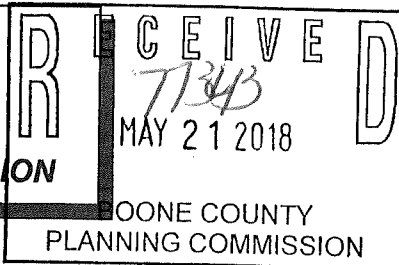


APPLICATION FORM

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
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Mitchell Powell
Applicant's Address 4152 Brandonmore Drive,
Cincinnati OH 45255
City State Zip
4. Description of Request: Requesting addition of LED diesel price to existing pole sign. E-Mail mitchell.cbssignservice@gmail.com
5. Name of Development Turfway BP
6. Location of Development 7230 Turfway Rd, Florence, KY 41042
7. Acreage Under Review 1.543
8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 43, TURFWAY SUBDIVISION
9. Owner of Property Deters Company
Address of Property Owner 611A Burgundy Hill Rd.
Burlington KY 41005
City State Zip
10. Phone Number 859-393-3028 Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site No change in use.
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property C-2
14. Deed Book 830 Page No. 201 Group No. 2034B
15. Is the site subject to a zone change? No.
If yes, give date of approval N/A
16. Have you submitted a Site Plan with this request? Yes
17. Have you submitted a list of adjoining property owners with this request? Yes
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

ORIGINAL Applicant's Signature: Mitchell Powell
(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 5-21-18 Fee Received \$1,080.00 Receipt # 77343
2. Is application complete? Yes No
3. Staff Reviewer TRM/M
4. Scheduled Board Action Date 6/13/18
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Staff Report + CLR
7. Reasons for Denial:

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: C & B Sign Service for Deters Blue Pantry/BP

LOCATION: 7230 Turfway Road, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: June 13, 2018

Proposal

The applicant has submitted a Conditional Use Permit to allow a second electronic fuel price panel to be added to the BP freestanding sign at 7230 Turfway Road. The submitted drawings show the sign panels will be reorganized and the 24" x 96" "DIESEL" sign cabinet will be removed and replaced with an identically sized cabinet. The new cabinet will contain a 15.0625" x 35.8125" (3.75 square foot) window that displays diesel fuel prices in green LED.

Pertinent Site History

On 7/16/02, the Boone County Planning Commission approves a Sign Permit allowing face changes to the existing free-standing sign. The permit shows the sign is 29'-2" tall and 144 square feet in area.

On 7/9/08, the Florence Board of Adjustment approved a Conditional Use Permit allowing the bottom 32 square feet of the BP/Blue Pantry free-standing sign to be converted into a LED gas price display. The fuel display window was 12.35 square feet in area (2'-3 9/16" x 5'-4.5"). The following conditions were imposed on the approval:

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 in area.
3. The illegal lottery sign shall be removed.
4. The electronic copy color is limited to red.
5. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot, flash, scroll, or run. The gasoline fuel price shall only be changed once or twice a day.
6. The size of the sign shall be as presented.

On 10/8/08, the Florence Board of Adjustment approved a Conditional Use Permit which amended the approval above. The following conditions were imposed:

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 in area.
3. The illegal lottery sign shall be removed.
4. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot, flash, scroll, or run. 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 prices shall dim as the sky gets darker.
8. The applicant will work with Staff to ensure that the sign is not abnormally bright.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment and Zoning Appeals is to review Conditional Use Permit applications as specified in the zoning regulations.

The Board needs to evaluate the request as it relates to the criteria necessary for granting or denying a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations. The criteria are listed below:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 34, Section 3413 of the Boone County Zoning Regulations states that individual parcels of land in C-2 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).

Article 34, Section 3430 of the Boone County Zoning Regulations permits electronically changeable message boards as a Conditional Use in the Commercial Two (C-2) zoning district provided that the following requirements are 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.

The message boards will comprise 11.18% of the sign (12.35 existing + 3.75 proposed)/144

- B. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

The sign is not subject to review from Kentucky Transportation Cabinet because it isn't visible from an Interstate.

- 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.

The passage is not applicable in this case. The proposal would add a second electronic message board to a sign.

- 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.

Staff would like the applicant to address that the sign will meet this standard.

- 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.

Staff would like the applicant to address that the sign will meet this standard.

Relationship of the Request to the Comprehensive Plan

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

The Future Land Use Development Guidelines (pages 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).

Site Characteristics

The 1.2 acre site is located on the north side of Turfway Road and contains a Blue Pantry convenience store, gasoline pumps, gasoline canopy, and Deters Company offices. The development has two curb cuts on Turfway Road and a 29'-2" tall free-standing sign.

