

Oct. 20th
Meet Nov. 12th

APPLICATION FORM

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
OCT 15 2009
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 CUSTOM SIGN & ENGINEERING
Phone Number 812-401-1550 Fax No. 812-401-1554
Applicant's Address 5344 VIVAN RD.
NEWBURGH TN 37063
City State Zip
4. Description of Request: REDUCE 660' spacing bet. between elec. signs
5. Name of Development Cheyron
6. Location of Development 8063 HWY 42
7. Acreage Under Review 0.95 +/-
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property HARPER OIL
10. Address of Property Owner 7979 Kentucky Dr. Phone No. 283-1001
Boone City KY
City State Zip
11. Proposed Use(s) on Site Electronic sign
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property _____
14. Deed Book 506 Page No. 67 Group No. 20488
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? _____
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.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: John J. Moore Custom Sign (Sales)
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

STAFF REPORT

APPLICANT: Custom Sign & Engineering for Chevron

LOCATION: 8063 U.S. 42, Florence, Kentucky

ZONING: Commercial Services (C-3)

DATE: November 16, 2009

Proposal

The applicant has submitted the following applications:

1. A Conditional Use Permit application to allow electronically changeable fuel prices on Chevron's existing 22' tall, 176 square foot free-standing sign. The submitted photograph shows that regular unleaded and diesel fuel prices will be displayed in two 18" x 40" L.E.D. windows. Regular unleaded prices are proposed in red L.E.D. and diesel prices are proposed in green L.E.D.
2. A Variance to allow the electronic sign within 660' of another electronic sign. The Boone County G.I.S. system shows that the Chevron sign is approximately 366' from an approved Thornton's sign.

Pertinent Site History

On January 11, 1999, the Boone County Planning Commission approved a Site Plan allowing the construction of a 3,910 square foot convenience store, gasoline canopy, fuel pumps, car wash, and accessory parking on the lot.

On October 12, 1999, the Boone County Planning Commission approved a Sign Permit for a 22' tall free-standing sign.

On September 21, 2009, the Boone County Building Department issued a stop work order on the sign contractor that was modifying the existing free-standing sign without sign or building permits. The sign contractor had installed electronically changeable message boards and an additional 11.67 square foot sign cabinet to the bottom of the sign. The additional sign cabinet has since been removed.

Applicable Regulations

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

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request in terms of the criteria listed 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.

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.

Section 3413 of the Zoning Regulations states individual parcels located in C-3 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).

Section 3430 of the Zoning Regulations permits electronically changeable message boards as a Conditional Use in the C-3 zoning district. The following minimum standards must be 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 0.95 acre site is located on the southeast corner of the U.S. 42/LaCresta Drive intersection and contains a Chevron gasoline station, convenience store, and car wash. The site has two curb cuts on U.S. 42, one curb cut on LaCresta Drive, and one curb cut on Jameson Lane. The existing free-standing sign is located in the northeast corner of the site and in close proximity to U.S. 42.

Surrounding Land Uses and Zoning

North: U.S. 42, Berkshire Farm, (C-2/PD), Waffle House (C-3), Strip Center with Dental Center of Florence and Dollar Bill Tavern (C-2)

South: Jameson Lane, Single-Family Residential Dwelling on LaCresta Drive (SR-1)

East: Arby's (C-3)

West: LaCresta Drive, White Castle (C-3), and Undeveloped Property (SR-1)

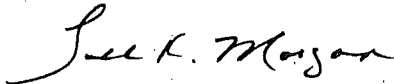
Staff Comments

1. Staff would like the applicant to explain why the electronic signs were installed without permits.
2. The existing free-standing sign is legally non-conforming because it is 22' tall and 176 square feet in area. Section 3413 of the Zoning Regulations states individual parcels located in C-3 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).
3. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before acting on the Conditional Use Permit request. 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.
4. The Board needs to determine if granting the Variance application would alter the essential character of the area or if denying the request would create an unnecessary hardship on the property owner.
5. Section 3430 of the Boone County Zoning Regulations states that an electronic message board shall conform to the following criteria:
 - A. The electronic message boards shall not be more than fifty percent (50%) of a permitted sign area. The electronic message boards comprise 5.68% (10/176) of the overall sign area.
 - B. Electronic messages must be displayed on the board for at least 5 seconds and messages cannot flash, scroll, or run.
 - C. Electronic message boards must be at least 660 feet apart. A Variance request was submitted because the approved Thornton's sign is located approximately 366' from the proposed sign Chevron sign.
6. If the application is approved, Staff recommends the following conditions:
 - A. The electronic copy shall only be used to advertise fuel prices;
 - B. The fuel price displays shall not flash, run, or scroll.
 - C. The fuel prices shall be displayed in red L.E.D.;
 - D. The sign shall be equipped with photocells and the fuel prices shall dim as the sky gets darker;

