

SECTION B

(To be completed by Boone County Planning Commission Staff)

1. Date Received _____
2. Fee Received _____
3. Is application complete? _____ Yes _____ No
4. Staff Reviewer _____
5. Scheduled Board Action Date _____
6. Board Action:
_____ Approval
_____ Approved With Conditions (See #7)
_____ Disapproved (See #8)
7. Conditions: _____

8. Reasons For Disapproval: _____

STAFF REPORT

#2

APPLICANT: Boone County Board of Education
REQUEST; Sign Variance
LOCATION: 8330 U.S. 42, Florence
ZONING: Public Facilities (PF)
DATE: February 8, 1989

REMARKS:

This is the request of the Boone County Board of Education for a Variance to allow the erection of a 128 square foot sign. The one acre site, located on the northwest side of U.S. 42 near Village Drive, is zoned Public Facilities (PF) and is owned by the Boone County Board of Education.

Article 19, Section 1912 of the Boone County Zoning Regulations reads, in part:

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies shall not exceed sixteen (16) square feet in area and should be located on the premises of such institution.

Although schools are not listed above, they do fall within the same category of use as a church, or library and a museum. Therefore, the Boone County Board of Education is entitled to a sign of only sixteen (16) square feet at their administration facility.

The Board of Education is requesting an 8 foot by 16 foot treated plywood sign. Although they use the term "billboard", the proposed sign will be used more as a bulletin board. It is the intent of the Board to "communicate educational matters" and to report on "educational progress" in order to encourage "a closer relationship between community and schools." (see attached letter from Larry Ryle, Superintendent). Messages on the sign will range from anti-drug campaigns to information on continuing education.

Attached are drawings of the sign and a plat showing its proposed location. The Board intends to install the sign 60 feet from U.S. 42 and 30 feet from the southern end of the Administration Building. This location meets the setback requirements of Article 19 and will not block traffic visibility from Village Drive.

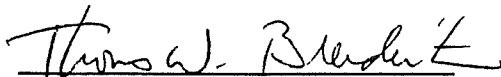
Staff has two concerns with this request:

1. The drawings show the sign's height at 20 feet. Staff would recommend, should this request be granted, that the sign be lowered to 10 feet from the grade of U.S. 42 so that it does not compete with commercial signs in the area.

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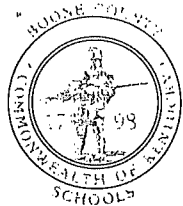
2. The proposed base of the sign is drawn simply as three 6 inch by 6 inch treated posts. Staff would recommend that the Board of Education be required to landscape the base of the sign, if approved, to compliment the appearance of the entire site.

Respectfully submitted,



Thomas W. Breidenstein,
Zoning Enforcement Officer

TWB:kat



BOONE COUNTY SCHOOLS

BOARD OF EDUCATION

NELSON GOODRIDGE
CHAIRMAN

DIANE HOLLAND
VICE CHAIRMAN

KENNETH ANDERSON
HILLARD COLLINS
JERRY HARRIS

January 4, 1989

8330 U.S. 42, P.O. BOX 37 • FLORENCE, KENTUCKY 41022-0037

TELEPHONE (606) 283-1003

LARRY RYLE, SUPERINTENDENT

Paul Miller
Boone County Planning Commission
P.O. Box 697
Burlington, KY 41005

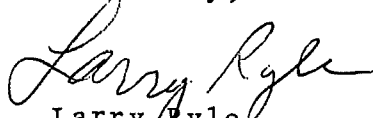
Dear Mr. Miller:

I would like to request permission to erect a billboard measuring 8 ft. x 16 ft. on the Boone County Board of Education property. In order to properly communicate educational matters to the public and to be adequately viewed, the size must exceed the normal 16 square foot allowance. It is our intention to use the billboard as a means of continuous communication of educational progress in the Boone County Schools and as a means of encouraging a closer relationship between community and schools. We do not feel that this billboard will cause a nuisance or hardship on the public.

As per our conversation, I am requesting that the \$100 fee for application be waived. Enclosed is a check for \$205 to cover the publication cost of \$65 and \$4 per adjoining property owner. All property owners and addresses are attached as well as site plans, deeds, and the application form.

