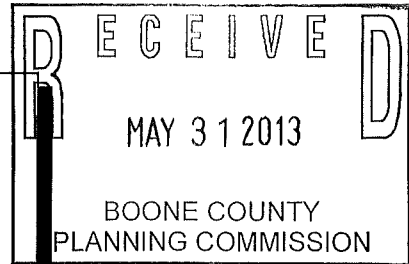


13-FRDA-000-A

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. _____ Conditional Use Permit [X] Variance _____ Appeal _____
Change in Non-Conforming Use _____
3. Applicant's Name Greenberg Farrow Architecture, Inc.
Applicant's Address 1430 West Peachtree Street - Suite 200
Atlanta Georgia 30309
City State Zip
Phone Number 404-601-4000 Fax No. 404-601-3993 E-Mail yortiz@greenbergfarrow.com
4. Description of Request: Sign variance to allow 682 SF of total combined area on building frontage. 464.75 SF
5. Name of Development Murphy Express
6. Location of Development 8228 U.S. Highway 42 Murphy Oil
7. Acreage Under Review 1.192 acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Murphy Oil USA, Inc.
Address of Property Owner 422 North Washington Street
10. El Dorado Arkansas 71730
City State Zip
Phone Number 870-875-7629 Fax No. 870-875-7616 E-Mail rusty_coan@murphyoil.com
11. Proposed Use(s) on Site Fuel sales
12. Total Square Footage of Existing and/or Proposed Buildings 3,448 sf
13. Current Zoning on Property C-2 Commercial Two
14. Deed Book 1014 Page No. 367 Group No. 2040A
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.

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

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(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 5/31/13 Fee Received \$1,582.00 Receipt # W0976
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
6/24/13 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 6/24/13 Meeting Minutes
AND CLUR.
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: Greenberg Farrow Architecture for Murphy Express

LOCATION: 8228 US 42, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: June 24, 2013

PROPOSAL

The applicant has submitted the following Variance requests:

1. Increase the permitted building mounted signage on the front facade of the building from 124.16 square feet to 464.75 square feet.
2. Increase the permitted signage on the front face of a gasoline canopy from 102.145 square feet to 408.58 square feet.

APPLICABLE REGULATIONS

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 requests as they relate to the Variance criteria as 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.

Section 3403 of the Boone County Zoning Regulations states the surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.

Section 3413 (1) of the Boone County Zoning Regulations states that a business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage.

Section 3413 (2) of the Boone County Zoning Regulations states that Canopy (on gasoline and other completely detached canopies) mounted signage is permitted on no more than three (3) elevations of the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted. The signs may not extend above or below the fascia of the canopy.

Section 4000 of the Boone County Zoning Regulations defines a sign as a device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

SITE CHARACTERISTICS

The 1.192 acre site is located on the north side of US 42 and contains a gasoline station, convenience store, and car wash that is currently unoccupied. Access to the property is provided from two curb cuts on US 42. A 34' tall freestanding sign is located along the US 42 frontage.

SURROUNDING LAND USES AND ZONING

- North: Shopping Center with Schloemer's Furniture (C-2/PD/MR)
South: US 42 and Single-Family Residential Dwellings (SR-1 and R1F)
East: Walgreens (C-2/PD/MR)
West: Single-Family Residential Dwellings (C-2)

STAFF COMMENTS

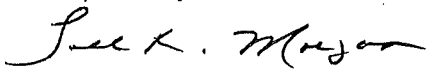
1. On April 15, 2013, Boone County Planning Commission approved a Minor Site Plan for the property. The plan shows the car wash will be demolished and parking lot and landscaping improvements will be made to the site (see attachments).

