

1732.00

09-FBOA-009-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED NOV 17 2009 BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

(Check One) 1. Boone [checked] Florence [checked] Walton [ ] Union [ ]

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

3. Applicant's Name: MARK Stottman Quality Sign Phone Number: 217-9966 Fax No.: Applicant's Address: 1210 Producers Dr, Burlington, IL 61005

4. Description of Request: Install Electronic Message Center Sign + Variance to reduce 660' spacing requirement

5. Name of Development: Desktop oil change

6. Location of Development: #114 Rt-42 Florence, IL 61042

7. Acreage Under Review: 0.6945

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

9. Owner of Property: Jeff Simmons Address of Property Owner: 5941 Peoples Ln, Burlington, IL 61005 Phone No.: 815-266-1183

10. City: Burlington State: IL Zip: 61005

11. Proposed Use(s) on Site: Oil Change Center

12. Total Square Footage of Existing and/or Proposed Buildings: Sign Existing 600 Proposed 33.30

13. Current Zoning on Property: C-3

14. Deed Book: 446-111 Page No.: 163 Group No.: 2040B

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: Mark Stottman Quality Sign

Property Owner's Signature: Jeff Simmons

**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 11/17/09 Fee Received \$1732<sup>00</sup> RA#59779
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
12/9/09  Approved  
 **Approved with Conditions** (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE 12/9/09 MEETING MINUTES  
AND C.C.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](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: Quality Signs for QuikStop Oil Change

LOCATION: 8114 U.S. 42, Florence, Kentucky

ZONING: Commercial Services (C-3)

DATE: December 9, 2009

### Proposal

The following applications have been submitted:

1. A Conditional Use Permit to allow QuikStop Oil Change to mount a 3'-4" x 10' (33.3 square foot) electronic message board on their existing free-standing sign. The proposal would increase the area of the sign to 93.3 square feet. The existing sign is located in close proximity to U.S. 42 and is 18' tall and 60 square feet in area.

The applicant has informed Staff that the electronic message board has the ability to display up to 5 lines of text. The minimum letter size is 5 inches and the maximum letter size is 36 inches. All messages will be displayed in red for a minimum of 10 seconds. The sign will be manufactured with a photocell and messages will dim as the sky gets darker.

2. A Variance to allow the electronic sign within 660' of other electronic signs. The Boone County G.I.S. system shows that the proposed electronic sign is located approximately 244' from the approved Thornton's sign and 620' feet from the approved Chevron sign.

### Site Characteristics

The 0.69 acre site contains an oil change business and has 188' of frontage along US 42. The topography falls from 900' above sea level at U.S. 42 to 874' above sea level at the rear property line. A privacy fence and evergreen trees screen the rear parking lot from the apartments. The subject sign is located immediately to the west of the curb cut that serves the property.

### Applicable Regulations

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.

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 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 terms of the criteria listed 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 that individual parcels of land 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 message boards as a Conditional Use in the C-3 zone. The following requirements 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).

#### Surrounding Land Uses and Zoning

North: Brookwood Apartments (UR-2)

South: U.S. 42, Rawlings Foundation (O-2), Florence Vet Hospital (O-2), and Perkins (C-3)

East: Future Thornton's Gas Station and Convenience Store (C-3)

West: Brookwood Apartments (UR-2)

#### Staff Comments

1. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines from the Comprehensive Plan 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.

Staff has concerns that the electronic message board could have a negative visual appearance on U.S. 42, be distracting to motorists traveling on U.S. 42, and impact residents in the adjoining apartment building.

3. 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.

Staff is concerned that QuikStop's proposed sign is located approximately 244' to the west of Thornton's approved electronically changeable message board and has the potential to cause a hazard to the public. The short proximity of two electronically changeable reader boards from one another raises the question if motorists would be distracted by the changing nature of the signs.