Conclusion

K.R.S. 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 act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Sign Photos (Before and After)
- *Aerial Map
- *Distance Between Electronic Signs
- *Zoning Map
- *Future Land Use Map
- *Florence BOA Actions on Electronic Signs Since 3/12/03
- *Applications

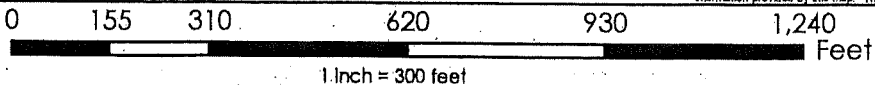
SITE VICINITY MAP

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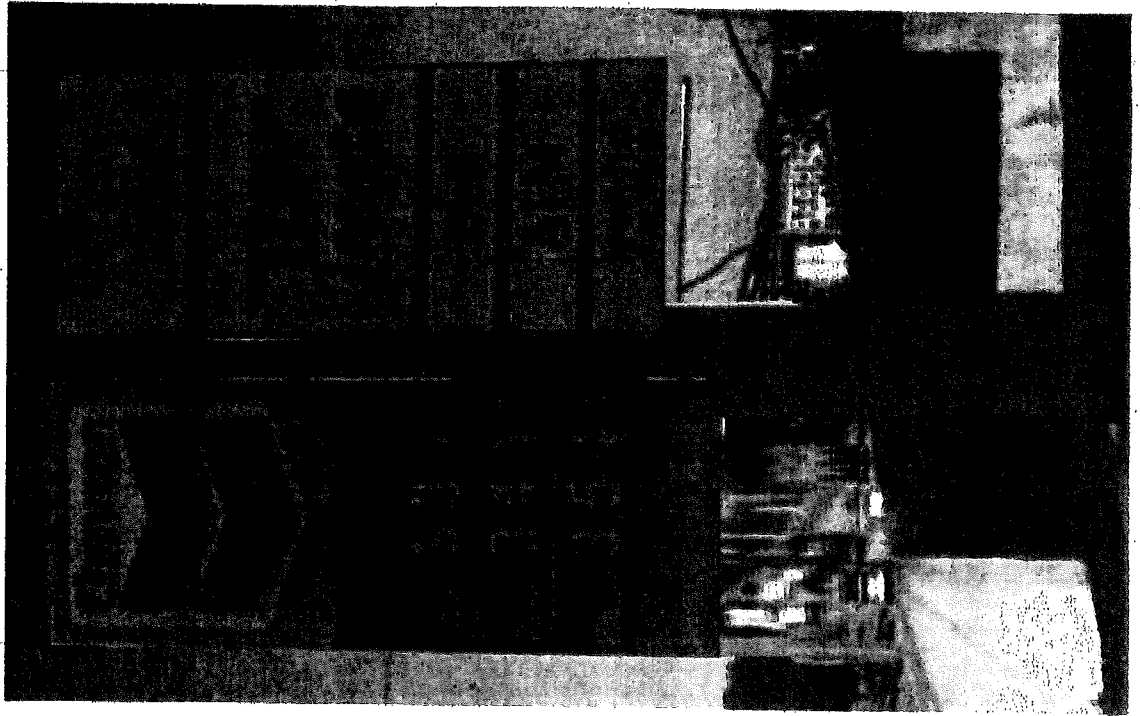
Boone County GIS - Putting Northern Kentucky on the Map

5063 U.S. 42
Florence, KY

before

22' TALL
14' 8" X 12' - 177 sq. FT.

