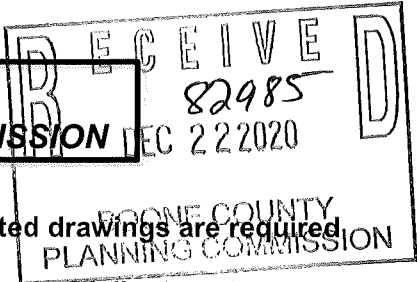


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

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: Hothaus signs (sheila mangrum)
Address: 817 Ridgeway Ave
Cinti Ohio 45229
City State Zip Code
- Phone Number: 513-861-0060 Fax Number: _____
Email: admin@hlsigns.com
4. Description of Request: TO utilize 93.3 sq ft message display which
best meets our signage needs. *with emc Reduce 660' Spacing Req.*
5. Name of Development: Tom Gill Chevrolet
6. Location of Development: ~~7830~~⁷⁸⁰⁰ Commerce Dr
Florence Ky 41042
City State Zip Code
7. Acreage Under Review: _____
8. Lot Number and Name of Subdivision (if part of a subdivision): 1.02
lot 1, sec 1, (IAC) Florence Business park (EIA-1)
9. Current Owner: Tom Gill LLC
Address: 7830 Commerce Dr
Florence Ky 41042
City State Zip Code
- Phone Number: 859-371-7566 Fax Number: _____
Email: tgill@tomgill.com

- 10. Proposed Use(s) on Site: Electronic message center
- 11. Total Square Footage of Existing and/or Proposed Buildings: Sign 93.3 sq ft
- 12. Current Zoning: C-3-Pd-PD
- 13. 835 1142 260 135 2034A
Deed Book Page Group Number
- 14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
- 15. Have you submitted a Site Plan with this request: Yes No
- 16. Have you submitted a list of adjoining property owners with this request: Yes No
- 17. 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: See attached email
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: Sheila Mangum
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B: (To be completed by Planning Commission staff)

- 1. Date Received: 12-22-20 Fee Received: \$1,116.⁰⁰ Receipt #: 82985
829910
- 2. Is application complete: ✓
- 3. Staff Reviewer: Todd Morgan
- 4. Scheduled Board Action Date: 1/13/21
- 5. Board Action: _____
_____ Approved
1/13/21 Approved with Conditions (see #6)
_____ Denial (See #7)
- 6. Conditions of Approval: SEE 1/13/21 Meeting Minutes
AND CLUR

- 7. Reasons for Denial: _____

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

STAFF REPORT

APPLICANT: Holthaus Signs

LOCATION: Property is at the northwest corner of the KY 18/Commerce Drive intersection and to the east of the I-71/75 northbound entrance ramp, Florence, Kentucky

ZONING: Commercial Services/Planned Development/Parkway Corridor Study Overlay District (C-3/PD/PO)

DATE: January 13, 2021

PROPOSAL

The applicant is requesting the following:

- A. A Conditional Use Permit to allow a full color electronic message center (EMC) on a new monument sign. The submitted plans show the new sign will be 10' tall and 96.67 square feet in area and be located near the KY 18/Commerce Drive intersection. The EMC cabinet is on top of the sign and is 48.33 square feet in area (5' x 9'-8").
- B. A Variance reducing the minimum spacing requirement between electronic message boards/screens from 660 feet to approximately 70 feet. Speedway gas station and convenience store has a freestanding sign with two electronic fuel prices on the northeast side of the KY 18/Commerce Drive intersection.

PERTINENT SITE HISTORY

In 2019, the City of Florence approved a Change in Concept Development Plan application, allowing a digital motor vehicle sales and reconditioning center on the subject site. One of the conditions of approval states "the existing pylon sign in the southwest corner of the site shall be replaced with a freestanding sign that is compatible with the freestanding sign at the existing Tom Gill dealership at 7830 Commerce Drive. The existing freestanding sign in the southeast corner of the site at the Burlington Pike/Commerce Drive intersection shall be replaced with a monument style sign which meets the requirements of Article 34 of the zoning regulations and is compatible with the architecture of the building. Building mounted signage shall meet the requirements of Article 34 of the zoning regulations and shall be mounted on the south façade (facing Burlington Pike) only.

On 12/10/20, the Planning Commission issued a Sign Permit allowing the pylon sign on site to be replaced with a new freestanding sign that will be 47' tall and 226.25 square feet in area. The new sign will match the Tom Gill Dealership freestanding sign at 7830 Commerce Drive.

APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment are to act on Conditional Use Permit and Variance applications.
- B. The Board should evaluate the Conditional Use Permit application as it relates to the

standards found in Sections 262 of the Boone County Zoning Regulations. These standards are applicable to 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.
- C. 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.
- D. The Board should evaluate the Variance request as it relates to the standards found in Section 251 of the Boone County Zoning Regulations.
1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or 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.
- E. Section 3430 of the Boone County Zoning Regulations states the Board of Adjustment may permit electronic message boards and electronic display screens as a Conditional Use in the C-3 zoning district in the City of Florence. Such signs shall conform to the following minimum requirements:
- 1. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50%) of the permitted sign area can be used as an electronic message board or electronic display screen.
 - 2. Such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
 - 3. Electronic message boards and electronic display screens shall not be permitted at intervals of less than 660 feet, measured along the centerline of each thoroughfare from which the sign will be 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.
- F. Section 3413.4.2 of the Boone County Zoning Regulations allows a density of one (1) on-premise architectural freestanding sign in a C-3 district. Such sign is limited to 20' in height and 150 square feet in area. It needs to be noted that the existing pole sign has pre-existing nonconforming status and was allowed to be replaced per the 2019 Change in Concept Development Plan approval. See the Site History section of the Staff Report.
- G. Section 3413.4.2 of the Boone County Zoning Regulations allows any parcel or outlot which is part of a commercial subdivision (except the lot where the above referenced architectural freestanding sign is located) to have a density of one (1) on-premise monument sign. The sign is limited to 100 square feet in area and 10' in height. It should

be noted that the second pole sign located on site had pre-existing nonconforming status and was allowed to be replaced with a monument sign per the 2019 Change in Concept Development Plan approval. See the Site History section of the Staff Report.

- H. Section 3403 of the Boone County Zoning Regulations states that the surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Commercial", which is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. Our Boone County Plan 2040 contains the following Future Land Use Development Guideline as it pertains to Design, Signs, and Cultural resource preservation (page 97):

"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 motorists 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 corridor. Utility lines should be placed underground wherever possible, and junction boxes screened from public view."

- C. The following Our Boone County Plan 2040 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 policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

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

Boone County shall evaluate and promote business and economic sectors of the future and explore ways to encourage existing industry to be competitive in a regional and global economy (Economy Goal A, Objective 3).

Local agriculture, business products, and services shall be encouraged and supported (Economy Goal A, Objective 4).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3). 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).

SITE CHARACTERISTICS

The approximate 1 acre site has approximately 227 feet of frontage along Burlington Pike, approximately 204 feet of frontage along Commerce Drive, and approximately 209 feet of frontage along the northbound I-71/75 on-ramp from Burlington Pike. The site is currently under construction per the Site Plan that was approved by Boone County Planning Commission on 5/15/20. The approved plan shows the site will contain a 7,917 square foot building (Tom Gill Reconditioning Center), 71 parking stalls, perimeter landscaping, and a single access point on Commerce Drive. The existing Chung Kiwha freestanding signs currently remain on site. The larger pylon sign is located near the southwest corner of the site and the smaller freestanding sign is located near the southeast corner of the site.

SURROUNDING LAND USES AND ZONING

North: America's Best Value Inn (C-3/PD/PO)
South: KY 18, Travel Centers of America Truck Stop (O-2/PD/PO)
East: Commerce Drive, Speedway and Florence Fundome (C-3/PD/PO)
West: Northbound I-71/75 on-ramp from KY 18

STAFF COMMENTS

A. Tom Gill's attorney, Gerry Dusing, made the following comments regarding the proposed use of the building at the September 4, 2019 Public Hearing.

"Tom Gill has been very successful in the used car business in the past five years due to digital marketing. People come to the dealership from many miles away to purchase a particular car. Since they are located near a large population base, is it possible to offer same day or next day vehicle delivery for a used car in other markets? Will people be willing to purchase a car sight unseen from far away if they could have a peace of mind? There is a company called Carvana that sold 100,000 cars on-line last year. Tom Gill Chevrolet would deliver the car with a seven day money back guarantee. They will have on-line sales people and a full time manager. Parts will be stored on the second floor of the proposed building. Vehicles will be reconditioned, cleaned up and photographed. They don't want customers showing up at the new facility. The customer that shows up will be directed to the existing dealership."

