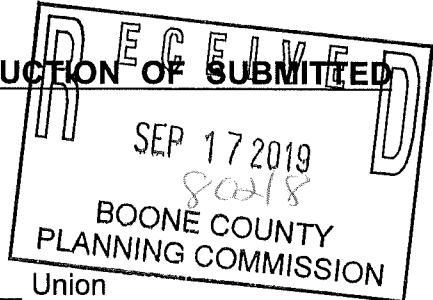


APPLICATION FORM

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
3. Applicant's Name: CHRIS HAMPTON (SPRINGFIELD SIGN) - Lora Martianson
4. Description of Request: TO CHANGE EXISTING CONDITIONAL USE PERMIT OF A MONOCHROME ELECTRONIC MESSAGE DISPLAY TO A FULL COLOR DISPLAY.
5. Name of Development: CULVER'S OF FLORENCE, KY.
6. Location of Development: 8554 US HIGHWAY 42 FLORENCE, KY. 41042
7. Acreage Under Review: 1.57 ACRES (PER COUNTY GIS SITE)
8. Lot Number and Name of Subdivision: PLEASANT VALLEY COMMONS LOT 1
9. Owner of Property: CP & TS LLC. (CRAIG PRZANOWSKI) REPRESENTATIVE
10. Address of Property Owner: 8554 US HIGHWAY 42
11. Proposed Use(s) on Site: SIGNAGE
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property: COMMERCIAL
14. Deed Book: 966 Page No.: 444 Group No.: 2039
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature]

ORIGINAL Applicant's Signature: [Signature]

**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 9-17-19 Fee Received 3/082 Receipt # 80218
2. Is application complete? 5 Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
10/16/19 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 10/16/19 MEETING MINUTES  
AND C.L.U.R.
7. Reasons for Denial: \_\_\_\_\_

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

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

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

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

## STAFF REPORT

APPLICANT: Lora Martinson with Springfield Sign for Culver's

LOCATION: 8554 US 42, Florence, Kentucky

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

DATE: October 16, 2019

### Proposal

The applicant has submitted a Conditional Use Permit application so Culver's can change the electronic message board on their monument sign from a monochrome display to a full color display. The submitted sign drawings show the replacement sign cabinet will be 2'-5" x 7'-3" (17.52 square feet) and the viewable area of the electronic message center would be 2' x 7' (14 square feet). The applicant's cover letter indicates that Culver's wants to change conditions 2 and 3 from their June 10, 2009 Conditional Use Permit approval as follows:

### *Existing Conditions*

Condition 2 - The electronic message board shall have a maximum of two lines of text.

Condition 3 - All electronic messages shall be displayed in red.

### *Applicant's Proposed Conditions*

Condition 2 - The electronic message board shall have picture images (still graphics) with a maximum of two lines of text.

Condition 3 - All electronic messages shall be displayed in full color.

### Pertinent Site History

- 6/08 - The Boone County Planning Commission approved a Concept Development Plan allowing a 5,000 square foot restaurant on a 1.06 acre tract (subject site) and a 16,104 square foot retail/restaurant building on a 2.45 acre lot. A condition of approval was imposed stating the development was permitted an identification monument sign along US 42 and a smaller monument style identification sign (10' tall and 100 square feet) near the access point on Old Toll Road. The design and materials of both monument signs shall correlate to the buildings on site.
- 4/09 - The Boone County Planning Commission approved a Site Plan for a 3,654 square foot restaurant with 49 parking spaces.
- 5/09 - The City of Florence sent the applicant and Boone County Planning Commission an e-mail indicating that Culver's could place the smaller monument sign on their lot and it could front on US 42. The e-mail also states that any proposal for electronically changeable copy would need to be approved by the Florence Board of Adjustment.
- 6/09 - The Florence Board of Adjustment approved Conditional Use Permit and Variance applications. The Conditional Use Permit allowed electronically changeable messages to be displayed on Culver's future 10' tall, 61.65 square foot monument sign. The sign drawing showed the electronic message board would be 14.67 square feet (24" x 88") in area and advertise two lines of 10 inch red text. The Variance allowed the electronic sign

to be located within 660' of another electronic sign. The Boone County G.I.S. system showed the Culver's sign would be approximately 495' from Kentucky Farm Bureau's time and temperature sign. The following conditions were imposed on the approval:

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.
6. Culver's shall not be permitted to advertise on the subdivision identification monument sign.

9/09 - The Boone County Planning Commission approved a Sign Permit for the subject sign (see attachments).

#### Applicable Regulations

Section 220 of the Boone County Zoning Regulations states a duty of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit applications.

The Board needs to evaluate the request as it relates to the following Conditional Use Permit standards listed in Section 262 of the Boone County Zoning Regulations:

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

Note: The applicant's cover letter indicates the sign will have a photocell and comply with this standard

g. Full color and monochrome message boards shall meet the follow pixel pitch requirements:

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

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

Note: The pixel pitch shown on the sign drawings complies with code. The drawings show a 16 mm pixel pitch.

#### Relationship of the Request to the Comprehensive Plan

The Boone County Comprehensive Plan's 2040 Future Land Use Plan designates the site for "Commercial" uses. The designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

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. 97).