I appreciate your assistance with this matter.

Sincerely,


Larry Ryle
Superintendent

LR/MEB/pr
enclosures

FRONT VIEW

TWO-SIDED BILLBOARD

16 FEET

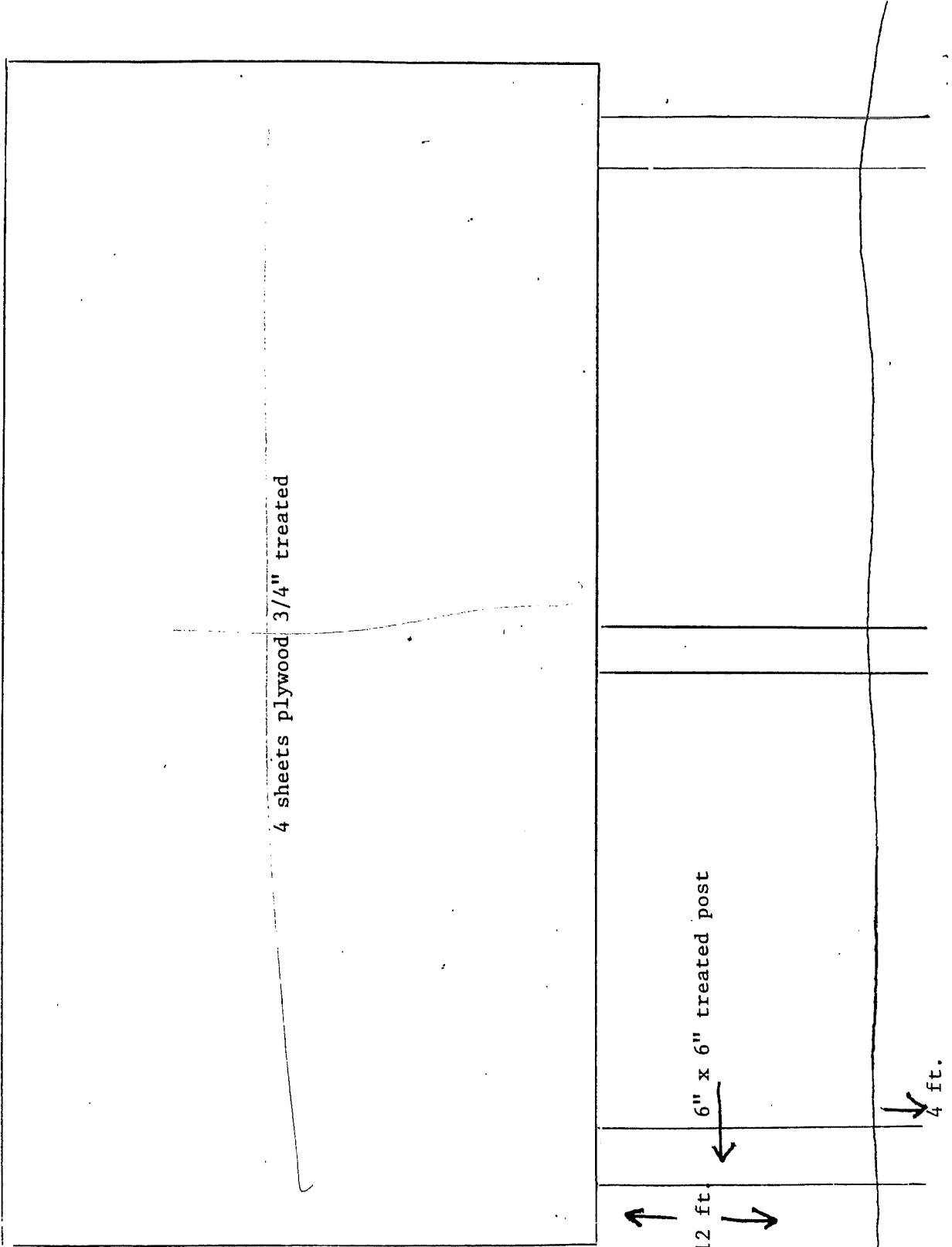
8 FEET

4 sheets plywood 3/4" treated

6" x 6" treated post

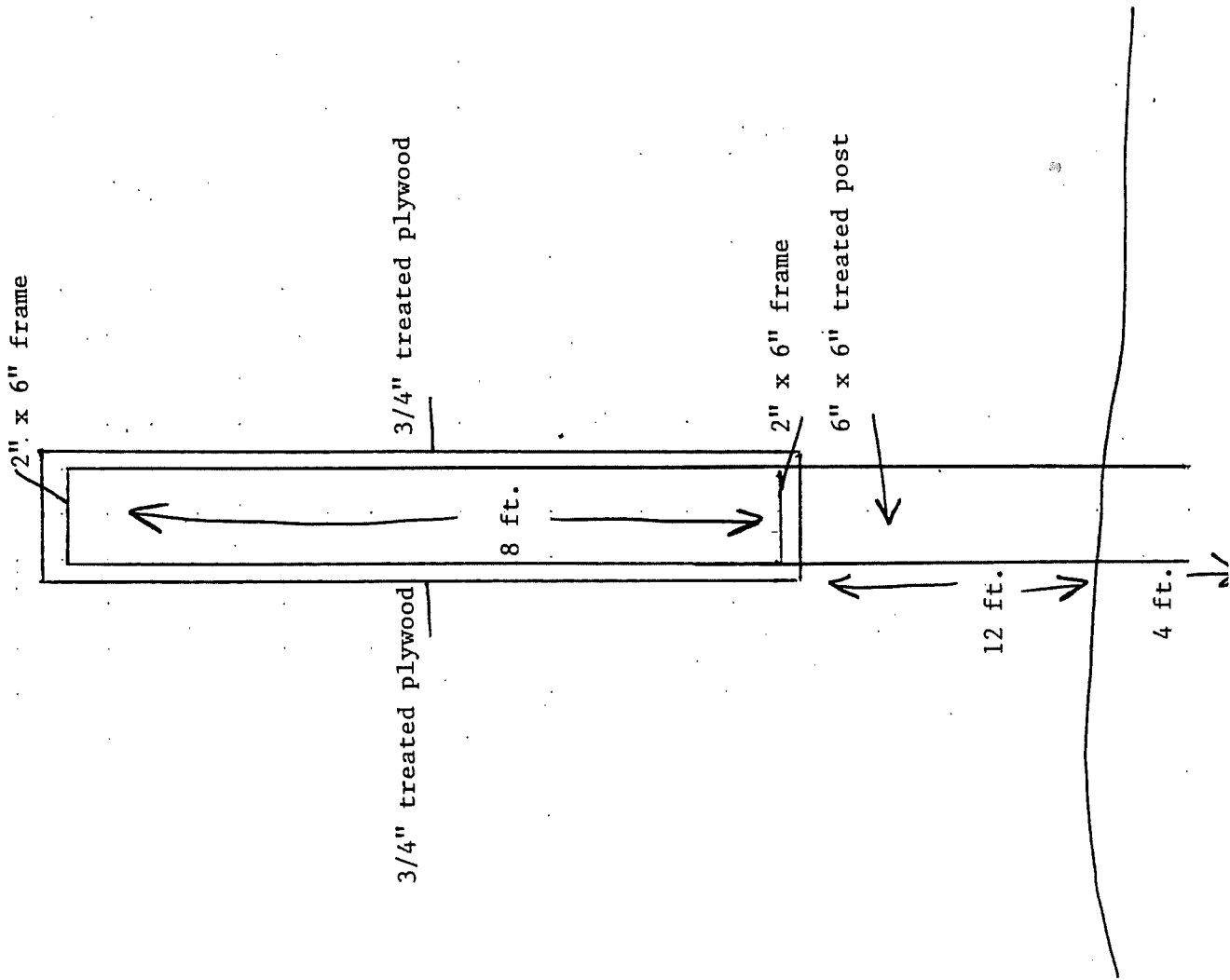
12 ft.

