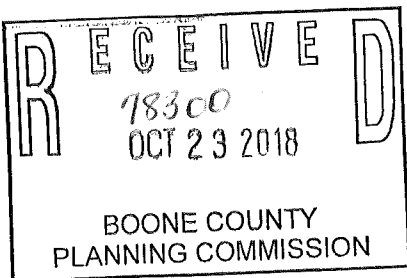


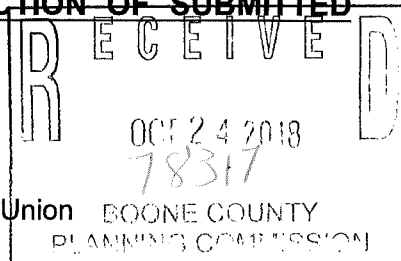
APPLICATION FORM



**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 STANLEY W. YOUNG, III, WORTHINGTON SIGNS
Applicant's Address 1510 FINDLAY STREET
PORTSMOUTH OHIO 45662
City State Zip

VARIALE to reduce 660 spacing requirement

4. Phone Number 740-497-4713 Fax No. N/A E-Mail trinitysigagroup@gmail.com
Description of Request: RETROFIT EXISTING GAS PRICE SIGN FROM A MANUALLY CHANGED NUMERALS TO LED NUMERALS, SAME SIZE CABINET

5. Name of Development SPEEDWAY # 7073

6. Location of Development @ THE INTERSECTION OF U.S. 42 & PORTAGE TRAIL
8699 US 42, FLORENCE, KY 41042-8531

7. Acreage Under Review N/A (SIGN ONLY)

8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 21A

9. Owner of Property SPEEDWAY SUPERAMERICA LLC
Address of Property Owner 539 S. MAIN STREET

10. FINDLAY OHIO 45840
City State Zip

11. Phone Number 1-800-643-1948 Fax No. _____ E-Mail _____

- Proposed Use(s) on Site Same, GAS STATION

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

13. Current Zoning on Property C-2/PD/CD

14. Deed Book 995 Page No. 474 Group No. 2047

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: Stanley W. Young III (Agent for Property Owner)
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Stanley W. Young III (Applicant)
(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 10/23/18 Fee Received \$1,089⁰⁰ Receipt # 78317
2. Is application complete? Yes No
3. Staff Reviewer M. Schwartz
4. Scheduled Board Action Date November 14, 2018
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: See Attached

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.

CONDITIONS OF APPROVAL
FLORENCE BOARD OF ADJUSTMENT
NOVEMBER 14, 2018
SPEEDWAY
8699 US 42

Conditions:

1. That the proposed electronic message board/screen meet the minimum requirements of any controlling state or federal agency.
2. Electronic messages shall not flash, scroll, or run.
3. The electronically changeable copy shall only advertise fuel prices and shall not change less than once a day.
4. All electronic messages shall be displayed in red.
5. Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker
6. That any future modification to the sign, including any change of message/copy, will require a new application to be submitted to this Board.

STAFF REPORT

#2

APPLICANT: Worthington Signs, per Stanley W. Young, III, on behalf of Speedway Superamerica, LLC

LOCATION: 8699 US 42, Florence, Kentucky

ZONING: Commercial Two/Planned Development/Concept Development Plan (C-2/PD/CD)

DATE: November 14, 2018

PROPOSAL

The applicant is requesting: (1) a Conditional Use Permit to allow the conversion of a manually changeable gas price sign to a 22.75 square foot electronic gas price sign on an existing freestanding monument sign and (2) a Variance reducing the spacing between electronic message boards from 660 feet to 142 feet, on an approximate 1.17 acre area located at 8699 US 42, Florence, Kentucky.

SITE HISTORY

2007 Major Site Plan was approved for the construction of a new Speedway convenience store with five gasoline pump islands

2007 Major Site Plan (revision) was approved for the construction of a new Speedway convenience store with five gasoline pump islands, due to right-of-way acquisition and turn lane construction

2007 -

2009 The existing building was constructed (based on aerial photography)

2007 Sign permit was approved for a 7'-9" high, 60 square foot, monument sign on the site in question (Permit Number SP-FL-162-2007)

2012 The Florence Board of Adjustment approved a Conditional Use Permit and Variance to allow the installation of an electronic fuel price sign for UDF at 8635 Haines Drive, subject to the following conditions: (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; and (4) Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker

APPLICABLE REGULATIONS

A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.

1. Section 3430, 1. of the Boone County Zoning Regulations identifies electronic message boards as a Conditional Use within the C-2 district.

2. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations.

a. Findings listed in Section 262 (Findings for all Conditional Uses):

- (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 not 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 not 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 not 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.

B. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.