2. Staff has the following comments regarding the building mounted signage request:
 - A. All of the proposed building mounted signs are decals and are not internally illuminated.
 - B. A lot of dead space is being factored into the proposed signage calculation.
3. Staff has the following comments regarding the gasoline canopy signage request:
 - A. The gasoline canopy is not internally illuminated.
 - B. Staff believes the price signs on the gasoline canopy are redundant and excessive. The gasoline prices will be fully visible to motorists on the updated freestanding sign.
 - C. The gas price panel on the front of the canopy is part of the Variance request. The gas price panel on the left elevation could be permitted by right.
4. Staff took some pictures of the Speedway gasoline station and convenience store located at the corner of US 42 and Airview Drive for comparison purposes.
5. Staff would like to note that Murphy Express is proposing to decrease the area of the protected non-conforming freestanding sign on site to 166.46 square feet in area. The Board may want to consider a condition on the proposed freestanding sign if they feel it is appropriate.
6. Staff recommends the following conditions if the applications are approved:
 - A. The building mounted signage on the front building elevation shall be installed as presented. Additional signage shall not be added in the three sign areas.
 - B. Gasoline prices shall be prohibited on the front and side faces of the gasoline canopy.
 - C. With the exception of the gasoline prices, the front and side faces of the gasoline shall be installed as presented.
7. The Board needs to analyze the Variance criteria before acting on the requests.

CONCLUSION

KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Boone County of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/dw

Attachments

- *Site Vicinity Map
- *Building and Gasoline Canopy Elevations
- *Approved Site Plan
- *2009 Aerial Map
- *Zoning Map
- *Applications

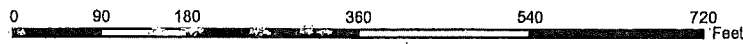
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2012 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

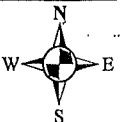
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet

Boone County GIS

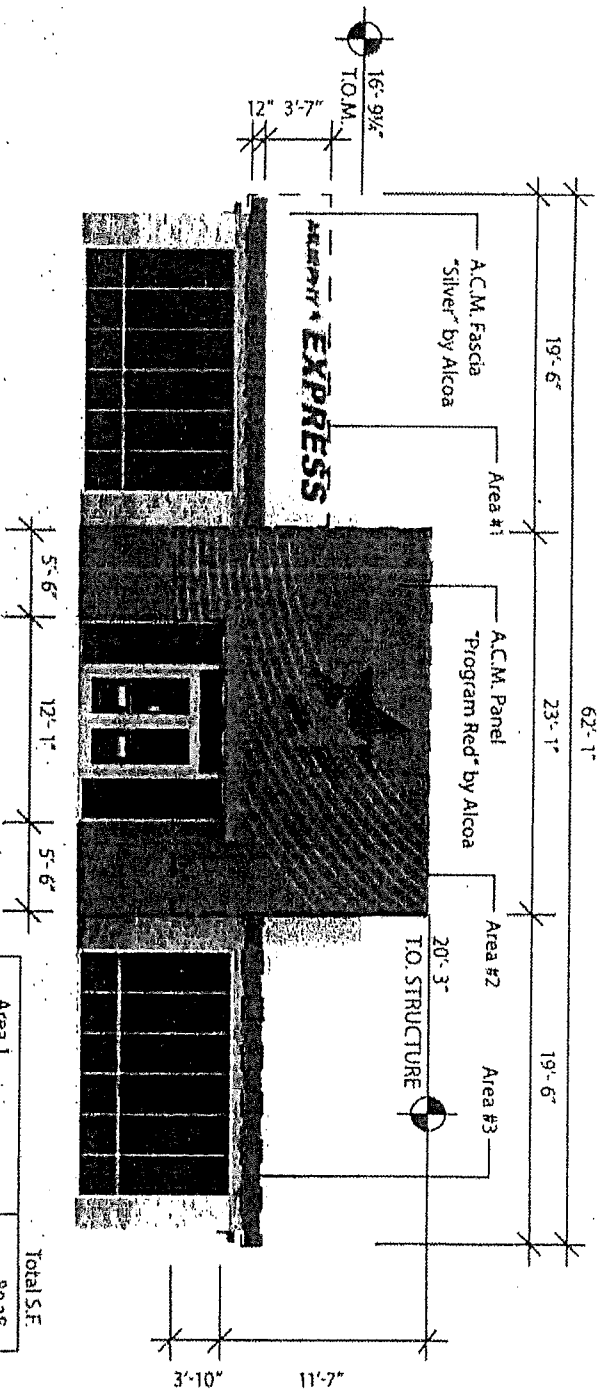
"Putting Northern Kentucky on the Map"