Surrounding Land Uses and Zoning

North: Oakwood Apartments (UR-2)

South: Turfway Road & Crown Court Apartments (UR-2)

East: Biederman Educational Center (C-2)

West: Countryside Condominiums (UR-2)

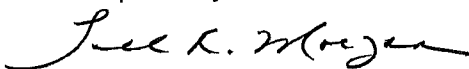
Staff Comments

1. The pole sign is non-conforming because it is 29'-2" tall. The zoning regulations permit a maximum sign height of 20' in the City of Florence. The proposal will not alter the non-conformity.
2. A chart has been provided showing all the electronic sign requests that the Florence Board of Adjustment has acted on since 2003 (see attachments).
3. Staff recommends 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. Staff does not believe the requested sign will be distracting or confusing to motorists or have a negative impact on the corridor.
4. If the application is approved, Staff recommends the following conditions:
 - A. The proposed LED fuel window shall only advertise diesel fuel prices and shall change only once or twice a day.
 - B. The size of the proposed LED fuel window shall be as presented.
 - C. The overall square footage of the sign shall be limited to 144 square feet in area.
 - D. The electronic copy color shall be limited to red or green LED and shall match the "regular" fuel price color.
 - E. A photocell shall be provided and the diesel fuel price shall dim as the sky gets darker.
 - F. The applicant will work with Staff to ensure that the sign is not abnormally bright.

Conclusion

K.R.S. 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 request.

Respectfully submitted,

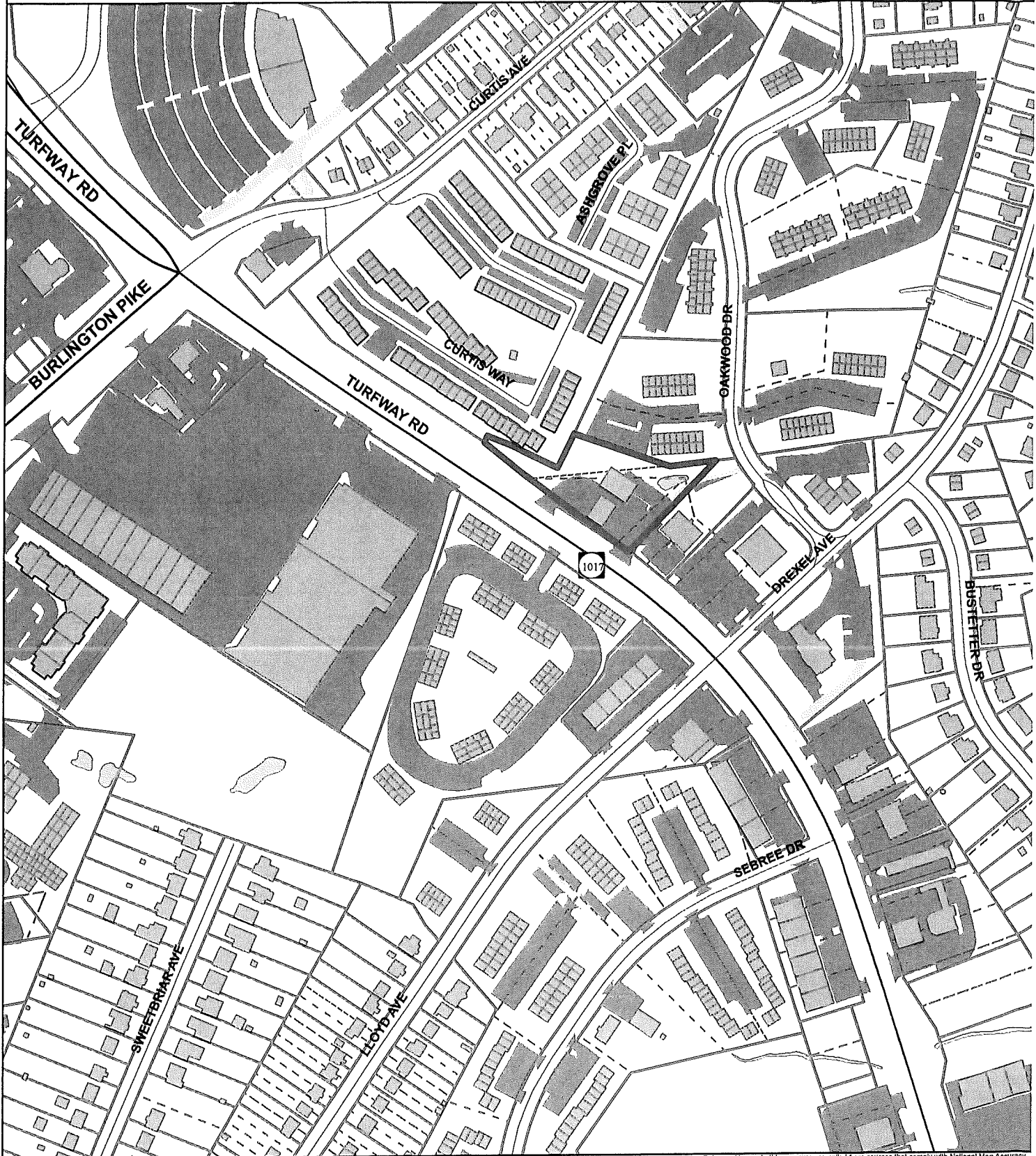


Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/ss

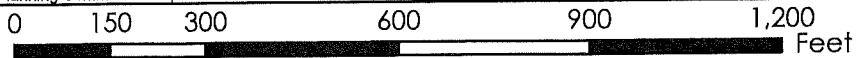
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 300 feet



