

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED OCT 20 2008 BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone Florence X Walton Union
2. (Check One) Conditional Use Permit X Variance Appeal
3. Applicant's Name Victory Sign Associates
4. Description of Request: Additional sign square footage to identify tenants/services available on site
5. Name of Development Kroger Marketplace
6. Location of Development 635 Chestnut Drive
7. Acreage Under Review 10.08
8. Lot Number and Name of Subdivision (if part of a subdivision) 15A, WALTON TOWNE CENTER
9. Owner of Property Kroger LTD Partnership
10. Address of Property Owner 1014 Vine St. Cincinnati OH 45202
11. Proposed Use(s) on Site Kroger-Pharmacy-Bank-Jewelry-Coffee
12. Total Square Footage of Existing and/or Proposed Buildings 116,432
13. Current Zoning on Property C-2
14. Deed Book 935 Page No. 22 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.

ORIGINAL Property Owner's Signature: Christy Guelley (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

**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 10-20-08 Fee Received \$ 932⁰⁰ R# 576 11
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
11/17/08 **Approved with Conditions** (See #6)
 Denial (See #7)
6. Conditions of Approval: STAFF COMMENT 5A.

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
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: Victory Sign Associates for Kroger Limited Partnership

LOCATION: 635 Chestnut Drive, Walton, Kentucky.

ZONING: Commercial Two (C-2)

DATE: November 17, 2008

Proposal

The applicant has submitted a variance application to increase the permitted building mounted signage on the front facade of Kroger Marketplace from 945.34 square feet to 3,765.25 square feet.

Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the 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.

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:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Section 3413 of the Boone County Zoning Regulations states that a business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage.

Pertinent Site History

4/19/07 - The Boone County Planning Commission approves a Site Plan allowing a 116,432 square foot Kroger Marketplace, a fuel center, and 514 parking stalls on a 10.08 acre lot. The Kroger Marketplace building is shown with a width of 472.67 feet.

2/11/08 - Walton City Council approves a Special Sign District for Walton Towne Center Subdivision. The approval allows the following freestanding signage in the subdivision:

1. Two 35' tall, 300 square foot free-standing signs at the Mary Grubbs Highway/Towne Center Drive intersections. The westernmost freestanding sign can have electronically changeable copy in which Kroger can advertise fuel prices.
2. A 50' tall, 500 square foot Interstate sign.
3. One 8' tall, 120 square foot monument sign per lot. Each monument sign must have a 2' high base which is constructed of materials that are "consistent with the overall development."

10/2/08 -The Boone County Planning Commission approves a Sign Permit allowing four building mounted signs to be located on the front facade of Kroger Marketplace. The permit shows that there are three sign areas totaling 558.39 square feet. (see attachments).

Surrounding Land Uses and Zoning

North: Chestnut Drive, Heritage Bank, Bank of Kentucky, Walton Pharmacy, and Vacant Lots in Walton Town Center Subdivision (C-2)

South: Future Lots in Walton Town Center Subdivision (C-2)

East: Commercial Strip Center (C-2)

West: Town Center Drive and Vacant Lots in Walton Town Center Subdivision (C-2)

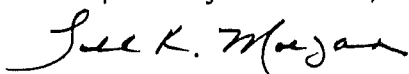
Staff Comments

1. The Board needs to analyze the criteria for granting a Variance before acting on the request.
2. The Boone County Zoning Regulations permit commercial establishments to have three areas of building mounted signage on the front facade of their building or tenant space. The Kroger Marketplace building is 472.67 feet across and is permitted 945.34 square feet of building mounted signage. The applicant submitted a variance because Kroger wants to install 6 building mounted signs on the front building facade and their three sign areas would total 3,765.25 square feet.
3. The submitted drawings indicate that there is only 596.25 square feet of signage if the 6 building mounted signs are measured separately.
4. The October 2, 2008 sign permit shows that four building signs were permitted on the front facade of Kroger Marketplace. The permit shows three sign areas totaling 558.39 square feet. The applicant chose to remove the "Starbucks Coffee" and "Fred Meyers Jewelers" signs from the permit when they learned that a variance was needed.
5. Staff recommends the following condition if the request is approved:
 - A. A maximum of 6 signs are permitted on the front facade of the Kroger Marketplace building. The total building mounted signage shall not exceed 596.25 square feet in area when the six signs are measured separately.

