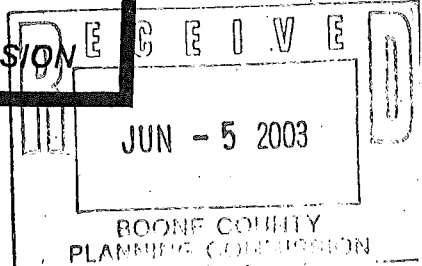


BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [ ] Florence [ ] Walton [x] Union [ ]
2. (Check One) [x] Conditional Use Permit [ ] Variance [ ] Appeal [ ]
3. Applicant's Name JIM LITMER
Phone Number 331 9124 Fax No. 292 2873
Applicant's Address 3004 MADONNA DRIVE EDGEWOOD KY 41017
4. Description of Request: ELECTRONICALLY CHANGEABLE MESSAGE BOARD
5. Name of Development WALTON PHARMACY
6. Location of Development 12900 SERVICE ROAD WALTON KY 41094
7. Acreage Under Review 1.6 AC
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property BOSCH DEVELOPMENT
Phone Number of Owner 341 4578
10. Address of Property Owner 3050 ARBOR EDGEWOOD KY 41017
11. Proposed Use(s) on Site MESSAGE BOARD (90 SF)
12. Total Square Footage of Existing and/or Proposed Buildings 7000
13. Current Zoning on Property C-2
14. Deed Book 840 Page No. 692 Group No. 2082
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Jim Litmer

Property Owner's Signature: Paul Bosch

BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 6-5-03 Fee Received \$861.00 RA 35440
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
\_\_\_\_\_ Approved  
6-26-03 Approved with Conditions (See #6)  
\_\_\_\_\_ Denial (See #7)
6. Conditions of Approval: SEE 6-26-03  
WALTON B.O.A. MEETING MINUTES
7. Reasons for Denial: \_\_\_\_\_

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page

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

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

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

## STAFF REPORT

APPLICANT: Jim Litmer  
LOCATION: 12900 Service Road, Walton, Kentucky  
ZONING: Commercial Two (C-2)  
DATE: June 26, 2003

### Proposal

Jim Litmer is requesting a Conditional Use Permit to allow an electronically changeable message board to be constructed as part of a proposed free-standing sign. The submitted Concept Plan (see attachments) shows that overall sign structure is 30 feet tall and 180 square feet (12' x 15') in area and that the proposed electronically changeable reader board is 90 square feet (6' x 15') in area. The sign is being proposed near the Mary Grubbs Highway/ Service Road intersection, where Walton Pharmacy is currently under construction. The property is 1.6 acres in area and is zoned Commercial Two (C-2).

### Applicable Regulations

Article 34, Section 3430 of the Boone County Zoning Regulations permits "electronically changeable message boards" as a conditional use within the Commercial Two (C-2) district. The regulations specify that the sign must conform to the following standards:

- a. Such message boards will be considered a part of a permitted sign (free-standing or building mounted); up to fifty percent (50%) of the permitted sign area can be used for an electronically changeable message board.
- b. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- c. Electronically changeable message boards shall not be permitted at intervals of less than six hundred-sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the sign and perpendicular or radial to said centerline.
- d. Apparent motion of the visual image, 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.
- e. The message displayed on the board 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.

Article 34, Section 3413 the Boone County Zoning Regulations states that in Commercial Two (C-2) districts the maximum height of an architectural free-standing 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:

Road Frontage	Maximum Sign Height
50 feet or less:	15 feet in height
51 to 100 feet:	20 feet in height
101 to 200 feet:	25 feet in height
201 feet or more:	30 feet in height

Article 34, Section 3413 the Boone County Zoning Regulations states that in Commercial Two (C-2) districts the maximum size of an architectural free-standing sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No free-standing sign in C-2 district may exceed two hundred (200) square feet in area.

