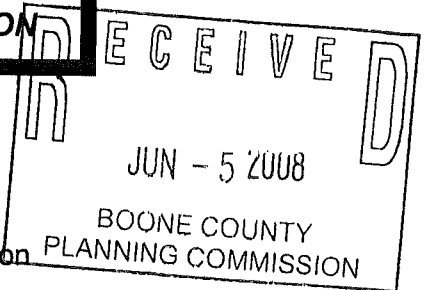


APPLICATION FORM

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 Florence Walton Union
- 2. (Check One) 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
City State Zip
- 4. Description of Request: DIGITAL PRICE SIGN
- 5. Name of Development BP GAS STATION
- 6. Location of Development 7230 TURFWAY RD
FLORENCE KY 41042
- 7. Acreage Under Review 1.213 2 TRACTS, 33 AC ±, 883 AC TURFWAY RD
- 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
FLORENCE 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
- 13. Deed Book 830 Page No. 201 Group No. ~~830~~ 2034B
- 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? _____
- 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]

STAFF REPORT

APPLICANT: Deters Company (Blue Pantry)
LOCATION: 7230 Turfway Road, Florence, Kentucky
ZONING: Commercial Two (C-2)
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 29'-2" tall and 144 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

- 7/16/02 – The Boone County Planning Commission approves a Sign Permit allowing face changes to the existing free-standing sign. The permit shows that the sign is 29'-2" tall and 144 square feet in area (see attachments).
- 7/21/04 – The Florence Board of Adjustment approves three (3) variances allowing additional signage on the front and side fascias of the gasoline canopy. The permitted signage on the front fascia is increased from 25% to 51% and the permitted signage on the sides is increased from 25% to 52%. There is a condition stating the approval is limited to a non-illuminated green stripe with no lettering.
- 7/12/06 – The Florence Board of Adjustment approves variances allowing additional signage on the side fascias of the gasoline canopy. The approval raises the permitted signage on the side faces from 52% to 56%. There were conditions stating that the neon stripes had to remain green and that the non-illuminated decals had to remain non-illuminated

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 1.2 acre site is located on the north side of Turfway Road and contains a Blue Pantry convenience, gasoline pumps, gasoline canopy, and Deters Company offices. The development has two curb cuts on Turfway Road and a 29'-2" tall free-standing sign.

Surrounding Land Uses and Zoning

North: Oakwood Apartments (UR-2)

South: Turfway Road & Crown Court Apartments (UR-2)

East: Biederman Educational Center (C-2)

West: Countryside Condominiums (UR-2)

Staff Comments

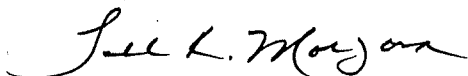
1. The pole sign is legally non-conforming because it is 29'-2" tall. The zoning regulations permit a maximum sign height of 20' in the City of Florence.

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 8.5% (12.35/144) of the overall sign area.
 - 5 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. Staff did not identify any electronic signs within 660 feet of the proposed electronic sign.
4. Staff noticed that an illegal lottery sign has been attached to a light pole in the parking lot.
5. If the application is approved, Staff recommends the following conditions:
 - 1 A. The electronic copy can only advertise regular fuel prices;
 - 2 B. The electronic copy color should be defined and limited to one color;
 - 2 C. The overall square footage of the sign shall be limited to 144 square feet in area; and
 - 3 D. The illegal lottery sign shall be removed.