176 SQ. FEET
12'-0"



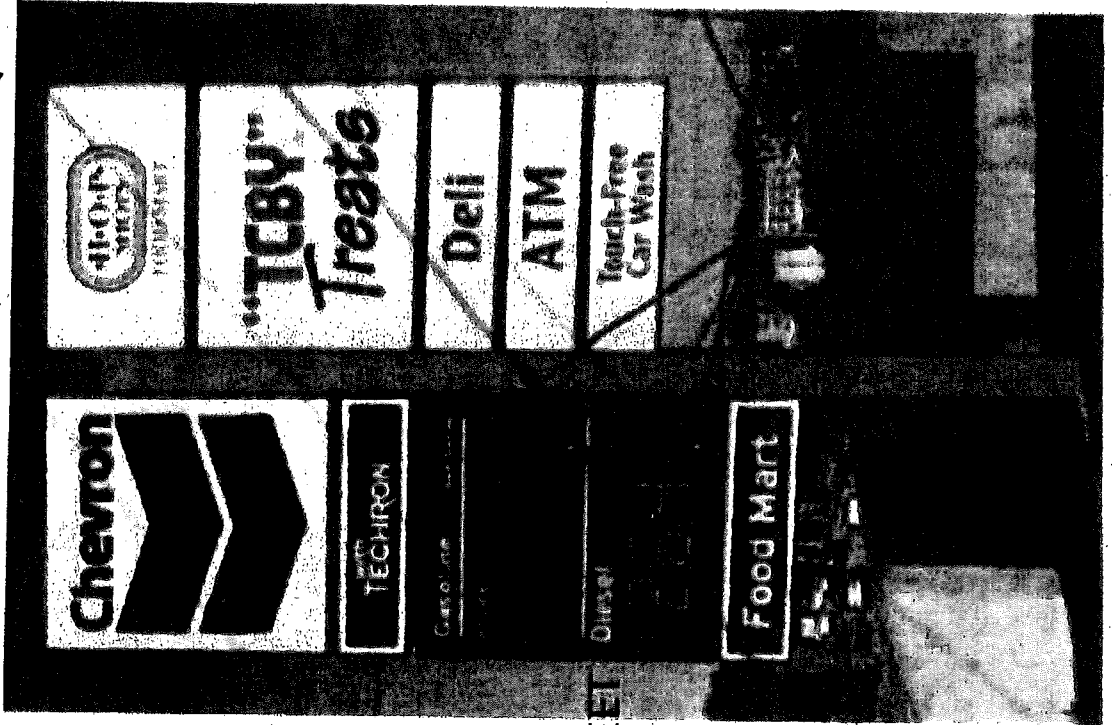
after

WE ARE REMOVING THE FOOD MART SIGN
WHICH WILL MAKE THE SQ. FT. 177 SQ. FT.

14' 8" X 12' - 177 sq. FT.

12'-0" 22' TALL

176 SQ. FEET



14'-8"

EACH LED
IS 18" X 40"

