

Car Sales

10. Proposed Use(s) on Site: _____

11. Total Square Footage of Existing and/or Proposed Buildings: 36000

12. Current Zoning: Commercial (C-3)

13. D859 ~~772~~ 777 2032 ~~2033A~~
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: Paul A
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 6-14-21 Fee Received: 966.00 Receipt #: 84198
2. Is application complete: _____
3. Staff Reviewer: Todd Morgan
4. Scheduled Board Action Date: _____
5. Board Action: 7/21/21
 Approved
 Approved with Conditions (see #6)
 Denial (See #7)
6. Conditions of Approval: NONE

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: Quality Signs and Service for Honda

LOCATION: 949 Burlington Pike, Florence, Kentucky

ZONING: Commercial Services (C-3)

DATE: July 21, 2021

PROPOSAL

The applicant is requesting a Variance to increase the height of Honda's freestanding sign from twenty (20) feet to thirty (30) feet.

PERTINENT SITE HISTORY

- A. In August 2003, the City of Florence approved a Zoning Map Amendment, from Suburban Residential Two (SR-2) to Commercial Services (C-3), for an approximate 9.96 acre site. The approval allowed an automotive sales dealership to develop. The approved Concept Plan showed a 33,852 square foot sales and service building, a future 20,000 square foot building (which still has not been constructed), and 718 parking stalls. Nine (9) conditions were imposed on the approval. One of these conditions required the applicant to comply with all applicable sign regulations. The 2001/2002 Zoning Regulations permitted the site to have up to a 20' tall and 150 square foot architectural freestanding sign.
- B. A Sign Permit was issued allowing a 20' tall and 105 square foot architectural freestanding sign.

APPLICABLE REGULATIONS

- A. Section 250 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. 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.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 251 of the Boone County Zoning Regulations.

Findings listed in Section 251:

- a. 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:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
- (2) 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;
- (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

b. 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.

D. Section 3413 4. (2) a. of the Boone County Zoning Regulations states that individual parcels of land which are not located within a shopping center, mixed-use commercial, commercial subdivision, or planned development in a C-3 zone shall be permitted a density of one (1) on-premises, architectural freestanding sign (see ARTICLE 2, SECTION 250 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) architectural freestanding sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.

E. Section 3413 4. (2) c. of the Boone County Zoning Regulations states the maximum size of an architectural freestanding sign shall be no more than one square foot of sign per lineal foot of road frontage along the street frontage where the sign is to be located. No freestanding sign may exceed 150 square feet in area in a C-3 district in Florence.

F. Section 3413 4. (2) d. of the Boone County Zoning Regulations states that the maximum height of an architectural freestanding sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale (passage applies to C-3 zoned properties in the City of Florence):

- 100 feet or less of road frontage – maximum sign height is 15 feet.
- 101 feet or more of road frontage – maximum sign height is 20 feet.

SURROUNDING LAND USES AND ZONING

Northeast: KY 18, Provident Bank, Speedway, and Tire Discounters (C-2/PD/HDO)

Northwest: Speedway (C-2), Pet Wellness Group (C-2), and Single-Family Residential Dwellings Fronting on Ridge Road (SR-2) and Golden Grove Lane (SR-1)

Southeast: Toyota (C-3), Single-Family Residential Dwellings Fronting on Chancellor Court, Amarillo Drive, Amarillo Place, and Donald Drive (SR-1)

Southwest: Florence Alliance Church Fronting on Cayton Road (SR-1)

SITE CHARACTERISTICS

- A. The approximate 17 acre site is located along the south side of Burlington Pike, between Ridge Road and Hopeful Church Road, and has approximately 457 feet of street frontage.
- B. The site contains an approximate 271' x 127' (34,417) office/showroom/and service shop parking, car wash, and a storm water detention basin. Access to the site is provided from KY 18 and a driveway connection to Ridge Road. The freestanding sign for the property is located in close proximity to KY 18.
- D. The rear of the property is undeveloped and is zoned Suburban Residential One (SR-1) and Suburban Residential Two (SR-2).

STAFF COMMENTS

- A. Duke Energy is currently in the process of constructing the Aero to Woodspoint transmission line project and new utility poles will be located along Honda's street frontage in the near future. Staff has attached a letter that Duke Energy sent out to the neighbors in 2020 and a plan that shows the permanent easement location.

Some of the poles associated with this project have already been constructed near Square D and to the rear of the Toyota site.

- B. Staff's understanding is that Honda can leave the existing sign in place but must move it out of the easement if they upgrade it in any way. Honda wants to upgrade the sign to the latest prototype.
- C. The applicant has provided a cover letter outlining the request. It explains the sign will need to be moved approximately 33' back in the lot so it's located outside the easement. It also indicates they are currently limited to a 20' sign height.
- D. Staff has the following comments:
 - The Zoning Administrator determined that a sign Variance could be sought after consulting with legal counsel. A 2003 Zone Change condition required all signs to comply with code. A determination was made that the sign will comply with the regulations if a Variance is granted by the Florence Board of Adjustment.
 - Staff would like the applicant to explain if the sign could be ordered at another alternative height, such as 25'.
 - Staff believes that most Boone County residents know how to access the Honda site and that having a 20' tall sign will not result in a loss of business.

- The request for a 30' tall sign will not be out of the character with the area because the adjoining Speedway, located at 985 Burlington Pike, has a taller sign. A Sign Permit was issued on 5/10/21 to allow Speedway to relocate their existing sign out of the Duke Energy easement. The permit shows the freestanding sign is approximately 31'-4" tall and 197.2 square feet in area.
- The Toyota dealership has three nonconforming freestanding signs. Sign Permits show that the Toyota, Toyota Truck, and Used Vehicle freestanding signs are each 24' tall and 108 square feet in area.
- The Board needs to analyze the Variance criteria before acting on the request. Staff recommends the Board should analyze if the request arises from special circumstances or if denying the request would create an unnecessary hardship.