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

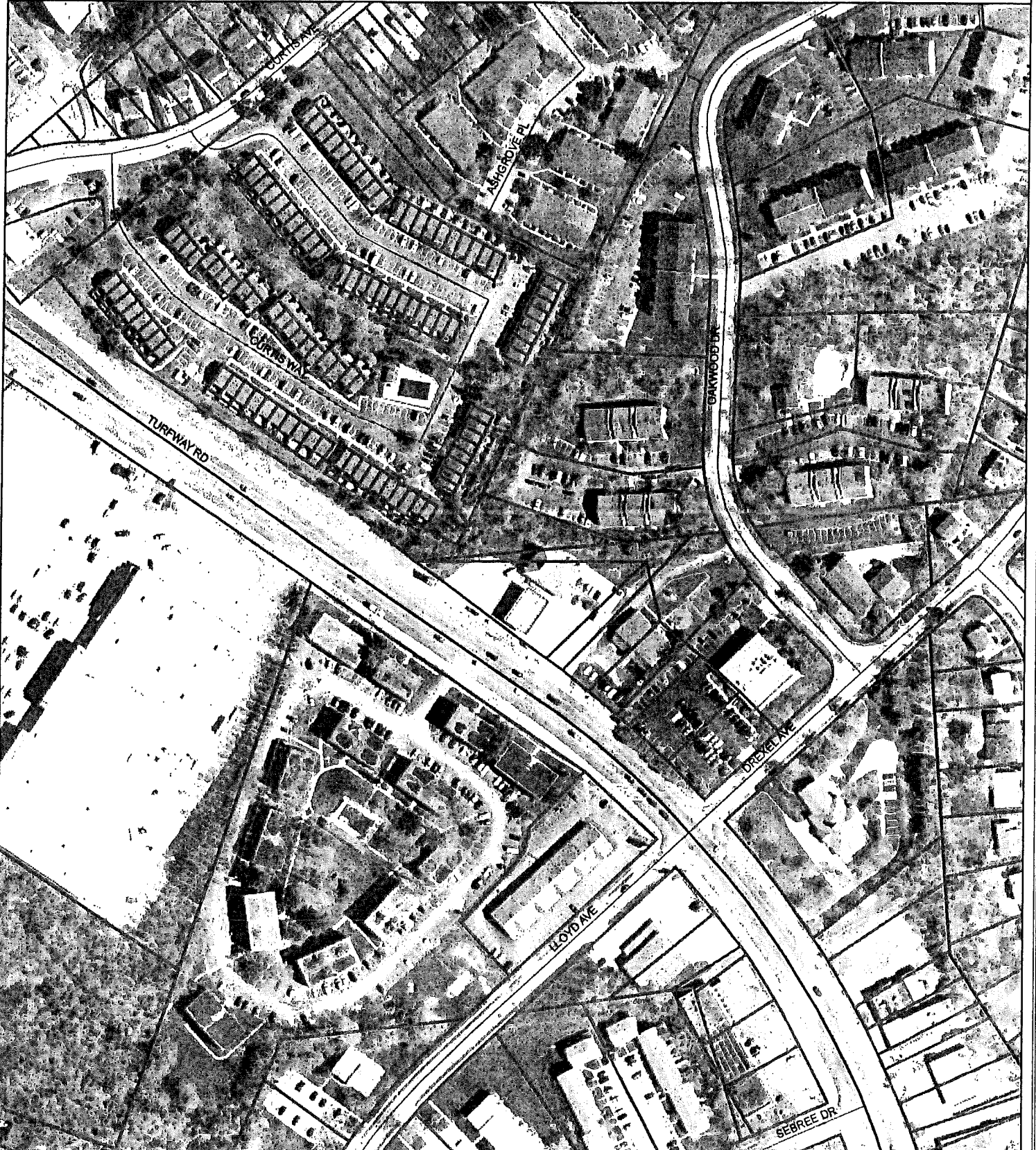
TKM/pr

Attachments

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

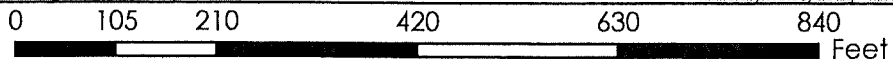
AERIAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map

