

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) 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: Robert Sweet - McBride Dale Clarion

Address: 5721 Dragon Way, Ste. 300

Cincinnati Ohio 45227  
City State Zip Code

Phone Number: 513-441-7747 Fax Number: 513-561-1615

Email: rsweet@mcbriedale.com

4. Description of Request:  
Speedway is requesting approval to install a digital fuel price panel on the western elevation of the new fueling canopy

5. Name of Development: Speedway #7402

6. Location of Development: 985 Burlington Pike

Florence KY 41042  
City State Zip Code

7. Acreage Under Review: 1.41

8. Lot Number and Name of Subdivision (if part of a subdivision):  
Lot 1 - Whaley's Baby Farm

9. Current Owner: Speedway LLC


Address: 539 South Main Street

Findlay Ohio 45480  
City State Zip Code

Phone Number: 937-863-7646 (Brad Gross) / 937-863-6386 (Chris Barson) Fax Number: \_\_\_\_\_

Email: mbgross@speedway.com / cabarson@speedway.com

10. Proposed Use(s) on Site: Commercial - Convenience Store and Fuel Sales
11. Total Square Footage of Existing and/or Proposed Buildings: 10,802 SF (Store, Fuel Canopy, Storage Area)
12. Current Zoning: "C-2" Commercial Two District
13. 1009 445 2032  
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:**  7/12/21  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:**  7/15/21  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received: 7/16/21 Fee Received: \$11,116 Receipt #: 84413

2. Is application complete: ✓

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: \_\_\_\_\_

5. Board Action: \_\_\_\_\_

\_\_\_\_\_ Approved

8/19/21 Approved with Conditions (see #6)

\_\_\_\_\_ Denial (See #7)

6. Conditions of Approval: SEE 8/19/21 FBOA Meeting  
MINUTES + C.L.U.R.

7. Reasons for Denial: \_\_\_\_\_

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

## STAFF REPORT

APPLICANT: McBride Dale Clarion for Speedway

LOCATION: 985 Burlington Pike, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: August 19, 2021

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a digital fuel price panel on the western face of Speedway's newly proposed gas canopy. The new gas canopy will be 51' x 133' and will be located just outside the new Duke Energy utility easement. The proposed price cabinet is 3' x 5' and will display unleaded fuel prices in red L.E.D. One of the submitted sign drawings shows the proposed signage on all four faces of the gas canopy.

PERTINENT SITE HISTORY (FREESTANDING SIGN AND GAS CANOPY)

- A. On 8/13/08, the Florence Board of Adjustment approved a Conditional Use Permit allowing two electronic fuel price panels on the site freestanding sign. The regular fuel price window was 14.34 square feet (27.5" x 75.13") and the diesel window was 6.18 square feet (19.75" x 45.13"). The overall sign square footage was reduced from 210.6 square feet to 204.63 square feet because a manually changeable message board was being removed. The Board imposed the following conditions on the approval: (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.
- B. On 7/9/12, Boone County Planning Commission Staff issued a Sign Permit allowing face changes to three faces of the gasoline canopy. This permit shows the canopy faces are grandfathered because 100% of these faces contain signage.
- C. On 12/13/12, Boone County Planning Commission Staff issued a Sign Permit allowing a face change to a 17.9 square foot cabinet at the bottom of the freestanding sign. The face change allowed two lines of manually changeable copy. This Permit should not have been issued based on the Conditional Use Permit condition outlined above.
- D. On 10/10/18, Boone County Planning Commission Staff issued a Sign Permit allowing a face change to the 50.74 square foot LED fuel price cabinet on the freestanding sign. The face change was allowed because the square footage of the fuel price windows were reduced from 20.52 square feet to 16.28 square feet.
- E. On 5/10/21, Boone County Planning Commission issued a Sign Permit application allowing Speedway's existing freestanding sign to be relocated out of the Duke Energy utility easement. The sign was shown as being 31'4" tall and 197.2 square feet in area.

- E. On 7/16/21, McBride Dale Clarion submitted a Minor Site Plan application to allow improvements to be made on the subject site. The improvements include demolishing the existing gas canopy and car wash building, constructing a larger gas canopy (51' x 133') and storage shed, relocating underground storage tanks, and making parking lot and landscaping improvements. The Site Plan application was still pending at the time the Staff Report was finalized.

#### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment is to act on Conditional Use Permit 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 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 C-2 zoning districts 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.

Comment - An electronic sign already exists on site. As a result, a Variance is not required.

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.
- D. Section 3413 (2) of the Boone County Zoning Regulations allows canopy (on gasoline and other completely detached canopies) mounted signage on no more than three (3) elevations of the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted and are figured within one rectangular sign area. The signs may not extend above or below the fascia of the canopy. A non-illuminated, two-dimensional horizontal stripe (paint, decal, etc.) consisting of a maximum of two (2) colors, including the background color, will be permitted on no more than three (3) elevations of the canopy and will not be counted as sign area. The signs may not extend above or below the fascia of the canopy.

#### 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).

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).

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 1.41 acre site has 204.85 feet of frontage along Burlington Pike and 253.08 feet of frontage on Ridge Road. The site currently contains a 3,875 square foot convenience store, a 47' x 95' gas canopy with 6 fuel dispensers, a 1,420 square foot car wash, and 16 striped parking stalls. Access to the site is provided from two curb cuts on KY 18, two curb cuts on Ridge Road, and a driveway connection to Honda. The freestanding sign on site was recently relocated near the eastern property line and is just outside the new Duke Energy utility easement.

### SURROUNDING LAND USES AND ZONING

North – Burlington Pike, Food Mart/Liquor Store (C-1), and PNC Bank (C-2/PD/HDO)

South – Pet Wellness Group (C-2)

East – Honda (C-3)

West – Ridge Road, Kerry Used Car Lot (C-2), and Single-Family Residential Dwelling (C-1)

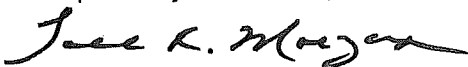
STAFF COMMENTS

- A. The applicant has provided a cover letter which outlines the request and the reason that an electronic price panel is being sought on the western face of the gas canopy. Staff agrees that motorists driving eastbound on KY 18 will have a difficult time seeing the freestanding sign once the new gas canopy is constructed. The freestanding sign was recently moved back into the site to get it out of the Duke Energy utility easement.
- B. The Board needs to analyze the Conditional Use Permit criteria and Future Land Use Development Guideline pertaining to design, signs, and cultural resource preservation before acting on the request. Staff believes the proposed sign is in agreement with these criteria and guideline because there are other electronic fuel price signs in the area and the sign will promote safety by helping motorists identify the fuel price when driving east on KY 18.
- C. Staff recommends the following conditions if the request is approved:
  - 1. The sign shall be constructed as presented and only display an unleaded fuel price.
  - 2. The fuel price shall not have any apparent motion (flashing, scrolling, running, etc.).

