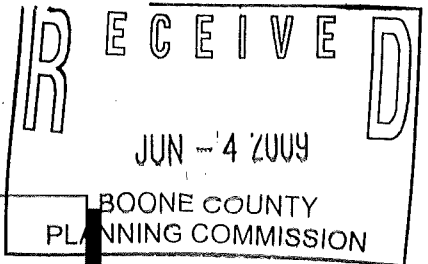
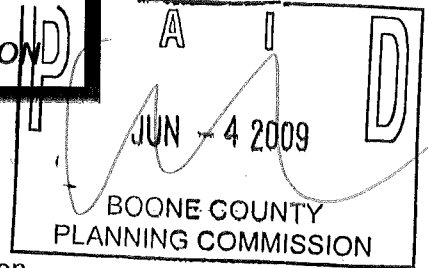


09-1500A.006-A

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 Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal Change in Non-Conforming Use
- 3. Applicant's Name MARK Stottman Quality Sib
 Phone Number 61-8966 Fax No. 61-1004
 Applicant's Address LED Production Dr
Burlington Ky 41005
 City State Zip
- 4. Description of Request: Install new pole sib with LED Gas & Diesel price sib
- 5. Name of Development MARATHON
- 6. Location of Development 2811 Dixie Hwy Flo Ky 41042
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Greg Schrand
 Address of Property Owner 2811 Dixie Hwy Phone No. 322-4818
Flo Ky 41042
 City State Zip
- 11. Proposed Use(s) on Site Gas / Foodmart
- 12. Total Square Footage of Existing and/or Proposed Buildings Sib 70.5
- 13. Current Zoning on Property C-2
- 14. Deed Book 882 Page No. 488 Group No. 2043B
- 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: Hal Stottman Quality Sib

Property Owner's Signature: Greg Schrand

(over)

**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 6/4/09 Fee Received \$1,080.00 RA 58772
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/8/09 Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 7/8/09 MEETING MINUTES
AND C.L.U.R.
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 Marathon

LOCATION: 7811 Dixie Highway, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: July 8, 2009

Proposal

The applicant has applied for a Conditional Use Permit to allow electronically changeable fuel prices on Marathon's proposed freestanding sign. The proposed sign is 20 feet tall and 69.96 square feet in area and will replace Marathon's existing freestanding sign. The sign has two 6.83 square foot (20.1875" x 48.75") fuel price windows. The fuel price digits are a maximum of 18 inches tall and will be displayed in red L.E.D.

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 act on Conditional Use Permit applications.

The Board needs to evaluate the Conditional Use Permit 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 and electronic display screens as a Conditional Use in the C-2 zoning district provided that the following requirements are met:

- A. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50%) of the permitted sign area can be used for an electronically changeable message board or electronic display screen.
- 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. Electronic message boards and electronic display screens 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 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).

Surrounding Land Uses & Zoning

North: Manderlay Drive and Former Remke's Market (C-2)

South: Single-Family Residential Dwellings Fronting on Spruce Drive (SR-2)

East: Strip Center with Japanese Restaurant, Hair Salon, Liquor Store, and Art Studio (C-2)

West: Dixie Highway, Vacant Commercial Lots (C-1), and Boone/Florence Water Tower (C-2)

Site Characteristics

The 0.5684 acre site is located on the southeast corner of Dixie Highway and Manderlay Drive and contains a Marathon gas station and convenience store. Access to the site is provided from a curb cut on Dixie Highway and a curb cut on Manderlay Drive. The freestanding sign is located at the corner of Dixie Highway and Manderlay Drive.

Staff Comments

1. The proposed sign is 20' tall and 69.96 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 (dependent upon road frontage).
2. Section 3430 of the Boone County Zoning Regulations states that electronic message boards shall conform to the following criteria:
 - A. The electronic message board(s) shall not be more than fifty percent (50%) of a permitted sign area. The message boards are 19.5% (13.66/69.96) of the overall sign area.
 - B. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot flash, scroll, or run.
 - C. Electronic message boards must be at least 660 feet apart. There are no electronic signs within 660' of the Marathon sign.
3. 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.

