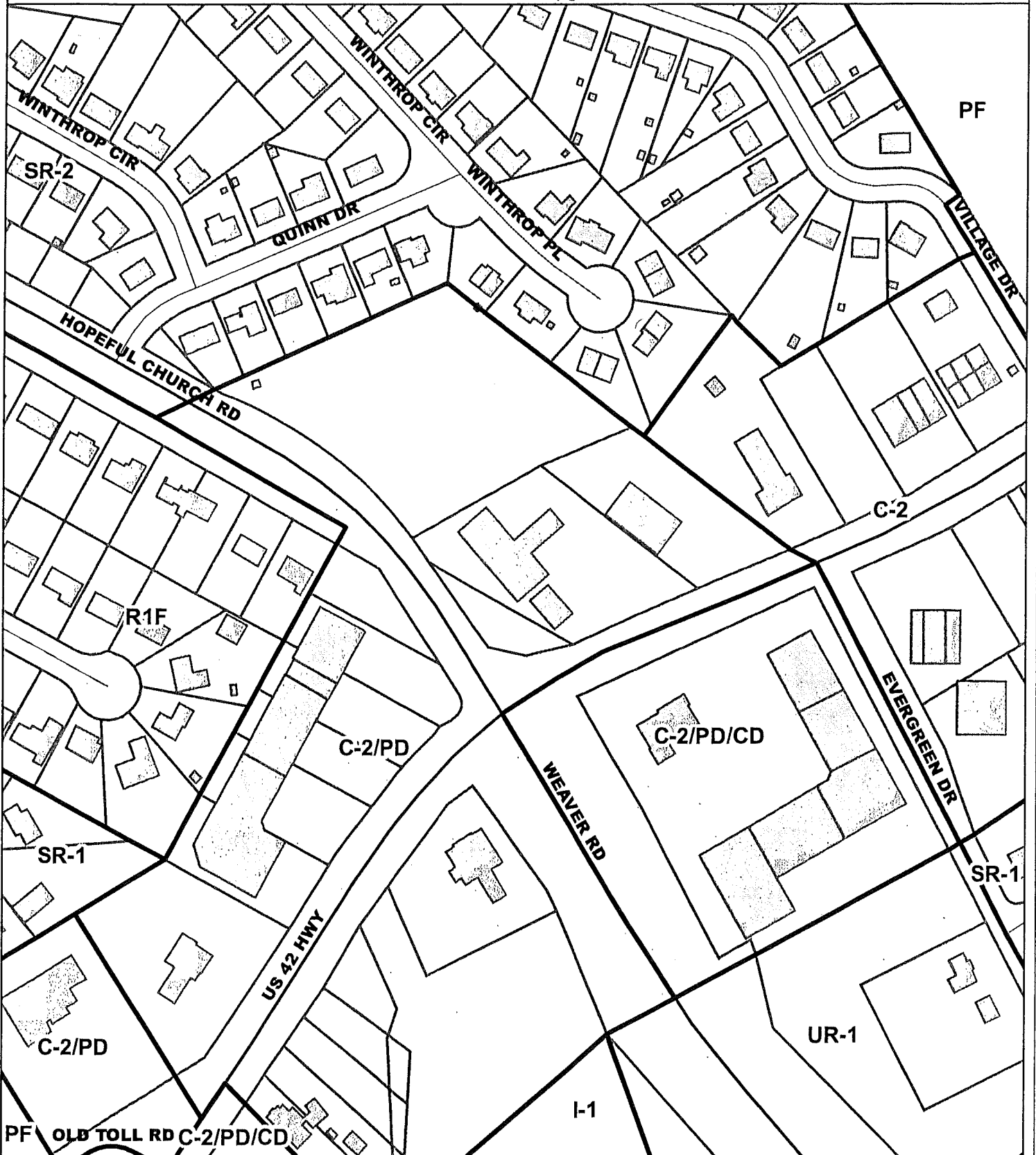


NOTICE  
NO PARKING  
IN THIS ZONE  
EXCEPT FOR  
LOADING AND UNLOADING  
OF PASSENGERS