Article 40, Section 4000 of the Boone County Zoning Regulations defines an architectural free-standing sign as "a free-standing sign which does not have a bare, exposed, and unadorned pole structure(s), but rather uses: a cover or skirting around the pole structure(s), or; a structure constructed of materials, colors, and design details which match or correlate to the principal building on the site, or; the pole structure(s) is designed to have sculptural or artistic characteristics. A monument style sign may be substituted as the permitted free-standing on parcels where an architectural free-standing sign is permitted."

The Board should also evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for 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.

#### Relationship to the 2000 Boone County Comprehensive Plan

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. 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).

#### Site History

The Boone County Planning Commission approved a Site Plan on April 3, 2003 to allow construction of a 6,400 square foot pharmacy (see attachments).

#### Surrounding Land Uses and Zoning

North: Mary Grubbs Highway, All Saints Church & School (PF)

South: 61 Acre Farm Fronting on Welsh Ave (I-1) & STI (I-1)

East: Mary Grubbs Highway Right-of-Way

West: Service Road, Single-Family Residential Dwellings & Farmland (C-2 & I-1)

#### Staff Comments

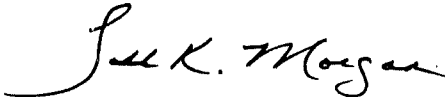
1. The closest electronically changeable message boards are located at Flying J and TMI. The proposed sign is located approximately 2,225 feet from the Flying J sign and 2,316 feet from the TMI sign (see attachments).

2. The applicant provided an e-mail from Ed Thompson, with the Kentucky Transportation Cabinet. The e-mail states that the Kentucky Transportation Cabinet has no jurisdiction to regulate electronic signs if they cannot be viewed from the interstate.
3. Staff recommends that the Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before making a decision. This section calls out that motorists should not be confused and/or distracted motorists by excessive signs and that signs should not have a negative impact on the visual appearance of a development or corridor.

Conclusion

KRS 100.237 and Section 260 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,