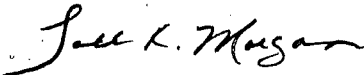
4. A chart has been provided showing all the electronic sign requests that the Florence Board of Adjustment has acted on since 2003 (see attachments). Staff has the following comments:
  - A. Many of the electronic sign proposals have been limited to electronic fuel prices. The Board members have commented that they do not generally have issues with these type of signs because the messages only change once or twice a day.
  - B. On January 14, 2009, the Board approved Thornton's request for electronic fuel prices and an electronic reader board. One of the conditions of approval required a non-conforming interstate high rise sign to be removed from the site before the proposed sign was constructed. Other conditions limited the 24.92 square foot electronically changeable reader board to two lines of red text that could change no more than once every 10 seconds.
  - C. It should be noted that Walgreen's electronic sign located at U.S. 42 and Mall Road (approximately 1,142' west of the QuikStop sign) was permitted by right and did not have to go through the Conditional Use Permit process. The property is located within the Mall Road Commercial Sign District and electronic signs are permitted by right.
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 board shall not be more than fifty percent (50)% of a permitted sign area. The message board is 36% (33.3/93.3) 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. The applicant has indicated that all messages on the sign will be displayed for a minimum of 10 seconds.
  - C. Electronic message boards must be at least 660 feet apart. A Variance has been submitted because the proposed sign is approximately 244' from the approved Thornton's sign and 620' feet from the approved Chevron sign.

6. Staff recommends the following conditions if the request is approved:
  - A. The electronic message board shall be limited to two or three lines of text.
  - B. Messages shall be displayed in red.
  - C. Messages must be displayed for a minimum of 10 seconds.
  - D. Messages shall not run, flash, or scroll.
  - E. The sign shall be equipped with a photocell and the messages 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