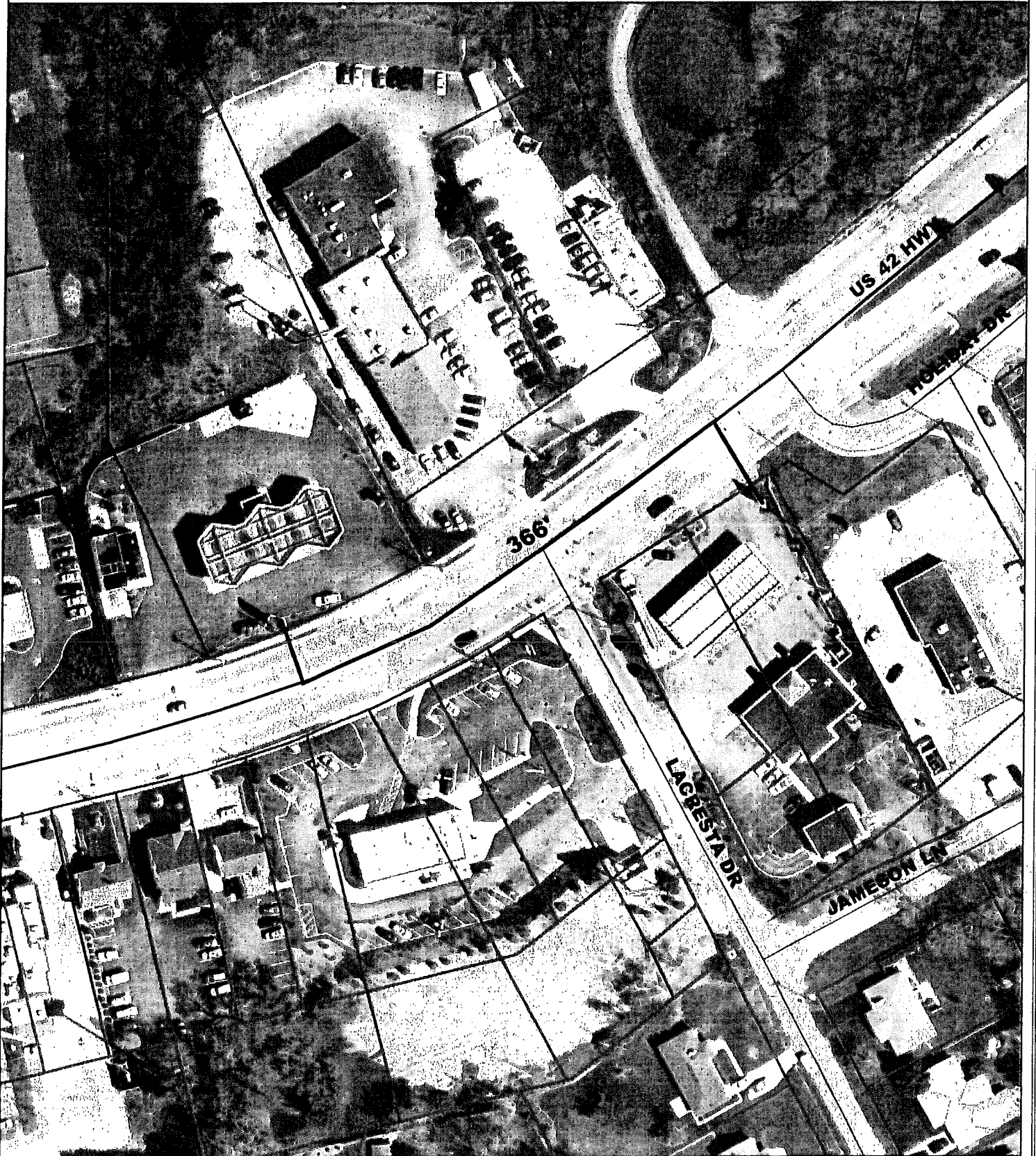
5 SQ. FEET
EACH

"Food Mart"
sign to be removed

5.68% OF SIGN IS ELEC. COPY

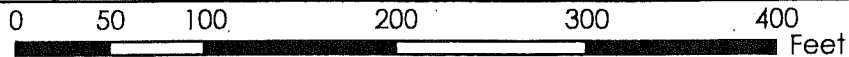
DISTANCE BETWEEN ELECTRONIC SIGNS

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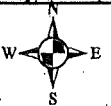
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1 inch = 100 feet