Conclusion

K.R.S. 100.241 and Section 250 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

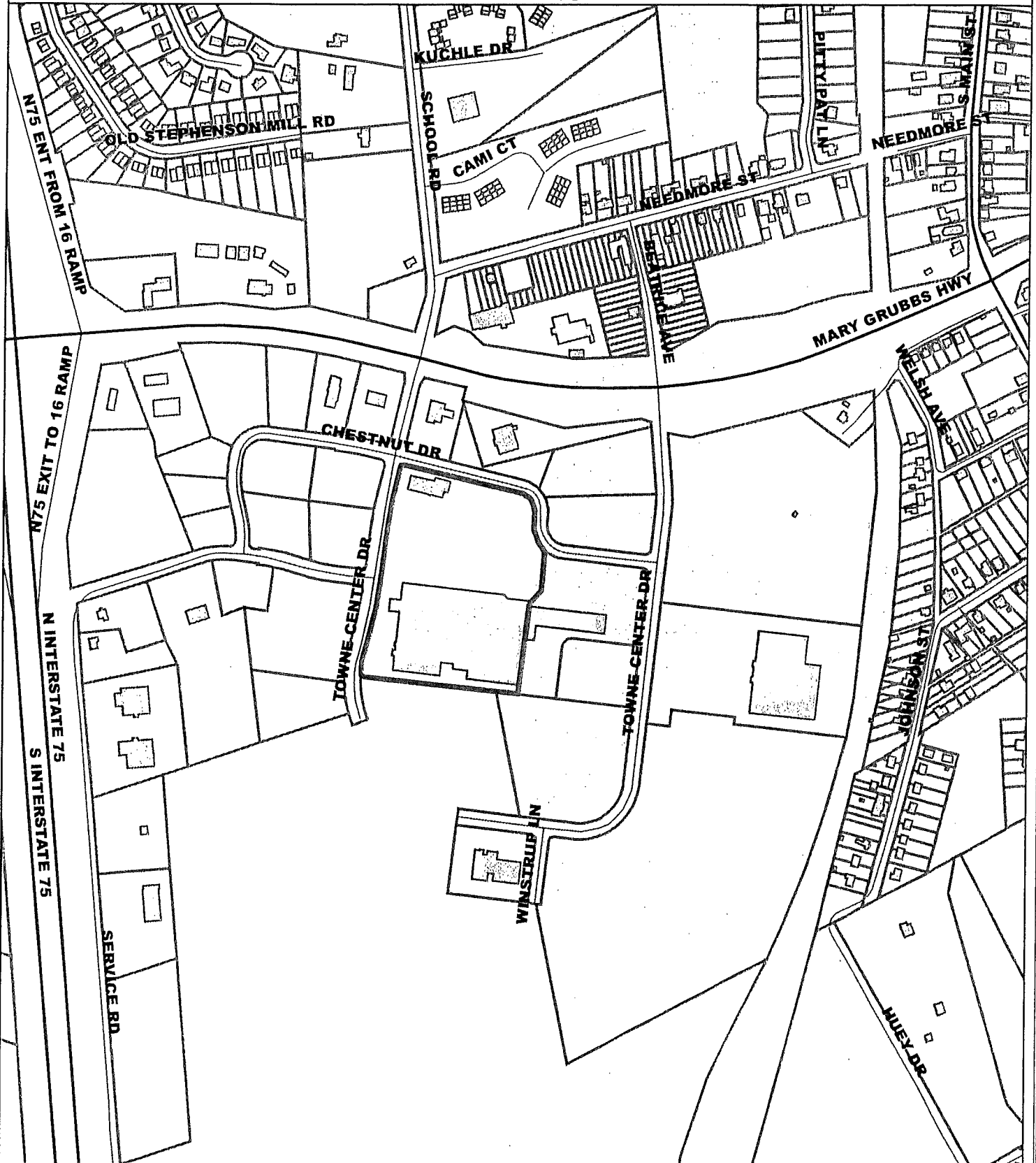
TKM/pr

Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Sign Locations
- *Rendering with Proposed Signage
- *Zoning Map
- *10/2/08 Sign Permit
- *Application

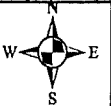
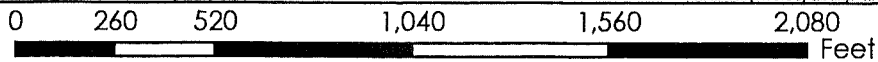
SITE VICINITY MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Victory SignAssociates

Design & Planning



October 13, 2008

Board of Adjustments City of Walton
Boone County Planning Commission
2950 Washington St., Room 317
Burlington, KY 41005



RE: Variance Request
Kroger Marketplace – 635 Chestnut Dr.

Dear Board Members:

We would like to request your permission to install signage at the above location to identify the individual businesses that will operate here. The current Zoning Code allows the building to have a total of 945.34 square feet of signage; however, it must be contained within a maximum of three (3) sign “areas”. Due to the building layout and size, it is impossible to keep the signage in three (3) areas and remain under the maximum of 945.34 square feet.

As you can see by the attached drawing, we are asking for a total of 3,765.25 square feet for the signage on this building. The actual “signage” takes up only 596.25 square feet, which is well under the allowed 945.34 square feet. The remaining 3,169 square feet is “open” area that becomes part of the “signage” in order to keep the signs in three (3) sign areas.

This signage being requested is necessary to identify the individual businesses and services available within the Kroger building. Kroger has a unique situation in that the buildings are quite a bit larger than most and, in addition to the Kroger and Pharmacy, are usually home to other retail services.

We have done our best to keep the sign “sizes” to the minimum necessary to properly identify the services available and are hopeful that you will look favorably upon this request.

Sincerely,

Vince Klusty

tga
 THOMAS
 GERRARD
 ASSOCIATES, INC.
 403 Corporate Park
 Cincinnati, Ohio 45221
 Phone: 513-351-1318
 Fax: 513-351-1319
 Date: July 8, 2007
 Scale: 1" = 60'
 Job No.: 2155