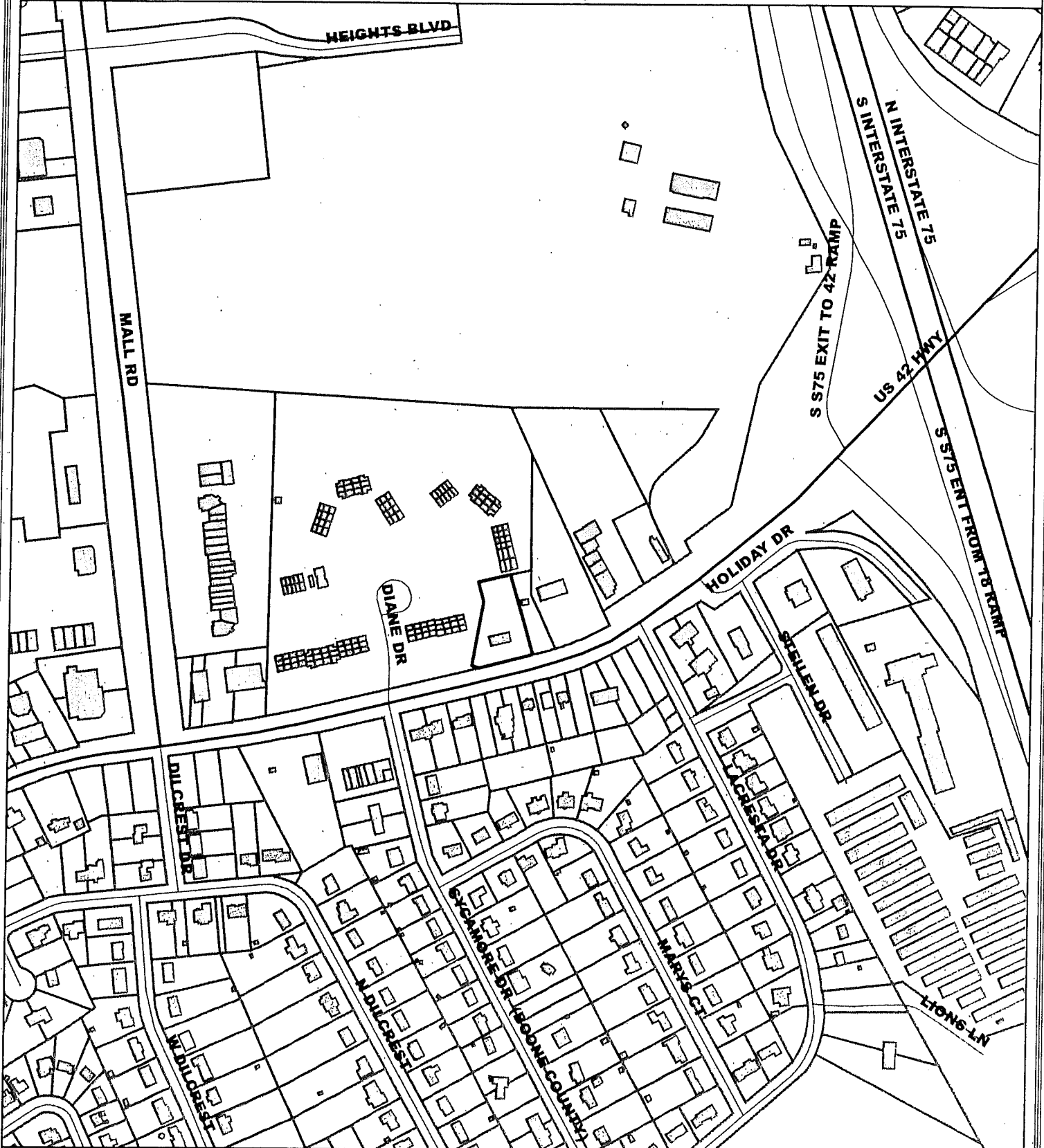
TKM/pr

Attachments

- \*Site Vicinity Map
- \*Proposed Sign
- \*Approved Electronic Signs within 660' of the Proposed Sign
- \*2007 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*1990 Sign Permit Exhibit
- \*Florence BOA Electronic Sign Request Chart
- \*Application

# SITE VICINITY MAP

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

10'-6"

3'-4"

STOP IN TODAY AND HAVE  
YOUR OIL CHANGED BY OUR  
PROFESSIONAL TEAM!!  
WE STAND BEHIND OUR  
SERVICE!!

Furnish and install one D/F Electronic Message Center

**Specs**

Pitch/Character: Mono 19MM/5"

Color: Red

Cabinet Style: Double Face

Overall Size: 40"H x 10'L x 8"D

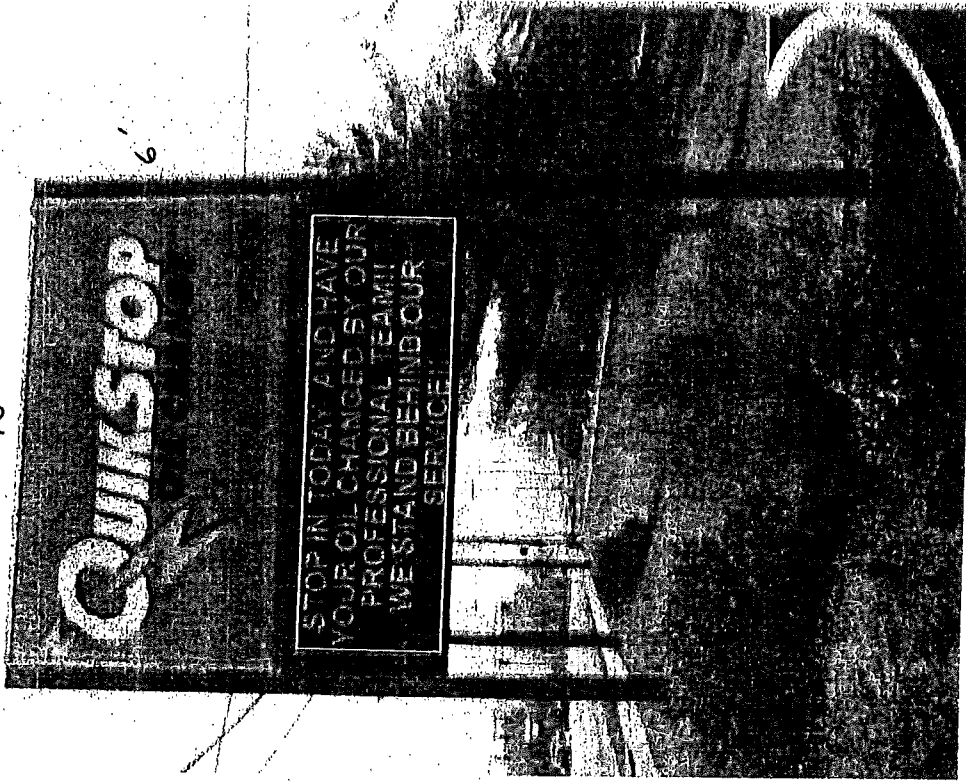
Viewing Area: 36"H x 9'L

Matrix Size: 48 x 144

Communications: R/F Wireless Modem

Temp Probe: Included

Sign to be mounted between existing 6x6 steel poles



10'

