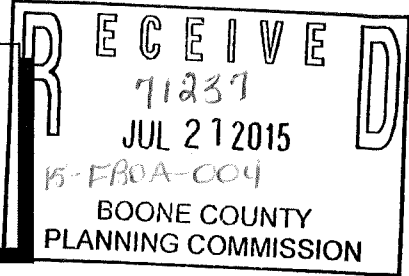


APPLICATION FORM

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  Florence  Walton  Union
  2. (Check One)  
 Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
  3. Applicant's Name Triumph Signs & Consulting - Nicole Lynn Hyrne  
 Applicant's Address 480 Milford Parkway  
Milford Ohio 45150  
 City State Zip  
 Phone Number (513) 576-8090 Fax No. (513) 576-8095 E-Mail nhyrne@triumphsigns.com
  4. Description of Request: Conditional Use Permit - To allow [LED message board] Variance - to reduce the 16' spacing between electronic signs.
  5. Name of Development Speedway Food Mart
  6. Location of Development 7690 Burlington Pike, Florence, KY 41042
  7. Acreage Under Review 1.469
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
n/a - per Todd Morgan
  9. Owner of Property Emro Marketing - Tony James  
 Address of Property Owner 539 S. Main St
  10. Findley OH 45840  
 City State Zip  
 Phone Number (219) 789-8628 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_
  11. Proposed Use(s) on Site proposed electronic sign
  12. Total Square Footage of Existing and/or Proposed Buildings - \_\_\_\_\_
  13. Current Zoning on Property C-3/PD/CD/PO
  14. Deed Book 404 Page No. 124 Group No. 2034a
  15. Is the site subject to a zone change? Yes  
 If yes, give date of approval - \_\_\_\_\_
  16. Have you submitted a Site Plan with this request? No
  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: Tony James  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Nicole Lynn Hyrne  
(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 7/21/15 Fee Received \$1,732.00 Receipt # 71237
- 2. Is application complete?  Yes  No
- 3. Staff Reviewer \_\_\_\_\_
- 4. Scheduled Board Action Date \_\_\_\_\_
- 5. Board Action:  
8/12/15 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
- 6. Conditions of Approval: SEE 8/12/15 Meeting Minutes  
AND CLK
- 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: Triumph Signs & Consulting for Speedway

LOCATION: 7690 Burlington Pike, Florence, Kentucky

ZONING: Commercial Services/Planned Development (C-3/PD)

DATE: August 12, 2015

### Proposal

The applicant has submitted the following applications:

1. A Conditional Use Permit to allow Speedway to replace the unleaded fuel price cabinet on their approximate 108' tall pole sign with an electronically changeable (LED) fuel price cabinet. The submitted sign survey shows the existing cabinet is 162.17 square feet (10'-1" x 16'-1") in area. The new cabinet will be 160 square feet (10' x 16') in area and will display unleaded fuel prices with red LED digits that are up 76" tall.
2. A Variance to allow the electronic sign within 660' of another electronic sign. The Boone County G.I.S. system shows that the Speedway sign is located directly across the street from the TA Truck Stop/Valero fuel price 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 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 needs to evaluate the variance in terms of Section 251 of the Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the Zoning Regulations.
  - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

- C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The Board needs to evaluate the Conditional Use Permit request as it relates the following criteria, which are listed in Section 262 of the Zoning Regulations:

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 individual parcels of located in C-3 zones shall be permitted a density of one (1) on-premises, architectural free-standing sign. 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 changeable message boards as a Conditional Use in the Commercial Services (C-3) zoning district and shall conform to the following minimum requirements:

- 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 (pages 161-164) 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).

#### Pertinent BOA History

On May 12, 2012, the Florence Board of Adjustment approved a Conditional Use Permit allowing electronic fuel prices (LED) to be displayed on the freestanding sign at the KY 18/Commerce Drive intersection. See the attached Florence BOA electronic sign history chart for more information.

#### Site Characteristics

The 1.48 acre property is located on the northeast side of the KY 18/Commerce Drive intersection. The 3,634 square foot building is occupied by a Speedway gas station and convenience store. An approximate 132' x 101' gasoline canopy is attached to the eastern facade of the building and covers 9 gasoline islands (18 pumps). Access to the site is provided by curb cuts on KY 18 and Commerce Drive. The site contains two (2) free-standing signs. The first sign is located by the KY 18/Commerce Drive intersection and is 29' tall and 200 square feet in area. The second sign is an interstate high-rise sign. A Sign Permit from December 4, 1997 showed that the sign was 108 feet tall.

Surrounding Land Uses & Zoning

North: Fundome (C-3/PD/PO)

South: KY 18, TA Truck Stop and Vacant Lot (O-2/PD/PO)

East: Unoccupied Automotive Repair Facility (C-3/PD/PO)

West: Commerce Drive, Chung Kiwah, America's Best Value Inn (C-3/PD/PO)

Staff Comments

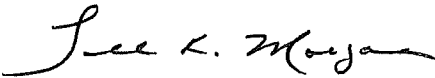
1. The Zoning Administrator determined that a Conditional Use Permit was required because the sign is being changed to LED copy.
2. The site has non-conforming free-standing signage. The Boone County Zoning Regulations currently would allow one 20' tall, 150 square foot freestanding sign to be constructed on the site. Staff would like to note that the proposal would slightly decrease the square footage of the subject sign from 291.5 square feet to 288.67 square feet in area (measurement computed by drawing one rectangle around both sign cabinets).
3. Section 3430 of the Boone County Zoning Regulations states that electronic message boards shall conform to the following criteria:
  - A. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot flash, scroll, or run.
  - B. Electronic message boards must be at least 660 feet apart.
4. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before making a decision on the Conditional Use Permit. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.
5. The sign drawings show that the existing lamps will be removed from the sign and that the pole will be painted red.
6. Staff has provided a table of all the electronically changeable message board requests that the Florence Board of Adjustment has acted on since March 12, 2003.
7. If the application is approved, Staff recommends the following conditions:
  - A. The electronic sign shall only advertise one fuel price;
  - B. The fuel price shall be displayed in one color;
  - C. The fuel price shall not flash, scroll, run, or contain any apparent visual motion.