1. Section 3430, 1., (2), c. of the Boone County Zoning Regulations states that electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign is visible, between lines through the center of the signs and perpendicular or radial to said centerline. The proposed sign will be located 665 feet northeast of the existing Clark gas station electronic sign and 564 feet southwest of the existing Walgreen electronic sign.
2. Section 250 of the Boone County Zoning Regulations defines a variance as a departure from 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.

3. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.
 - a. Findings listed in Section 251:
 - (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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (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 of 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.
- C. Section 1020 of the Boone County Zoning Regulations states that "The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces."
- D. Section 1500 of the Boone County Zoning Regulations states that the intent of the Planned Development district "is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose

is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.

Since Planned Development is an overlay zone, there is always an underlying zone which serves as a reference for uses within a district at large that may be proposed and approved, subject to the provisions of this article. All uses allowed in the underlying zone, whether they are permitted, accessory, or conditional, may be proposed and approved if compatible for a proposed development and the immediate vicinity, based upon the provisions of this article."

- E. Section 3430, 1., (2) of the Boone County Zoning Regulations requires electronic message boards and electronic display screens to conform to the following requirements:
1. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty (50) % of the permitted sign area can be used as an electronic message board or electronic display screen.
 2. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling state, or federal agency.
 3. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign is visible, between lines through the center of the signs and perpendicular or radial to said centerline.
 4. 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.
 5. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The 2010 Boone County Comprehensive Plan's 2035 Future Land Use Plan designates the site in question for "Commercial" uses. This designation is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following 2017 Boone County Comprehensive Plan's Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development shall utilize existing topography and vegetation (including mature trees) and

preserve the existing character of the land (Environment Goal A, Objective 7).

Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).

Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation Goal A, Objective 1).

- C. US 42 is identified as an arterial roadway. Within the vicinity of the site in question, US 42 provides for two-way traffic within six driving lanes (two lanes in each direction and two dedicated opposing left-turn lanes). Portage Trail is identified as a local roadway providing for two-way traffic within two driving lanes (one lane in each direction). Sidewalks are provided along both sides of US 42 and Portage Trail.

SITE CHARACTERISTICS

- A. The approximate 1.17 acre property is located at 8699 US 42, being at the northeast corner of the intersection of US 42 with Portage Trail. Ingress/egress to the site is from two curb cuts onto Portage Trail. The existing monument sign is 7'-9" high and has a total sign area of 60 square feet.

SURROUNDING LAND USES AND ZONING

North: A bank, a convenience store with gasoline pump, and vacant/undeveloped land (BB&T, UDF) (C-3/CD and C-3)

South: Vacant/undeveloped land (C-2/PD/CD)

East: Vacant/undeveloped land (C-2/PD/CD)

West: A retail auto parts store (Advance Auto Parts) (C-2/PD/CD)

PROPOSED DEVELOPMENT

Modification of an existing monument sign by changing the 22.75 square foot area currently being used as a manually changeable gas price to an electronic gas price with red and green display.

STAFF COMMENTS

- A. The following table provides a summary of the permitted regulations and the proposal by the applicant:

	Permitted By Zoning Regulation and/or Conditions of Approval	Existing	Proposed By Applicant
--	---	----------	-----------------------------

Number of Allowed Signs	1	1	1
Maximum Size	60 sq. ft.	60 sq. ft. 16 sq. ft. (Speedway) 21.25 sq. ft. (manually changeable) 22.75 sq. ft. (Gas Price)	60 sq. ft.
Maximum Height	10 ft.	7'-9"	7'-9"
Maximum Allowed Area of Manually Changing Sign Area	50%	21.25 sq. ft. (37.08%)	21.25 sq. ft. (37.08%)
Maximum Allowed Area of Electronic Changing Sign Area	50%	N/A	22.75 sq. ft. (37.92%)
Color	N/A	N/A	Red and Green

B. Section 3430, 1., (2) of the Boone County Zoning Regulations requires electronic message boards and electronic display screens to conform to the following requirements:

- Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty (50) % of the permitted sign area can be used as an electronic message board or electronic display screen.

The applicant has provided information that the proposed electronic message board/screen will be 37.92% of the total sign area.

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

The applicant needs to address this requirement.

- Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign is visible, between lines through the center of the signs and perpendicular or radial to said centerline.

As part of this application, the applicant has requested a variance to reduce the spacing requirement from 660 feet to 142 feet.

4. 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.

The applicant needs to address this requirement.

5. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

The applicant needs to address this requirement.

- C. Staff has provided an attachment listing all electronic sign applications that the Board has approved since March 2013.

