

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED 68448 MAR 18 2014 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. Boone [X] Florence [ ] Walton [ ] Union [ ]

(Check One)

2. [X] Conditional Use Permit [X] Variance [ ] Appeal [ ]

Change in Non-Conforming Use

3. Applicant's Name Chad Koehnke @ Signalama PAUL KOEHNKE Applicant's Address 111 W. Kemper Cincinnati OH 45246

City State Zip

Phone Number 513 671 2213 Fax No. 513 671 - 2214 E-Mail chad.k@sigmas-cincinnati.com

4. Description of Request: CUP to allow CMB Variance to reduced 660 ft spacing requirement & allow 20 mm pixel pitch

5. Name of Development Car X

6. Location of Development 8225 US Rt 42

7. Acreage Under Review 0.4958

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

9. Owner of Property David ; Sandra Helmer

Address of Property Owner 3369 Petersburg Road

10. [ ] City [ ] State [ ] Zip

Phone Number [ ] Fax No. [ ] E-Mail [ ]

11. Proposed Use(s) on Site

12. Total Square Footage of Existing and/or Proposed Buildings

13. Current Zoning on Property C-3

14. Deed Book 491 Page No. 208 Group No. 2048 B

15. Is the site subject to a zone change? NO

If yes, give date of approval

16. Have you submitted a Site Plan with this request? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: David L. Helmer

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Paul Koehnke 3.18.14

(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**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 3/18/14 Fee Received \$1732.<sup>00</sup> Receipt # 68448
2. Is application complete?  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ **Approved**  
\_\_\_\_\_ **Approved with Conditions (See #6)**  
4/10/14 **Denial (See #7)**
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: SEE 4/10/14 Meeting Minutes  
\_\_\_\_\_  
\_\_\_\_\_

**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: Paul Koehneke for Signarama

LOCATION: 8225 US 42, Florence, Kentucky

ZONING: Commercial Services (C-3)

DATE: April 10, 2014

### Proposal

The following applications have been submitted:

1. A Conditional Use Permit to allow Car-X to construct a new freestanding sign, which contains an electronic message center. The submitted plans show the sign will be located immediately to the east of the Outdoor Wonders/Car-X shared access point on US 42 and will be 20' tall and 70 square feet in area (7' x 10'). The electronic message board is located in a 31" x 10' cabinet and the display area is 31" x 94" (20.24 square feet).

The sign drawing provides the following information about the electronic message center:

- Message will be displayed in amber LED with a 20 millimeter pixel pitch.
  - Up to 5 lines of text can be displayed. The minimum letter height would be 3.9 inches if 5 lines of text are displayed. Characters would be readable from approximately 150 feet away.
2. A Variance to allow the electronic sign within 660' of other electronic signs. The Boone County G.I.S. system shows that the electronic sign would be located approximately 498' from the Walgreen's sign and 640' feet from the QuikStop sign.

### 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 Boone County 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 Boone County 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 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Future Land Use Development Guidelines (pg. 164) found in the Land Use Element state that "developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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 0.5 acre is located on the south side of US 42 and contains approximately 120 feet of road frontage on US 42. The site contains a Car-X automotive repair facility. The building is approximately 4,675 square feet (55' x 85') and contains 8 service bays (4 on each side of the building) and an office. Access to the building is provided from a shared curb cut on US 42. The sign is proposed in a small grass island located immediately to the east of the curb cut. Boone County GIS shows the topography of the site is relatively flat.

#### Surrounding Land Uses and Zoning

North: Brook Run Apartments (UR-2/PD/MR)

South: Undeveloped Parcel (C-3)

East: Multi-Tenant Building with Shamrock Liquor and Little Caesar's ©-3)

West: Outdoor Wonders ©-3)

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 with 5 lines of text could be distracting to motorists traveling on U.S. 42.

2. 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.

3. 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 December 9, 2009, the Board approved the QuikStop Oil Change sign with conditions. The approval allowed a 33.3 square foot (3'-4" x 10') electronic message center (EMC) to be added to the bottom of their freestanding sign. The conditions limited to EMC to two lines of text which must be displayed for a minimum of a minutes.

- C. It should be noted that Walgreen's electronic sign located at US 42 and Mall Road was permitted by right and did not have to go through the Conditional Use Permit process.

4. Section 3430 of the Boone County Zoning Regulations states that an electronic message board shall conform to the following criteria:

- A. The electronic message board shall not be more than fifty percent (50)% of a permitted sign area. The message board is 28.9% (20.24/70) of the overall sign area.