VIEW OF EXISTING SIGN



64 Sq. Feet (Remains)

16 Sq. Feet (Blank Panel)

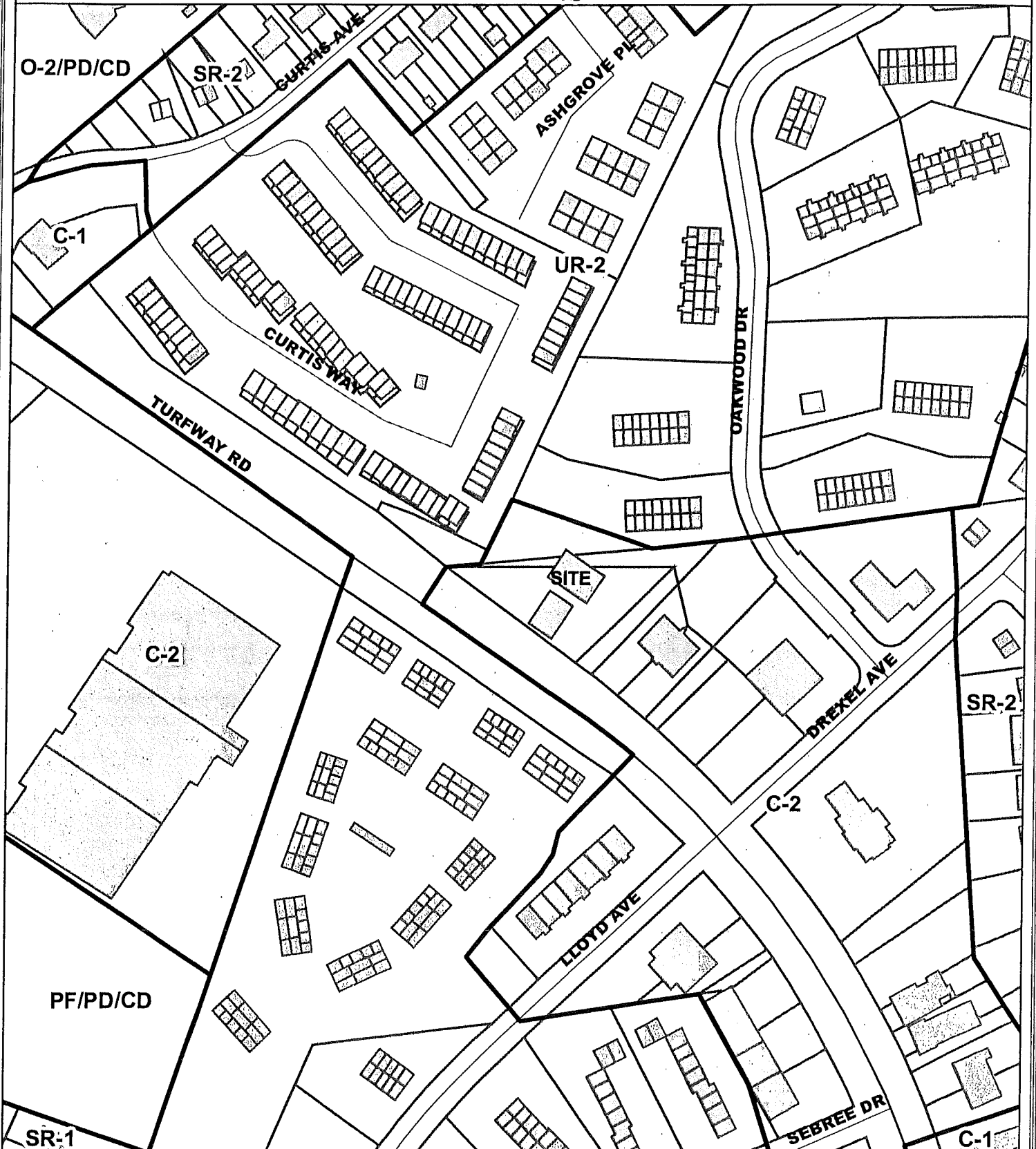
16 Sq. Feet (Blue Pantry)