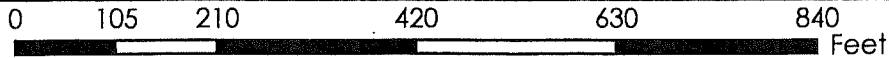
# ZONING MAP

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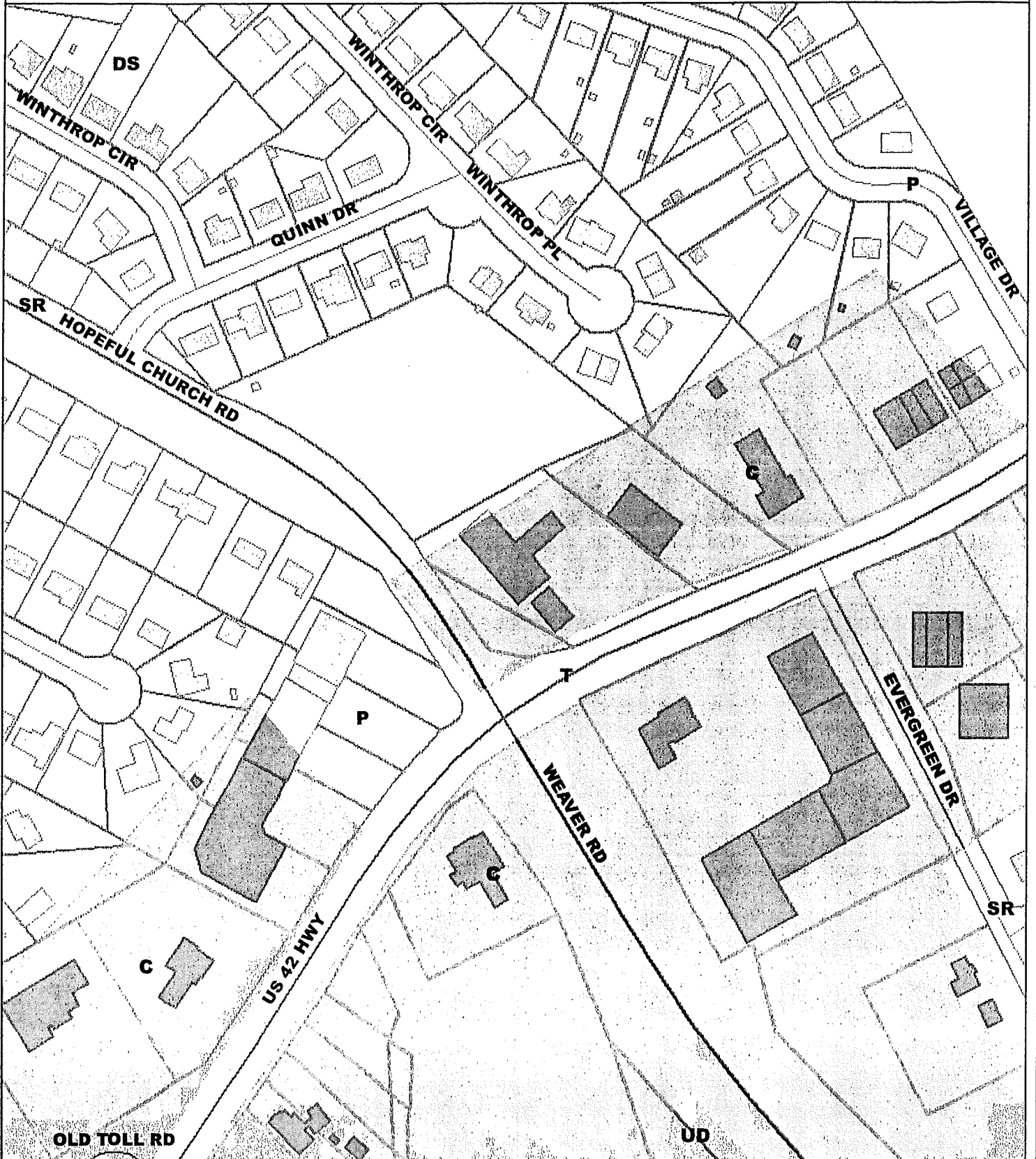