6'

QUIK STOP Rf 42- LED Message Center

FILE: QS Rf 42 LED-1

DATE: 11-16-09

SCALE: 3/8"=1'

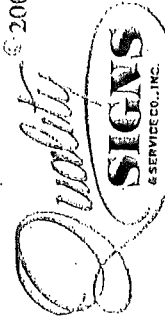
Approved By:

Sales Rep: Marti Stoffman

DRAWN BY: WOODY FELLINGER

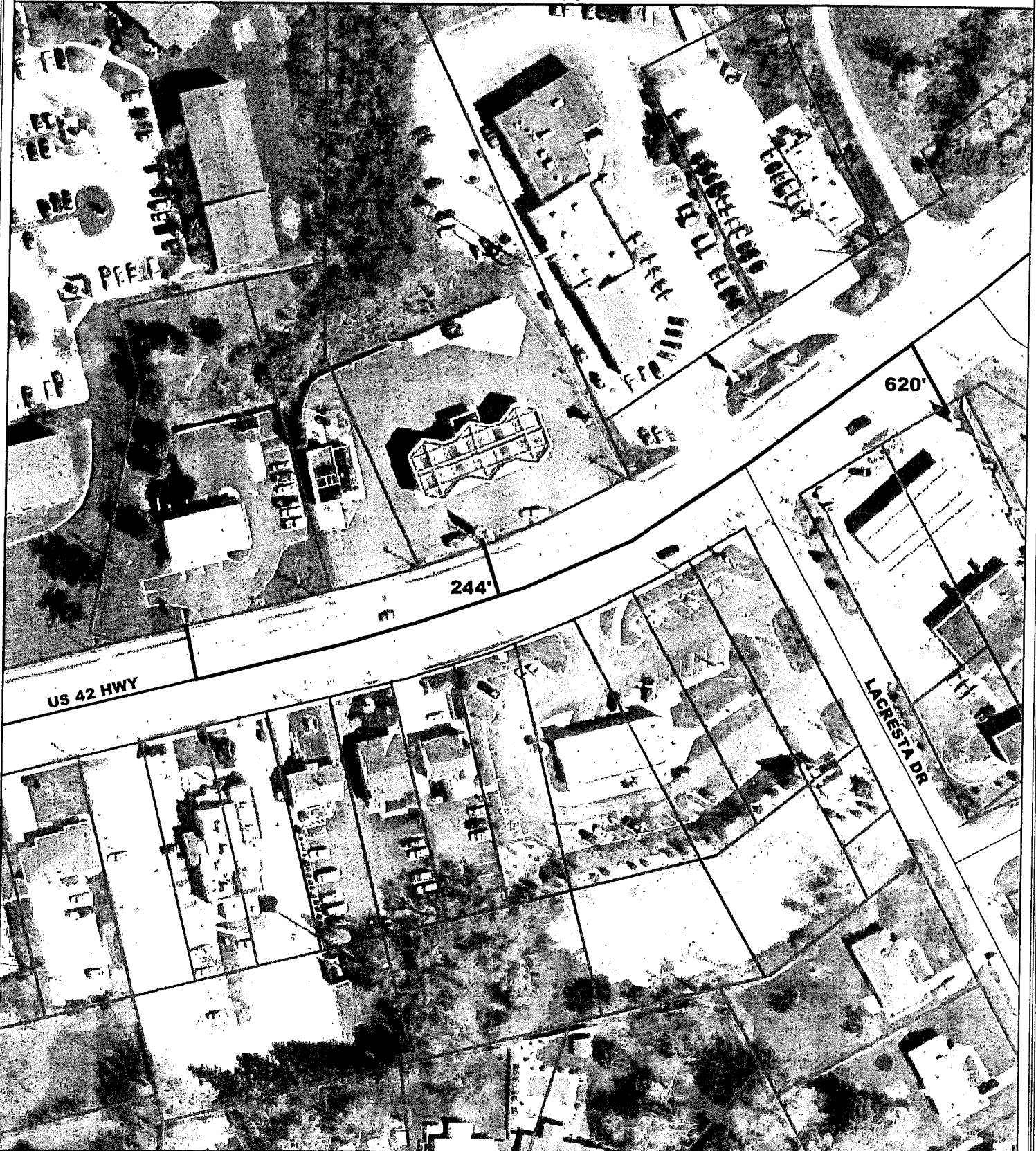
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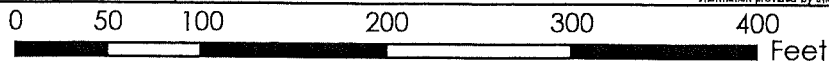
# APPROVED ELECTRONIC SIGNS WITHIN 660 FEET