CONCLUSION

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.

Respectfully Submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

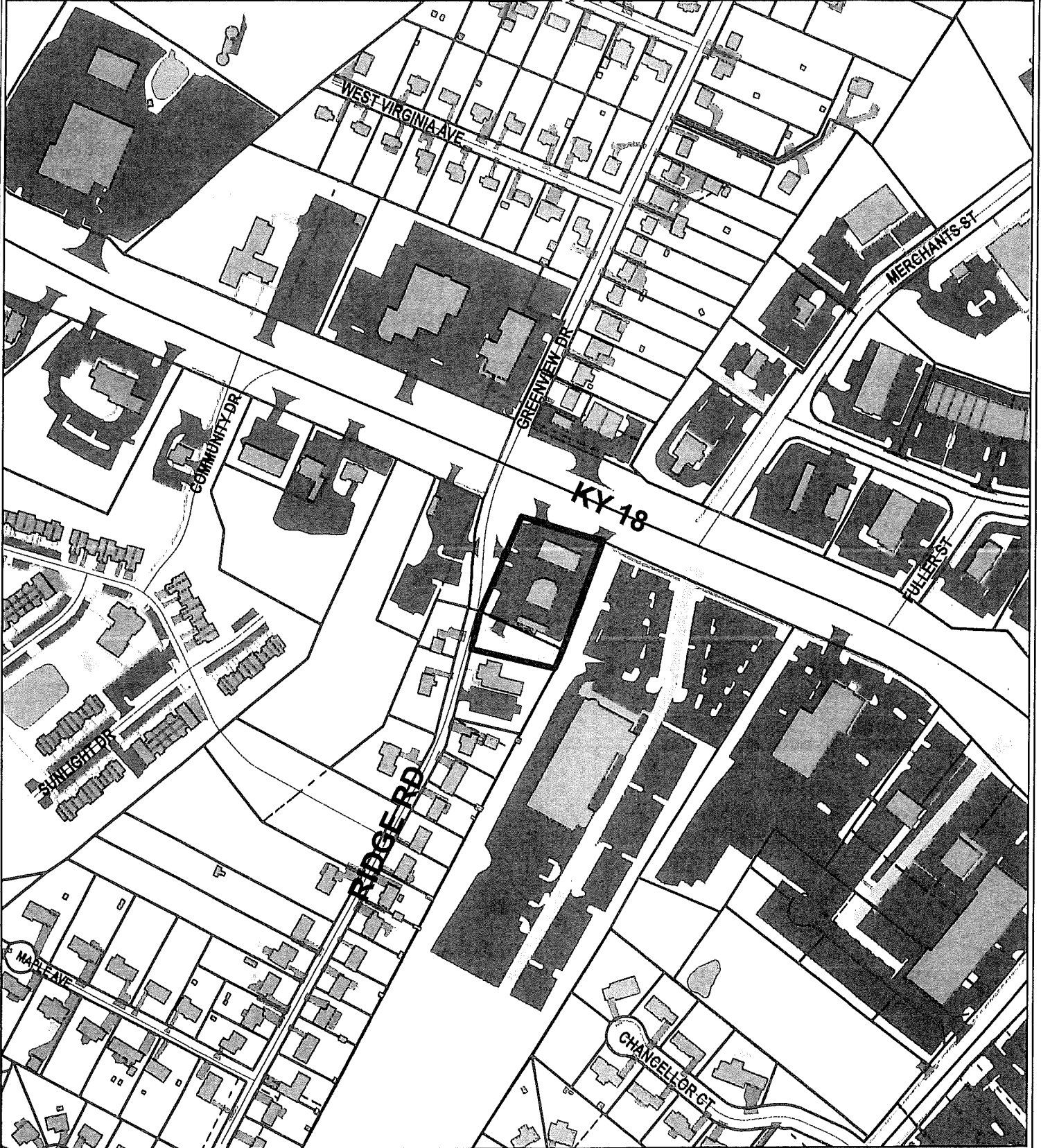
TKM/ss

Attachments

- \*Site Vicinity Map
- \*Submitted Application, Cover Letter, and Drawings
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Topographical Map
- \*2020 Aerial Map
- \*7/9/12 Sign Permit
- \*12/13/12 Sign Permit
- \*10/10/18 Sign Permit
- \*5/10/21 Sign Permit

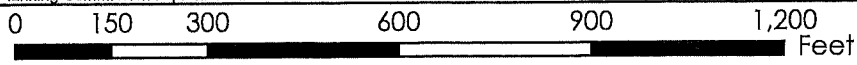
# SITE VICINITY MAP

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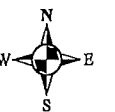


1 inch = 300 feet

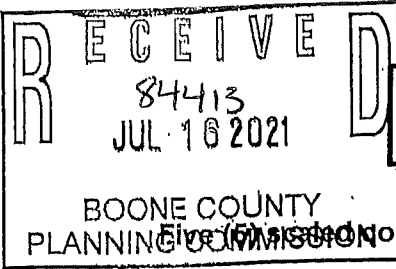


Map Created: x/02/2020

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



Small text at the bottom right corner: "Boone County GIS" and "ArcMap Document (\*.mxd)"



**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) 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

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

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Phone Number: 513-441-7747 Fax Number: 513-561-1615

Email: rsweet@mcbriedale.com

4. Description of Request:  
Speedway is requesting approval to install a digital fuel price panel on the western elevation of the new fueling canopy

5. Name of Development: Speedway #7402

6. Location of Development: 985 Burlington Pike

Florence KY 41042  
City State Zip Code

7. Acreage Under Review: 1.41

8. Lot Number and Name of Subdivision (if part of a subdivision):  
Lot 1 - Whaley's Baby Farm

9. Current Owner: Speedway LLC

Address: 539 South Main Street

Findlay Ohio 45480  
City State Zip Code

Phone Number: 937-863-7646 (Brad Gross) / 937-863-6386 (Chris Barson) Fax Number: \_\_\_\_\_

Email: mbgross@speedway.com / cabarson@speedway.com

**Speedway #7402**  
**Conditional Use Permit Justification Statement**  
**985 Burlington Pike (KY-18)**  
**Florence, Kentucky**

Speedway currently owns and operates an existing convenience store and fuel sales facility at 985 Burlington Pike (KY-18). The property is zoned "C-2" Commercial Two District and is within the zoning jurisdiction of the City of Florence. Speedway discussed and settled with Duke Energy to allow a 45'+/- easement along the front of their property. The easement is needed to provide electric service to the new Amazon facility and subsequent support businesses near the airport. As part of the easement agreement, Speedway was required to relocate their existing freestanding sign from the west side of the property to the east side of property. Speedway is requesting a Conditional Use Permit to allow the installation of digital price panel on the western elevation of the canopy.