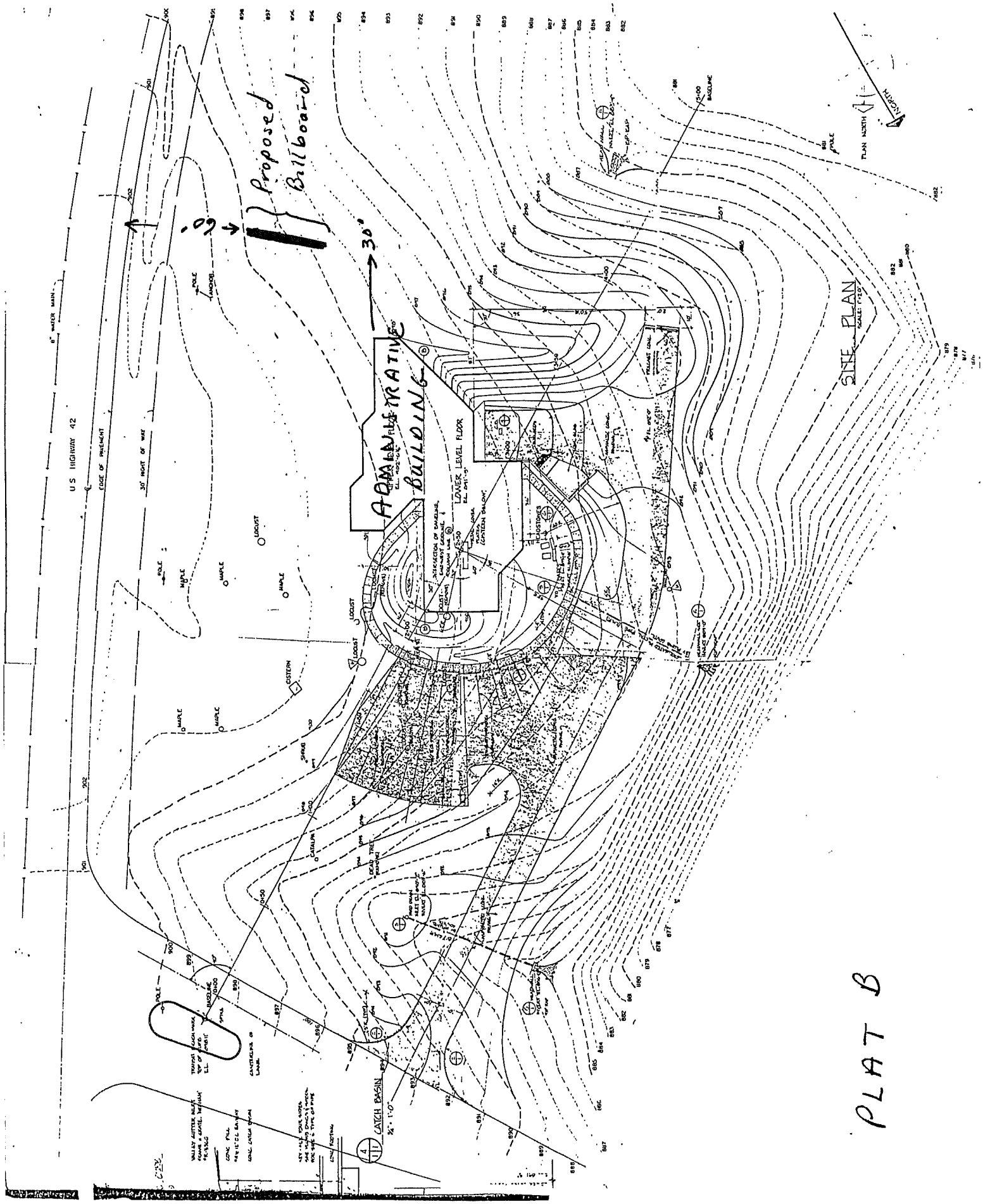
4 ft.