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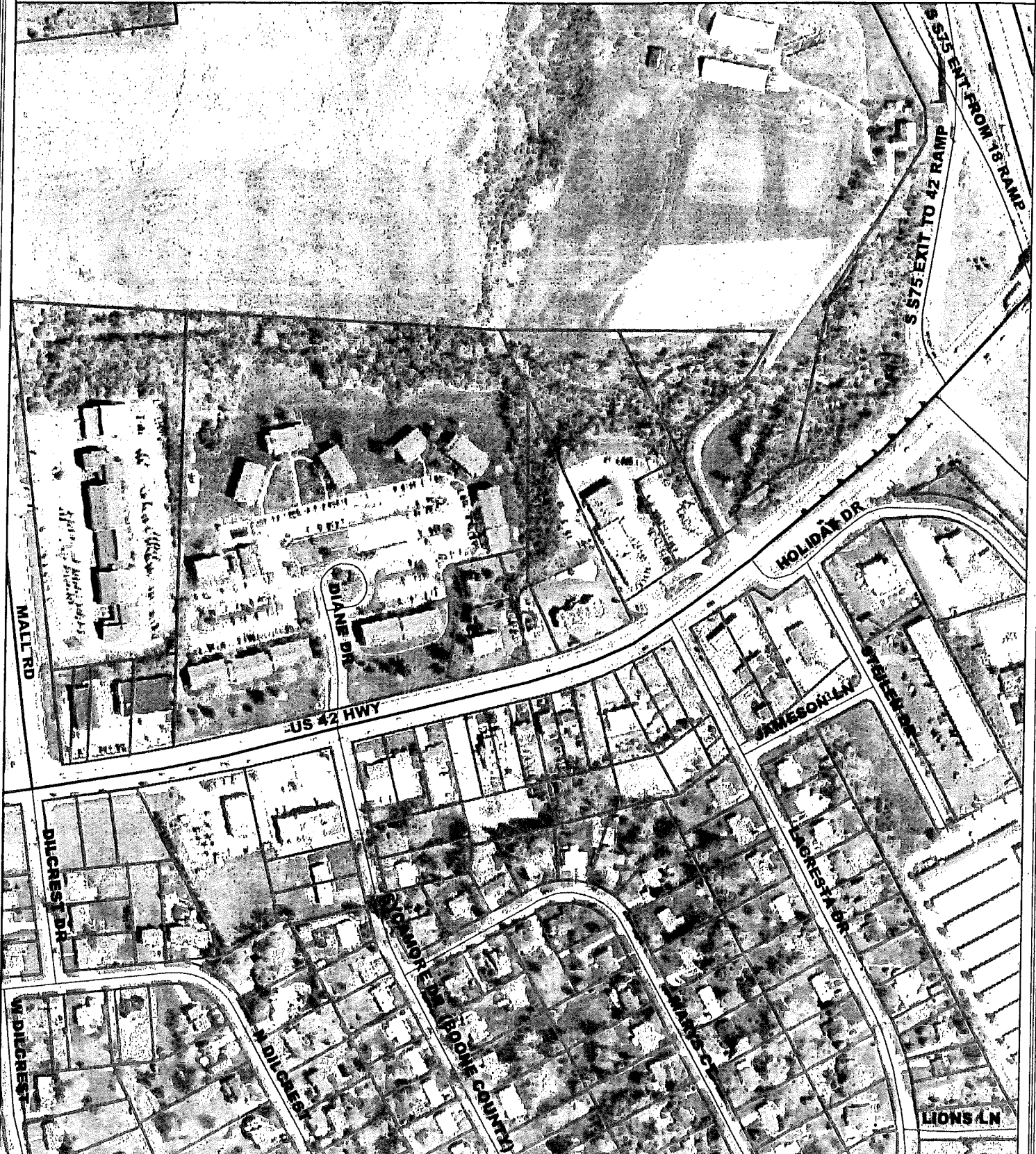