- B. Electronic messages must be displayed on the board for at least 5 shall not flash, scroll, run, or have any type of animation.

- C. Electronic message boards must be at least 660 feet apart. A Variance has been submitted because the proposed sign is approximately 498' from the Walgreens sign and 640' feet from the QuikStop sign.

5. Florence City Council is scheduled to act on the 2012/2013 Zoning Regulations on April 8, 2014 (Staff Report was finalized on 4/2/13). The draft regulations requires electronic message board requirements to comply with the following requirements:

- A. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.
- B. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- C. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- D. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- E. The message displayed on the board or screen 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.
- F. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.
- G. Full color and monochrome message boards shall meet the follow pixel pitch requirements:

A 19 mm pixel pitch or better resolution shall be required when the top of the message board is located 30 feet or less above grade.

A 25 mm pixel pitch or better resolution shall be required when the top of the message boards is located more than 30 feet above grade.

Note: The pixel pitch requirements shall not apply to price boards (gas prices, hotel room rates, and other similar fixed price displays).

Note: This proposed sign is not subject to these standards because the application was submitted before the new regulations were adopted.

6. Staff would like the applicant to address the following:

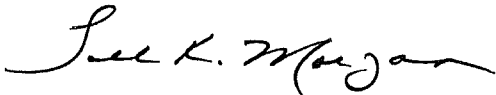
- A. How often will messages be displayed and will they comply with the zoning regulations (no running, scrolling, moving, animated messages, etc.).
- B. Approximately how many different messages will Car-X cycle at any given time?

- C. The proposed sign has a 20 millimeter pixel pitch and the draft zoning regulations would require a 19 millimeter pixel pitch. Explain the differences.
7. Staff received a letter from Josh Wice, Development Director for the City of Florence, regarding the request (see attachments).

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/tlb

**Attachments**

- \*Site Vicinity Map
- \*Proposed Sign Location
- \*Proposed Sign Dimensions
- \*Electronic Sign Spacing
- \*2013 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*Florence BOA Electronic Sign Request Chart
- \*4/3/14 Letter From Joshua R. Wice
- \*Application

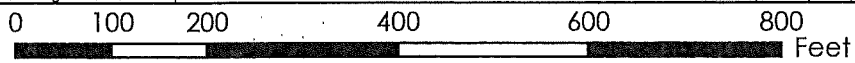
# SITE VICINITY MAP

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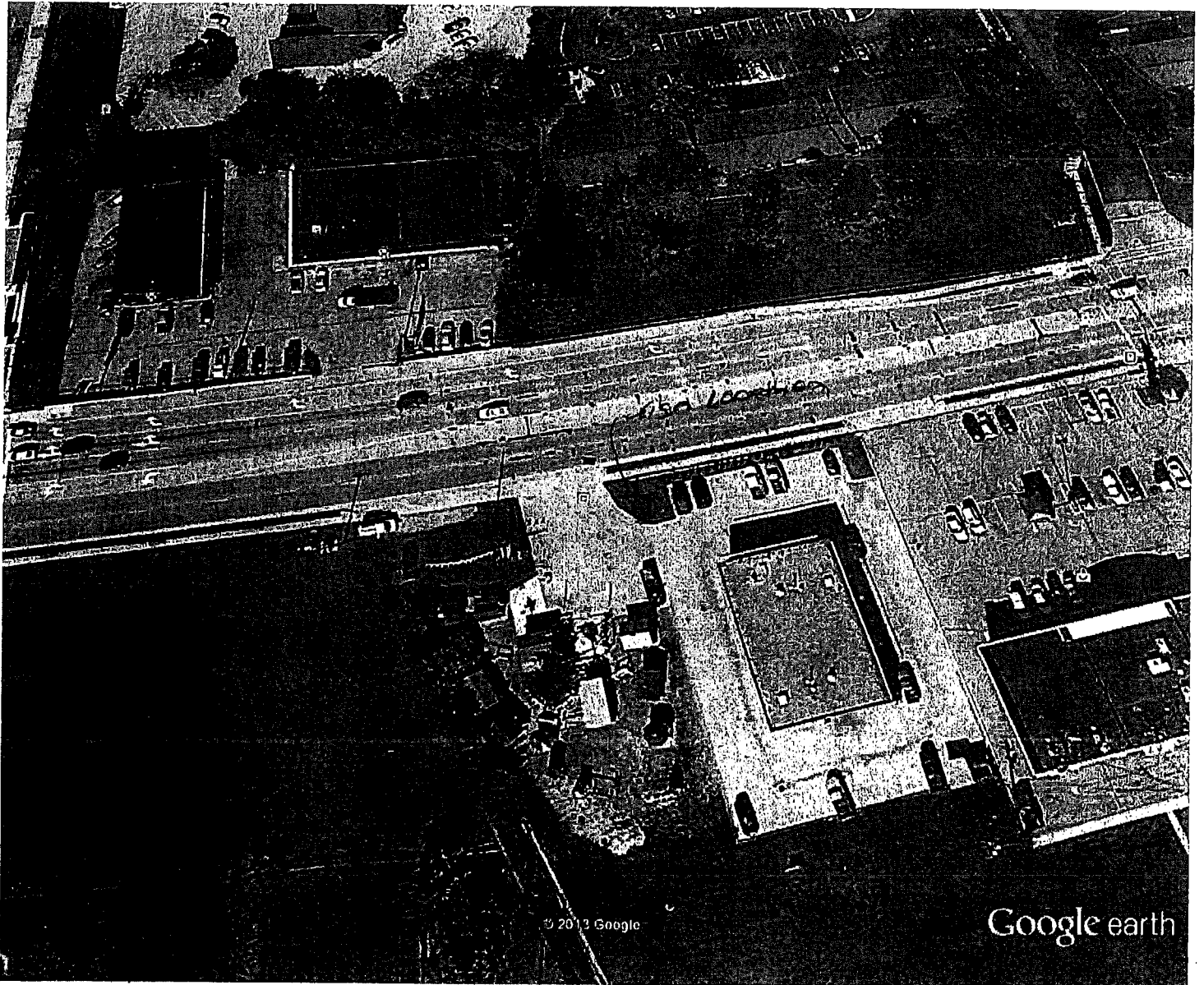
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet



