

APPLICATION FORM

08-FBOA-008-A

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) [X] Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Quality Sign
Phone Number 913-5966 Fax No.
Applicant's Address 1630 Frederick Ave
Berthle City MO State MO Zip 64021
4. Description of Request: Full LED car place sign
5. Name of Development Road Park Shell
6. Location of Development 930 Berthle Pl Florence MO 64021
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Road Park Shell
Address of Property Owner 930 Berthle Pl Phone No. 913-287-1700
10. Florence MO State MO Zip 64021
11. Proposed Use(s) on Site Gas / food Mart
12. Total Square Footage of Existing and/or Proposed Buildings 210.6 / 204.63
13. Current Zoning on Property C-2
14. Deed Book 948 Page No. 900 Group No. 2032
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: Max Stettin Quality Sign 7-14-08

Property Owner's Signature: John Carabell

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 7-15-08 Fee Received \$1,082⁰⁰ R# 56919
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8/13/08 Approved
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 8/13/08 FBOA
MEETING MINUTES + CLKR
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: Quality Signs for Road Ranger Shell
LOCATION: 985 Burlington Pike, Florence, Kentucky
ZONING: Commercial Two (C-2)
DATE: August 13, 2008

Proposal

The applicant has submitted an application for a Conditional Use Permit to allow electronic (LED) fuel prices on the Road Ranger/Shell free-standing sign. The subject property is located at 985 Burlington Pike and is zoned Commercial Two (C-2).

The proposal is to reduce the overall square footage of the sign from approximately 210.60 square feet to approximately 204.63 square feet and install electronic message boards which display regular and diesel fuel prices. The regular fuel price panel is 27.5" x 75.13" (14.34 square feet) and the diesel display window is 19.75" x 45.13" (6.18 square feet).

Pertinent Site History

3/5/91 – The Boone County Planning Commission approves a Sign Permit allowing a 32 square foot sign cabinet to be added to an existing free-standing sign. The permit shows that the overall sign will be 32' tall and 200 square feet in area.

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 1.1 acre site is located on the southeast corner of KY 18/Greenview Road/Ridge Road intersections and contains a Road Ranger convenience store, gasoline pumps, and a car wash. The development has two curb cuts on KY 18, one curb cut on Ridge Road, and a driveway connection to Wyler Honda. The free-standing sign is located near the KY 18/Ridge Road intersection.

Surrounding Land Uses and Zoning

North: KY 18, Kerry Mazda and Mitsubishi (C-3), Quick Break Food Mart (C-1), and National City Bank (C-2/PD)

South: Oakbrook Veterinary Clinic (C-2)

East: Jeff Wyler Honda (C-3)

West: Ridge Road, Integrity Motors (C-2), and Single-Family Residential Dwelling (C-1)

Staff Comments

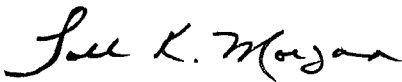
1. The pole sign is legally non-conforming because it is approximately 31'-6" tall and 214.65 square feet in area. The zoning regulations permit signs in C-2 districts to be a maximum of 20' tall and 150 square feet in area in the City of Florence.
2. Staff recommends that the Board should analyze the "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. Staff would like the applicant to address the color of the electronic copy.
4. 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 boards comprise 10% (204.63) 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. Staff did not identify any electronic signs within 660 feet of the proposed electronic sign.
4. If the application is approved, Staff recommends the following conditions:
 - A. The electronic copy can only advertise fuel prices;
 - B. The electronic copy color should be defined;
 - C. The overall square footage of the sign shall not exceed 204.63 square feet in area; and
 - D. The sign shall not contain any manually changeable message boards.