- B. Staff made the applicant aware of the following issues when the application was submitted:
1. The submitted sign drawing has conflicting information. The sign height is shown at 10' but the sign cabinets and base total 10-6". The maximum sign height that is permitted is 10'.
 2. The sign appears to be directing traffic to the Tom Gill Chevrolet dealership at 7830 Commerce Drive. This is not permitted. A Special Sign District would need to be approved to allow off-premise advertising.
 3. The electronic message center can only be used to advertise vehicles and/or services that are being provided on the subject site. It cannot be used to advertise vehicles and/or services on the Tom Gill Chevrolet dealership lot. A Special Sign District would need to be approved to allow off-premise advertising.
- C. Staff would like the applicant or property owner to address the following:
1. Is the internet used car sales business description that was provided by Mr. Dusing at the 9/4/19 Public Hearing still accurate?
 2. What products or services will be advertised on the sign? Will the EMC only advertise vehicles and services that are being provided on the subject site?
 3. How long will each message be held on the EMC before it changes?
 4. Will any message have movement or animation (flashing, scrolling, running, moving patterns of light, video, live television, etc.)?
 5. How does the proposal meet the conditional use criteria found in Section 262 of the Boone County Zoning Regulations?
 6. How does the proposal meet the variance criteria found in Section 251 of the Boone County Zoning Regulations?
- D. There following electronic fuel price signs are visible from the site in question:
1. Speedway has electronic fuel prices on two different freestanding signs at 7690 Burlington Pike.
 2. Travel Centers of America has electronic fuel prices on two different freestanding signs at 7777 Burlington Pike.
- E. Staff has attached a chart of all the electronic message board requests that the Florence Board of Adjustment has considered since 2003.
- F. The Board needs to analyze the Design, Signs, and Cultural Resource Preservation Future Land Development Guideline before acting on the Conditional Use Permit.

Staff has the following comments regarding this guideline:

1. The subject property is permitted two freestanding signs per the 2019 Concept Development Plan approval. The two signs were approved because nonconforming signs were being reduced. The Board needs to determine if approved signage is adequate to identify the development.
 2. Is the EMC being used to compete for motorist attention?
 3. The electronic message board could be distracting to motorists if too much information is conveyed at one time.
- G. Staff doesn't believe the variance will adversely affect the public health, safety or welfare, or allow an unreasonable circumvention of the requirements because the other electronic signs that are located within 660' of the proposed sign only display digital fuel prices.
- H. Should the Board take action to approve the submitted requests, the following conditions should be considered as part of that action:
1. The overall sign height shall be limited to 10'.
 2. The sides and base of the monument sign shall be constructed with the same textured split face block that is being used in the building. The split face block base shall be a minimum of 2' tall.

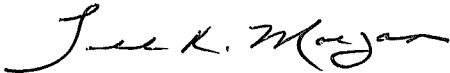
Note – the 2019 Concept Development Plan condition requires the architecture of the monument sign to be compatible to the building.
 3. The electronic message center sign cabinet shall be located underneath the fixed copy sign cabinet.
 4. The electronic message center shall be limited to 32 square feet in area.
 5. Each electronic message that is displayed must be held on screen for a minimum of 15 seconds.
 6. No message on the electronic message center shall contain more than one (1) still photo and/or three (3) lines of text.
 7. Any portion of an alphanumeric message that is not displayed on a still photo/image shall use a black background.
 8. The electronic message center shall be equipped with a photocell and messages shall dim as the sky darkens.
 9. The electronic message center shall have a 19 mm pixel pitch or better resolution.
 10. The sign shall not be used to advertise off premise businesses/products/services.

11. The property owner agrees to work with the Planning Commission and/or City of Florence to resolve any lighting or glare impacts that are caused by the sign on KY 18 or Commerce Drive.

CONCLUSION

- A. KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the Conditional Use Permit request.
- B. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the Variance request.

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

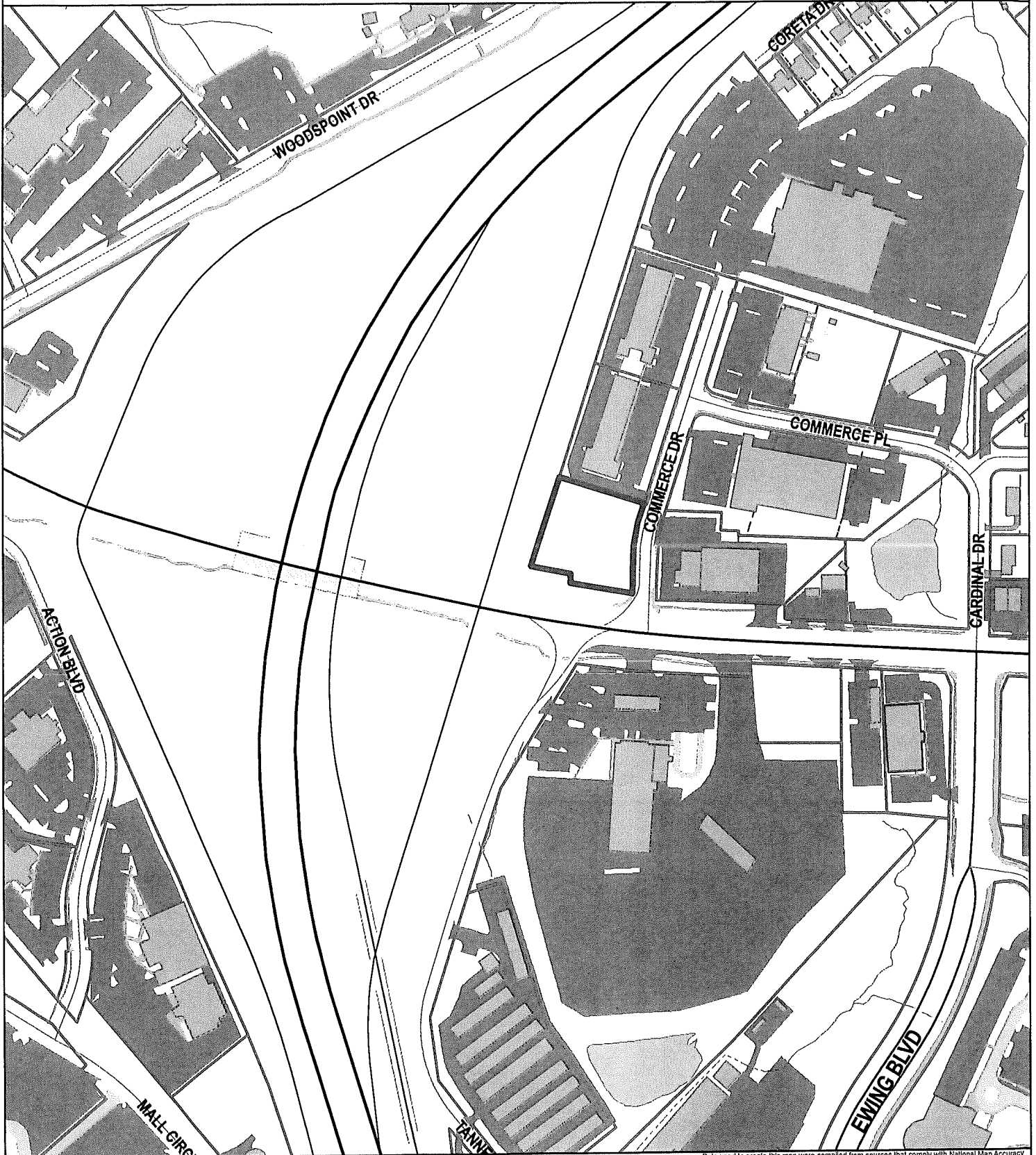
TKM/ss

Attachments

- *Site Vicinity Map
- *Submitted Application and Drawings
- *2020 Aerial Showing Variance Request
- *2020 Aerial Map
- *2040 Future Land Use Map
- *Zoning Map
- *2019 Approved Concept Development Plans, Conditions, and City of Florence Ordinance
- *12/10/20 Sign Permit
- *Electronic Message Board Requests the Florence B.O.A. has considered since 2003

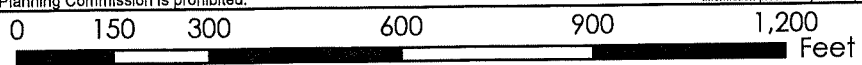
SITE VICINITY MAP

www.boonecountygis.com



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Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
82985
DEC 22 2020
BOONE COUNTY
PLANNING COMMISSION

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

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2. Check One Conditional Use Permit Variance Appeal
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Phone Number: 513-861-0060 Fax Number: _____
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5. Name of Development: Tom Gill Chevrolet