CONCLUSION

- A. The Board should first take action on the proposed Conditional Use permit. KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment the authority to act on the request.
- B. Following action on the proposed Conditional Use permit, the Board should take action on the proposed Variance. KRS 100.241 and Section 250 of the Boone County Zoning Regulations gives the Florence Board of Adjustment the authority to act on the request.
- C. Section 262 of the Boone County Zoning Regulations identifies criteria necessary for granting a Conditional Use. The applicant needs to provide information as to how their application meets this criteria.
- D. Section 251 of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets this criteria.
- E. Section 3430, 1., (2) of the Boone County Zoning Regulations states that all electronic message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling state, or federal agency. The applicant needs to provide information as to how their application meets this requirement.
- F. Section 3430, 1., (2) of the Boone County Zoning Regulations states that 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. The applicant needs to provide information as to how their application meets this requirement.
- G. Section 3430, 1., (2) of the Boone County Zoning Regulations states that the message

displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board. The applicant needs to provide information as to how their application meets this requirement.

- H. Should the Board take action to approve the application, the following conditions should be included in the action:
1. That the proposed electronic message board/screen meet the minimum requirements of any controlling state or federal agency.
 2. Electronic messages shall not flash, scroll, or run.
 3. The electronically changeable copy shall only advertise fuel prices and must be displayed for a minimum of five (5) second intervals.
 4. All electronic messages shall be displayed in red.
 5. Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker

Respectfully submitted,

Michael D. Schwartz
Planner

MDS/ss



Attachments

- *Vicinity Map
- *Aerial Map
- *Zoning Map
- *Topographical Map
- *2035 Future Land Use Map
- *Previous electronic sign approvals
- *Applications
- *Sign Details

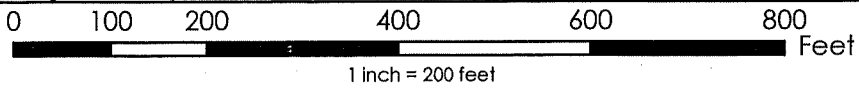
Vicinity Map

www.boonecountygis.com



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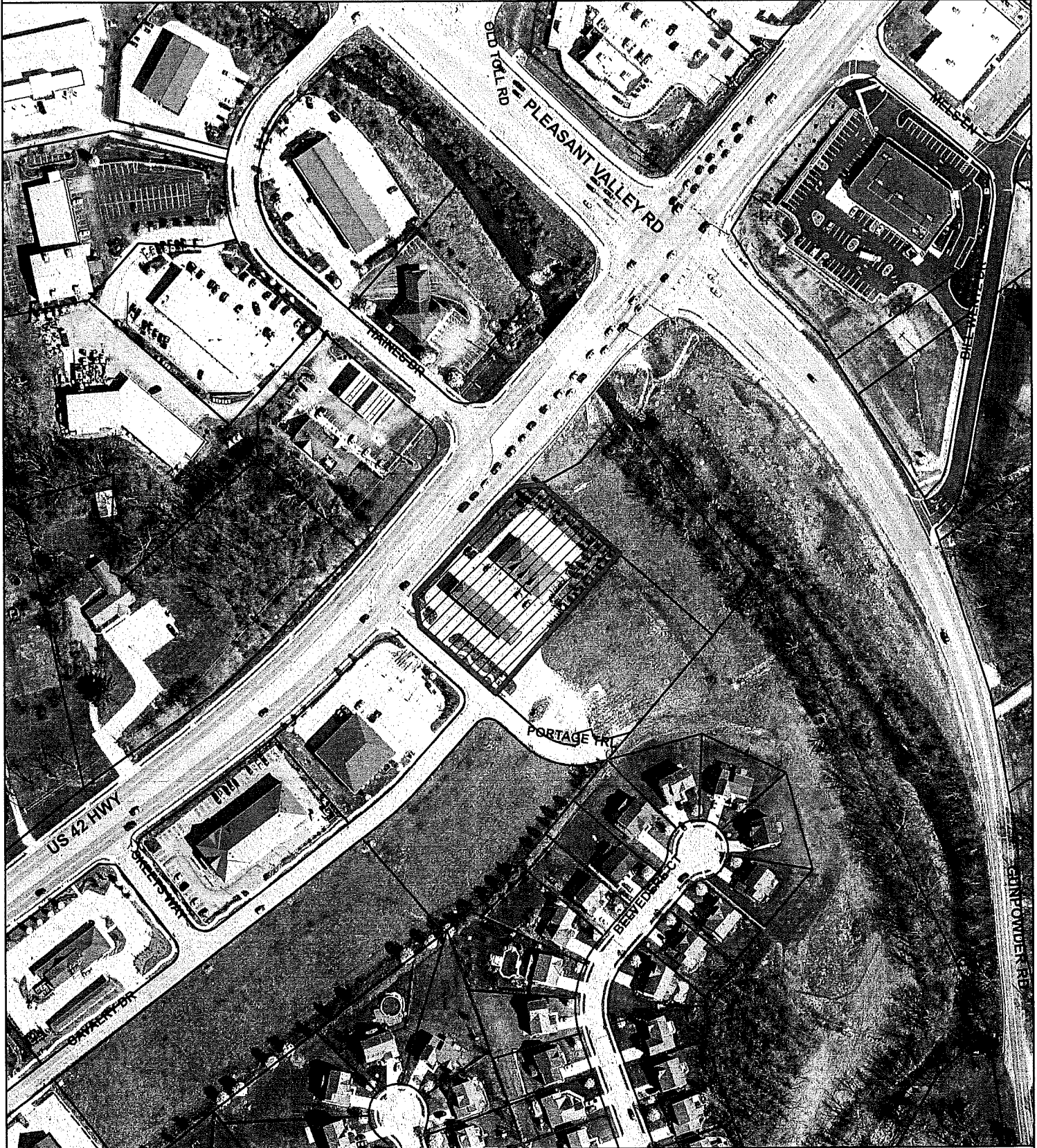
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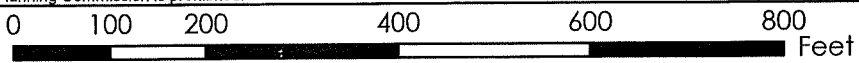
Aerial Map