Map Created: 07/01/2013

Boone County GIS - Putting Northern Kentucky on the Map



With Thanks to Esri for ArcMap 10.1
ArcMap Document: BooneMap (lta).mxd

C & B Sign Service

21 May 2018

4152 Brandonmore Drive

Cincinnati, Ohio 45255

Boone County Board of Adjustment

P.O. Box 958

Burlington, KY 41005

Dear Members of the Board,

At 7230 Turfway Road, on property with the legal description "2 TRACTS .33 AC & .883 AC TURFWAY RD (F5-2-36, 38E)", we propose to add a diesel price display to the main identification sign on the property as described in the attached documents. A past variance has already been granted allowing for the display of the price of gasoline, and so our proposal to add a significantly smaller LED price display to the same cabinet is broadly in line with the current legal use of the sign.

The currently existing sign on the site covers 144 square feet and is entirely illuminated from within. The proposed diesel pricer fits into an existing panel, and adds no additional square footage, nor any structural changes, to the sign. The proposed pricer will occupy only 2.58 square feet of the 144 total of the sign. Given that the panel into which the pricer will fit is already illuminated, this addition of a pricer to less than 2% of the sign surface will have no significant impact on the brightness of the sign, and will serve only to give potential customers information about the price of diesel.

As for nearby properties, along the north side of the property a line of trees shields the nearest properties from the light associated with this service station. Along the north side of Turfway Road, the only adjoining property not shielded in this way is the Riederman Educational Center, to the east. Its property line is 232 feet from the existing sign. The other adjoining properties are a series of apartment building along the south side of Turfway Road, separated from 7230 Turfway by a five-lane road. This change to 2% of a sign, made in a portion already illuminated, will have no significant affect on nearby buildings other than making the occupants better informed about the price of diesel fuel.

Sincerely,



Mitchell Powell

C & B Sign Services, Inc.

4152 Brandonmore Dr.

Cincinnati OH 45255

Existing MID. Same dimensions as Proposed.



05/16/2017

Proposed MID

Regular LED square
footage: [redacted]

12.35 SF

Diesel LED square
footage: [redacted]

3.75 SF

96"

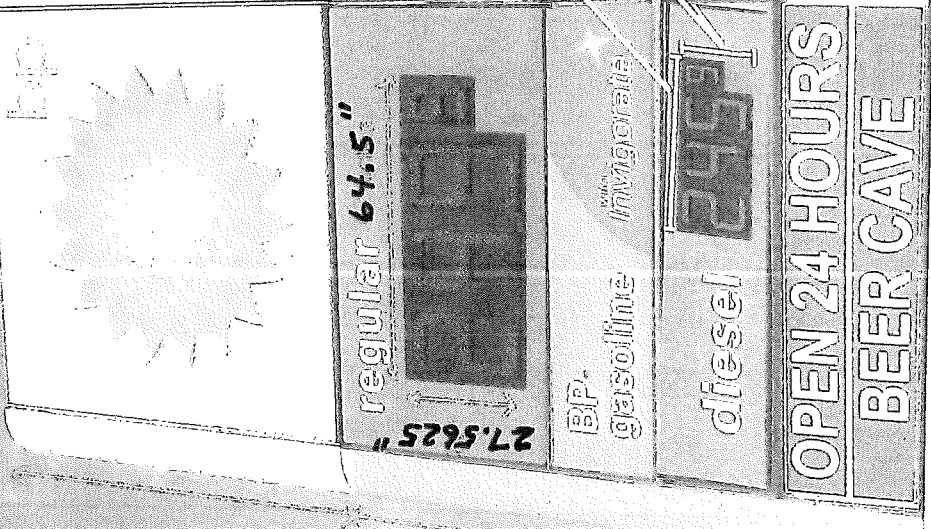
96"

48"

24"

24"

24"



Total Proposed
square
footage:

144 square ft.