GRAPHIC SCALE
 0 10 20 30 40 50
 Feet

NEW Pylon SIGN PER
 DWG. # K.15.1020.H
 SEE ATTACHED DETAIL OF
 14' x 36' AREA DESIGNATED

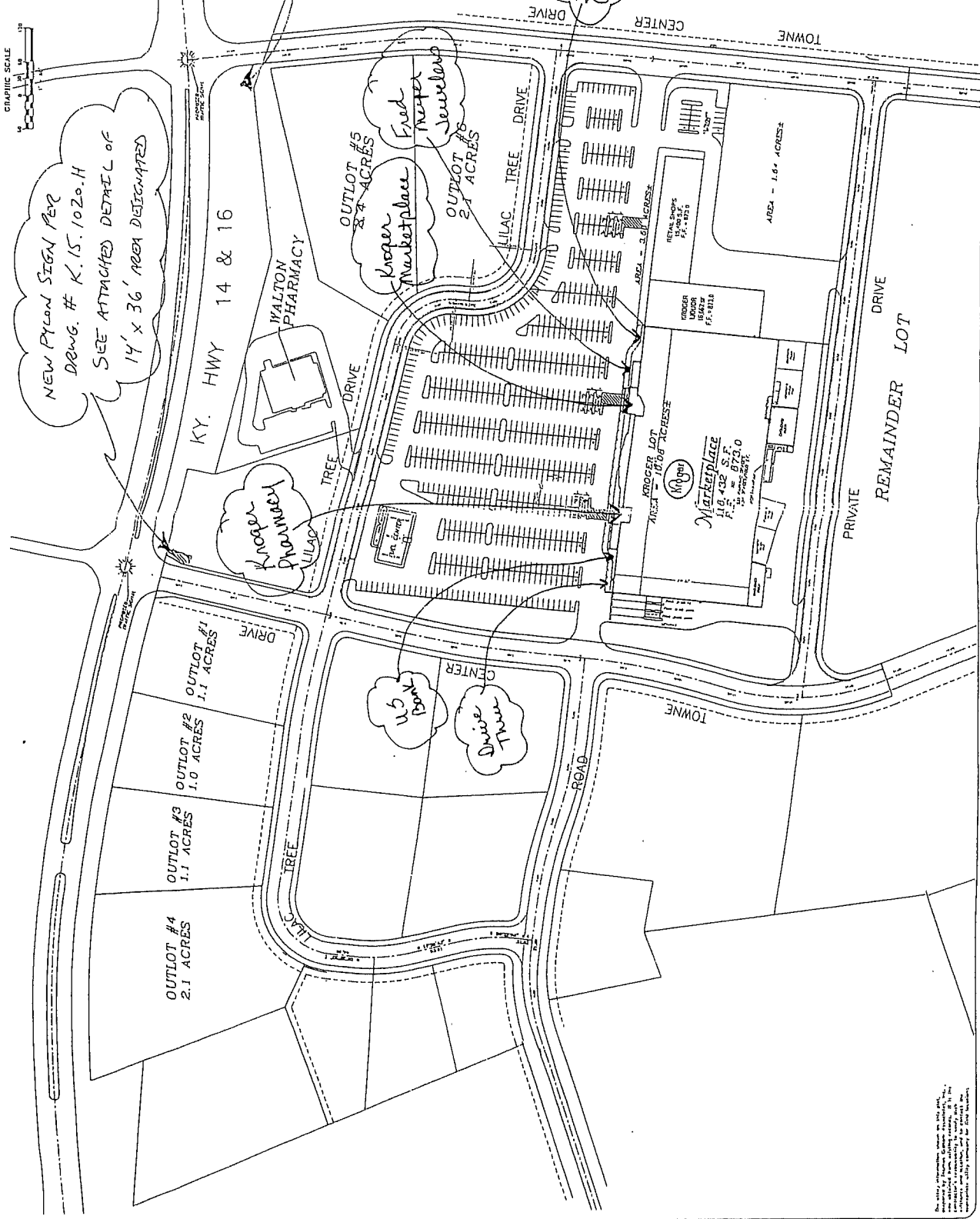
NEW Pylon SIGN PER
 DWG. # K.16.1021.C
 ZONING CERTIFICATE
 NO. SP-W-011-2008

STUDY PLAT # 8
 KY. HWY. NO. 16 & 73
 HAZARDY MEMBERS

Project: 387-N
 Drawn By: B.J. BENTON
 Date: 7/8/07

Scale: 1" = 60'
 Job No.: 2155

DATE: 7/8/07



The site plan information shown on this plan was prepared by the engineer on the basis of information furnished by the owner. The engineer does not warrant the accuracy of the information furnished by the owner. The engineer is not responsible for the accuracy of the information furnished by the owner. The engineer is not responsible for the accuracy of the information furnished by the owner.

number of sign areas allowed = 3

Sign area sq. ft. = 3,765.25 sq. ft.