#### Site Characteristics

The 1.569 acre lot contains a Culver's restaurant and has road frontage on US 42, Pleasant Valley Road, and Old Toll Road. The approved Site Plan from 2009 shows the building is 3,654 square feet in area and the parking lot contains 49 parking spaces. Other site features include a significant retaining wall near the US 42 and Pleasant Valley Road right-of-ways and the existing monument sign along US 42. Access to the lot is provided from a right-in only curb cut on US 42 and a full access point on Old Toll Road. Both of the access points are located on the adjoining multi-tenant center lot.

#### Surrounding Land Uses and Zoning

Northeast: Multi-tenant building with Barleycorn's (C-2/PD)

Northwest: Old Toll Road and Florence United Methodist Church (UR-1/PD)

Southeast: US 42 and CVS Pharmacy (C-2/PD)

Southwest: Pleasant Valley Road, BB&T Bank, and multi-tenant building fronting on Haines Drive (C-3)

#### Staff Comments

1. The Board should analyze the "Design, Signs, and Historic Preservation" section of the

Future Land Use Development Guidelines before acting on the requests. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.


Staff would like to note that the proposed electronic message board would be the first full color display in this corridor. The City of Florence has recently approved some other full color electronic message boards through the Special Sign District application process (Crossroads Church, St. Paul's Parish, HealthPoint).

2. If the application is approved, Staff recommends the following conditions:
  - A. The applicant's recommended conditions.
  - B. Messages shall be prohibited from having any apparent visual motion (illusion of moving objects, moving patterns or boards of light, rotating shapes, expanding, contracting, running, or scrolling messages, etc.)
  - C. The electronic message center shall have a 16 mm pixel pitch or better resolution.