SIDE VIEW

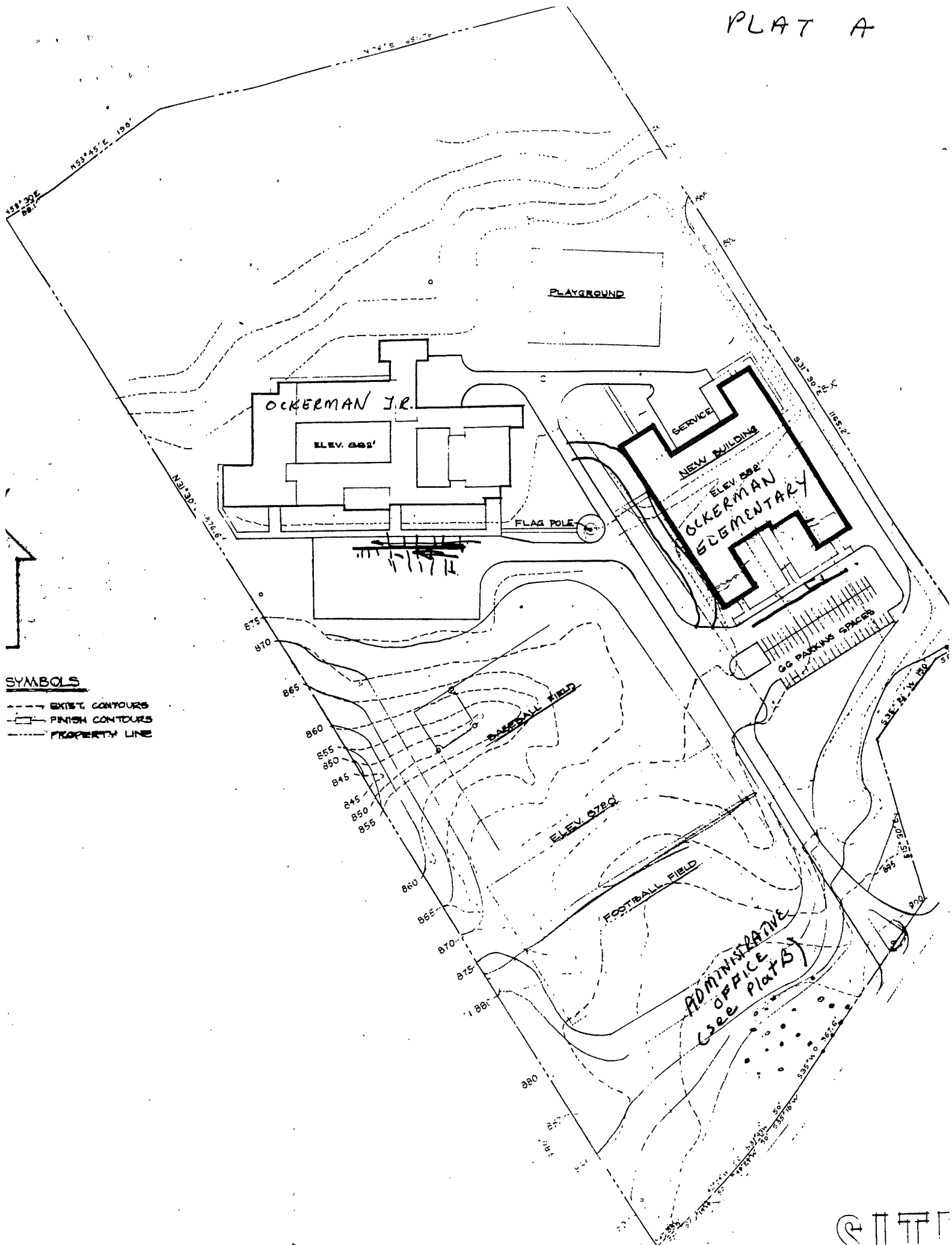
TWO-SIDED BILLBOARD



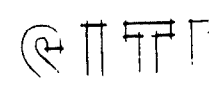


PLAT B

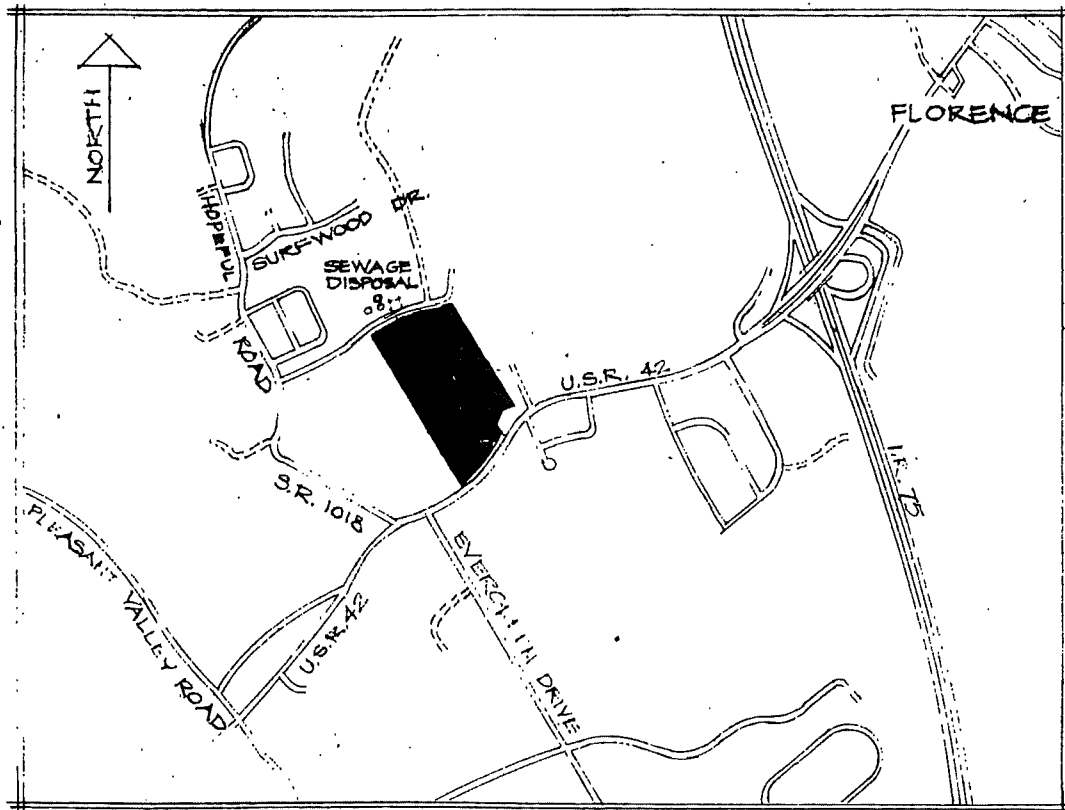
PLAT A



- SYMBOLS**
- - - - - EXIST. CONTOURS
 - — — — FINISH CONTOURS
 - PROPERTY LINE



860
865
870



VICINITY MAP

BOARD OF EDUCATION
OLKERMEN ELEMENTARY
OLKERMEN JUNIOR

CITY OF FLORENCE
BOARD OF ADJUSTMENT
February 8, 1989 - 7:30 P.M.

BOARD MEMBERS PRESENT:

Mr. Ashcraft
Chairman Holland
Mrs. Meihaus
Mrs. Ward
Mr. White

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Holland called the meeting to order at 7:30 P.M..

AGENDA ITEMS:

2. The request of the Boone County Board of Education for a Variance to allow the erection of a 128 sq. ft. sign. The one-acre site located on the northwest side of U.S. 42 near Village Drive, Florence, Kentucky, is zoned Public Facilities (PF) and is owned by the Boone County Board of Education.

Staff Member, Tom Breidenstein, presented the Staff Report (see Staff Report) which included a slide presentation.

Mr. Marvin Norman, Boone County Board of Education, stated that the sign will probably be perpendicular to U.S. 42 so that both sides can be utilized. It will be constructed of treated lumber. The sign will not look bad to the surrounding neighborhood.

In response to a question from Mr. Ashcraft, Mr. Norman stated that the height of the sign could be changed. Mr. Breidenstein stated that the Staff suggests a height of twelve feet in order not to compete with businesses in the area.

Mr. Norman stated that the sign will be a means of communicating with the public. They are currently doing long-range planning for the 21st century and want to communicate with the public. They also have drug education messages and items of this type.