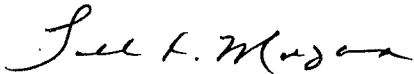
Staff has concerns that the electronic message board could have a negative visual appearance on the Dixie Highway corridor and adjoining residential properties to the south.

4. If the application is approved, Staff recommends the following conditions:
 - A. The electronically changeable fuel windows shall only advertise fuel prices;
 - B. All electronic messages shall be displayed in red; and
 - C. Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker.

Conclusion

KRS 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
- *Proposed Sign
- *Aerial Map with 660' Radius
- *Zoning Map
- *Future Land Use Map
- *Application

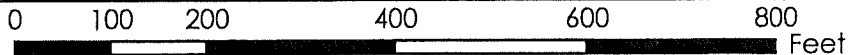
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/12/2008

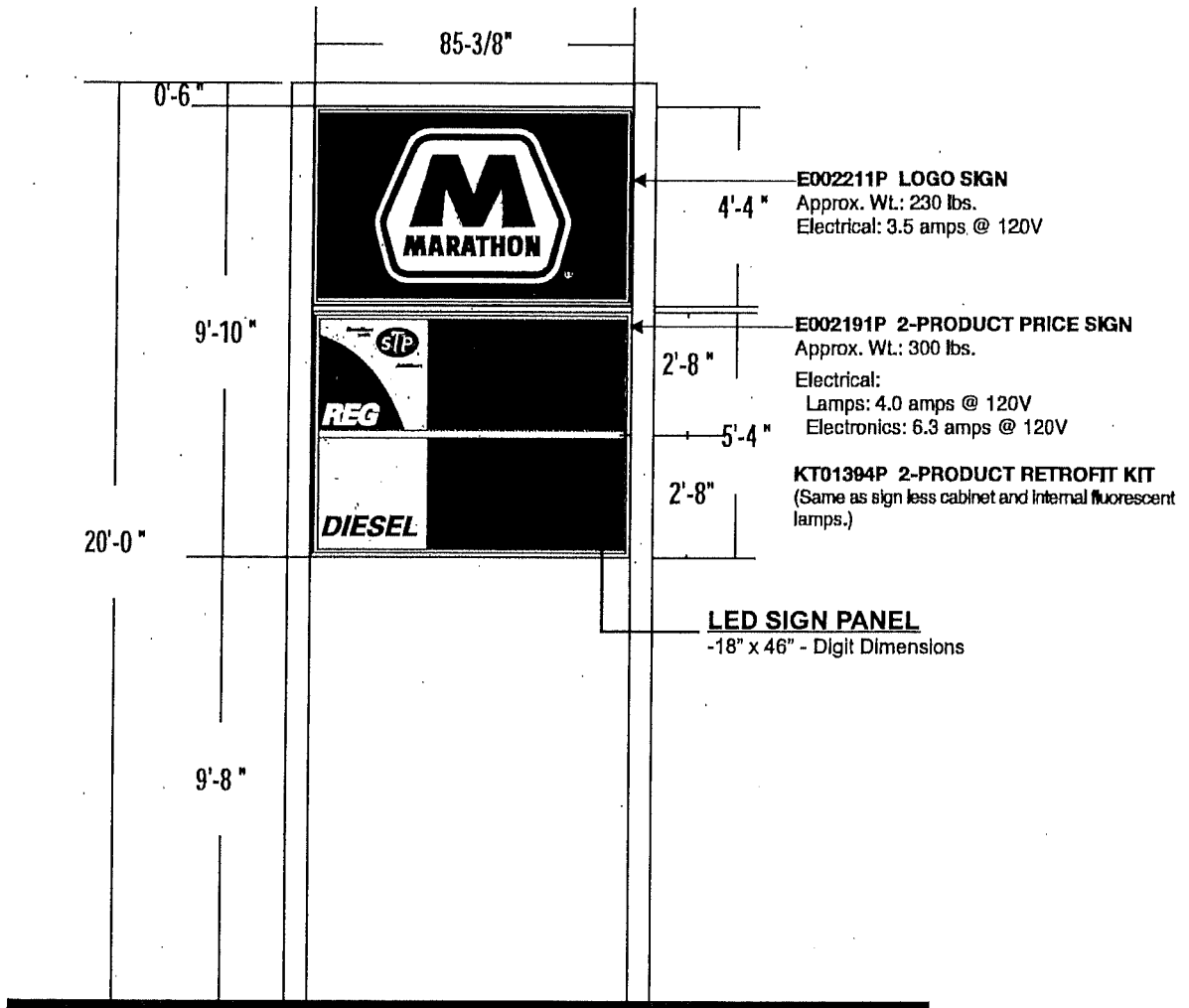
Map Document: *.msd



7 FT. GOALPOST SYSTEM

7 FT. GOALPOST SYSTEM

2-Product Price
"LumiDigit 2" LED Remote Change
Price Display



LED PRICE SIGN SPECIFICATIONS:

Extruded aluminum cabinet. Cabinet and retainers ptd. white.

Two (2) product panels with red LED LumiDigit 2 in 18" digit height; Face panels decorated with second surface vinyl or paint; Product grade copy is translucent gray with white border.

Sign mounting holes are provided for between-pole installation.

Illumination of the product grade graphics is provided with high output fluorescent lighting.

Service access to the lamps, ballast and LED modules is provided through the sliding face panels on each side.

Sign is remotely controlled with a wireless R.F. (radio control) transceiver in the sign and control console. There is also an optional hardwire control system for locations that have dedicated conduit from control location to the sign.

FILE: Marathon Rt. 25 Pole-1

Approved By

DATE: 6-2-09

Sales Rep. Mark Stottman

SCALE: 1/4"=1'