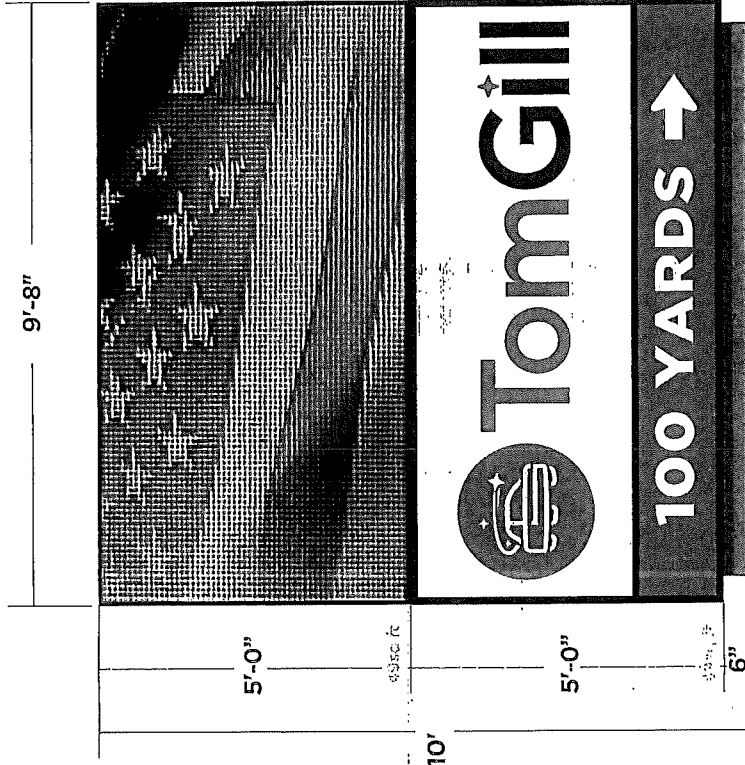
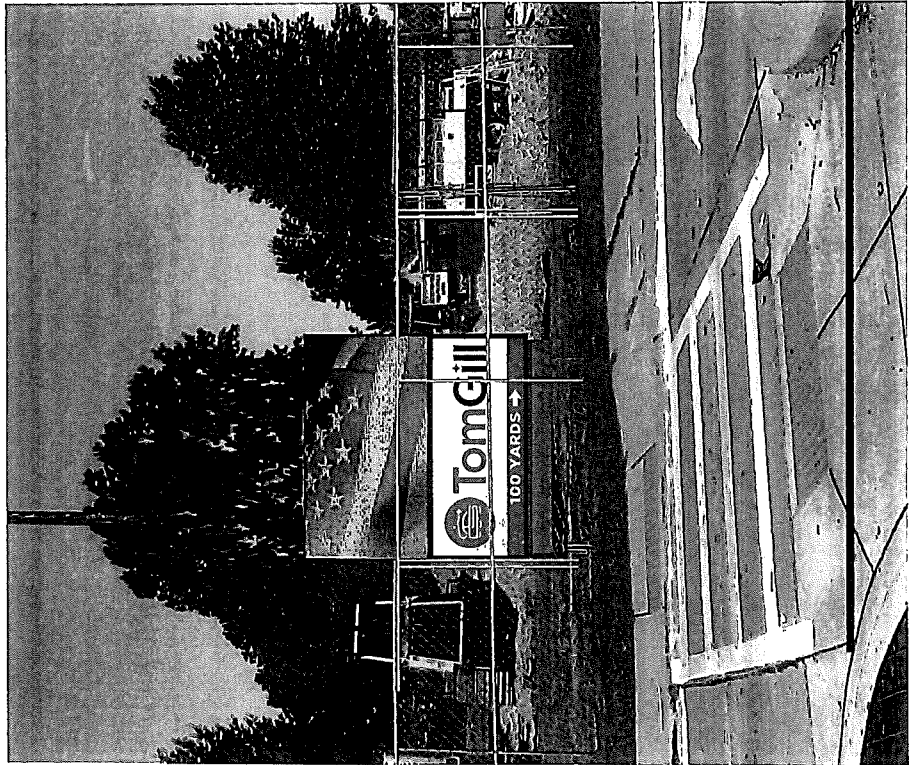
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Florence Ky 41042
City State Zip Code

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Lot 1, sec 1, (1Ac) Florence Business park (EIA-1)

9. Current Owner: Tom Gill LLC
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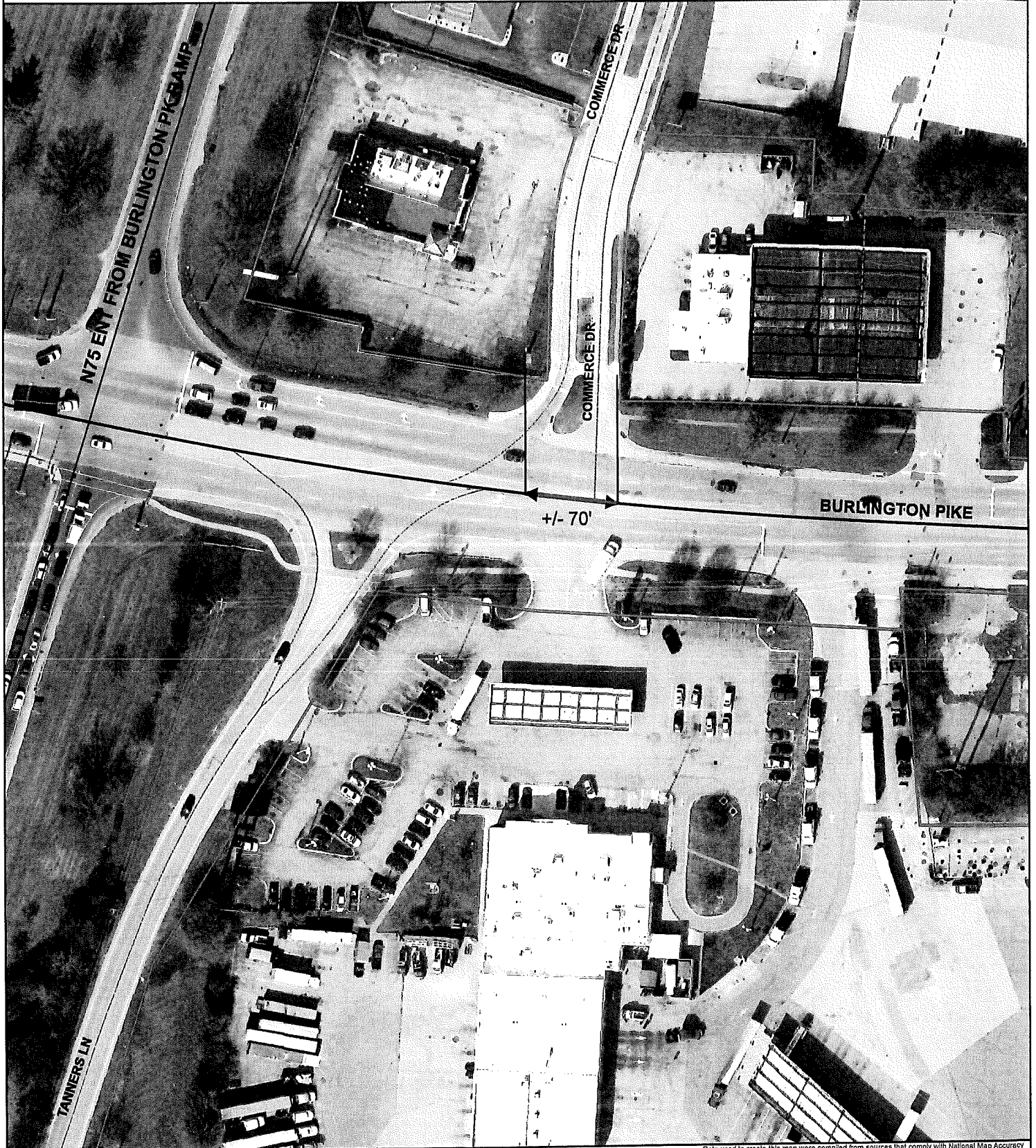
Phone Number: 859-371-7566 Fax Number: _____
Email: tgill@tomgill.com



RECEIVED
 DEC 22 2020
 ESCROW COUNTY
 PLANNING COMMISSION

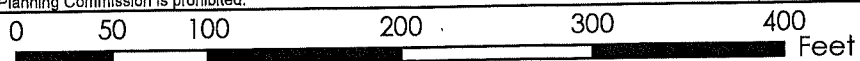
2020 AERIAL MAP- SHOWING VARIANCE REQUEST