16 Sq. Feet (Remains)

32 Sq. Feet (Elec. Price)

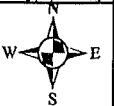
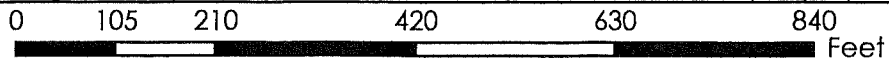
ZONING MAP

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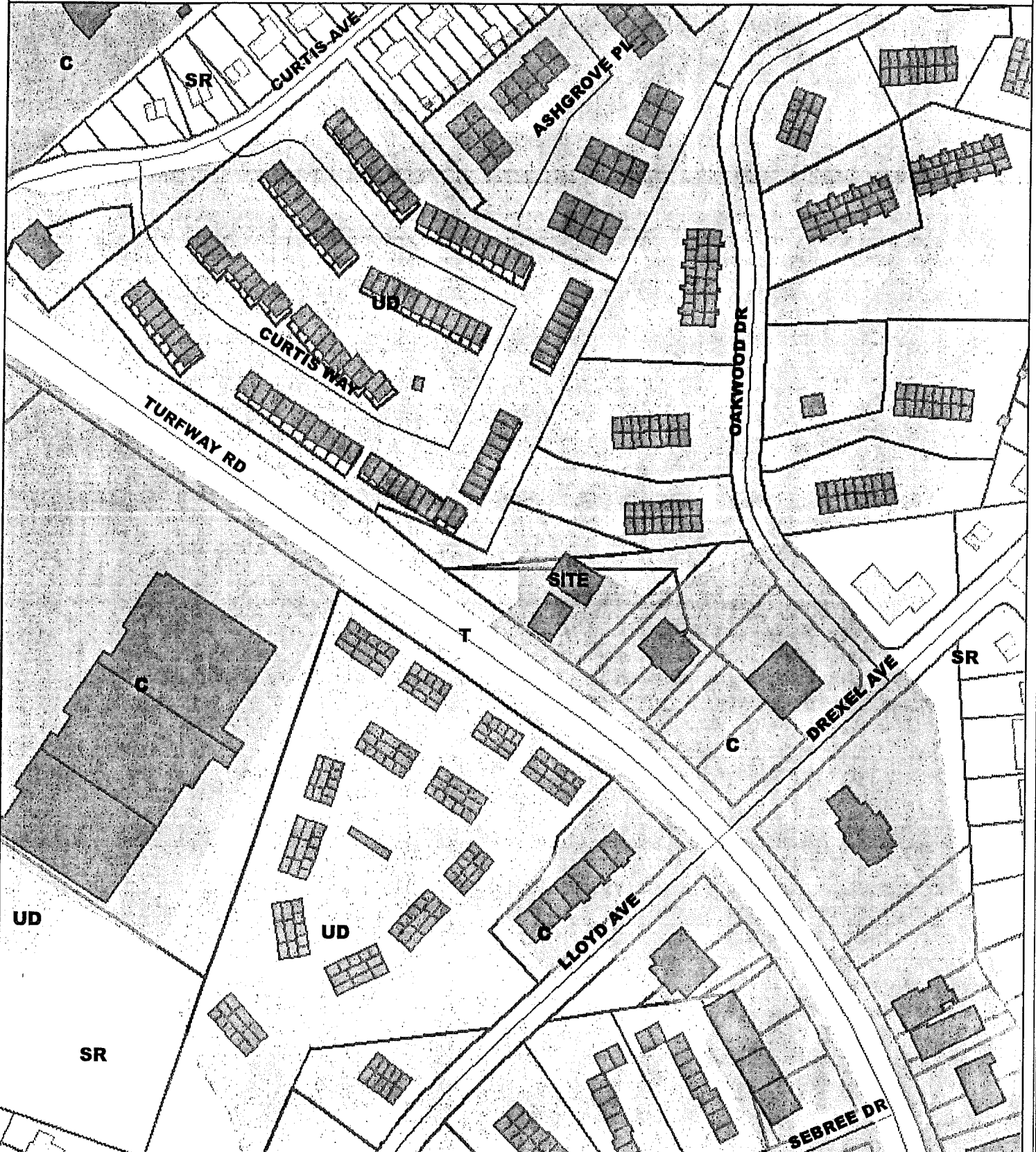
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Boone County GIS - Putting Northern Kentucky on the Map