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

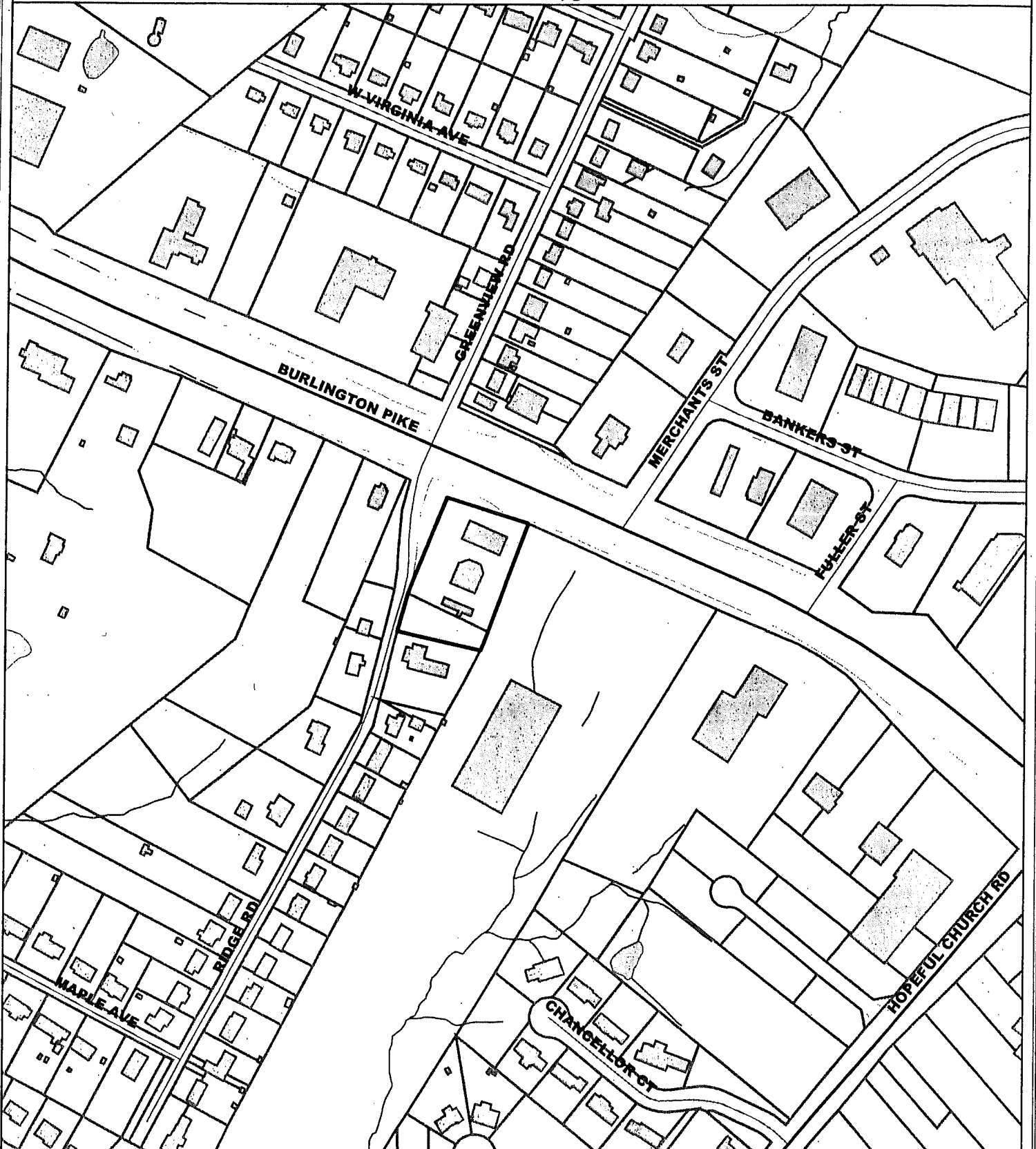
TKM/pr

Attachments

- *Site Vicinity Map
- *Aerial Map
- *Existing Sign & Proposal
- *Zoning Map
- *Future Land Use Map
- *3/5/91 Sign Permit
- *Application