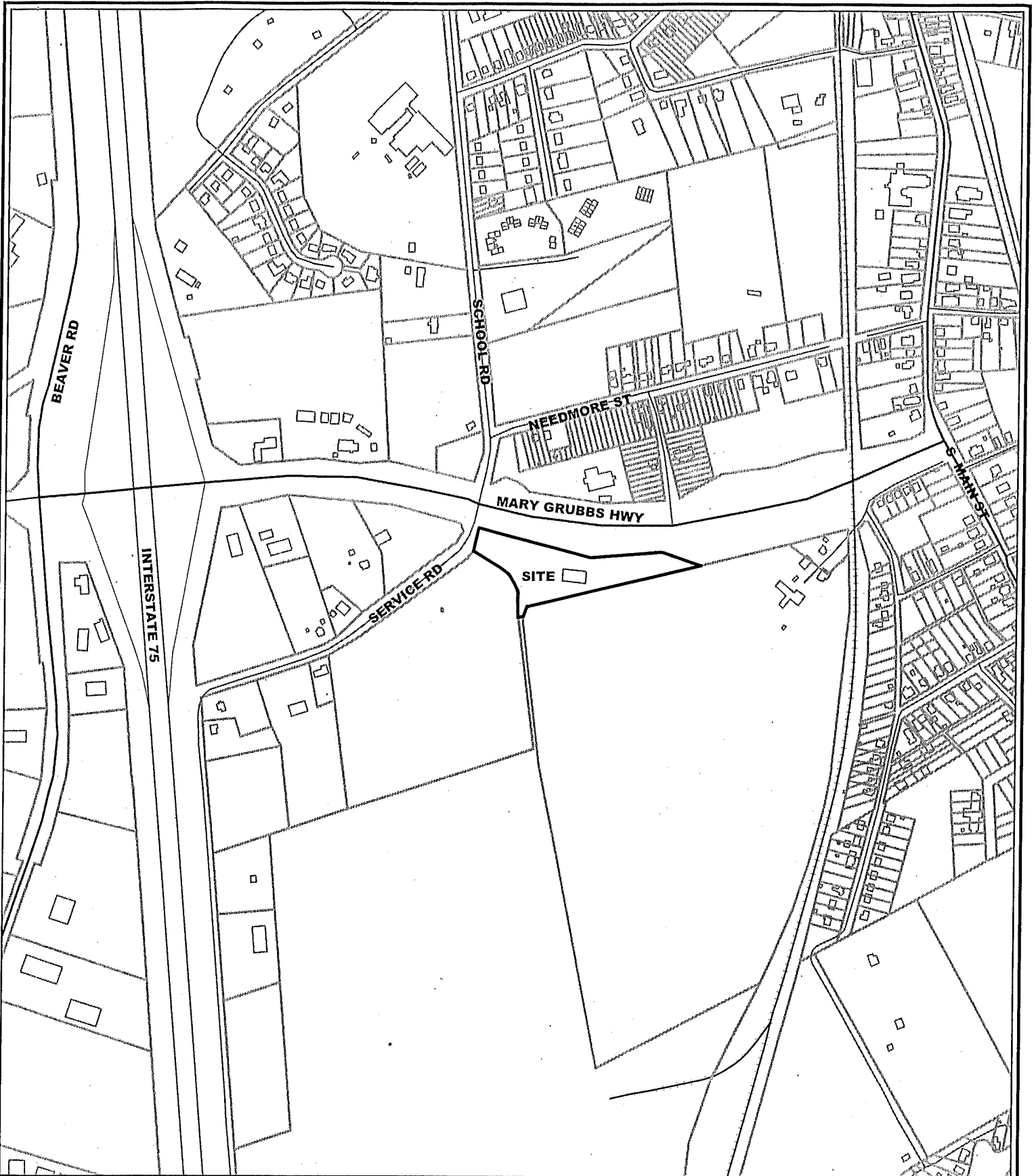


Todd K. Morgan, AICP  
Planner, Zoning Services

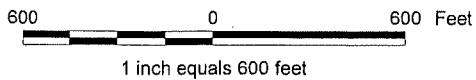
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Approved Site Plan
- Exhibit C – Concept Plan of Proposed Sign
- Exhibit D – Zoning Map
- Exhibit E – E-Mail from Ed Thompson
- Exhibit F – Closest Electronically Changeable Copy Signs
- Exhibit G – Application