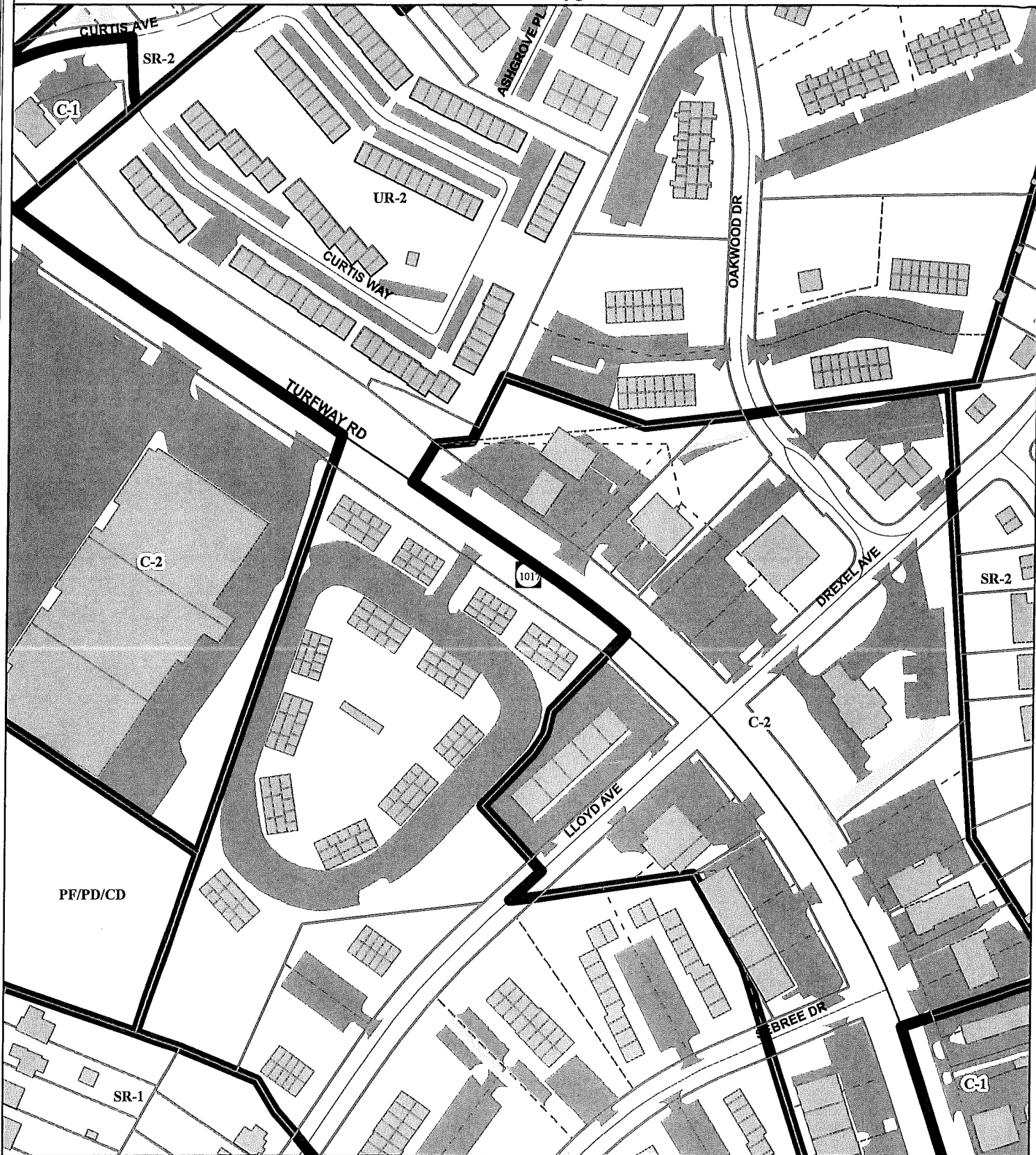
[redacted] 35 13/16"

[redacted] 15 1/16"

05/16/2017

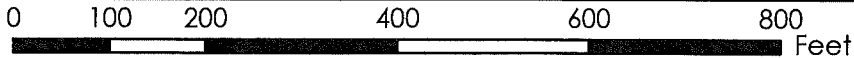
ZONING MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 200 feet