CONCLUSION

- A. KRS 100.241 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

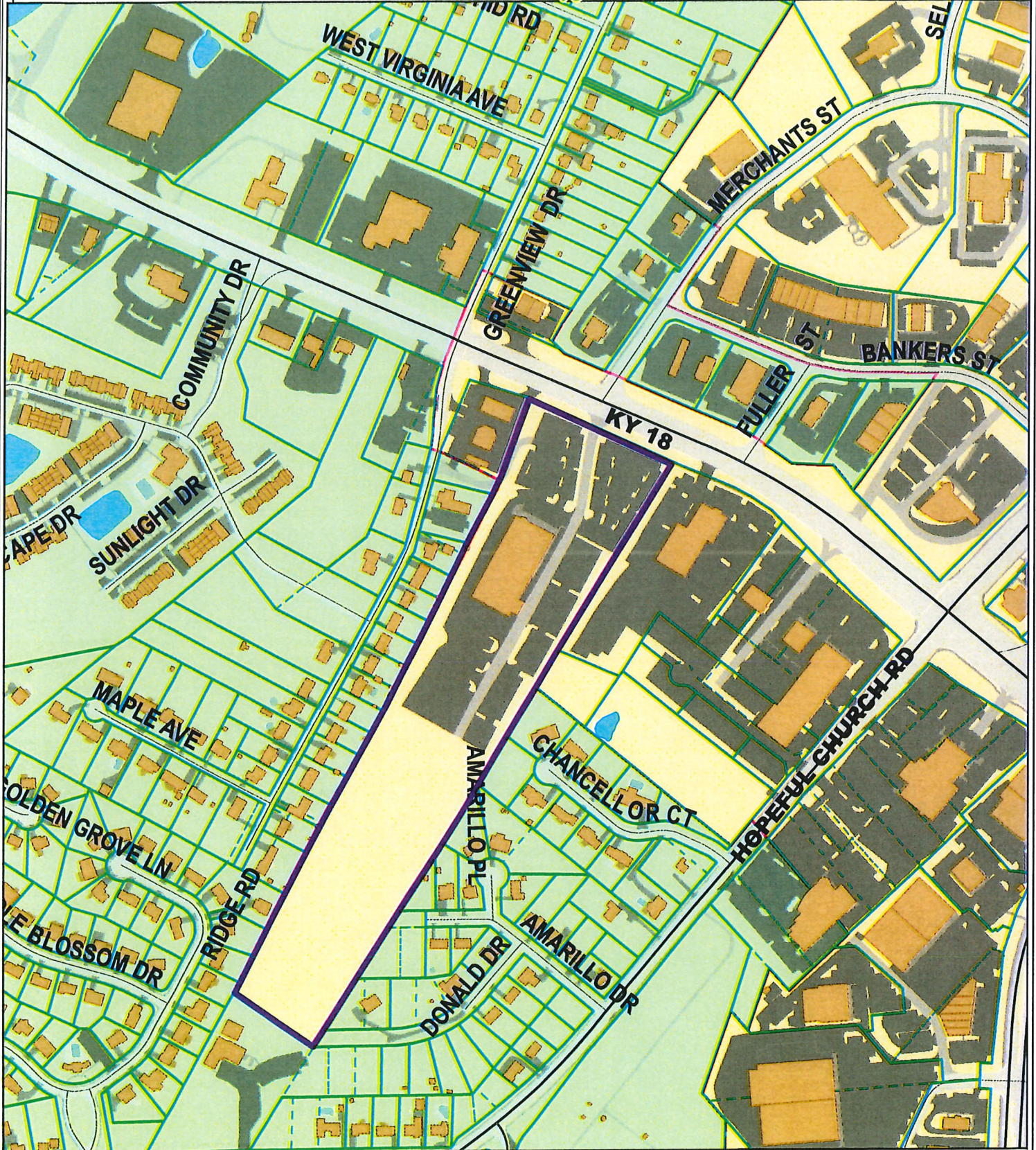
TKM/ss

Attachments

- *Site Vicinity Map
- *Letter from Applicant
- *July 24, 2020 Letter from Duke Energy
- *Duke Energy Plan Showing Permanent Easment
- *Submitted Plan, Pictures, and Sign Specifications
- *Zoning Map
- *2020 Aerial Map
- *2020 Aerial Map (Close Up of Front Parking Lot)
- *Topographical Map (Front Parking Lot)
- *Application

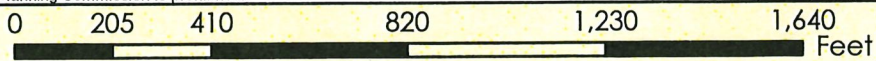
SITE VICINITY MAP

www.boonecountygis.com

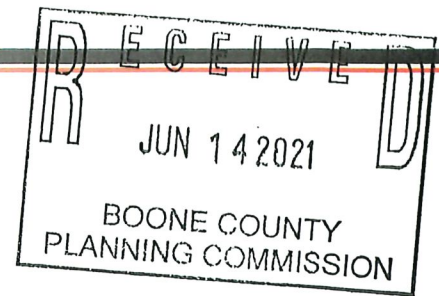


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Boone County GIS - Putting Northern Kentucky on the Map



Florence

To the ~~Boone County~~ Board of Adjustment ~~Committee~~,

This letter is to address the request for a variance for a new 30' tall pylon sign to replace the existing 20' tall pylon sign at Jeff Wyler Honda located @ 949 Burlington Pike, Florence, KY 41042

We are proposing a variance to the zoning code for Boone County - Section 3413 (4.2.d)

The variance requested is based on having a pylon sign at a 30' height. The code allowance is for a max of 20' height based on the zoning for the Boone County.