- D. A photocell shall be provided in the sign and all the fuel price shall dim as the sky gets darker.
- E. The pole shall not be painted red. It shall be painted a color which matches or closely resembles the existing color.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to act on the requests.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

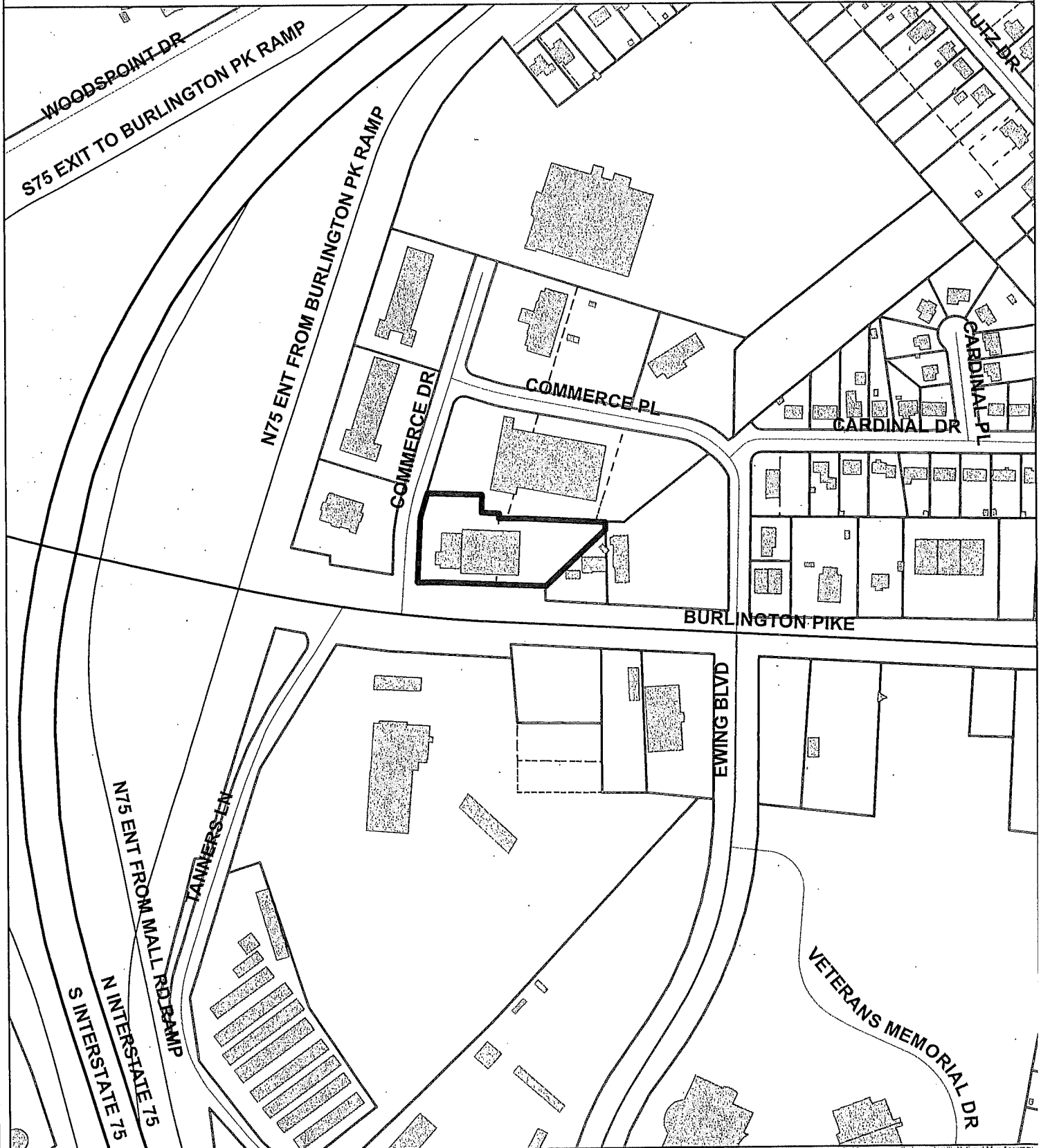
TKM/tlb

Attachments

- \*Site Vicinity Map
- \*Proposed Sign and Existing Sign
- \*Proposed Sign Cabinet Dimensions
- \*Survey of Existing Sign
- \*Zoning Map
- \*2035 Future Land Use Map
- \*2013 Aerial Map
- \*Chart Summarizing FBOA Electronic Message Board Requests Since 3/12/03
- \*Application

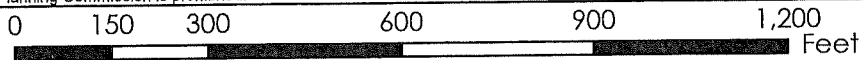
# SITE VICINITY MAP

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1 inch = 300 feet



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



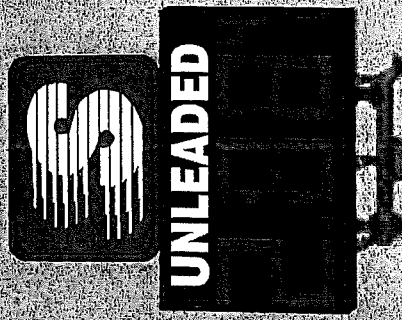
## 76" LED Retrofit Price Sign

Replace existing old Speedway logo cabinet with a new LED backlit "S" logo 8' 1/2" x 11'1"

Paint Existing Cabinet Price Sign Cabinet Black - retrofit install new LED's with labels over old cabinet.