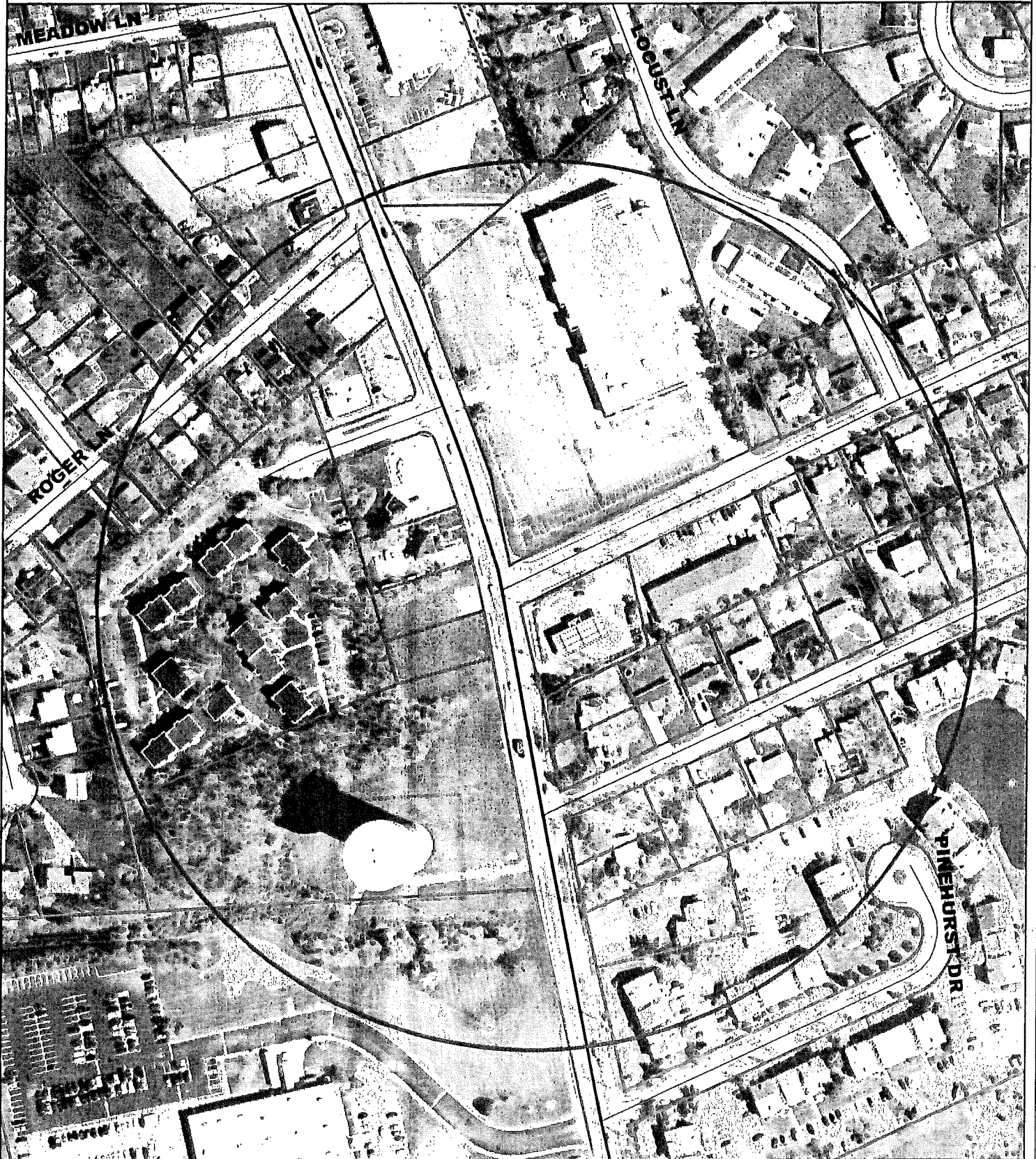
DRAWN BY: WOODY FELLINGER

THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.



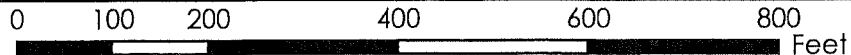
AERIAL MAP WITH 660' RADIUS

www.boonecountygis.com