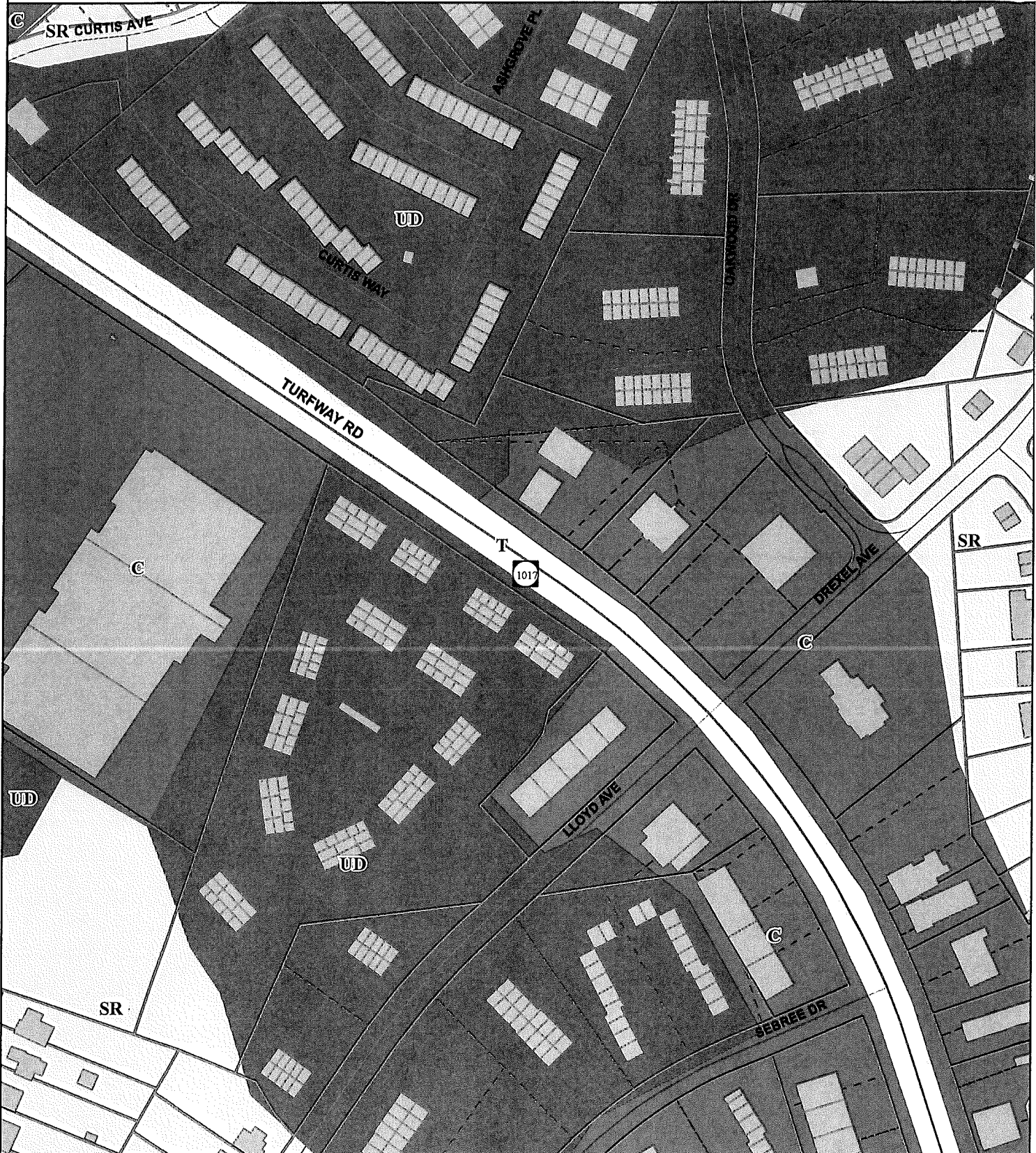
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArchMap Document: BooneMap (lta).mxd

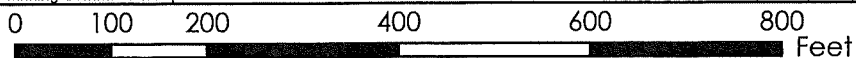
2035 FUTURE LAND USE MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



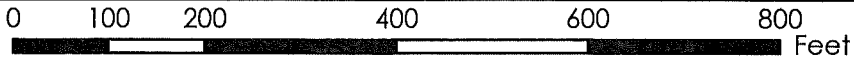
TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

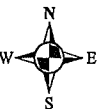
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 200 feet