**Project Description**

In addition to the sign relocation, Speedway is required to move their underground storage tanks from the current location, south out of the easement area. Since the tanks need to be relocated, Speedway is also proposing to replace and expand the existing fuel canopy. The current canopy configuration is a 6-dispensers in a stacked formation. Speedway proposes to raze the existing canopy and replace with a new canopy over 8 dispensers, in a stacked formation. The existing carwash building is proposed to be razed and replaced with parking spaces. A new storage shed is proposed to be installed behind the convenience store. Replacement landscaping will be installed as part of the project. Existing driveways will not be modified or impacted as part of the project. Speedway is not requesting new driveways with the project.

**Board of Adjustment Justification**

As a result of the easement and required sign relocation, Speedway is requesting approval of a Conditional Use Permit to install a digital price panel on the western elevation of the new fuel canopy. This sign request is a direct result of the easement agreement and the relocation of the existing freestanding sign from one side of the site to the other.

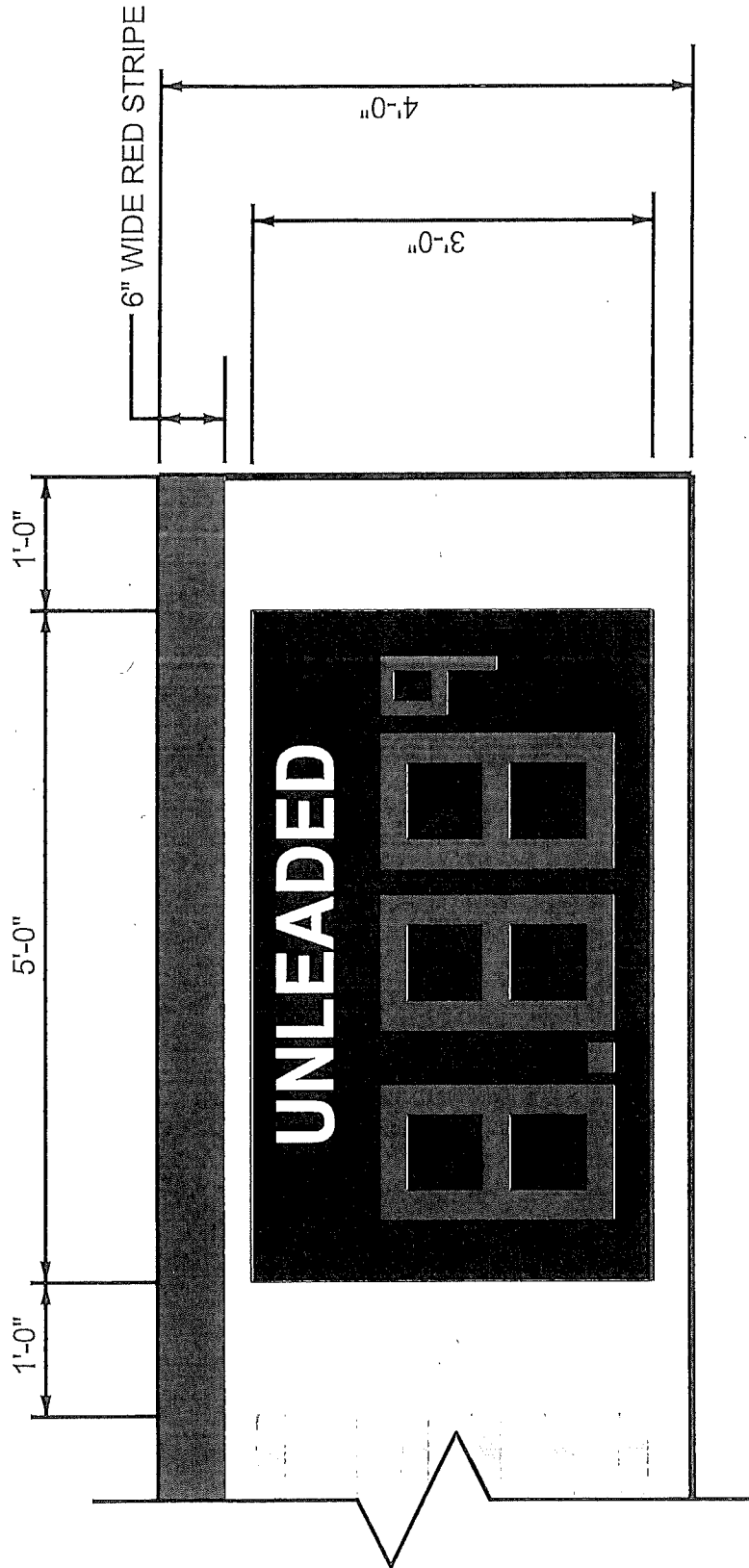
The previous location of the freestanding sign was 15'+/- from the KY-18 right-of-way line and 5'+/- from the western property line. This location provided views of fuel prices to customers in either direction on KY-18. As a result of the Duke Energy project, the sign has been relocated to the eastern side of the site and setback out of the easement, approximately 45'+/- from the KY-18 right-of-way. The new location of the freestanding sign provides great visibility of the price panels to travelers heading west on KY-18 from Florence to Burlington. Views of the freestanding sign and price panels are blocked for travelers heading east on KY-18 by the canopy and customers using the facility. The digital price panel on the canopy will allow Speedway to display the price of fuel for customers heading east bound.

The proposed sign is located at the northwest corner of the canopy and is approximately 45' from the KY-18 right-of-way and 43'+/- from the Ridge Road right-of-way. The digital price sign is approximately 15 square feet in area and consists of a fuel type (unleaded, premium, diesel, etc.)