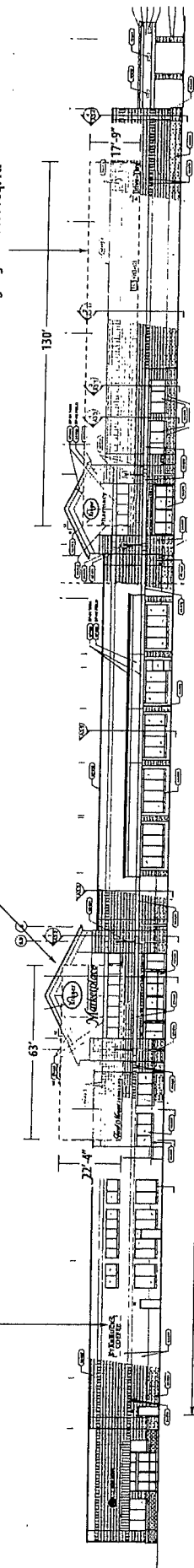
Actual sign sq. ft. = 596.25 sq. ft.
 (50.75 + 69.96 + 265.10 + 123.25 + 29.45 + 57.74)

14'-6"
STARBUCKS
 3'-6"
COFFEE

Sign Area #1 = 50.75 sq. ft.
 Actual signage = 50.75 sq. ft.

Sign Area #2 = 1,407 sq. ft.
 Actual signage = 335.06 sq. ft.

Sign Area #3 = 2,307.50 sq. ft.
 Actual signage = 270.44 sq. ft.



FRONT ELEVATION - NORTH (EAST END)

12'-5"

 265.10 sq. ft.

21'-2 3/4"
Marketplace

8'-6"

 123.25 sq. ft.

14'-6"
Pharmacy

2'-9"
 10'-8 1/2"

 29.45 sq. ft.

3'-3/4"
 23'

 69.96 sq. ft.

3'-2 3/4"
 18'

 57.74 sq. ft.

APPROVED BY: _____ DATE: _____
 LAMP SIGN APPROVAL _____ DATE: _____
 All designs and specifications are the sole copyrighted property of Victory Signs Associates, Inc. Any reuse, copying, or reproduction is a violation of Federal Copyright Law and will be subject to prosecution.