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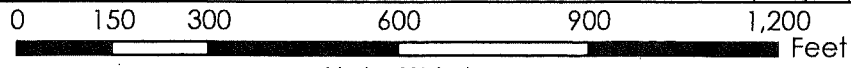
# AERIAL MAP

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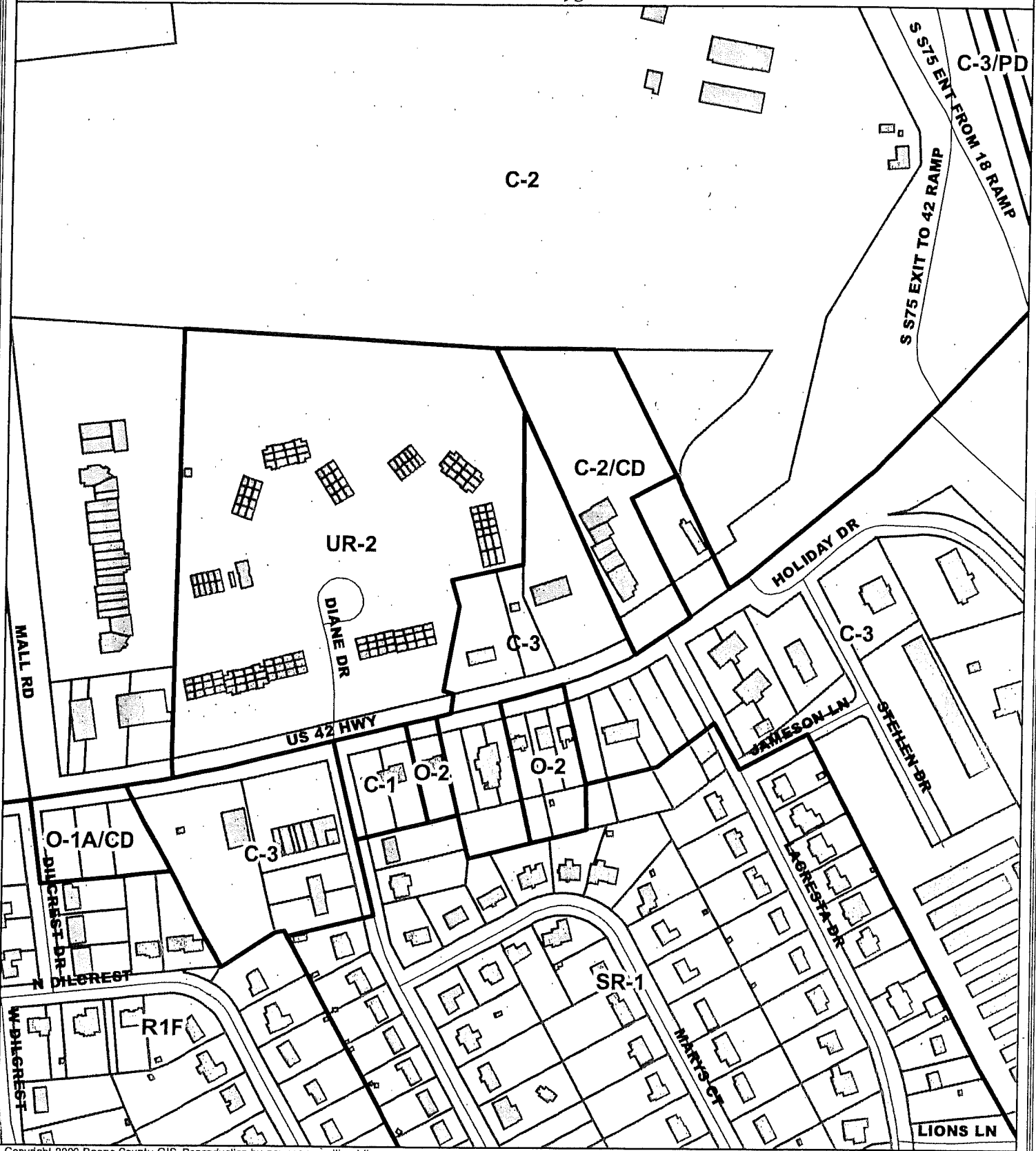
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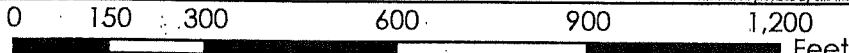
# ZONING MAP