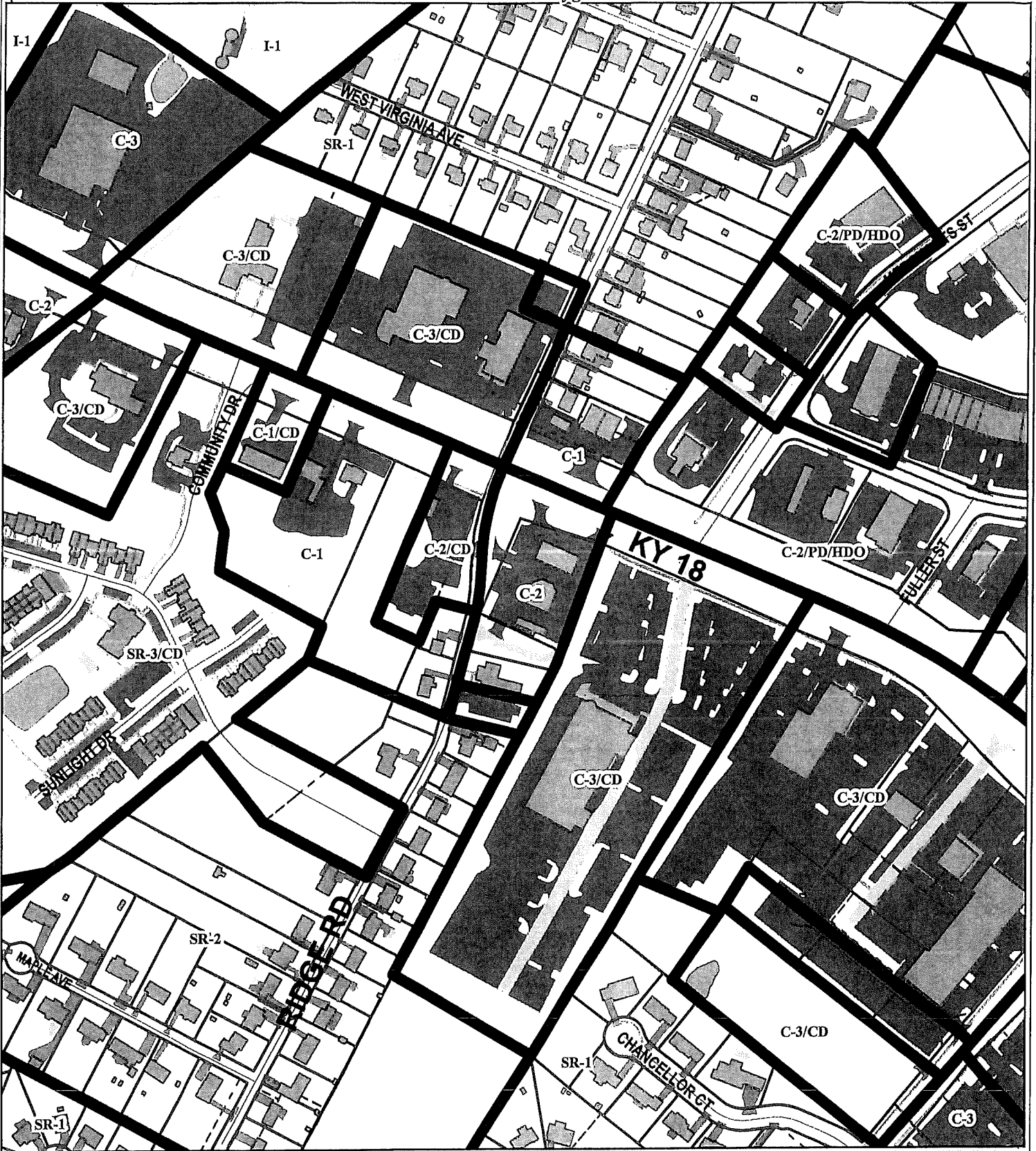
PRICER TO BE  
STREET JUSTIFIED  
STREET →

**R E C E I V E D**  
JUL 16 2021  
BOONE COUNTY  
PLANNING COMMISSION

TYPICAL CANOPY PRICER DETAIL OPTION

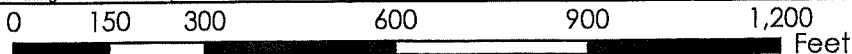
# ZONING MAP

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1 inch = 300 feet

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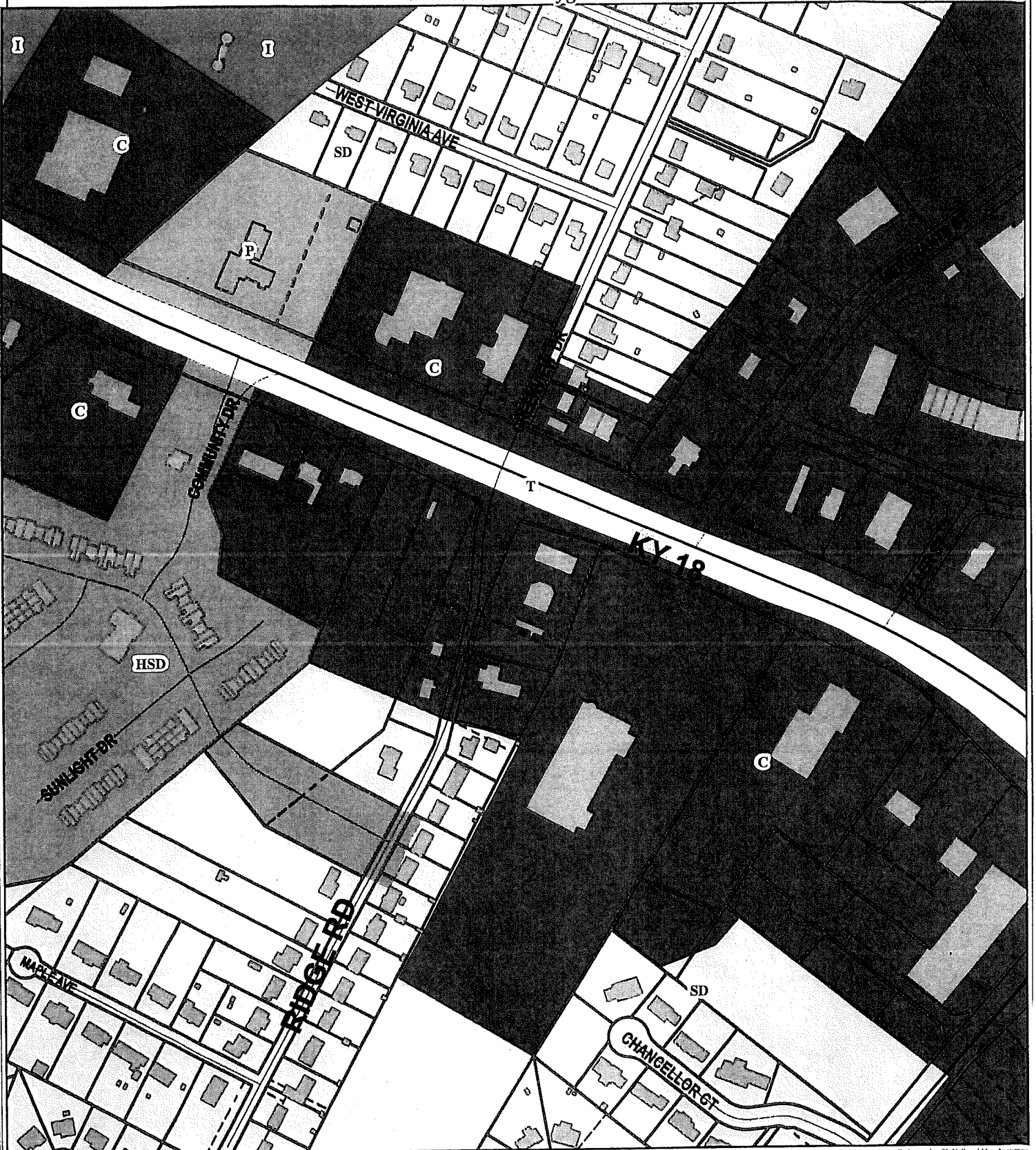