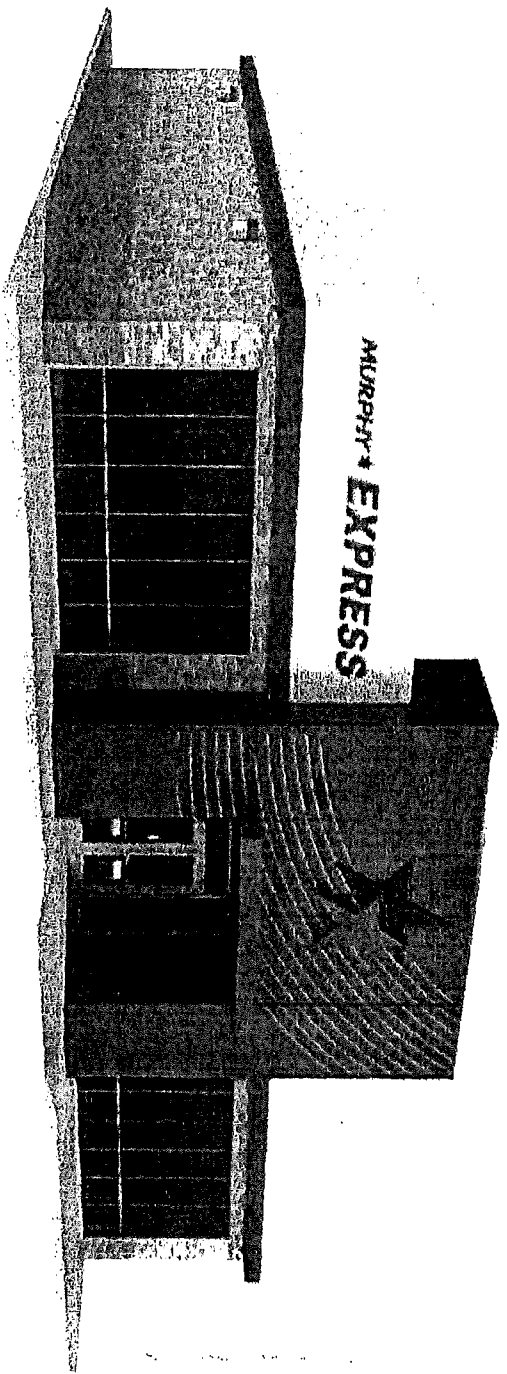
Map & Photo Layout by BOONE COUNTY GIS

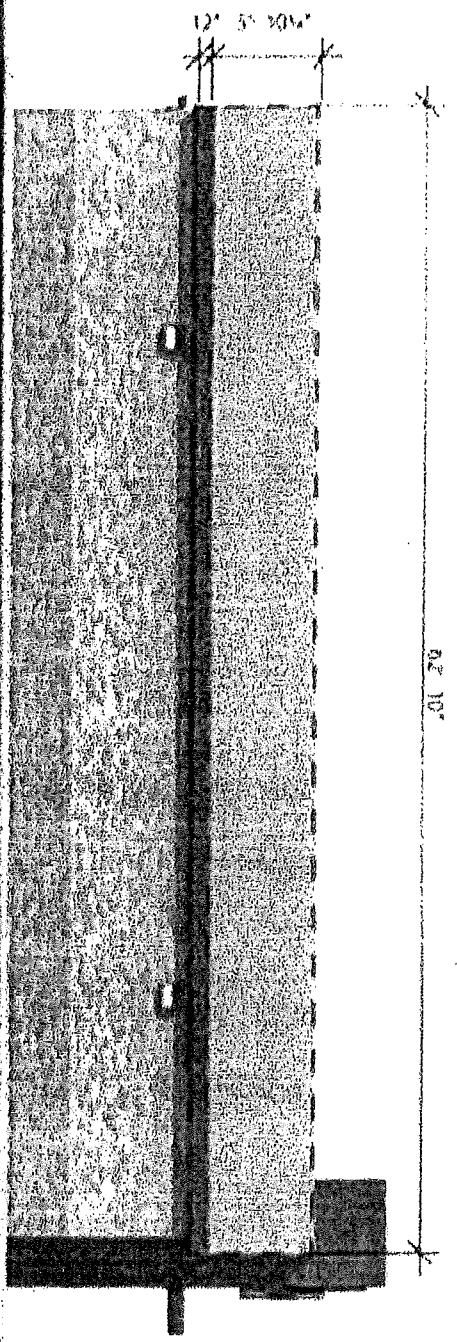
PERMITTED BLDG. MOUNTED SIGNAGE
 124.16 SQ. FEET