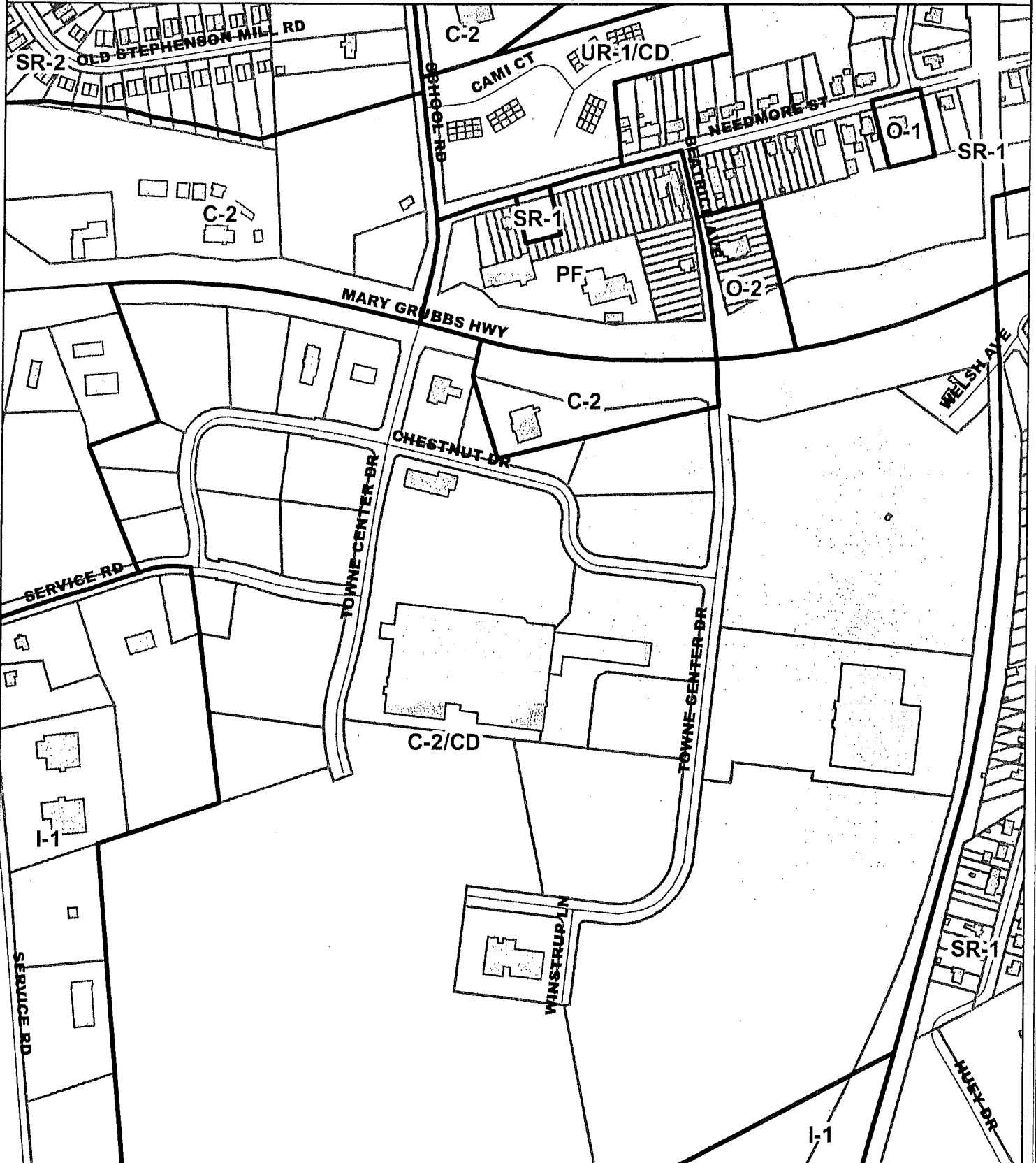
DATE: 10/7/08
 SCALE: 1/4" = 1'-0"
 BY: Brian Marco
 REPI: Vince Kuty

CLIENT: Kroger #367
 635 Chestnut Dr.,
 Walton, KY
 DRAWING NO: K.16.1377

Victory Signs Associates
 Design & Planning
 3160 East Kemper Road, Suite B
 Cincinnati, OH 45241 • 513.772.4500

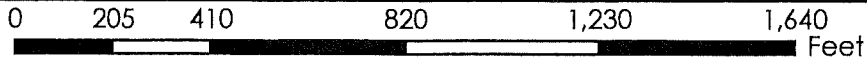
ZONING MAP

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

**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 Victory Signs for Kroger Marketplace
for property located at 635 Chestnut Drive, Walton, Kentucky
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:

Building mounted signs to be located on the front elevation (472.67 l.f.).