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



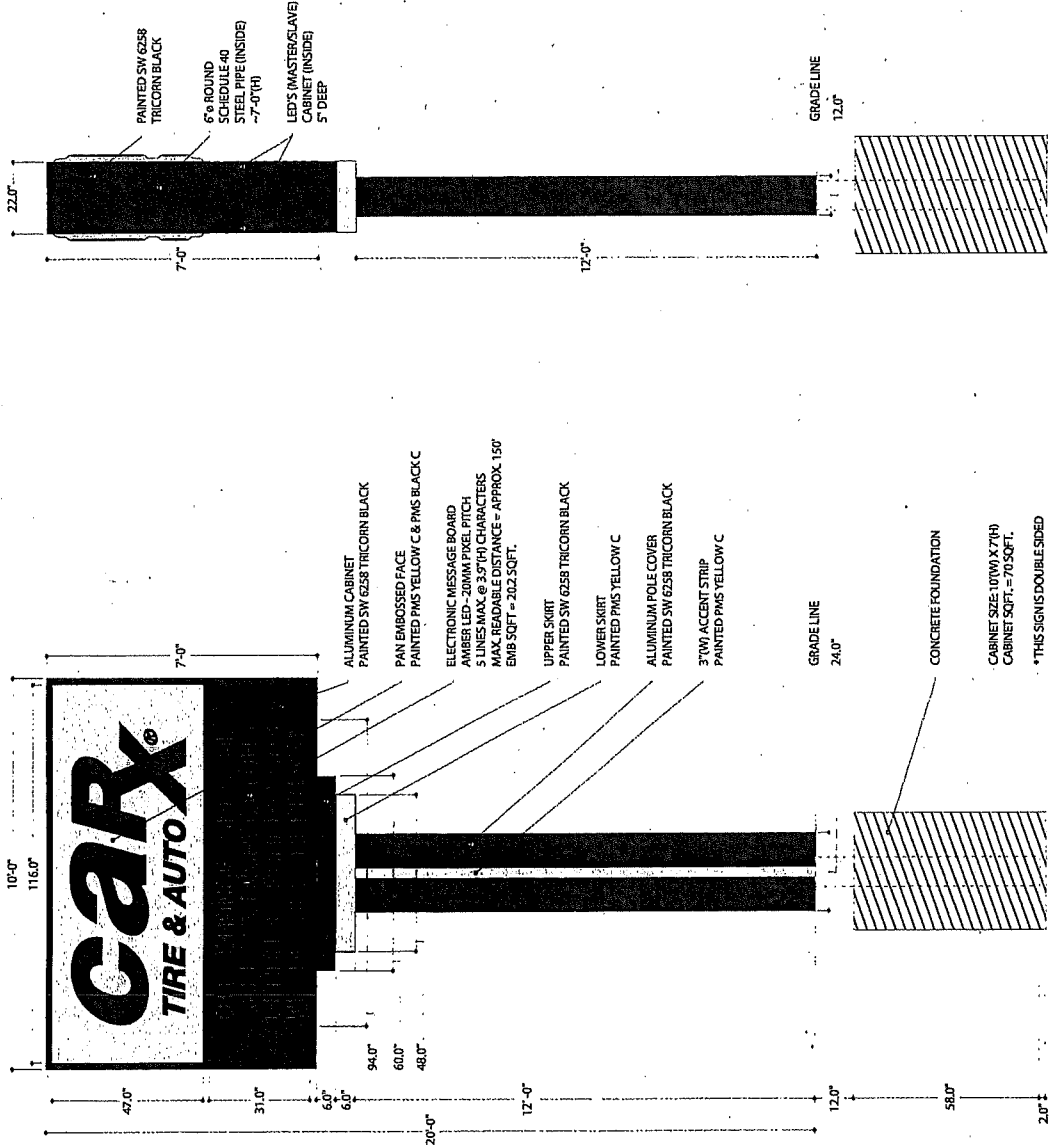
© 2013 Google

Google earth

Google earth

feet  
meters





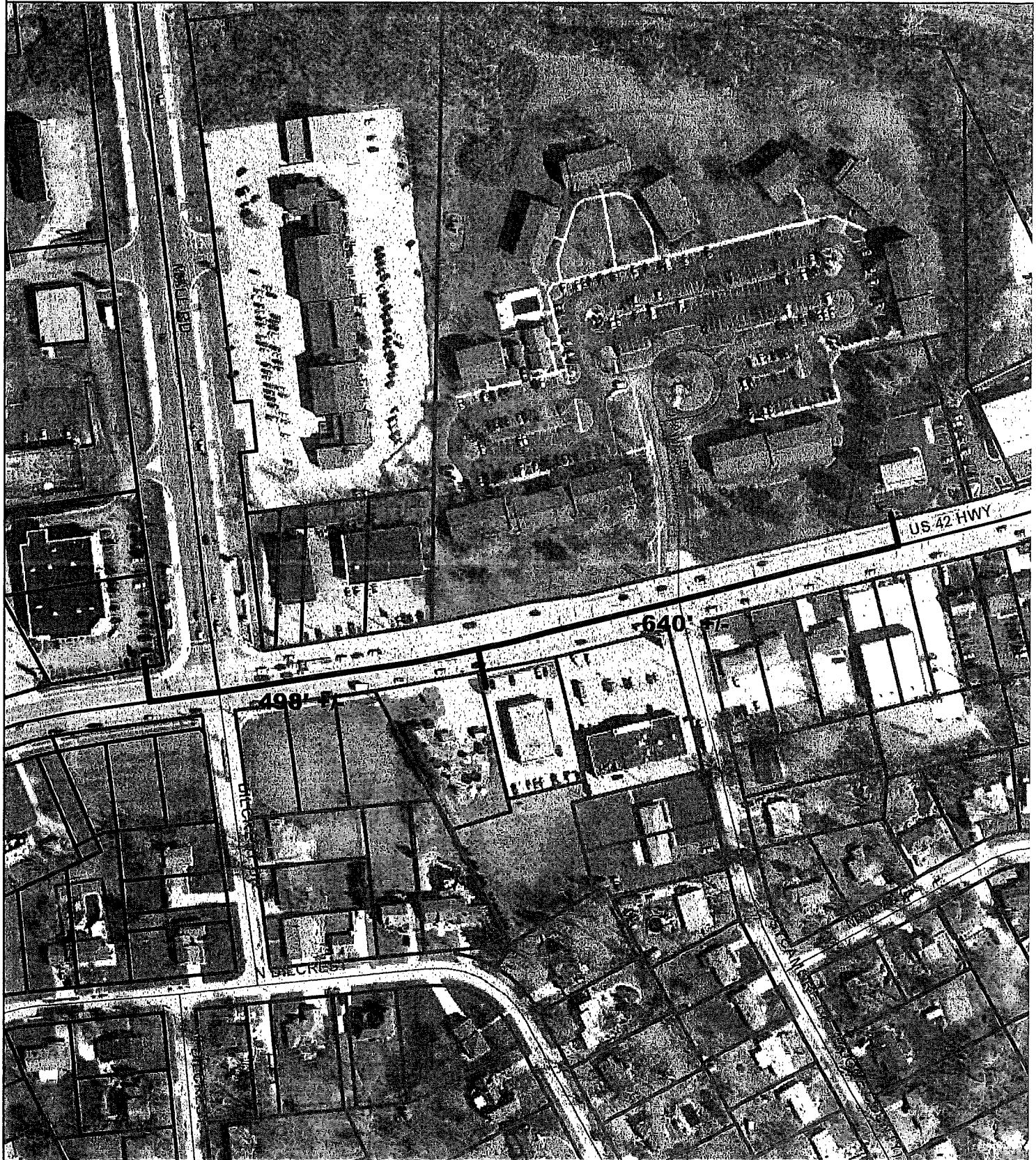
APPROVED  RESUBMIT WITH MARKED CHANGES  