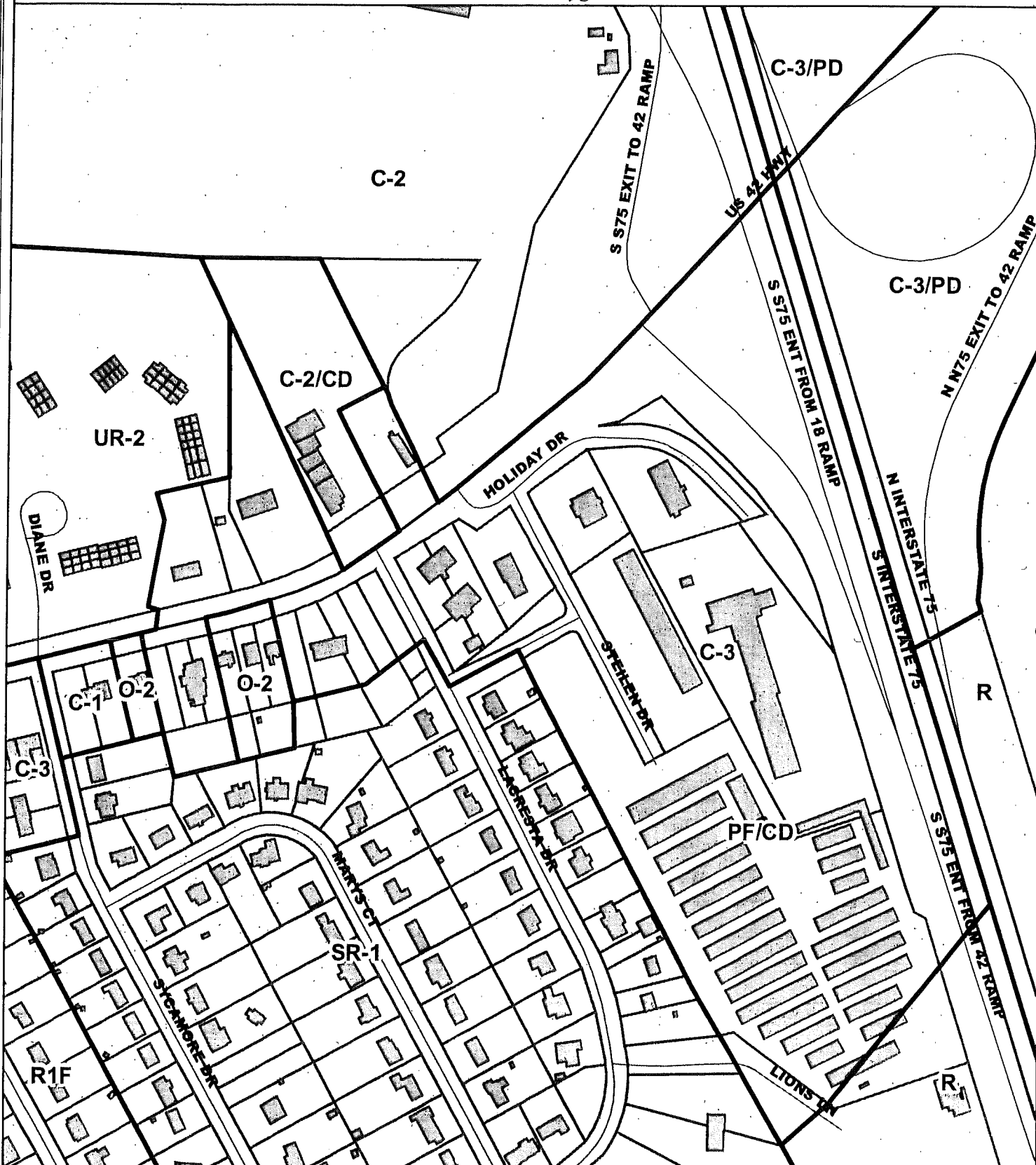


Boone County GIS - Putting Northern Kentucky on the Map



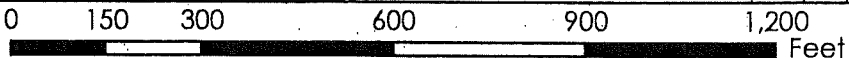
ZONING MAP

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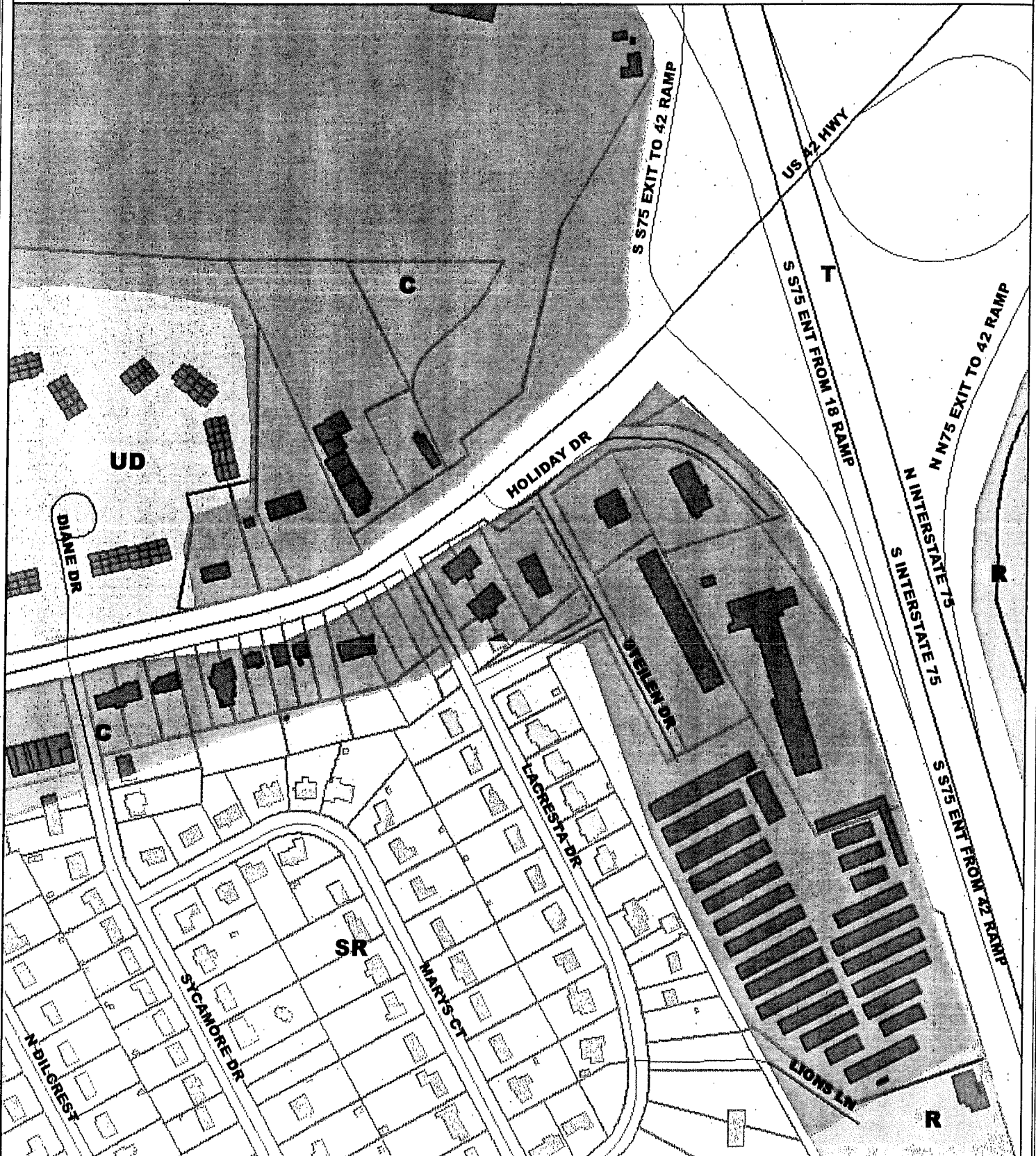
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Boone County GIS - Putting Northern Kentucky on the Map