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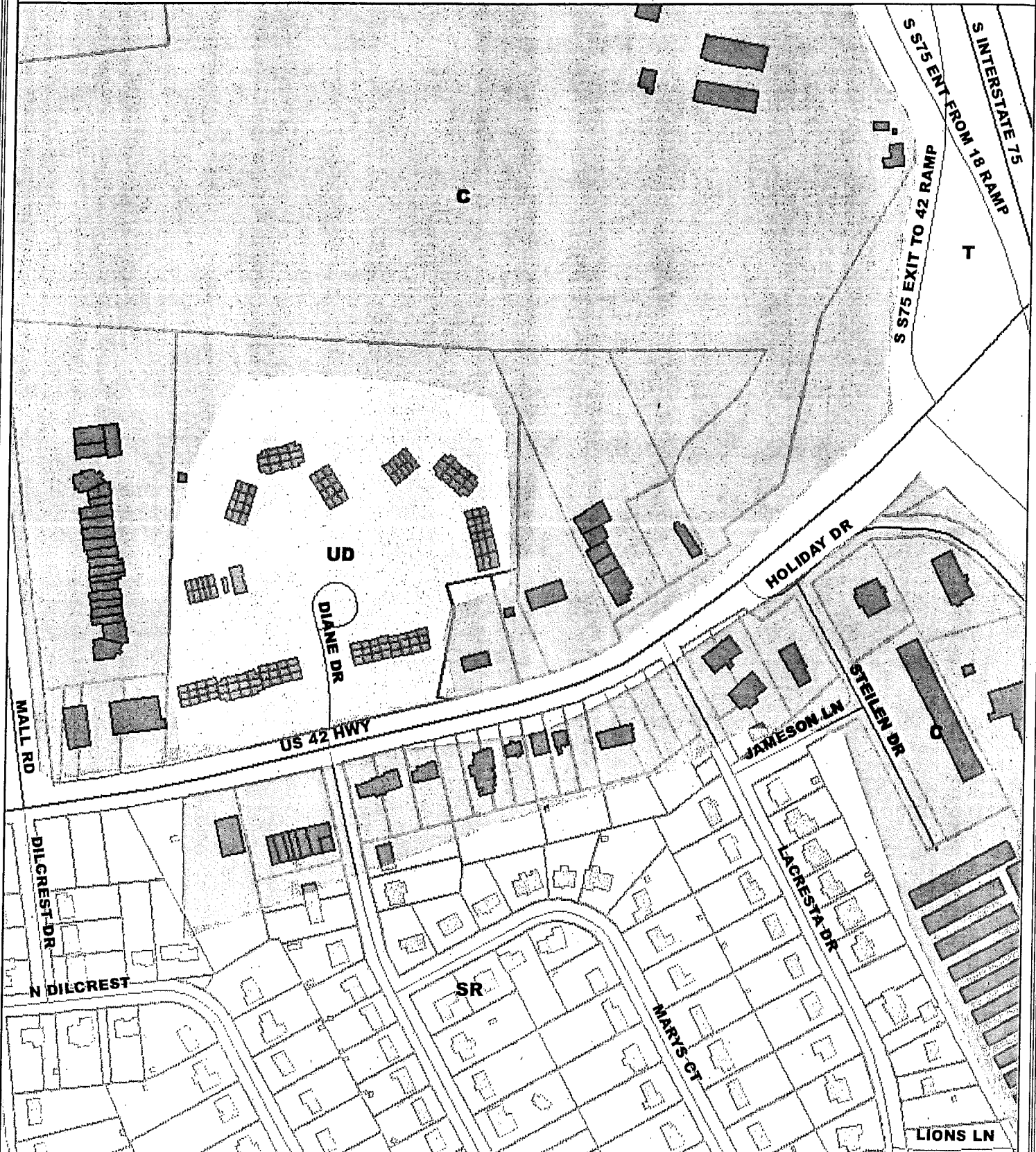
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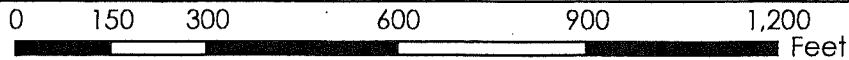
# FUTURE LAND USE MAP