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1 inch = 100 feet

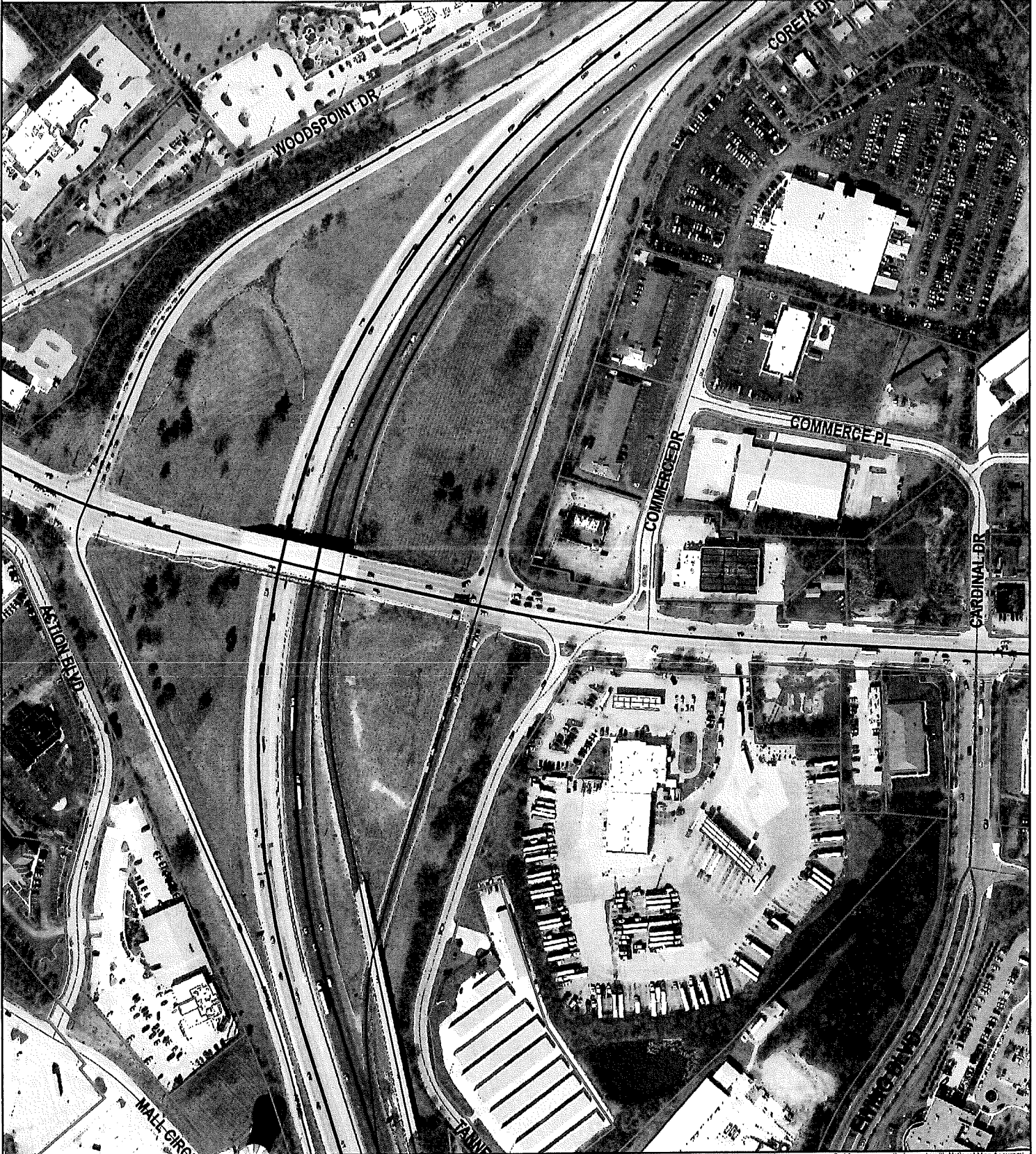


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2020 AERIAL MAP

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0 150 300 600 900 1,200 Feet

1 Inch = 300 feet



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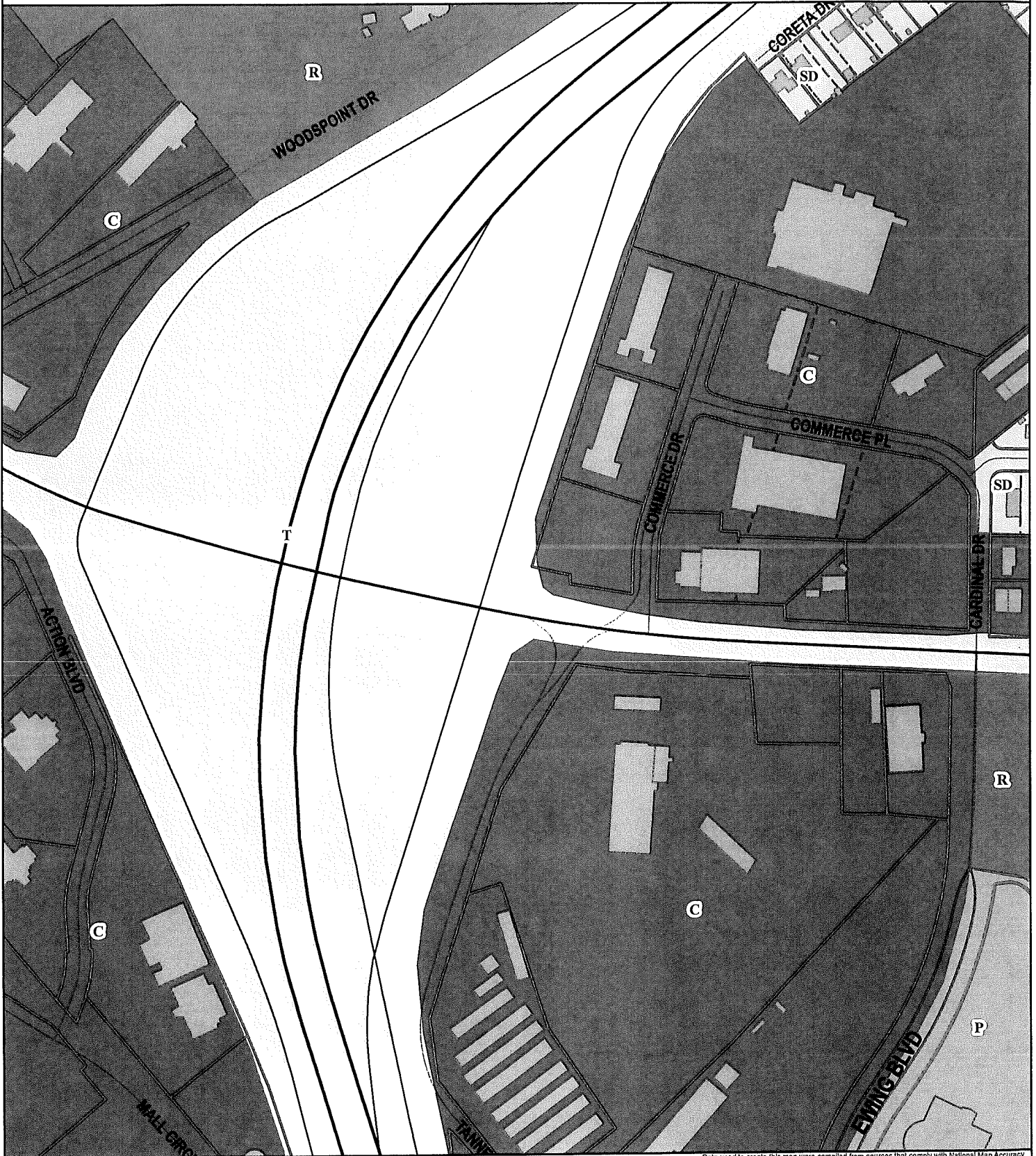


Map Created: xlsx/2020

Map File: C:\Users\BOONE\Documents\2020\2020 Aerial Map.mxd
ArcMap Document: *.mxd