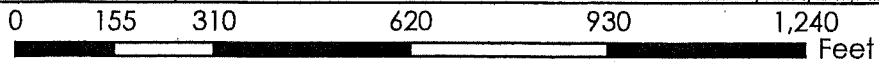
SITE VICINITY MAP

www.boonecountygis.com



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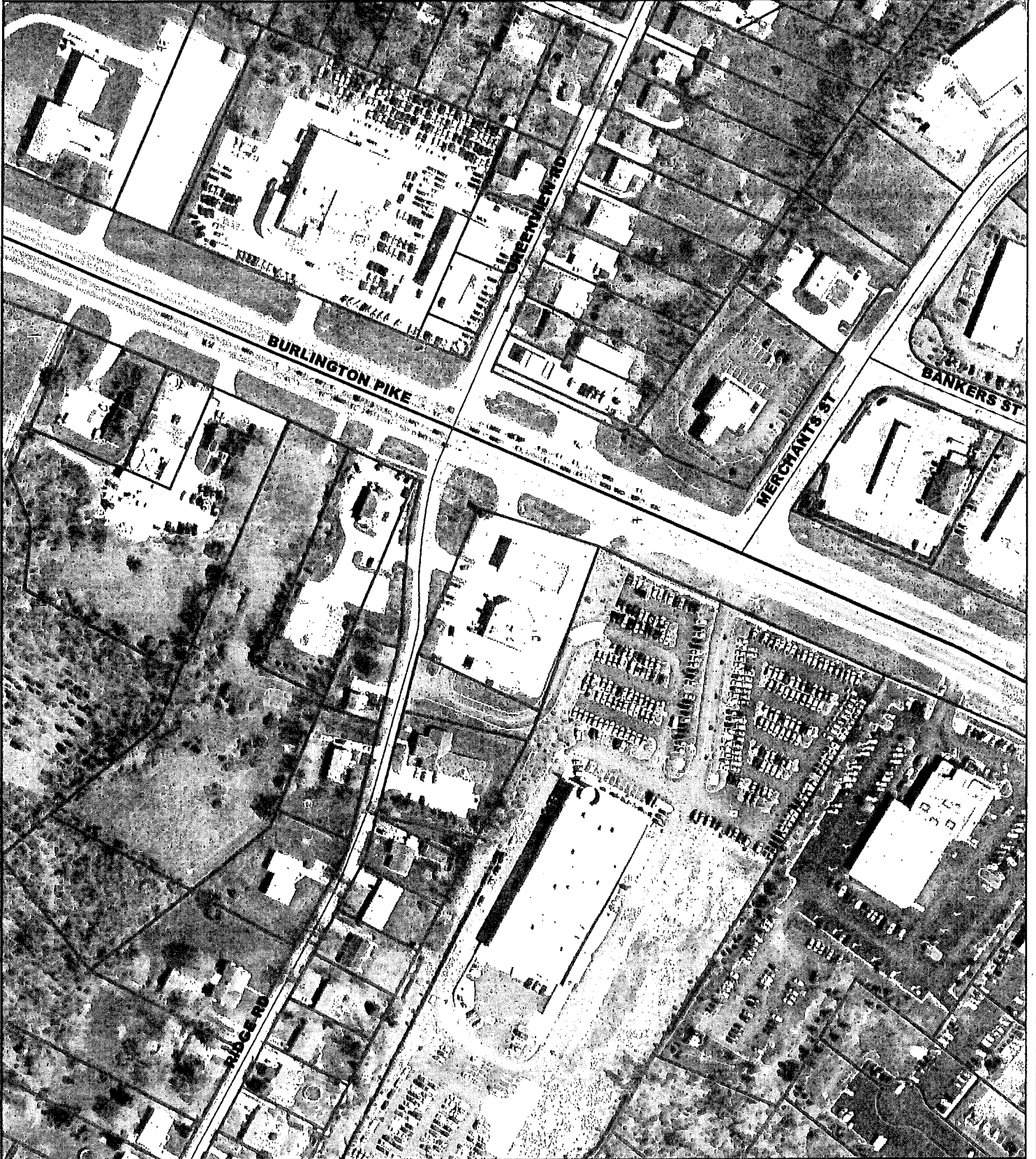