Remove existing lamps and mounting structure from sign.

Paint Pole Speedway Red (SW 4081 Safety Red)



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signs & consulting, inc.  
480 Milford Parkway • Milford, OH 45150  
phone 513-576-8090 • fax 513-576-8095  
visit us at [www.triumphsigns.com](http://www.triumphsigns.com)

START DATE: 7-20-15 SCALE: Proportional  
DESIGNED BY: JW APPROVED BY: NLH

### REVISION DATES:

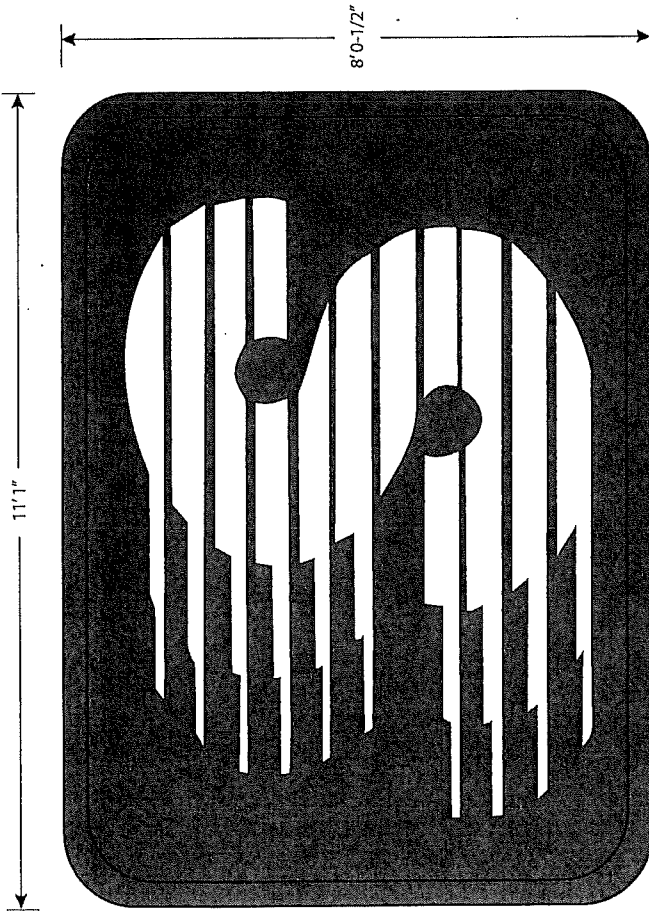
1.	4.
2.	5.
3.	6.

COMPANY NAME: SPEEDWAY #1220

ADDRESS: 7690 Burlington Pike, Florence, KY 41022

CONTACT INFO:

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SCALE: 1/2" = 1'

Price Sign Below

**Warranty:** 1 year onsite parts/labor if Sunshine direct install or tech install by Sunshine personnel.  
 Manufacturer's warranty on face.

**POWER Lead Drops (120 volt)**  
 1 circuit total (logo sign only - does not include price sign below)  
 1, 8 amp draw with 10 gage wire drop (see installation drawing)



UL Approved

**Twin Pole Saddle Mount**  
 10" standard pipe - 7'0" on center  
 1/2" plate welded into top (both poles)  
 weld pipe to plate  
 1/2" plate saddles shipped loose for bottom  
 weld plates to sign and poles after sign is  
 installed on poles.

8' 1/2" x 11'1" x 3'6" new cabinet  
 Double-face Cabinet with 12" RADIUS CORNERS

Flex-Face - internally illuminated with LED's - 4" retainer  
 Paint cabinet and retainer SW 4081 Safety Red  
 Decorate face background with 3036-33 red vinyl  
 "S" logo is white native substrate - 6'0" tall.  
 Service doors on each end and top.

(See Field Survey)

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START DATE: 7-20-15 SCALE: 1/2" = 1'  
 DESIGNED BY: TW APPROVED BY: NLH

REVISION DATES:	
1	4
2	5
3	6

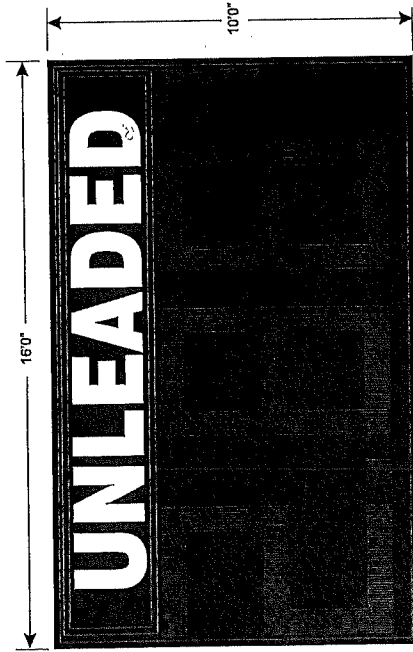
COMPANY NAME: SPEEDWAY #1220

ADDRESS: 7690 Burlington Pike, Florence, KY 41022

CONTACT INFO:

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# 76" DF RED STATIC



SCALE: 1/4" = 1'

flange on 4 sides attach to existing price sign frame.