The existing monument sign is 20' and sits within the easement for the new Duke power line that is coming thru the area. Therefore, the customer was informed they had to move the sign.

The issue that arises is that they cannot have the 30' tall sign due to code restrictions.

The new proposed placement of the sign is approximately 33' further off Burlington Pike than the existing sign. The proposed placement is also at a lower grade than the existing location. These factors cause visibility issues with the sign at 20'. The added 10' of height will aid with the visibility issues in the new proposed location.

The customer feels that moving the sign and keeping it at 20' will result in loss of business due to the fact that the sign will be much harder to see and in turn customers will not be able to readily find the location of the lot.

The customer has no choice but to move the sign due to the incoming power line.

We feel that the 30' sign and the new location is not an obstruction to the area or will not be unsightly. The property itself has a 400 ft + road frontage. And is plenty large enough to house a sign @ 30'

Sincerely

David W. Fellingner
Quality Signs and Service



July 24, 2020

Re: Update on a Duke Energy reliability project in your community – Aero-to-Woodspoint transmission line project

Dear Neighbor:

You may recall our planning to build a new 138-kilovolt (kV) transmission line – approximately 2 miles in length – between the Aero Substation under construction near the Amazon Prime Air Hub facility off Aero Parkway and the new Woodspoint Substation under construction near Burlington Pike. We are contacting you to provide an update on this important reliability project for your community.

Construction on foundations for some of the transmission poles where Duke Energy has obtained land rights will get underway in August. Vegetation clearing for sections where Duke Energy has obtained land rights will begin in September, and the steel transmission poles will be set in areas where Duke Energy has easements starting in the September-October time frame. We continue to negotiate the purchase of right-of-way easements with some landowners along the route of the new transmission line (see map enclosure). Until those land rights are obtained, those properties will not be impacted by preparations for construction.

The new transmission line will provide additional capacity to continue delivering reliable energy to your growing community. Boone County is the fastest-growing county in the Duke Energy service territory.

A public open house on the Aero-to-Woodspoint transmission line project was held in April 2019 to gain public input on our planning. The project also underwent a formal Certificate of Convenience and Necessity application last fall, which was approved by the Kentucky Public Service Commission.

The transmission line will be supported by approximately 50 steel poles with an average above-ground height of 80 feet. The distance between poles will run an average of 175 to 275 feet. We plan to complete construction by spring 2021.

Installing transmission structures and lines is similar to a typical construction site, with numerous crews, trucks and other equipment. There may be lulls between construction activity, which includes:

- **Clearing and grading** – Probably the most noticeable portion of construction involves clearing the easement to provide a safe area to work. The right of way must be clear during the construction process.
- **Foundations and installing structures** – Neighbors near the project site may see large trucks with drilling equipment or a concrete mixer in the right of way. Structure materials arrive in sections and may be assembled on the ground before being installed.
- **Stringing lines** – Trucks carrying large reels of conductor are typically used, with a winch to pull through the conductor. Lineworkers attach the wires to the structures.

Work zones will be established to provide safety for our crews and for the public. Flaggers will be directing traffic. Drivers may encounter temporary lane closures as crews establish their work zones. The road restrictions will be needed to accommodate the construction equipment and the safety of our crews and the public. When you see crews using bucket trucks and other equipment near roadways, drivers should use caution, move their vehicles over and slow down as they approach these crews.

Upon completion of the project, we will remove all construction material and debris and the easement area will be restored as closely as possible to its original condition.

COVID-19 and Work in Your Community

COVID-19 has brought many changes to our communities, affecting the ways we live, work and interact. But throughout these changes, one thing has stayed constant: our determination to serve you and your energy needs in a safe manner.


As one of the many essential services responding to this national emergency, our work continues – even in those areas with stay-at-home ordinances. The upgrades to the electric transmission system are essential projects that require our construction crews and contractors to work in and around your neighborhood.

As a precaution, when you do see our workers, please avoid approaching them and their work areas. If there is a need to speak with a member of the project team, we prefer you reach out via our project email or hotline to get your questions answered.

If you have additional questions, please call us toll-free at 888.827.5116, or you can email questions and comments to MWOHioTransmission@duke-energy.com. You can also check the project website for updates at duke-energy.com/Aero.