Mr. Breidenstein stated that the sign would not block other signs at a height of twenty-feet, but may be a distraction from other signs. He added that calls have been received from businesses in the area indicating that they want the maximum benefit from their signs.

Mr. Norman stated that the sign will have lighting and will be maintained by their Staff. Mr. Breidenstein advised that the lights cannot affect traffic on U.S. 42 and it may be best to have low level lighting shining down from the top of the sign.

Mr. Norman questioned what type of landscaping would be required. Mr. Breidenstein advised that landscaping typically includes a planting area with shrubbery and flowering plants. A planter box is typically appropriate. He stated that the applicant can submit the landscaping plan to the Staff and they can determine if it is appropriate.

Mr. Norman stated that he cannot say definitely that they will have lighting. He stated that they hope to contract with someone to print their messages and put them up. The sign would be put up the same way a normal billboard sign is put up, but it will be less expensive.

Counselor Wilson questioned if the messages on the sign would be limited to school activities or if the sign could be rented out.

Mr. Breidenstein stated that during the review of this request, his opinion was that the sign would reflect school activities. He stated that if the sign is to be used to advertise other products, then it is an off-premise sign and not permitted in this zone.

Mr. Norman stated that the sign will be strictly for educational purposes.

Chairman Holland asked if there was anyone else present who wished to speak in regard to this request. There being no one, he asked if there was any further discussion.

Chairman Holland stated that a 20-foot sign is not unreasonable in this location due to the topography. He noted that a business would be permitted to have a 40-foot sign. He noted that a flagging could be requested, but there is an expense involved.

Mr. Breidenstein stated that a letter has been received from the Superintendent of the Board of Education requesting a waiver of the \$100 application fee.

Mr. White moved that the \$100 fee be waived. He also moved that the request be granted for an 8 foot by 16 foot billboard, 20 feet high, with a planter that meets with Staff's approval and lighting directed toward the sign, also satisfactory to the Staff. Mrs. Meihaus seconded the motion.

The Chairman asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Meihaus, Mrs. Ward, and Mr. White in favor. Chairman Holland abstained as he is an employee. The motion carried.

1. The deferred request of Ashland Petroleum Co. for a Conditional Use Permit, Variances, and Site Plan Review to construct and operate a motor fuel sales and convenience-type food sales operation. The site is located on the northwest corner of the intersection of U.S. 42 and Airview Drive in Florence, Kentucky, and is zoned Commercial Two and Public Facilities (C-2 and PF). The property is owned by Robert Reeves.

Staff Member, Paul Miller, stated that slides of the site, as presented at the last meeting, are available. Mr. Miller reviewed the Staff report as previously presented and stated that a revised Site Plan was received on Monday, February 6, 1989. Mr. Miller discussed the possibility of temporary access to the site. (see Staff Report).

Mr. Holland asked Mr. Nienaber for his comments regarding the temporary access referred to by the Staff.

Mr. Nienaber stated that Mr. Jim De Selms, Mr. Dick Carver, Mr. Ed Martin, Mr. Terry Pleasants, Mr. Andre Busald and Mr. Mike Collins were also present in regard to this request. He stated that the deficiencies are minor. They have made a revision where they will have full service access to the left of the site and right-turn only at the right access point. He stated that Mr. De Selms had met with KDOT and they are agreeable to this proposal. He noted concerns in the Staff Report regarding the access point nearest the intersection which Staff believes may be a hazard for turning motions when the property to the east develops. He stated that Airview Drive is residential and the Comprehensive Plan says it will stay residential. It is a dead end street. The residential traffic will not increase on the street. He questioned where the additional traffic would come from and stated that it could only come from the corner lot. They have agreed to reduce the accessway to 35 feet. He stated that they will use curbs, signs, striping, or whatever is necessary, to keep people from turning left out of the site. He stated that the project cannot survive with the condition regarding the access points.