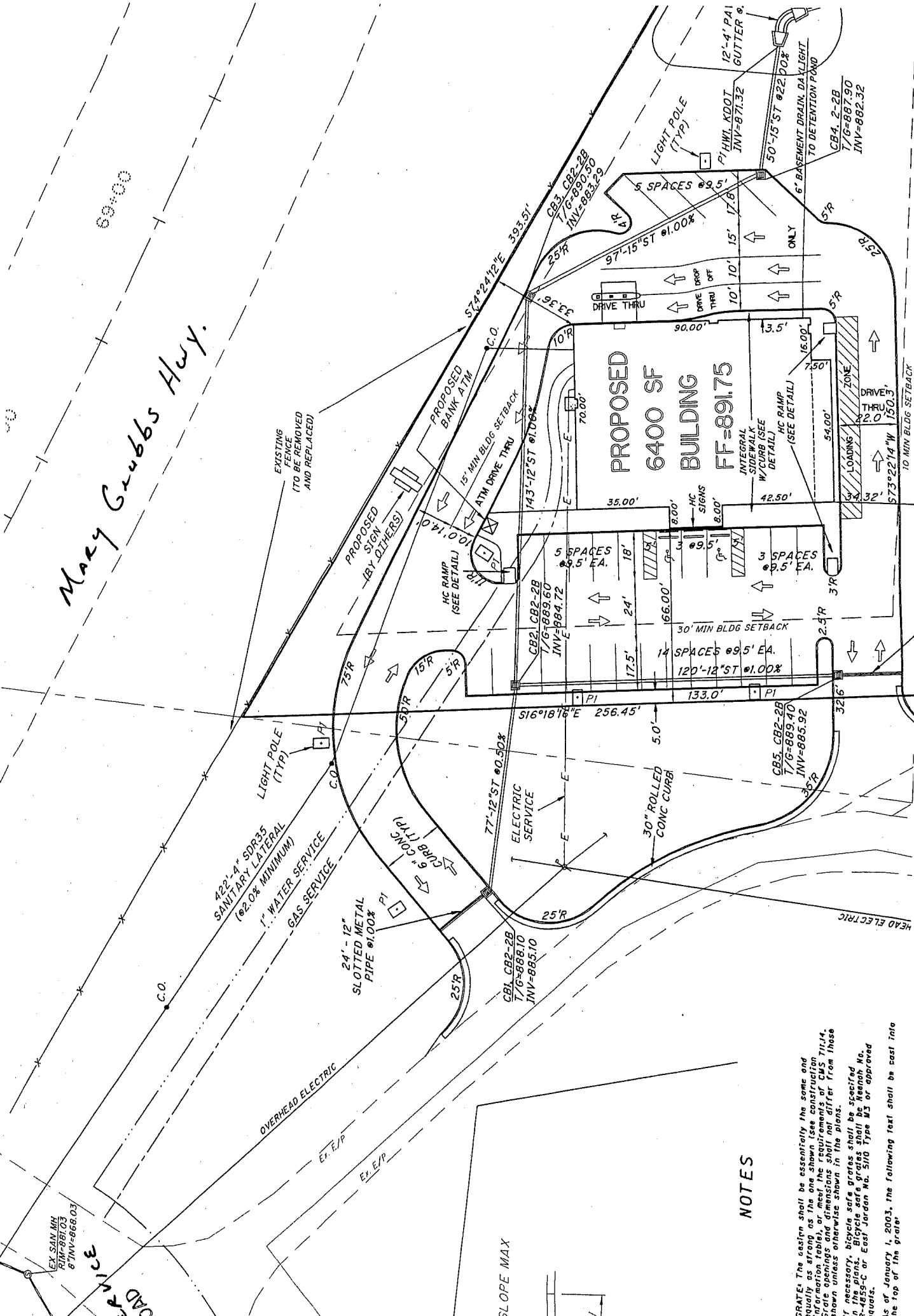
# Walton Pharmacy Site Vicinity Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 9, 2003



Mary Grubbs Hwy.



NOTES

GRATE: The design shall be essentially the same and equally as strong as the one shown (see construction information table), or meet the requirements of CMS' T11.14. Grate openings and dimensions shall not differ from those shown unless otherwise shown in the plans. If necessary, bicycle safe grates shall be specified R-400-C or East Jordan No. 5110 Type M3 or approved equals.

As of January 1, 2003, the following text shall be cast into the top of the grade:

EX SAN MH  
RMP-88103  
8 INV=868.03

ROAD SERVICE

SLOPE MAX

1/16"

15 ft

✓ Internally Illuminated

# WALTON

## DRIVE-THRU PHARMACY AND FOOD MART

### Electronic

### Message

### Center

^ Double Faced   ^ Black Background   ^ Red or Multi-colored Messages

\* Aluminum Frames

\* Double Faced (Lexan)