PROPOSED
 464.75 SQ. FEET



Area 1	89.38
Area 2	60.55
Area 3	19.50
Total S.F.	355.87

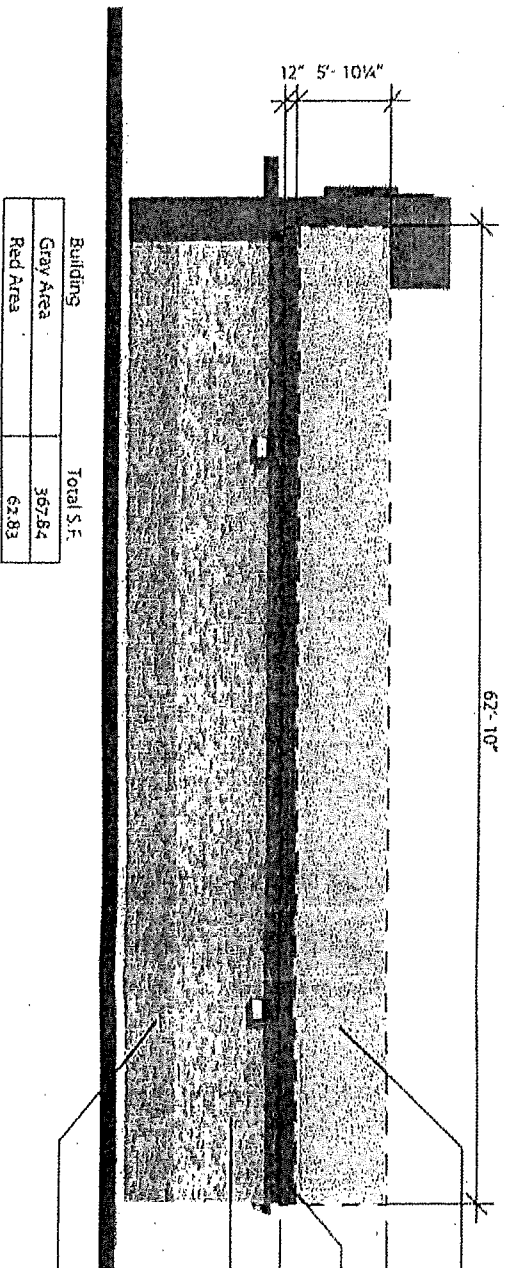




Left Elevation

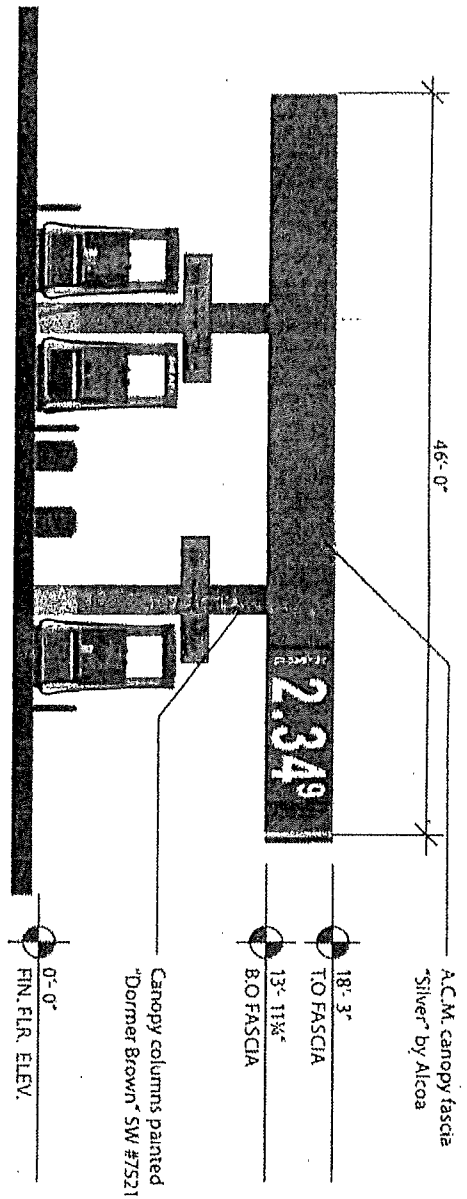
Building		Total S.F.
Gray Area		367.84
Red Area		62.83
TOTAL AREA		430.67