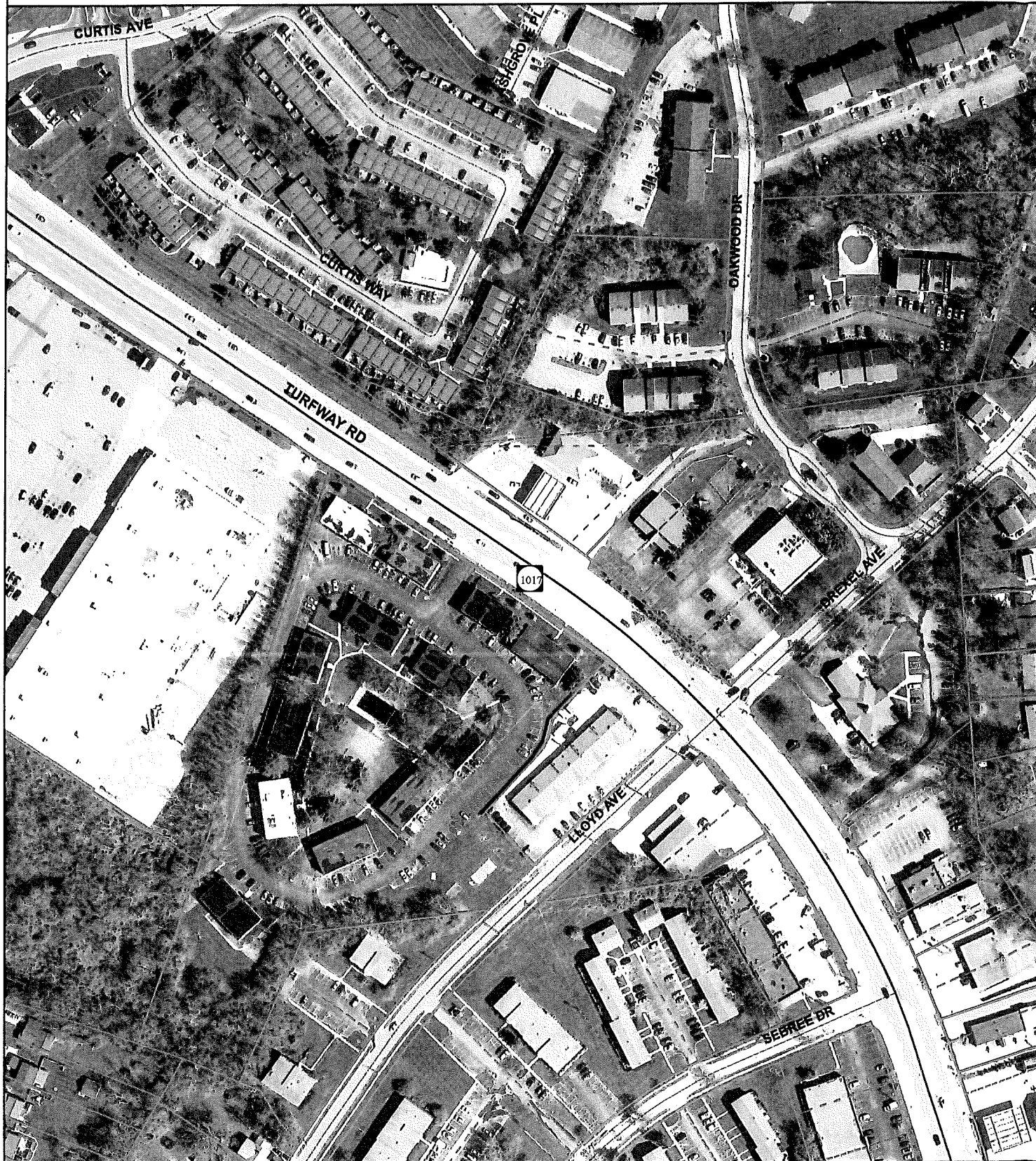


Boone County GIS - Putting Northern Kentucky on the Map



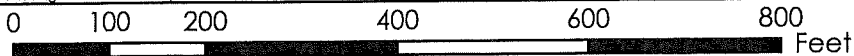
2016 AERIAL MAP

www.boonecountygis.com



Copyright 2014 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File: BooneMap_1016.mxd
ArcMap Document: BooneMap_1016.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 prices; (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 12.5 square feet in area; (2) The sign is to be monument in style; (3) The sign is limited to one illumination color and that color is red; (4) Condition 1, 2, and 3 listed above apply only if an electronically changeable message board is integrated into the permitted on-site freestanding sign.
6/14/2006	Speedway	8240 US 42	CUP	Approved	Install two electronically changeable fuel price panels and a cigarette price panel on the existing sign. The proposed digits are 14.3" tall.	(1) The color of the lights will be red as shown; (2) The size is to be as indicated in the Staff Report and on the exhibit; (3) The sole purpose of the three panels is pricing of gas only; (4) The panels cannot be added together or used for any other purpose; and (5) Any future user is prohibited from converting the electronically changeable sign into one that flashes, scrolls, or displays multiple messages.
10/11/2006	Super 8	7928 Dream St	CUP & Variance	Approved	Allow a 40.8 square foot (3'-4" x 12') electronically changeable reader board on the existing sign. The proposed electronic message board is replacing a 40 square foot sign cabinet.	(1) The electronic message board can only use one color of red; and (2) There is to be an automatic light sensor to dim the sign.
10/11/2006	Ace Hardware	8515 US 42	CUP	Approved	Allow a 19.5 square foot (26" x 108") electronically changeable message board on top of the Ace Hardware sign. The submitted plans shows that there will be two lines of 9" copy.	(1) The Ace Hardware sign panel shall be on the top of the sign and the electronic message board shall be on the bottom of the sign; (2) The electronic message board is to be one color, which is monochrome red; (3) The electronic message board is to be controlled by an automatic light sensor; and (5) The size of the sign is to be as submitted.
11/14/2007	KY Farm Bureau	8640 Haines Dr	CUP	Approved	Allow a 8.68 square foot (2'-2" x 4') electronic time and temperature sign to be mounted on the rear facade of the tenant space.	No conditions.
5/14/2008	Thorntons	7601 Industrial	CUP	Approved	Remove Thorntons 75.96 square foot electronic gas price cabinet (unleaded price displayed on wheels) and replace it with a 49.11 square foot LED cabinet. The new cabinet displays diesel and unleaded fuel prices with 28" tall digits. The 41.48 square foot electronic reader board of the bottom of the sign is to be retained.	(1) The bottom sign (existing electronic sign) is to abide by the 5 second rule; (2) The new LED sign is for gas prices only and is limited to two colors and; (3) There is to be a sign filler between the existing LED sign and the newly approved sign and fillers on the sides between the sides and the poles. The fillers panels shall be painted black to match the poles. There is to be no signage on the filler panels.
7/9/2008	BP	8432 US 42	CUP	Approved	Allow a 12.35 square foot (27.5625" x 64.5") electronic window on the bottom of the BP sign to display regular fuel prices. The digits will be a maximum of 23" tall.	(1) The gasoline fuel price should only be changed once or twice a day; (2) The electronic copy can only advertise regular fuel prices; (3) The electronic copy color is limited to red and; (4) The size of the sign is to be as presented.
7/9/2008	BP	7230 Turfway	CUP	Approved	Allow a 12.35 square foot (27.5625" x 64.5") electronic window on the bottom of the BP sign to display regular fuel prices. The digits will be a maximum of 23" tall.	(1) The electronic copy can only advertise regular fuel prices; (2) The overall square footage of the sign shall be limited to 144 square feet; (3) The illegal lottery sign shall be removed; (4) The electronic copy color is limited to red; (5) The gasoline fuel price should only be changed once or twice a day and; (6) The size of the sign is to be as presented.