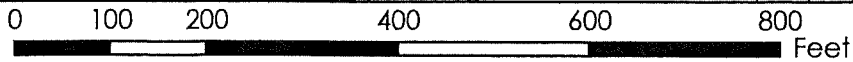
FUTURE LAND USE MAP

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1 Inch equals 200 feet



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 Rick Self for BP
for property located at 7230 Turfway Road, Florence
and zoned C-2, 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:

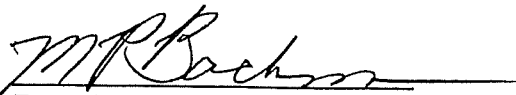
1. Change of face for a pole sign. The panel is 96 square feet in area.

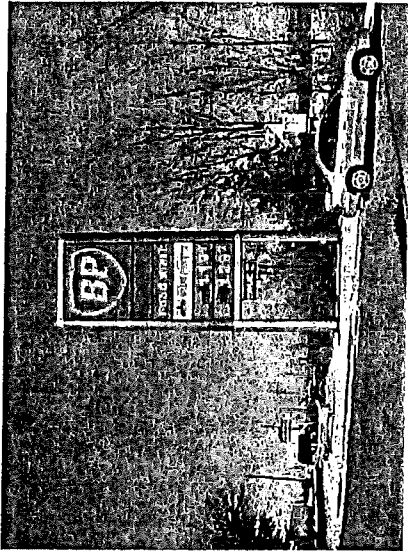
2. Three canopy signs, each 9 square feet in area.

* Sign Drawings show a light green illuminated accent band within the green vinyl accent
band. The light green accent band is to be removed, per the request of staff.

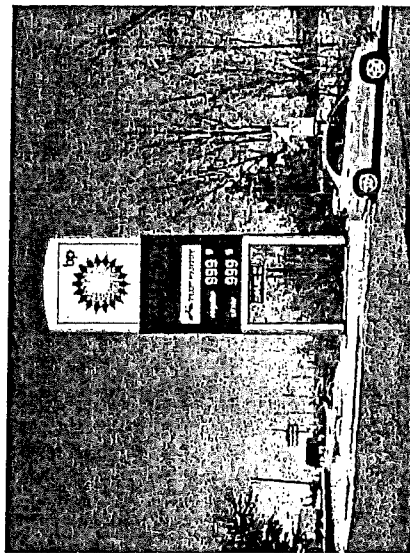
Failure to comply with the above cited Zoning Regulations and special conditions, shall
render this permit null and void and to no effect.