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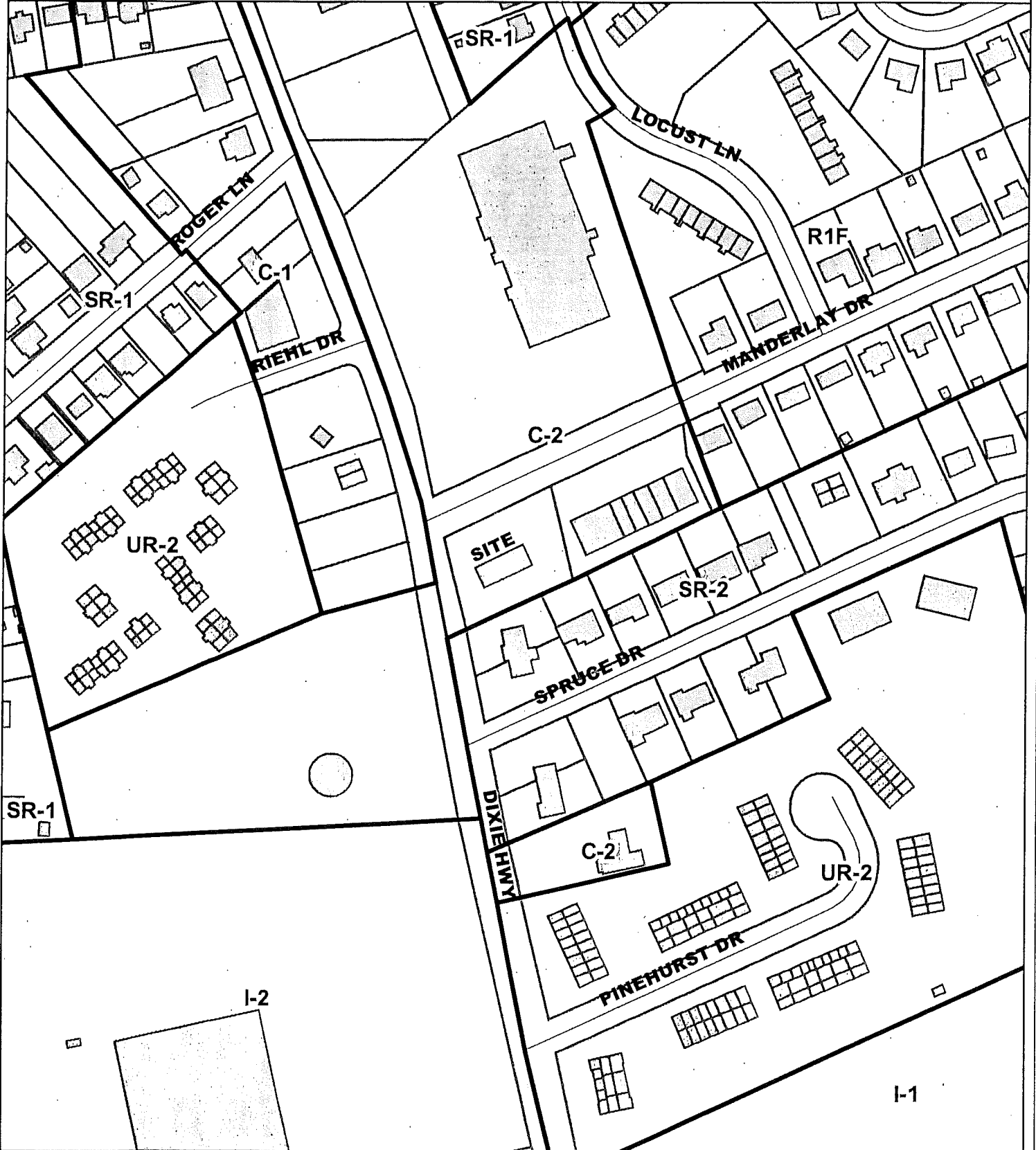
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Boone County GIS - Putting Northern Kentucky on the Map