6" cabinet depth

Separate circuit required- 22 amp draw 120 volts, on at all times 2, 20 AMP OR 2, 30 AMP CKT'S REQ. MUST BE DEDICATED - DO NOT SHARE NEUTRALS OR GROUND WIRES WITH LIGHTING OR OTHER CIRCUITS.

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START DATE: 7-20-15 SCALE: 1/4" = 1'  
DESIGNED BY: TW APPROVED BY: NLH

REVISION DATES:	
1	4
2	5
3	6

**Cabinet & Digit Specs:**

Digit Size and Style: 76" LED  
Digit Color: Red

Overall Cabinet Size: see above  
Cabinet Color: black  
Single or Double Face: Double (master/master)

**Label Specs:**

Led Backlit Label Panel:  
2'3" x 15'0" with 24 inch copy - Swiss 721 Bold

**Other:**

- \*Warranty: 2 year onsite parts/labor if installed by a certified Sunshine installation company - otherwise 2 year parts only
- \*Control: Wireless Handheld
- \*Constant 120V AC Power must be provided by others
- \*Installation not included

This original drawing is provided as part of a planned project and is not to be exhibited, copied, or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL STATE ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, installation or electrical circuits. These are the responsibility of the Buyer/user.

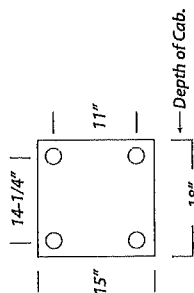
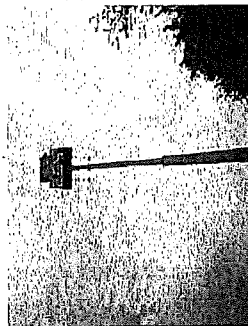
**ETL**  
UL LISTED  
CONFORMS TO  
UL STD 48  
UL STD 433  
102482 CERTIFIED TO  
CAN/CSA STD 622.2 NO. 207

\* Actual LED size and configuration may vary

COMPANY NAME: SPEEDWAY #1220  
ADDRESS: 7690 Burlington Pike, Florence, KY 41022  
CONTACT INFO:

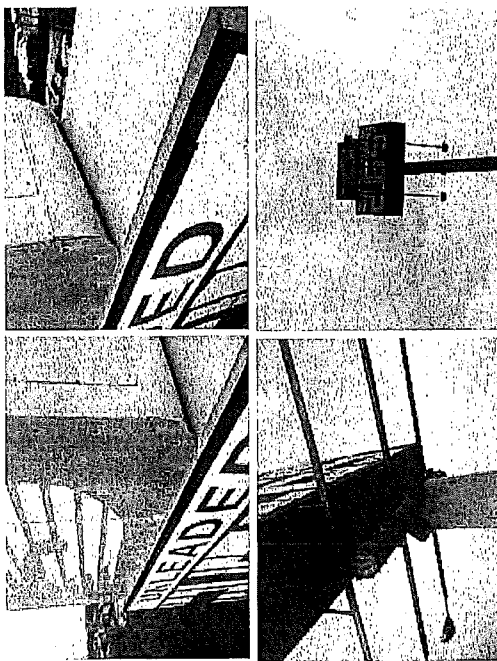
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# Speedway

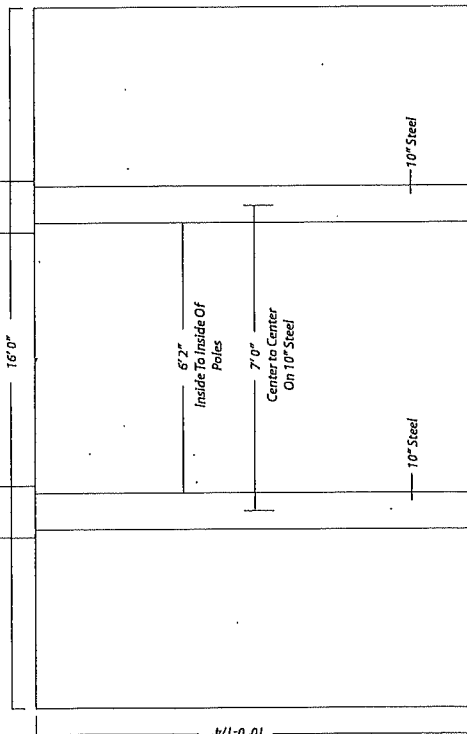


-5" 10" Inside to Inside of Plates  
-8" 4" Outside to Outside of Plates

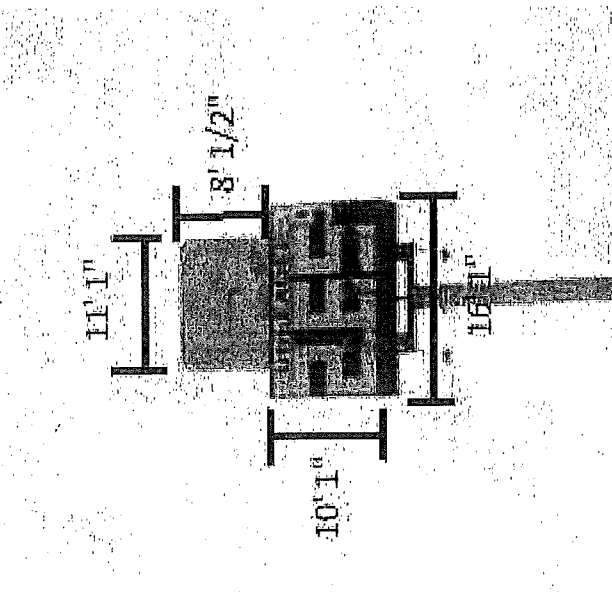
# Additional Photos



12" x 12" Hole On Top Of Cab.