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map



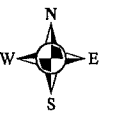
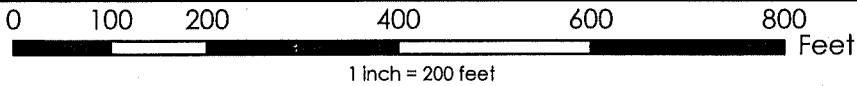
Zoning Map

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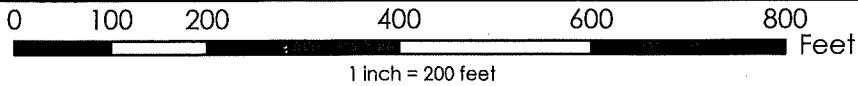
Topographic Map

www.boonecountygis.com



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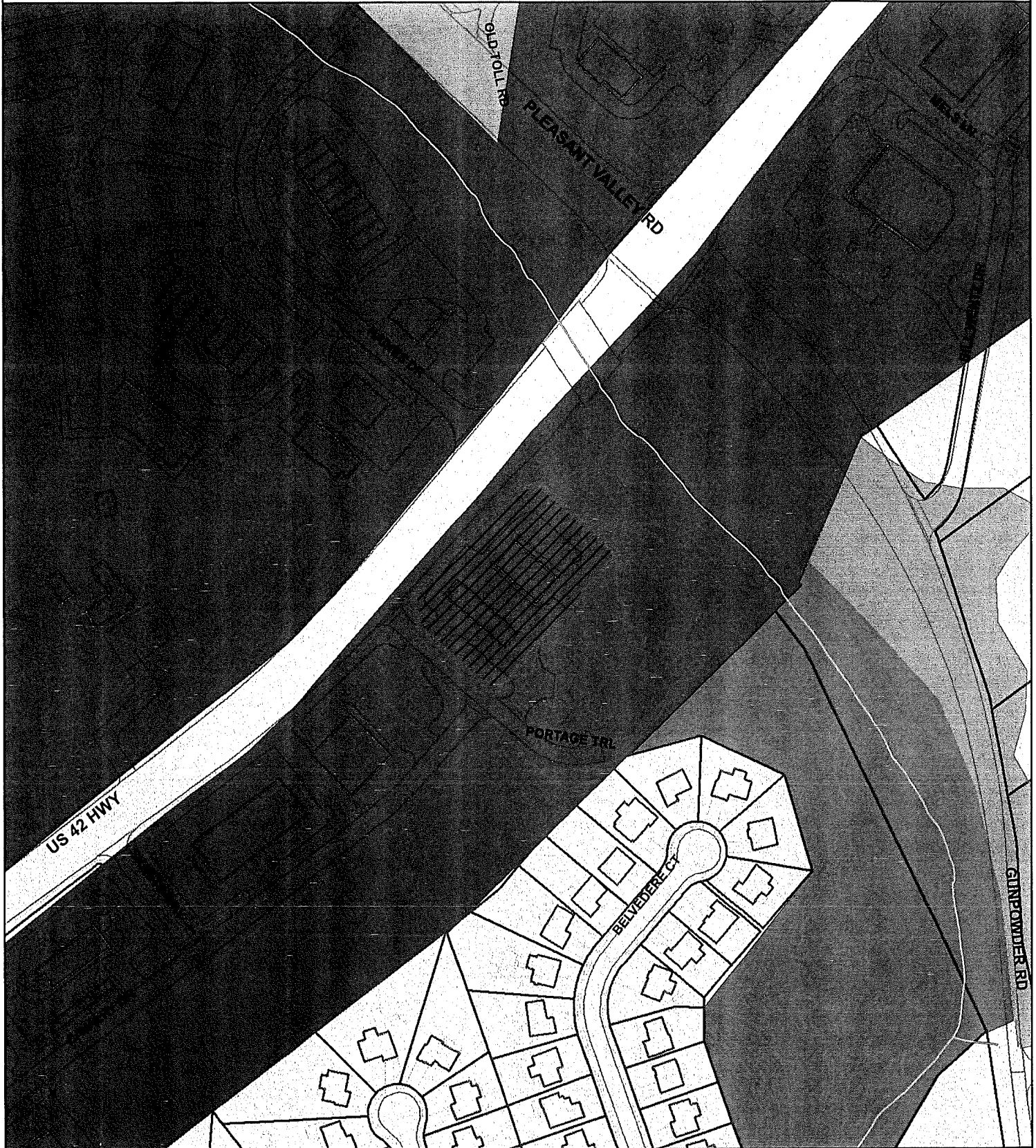
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