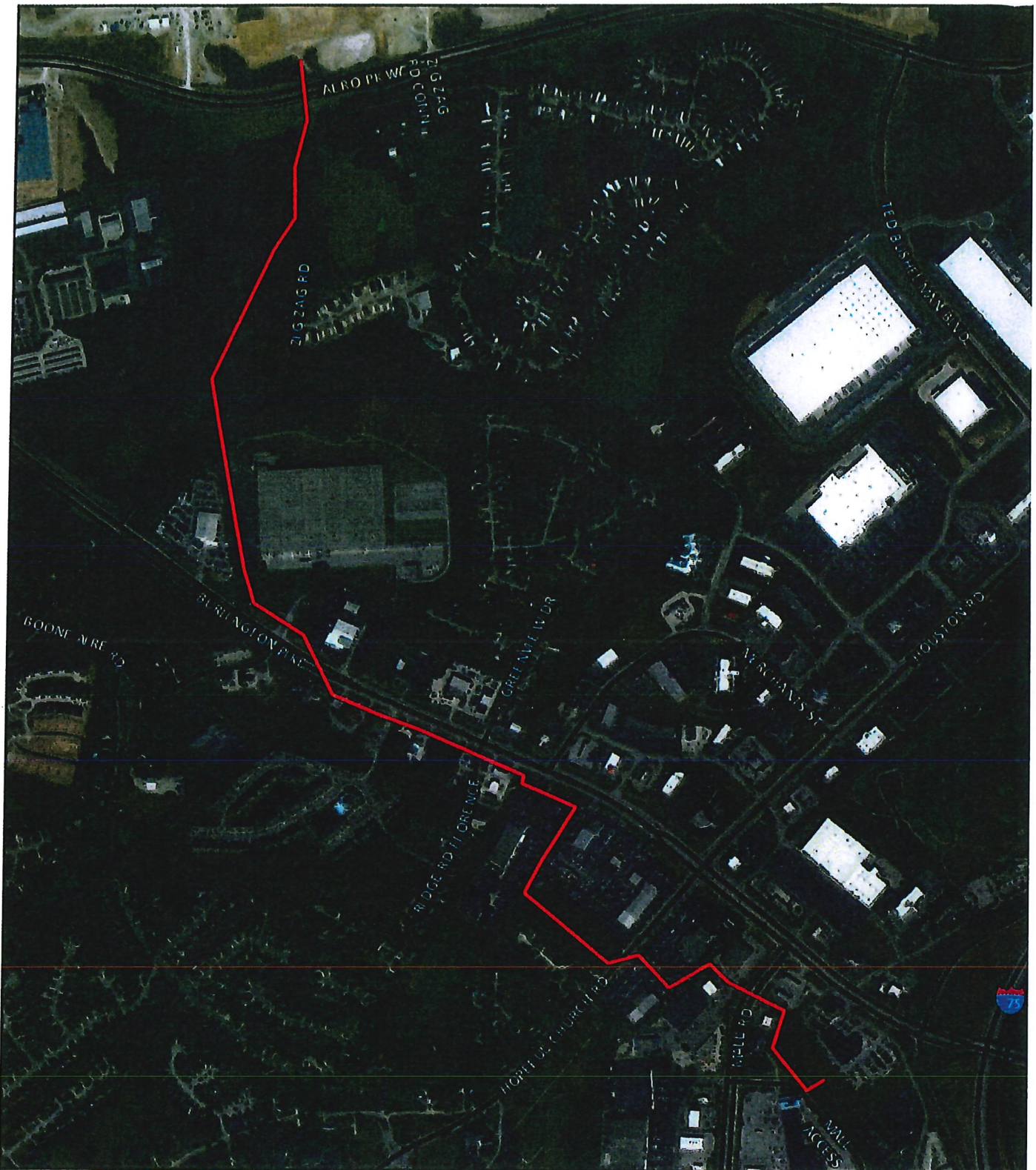
We appreciate your patience and cooperation as we work to meet your present and future energy needs.

Sincerely,



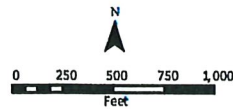
Moses Muci
Project Manager, Duke Energy

Enclosure



— Project Centerline

Not drawn to scale. Line location is an approximation, and does not indicate access routes or work areas.