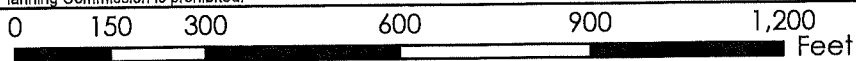
2040 FUTURE LAND USE MAP

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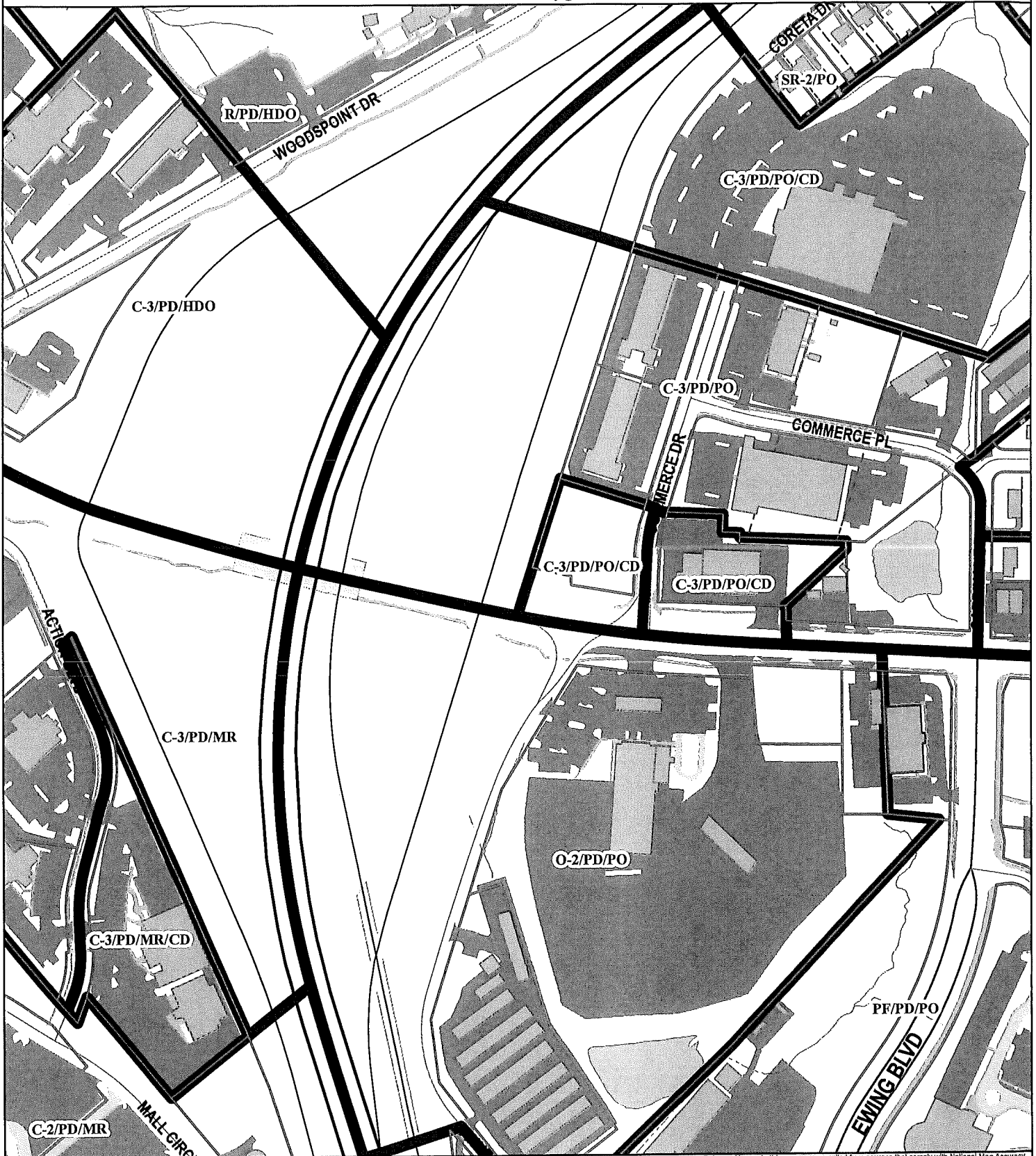


Boone County GIS - Putting Northern Kentucky on the Map



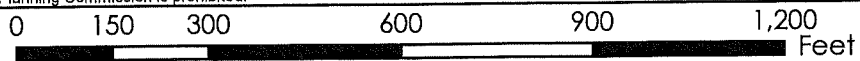
ZONING MAP

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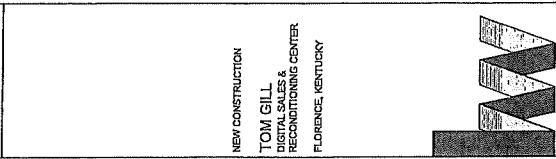
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Boone County GIS - Putting Northern Kentucky on the Map

CONSTRUCTION OF THE PROPOSED PROJECT SHALL BE IN ACCORDANCE WITH THE BOONE COUNTY ZONING ORDINANCES AND THE BOONE COUNTY SUBDIVISION ORDINANCES. THE BOONE COUNTY PLANNING COMMISSION HAS REVIEWED THE PROJECT AND HAS RECOMMENDED APPROVAL OF THE PROJECT.

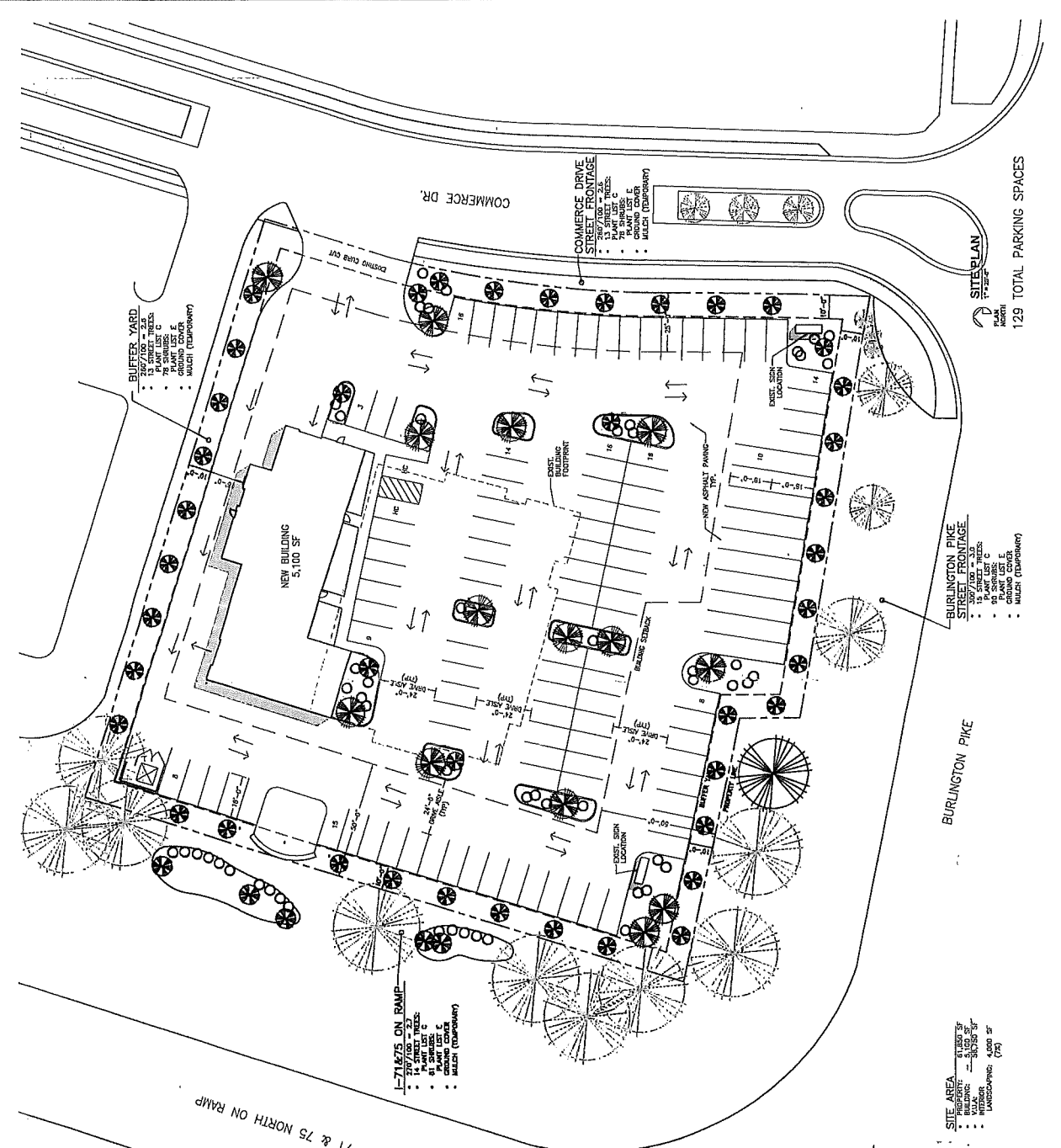
NEW CONSTRUCTION
TOM GILL
 ARCHITECTS &
 RESTORATIONS CENTER
 FLORENCE, KENTUCKY