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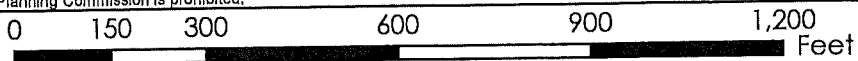
# 2040 FUTURE LAND USE MAP

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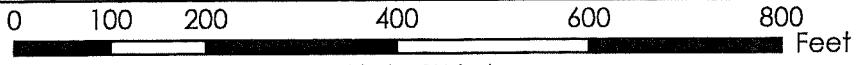
# TOPOGRAPHICAL MAP

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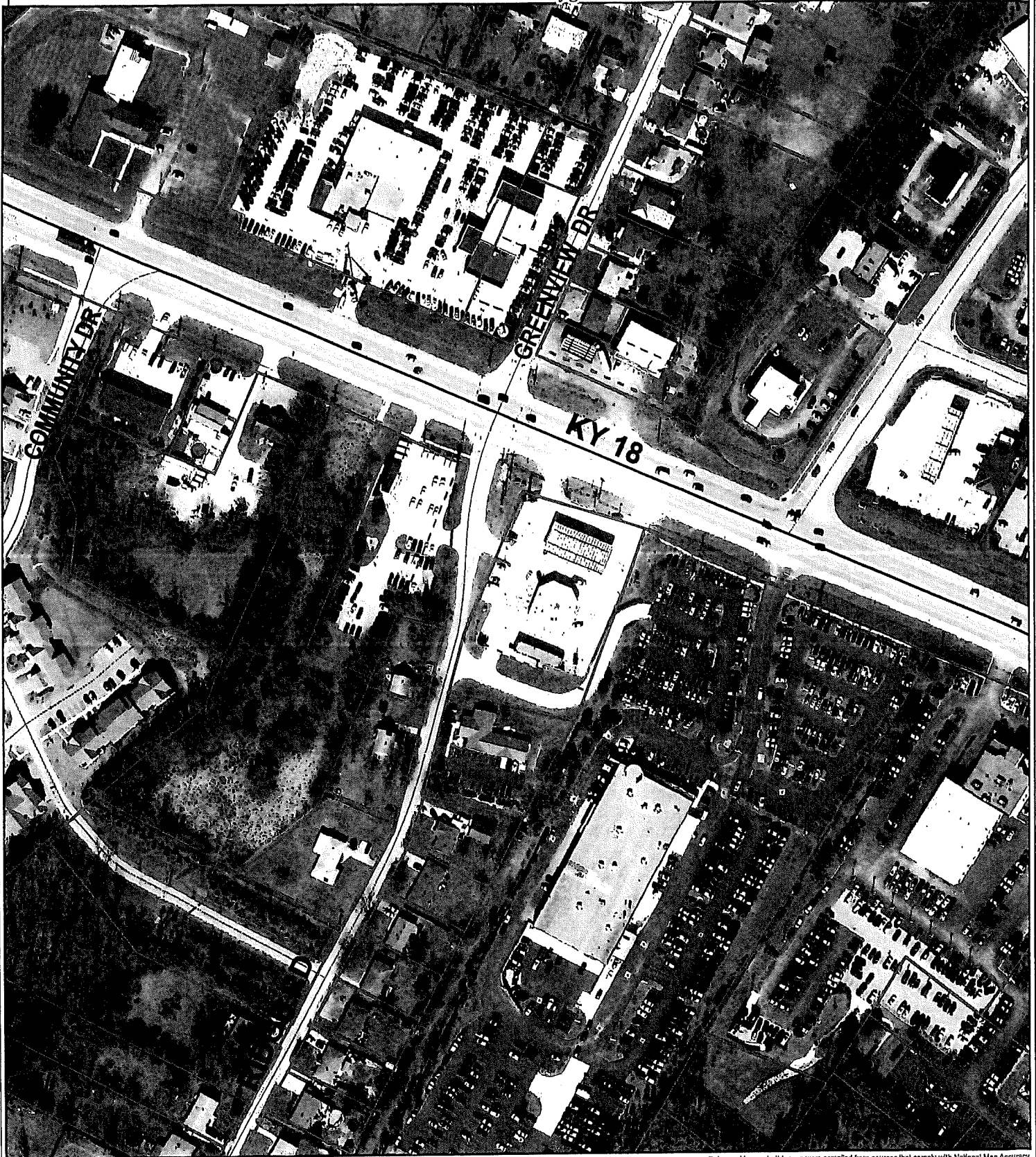


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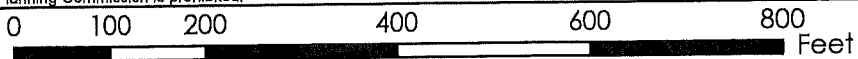
# 2020 AERIAL MAP

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1 inch = 200 feet



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**BOONE COUNTY PLANNING COMMISSION  
SIGN PERMIT**

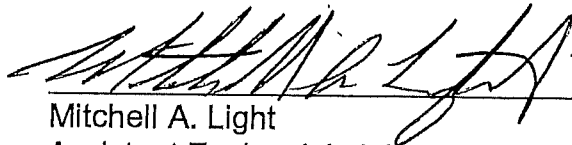
**\*\*NOTE:** Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements