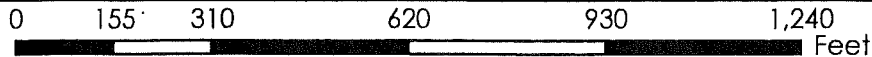
FUTURE LAND USE MAP

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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
3/12/2003	Motel 6	7937 Dream St	CUP	Approved	Allow a 20.55 square foot (40" x 74") electronically changeable room rate sign. The sign was illegally installed in 1997.	(1) The electronic area is to be no larger than it is now and can only be used for price; (2) The sign cannot flash or scroll and; (3) Any change in LED color (amber) would have to go before the Board of Adjustment for approval.
6/18/2005	CVS	6801 Dixie Hwy	CUP & Variance	Approved	Allow a 37.35 square foot (42" x 128") electronically changeable message board to replace three sign cabinets which are 44.52 square feet in area. The overall sign will be reduced from 23'-11" tall and 96.88 square feet in area to 23'-11" tall and 89.71 square feet in area. The Variance is to reduce the 660' spacing requirement to 600' (Kentucky Federal Savings & Loan).	(1) The height of the sign is to be reduced to thirteen feet and it can be no more than 125 square feet in area; (2) The sign is to be monument in style; (3) The sign is limited to one illumination color and that color is red; (4) Condition 1, 2, and 3 listed above apply only if an electronically changeable message board is integrated into the permitted on-site freestanding sign.
6/14/2006	Speedway	8240 US 42	CUP	Approved	Install two electronically changeable fuel price panels and a cigarette price panel on the existing sign. The proposed digits are 14.3" tall.	(1) The color of the lights will be red as shown; (2) The size is to be as indicated in the Staff Report and on the exhibit; (3) The sole purpose of the three panels is pricing of gas only; (4) The panels cannot be added together or used for any other purpose; and (5) Any future user is prohibited from converting the electronically changeable sign into one that flashes, scrolls, or displays multiple messages.
10/11/2006	Super 8	7928 Dream St	CUP & Variance	Approved	Allow a 40.8 square foot (3'-4" x 12") electronically changeable reader board on the existing sign. The proposed electronic message board is replacing a 40 square foot sign cabinet.	(1) The electronic message board can only use one color of red; and (2) There is to be an automatic light sensor to dim the sign.
10/11/2006	Ace Hardware	8515 US 42	CUP	Approved	Allow a 19.5 square foot (26" x 108") electronically changeable message board on top of the Ace Hardware sign. The submitted plans shows that there will be two lines of 9" copy.	(1) The Ace Hardware sign panel shall be on the top of the sign and the electronic message board shall be on the bottom of the sign; (2) The electronic message board is to be one color, which is monochrome red; (3) The electronic message board is to be controlled by an automatic light sensor; and (5) The size of the sign is to be as submitted.
11/14/2007	KY Farm Bureau	8640 Haines Dr	CUP	Approved	Allow a 8.68 square foot (2'-2" x 4') electronic time and temperature sign to be mounted on the rear facade of the tenant space.	No conditions.
5/14/2008	Thorntons	7601 Industrial	CUP	Approved	Remove Thorntons 75.96 square foot electronic gas price cabinet (unleaded price displayed on wheels) and replace it with a 49.11 square foot LED cabinet. The new cabinet displays diesel and unleaded fuel prices with 28" tall digits. The 41.48 square foot electronic reader board of the bottom of the sign is to be retained.	(1) The bottom sign (existing electronic sign) is to abide by the 5 second rule; (2) The new LED sign is for gas prices only and is limited to two colors and; (3) There is to be a sign filler between the existing LED sign and the newly approved sign and fillers on the sides between the sides and the poles. The fillers shall be painted black to match the poles. There is to be no signage on the filler panels.
7/9/2008	BP	8432 US 42	CUP	Approved	Allow a 12.35 square foot (27.5625" x 64.5") electronic window on the bottom of the BP sign to display regular fuel prices. The digits will be a maximum of 23" tall.	(1) 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 and; (4) The size of the sign is to be as presented.
7/9/2008	BP	7230 Turfway	CUP	Approved	Allow a 12.35 square foot (27.5625" x 64.5") electronic window on the bottom of the BP sign to display regular fuel prices. The digits will be a maximum of 23" tall.	(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; (3) The illegal lottery sign shall be removed; (4) The electronic copy color is limited to red; (5) The gasoline fuel price should only be changed once or twice a day and; (6) The size of the sign is to be as presented.