Boone County GIS - Putting Northern Kentucky on the Map



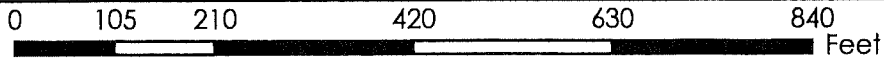
AERIAL MAP

www.boonecountygis.com



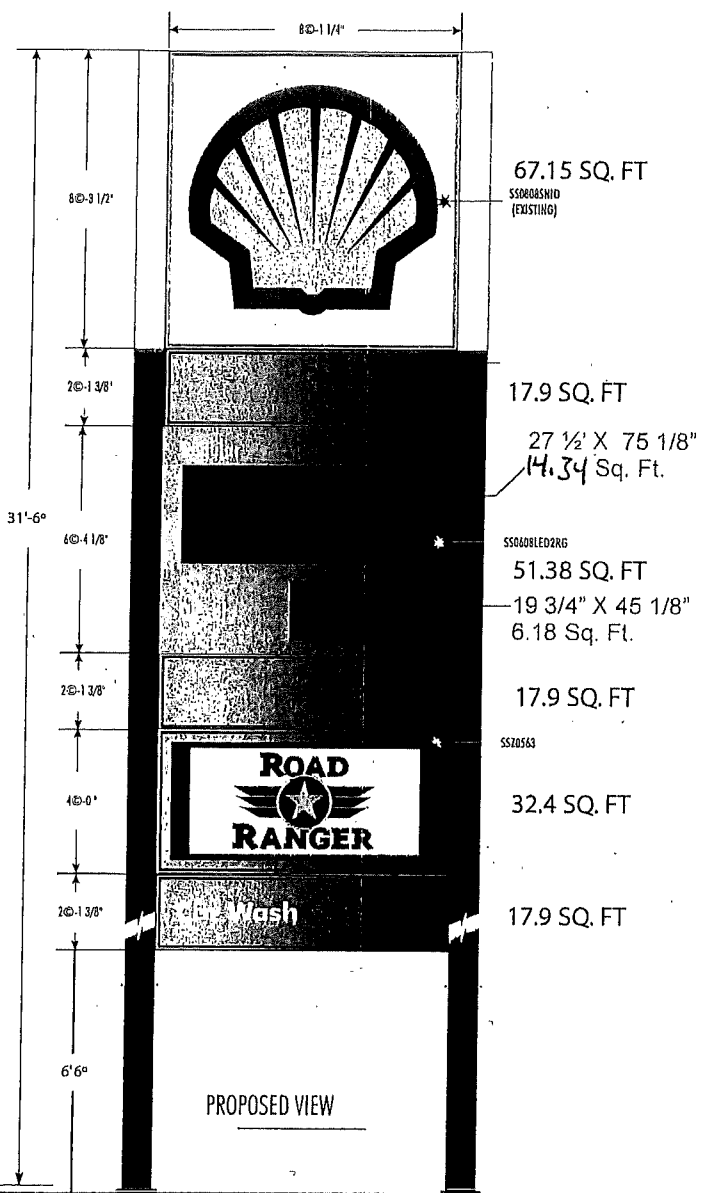
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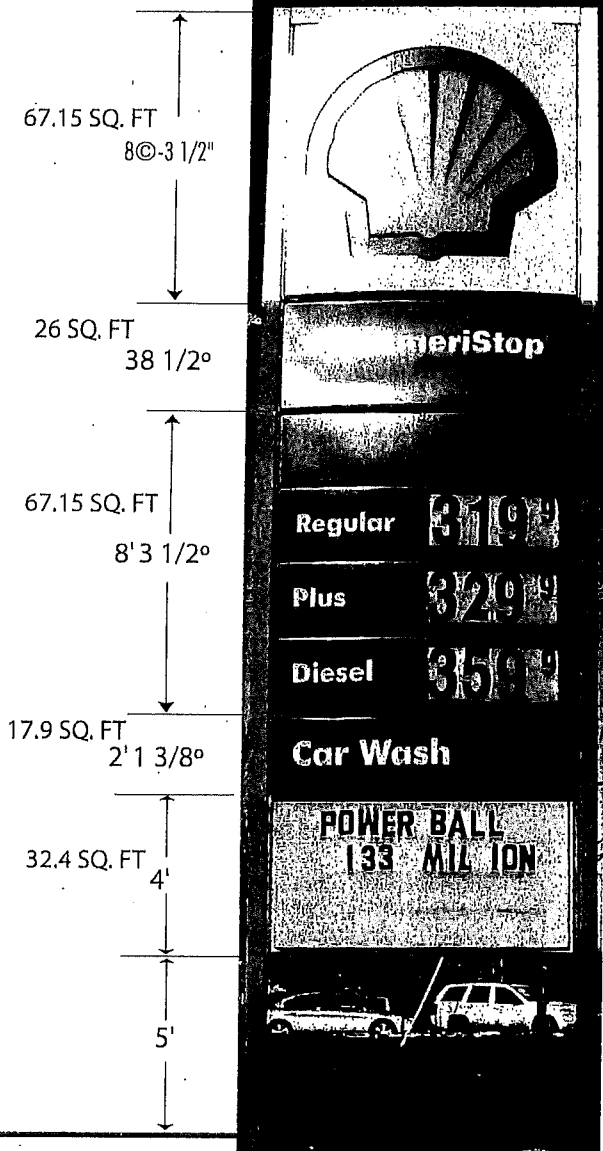