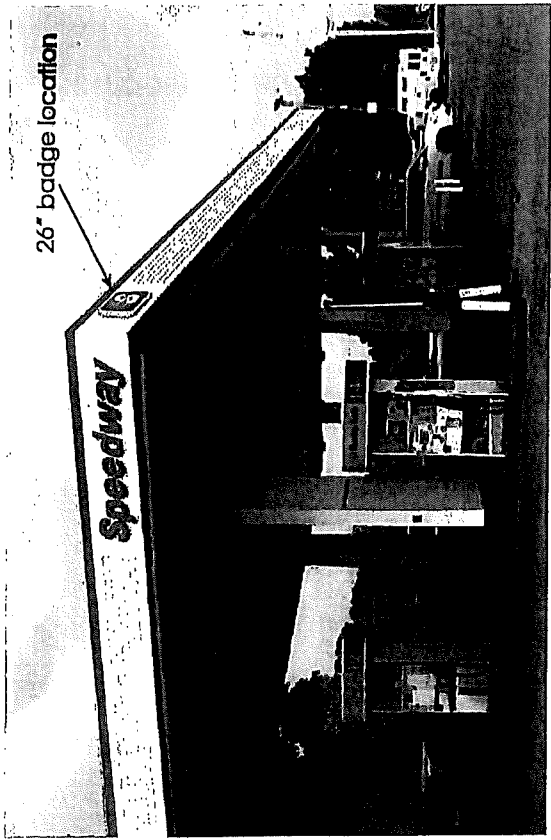
A Sign Permit is hereby granted to Triumph Signs for Speedway for property located at 985 Burlington Pike, Florence, KY and zoned C-2, for the purpose of erecting signage in accordance with Article 34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the following special conditions/descriptions:

- Three canopy signs (2 @ 24.6 s.f. each and 1 @ 6.1 s.f.) located on the existing gasoline fuel canopy.
- Face changes to the existing free standing sign.

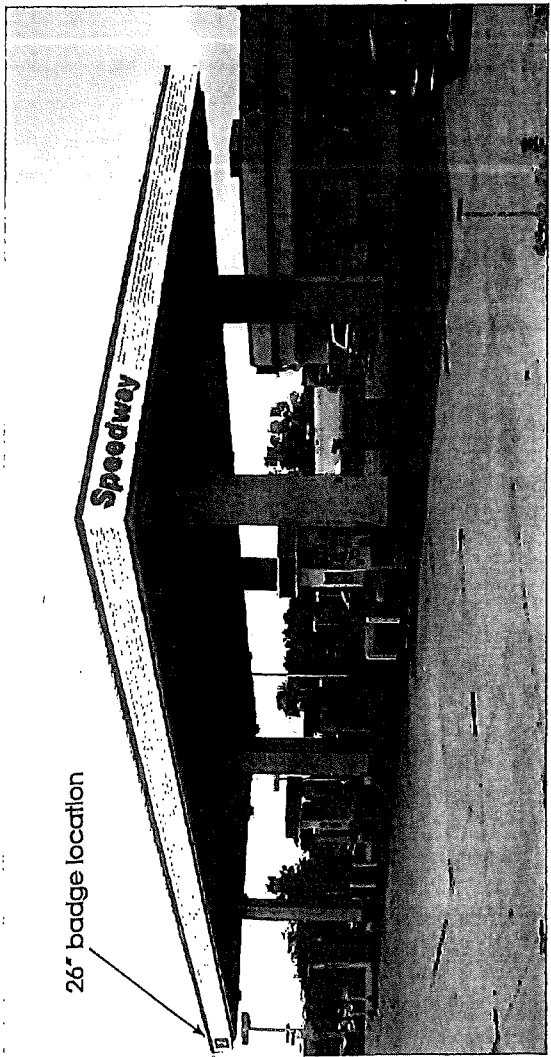
Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

7/9/12  
DATE

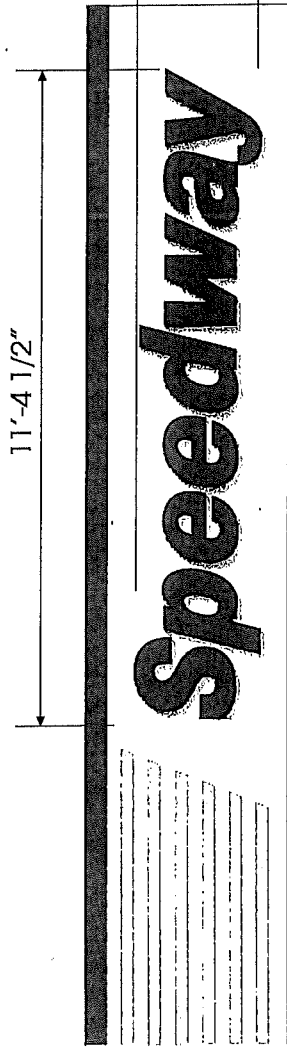
  
\_\_\_\_\_  
Mitchell A. Light  
Assistant Zoning Administrator



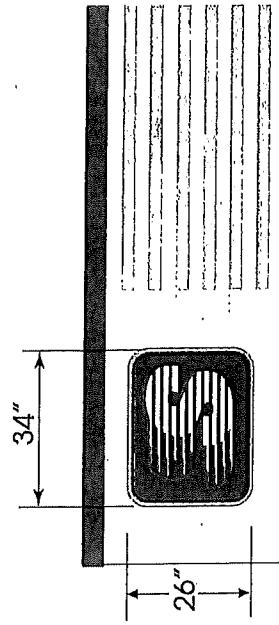
VIEW OF EAST CANOPY ELEVATION



VIEW OF NORTH (FRONT) AND WEST (SIDE) CANOPY ELEVATION



26" LED ILLUMINATED CHANNEL LETTERS FOR CANOPY MOUNT (2 SETS)



(1) 26" S/F CANOPY BADGE



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

**Customer Approval:** NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.  
 Please read carefully, check appropriate box and fax back to Everbrite:  
 Sketch OK as is  
 New sketch required

Customer: SPEEDWAY SUPER AMERICA	
Project No: 284453-1	Scale: NTS
Date: 6/25/12	Drawn By: CH
Location & Site No: Florence, KY #7402	
Revised:	
Revised:	
Revised:	
SIGNATURE	DATE

**BOONE COUNTY PLANNING COMMISSION  
SIGN PERMIT**

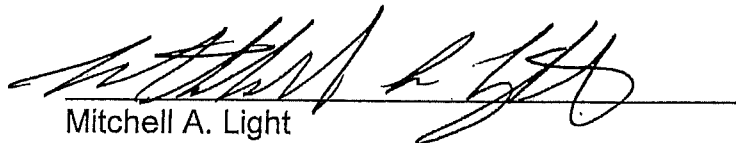
***\*\*NOTE: Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements***

A Sign Permit is hereby granted to Quality Signs for Speedway for property located at 985 Burlington Pike, Florence, KY and zoned C-2, 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:

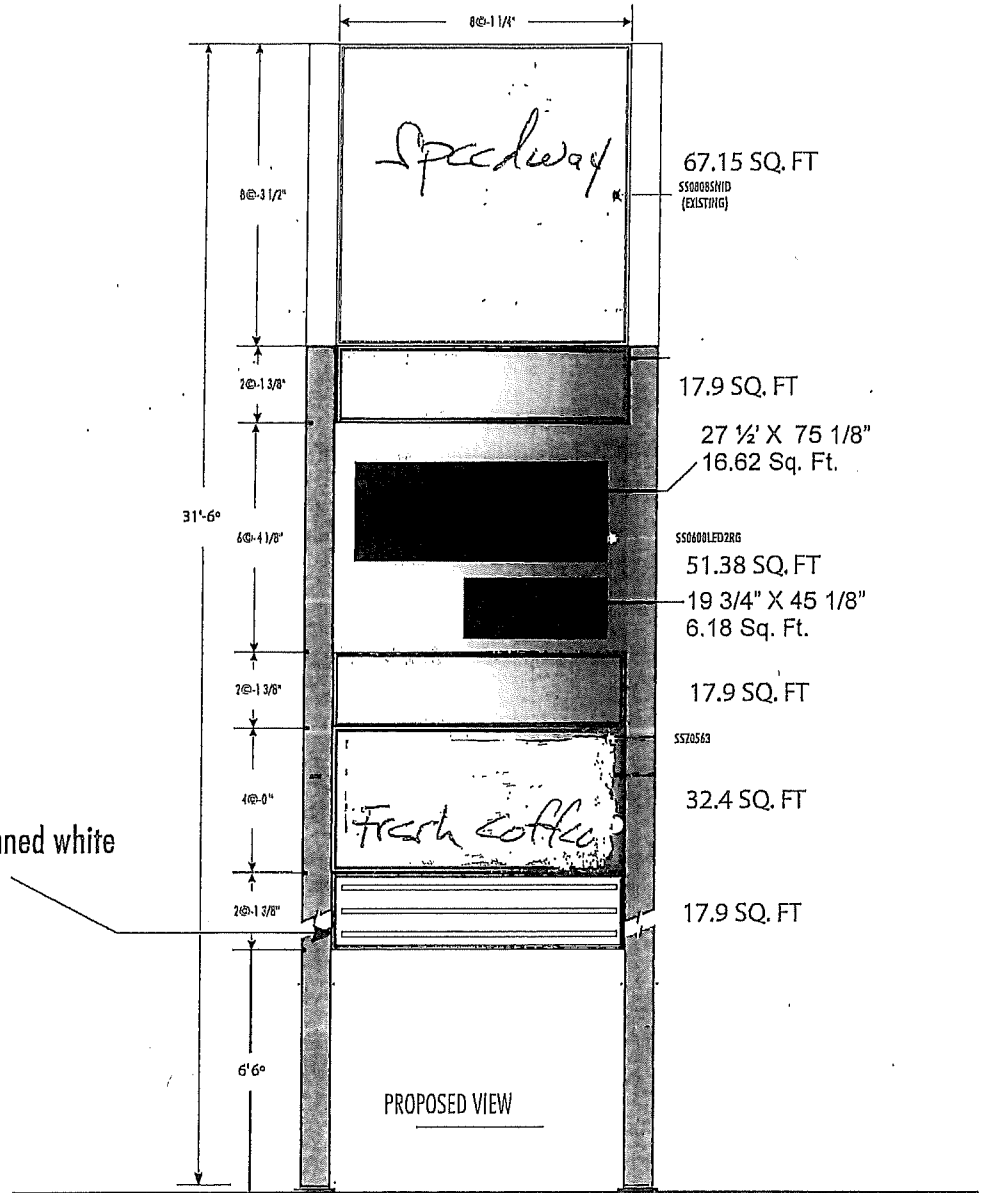
- Face change (17 s.f.) to a portion of the existing 31'-6" high and 200 s.f. free-standing sign to allow two (2) lines of manually changeable copy.

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

12/13/12  
DATE

  
\_\_\_\_\_  
Mitchell A. Light  
Assistant Zoning Administrator

Replace bottom gray faces with panned white  
Lexan faces with track for two lines  
of 6" changeable copy



PROPOSED TOTAL SQ. FT. = 204.63

Speedway 985 Burlington Pike - Face Replacement

FILE: Speedway 985 BP FR-1	Approved By
DATE: 12-11-12	Sales Rep. Mark Stofman
SCALE: 3/16"=1'	DRAWN BY: WOODY FELLINGER

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.



**BOONE COUNTY PLANNING COMMISSION  
SIGN PERMIT**

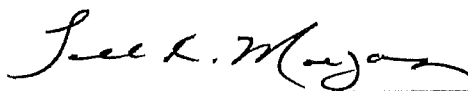
***\*\*NOTE: Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements***

A Sign Permit is hereby granted to Worthington Signs for Speedway for property located at 985 Burlington Pike, Florence, KY and zoned C-2, 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:

- A face change to a 50.74 square foot LED fuel price cabinet.
- The face change is being permitted because the square footage of the LED fuel price windows is being reduced from 20.52 square feet to 16.28 square feet.

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

10/10/18  
DATE



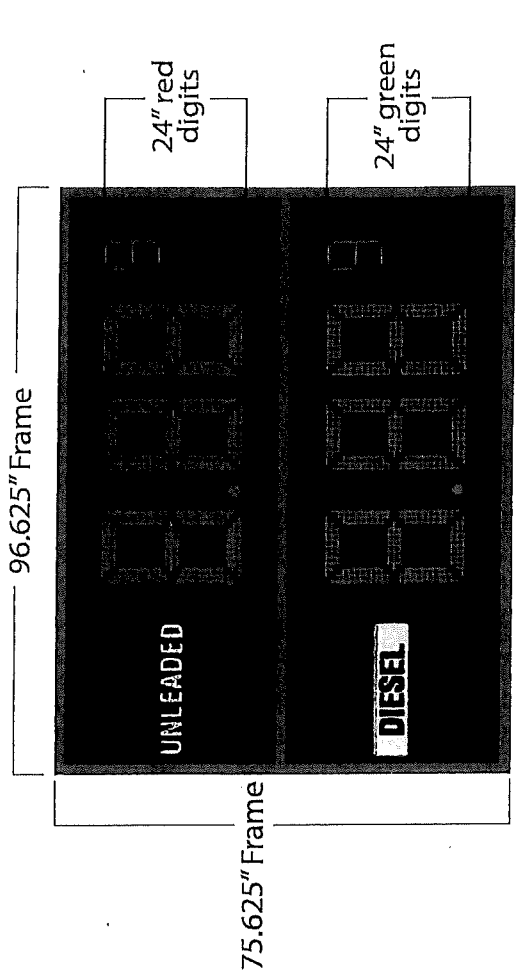
Todd K. Morgan, AICP  
Senior Planner



EXISTING



PROPOSED



75.625" X 96.625" DF 2 PROD. RG  
LED PRICER RETROFIT

• Frame ptd. Safety Red

*Each Fuel Price Window  
is 21" X 55.825" = 8.14 FLR*



**DISCLAIMER:** Everbrite is the exclusive provider of the design and construction of the sign. Everbrite LLC is not responsible for any and all dimensions and construction of the sign. Everbrite LLC is not responsible for any and all dimensions and construction of the sign. Everbrite LLC is not responsible for any and all dimensions and construction of the sign.