Hub + Weber
 Architects, PLC
 200 West Pike Street
 Covington, KY 41011
 Ph: 858-491-3844
 Fax: 858-455-3240
 www.hubweber.com

Issued: 10.22.19
 Revises:

ARCHITECTURAL
 SITE PLAN
C101
 2019 HANDBOOK



SITE PLAN
 129 TOTAL PARKING SPACES

APPROVED
 Staff *[Signature]*
 Date 10/2/19
 Boone County
 Planning Commission
 *with comments

SITE AREA
 PROPERTY 8,100 SF
 VOLUME 38,750 SF
 UNDEVELOPED 4,000 SF
 (75)

L-71&75 ON RAMP
 216/100 - 2.3
 18" STREET TREES
 75' SHADINGS
 GRASSING COVER
 MULCH (TEMPORARY)

BUFFER YARD
 207/100 - 2.4
 18" STREET TREES
 75' SHADINGS
 GRASSING COVER
 MULCH (TEMPORARY)

COMMERCE DRIVE STREET FRONTAGE
 207/100 - 2.4
 18" STREET TREES
 75' SHADINGS
 GRASSING COVER
 MULCH (TEMPORARY)

BURLINGTON PIKE STREET FRONTAGE
 207/100 - 2.4
 18" STREET TREES
 75' SHADINGS
 GRASSING COVER
 MULCH (TEMPORARY)

OWNER: D. W. HUBBARD, PROJECT # 04-001
 CONTRACTOR: J. W. HUBBARD, PROJECT # 04-001
 ARCHITECT: HUBBARD WEBER, PROJECT # 04-001
 DATE: 04.22.09

NEW CONSTRUCTION
 TOM GILL
 ARCHITECT &
 RECONSTRUCTION CENTER
 FLORENCE, KENTUCKY



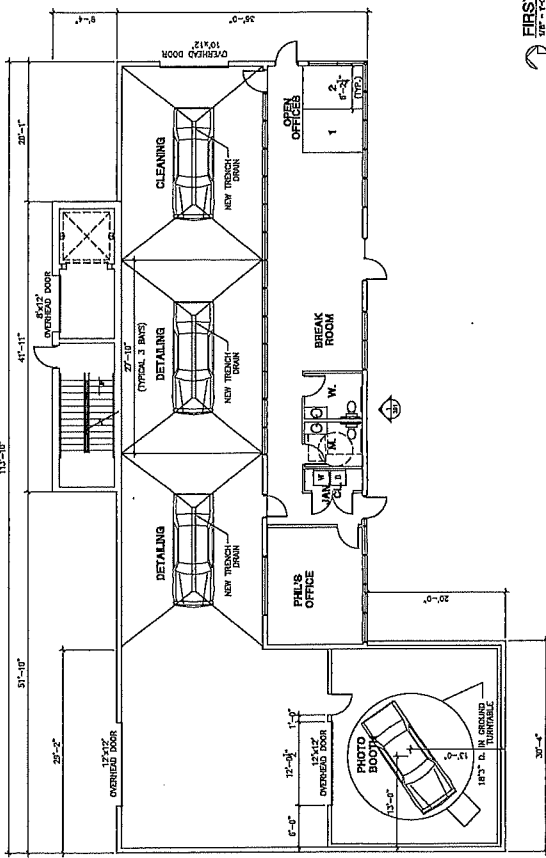
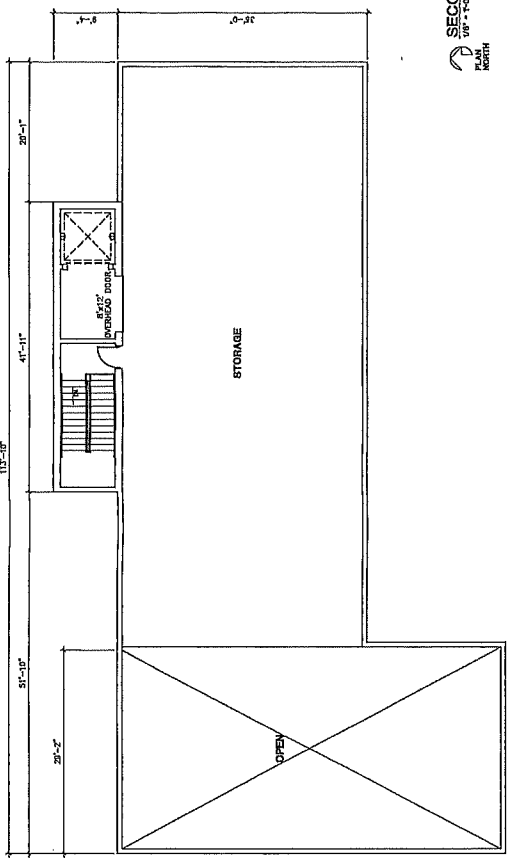
Hubb + Weber
 Architects, PLLC
 200 West Pike Street
 Covington, KY 41011
 P: 859-491-3844
 F: 859-455-2443
 h@hubbweber.com

ISSUED: 04.22.09
 REVISED:

FLOOR PLAN

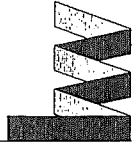
A101

200 HUBBARD



DESIGNED BY THE ARCHITECT TO BE CONSTRUCTED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

NEW CONSTRUCTION
TOM GILL
 DIGITAL SALES &
 RECONDITIONING CENTER
 FLORENCE, KENTUCKY



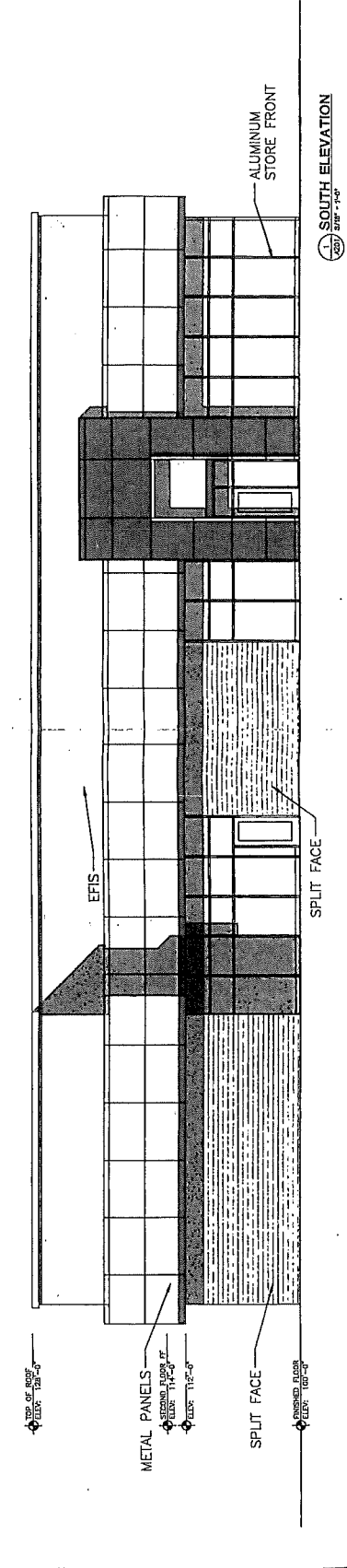
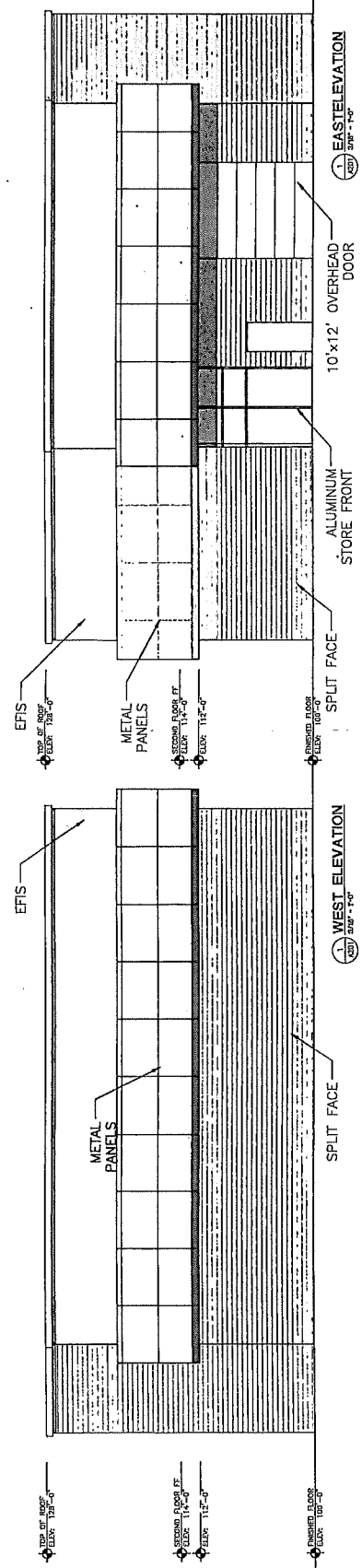
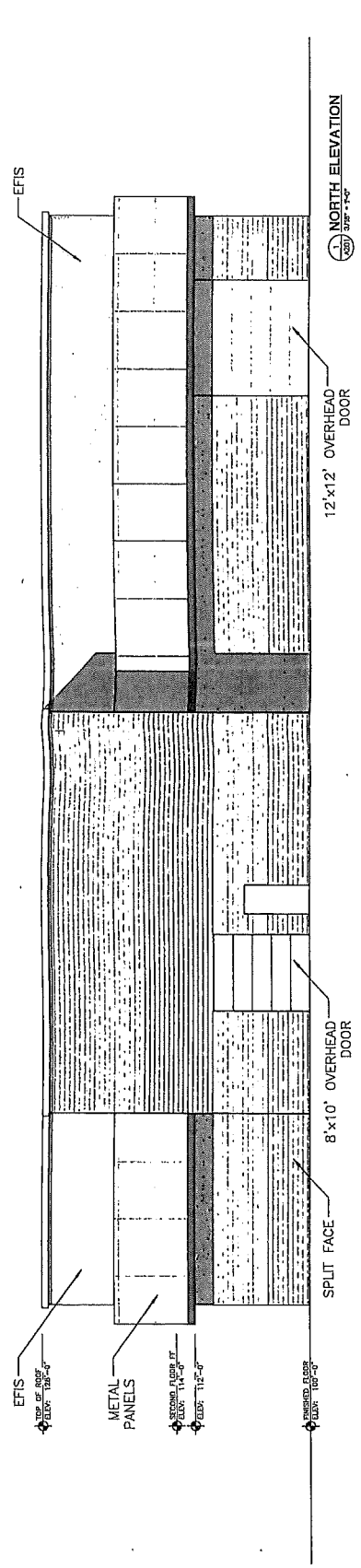
Hub + Weber
 Architects, PLC
 200 West Pike Street
 Florence, KY 40304
 P: 859-455-3141
 F: 859-455-3243
 hw@hubweber.com