Price Cab. 42" Depth



**Notes:**

- Depth of Both Cabinets: 3' 6-3/8"
- Double Sided
- 2 (20 amp) 1 (50 amp)
- Breaker 120v
- Cabinets are stacked on top of each other. In order to retro-fit, the cabinets will have to be brought to the ground and seperated.

**TRIUMPH**  
signs & consulting, inc.  
450 LINDSEY PARKWAY • MILWAUKEE, WI 53212  
PHONE: 312-274-8300 • FAX: 312-274-8325

Sketch No. Speedway Survey  
Scale: NTS  
Date: 6/16/15

**Concept Only**

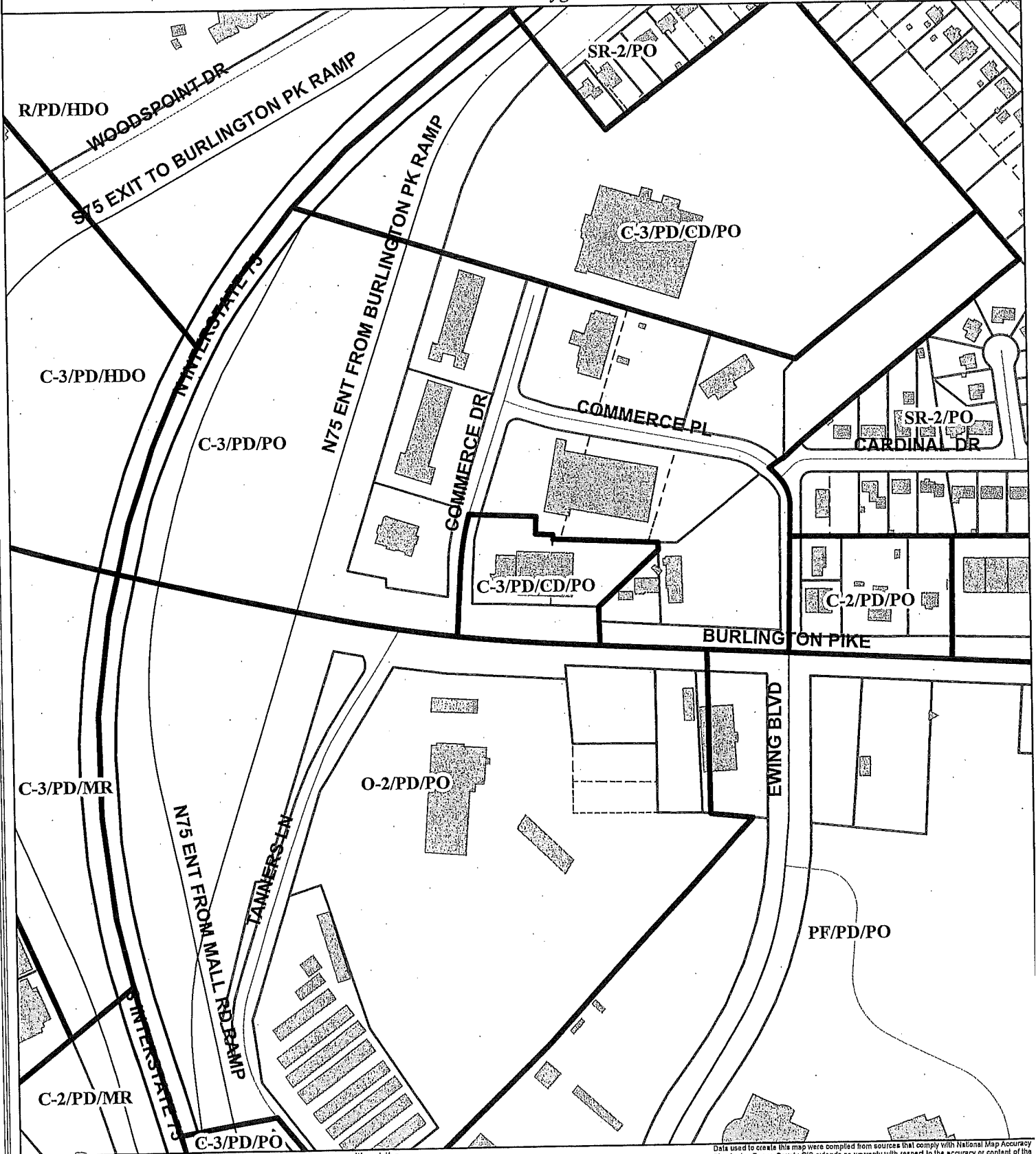
Drawing by: DB Checked by:  
Specifications:

Please read carefully and check appropriate box  
 Sketch OK as is  Sketch OK with changes  
 New sketch required