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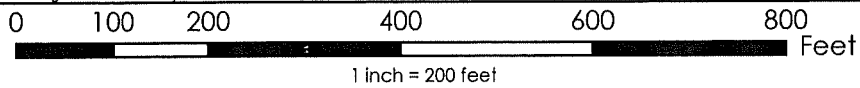
2035 Future Land Use Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArchMap Document: *.mxd

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
3/12/2003	Motel 6	7937 Dream St	CUP	Approved	Allow a 20.55 square foot (40" x 74") electronically changeable room rate sign. The sign was illegally installed in 1997.	(1) The electronic area is to be no larger than it is now and can only be used for price; (2) The sign cannot flash or scroll and; (3) Any change in LED color (amber) would have to go before the Board of Adjustment for approval.
6/8/2005	CVS	6801 Dixie Hwy	CUP & Variance	Approved	Allow a 37.35 square foot (42" x 128") electronically changeable message board to replace three sign cabinets which are 44.52 square feet in area. The overall sign will be reduced from 23'-11" tall and 96.88 square feet in area to 23'-11" tall and 89.71 square feet in area. The Variance is to reduce the 660" spacing requirement to 600" (Kentucky Federal Savings & Loan).	(1) The height of the sign is to be reduced to thirteen feet and it can be no more than 125 square feet in area; (2) The sign is to be monument in style; (3) The sign is limited to one illumination color and that color is red; (4) Condition 1, 2, and 3 listed above apply only if an electronically changeable message board is integrated into the permitted on-site freestanding sign.
6/14/2006	Speedway	8240 US 42	CUP	Approved	Install two electronically changeable fuel price panels and a cigarette price panel on the existing sign. The proposed digits are 14.3" tall.	(1) The color of the lights will be red as shown; (2) The size is to be as indicated in the Staff Report and on the exhibit; (3) The sole purpose of the three panels is pricing of gas only; (4) The panels cannot be added together or used for any other purpose; and (5) Any future user is prohibited from converting the electronically changeable sign into one that flashes, scrolls, or displays multiple messages.
10/11/2006	Super 8	7928 Dream St	CUP & Variance	Approved	Allow a 40.8 square foot (3'-4" x 12") electronically changeable reader board on the existing sign. The proposed electronic message board is replacing a 40 square foot sign cabinet.	(1) The electronic message board can only use one color of red; and (2) There is to be an automatic light sensor to dim the sign.
10/11/2006	Ace Hardware	8515 US 42	CUP	Approved	Allow a 19.5 square foot (26" x 108") electronically changeable message board on top of the Ace Hardware sign. The submitted plans shows that there will be two lines of 9" copy.	(1) The Ace Hardware sign panel shall be on the top of the sign and the electronic message board shall be on the bottom of the sign; (2) The electronic message board is to be one color, which is monochrome red; (3) The electronic message board is to be controlled by an automatic light sensor; and (5) The size of the sign is to be as submitted.
11/14/2007	KY Farm Bureau	8640 Haines Dr	CUP	Approved	Allow a 8.68 square foot (2'-2" x 4') electronic time and temperature sign to be mounted on the rear facade of the tenant space.	No conditions.
5/14/2008	Thorntons	7601 Industrial	CUP	Approved	Remove Thorntons 75.96 square foot electronic gas price cabinet (unleaded price displayed on wheels) and replace it with a 49.11 square foot LED cabinet. The new cabinet displays diesel and unleaded fuel prices with 28" tall digits. The 41.48 square foot electronic reader board of the bottom of the sign is to be retained.	(1) The bottom sign (existing electronic sign) is to abide by the 5 second rule; (2) The new LED sign is for gas prices only and is limited to two colors and; (3) There is to be a sign filler between the existing LED sign and the newly approved sign and fillers on the sides between the sides and the poles. The fillers panels shall be painted black to match the poles. There is to be no signage on the filler panels.
7/9/2008	BP	8432 US 42	CUP	Approved	Allow a 12.35 square foot (27.5625" x 64.5") electronic window on the bottom of the BP sign to display regular fuel prices. The digits will be a maximum of 23" tall.	(1) The gasoline fuel price should only be changed once or twice a day; (2) The electronic copy can only advertise regular fuel prices; (3) The electronic copy color is limited to red and; (4) The size of the sign is to be as presented.
7/9/2008	BP	7230 Turfway	CUP	Approved	Allow a 12.35 square foot (27.5625" x 64.5") electronic window on the bottom of the BP sign to display regular fuel prices. The digits will be a maximum of 23" tall.	(1) The electronic copy can only advertise regular fuel prices; (2) The overall square footage of the sign shall be limited to 144 square feet; (3) The illegal lottery sign shall be removed; (4) The electronic copy color is limited to red; (5) The gasoline fuel price should only be changed once or twice a day and; (6) The size of the sign is to be as presented.