6 ft

6 ft

6 ft

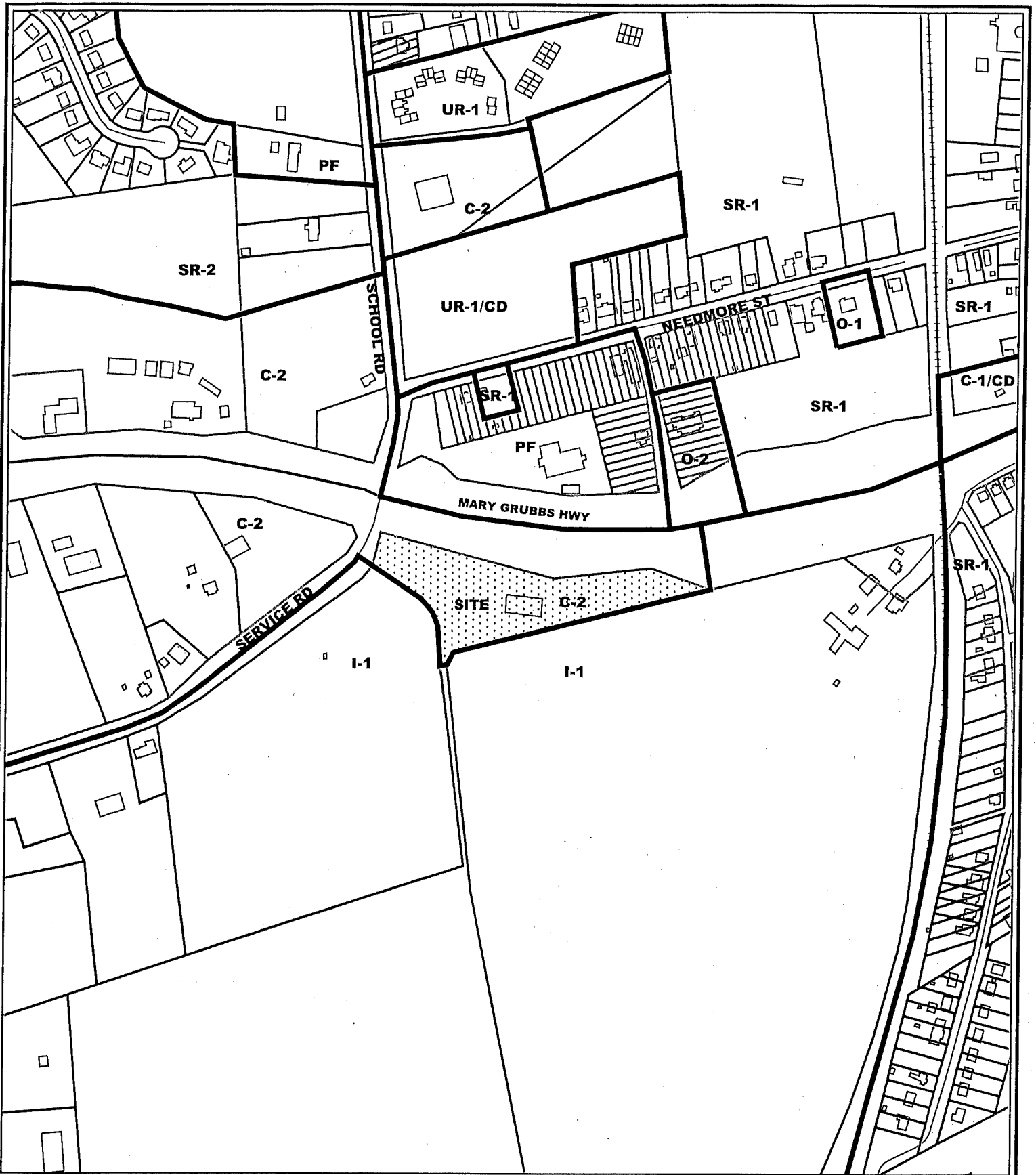
6 ft

18ft

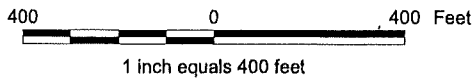
18ft

1 ft

1 ft



# Walton Pharmacy Zoning Map



Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 9, 2003



**Hotmail**<sup>®</sup> jlitmer@hotmail.comInbox | [Previous Page](#)

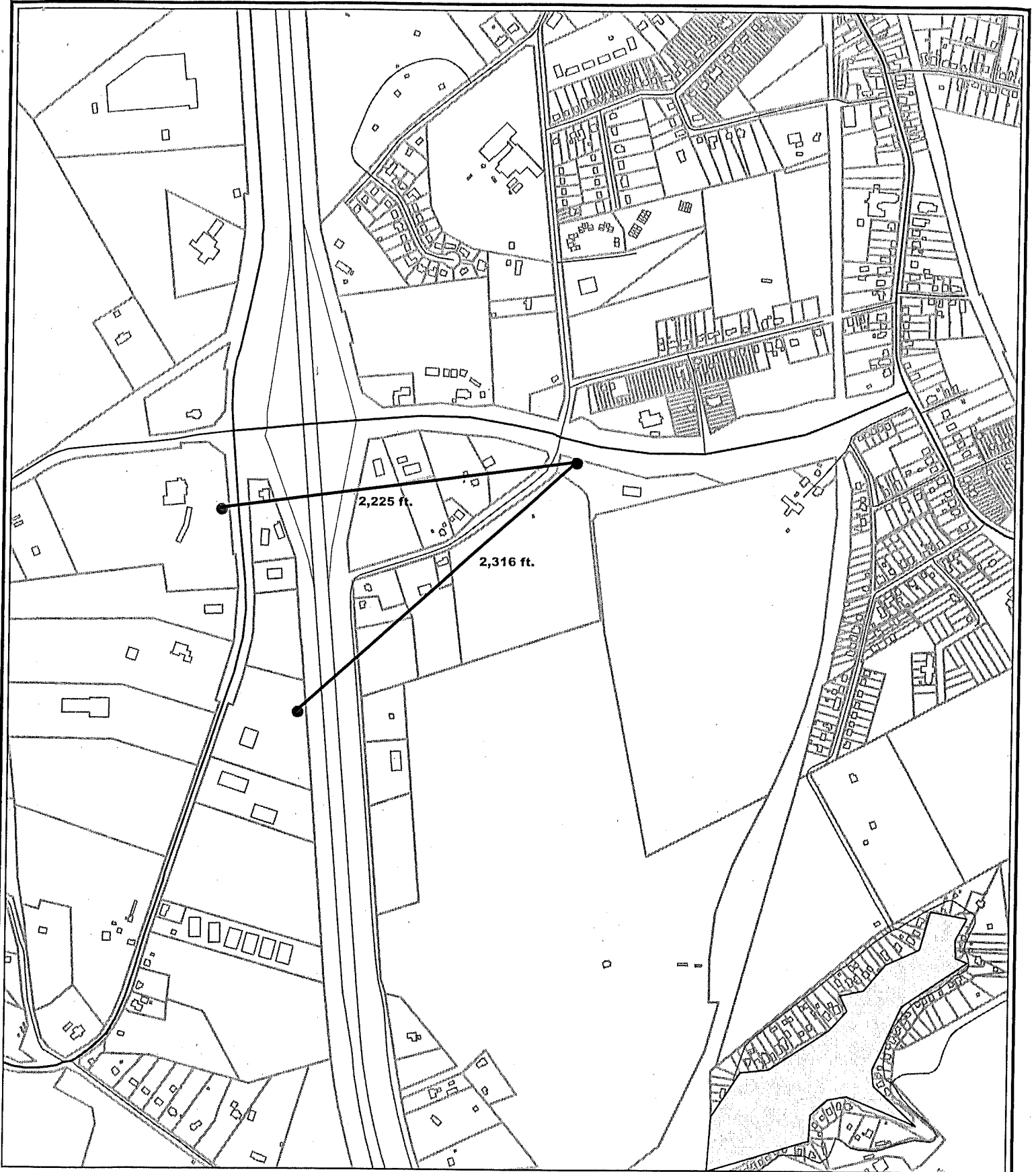
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**From :** Ed.Thompson@mail.state.ky.us  
**To :** jlitmer@hotmail.com  
**Subject :** message sign jurisdiction  
**Date :** Tue, 3 Jun 2003 13:33:11 -0400

Mr. Litmer:

This e-mail is in response to our phone conversation today 6-3-03 regarding a permit for a sign on Ky 16 in Boone county. If the sign can not be viewed from the I-71/I-75 interstate then the Department of Transportation does not have any other jurisdiction. If any other information is required, please contact me.