Date \_\_\_\_\_ Signature \_\_\_\_\_  
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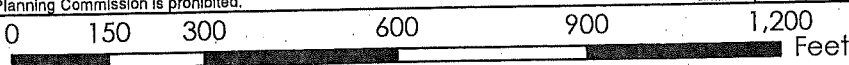
# ZONING MAP

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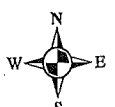


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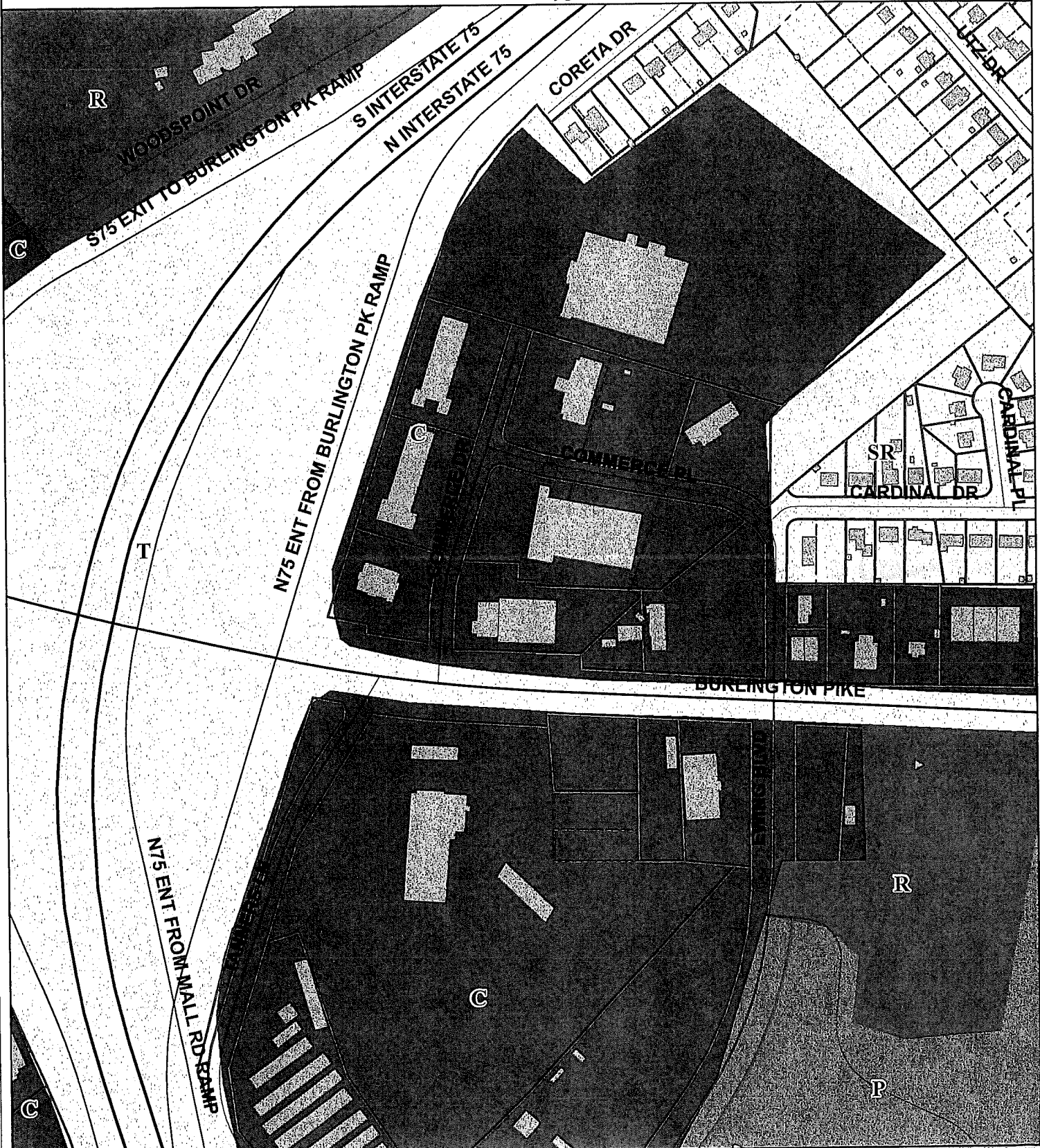
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/01/2013