Boone County GIS - Putting Northern Kentucky on the Map





PROPOSED TOTAL SQ. FT. = 204.63



EXISTING TOTAL SQ. FT. = 210.60

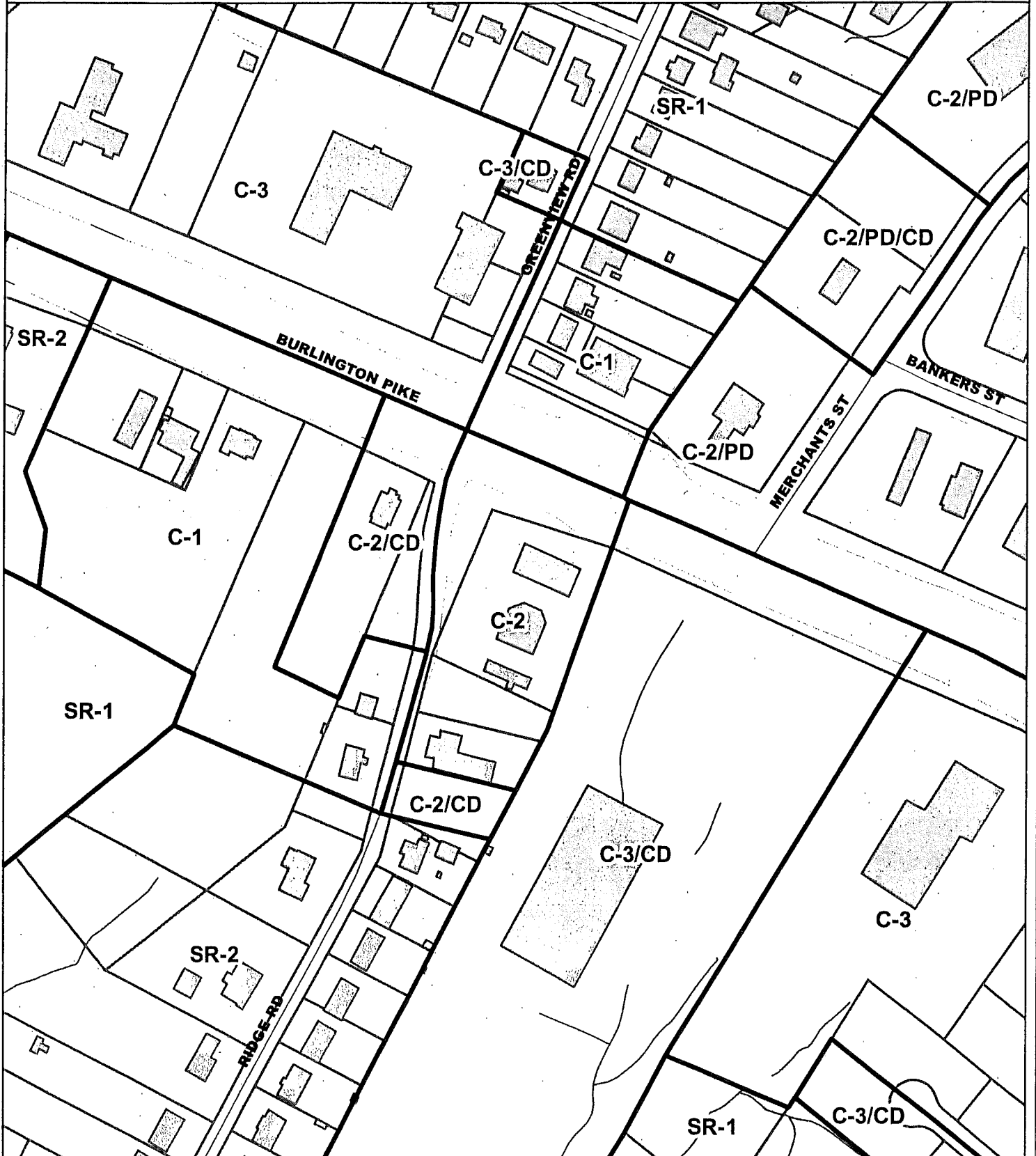
RECEIVED
JUL 31 2008
BOONE COUNTY
PLANNING COMMISSION



ROAD RANGER