#### 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

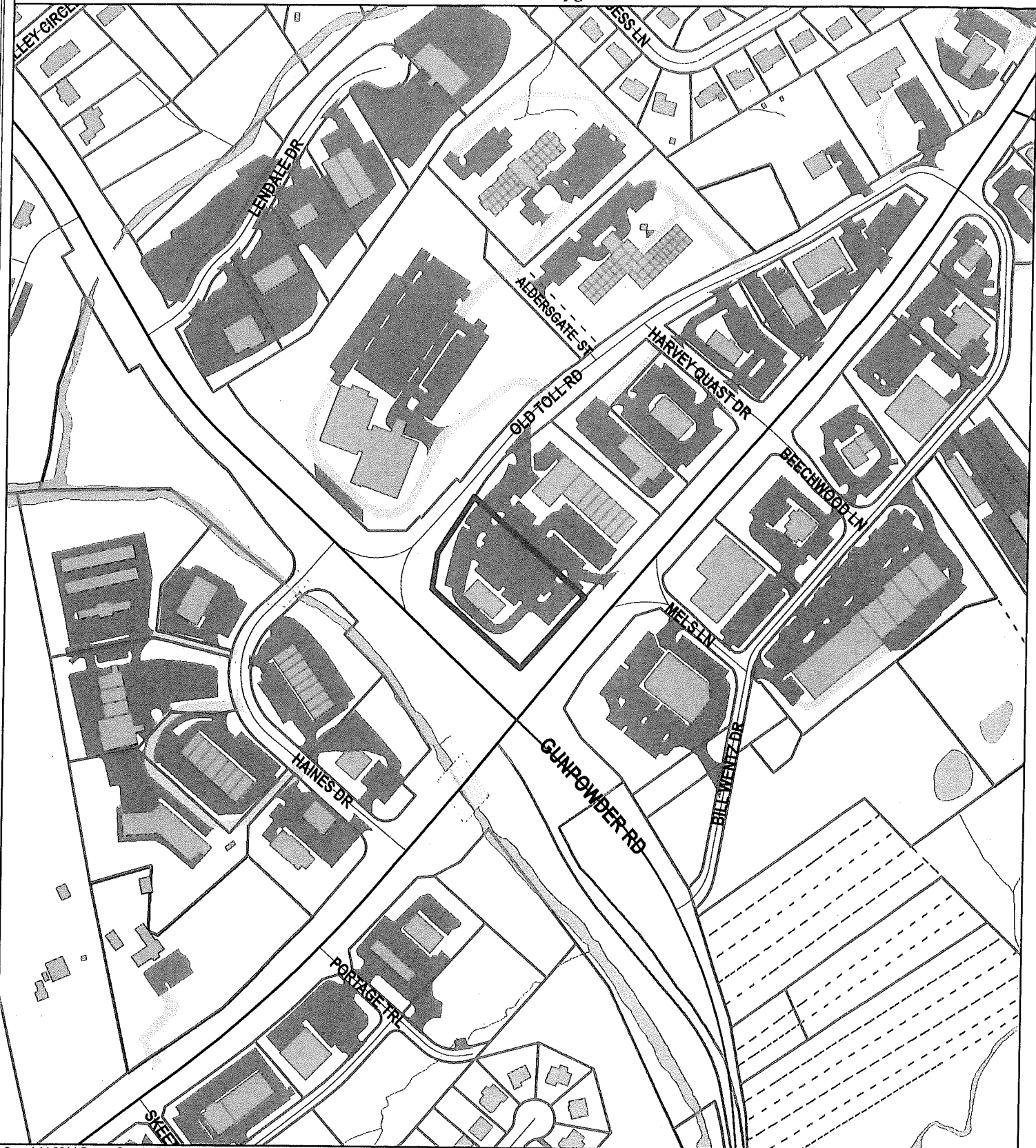
TKM/ss

#### Attachments

- \*Site Vicinity Map
- \*Sign Drawings (Pictures of Existing and Proposed Sign)
- \*Letter From Applicant Outlining Proposal
- \*Zoning Map
- \*2040 Future Land Use Map
- \*2016 Aerial Map
- \*6/10/09 Board of Adjustment Conditions
- \*9/16/09 Sign Permit for Monument Sign
- \*Application

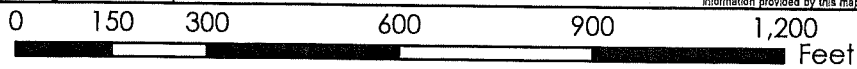
# SITE VICINITY MAP

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1 inch = 300 feet



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



# MONUMENT RE-IMAGE

Proposed Signage

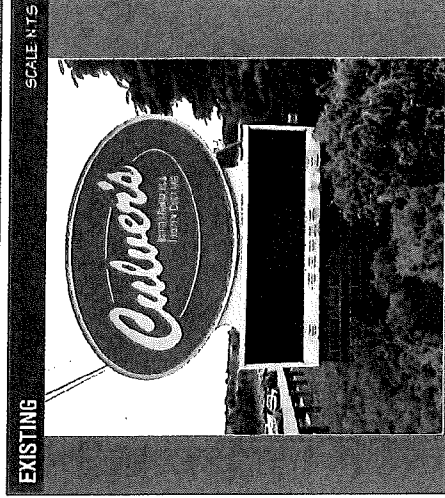
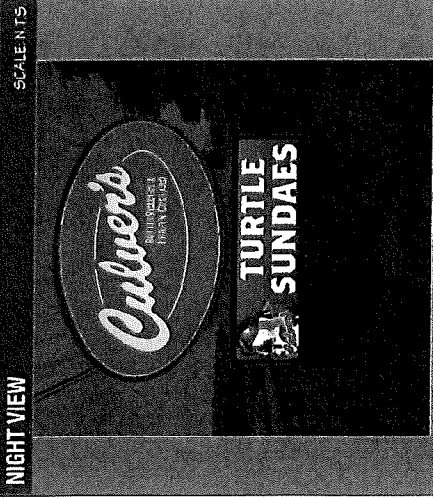
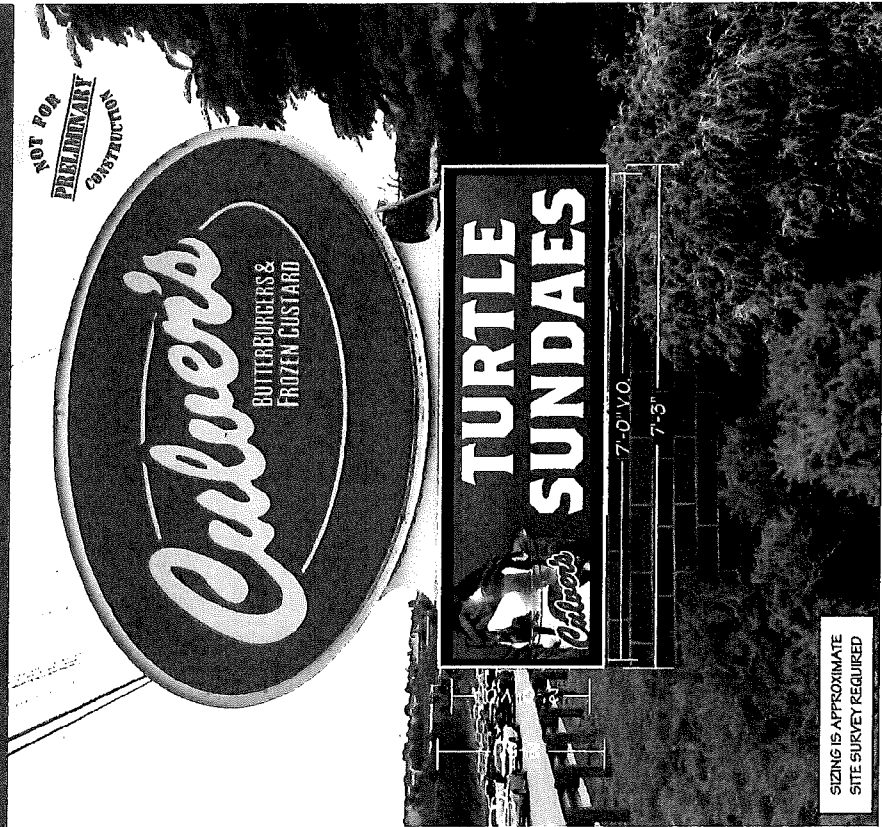
FLORENCE, KY