 APPROVED WITH MARKED CHANGES

Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

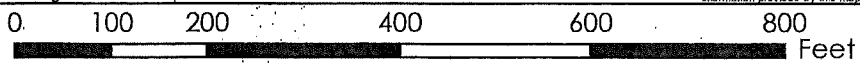
# ELECTRONIC SIGN SPACING

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





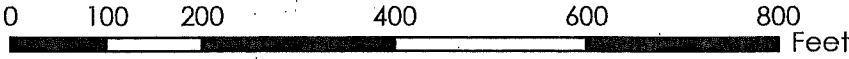
# ZONING MAP

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1 inch = 200 feet



Map Created: 01/01/2013

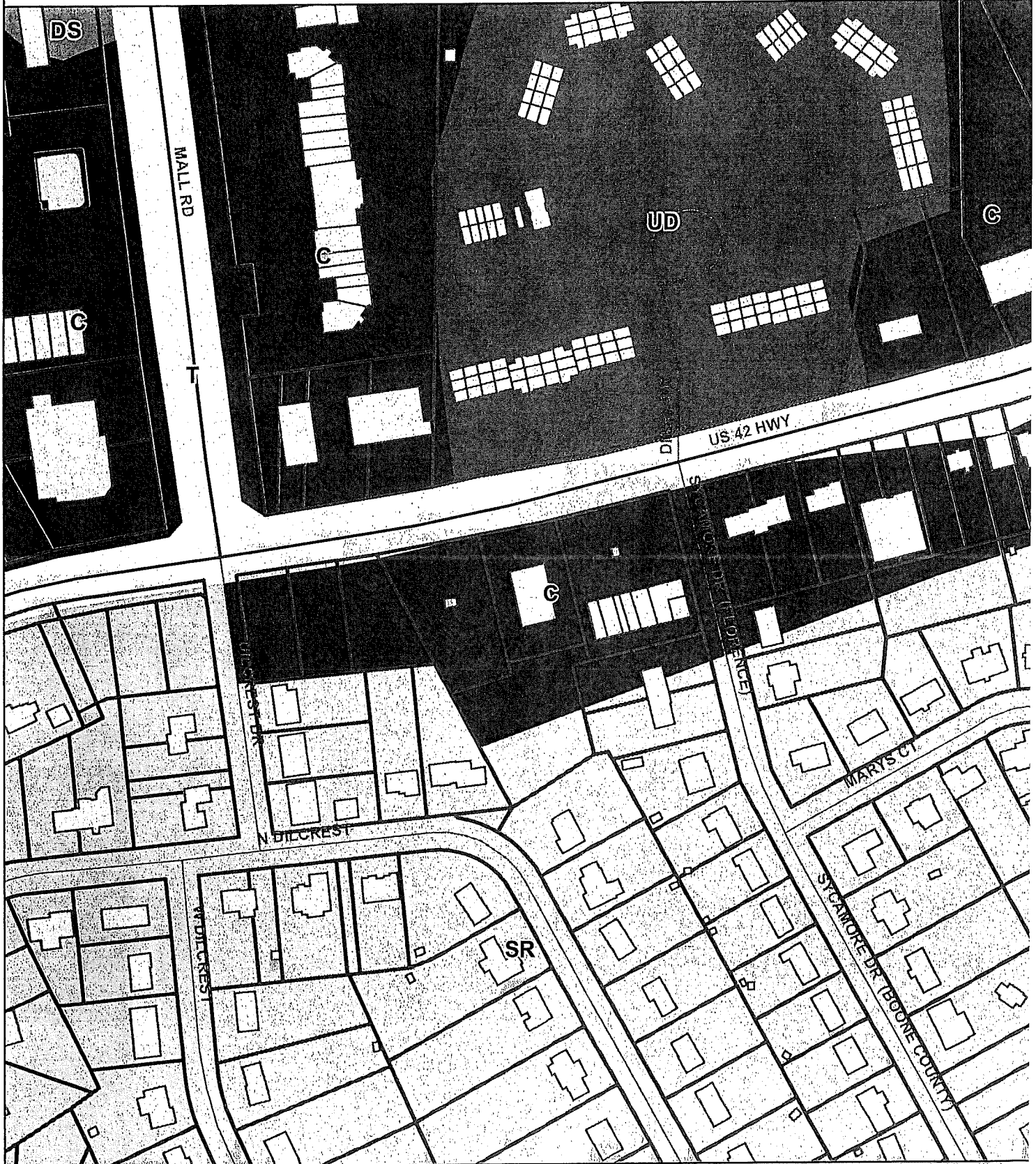
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Document: \*zmap