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
8/13/2008	Mortenson Dental	7033 KY 18	CUP & Variance	Denied	CUP - Allow a 16.92 square foot (21" x 116") electronically changeable message board on a proposed monument sign. The overall sign is 6'-8" tall and 57.53 square feet in area. The Variance is to reduce the 660' spacing requirement to 240' (Boone County High School).	The request is denied based on the Staff Report and applicable regulations. The sign will adversely affect safety and the neighborhood.
8/13/2008	Shell	411 Mt. Zion	CUP & Variance	Approved	CUP - Reduce the overall square footage of the existing sign from 210.6 square feet to 204.63 square feet and install two electronic fuel prices. The regular fuel price window is 14.34 square feet (27.5" x 75.13") and the diesel window is 6.18 square feet (19.75" x 45.13"). The proposal includes the removal of a manually changeable message board. The Variance is to reduce the 660' spacing requirement to 267' (Sports of All Sorts).	(1) The electronic copy can only advertise fuel prices; (2) The electronic copy color for both gasoline (regular fuel) and diesel fuel is limited to one color and that color is red; (3) The overall square footage of the sign shall not exceed 204.63 square feet in area; (4) The sign shall not contain any manually changeable message boards; (5) The sign is to be as presented (the blank panels cannot contain any signage) and; (6) The sign is not to flash, scroll, or run.
8/13/2008	Shell	985 KY 18	CUP	Approved	Reduce the overall square footage of the existing sign from 210.6 square feet to 204.63 square feet and install two electronic fuel prices. The regular fuel price window is 14.34 square feet (27.5" x 75.13") and the diesel window is 6.18 square feet (19.75" x 45.13"). The proposal includes the removal of a manually changeable message board.	(1) The electronic copy can only advertise fuel prices; (2) The electronic copy color for both gasoline (regular fuel) and diesel fuel is limited to one color and that color is red; (3) The overall square footage of the sign shall not exceed 204.63 square feet in area; (4) The sign shall not contain any manually changeable message boards; (5) The sign is to be as presented (the blank panels cannot contain any signage) and ; (6) The sign is not to flash, scroll, or run.
10/8/2008	BP	8432 US 42	CUP	Approved	Change the 7/9/08 FBOA condition which required an electronically changeable fuel price panel to be displayed in red L.E.D. The applicant wants to change the color to green. The fuel price window is 12.35 square feet in area and the digits are a maximum of 23" tall.	(1) Electronic messages must be displayed on the board for at least 5 seconds and the message cannot flash, scroll, or run. The gasoline price shall only be changed once or twice a day; (2) The electronic copy can only advertise regular fuel prices; (3) The size of the sign shall be as presented; (4) the electronic copy color shall be limited to one color - either red or green; (5) A photocell is to be provided in the sign and the fuel price shall dim as the sky gets darker; and (6) The applicant will work with Staff to ensure that the sign is not abnormally bright.
10/8/2008	BP	7230 Turfway	CUP	Approved	Change the 7/9/08 FBOA condition which required an electronically changeable fuel price panel to be displayed in red L.E.D. The applicant wants to change the color to green. The fuel price window is 12.35 square feet in area and the digits are a maximum of 23" tall.	(1) The electronic copy can only advertise regular fuel prices; (2) The overall square footage of the sign shall be limited to 144 square feet; (3) The illegal lottery sign shall be removed; (4) The gasoline fuel price shall only be changed once or twice a day; (5) The size of the sign shall be as presented; (6) the electronic copy color shall be limited to one color - either red or green; (7) A photocell is to be provided in the sign and the fuel price shall dim as the sky gets darker; and (8) The applicant will work with Staff to ensure that the sign is not abnormally bright.