## MONUMENT

36x126 RGB full color 16mm  
Electronic Message Center (EMC)  
with RF wireless communication

Broadband communication option  
available

UL marked product



\*SCALE AND COLORS NOT REPRESENTATIVE FROM EMAIL ATTACHMENTS  
\*ALL MEASUREMENTS ARE APPROXIMATE

<b>SCOPE OF WORK</b>	- REMOVE EXISTING MONOCHROME UNIT	
	- INSTALL NEW FULL COLOR EMC (ELECTRONIC MESSAGE CENTER)	
<b>SITE SURVEY INFO</b>	DATE FIELD VERIFIED SURVEY RECEIVED: NO	DATE SURVEY RECEIVED:
	NOTES:	
<b>DATE ORIGINATED / REVISION HISTORY</b>		<b>DATE</b>
5/29/19		5/15/19-REV1
9/26/19-REV2-EMC UPDATE		9/26/19-REV2-EMC UPDATE
<b>SALES PERSON</b>		<b>DESIGNED BY</b>
MARK WESSELL		B BLAUVELT
<b>AO</b>		<b>21484</b>

FILE PATH: T:\Cyrilous\Doc\Order\21484

© 2019 Springfield Sign & Graphics Inc., Springfield Sign

This drawing is Copyrighted material. It remains the property of Springfield Sign & Graphics Inc. unless otherwise agreed upon in writing. It is unlawful to use this drawing for bidding purposes, nor can it be reproduced, copied or used in the production of a sign without written permission from Springfield Sign. This is an artistic rendition and final colors / sizes may vary from that depicted herein.





**SPRINGFIELD SIGN**

design | build | install | service

ADDRESS  
4825 E Kearney St  
Springfield, MO 65803

CONTACT US  
800.845.9927  
springfieldsign.com

September 16, 2019

Boone County Planning Commission  
2950 Washington St. Room 317  
Burlington, KY 41005

Conditional Use Amendment:  
Culver's of Florence, KY  
8554 US Highway 42  
Florence KY, 41042  
Deed Book 952, Page No. 189, Group No. 2039

Existing: Conditional Use Permit (CLUR #09-FBOA-005-A), for CP & TS, LLC Property Owners.

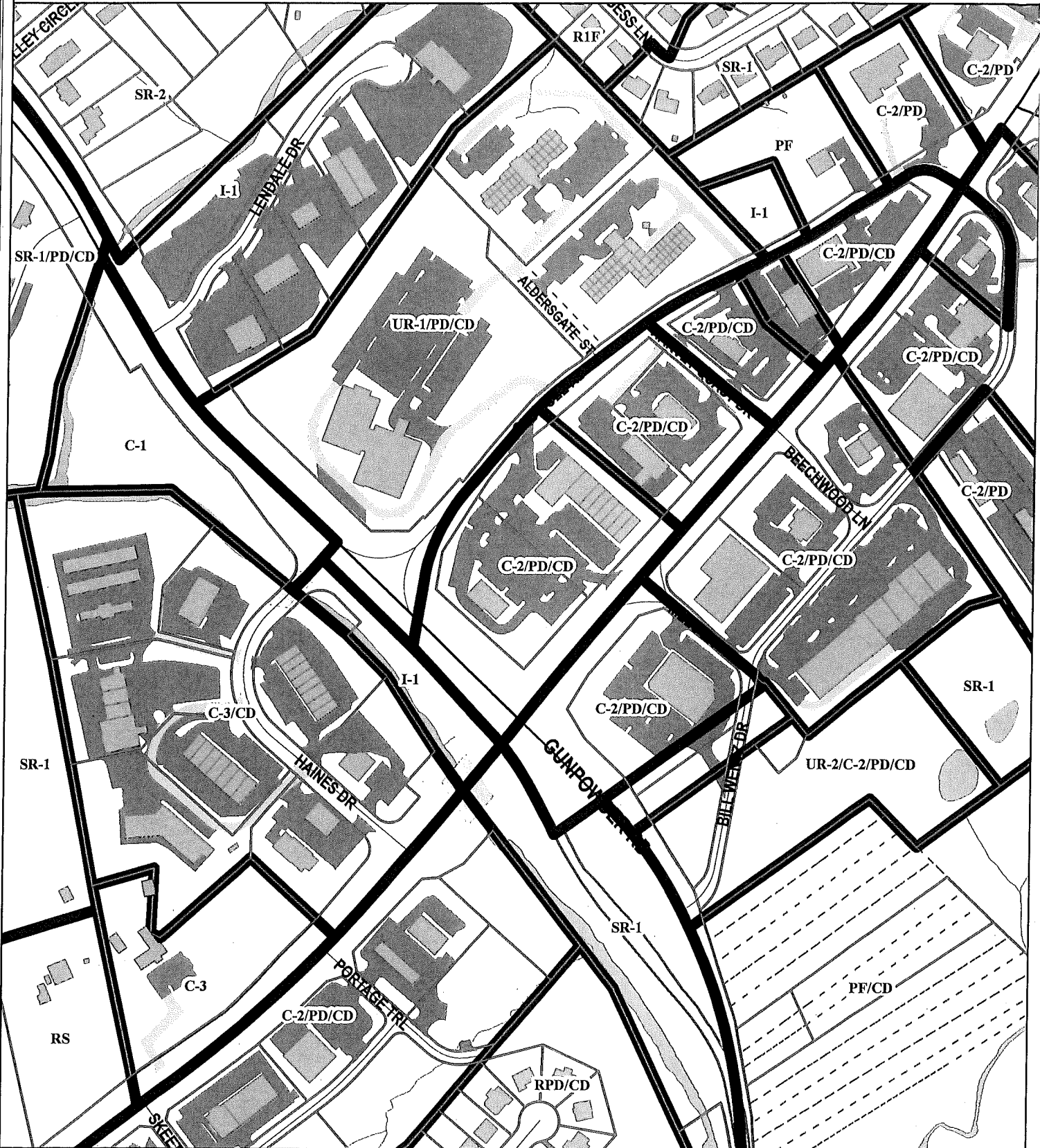
1. The electronic message board shall not be used to advertise off-premise businesses.
2. The electronic message board shall have a maximum of two lines of text.
3. All electronic messages shall be displayed in red.
4. All electronic messages shall be displayed for at least 15 seconds.
5. The sign shall be equipped with photocells and the electronic copy shall dim as the sky gets darker.
6. Culver's shall not be permitted to advertise on the subdivision identification monument sign.