ISSUED: 04/20/19
 REVISION:

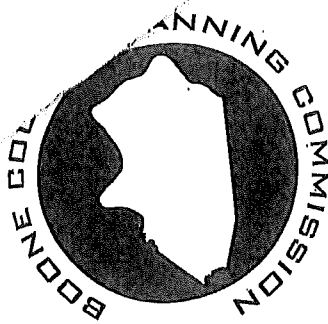
ELEVATION

A201

200 NUMBER



SOUTH ELEVATION
 200 NUMBER



BOONE COUNTY PLANNING COMMISSION

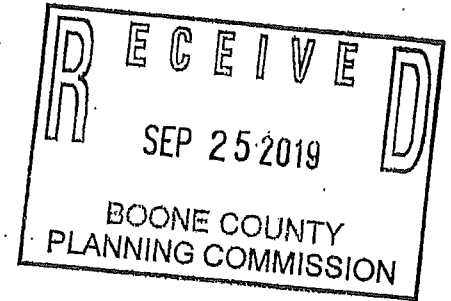
www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

September 19, 2019

Ms. Chae Morgan
Chung Gi Wha Korean Restaurant, Inc.
c/o Tom Gill
Tom Gill Chevrolet
7830 Commerce Drive
Florence, KY 41042



RE: Recommended Conditions of Approval for Tom Gill Concept Development Plan, 7800 Commerce Drive, Florence, Kentucky.

Dear Ms. Morgan:

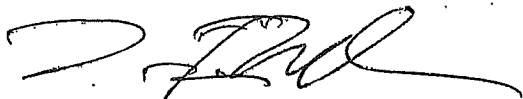
The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their September 18, 2019 meeting. If you, as the authorized representative of the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, September 27, 2019.

CONDITIONS

1. In addition to following the submitted Concept Development Plan, including the submitted architectural design, the following items will be provided or addressed.
 - A. A sidewalk connection between the building, vehicular area, and public sidewalk along Commerce Drive, and a bike rack, shall be provided per Section 3327 of the zoning regulations.
 - B. A landscape peninsula with a large canopy tree shall be added in the parking row along the west boundary of the site per Section 3625 of the zoning regulations.
 - C. The "Streetscape/Street Frontage Landscaping" standards for "Area 1 - Commerce Drive" (p. 8.2) in the Central Florence Strategic Plan shall be met. The post and rail fence that will be provided along the I-71/75 on-ramp right-of-way shall match the existing fence along the site's Burlington Pike frontage.
 - D. All utilities shall be underground and mechanical equipment shall be screened in accordance with the "General Requirements (All Areas)" in the Central Florence Strategic Plan (p. 8.1).
2. The proposed plantings shown in the adjoining Burlington Pike and I-71/I-75 on-ramp rights-of-way shall be installed as shown unless they are denied by the Kentucky Transportation Cabinet. If denied, they will be placed on-site in the adjoining street frontage landscape areas.

3. The existing pylon sign in the southwest corner of the site shall be replaced with a freestanding sign that is compatible with the freestanding sign at the existing Tom Gill dealership at 7830 Commerce Drive. The existing freestanding sign in the southeast corner of the site at the Burlington Pike/Commerce Drive intersection shall be replaced with a monument style sign which meets the requirements of Article 34 of the zoning regulations and is compatible with the architecture of the building. Building mounted signage shall meet the requirements of Article 34 of the zoning regulations and shall be mounted on the south facade (facing Burlington Pike) only.
4. The following operational standards shall apply to this development.
 - A. No Temporary Advertising Display (TAD) permits shall be permitted for this site which prohibits the use of temporary signs, banners, streamers, etc.
 - B. No on-site PA system shall be used.
 - C. The overhead doors on the building shall be kept closed except when vehicles and/or supplies are being moved in or out.
 - D. Display inventory shall be limited to non-commercial vehicles only.

Sincerely,



Kevin T. Wall, AICP
Director, Zoning Services

KTW/tlb

AGREEMENT

I, the authorized representative of the property owner of the tract located at 7800 Commerce Drive, Florence, Kentucky, agree to the conditions listed herein for the above referenced Concept Development Plan application.


Chae Morgan, Authorized Representative for
Chung Gi Wha Korean Restaurant, Inc.

9/25/2019
Date

ORDINANCE NO. O-19-19

AN ORDINANCE ADOPTING AND APPROVING A CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES/PLANNED DEVELOPMENT/PARKWAY CORRIDOR OVERLAY (C-3/PD/PO) ZONE FOR AN APPROXIMATE 1.02 ACRE SITE LOCATED AT 7800 COMMERCE DRIVE, FLORENCE, KENTUCKY TO ALLOW A DIGITAL MOTOR VEHICLE SALES AND RECONDITIONING CENTER. (TOM GILL)

WHEREAS, the City of Florence, Kentucky, is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission by Resolution No. R-19-022-A recommended approval for a concept development plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission's Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

That the request of Tom Gill (Applicant) for Chung Gi Wha Korean Restaurant (Owner) for a Concept Development Plan in a Commercial Services/Planned Development/Parkway Corridor Overlay (C-3/PD/PO) Zone for an approximate 1.02 acre site located at 7800 Commerce Drive, Florence, Kentucky to allow a digital motor vehicle sales and reconditioning center, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be updated to reflect the approval of this concept development plan for this subject property. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION II

The approval of this concept development plan is granted subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B" and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-19-022-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-19-022-A, marked Exhibit "B", and attached hereto.

SECTION IV

If the approval for this concept development plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the validity of any of the other zoning regulations, zoning map, comprehensive plan, or other portions, provisions or terms of the approved concept development plan for this property as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.

SECTION V

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 12 DAY OF November, 2019.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 19 DAY OF November, 2019.

APPROVED:

Deane E. Whalen
MAYOR

ATTEST:

Dany Zeilman
CITY CLERK

**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**

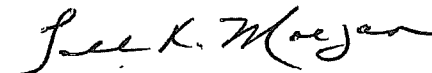
A Sign Permit is hereby granted to Atlantic Sign Company for Tom Gill Chevrolet for property located at 7800 Commerce Drive, Florence, KY and zoned C-3/PD/PO/CD, for the purpose of erecting signage in accordance with Article 34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the following special conditions/descriptions:

- Allow the pylon sign that was located in the southwest corner of the site to be replaced with a new pylon sign that is 47' tall and 226.25 square feet in area.