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
8/13/2008	Mortenson Dental	7033 KY 18	CUP & Variance	Denied	CUP - Allow a 16.92 square foot (21" x 116") electronically changeable message board on a proposed monument sign. The overall sign is 6'-8" tall and 57.53 square feet in area. The Variance is to reduce the 660' spacing requirement to 240' (Boone County High School).	The request is denied based on the Staff Report and applicable regulations. The sign will adversely affect safety and the neighborhood.
8/13/2008	Shell	411 Mt. Zion	CUP & Variance	Approved	CUP - Reduce the overall square footage of the existing sign from 210.6 square feet to 204.63 square feet and install two electronic fuel prices. The regular fuel price window is 14.34 square feet (27.5" x 75.13") and the diesel window is 6.18 square feet (19.75" x 45.13"). The proposal includes the removal of a manually changeable message board. The Variance is to reduce the 660' spacing requirement to 267' (Sports of All Sorts).	(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) and; (6) The sign is not to flash, scroll, or run.
8/13/2008	Shell	985 KY 18	CUP	Approved	Reduce the overall square footage of the existing sign from 210.6 square feet to 204.63 square feet and install two electronic fuel prices. The regular fuel price window is 14.34 square feet (27.5" x 75.13") and the diesel window is 6.18 square feet (19.75" x 45.13"). The proposal includes the removal of a manually changeable message board.	(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) and; (6) The sign is not to flash, scroll, or run.
10/8/2008	BP	8432 US 42	CUP	Approved	Change the 7/9/08 FBOA condition which required an electronically changeable fuel price panel to be displayed in red L.E.D. The applicant wants to change the color to green. The fuel price window is 12.35 square feet in area and the digits are a maximum of 23" tall.	(1) Electronic messages must be displayed on the board for at least 5 seconds and the message cannot flash, scroll, or run. The gasoline price shall only be changed once or twice a day; (2) The electronic copy can only advertise regular fuel prices; (3) The size of the sign shall be as presented; (4) the electronic copy color shall be limited to one color - either red or green; (5) A photocell is to be provided in the sign and the fuel price shall dim as the sky gets darker; and (6) The applicant will work with Staff to ensure that the sign is not abnormally bright.
10/8/2008	BP	7230 Turfway	CUP	Approved	Change the 7/9/08 FBOA condition which required an electronically changeable fuel price panel to be displayed in red L.E.D. The applicant wants to change the color to green. The fuel price window is 12.35 square feet in area and the digits are a maximum of 23" tall.	(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; (3) The illegal lottery sign shall be removed; (4) The gasoline fuel price shall only be changed once or twice a day; (5) The size of the sign shall be as presented; (6) the electronic copy color shall be limited to one color - either red or green; (7) A photocell is to be provided in the sign and the fuel price shall dim as the sky gets darker; and (8) The applicant will work with Staff to ensure that the sign is not abnormally bright.