Proposed Change to Conditional Use Permit (#09-FBOA-005-A), for CP & TS, LLC Property Owners. (shown in Blue and **BOLD**)

1. The electronic message board shall not be used to advertise off-premise businesses.

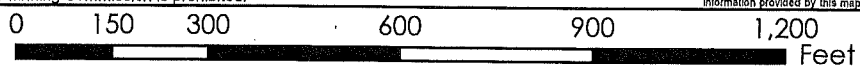
# ZONING MAP

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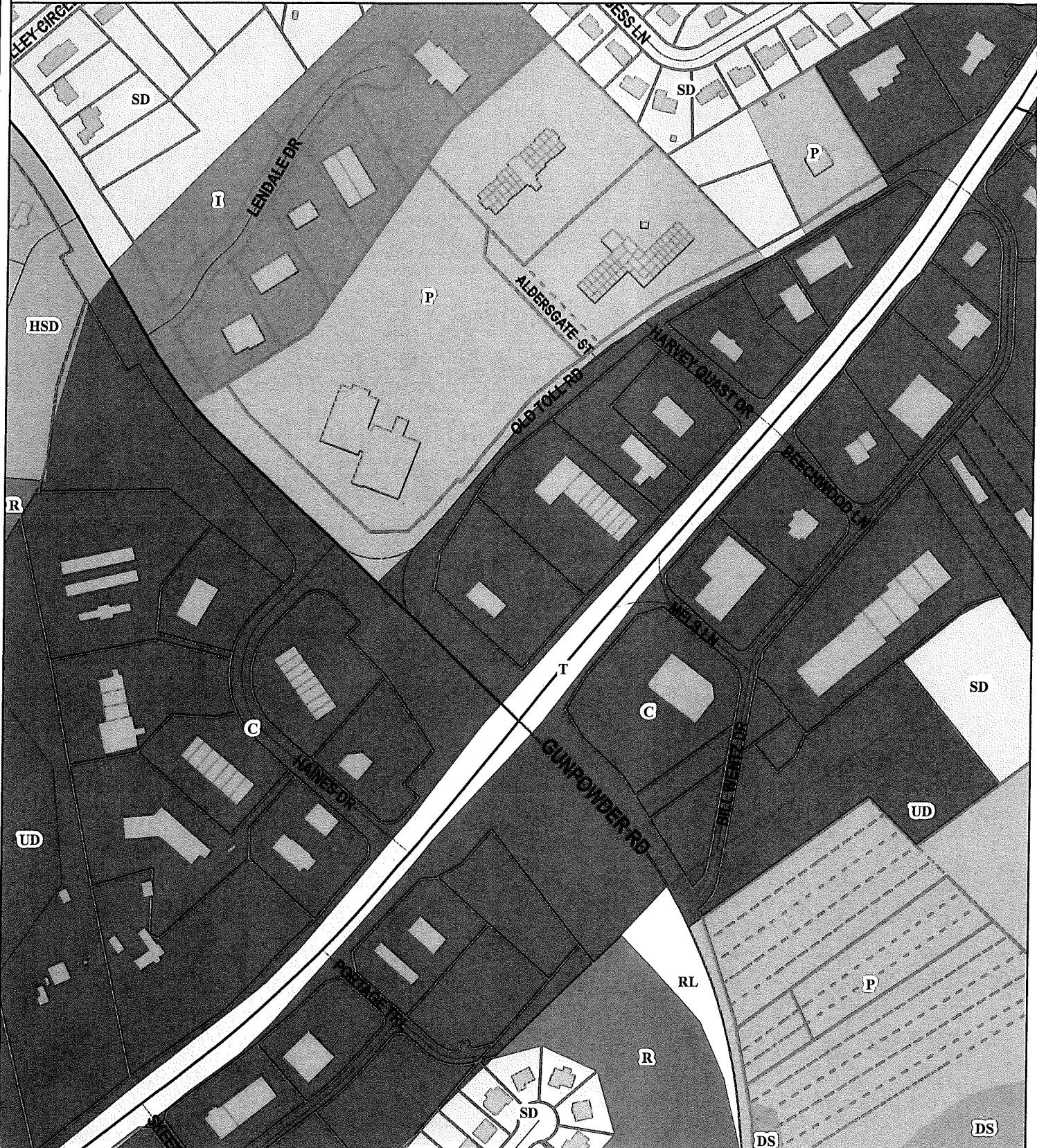
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 07/01/2013