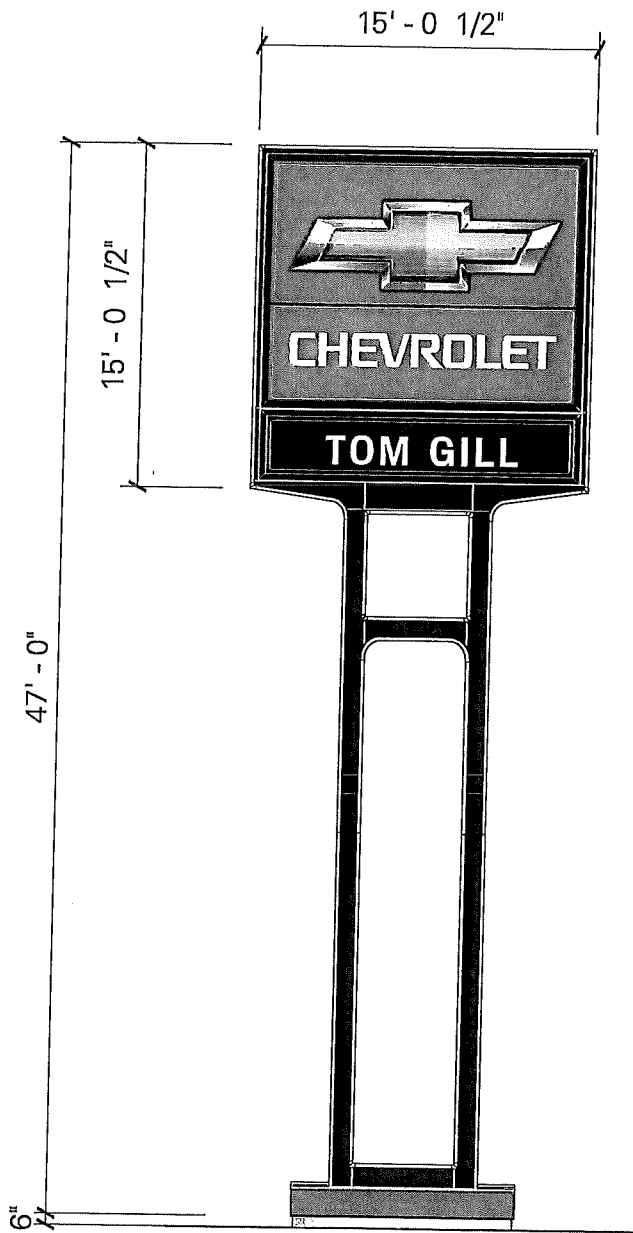
NOTE: The sign is being approved based on R-19-022-A and SP-FL-044-2012.

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

12/10/20
DATE



Todd K. Morgan, AICP
Senior Planner



Drawn By: SMN
 P.M.: A MOXLEY
 Sign Type: P245 @ 47'
 Date: 10.23.2020
 Location: FLORENCE, KY
 Scale: 1/8" = 1' - 0"

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2655 International Parkway
 Virginia Beach, VA 23452
 Phone: 757.301.7008
 Fax: 866.418.9462



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 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	QuitStop	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'-1/8" window.	(1) The cabinet shall be constructed as presented; (2) The cabinet shall only display one fuel price; (3) The fuel price shall only be displayed in one color only and shall not flash, scroll, or run; (4) The sign shall be equipped with a photocell and the sign shall dim as the sky gets darker.
6/12/13	Florence Center & Antique Mall	Mall Road Connector Dr Intersection	Change in Non-Conforming Use	Approved	Allow the square footage of an electronic message board to be enlarged from 50 square feet to 84 square feet.	(1) The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.). (2) Any primary message shall be displayed on the electronic message center for a minimum of five (5) seconds. One sub message can be displayed during the five (5) second time interval. (3) The electronic message center shall have a 19 millimeter pixel pitch or better resolution. (4) The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker. (5) Businesses located in Florence Center or the Antique Mall and their associated 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	CUP - Allow Car-X to construct a new 20' tall, 70 square foot freestanding sign, which contains an electronic message center. The electronic message center is proposed in a 31" x 10' cabinet and the display area is 31" x 94" (20.24 square feet). Variance - Reduce 660' spacing requirement. Sign proposed 498' from Walgreen sign and 640' from QuikSop sign.	The Variance will cause a hazard and nuisance to the public, will alter the essential character of the general vicinity, and no special circumstances which apply to the land have been identified. The Conditional Use Permit is not harmonious with the general objectives of the Boone County Comprehensive Plan. Specifically, the Future Land Use Development Guidelines found in the Land Use Element state that "developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation, pg. 164).
2/11/15	Travel Centers of America	7777 KY 18	Change in Non-Conforming Use	Approved	Modify 113'-9" tall sign. Four sign cabinets being removed, two sign cabinets being installed, and the overall square footage being reduced from 1,440 square feet (40' x 36') to 945 square feet (35' x 27'). One of the proposed sign cabinets is 7.5' x 27' and displays unleaded and diesel fuel prices in red and green LED. The diesel price will alternate between a "cash" price and "credit" price. The sign cabinet detail shows the LED digits will be a maximum of 61" tall and the unleaded and diesel copy placards will be 18" tall.	(1) The overall square footage of the Interstate sign shall be reduced to 945 square feet or less; (2) The proposed sign cabinets shall be constructed with side filler panels (see Exhibit 1 from the 2/11/15 FROA 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 & Variances	Approved	(1) Conditional Use Permit to allow a 18 square foot electronic message center (full color) 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	Turfway BP	7230 Turfway 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.
11/14/18	Kentucky Federal	6890 Dixie Highway	CUP & Variance	Approved	Conditional Use Permit to allow the installation of a monument sign with an electronic message board; and a Variance reducing the spacing between electronic message boards from 660 feet to 564 feet	(1) That the dimensions of the proposed sign not change from what was submitted; and (2) That the proposed electronic reader board be limited to a black background with red lettering.
11/14/18	Speedway	8699 US 42	CUP & Variance	Approved	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 a Variance reducing the spacing between electronic message boards from 660 feet to 142 feet	(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; and (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.
10/16/19	Culvers	8554 US 42	CUP	Approved	Conditional Use Permit to allow Culver's to change the electronic message board on their monument sign from a monochrome display to a full color display and modify previous conditions. 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).	(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 19 mm pixel pitch or better resolution.

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Tom Gill LLC
7830 Commerce Drive
Florence, KY 41042

2. ADDRESS OF PROPERTY
7800 Commerce Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Tom Gill Chevrolet

4. DEED BOOK 1142 PAGE NO. 135 GROUP NO. 2034A

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

- Zoning Map Amendment: From _____ To _____ Conditional Use Permit
- Development Plan Conditional Zoning
- Subdivision Plat (Not Recorded) Other:
- Variance

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

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

Todd K. Morgan

SIGNATURE OF COMPLETING OFFICIAL

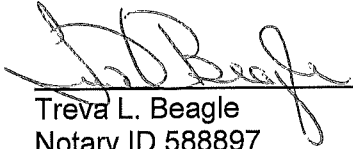
Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

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

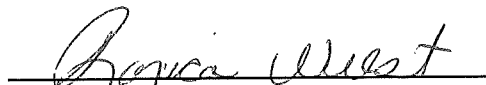
on behalf of the Boone County Planning Commission this 14 day of January, 2021.



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 C.U.P. and variance approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of January 14, 2021 Certificate of Land Use Restriction (#21-FBOA-001-A), for Tom Gill LLC, Property Owner(s).

The following conditions will apply:

1. The overall sign height shall be limited to 10'.
2. The base of the monument sign shall be constructed with the same textured split face block that is being used in the building. The split block base shall be a minimum of 2' tall.
3. The electronic message center shall be limited to 44.625 square feet in area.
4. Each electronic message that is displayed must be held on screen for a minimum of 15 seconds.
5. No message on the electronic message center shall contain more than one (1) still photo and/or three (3) lines of text.
6. Any portion of an alphanumeric message that is not displayed on a still photo/image shall use a dark background.
7. The electronic message center shall be equipped with a photocell and messages shall dim as the sky darkens.
8. The electronic message center shall have a 16 mm pixel or better resolution.
9. The sign shall not be used to advertise off premise business/products/services. This includes the use of directional arrows directing traffic to the Tom Gill dealership lot at the end of Commerce Drive.
10. The property owner agrees to work with the Planning Commission and/or City of Florence to resolve any lighting or glare impacts that are caused by the sign on KY 18 or Commerce Drive.
11. The electronic message center shall not display any messages with movement or animation. This includes but is not limited to running messages, scrolling messages, moving patterns of light, expanding, contracting or rotating shapes, television or video.

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

DEED BOOK 1142

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