ACTION DATE	BUSINESS	ADDRESS	REQUEST	ACTION	DESCRIPTION OF REQUEST	CONDITIONS OF APPROVAL OR FINDINGS FOR DENIAL
8/13/2008	Mortenson Dental	7033 KY 18	CUP & Variance	Denied	CUP - Allow a 16.92 square foot (21" x 116") electronically changeable message board on a proposed monument sign. The overall sign is 6'-8" tall and 57.53 square feet in area. The Variance is to reduce the 660' spacing requirement to 240' (Boone County High School).	The request is denied based on the Staff Report and applicable regulations. The sign will adversely affect safety and the neighborhood.
8/13/2008	Shell	411 Mt. Zion	CUP & Variance	Approved	CUP - Reduce the overall square footage of the existing sign from 210.6 square feet to 204.63 square feet and install two electronic fuel prices. The regular fuel price window is 14.34 square feet (27.5" x 75.13") and the diesel window is 6.18 square feet (19.75" x 45.13"). The proposal includes the removal of a manually changeable message board. The Variance is to reduce the 660' spacing requirement to 267' (Sports of All Sorts).	(1) The electronic copy can only advertise fuel prices; (2) The electronic copy color for 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 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 Waigreen 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.

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	(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.	(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.
6/13/18	Turftway BP	7230 Turftway Rd.	CUP	Approved	Conditional Use Permit to allow a second electronic fuel price panel to be added to the BP freestanding sign. 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.	(1) That the proposed LED fuel window shall only advertise diesel fuel prices and shall change a maximum of twice a day; (2) The size of the proposed LED fuel window shall be as presented; (3) The overall square footage of the sign shall be limited to 144 square feet in area; (4) The electronic diesel price color shall be limited to one color LED and shall match the "regular" fuel price color; (5) A photocell shall be provided and the diesel fuel price shall dim as the sky gets darker; (6) The applicant will work with Staff to ensure that the sign is not abnormally bright.

APPLICATION FORM

RECEIVED
78300
OCT 23 2018
BOONE COUNTY
PLANNING COMMISSION

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

RECEIVED
OCT 24 2018
78317
BOONE COUNTY
PLANNING COMMISSION

SECTION A (To be completed by applicant)

(Check One)
1. Boone Florence Walton Union BOONE COUNTY PLANNING COMMISSION

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

3. Applicant's Name STANLEY W. YOUNG, III, WORTHINGTON SIGNS
Applicant's Address 1510 FINDLAY STREET
PORTSMOUTH OHIO 45662
City State Zip

4. Phone Number 740-497-4713 Fax No. N/A E-Mail trinitysigngroup@gmail.com

5. Description of Request: RETROFIT EXISTING GAS PRICE SIGN FROM A MANUALLY CHANGED NUMERALS TO LED NUMERALS, SAME SIZE CABINET

6. Name of Development SPEEDWAY # 7073
Location of Development @ THE INTERSECTION OF U.S. 42 & PORTAGE TRAIL
B699 US 42, FLORENCE, KY 41042-8531

7. Acreage Under Review N/A (SIGN ONLY)

8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 21A

9. Owner of Property SPEEDWAY SUPERAMERICA, LLC
Address of Property Owner 539 S. MAIN STREET
FINDLAY OHIO 45840
City State Zip

10. Phone Number 1-800-643-1948 Fax No. _____ E-Mail _____
11. Proposed Use(s) on Site SAME, GAS STATION

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

13. Current Zoning on Property G-2/PD/CD

14. Deed Book 945 Page No. 474 Group No. 2047

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: Stanley W. Young III (Agent for Property Owner)
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Stanley W. Young III (applicant)
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

2) VARIANCE to reduce 66' spacing Requirement

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff) 78317

- 1. Date Received 10/23/18 Fee Received ^{\$650.00} ~~\$1,082.00~~ Receipt # 78300
- 2. Is application complete? Yes No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
- 6. Conditions of Approval: _____