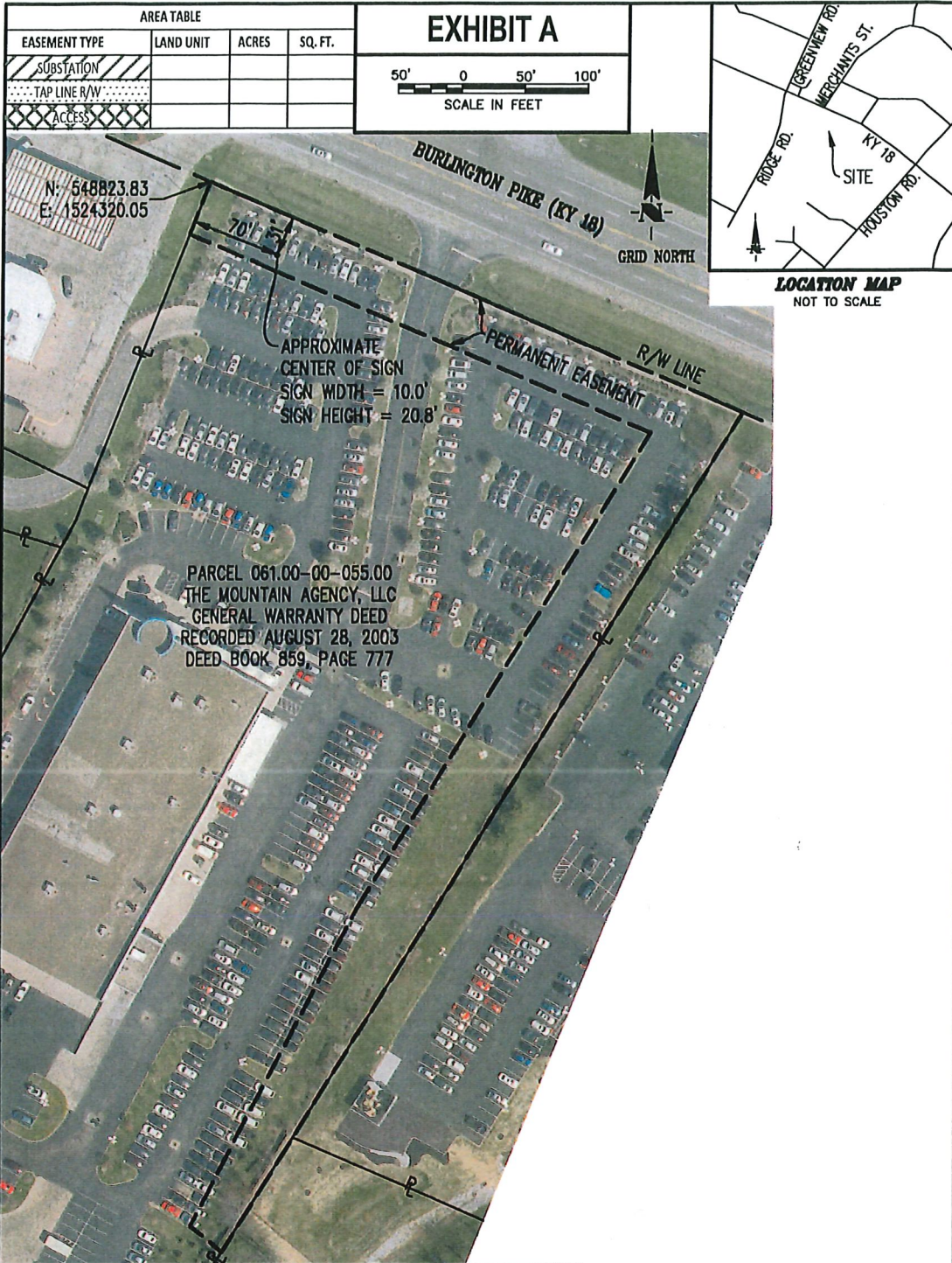


REFERENCE: Base map: Esri Imagery Service, Accessed 7/13/2021, Streets: Boone County, Duke Assets: Duke Energy



**Woodspoint-Aero 138 kV
Transmission Line**

Florence, KY



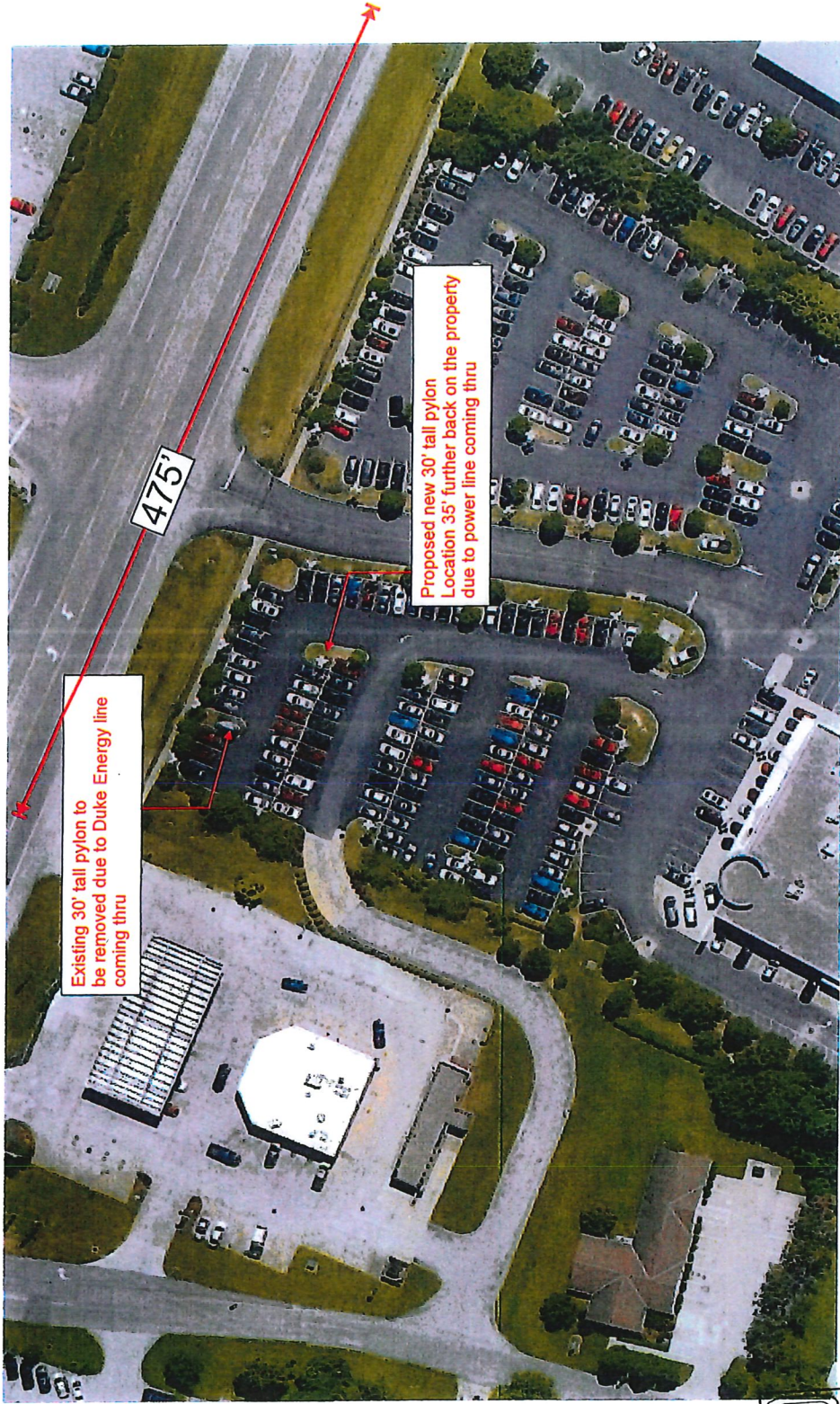
LEGEND	
POC POINT OF COMMENCEMENT	- - - - - SUBJECT EASEMENT
POB POINT OF BEGINNING	- - - - - STREET RIGHT OF WAY
R/W RIGHT OF WAY	- - - - - PARCEL LINE

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NOTE:
The horizontal data shown on this exhibit are based upon a positional solution derived from Global Positioning System (GPS) observations processed by the Online Positioning User Service (OPUS) provided by the National Geodetic Survey and using Real Time Kinematic (RTK) GPS observations. All bearings, distances and coordinates are referenced to the Kentucky State Plane - North Zone (NAD83(2011), US Survey feet) Coordinate System. Combined Scale Factor for this project is 0.99997097. Distances shown hereon are GROUND distances. Combined Scale Factor has been applied.