Customer: SPEEDWAY LLC		Description: 75.625" X 96.625" DF 2	
Project No: 388716		Prod. RG LED Pricer Retrofit	
Date: 08/28/18		Revised:	
Location & Site No: 985 Burlington Pk Florence, KY		Revised:	
Drawn By: KRW		CUSTOMER SIGNATURE	
SPDY7402-3		LANDLORD SIGNATURE	
		DATE	DATE

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

**BOONE COUNTY PLANNING COMMISSION  
SIGN PERMIT**

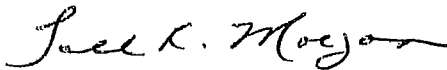
**\*\*NOTE: Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector – contact at 334-2218 for requirements**

A Sign Permit is hereby granted to McBride Dale Clarion for Speedway for property located at 985 Burlington Pike, Florence, KY and zoned C-2, 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/description

- Relocate the approximate 31'-4" tall 197.2 square foot pole sign on the subject site.

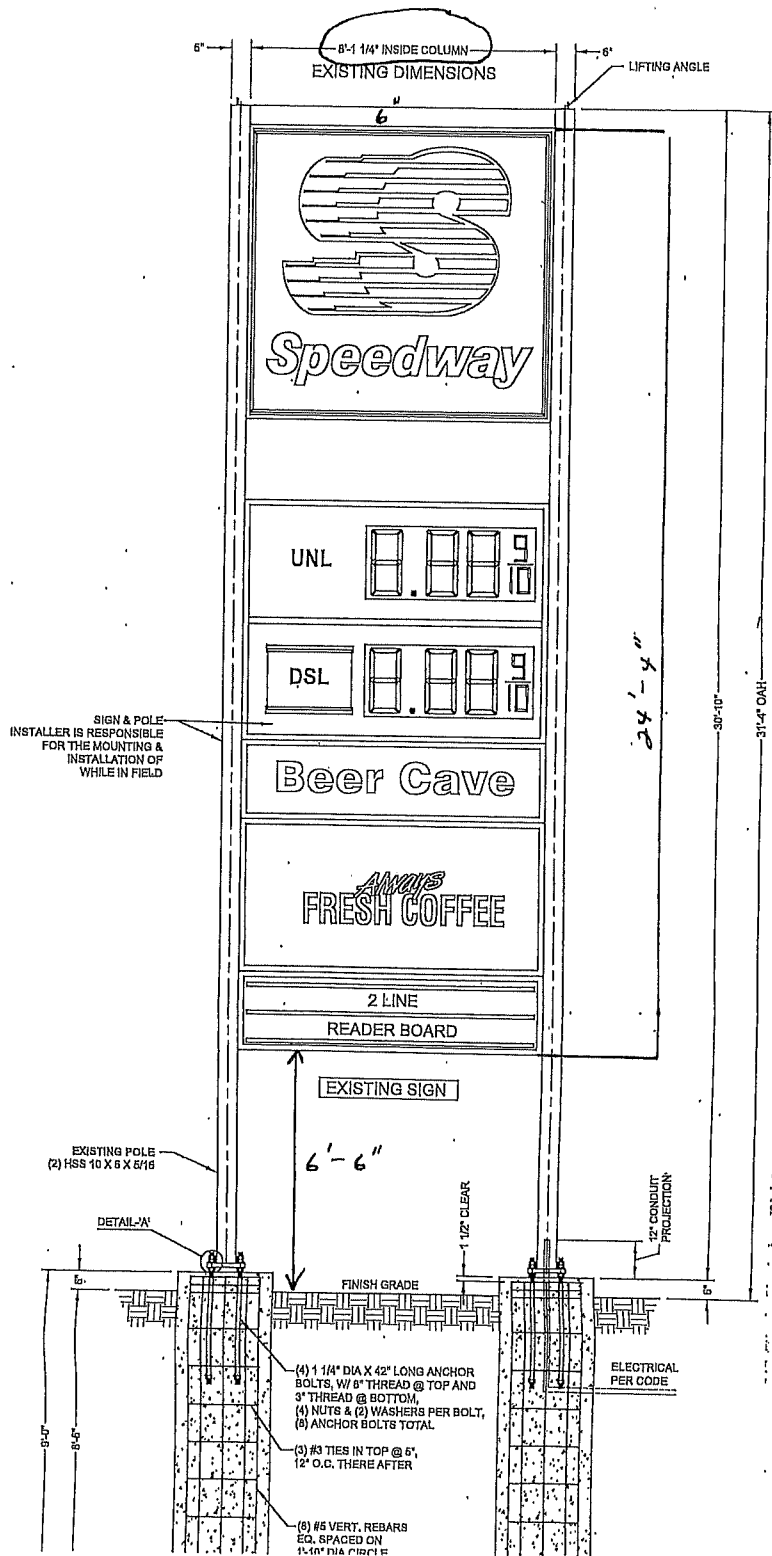
Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

5/10/21  
DATE



\_\_\_\_\_  
Todd K. Morgan, AICP  
Senior Planner





CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Speedway LLC  
539 South Main St  
Findlay, OH 45480

2. ADDRESS OF PROPERTY

985 Burlington Pike  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Speedway #7402

4. DEED BOOK 1009

PAGE NO. 445

GROUP NO. 2032

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

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Not Recorded)

Other:

Variance

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

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



\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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 20<sup>th</sup> day of August, 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.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of August 19, 2021 Certificate of Land Use Restriction (#21-FBOA-010-A), for Speedway LLC, Property Owner(s).

The following conditions will apply:

1. The sign shall be constructed as presented and only display an unleaded fuel price in one color. The color can be red, green, or white.
2. The fuel price shall not have any apparent motion (flashing, scrolling, running, etc.).

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

DEED BOOK 1009

PAGE NO. 445

GROUP NO. 2032