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
1/14/2009	Thorntons	8104 US 42	CUP	Approved	Install two electronically changeable gas prices and an electronically changeable message board on one of Thorntons free-standing signs. A survey shows the existing sign is 30'-1/8" 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'-1/8" 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 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 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.
6/10/2009	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 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'-7/8" 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 outlets 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	<p>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.</p>	<p>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).</p>
2/11/15	Travel Centers of America	7777 KY 18	Change in Non-Conforming Use	Approved	<p>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').</p> <p>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.</p>	<p>(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.</p>
7/8/15	McDonald's	7909 Dream St	CUP & Variance	Approved	<p>(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.</p>	<p>(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.</p>

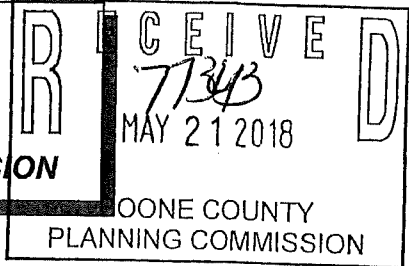
ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
8/12/15	Speedway	7690 KY 18	CUP & Variance	Approved	<p>(1) Conditional Use Permit to replace the unleaded fuel price cabinet on their approx. 108' tall pole sign with an LED cabinet. Existing cabinet is 162.17 sf and the new cabinet is 160 sf. New cabinet will display unleaded fuel prices with red LED digits that are 76" tall. (2) Variance to allow the electronic sign withing 660' of another electronic sign. The TA Truck Stop/Valero sign is directly across the street.</p>	<p>(1) The sign shall be constructed as presented unless modified by other conditions 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.</p>

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Picture of Existing Sign
- *Proposed Rendering and Sign Dimensions
- *Proposed LED Price Panel Specifications
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *FBOA - Electronic Sign Request Chart
- *Application

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
- 3. Applicant's Name Mitchell Powell
Applicant's Address 4152 Brandonmore Drive,
Cincinnati OH 45255
City State Zip
- 4. Phone Number 937-453-8338 Fax No. 513-248-1111 E-Mail mitchell.cbssignservice@gmail.com
Description of Request: Requesting addition of LED diesel price to existing pole sign.
- 5. Name of Development Turfway BP
- 6. Location of Development 7230 Turfway Rd, Florence, KY 41042
- 7. Acreage Under Review 1.543
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 43, TURFWAY SUBDIVISION
- 9. Owner of Property Deters Company
Address of Property Owner 6111A Burgundy Hill Rd.
Burlington KY 41005
City State Zip
- 10. Phone Number 859-393-3028 Fax No. _____ E-Mail _____
- 11. Proposed Use(s) on Site No change in use.
- 12. Total Square Footage of Existing and/or Proposed Buildings N/A
- 13. Current Zoning on Property C-2
- 14. Deed Book 830 Page No. 201 Group No. _____
- 15. Is the site subject to a zone change? No.
If yes, give date of approval N/A
- 16. Have you submitted a Site Plan with this request? Yes
- 17. Have you submitted a list of adjoining property owners with this request? Yes
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Deters Company
6111 A Burgundy Hill Rd.
Burlington, KY 41005

2. ADDRESS OF PROPERTY

7230 Turfway Road
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Turfway BP

4. DEED BOOK 830

PAGE NO. 201

GROUP NO. 2034B

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

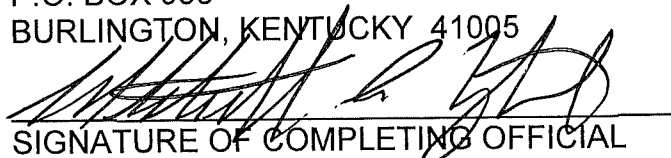
Subdivision Plat
(Not Recorded)

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


SIGNATURE OF COMPLETING OFFICIAL

Mitchell A. Light – Asst. Zoning Administrator/ZEO
Name and Title of Completing Official

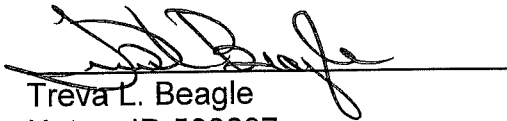
Copy

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Mitchell A. Light

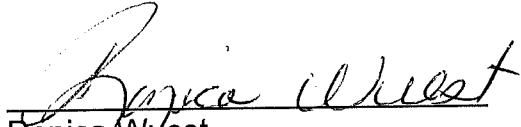
on behalf of the Boone County Planning Commission this 14 day of June, 2018.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:



Ronica Wuest
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)



CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of June 13, 2018 Certificate of Land Use Restriction (#18-FBOA-002-A), for Mitchell Powell, Property Owner(s).

The following conditions will apply:

- A. The proposed LED fuel window shall only advertise diesel fuel prices and shall change only once or twice a day.
- B. The size of the proposed LED fuel window shall be as presented.
- C. The overall square footage of the sign shall be limited to 144 square feet in area.
- D. The electronic copy color shall be limited to red or green LED and shall match the "regular" fuel price color.
- E. A photocell shall be provided and diesel fuel price shall dim as the sky gets darker.
- F. The applicant will work with Staff to ensure that the sign is not abnormally bright.

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