Mr. Jim De Selms stated that following meetings with the Staff, the Staff indicated that they may accept a right-turn in with a deceleration lane from the corner westbound. Ashland did not agree to this proposal. In other locations on a "far corner" they have a right-turn only and a full access point on the far end. After talking with their engineers, they got an indication from the Staff that they would approve the request with a deceleration lane and right-turn in access point. On February 1, he met with Charlie Myers and Forest Rankin and they said that the decel lane was not acceptable and they would not issue a permit for that type of curb cut. They do not have a problem with the site as it exists now. They said they would work with the Staff. He presented them with a 20-foot access and they asked if it could be reduced to 16 feet, which would be more channeled, and that it be properly striped and signed with an arrow. Mr. De Selms agreed to this.

Mr. Nienaber presented a marked up drawing indicating the design suggested by Staff which was not acceptable to KDOT. Following review of the drawing, Mr. Ashcraft questioned how the temporary access could be enforced.

Counselor Wilson advised that the Access Management Regulations allow for temporary access so that current use can be made of a site that does not meet the distance standards until a frontage road or other solution can be provided. Access is granted on a temporary basis to allow for use of the property. This instance is somewhat different as a frontage road is not planned. The Board must consider the reasonableness of the condition -- is it reasonable to have the condition dependent on the development of the property on the easterly side of Airview Drive.

Chairman Holland asked if there was anyone else present who wished to comment. There being no one, he asked if there were any further comments from the Board.

Mr. Ashcraft asked if the future development involved only the corner property or the stretch of property up to Mall Road.

Mr. Doug Powell, Transportation Planner, stated that the discussion fundamentally involves the development of the corner lot which could be a use that increases traffic to a point where this driveway is unsafe. When the corner lot develops, interconnection of the parking will most likely be required.

Mr. Nienaber stated that they are agreeable to all the other conditions and requirements, except for the access points.

Mr. Paul Miller stated that the temporary access is being recommended as a compromise.

Mr. Nienaber stated that such a condition will adversely affect their right to develop the property -- it is based on something that "may", "could", or "might" interconnect in the future. Staff is not saying that the use will create a hazard, they are saying "may".

Mr. Busald stated that Ashland is not trying to be uncooperative in refusing to accept a compromise. They are making a substantial financial contribution. They feel that the condition with a temporary access is unreasonable.

Mr. Paul Miller stated that Staff's area of expertise is in the land of Boone County, not the business of Ashland Oil. The compromise suggested is the only alternative they have been able to determine given the limitations of the site. Staff's feeling is that the best planning solution is to have one curb cut on the site. The applicant's research has shown that they need two curb cuts -- therefore, a compromise has been suggested. Staff cannot predict what will happen with the property to the east of the site but must plan for any contingency. Mr. Miller questioned if the proposed use was appropriate for the site in consideration of the limitations of the site.

In response to questions from Mrs. Meihaus, Mr. Powell reviewed other access points in Boone County that are right-turn only. He stated that with the proposed design for striping, signs, etc., the left hand turn can be kept to a minimum.

In response to a question from Mr. Ashcraft, Mr. Miller reviewed the deficiencies of the Plan as indicated in the Staff Report.

Mr. Busald stated that they can meet all the conditions, except for the one regarding the access.

Mr. Ashcraft moved that the Conditional Use Permit be granted, subject to the site being limited to the western curb cut on U.S. 42 and that a Variance be granted for this curb cut to be up to 40 feet wide. (The western curb cut is nearest Ockerman School.); that the curb cut off Airview Drive be approved; that the Site Plan be approved subject to the items in the Staff Report on Page 2; and that the Variance for the 16 foot curb cut off U.S. 42 (the eastern curb cut) be denied. Mrs. Ward seconded the motion.

The Chairman asked for a roll call vote on the motion which found Mr. Ashcraft, Mrs. Ward, and Mr. White in favor. Mrs. Meihaus and Chairman Holland were opposed. The motion carried.

Approval of the Minutes:

The Chairman stated that each member had received a copy of the Minutes of the Board Meeting of January 11, 1989 and asked if there were any comments or changes.

There being no changes to the Minutes, Chairman Holland moved that they be approved as mailed. Mr. Ashcraft seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mrs. Ward moved that the meeting be adjourned. Mrs. Meihaus seconded the motion. The meeting was adjourned by unanimous consent at 9:00 P.M..

APPROVED:


Charles Holland, Chairman

Attest:


Jan Hancock, Recording Secretary