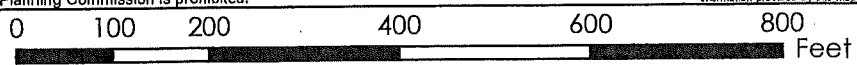
# 2035 FUTURE LAND USE MAP

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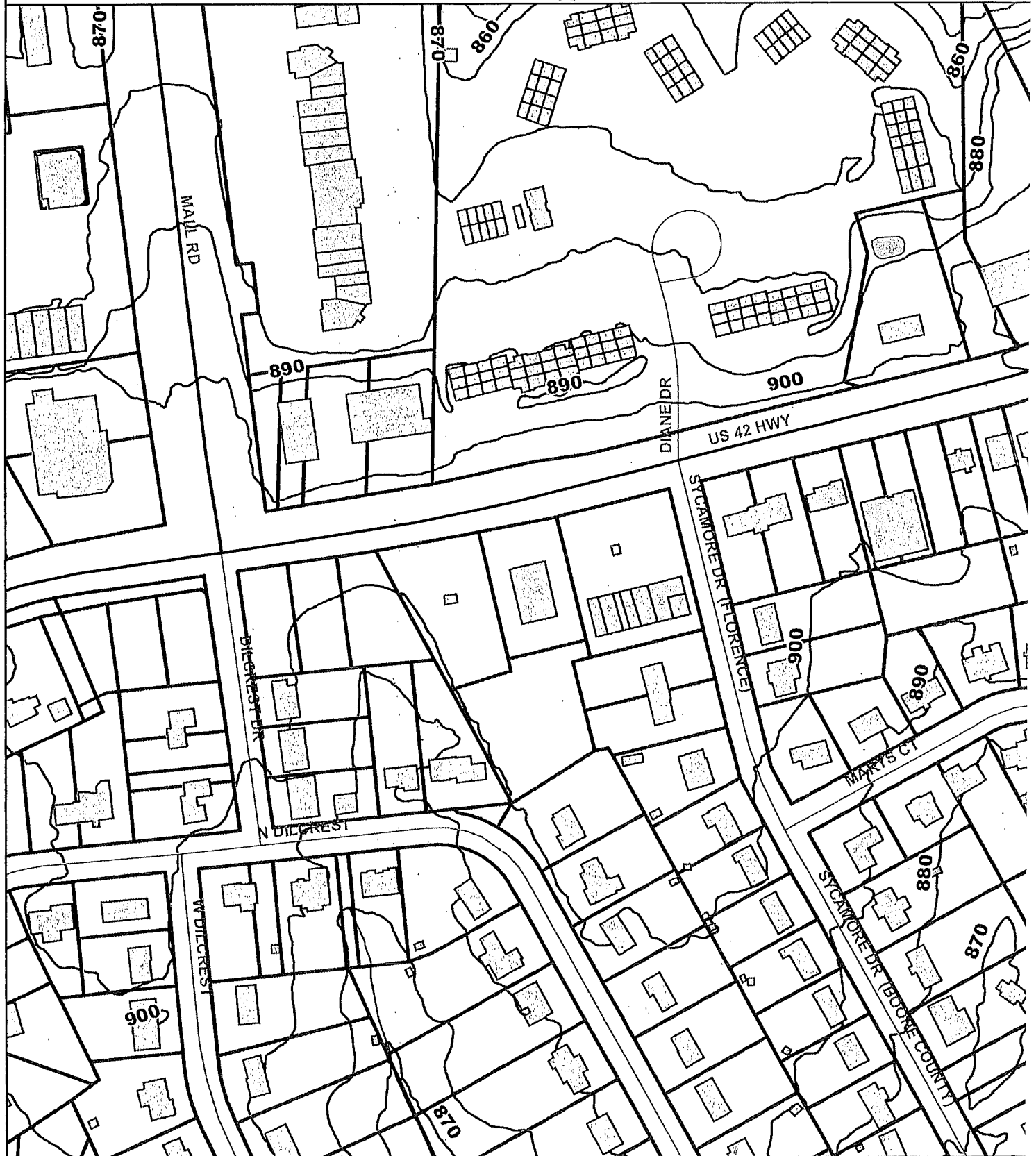
1 inch = 200 feet