ArcMap Document: BooneMap (file).mxd

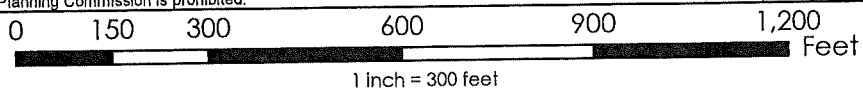
# 2035 FUTURE LAND USE MAP

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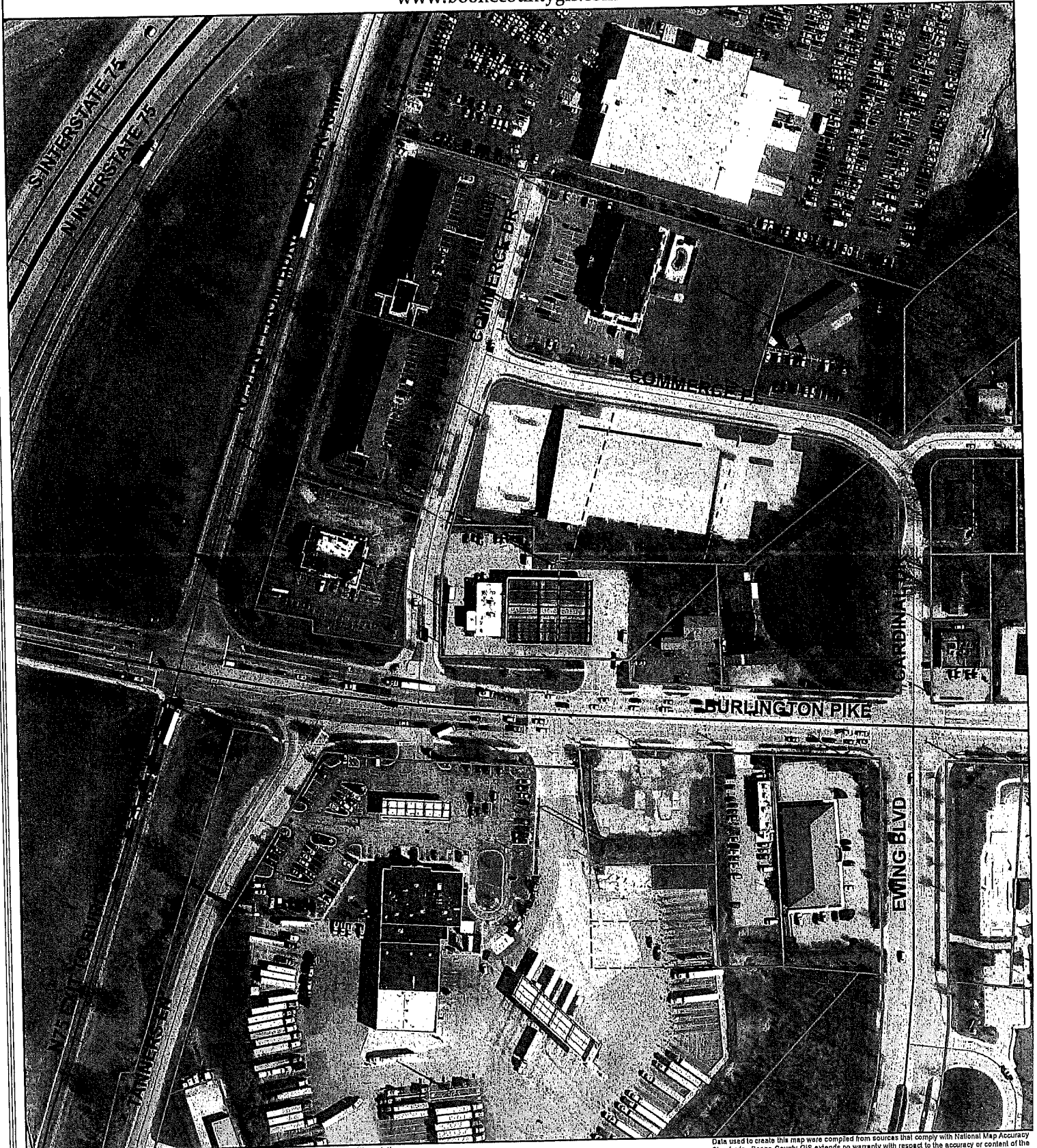


**Boone County GIS - Putting Northern Kentucky on the Map**



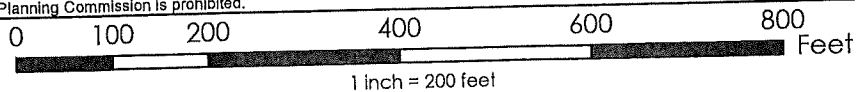
# 2013 AERIAL MAP

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

Map Created: 07/01/2013  
ArcMap Document: BooneMap (file).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 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 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'- <sup>1</sup> / <sub>4</sub> " 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'- <sup>1</sup> / <sub>4</sub> " 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 freestanding 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.
6/10/2009	Speedway	7819 US 42	CUP & Variance	Approved	CUP - Install two electronic gas prices and a cigarette price with 1.8" 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.
6/10/2009	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 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	QuikStop	8114 US 42	CUP & Variance	Approved	CUP - Add a 33.3 square foot electronic message board onto a freestanding 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 Mail	Mall Road Connector Dr Intersection	Change in Non-Conforming Use	Denied	Allow Florence Center/Antique Mail 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 Mail	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").