7/16/2002
DATE


Patty Bachman
Planner

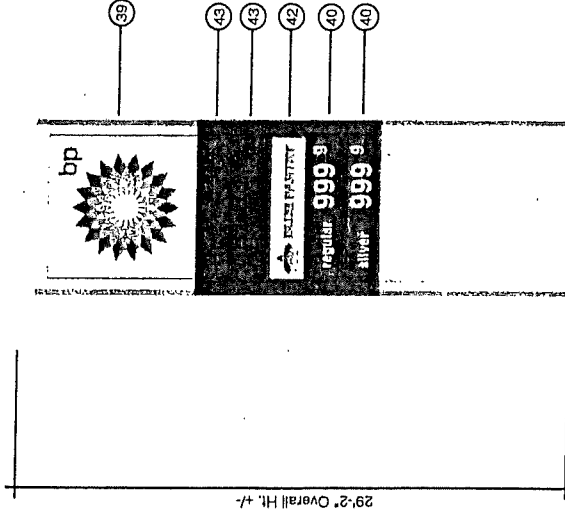


MID - Existing



MID - Proposed

No.	EXISTING ITEM	UNIT	QTY.	RECOMMENDATIONS
39	sign E1 logo	EA	2	reface with BP helios graphics, 8' x 8'
40	sign E1 pricer panel	EA	4	reface w/ new pricer panels, 2' x 8'
41	sign E1 facility panel #1	EA	-	
42	sign E1 facility panel #2	EA	2	leave as is, 2' x 8'
43	sign E1 facility panel #3	EA	4	blank panels, 2' x 8'
44	sign E1 facility panel #4	EA	-	
45	sign E2 high rise	EA	-	
46	sign E3 logo	EA	-	
47	sign E3 pricer panel	EA	-	
48	sign E3 facility panel #1	EA	-	
49	sign E3 facility panel #2	EA	-	
50	sign E3 facility panel #3	EA	-	
51	sign E4 facility panel #4	EA	-	
52	MID cladding	EA	1	apply film/paint over MID column cladding per visual standards
53	other			



MID - Proposed

FOR DESIGN INTENT ONLY

The sole purpose of these design intent drawings is to provide general guidance for the vendor in the development of this project. They are not intended for fabrication purposes. The vendor accepts total responsibility for materials selection, engineering, fabrication and installation.

SIGN SERVICES GROUP
Nashville, Tennessee (615) 297-2371



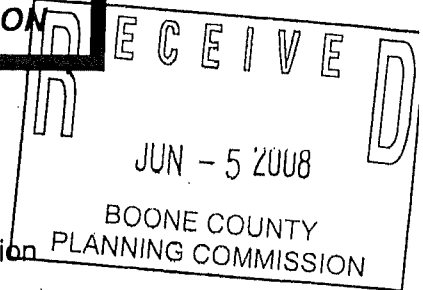
Client: Bovis Lend Lease
Project: BP

Title: MID
Date: 2/12/2002

Site No.: 70968
City: Florence, KY

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 DETERS COMPANY DBA BLUE PANTRY
Phone Number 859-283-2770 Fax No. 859-525-4686
Applicant's Address 7230 TURFWAY RD
FLORENCE KY 41042
City State Zip
4. Description of Request: DIGITAL PRICE SIGN
5. Name of Development BP GAS STATION
6. Location of Development 7230 TURFWAY RD
FLORENCE KY 41042
7. Acreage Under Review 1.213 2 TRACTS .33 AC ± .883 AC TURFWAY RD
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
FLORENCE KY 41042
City State Zip
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
14. Deed Book 830 Page No. 201 Group No. 804, 765 + 2034B
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? _____
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]

COPY

CLUR #08-FBOA-007-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

7230 Turfway Road
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Blue Pantry

4. DEED BOOK 830

PAGE NO. 201

GROUP NO. 2034B

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-007-A), for Deters Company, Property Owner(s).

The following conditions will apply:

- 1) The electronic copy can only advertise regular fuel prices.
- 2) The overall square footage of the sign shall be limited to 144 square feet in area.
- 3) The illegal lottery sign shall be removed.
- 4) The electronic copy color is limited to red.
- 5) Electronic messages must be displayed on the board for at least 5 seconds and cannot flash, scroll, or run. The gasoline fuel price should only be changed once or twice a day.
- 6) The size of the sign is to be as presented.

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

DEED BOOK 830

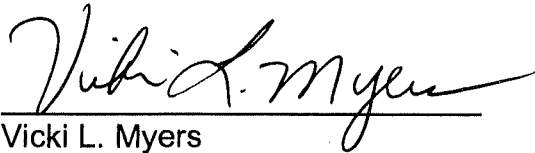
PAGE NO. 201

GROUP NO. 2034B

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

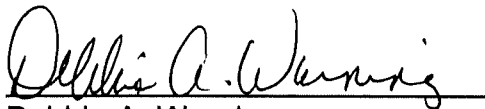
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of July, 2008.



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.)