985 Burlington Pike, Florence, KY 41042
Proposed Dual Post Option 4
July 9, 2008

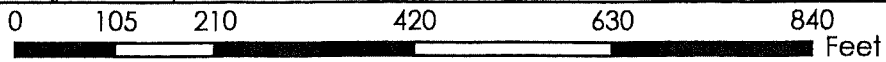
ZONING MAP

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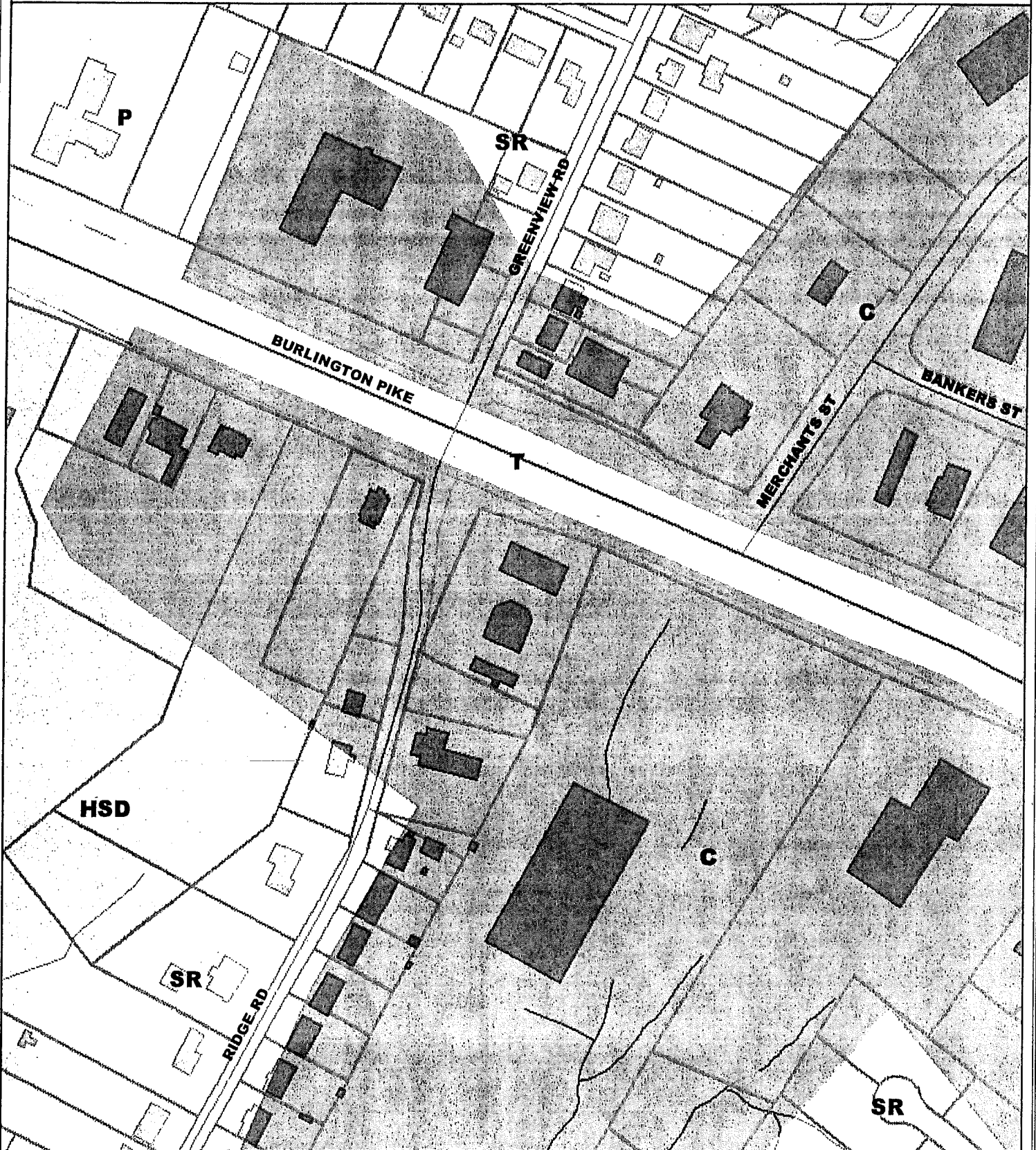