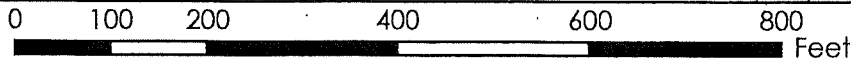
ZONING MAP

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1 inch = 200 feet

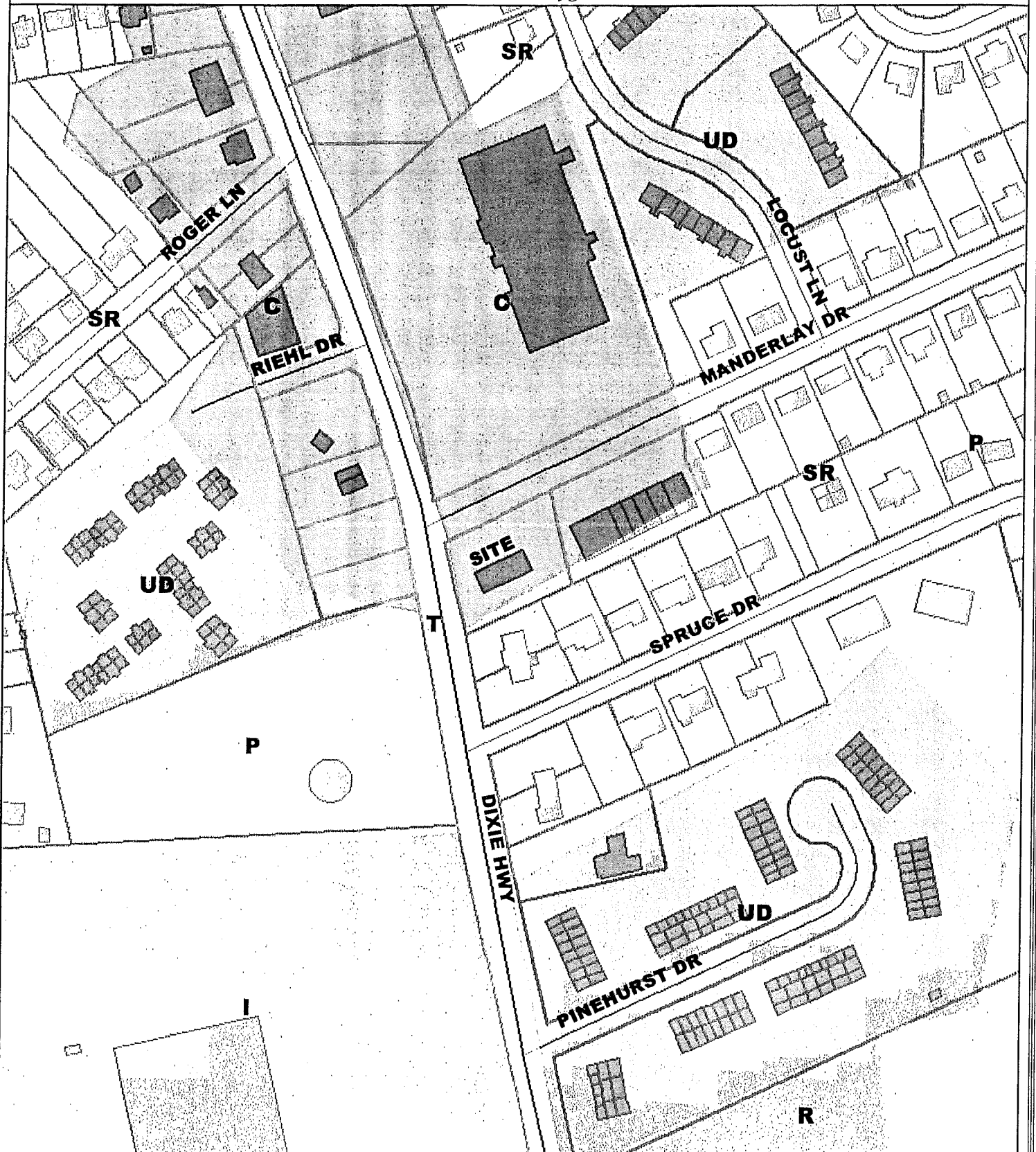


Boone County GIS - Putting Northern Kentucky on the Map



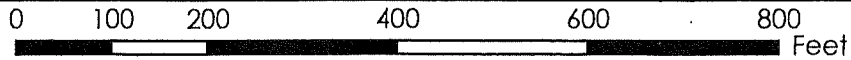
FUTURE LAND USE MAP

www.boonecountygis.com



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1 Inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

APPLICATION FORM

RECEIVED JUN -4 2009 BOONE COUNTY PLANNING COMMISSION

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

PAID JUN -4 2009 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 _____
3. Applicant's Name MARK Stottman Quality Sign
Phone Number 618-9966 Fax No. 618-70204
Applicant's Address KCD Productions Dr Burlington KY 41005
4. Description of Request: Install new pole sign with LED gas & diesel price sign
5. Name of Development MARATHON
6. Location of Development 2811 Dixie Hwy Flo ky 41042
7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property Greg Schrand
Address of Property Owner 2811 Dixie Hwy Phone No. 202-4818
10. City Flo State KY Zip 41042
11. Proposed Use(s) on Site Gas / Foodmart
12. Total Square Footage of Existing and/or Proposed Buildings Sign 70.5