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

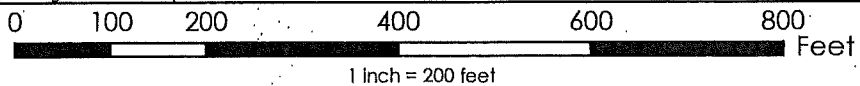
# TOPOGRAPHICAL MAP

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Map Created: 01/01/2013

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



Base Plan: Boone County GIS 2013  
ArcMap Document: \*.mxd

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 bath 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 36'-3/8" 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'-3/8" 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 (20.1675' 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 Thorntons 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.
12/9/09	QuickStop	8114 US 42	CUP & Variance	Approved	CUP - Add a 33.3 square foot electronic message board onto a free-standing sign. Variance - Reduce 660' spacing requirement from other electronic signs. Sign is 244' from Thorntons and 620' from Chevron.	(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 1 minute; (4) messages shall not run, flash, or scroll; and (5) the sign shall be equipped with a photocell and the messages shall dim as the sky gets darker.

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
10/13/10	Florence Center & Antique Mall	Mall Road Connector Dr Intersection	Change in Non-Conforming Use	Denied	Allow Florence Center/Antique Mall freestanding sign to be modified and include an electronically changeable message board. The application was required because the proposed sign had electronic copy and 7 fixed tenant panels.	Proposed Sign was more objectionable than the existing sign. It was premature for the Board to act on the request when there will be a new sign code for Mall Road in the near future.
2/8/12	UDF	8635 Haines Dr.	CUP & Variance	Approved	CUP - Allow electronic fuel price on the Haines Subdivision sign. A 33.54 square foot cabinet with two manually changeable fuel displays being replaced with a new cabinet that displays regular fuel in red LED (fuel price display is 13.875" x 33.875"). Variance - Reduce 660' spacing requirement. KY Farm Bureau sign is approximately 358' away.	(1) The electronically changeable copy shall only advertise fuel prices; (2) All electronic messages shall be displayed in red; (3) Electronic messages shall not flash, scroll, or run; (4) Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker.
2/8/12	UDF	6712 Dixie Hwy.	CUP & Variance	Approved	CUP - Allow electronic fuel price on the UDF/PNC Bank sign. A 43.6 square foot cabinet with three manually changeable fuel displays being replaced with a new cabinet that displays regular and diesel fuel in red LED (fuel price displays are 20.187" x 48.75"). Variance - Reduce 660' spacing requirement. Walgreens sign is approximately 458' away.	(1) The electronically changeable copy shall only advertise fuel prices; (2) All electronic messages shall be displayed in red; (3) Electronic messages shall not flash, scroll, or run; (4) Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker.
5/9/12	Speedway	7690 KY 18	CUP	Approved	Allow electronic fuel prices to be displayed on the freestanding sign at KY 18 and Commerce Dr. Existing sign is 29' tall and 252.76 sf. Proposed cabinet is 200 sf and has two 21.25 sf fuel windows. Unleaded fuel displayed in 36" tall red LED digits and diesel displayed in 36" tall green LED digits.	(1) The electronically changeable fuel windows shall only advertise fuel prices; (2) All electronic messages shall be displayed in red; (3) Electronic messages shall not flash, scroll, or run; (4) Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker.
11/14/12	Travel Centers of America	7777 KY 18	Change in Non-Conforming Use	Approved	Allow TA to display regular fuel prices in LED on their KY 18 freestanding sign. A 4' x 10'-1" manually changeable fuel price cabinet is being replaced with the same size cabinet. The new cabinet will display regular fuel prices with 18" tall red LED digits that are located in a 24-3/4" x 51-1/8" window.	(1) The cabinet shall be constructed as presented; (2) The cabinet shall only display one fuel price; (3) The fuel price shall only be displayed in one color only and shall not flash, scroll, or run; (4) The sign shall be equipped with a photocell and the sign shall dim as the sky gets darker.
6/12/13	Florence Center & Antique Mall	Mall Road Connector Dr Intersection	Change in Non-Conforming Use	Approved	Allow the square footage of an electronic message board to be enlarged from 50 square feet to 84 square feet.	(1) The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.). (2) Any primary message shall be displayed on the electronic message center for a minimum of five (5) seconds. One sub message can be displayed during the five (5) second time interval. (3) The electronic message center shall have a 19 millimeter pixel pitch or better resolution. (4) The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker. (5) Businesses located in Florence Center or the Antique Mall and their associated outlots shall be able to advertise on the sign. (6) The open area between the Florence Center/Florence Antique Mall cabinet and the electronic message center shall not be filled in with additional signage. (7) The maximum area of the electronic message center shall be 67.5 square feet (5' x 13'-6").