Ed Thompson  
Permit Supervisor  
Dept. of Transportation - Dist. 6



# Walton Pharmacy Closest Electronic Signs

800 0 800 Feet

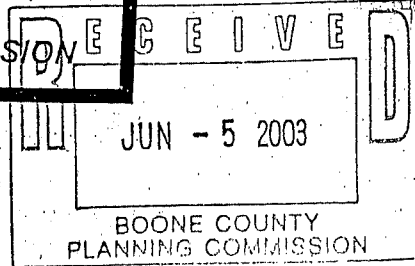
1 inch equals 800 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 20, 2003



APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations  
SECTION A (To be completed by applicant)

- (Check One)
1.  Boone  Florence  Walton  Union
  2. (Check One)  
 Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
  3. Applicant's Name JIM LITMER  
Phone Number 331 9124 Fax No. 292 2873  
Applicant's Address 3004 MADONNA DRIVE  
EDGEWOOD KY 41017  
City State Zip
  4. Description of Request: ELECTRONICALLY CHANGEABLE MESSAGE BOARD
  5. Name of Development WALTON PHARMACY
  6. Location of Development 12900 SERVICE ROAD  
WALTON KY 41094
  7. Acreage Under Review 1.6 AC
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
N/A
  9. Owner of Property BOSCH DEVELOPMENT  
Phone Number of Owner 341 4578
  10. Address of Property Owner 3050 ARBOR EDGEWOOD KY 41017  
City State Zip
  11. Proposed Use(s) on Site MESSAGE BOARD (90 SF)
  12. Total Square Footage of Existing and/or Proposed Buildings 7000
  13. Current Zoning on Property C-2
  14. Deed Book 840 Page No. 692 Group No. 2082
  15. Is the site subject to a zone change? NO  
If yes, give date of approval \_\_\_\_\_
  16. Have you submitted a Site Plan with this request? YES
  17. Have you submitted a list of adjoining property owners with this request? YES
  18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Jim Litmer

Property Owner's Signature: Paul Bosch

COPY

CLUR #03-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Bosch Development  
3050 Arbor  
Edgewood, KY 41017

2. ADDRESS OF PROPERTY DEVELOPMENT (if applicable)  
12900 Service Road

3. NAME OF SUBDIVISION OR  
Walton Pharmacy

4. DEED BOOK 840      PAGE NO. 692      GROUP NO. 2082

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  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

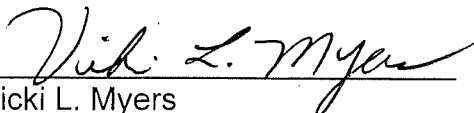
  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

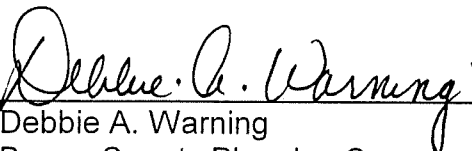
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 15 day of July, 2003.

  
Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

This instrument was prepared for recording purposes only by:

  
Debbie A. Warning  
Boone County Planning Commission  
2995 Washington Street  
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 Walton Board of Adjustments and in accordance with the current zoning in effect as of June 26, 2003 Certificate of Land Use Restriction (#03-WBOA-002-A), for Bosch Development, Property Owner(s).

The following conditions will apply:

- 1) The applicant must meet the applicable regulations.
- 2) Fifty percent of the sign area can be an electronically changeable message board.
- 3) The sign must meet the standards of the Kentucky Transportation Cabinet.
- 4) There can be no other signs of this type within 660 feet.
- 5) There is no illusion of moving objects, moving patterns or boards of light, expanding, contracting or rotating shapes or other similar animation effects, and no scrolling or running messages.
- 6) The message must be displayed for a minimum of five second intervals and in no instance can a message or part thereof flash on the message board.
- 7) The sign will be 30 feet in height and have an area of 180 square feet.
- 8) The sign will have skirting around the pole.

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

DEED BOOK 840

PAGE NO. 692

GROUP NO. 2082