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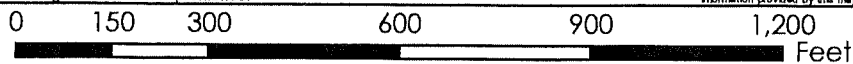
# TOPOGRAPHICAL MAP

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| 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.  |
| 6/8/2005    | 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 panels 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'-3/4" 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'-3/4" 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 (two 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.   |
| 11/16/09    | Chevron        | 8063 US 42     | CUP & Variance | Approved | CUP - Allow electronic gas prices on an existing 22' tall, 176 square foot sign. Two 18" x 40" electronic fuel windows are proposed. Variance - Reduce 660' spacing requirement. Approved Thornton's sign is approximately 366' to west.   | (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 the fuel prices shall dim as the sky gets darker.  |

1722.00

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED NOV 17 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) Conditional Use Permit [X] Variance [ ] Appeal [ ]
3. Applicant's Name: MARK Stottman Quality Sign
4. Description of Request: Install Electronic Message Center Sign + Variance to reduce 660' spacing requirement
5. Name of Development: Double sign and change
6. Location of Development: #114 Rt-42 Florence Ky 41042
7. Acreage Under Review: 0.6945
9. Owner of Property: Jeff Simmons
10. Address of Property Owner: 5981 Peoples Ln Burlington Ky 41005
11. Proposed Use(s) on Site: Oil Change Center
12. Total Square Footage of Existing and/or Proposed Buildings: Sign Existing 600
13. Current Zoning on Property: C-3
14. Deed Book: 446-111 Page No. 163 Group No. 20408
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

Applicant's Signature: Mark Stottman Quality Sign
Property Owner's Signature: Jeff Simmons

(over)

COPY

CLUR #09-FBOA-009-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Jeff Simmons  
5981 Peoples Lane  
Burlington, KY 41005
2. ADDRESS OF PROPERTY  
8114 U.S. Highway 42  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Quikstop Oil Change

4. DEED BOOK 446                      PAGE NO. 163                      GROUP NO. 2040B

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

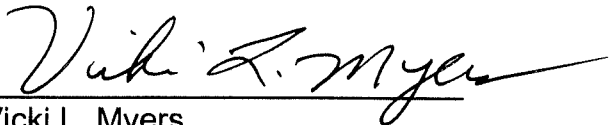
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

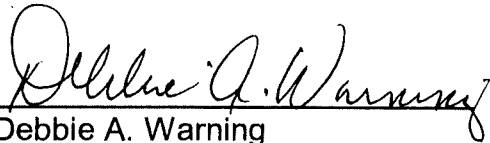
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 10 day of December, 2009.



Vicki L. Myers  
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  
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 December 9, 2009 Certificate of Land Use Restriction (#09-FBOA-009-A), for Jeff Simmons, Property Owner(s).

The following conditions will apply:

- 1) The electronic message board shall be limited to two lines of text.
- 2) Messages shall be displayed in red.
- 3) Messages shall be displayed for a minimum of one minute.
- 4) Messages shall not run, flash, or scroll.
- 5) The sign shall be equipped with a photocell and the messages 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 446

PAGE NO. 163

GROUP NO. 2040B