<p>Schneider GEOMATICS <small>a division of</small> Schneider Engineering Corp</p>	<p>DUKE ENERGY KENTUCKY, INC. EASEMENT EXHIBIT</p>	<p>DUKE ENERGY</p>
	<p>EASEMENT ACROSS THE LAND OF The Mountain Agency, LLC 949 BURLINGTON PIKE, FLORENCE BOONE COUNTY, KENTUCKY</p>	
SITE #:	DATE: 09/22/2020	SCALE: 1"=100'
DRAWN BY: JDW	DEED:	BOOK #:
CHECK BY: JNW	LSC MAP #:	
LAND UNIT: 1718768	TRACT #:	TELEPHONE NO. (800) 544-6900

Site Address: 949 Burlington Pike, Florence, Ky 41042



R E C E I V E D
 JUN 14 2021
 BOONE COUNTY
 PLANNING COMMISSION

THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.

Approved By: _____

DATE: 6-7-21

SALES REP: WOODY FELLINGER
 DRAWN BY: WOODY FELLINGER

SCALE: NTS



FACING EAST ON RT 18 NEXT TO SPEEDWAY



FACING WEST ON RT 18 - OPPOSITE SIDE OF THE ROAD



FACING WEST IN TOYOTA LOT



FILE: JWH PLOT PLAN

DATE: 6-7-21

SCALE: NTS

Approved By:

Sales Rep: Woody Fellingner

DRAWN BY: WOODY FELLINGER

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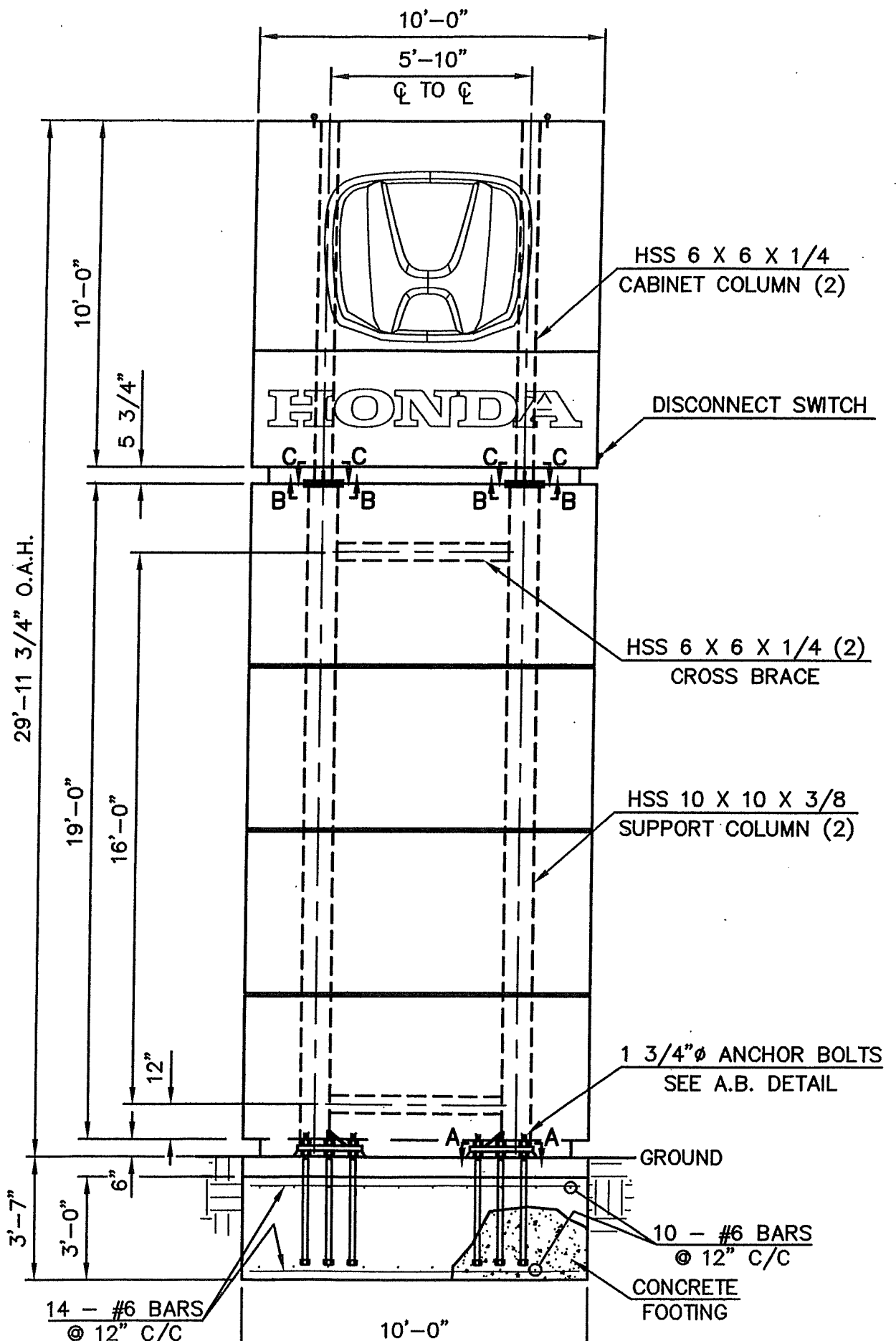
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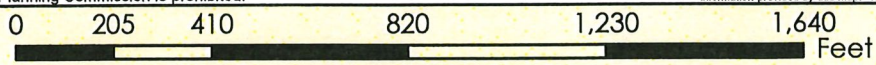
2020 AERIAL MAP

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Boone County GIS - Putting Northern Kentucky on the Map