ArcMap Document: BooneMap (file.mxd)

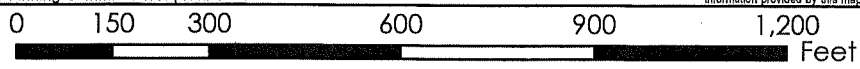
# 2040 FUTURE LAND USE MAP

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

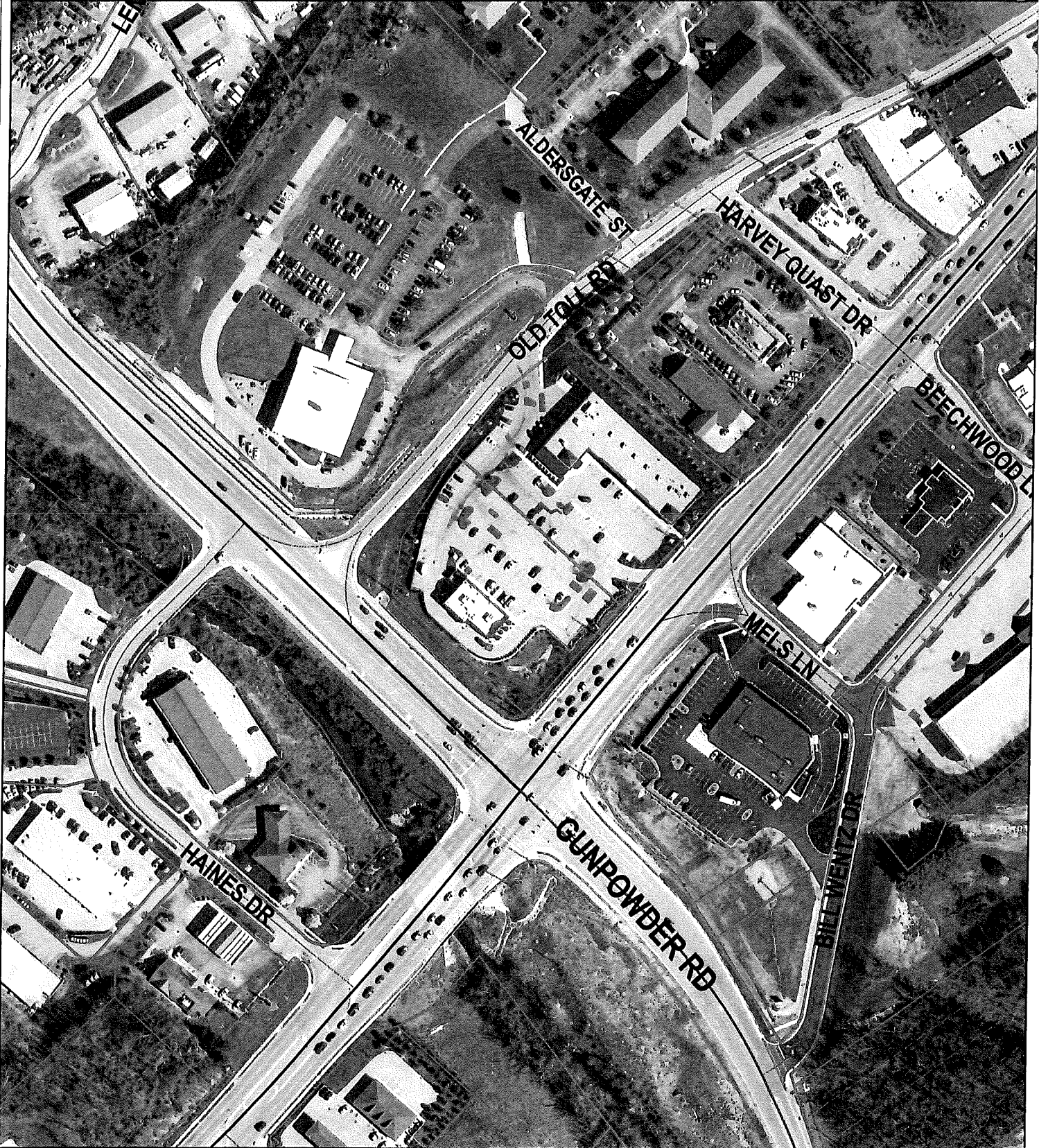


Map Created: 07/01/2013

ArcMap Document: BooneMap (lite).mxd

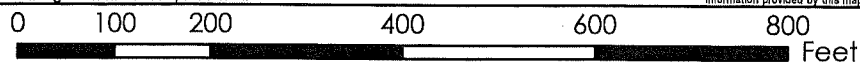
# 2016 AERIAL MAP

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



Map Created: 07/01/2013

ArcMap Document: BooneMap (10a).mxd

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit and Variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 10, 2009 Certificate of Land Use Restriction (#09-FBOA-005-A), for CP & TS, LLC Property Owner(s).