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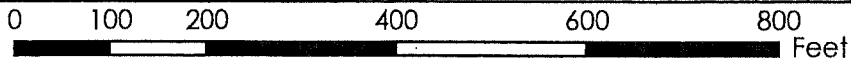
FUTURE LAND USE MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map



BOONE COUNTY PLANNING COMMISSION USE PERMIT

A SIGN permit is hereby granted to
Quality Sign, 1530 Production Dr., Burlington, KY 41005
 for SHELL OIL (Waco)
 for property located at 981 Burlington Pk., Boone County
 and zoned C-2, for the purpose of adding 32 square feet
to existing free-standing sign with 168 s.f. (200 s.f. total)
 in accordance with article 19, section 1920 of the Boone County
Zoning Order (Ordinance), subject to the following
 special conditions:

Contact the Boone County Building Inspector (Dan Hinkle, 334-2218)
to obtain a building permit.

** NOTE: Prior to the placement of any approved sign, a building permit is required from the appropriate Building Inspector.

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

March 5, 1991
DATE

Thomas W. Bredt
ZONING ENFORCEMENT OFFICER

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
 2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name Quality Sign
Phone Number 916-997-6666 Fax No. _____
Applicant's Address 1600 Proctor Ave
Berkeley City CA State 4042 Zip
 4. Description of Request: Install LED car porch sign
 5. Name of Development Road Run Shell
 6. Location of Development 916 Berkeley Pl Florence CA 91042
 7. Acreage Under Review _____
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property Road Run Shell
 10. Address of Property Owner 916 Berkeley Pl Phone No. 916-997-1700
Florence City CA State 91042 Zip
 11. Proposed Use(s) on Site Car / Food Mart
 12. Total Square Footage of Existing and/or Proposed Buildings 214.65 202.5
 13. Current Zoning on Property C-2
 14. Deed Book 948 Page No. 900 Group No. 2032
 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: Mal Stetha Quality Sign 7-14-08
- Property Owner's Signature: John Carabelli

COPY

CLUR #08-FBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Road Ranger Shell
985 Burlington Pike
Florence, KY 41042
2. ADDRESS OF PROPERTY
985 Burlington Pike
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Road Ranger Shell
4. DEED BOOK 951 PAGE NO. 107 GROUP NO. 2032
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

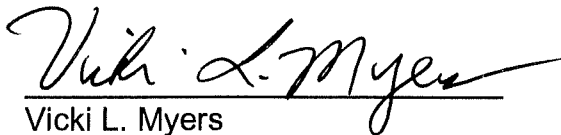
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

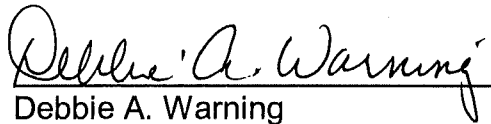
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 26 day of August, 2008.



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.)

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 August 13, 2008 Certificate of Land Use Restriction (#08-FBOA-008-A), for Road Ranger Shell, Property Owner(s).

The following conditions will apply:

- 1) The electronic copy can only advertise fuel prices.
- 2) The electronic copy color for both gasoline (regular fuel) and diesel fuel is limited to one color and that color is red.
- 3) The overall square footage of the sign shall not exceed 204.63 square feet in area.
- 4) The sign shall not contain any manually changeable message boards.
- 5) The sign is to be as presented (the blank panels cannot contain any signage).
- 6) The sign is not to flash, scroll or run.

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

DEED BOOK 951 PAGE NO. 107 GROUP NO. 2032