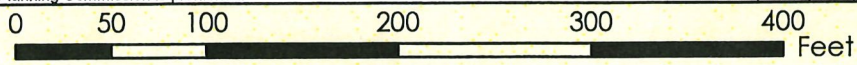
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1 inch = 100 feet

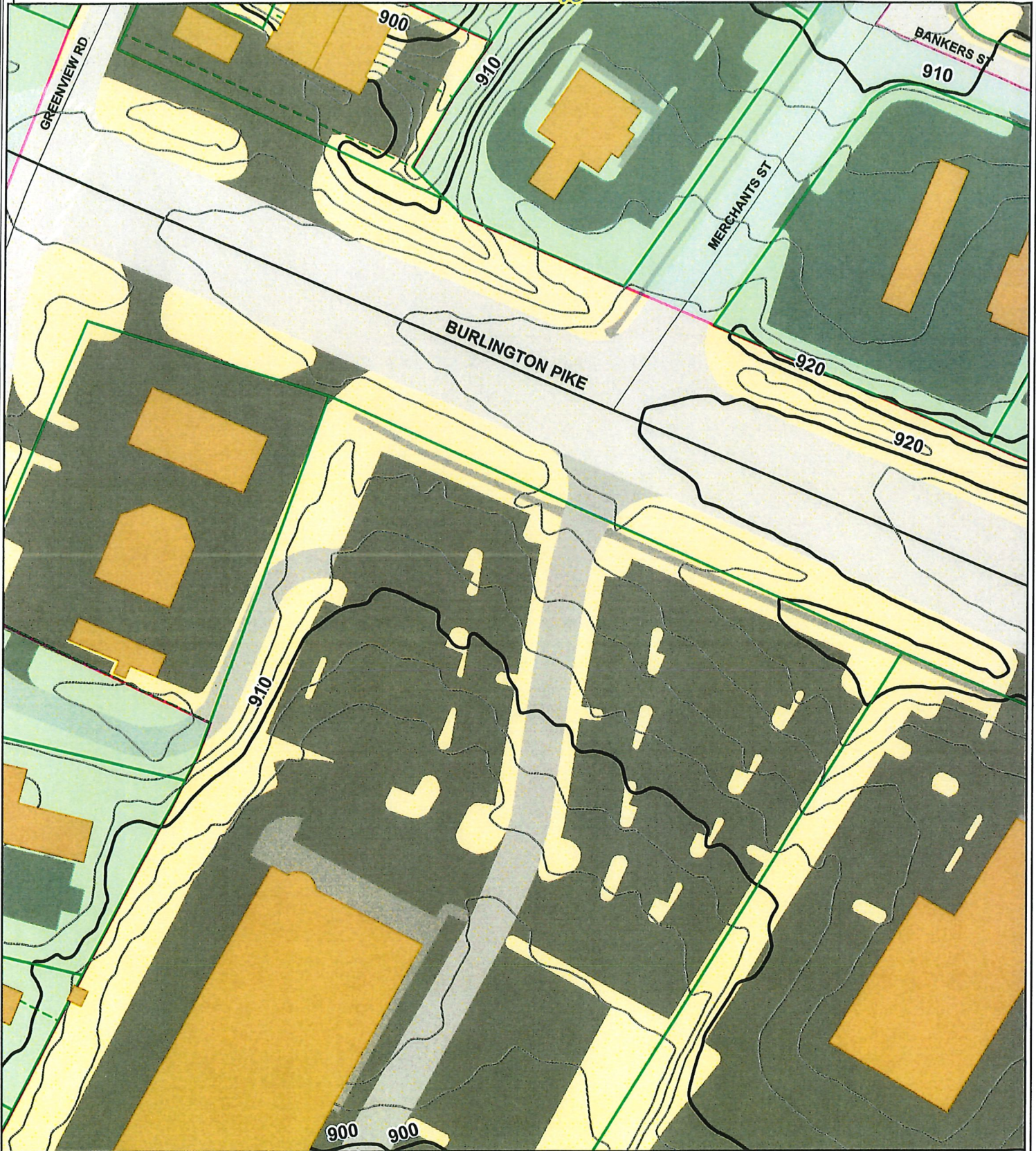


Boone County GIS - Putting Northern Kentucky on the Map



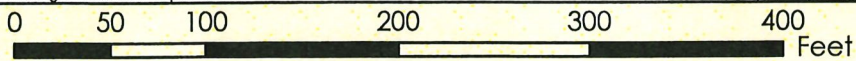
TOPOGRAPHICAL MAP KY 18 & FRONT PARKING LOT

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1 inch = 100 feet

Boone County GIS - Putting



Map Created: xx/xx/2020

Boone County GIS
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

R E C E I V E D
JUN 14 2021
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: Quality Signs and Service
Address: 1530 Production Drive
Burlington KY 41005
City State Zip Code
Phone Number: 859-525-9966 Fax Number: 859-525-0304
Email: woody@quality-signs.com
Fellingner

4. Description of Request:
Requesting 30' pylon sign based on new having to move existing pylon back due to Duke power lines coming thru property

5. Name of Development: Jeff Wyler Honda

6. Location of Development: 949 Burlington Pike
Florence Ky 41042
City State Zip Code

7. Acreage Under Review: 17

8. Lot Number and Name of Subdivision (if part of a subdivision):
061.00-00-055.00

9. Current Owner: Mountain Agency LLC
Address: 401 Milford Parkway Suite A
Milford OH 45150
City State Zip Code

Phone Number: 513-582-3208 Fax Number: _____
Email: PAUL.RINI@JEFFWYLER.COM

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Mountain Agency LLC
401 Milford Parkway, Suite A
Milford, OH 45150

2. ADDRESS OF PROPERTY

949 Burlington Pike
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Jeff Wyler Honda

4. DEED BOOK D859 PAGE NO. 777 GROUP NO. 2032

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 26th day of July, 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:

Nicole Dierna
Nicole Dierna
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.)