**BOTH FACADES
PERMITTED
62.83 S.F.
BLDG. MOUNTED
SIGNAGE
PROPOSED
62.83 S.F.**



Building		Total S.F.
Gray Area		367.84
Red Area		62.83
Total Area		430.67

- AC.M. fascia
"Silver" by Alcoa
- 16'-9 1/2"
T.O.M.
- AC.M. fascia
"Program Red" by Alcoa
- 9'-11"
RO FASCIA
- Modular brick veneer
"Empire Ivory Velour" by Carolina Ceramics
- 0'-0"
FIN FLR. ELEV.
- Modular brick veneer
"Pebble Beach Velour" by Carolina Ceramics

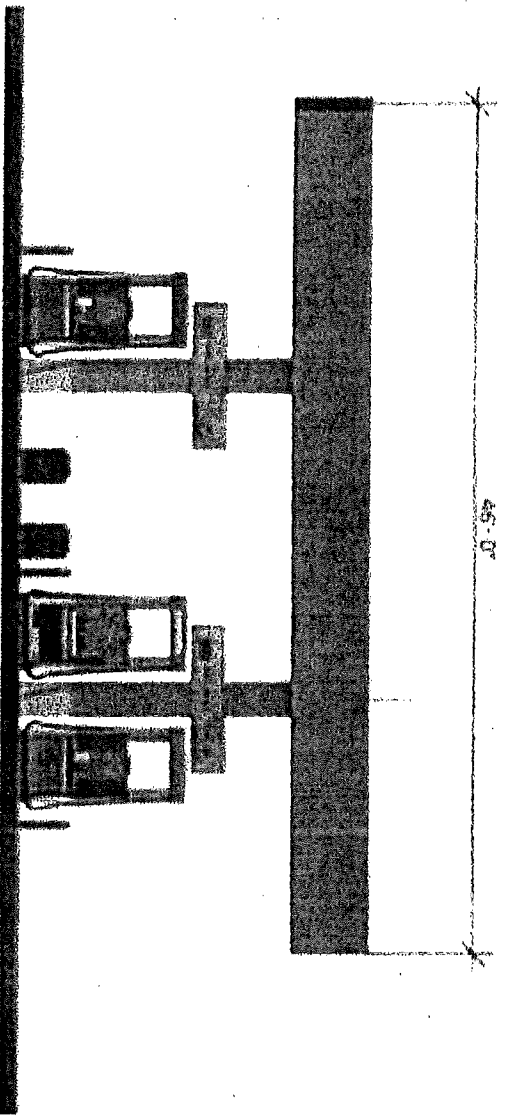


CANOPY FACE
196.46 SQUARE FEET

PERMITTED SIGNAGE
49.12 SQUARE FEET

PROPOSED
42 SQUARE FEET

Canopy	Total S.F.
Red Area	196.46
Total Area	196.46



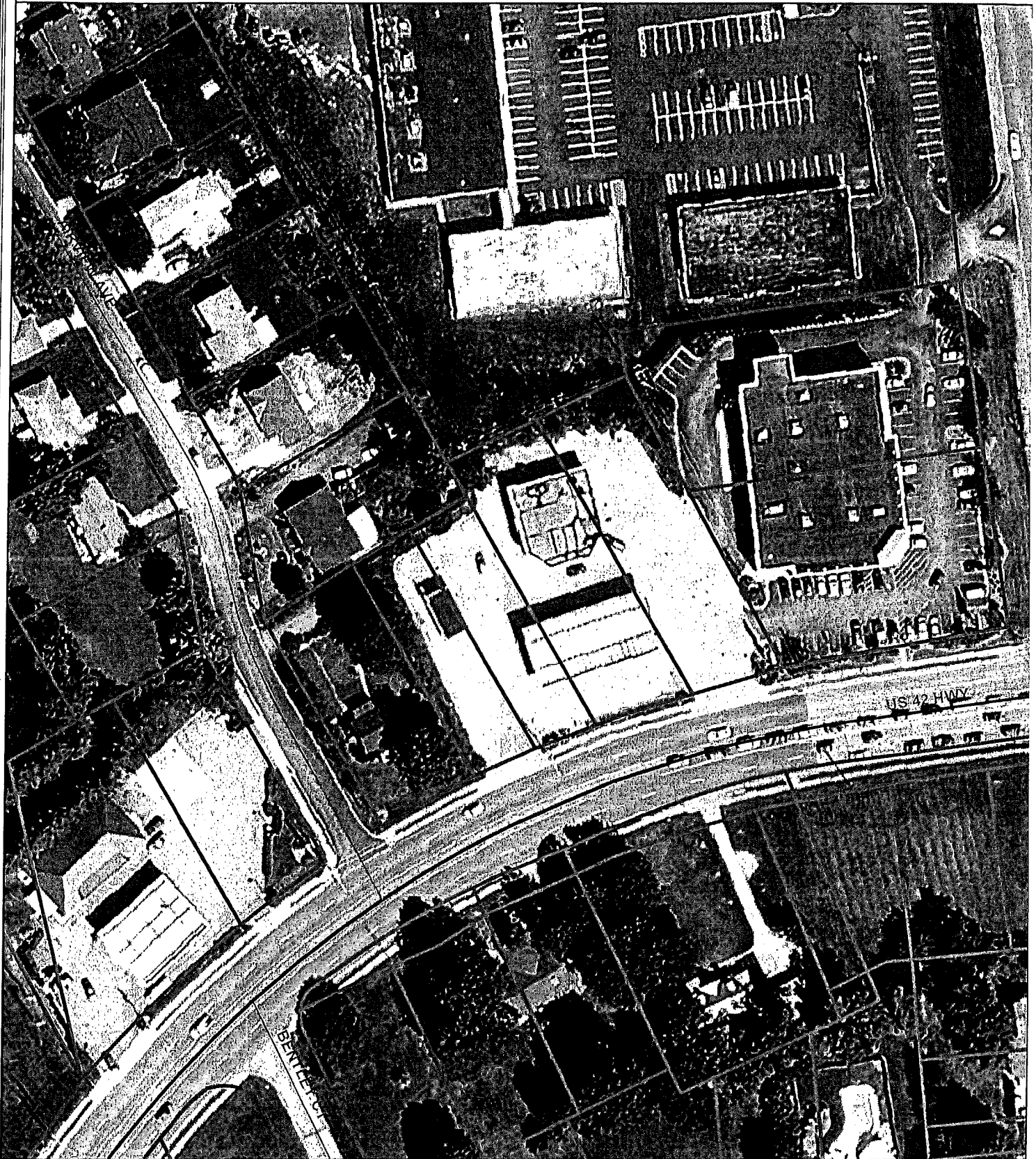
NO SIGNAGE PROPOSED
ONE COLOR
NON-ILLUMINATED

Canopy	Total S.F.
Red Area	196.46
Total Area	196.46

Right Elevation

2009 AERIAL MAP

www.boonecountygis.com



Copyright 2012 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



0 45 90 180 270 360 Feet

1 Inch = 100 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map is Printed Forward 1/24/12 (12/12) (12/12)

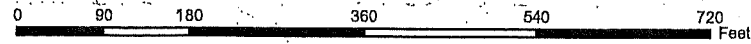
ZONING MAP

www.boonecountygis.com



Copyright 2012 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet

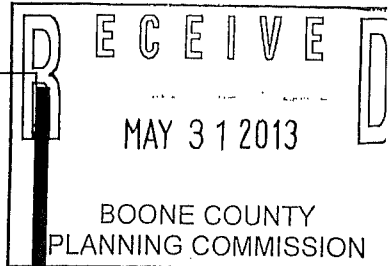
Boone County GIS

"Putting Northern Kentucky on the Map"