**Boone County GIS - Putting Northern Kentucky on the Map**



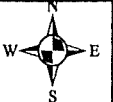
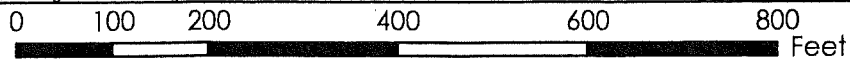
# FUTURE LAND USE MAP

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

**BOONE COUNTY PLANNING COMMISSION  
SIGN PERMIT**

**\*\*NOTE:** *Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements.*

A Sign permit is hereby granted to Quality Signs for B.P./Snappy Pizza for property located at 8432 U.S. 42 and zoned C-2/PD, for the purpose of erecting signage in accordance with Article 34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the following special conditions/descriptions:

Freestanding Pole Sign - 148 square feet/24.5 feet high - replaces existing sign

Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

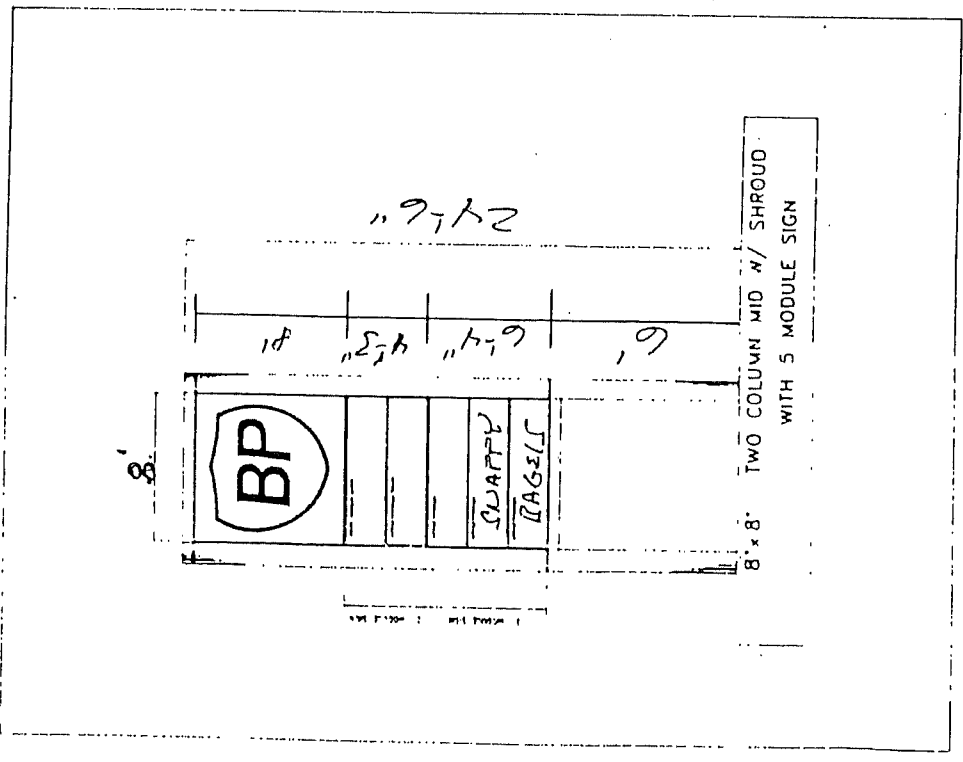
10-30-97

  
\_\_\_\_\_  
JOHN HUTH  
PLANNER

1 reported sign



Sign Size: 8' X 8'  
 Modules: 5 Module  
 Mount: Dual Column  
 Sign Type: Shrouded  
 Delivery Lead Time: Six to Eight Weeks