AREA TABLE			
EASEMENT TYPE	LAND UNIT	ACRES	SQ. FT.
SUBSTATION			
TAP LINE R/W			
ACCESS			

EXHIBIT A



LOCATION MAP
NOT TO SCALE



LEGEND

POC POINT OF COMMENCEMENT	---	SUBJECT EASEMENT
POB POINT OF BEGINNING	---	STREET RIGHT OF WAY
R/W RIGHT OF WAY	---	PARCEL LINE

NOTE:

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**Schneider
GEOMATICS**
a division of
Schneider Engineering Corp

SITE #:
LAND UNIT: 1718768 TRACT #:

DUKE ENERGY KENTUCKY, INC.
EASEMENT EXHIBIT

EASEMENT ACROSS THE LAND OF
The Mountain Agency, LLC
949 BURLINGTON PIKE, FLORENCE
BOONE COUNTY, KENTUCKY

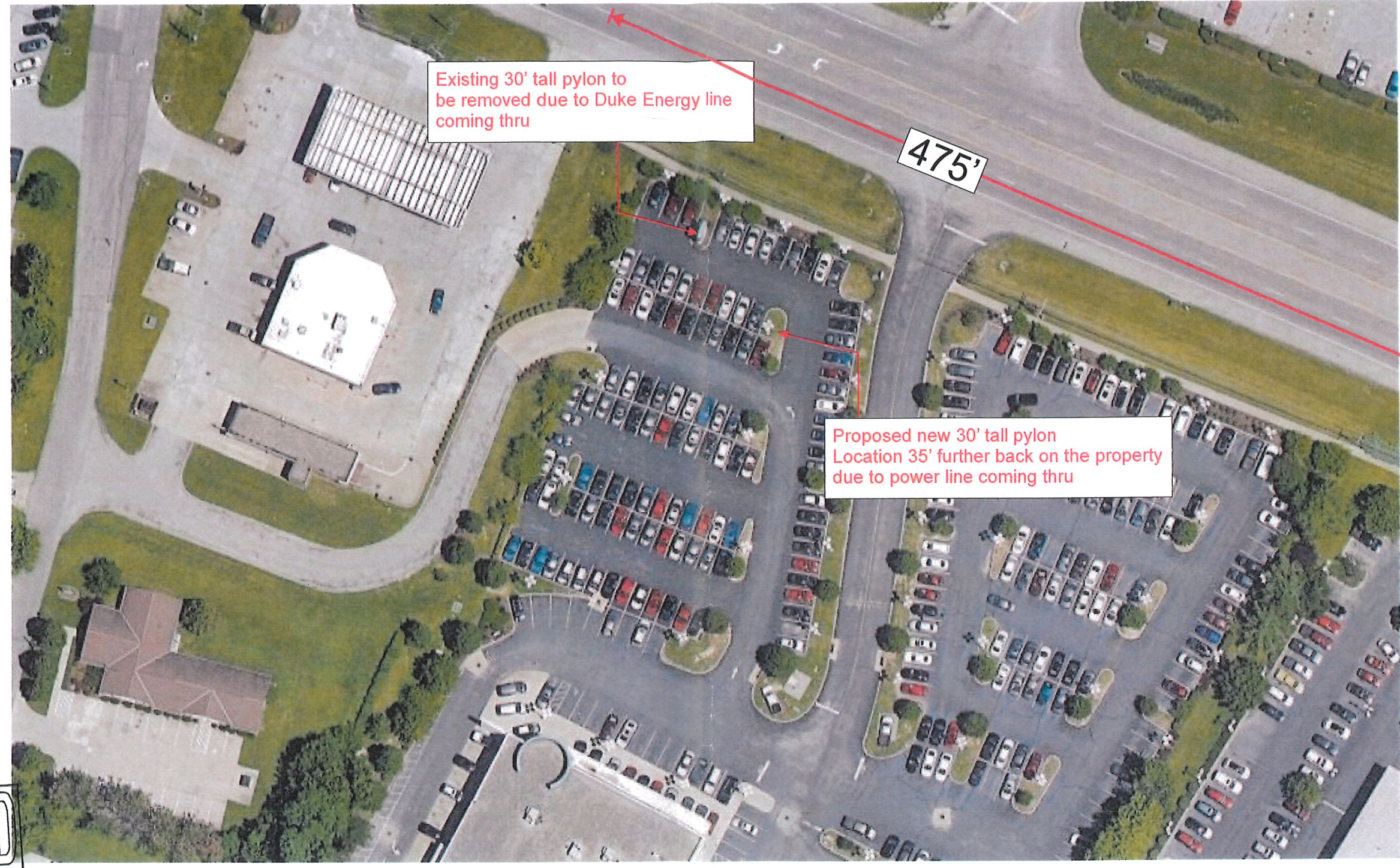
DATE: 09/22/2020 SCALE: 1"=100'
DRAWN BY: JDW DEED:
CHECK BY: JNW BOOK #:

LSC MAP #:

**DUKE
ENERGY**

139 E. 4TH ST, EM02
CINCINNATI, OH 45202
TELEPHONE NO. (800) 544-6900

Site Address: 949 Burlington Pike, Florence, Ky 41042



RECEIVED
 JUN 14 2021
 BOONE COUNTY
 PLANNING COMMISSION

FILE: JWH PLOT PLAN	Approved By: _____
DATE: 6-7-21	Sales Rep: Woody Fellingner
SCALE: NTS	DRAWN BY: WOODY FELLINGER

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FACING EAST ON RT 18 NEXT TO SPEEDWAY



FACING WEST ON RT 18 - OPPOSITE SIDE OF THE ROAD



FACING WEST IN TOYOTA LOT



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