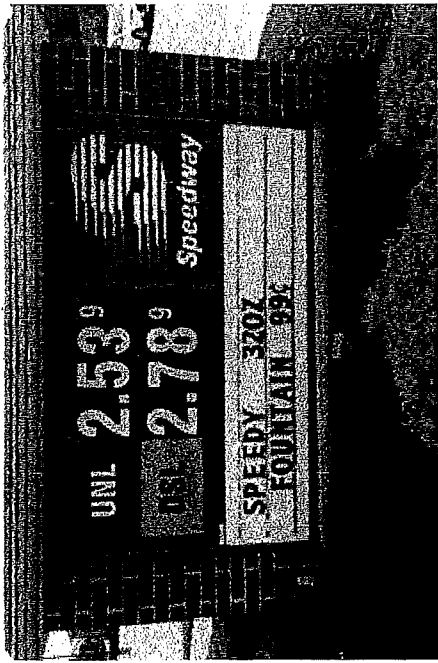
- 7. Reasons for Denial: _____

**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.

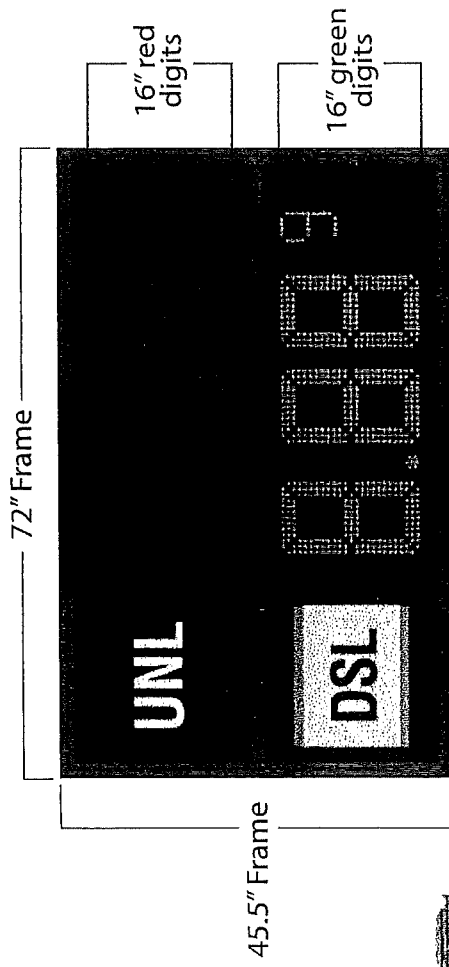
An application consists of all fees paid in full, submitted drawings and a completed application form.



EXISTING



PROPOSED



45.5" X 72" DF 2 PROD. RG
LED PRICER RETROFIT

- Frame ptd. Safety Red

		<p>DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For window requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbite LLC. Use of, or duplication in any manner without express written permission of Everbite LLC is prohibited.</p>	
<p>Customer: SPEEDWAY LLC</p>		<p>Description: 45.5" X 72" DF 2 Prod.</p>	
<p>Project No: 389427</p>		<p>RG LED Pricer Retrofit</p>	
<p>Date: 08/28/18</p>		<p>Revised:</p>	
<p>Location & Site No: 8699 US Route 42 Florence, KY</p>		<p>Revised:</p>	
<p>Drawn By: KRW</p>		<p>CUSTOMER SIGNATURE _____ DATE _____</p>	
<p>SPDY7073-2</p>		<p>LANDLORD SIGNATURE _____ DATE _____</p>	

Detailed Information:

Standard Windload

Frame Quantity: Double Sided

Frame Size: 45.5"H X 72"W

Existing Cab: 42.75"H X 68.75"W

Area: 22.8 SQ FT

Frame Color: Speedway Red

Detail 1, LD4 Digits

VO: 41.5"H X 68"W

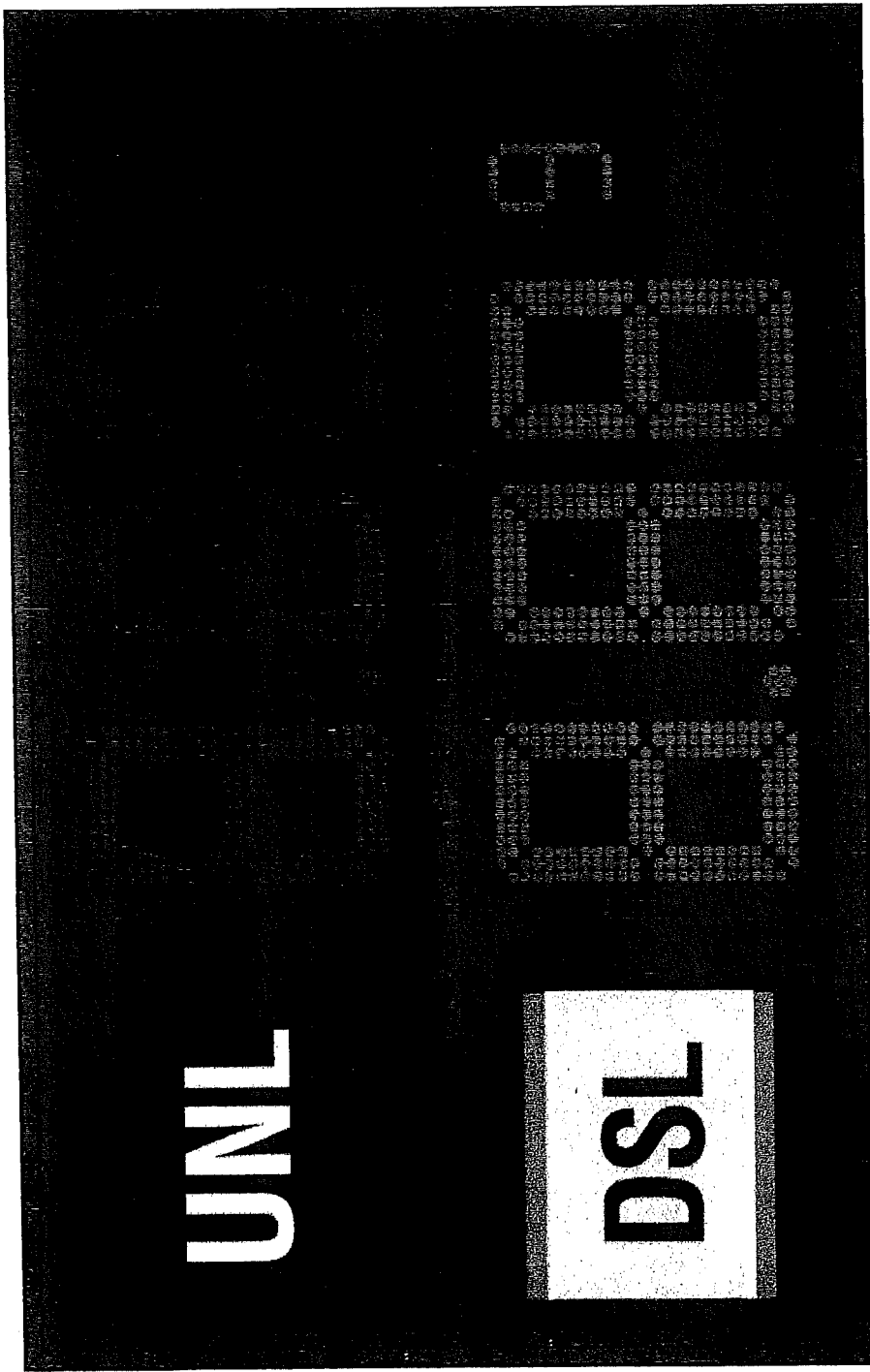
LED Priceline 1: Red 16"

LED Priceline 2: Green 16"

Placard Size: 12" X 15.5"

Est. Crated Weight: 149 pounds

Crate HxLxW: 51x78x20"



Led_Retro 1.3.81718



DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Customer: Speedway

Project No: PP389427A

Date: 8/21/2018 11:45:28 AM

Location & Site No:SPDY7073-2, 8699 US ROUTE 42, FLORENCE, KY, 41042-8531

Scale: N/A

Drawn By: Ryan Montgomery

Version:1

Description:

LD4R,SPDY 3'9X6' 2P 16 RG

Customer Approval: NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.

Please read carefully, check appropriate

Sketch OK as is

New Sketch Required

box and fax back to Everbrite:

SIGNATURE

DATE

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Speedway Super America LLC
539 S. Main Street
Findlay, OH 45840

2. ADDRESS OF PROPERTY

8699 US 42
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Speedway #7073/Worthington Signs

4. DEED BOOK 945

PAGE NO. 474

GROUP NO. 2047

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

Michael D. Schwartz - Planner
Name and Title of Completing Official


10/15/18

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz

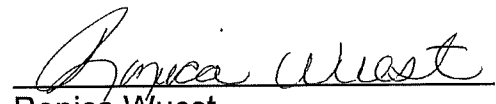
on behalf of the Boone County Planning Commission this 15 day of November, 2018.



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 Variance/C.U.P. approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of November 14, 2018 Certificate of Land Use Restriction (#18-FBOA-005-A), for Speedway Super America LLC, Property Owner(s).

The following conditions will apply:

1. That the proposed electronic message board/screen meet the minimum requirements of any controlling state or federal agency.
2. Electronic messages shall not flash, scroll, or run.
3. The electronically changeable copy shall only advertise fuel prices and shall change no more than once a day.
4. All electronic messages shall be displayed in red.
5. Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker.
6. That any future modifications to the sign, including any change of message/copy, will require a new application to be submitted to this Board.

The approved Variance/C.U.P. as well as the preceding conditions apply to the property described in:

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