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
4/10/14	Car-X	8225 US 42	CUP & Variance	Denied	CUP - Allow Car-X to construct a new 20' tall, 70 square foot freestanding sign, which contains an electronic message center. The electronic message center is proposed in a 31" x 10' cabinet and the display area is 31" x 94" (20.24 square feet). Variance - Reduce 660' spacing requirement. Sign proposed 498' from Walgreen sign and 640' from QuikSop sign.	The Variance will cause a hazard and nuisance to the public, will alter the essential character of the general vicinity, and no special circumstances which apply to the land have been identified. The Conditional Use Permit is not harmonious with the general objectives of the Boone County Comprehensive Plan. Specifically, the Future Land Use Development Guidelines 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, pg. 164).
2/11/15	Travel Centers of America	7777 KY 18	Change in Non-Conforming Use	Approved	Modify 113'-9" tall sign. Four sign cabinets being removed, two sign cabinets being installed, and the overall square footage being reduced from 1,440 square feet (40' x 36') to 945 square feet (35' x 27').  One of the proposed sign cabinets is 7.5' x 27' and displays unleaded and diesel fuel prices in red and green LED. The diesel price will alternate between a "cash" price and "credit" price. The sign cabinet detail shows the LED digits will be a maximum of 61" tall and the unleaded and diesel copy placards will be 18" tall.	(1) The overall square footage of the Interstate sign shall be reduced to 945 square feet or less; (2) The proposed sign cabinets shall be constructed with side filler panels (see Exhibit 1 from the 2/11/15 FBOA meeting). Additional signage shall not be permitted on the filler panels; (3) The 7'-6" x 27' cabinet shall only display two fixed copy fuel placards and two LED fuel prices. The fuel prices shall not alternate between cash prices and credit prices; (4) The unleaded fuel price shall be displayed in red LED and the diesel fuel price shall be displayed in green LED. The fuel prices shall not flash, scroll, run, or have any apparent visual motion; (5) The LED fuel prices shall be displayed with a 22 mm pixel pitch or better resolution; (6) The electronic sign shall be equipped with a photocell or dimmer and the fuel prices shall dim as the sky gets darker; (7) The 8' x 24' sign cabinet shall only be permitted to advertise two tenants which are located in the subject building; (8) The electronic sign cabinet shall be manufactured with set brightness, dimming, and pixel pitch. No manual adjustment controls shall be provided inside the building; (9) The sign structure and sign cabinets shall be maintained and be kept in an as new appearance.
7/8/15	McDonald's	7909 Dream St	CUP & Variance	Approved	(1) Conditional Use Permit to allow a 18 square foot electronic message center within a 10' tall, 57.92 square foot monument sign. The monument sign is proposed immediately to the north of McDonald's ingress drive and will replace a 23'-4" tall, 205.44 square foot freestanding sign. (2) Variance to allow the electronic sign within 660' of another electronic sign. (3) Variance to increase the permitted building mounted signage on the front facade of the future restaurant from 78.5 square feet to 161.6 square feet.	(1) The building mounted signage on the front facade shall be installed per the submitted sign and elevation drawings. Additional building mounted signage shall not be permitted in the three sign areas without Florence Board of Adjustment approval. (2) All building mounted signage on the front and side facades of the new building shall comply with the Boone County Zoning Regulations. (3) The proposed monument sign shall be constructed per the submitted exhibit unless modified by the condition below. (4) The electronic message board shall comply with the following standards: (A) The visual opening of the sign shall be limited to 3' x 6'; (B) All electronic messages shall be displayed for a minimum of 60 seconds; (C) No more than 4 lines of text shall be displayed at any given time; (D) Messages shall not flash, scroll, run, or have any apparent visual motion; (E) Messages shall be displayed with a 19 mm pixel pitch or better resolution; (F) The sign shall be equipped with a photocell and the electronic copy shall dim as the sky gets darker; (G) The electronic message center shall not be used to advertise off-premise businesses; and (H) The sign shall be maintained and be kept in an as new working condition. (5) All new menu boards signs shall comply with the Boone County Zoning Regulations. (6) The interstate pole sign located on site shall be limited to 50' in height and 315-66 square feet in area.

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED 71237 JUL 21 2015 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 [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

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

3. Applicant's Name Triumph Signs & Consulting - Nicole Lynn Hyrne Applicant's Address 480 Milford Parkway Milford Ohio 45150

4. Description of Request: Conditional Use Permit - To allow [LED message board] Variance - to reduce the 16'0" spacing between electronic signs.

5. Name of Development Speedway Food Mart 6. Location of Development 7690 Burlington Pike, Florence, KY 41042

7. Acreage Under Review 1.469

8. Lot Number and Name of Subdivision (if part of a subdivision) n/a - per Todd Morgan

9. Owner of Property Emro Marketing - Tony James Address of Property Owner 539 S. Marsh St

10. Findley OH 45840 City State Zip

11. Proposed Use(s) on Site proposed electronic sign

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

13. Current Zoning on Property C-3/PD/CD/PO

14. Deed Book 404 Page No. 124 Group No. 2034a

15. Is the site subject to a zone change? Yes If yes, give date of approval -

16. Have you submitted a Site Plan with this request? No

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

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

COPY

CLUR #15-FBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Emro Marketing  
539 S. Main Street  
Findley, OH 45840

2. ADDRESS OF PROPERTY

7690 Burlington Pike  
Florence, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Speedway

4. DEED BOOK 404

PAGE NO. 124

GROUP NO. 2034A

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  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

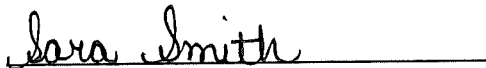
on behalf of the Boone County Planning Commission this 13 day of August, 2015.



Vicki L. Myers  
Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2019

This instrument was prepared for recording purposes only by:



Sara Smith  
Sara Smith  
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 and conditional use permit approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of August 12, 2015 Certificate of Land Use Restriction (#15-FBOA-004-A), for Emro Marketing, Property Owner(s).

The following conditions will apply:

1. The sign shall be constructed as presented unless modified by other conditions listed below.
2. The electronic sign shall only advertise one fuel price.
3. The fuel price shall be displayed in red or green LED.
4. The fuel price shall not flash, scroll, run, or contain any apparent visual motion.
5. A photocell shall be provided in the sign and the fuel price shall dim as the sky gets darker.
6. The pole shall not be painted red. It shall be painted grey to match or closely resemble the existing color.
7. The existing lamps and associated mounting structure shall be removed from the pole sign.

The approved variance and conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 404

PAGE NO. 124

GROUP NO. 2034A