**Plasti-Line**  
 Vendor Number: 044990

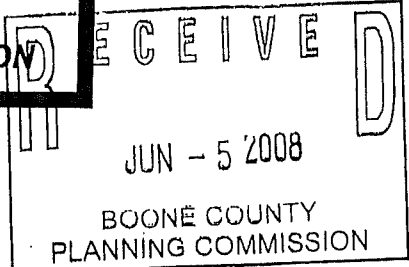
CEM PURCHASE ORDER DESCRIPTION	PRICE
41 LOGO CABINET, 8'MID, SH	[REDACTED]
766 MODULE, 8'MID, SH, 2 P/M	[REDACTED]
767 MODULE, 8'MID, SH, 3 P/M	[REDACTED]
To order faces, changer arm, fonts & product panels, please see section entitled "8X8 Accessories."	

**Vacuform**  
 Vendor Number: 146853

CEM PURCHASE ORDER DESCRIPTION	PRICE
5878 POLE, 8'MID, SH, 30 PSF, DUAL COLUMN	[REDACTED]
5876 SHROUDS ONLY, 8' MID, TWO POLE MOUNT, 5 P/M	[REDACTED]
OR	
5845 SHROUD KIT, 8'MID, TWO POLE MOUNT, 5 P/M	[REDACTED]
Shroud Kit includes Shrouds and Poles	

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   X   Florence      Walton      Union
- 2. (Check One)   ✓   Conditional Use Permit      Variance      Appeal  
     Change in Non-Conforming Use
- 3. Applicant's Name DETERS COMPANY DBA BLUR PANTRY  
Phone Number 859-283-2770 Fax No. 859-525-4686  
Applicant's Address 7230 TURFWAY RD  
FLORNBURG KY 41042  
City State Zip
- 4. Description of Request: DIGITAL PRICE SIGN
- 5. Name of Development BP GAS STATION
- 6. Location of Development 8432 US 42  
FLORNBURG KY 41042
- 7. Acreage Under Review
- 8. Lot Number and Name of Subdivision (if part of a subdivision)  
N/A
- 9. Owner of Property DETERS COMPANY  
Address of Property Owner 7230 TURFWAY RD Phone No. 859-283-2770  
FLORNBURG KY 41042  
City State Zip
- 10. Proposed Use(s) on Site NO CHANGE IN SITE USE OTHER  
THAN REQUEST ON LINE 4
- 11. Total Square Footage of Existing and/or Proposed Buildings
- 12. Current Zoning on Property C-2/PD
- 13. Deed Book 418 Page No. 152 Group No. 2040
- 14. Is the site subject to a zone change? NO  
If yes, give date of approval
- 15. Have you submitted a Site Plan with this request? YES
- 16. Have you submitted a list of adjoining property owners with this request? YES
- 17. 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: [Signature]

Property Owner's Signature: [Signature]

COPY

CLUR #08-FBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Deters Company  
7230 Turfway Road  
Florence, KY 41042
2. ADDRESS OF PROPERTY  
8432 U.S.42  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Blue Pantry
4. DEED BOOK 418                      PAGE NO. 152                      GROUP NO. 2040
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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

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 July 9, 2008 Certificate of Land Use Restriction (#08-FBOA-006-A), for Deters Company, Property Owner(s).

The following conditions will apply:

- 1) Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot flash, scroll, or run. The gasoline fuel price should only be changed once or twice a day.
- 2) The electronic copy can only advertise regular fuel prices.
- 3) The electronic copy color is limited to red.
- 4) The size of the sign shall be as presented.

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

DEED BOOK 418

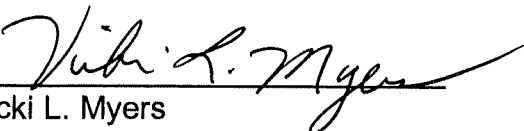
PAGE NO. 152

GROUP NO. 2040

COMMONWEALTH OF KENTUCKY

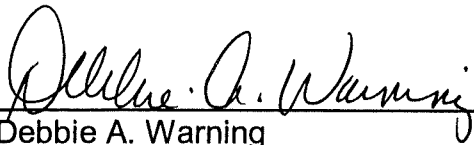
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 23 day of July, 2008.

  
Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:

  
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.)