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
1/14/2009	Thorntons	8104 US 42	CUP	Approved	Install two electronically changeable gas prices and an electronically changeable message board on one of Thorntons free-standing signs. A survey shows the existing sign is 30'-1/2" tall and 185 square feet in area (includes a 33.33 square foot manually changeable message board) and a rendering shows the proposed sign is 30'-1/4" tall and 144 square feet in area. The proposed fuel windows are 11.08 square feet in area and have 24" numbers. The electronic message board is 24.92 square feet in area.	(1) The proposed electronically changeable fuel windows shall advertise fuel prices only and all three panels (2 electronic fuel windows and electronic reader board) are to be one color and that color is red; (2) The electronic reader board is to be red only. It is limited to two lines of text and the messages can be changed no more often than every ten seconds; (3) The electronically changeable message board and fuel cells shall comply with the applicable zoning regulations; (4) There is to be a photocell in the sign and the electronic messages are to dim as the sky gets darker; (5) The Interstate high rise sign at the rear of the property is to be totally removed prior to installing the new sign; (6) There are to be no scrolling, running, moving patterns or other effects prohibited by the regulations; and (7) The applicant is to contact the KY Transportation Cabinet and determine if an advertising device permit is required.
4/8/2009	Dixie Gas & Go	6909 Dixie Hwy	CUP	Approved	Install two electronically changeable gas prices on the existing free-standing sign (each window is 15" x 42") and convert the 16.5 square foot manual message board at the bottom of the sign to an electronically changeable message board.	(1) The electronic reader board at the bottom of the sign can have a maximum of two lines of copy; (2) The electronic copy can change no more than once every 24 hours; (3) The electronically changeable fuel windows shall only advertise fuel prices; (4) All electronic messages shall be displayed in red; and (5) Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker.
6/13/2009	Speedway	7819 US 42	CUP & Variance	Approved	CUP - Install two electronic gas prices and a cigarette price with 18" high numbers. Manual message board to be retained. The Variance is to reduce the 660' spacing requirement to 430' (Wildwood Inn).	(1) The electronic copy can only advertise fuel and cigarette prices; (2) the electronic copy color shall be limited to one color and the color is red; (3) the sign shall be equipped with photocells; (4) the sign shall conform with Article 34 of the zoning regulations; and (5) the approval is based on the applicant's presentation and proposed sign drawing.
6/13/2009	Culver's	8554 US 42	CUP & Variance	Approved	CUP - Allow an 14.67 square foot electronically changeable message board on a 10' tall, 61.65 square foot monument sign. The electronic letters are 10" tall. The Variance is to reduce the 660' spacing requirement to 495' (KY Farm Bureau).	(1) The electronic message board shall not be used to advertise off-premise businesses; (2) The electronic message board shall have a maximum of two lines of text; (3) All electronic messages shall be displayed in red; (4) All electronic messages shall be displayed for at least 15 seconds; (5) The sign shall be equipped with photocells and the electronic copy shall dim as the sky gets darker; and (6) Culver's shall not be permitted to advertise on the subdivision identification monument sign.
7/8/2009	Marathon	7811 Dixie Hwy	CUP	Approved	Allow construction of a new 20' tall, 69.96 square foot free-standing sign with two 6.83 square foot (20.1875" x 48.75") electronic fuel price windows. The fuel prices will be displayed in red L.E.D. and are a maximum of 18" tall.	(1) The electronic copy shall only advertise regular 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.

COPY

CLUR #09-FBOA-008-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Harper Oil
7975 Kentucky Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY
8063 U.S. Highway 42
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Chevron

4. DEED BOOK 506 PAGE NO. 67 GROUP NO. 2048B

5. TYPE OF RESTRICTION(S) (Check all that apply)

<input type="checkbox"/> Zoning Map Amendment: From _____ To _____	<input checked="" type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Plan	<input type="checkbox"/> Conditional Zoning
<input type="checkbox"/> Subdivision Plat (Not Recorded)	<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> 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

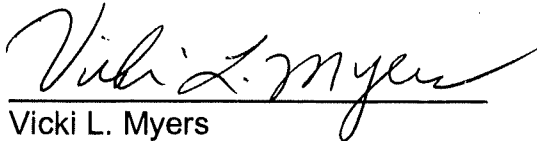
Todd K. Morgan
 SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

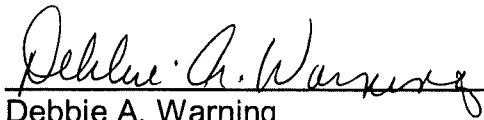
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 19 day of November, 2009.



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 and Variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of November 16, 2009 Certificate of Land Use Restriction (#09-FBOA-008-A), for Harper Oil, Property Owner(s).

The following conditions will apply:

- 1) The electronic copy shall only be used to advertise fuel prices.
- 2) The fuel price displays shall not flash, run, or scroll.
- 3) The fuel prices shall be displayed in red L.E.D.
- 4) The sign shall be equipped with photocells and fuel prices shall dim as the sky gets darker.

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

DEED BOOK 506 PAGE NO. 67 GROUP NO. 2048B