The following conditions will apply:

- 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.
- 6) Culver's shall not be permitted to advertise on the subdivision identification monument sign.

The approved Conditional Use Permit and Variance well as the preceding conditions apply to the property described in:

DEED BOOK 952 PAGE NO. 189 GROUP NO. 2039

**BOONE COUNTY PLANNING COMMISSION  
SIGN PERMIT**

**\*\*NOTE: Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements**

A Sign Permit is hereby granted to Jim Greeley Signs for Culvers  
for property located at 8554 U.S. 42, Florence, Kentucky  
and zoned C-2/PD/CD, for the purpose of erecting signage in accordance with Article  
34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the  
following special conditions/descriptions:

Three (3) building mounted signs each measuring 29.58 s.f. (4'-0" X 7'-4 3/4") with one (1)  
to be located on the front (U.S. 42), north and south side elevations.


Two (2) directional signs 3'-8" high and 3.2 s.f.

Menu Board 6' high and 45.6 s.f.

Monument sign 10' high and 40.25 s.f. with a 16.1 s.f. electronic message center approved  
by the Florence Board of Adjustment on 6/10/09 (09-FBOA-005-A). ***This monument  
sign is also subject to the following Conditions of Approval from the FBOA approval  
(see attached CLUR #09-FBOA-005-A Conditions of Approval sheet)***

Failure to comply with the above cited Zoning Regulations and special conditions, shall  
render this permit null and void and to no effect.

9/16/09  
DATE

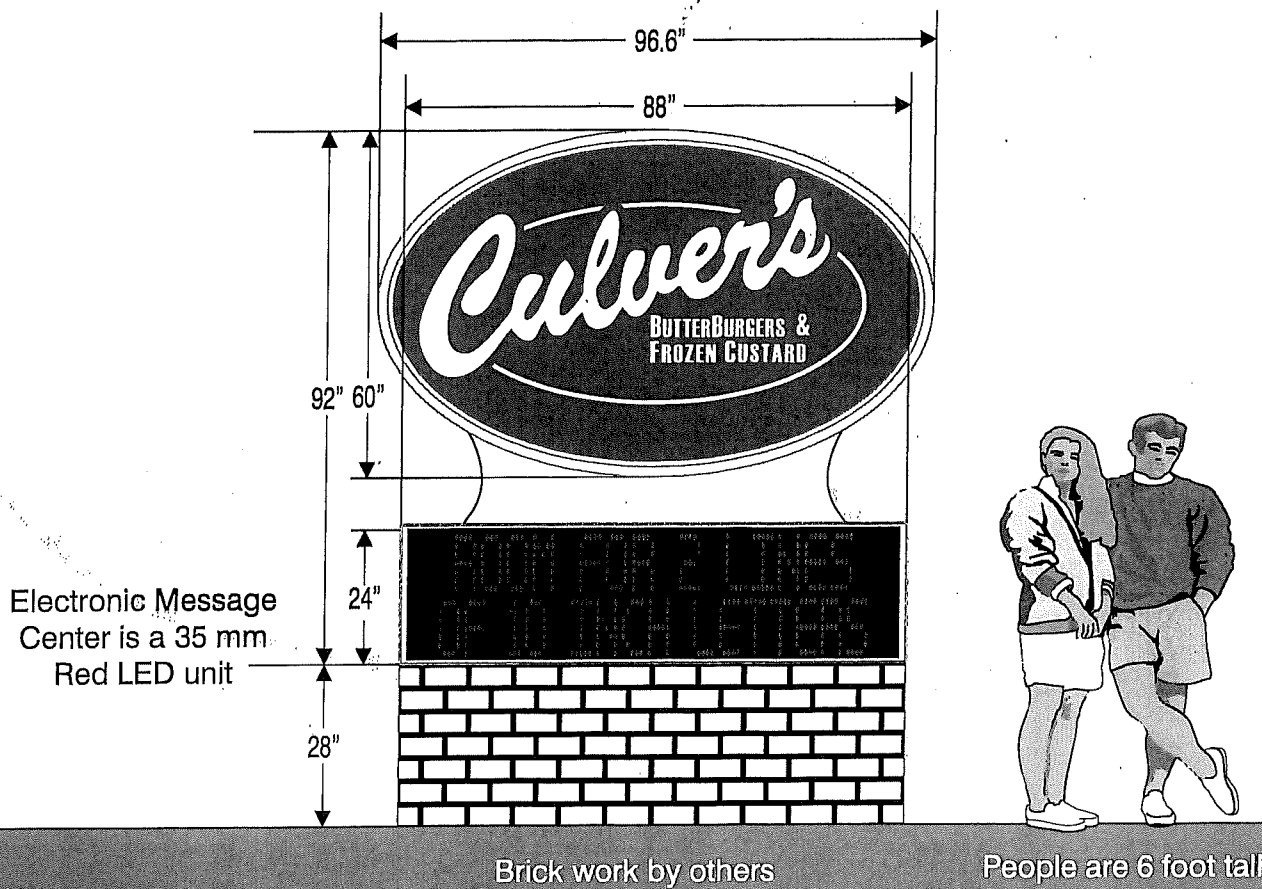
  
Mitchell A. Light  
Assistant Zoning Administrator



Oval is 60" tall by 96.6" wide  
divided by 144 will give you  
40.25 square feet