13. Current Zoning on Property C-2
14. Deed Book 882 Page No. 488 Group No. 2043 B
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: Hal Stottman Quality Sign
Property Owner's Signature: Greg Schrand

COPY

CLUR #09-FBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Greg Schrand
7811 Dixie Highway
Florence, KY 41042

2. ADDRESS OF PROPERTY

7811 Dixie Highway
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Marathon

4. DEED BOOK 882

PAGE NO. 488

GROUP NO. 2043B

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

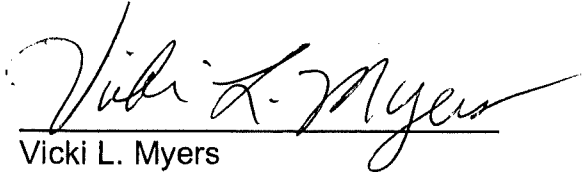
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

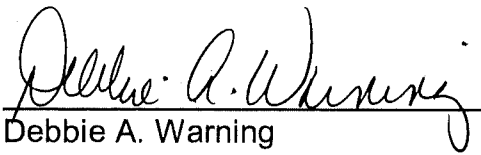
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 20 day of July, 2009.



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 July 8, 2009 Certificate of Land Use Restriction (#09-FBOA-006-A), for Greg Schrand, Property Owner(s).

The following conditions will apply:

- 1) The electronically changeable fuel windows shall only advertise fuel prices.
- 2) All electronic messages shall be displayed in red.
- 3) Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker.

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

DEED BOOK 882 PAGE NO. 488 GROUP NO. 2043B