Boone County GIS

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

- 1. X Boone _____ Florence _____ Walton _____ Union _____

(Check One)

- 2. _____ Conditional Use Permit X _____ Variance _____ Appeal _____ Change in Non-Conforming Use _____

- 3. Applicant's Name Greenberg Farrow Architecture, Inc. Applicant's Address 1430 West Peachtree Street - Suite 200 Atlanta Georgia 30309 City State Zip

- 4. Phone Number 404-601-4000 Fax No. 404-601-3993 E-Mail yortiz@greenbergfarrow.com

- Description of Request: Sign variance to allow 822 SF of total combined area on building frontage. 464.75 SF

- 5. Name of Development Murphy Express

- 6. Location of Development 8228 U.S. Highway 42

- 7. Acreage Under Review 1.192 acres

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

- 9. Owner of Property Murphy Oil USA, Inc.

- 10. Address of Property Owner 422 North Washington Street El Dorado Arkansas 71730 City State Zip

- Phone Number 870-875-7629 Fax No. 870-875-7616 E-Mail rusty_coan@murphyoil.com

- 11. Proposed Use(s) on Site Fuel sales

- 12. Total Square Footage of Existing and/or Proposed Buildings 3,448 sf

- 13. Current Zoning on Property C-2 Commercial Two

- 14. Deed Book 1014 Page No. 367 Group No. 2040A

- 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

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

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED MAY 31 2013 BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. X Boone Florence Walton Union

(Check One)

2. Conditional Use Permit X Variance Appeal Change in Non-Conforming Use

3. Applicant's Name Greenberg Farrow Architecture, Inc. Applicant's Address 1430 West Peachtree Street - Suite 200 Atlanta Georgia 30309 City State Zip

4. Description of Request: Sign variance to allow 408.58 SF of proposed canopy signage on the front elevation. Phone Number 404-601-4000 Fax No. 404-601-3993 E-Mail yortiz@greenbergfarrow.com

5. Name of Development Murphy Express

6. Location of Development 8228 U.S. Highway 42

7. Acreage Under Review 1.192 acres

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

9. Owner of Property Murphy Oil USA, Inc.

10. Address of Property Owner 422 North Washington Street El Dorado Arkansas 71730 City State Zip

Phone Number 870-875-7629 Fax No. 870-875-7616 E-Mail rusty_coan@murphyoil.com

11. Proposed Use(s) on Site Fuel sales

12. Total Square Footage of Existing and/or Proposed Buildings 3,448 sf

13. Current Zoning on Property C-2 Commercial T40

14. Deed Book 1014 Page No. 367 Group No. 2040A

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

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

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

COPY

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Murphy Oil USA, Inc.
422 North Washington Street
El Dorado, Arkansas 71730

- 2. ADDRESS OF PROPERTY
8228 U.S. Highway 42
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Murphy Oil

- 4. DEED BOOK 1014 PAGE NO. 367 GROUP NO. 2040A

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
 From To
 Development Plan Conditional Zoning
 Subdivision Plat Other:
 (Not Recorded)
 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

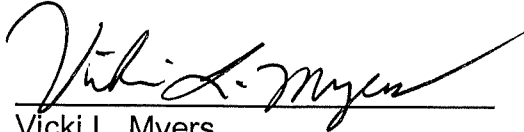
Todd K. Morgan, AICP, Senior Planner, Zoning Services
Name and Title of Completing Official

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 28th day of June, 2013.



Vicki L. Myers

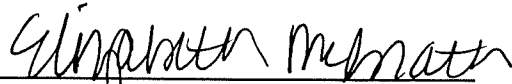
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath

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 Variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 24, 2013 Certificate of Land Use Restriction (#13-FBOA-006-A), for Murphy Oil USA, Inc., Property Owner(s).

The following conditions will apply:

1. The approval is based on Exhibit 1.(at Boone County Planning Commission office)
2. Additional signage is not permitted.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 1014

PAGE NO. 367

GROUP NO. 2040A