EMC is 24" high by 88" wide  
divided by 144 will give you  
14.67 square feet

9/16/09  
Sign Permit



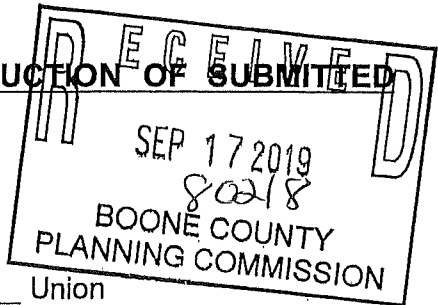
<b>TITLE</b> Oval Monument with 2 Line EMC		<b>THIS DRAWING IS THE PROPERTY OF:</b> <b>Jim Greeley Signs &amp; Awnings, Inc.</b> 100 W. ROBB RD. N. INDUSTRIAL PARK RICHLAND CENTER, WI. 53681 <b>608/647-2628 Fax 608/647-2020</b> <b>1-800-WI-SIGNS</b> <small>IT IS UN-LAWFUL TO USE THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF JIM GREELEY SIGNS AND AWNINGS, INC.</small>	
<b>PROJECT</b>	<b>FONT FILE</b> P:\0 CULVER'S\ Culver's Stores\ Florence,Ky\		
<b>DATE</b> 05-26-2009	<b>SCALE</b> 3/8" = 1'	<b>BY</b> GRD	<b>VINYL</b>

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 [checked] Florence [checked] Walton Union
2. (Check One) Conditional Use Permit [checked] Variance Appeal
3. Applicant's Name CHRIS HAMPTON (SPRINGFIELD SIGN) - Lora Martinson
4. Description of Request: TO CHANGE EXISTING CONDITIONAL USE PERMIT OF A MONOCHROME ELECTRONIC MESSAGE DISPLAY TO A FULL COLOR DISPLAY.
5. Name of Development CULVER'S OF FLORENCE, KY.
6. Location of Development 8554 US HIGHWAY 42 FLORENCE, KY. 41042
7. Acreage Under Review 1.57 ACRES (PER COUNTY GIS SITE)
8. Lot Number and Name of Subdivision (if part of a subdivision) PLEASANT VALLEY COMMONS LOT 1
9. Owner of Property CP & TS LLC. (CRAIG PRZANOWSKI) REPRESENTATIVE
10. Address of Property Owner 8554 US HIGHWAY 42 FLORENCE KY. 41042
11. Proposed Use(s) on Site SIGNAGE
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property COMMERCIAL C2/PD/CD
14. Deed Book 966 Page No. 444 Group No.
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

(COPY)

CLUR #19-FBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
CP & TS LLC  
8554 US Hwy 42  
Florence, KY 41042
- 2. ADDRESS OF PROPERTY  
8554 US Hwy 42  
Florence, KY 41042
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Culver's of Florence, KY

4. DEED BOOK 966                      PAGE NO. 444                      GROUP NO. 2039

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

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

*Todd K. Morgan*  
SIGNATURE OF COMPLETING OFFICIAL

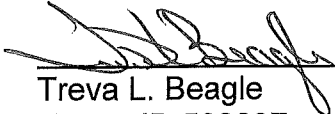
Todd K. Morgan, AICP – Senior Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

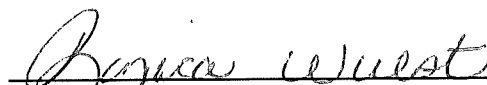
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 21 day of October, 2019.

  
\_\_\_\_\_  
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 October 16, 2019 Certificate of Land Use Restriction (#19-FBOA-003-A), for CP & TS LLC, Property Owner(s).

The following conditions will apply:

1. The electronic message board shall not be used to advertise off-premise businesses.
2. The electronic message board shall display no more than one picture image (still graphic) with a maximum of two lines of text.
3. The two lines of text or numbers displayed on the electronic message board shall be colored white and the entire sign background shall be Culver's blue for all messages. The still graphic can be multiple colors.
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.
6. Culver's shall not be permitted to advertise on the subdivision identification monument sign.
7. Messages shall be prohibited from having any apparent visual motion (illusion of moving objects, moving patterns or boards of light, rotating shapes, expanding, contracting, running, or scrolling messages, etc.)
8. The electronic message center shall have a 16 mm pixel pitch or better resolution.

The following conditions will apply:

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