April 3, 2014

Mr. Todd Morgan  
Boone County Planning Commission  
2950 Washington Street  
Burlington, Kentucky 41005

Dear Todd:

Thank you for the opportunity to review and provide input regarding Car-X's conditional use and variance application that would permit the installation of an electronic message sign at its location on U.S. 42 just east of Mall Road.

As a general preference, the City of Florence would rather businesses did not utilize electronic message signs. However, it has been City Council's legislative policy, by way of the Boone County Zoning Regulations, to identify electronic message signs in Commercial Two (C-2) or Commercial Three (C-3) zoning districts as a conditional use, requiring the Florence Board of Adjustment and Zoning Appeals to review, approve, approve with conditions, and/or deny any requests.

If the BOA is favorable to Car-X's request, the following observations are offered that may reduce any negative impacts to adjacent residential neighborhoods, reduce potential traffic safety risks, and generally make the request less objectionable:

1. The sign shall be a monument sign that does not exceed eight (8) feet in height, does not exceed sixty (60) square feet in area, and the base of the sign shall be constructed of brick or stone.
2. A landscape planting area must surround the sign.
3. The electronic message board shall be limited to two (2) lines of text.
4. Messages shall be displayed for a minimum of one (1) minute.
5. Messages shall be displayed in one color on black background.
6. Messages shall not run, flash, scroll, or employ any sort of animation effect.
7. The sign shall be equipped with a photocell and the messages shall dim as the sky gets darker.
8. No additional signage of any type, excluding existing building-mounted signage, shall be permitted on the property or on the building. Existing building-mounted signage shall not be enlarged.

As always, thank you for the opportunity to provide input. Please feel free to share our comments with the Board of Adjustment members, and please let us know if you have any questions.

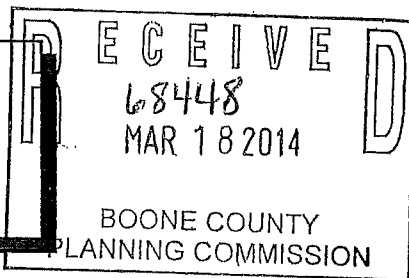
Sincerely,



Joshua R. Wice  
Development Director

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. Boone [X] Florence [ ] Walton [ ] Union [ ]

(Check One)

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

3. Applicant's Name [Chad Koehnke @ Signalama] Applicant's Address [111 W. Kemper Cincinnati OH 45246]

City [Cincinnati] State [OH] Zip [45246]

Phone Number [513 671 2213] Fax No. [513 671-2214] E-Mail [Chad.K@sigmas-cincinnati.com]

4. Description of Request: [CUP to allow FMB Variance to reduced 660 ft spacing requirements; allow 20 mm pixel pitch]

5. Name of Development [Car X]

6. Location of Development [8225 US Rt 42]

7. Acreage Under Review [0.4958]

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

9. Owner of Property [David & Sandra Helmer]

Address of Property Owner [3369 Petersburg Road]

10. [Buchington KY 41005]

City [Buchington] State [KY] Zip [41005]

Phone Number [ ] Fax No. [ ] E-Mail [ ]

11. Proposed Use(s) on Site

12. Total Square Footage of Existing and/or Proposed Buildings

13. Current Zoning on Property [C-3]

14. Deed Book [491] Page No. [208] Group No. [2048 B]

15. Is the site subject to a zone change? [NO]

If yes, give date of approval

16. Have you submitted a Site Plan with this request? [YES]

17. Have you submitted a list of adjoining property owners with this request? [YES]

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

ORIGINAL Applicant's Signature: [Paul Koehnke] 3.18.14 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)