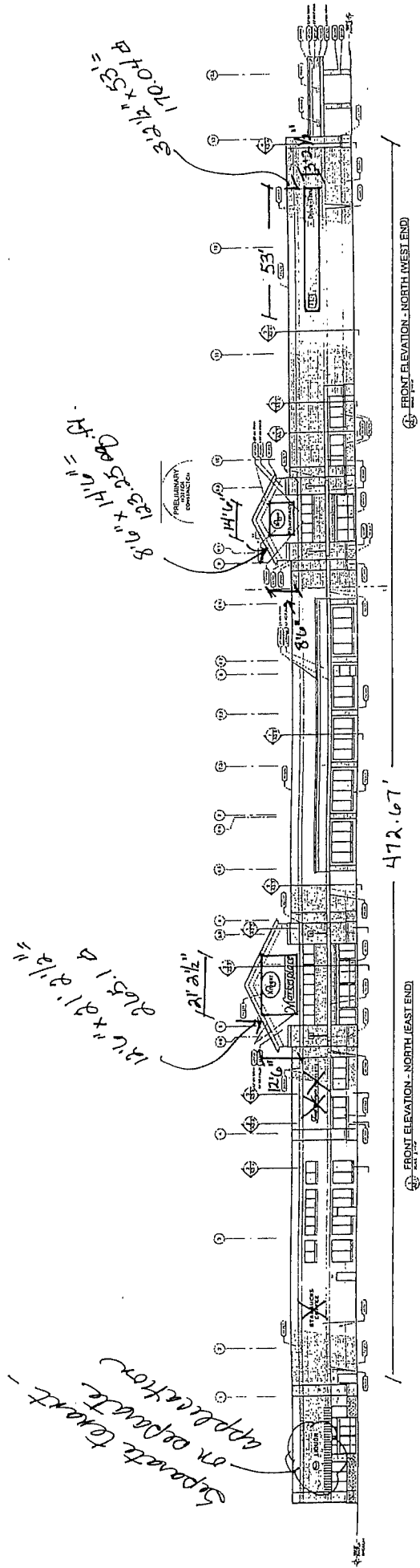
1. Kroger Marketplace 265.10 s.f. (12'-6" X 21'- 2 1/2").
2. Kroger Pharmacy 123.25 s.f. (8'-6" X 14'-6").
3. Drive Thru/U.S. Bank 170.04 s.f. (3'-2 1/2" X 53'-0").

These three (3) sign areas total 558.39 s.f.

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

10/2/08
DATE


Mitchell A. Light
Assistant Zoning Administrator



Bldg front = $472.67' \times 2 = 945.34$ sq. ft. allowed
 Sign area #1 = 265.10 sq. ft.
 Sign area #2 = 123.25 sq. ft.
 Sign area #3 = 170.04 sq. ft.

 558.39 sq. ft. Total used

Hooper Marketplace #3e07
 635 Chestnut Dr.
 Walton, KY

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
OCT 20 2008
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. Boone Florence Walton Union

(Check One)

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

3. Applicant's Name Victory Sign Associates
Phone Number 513/772-4508 Fax No. 513/772-3101
Applicant's Address 3160 E. Kemper Rd., Ste. B
Cincinnati OH 45241
City State Zip

4. Description of Request: Additional sign square footage to identify tenants/services available on site

5. Name of Development Kroger Marketplace

6. Location of Development 635 Chestnut Drive

7. Acreage Under Review 10.08

8. Lot Number and Name of Subdivision (if part of a subdivision)
15A, WALTON TOWNE CENTER

9. Owner of Property Kroger LTD Partnership

Address of Property Owner 1014 Vine St. Phone No. _____
Cincinnati OH 45202
City State Zip

11. Proposed Use(s) on Site Kroger-Pharmacy-Bank-Jewelry-Coffee

12. Total Square Footage of Existing and/or Proposed Buildings 116,432

13. Current Zoning on Property C-2

14. Deed Book 935 Page No. 22 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.

ORIGINAL Property Owner's Signature: Christy Guelley
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

COPY

CLUR #08-WBOA-004-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Kroger Ltd. Partnership
1014 Vine Street
Cincinnati, OH 45202
2. ADDRESS OF PROPERTY
635 Chestnut Drive
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Kroger
4. DEED BOOK 935 PAGE NO. 22 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005


SIGNATURE OF COMPLETING OFFICIAL

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Variance approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of November 17, 2008 Certificate of Land Use Restriction (#08-WBOA-004-A), for Kroger Ltd. Partnership, Property Owner(s).

The following conditions will apply:

- 1) A maximum of six signs are permitted on the front façade of the Kroger Marketplace building.
- 2) The total building mounted signage shall not exceed 596.25 square feet in area when the six signs are measured separately.

The approved Variance as well as the preceding conditions apply to the property described in:

DEED BOOK 935

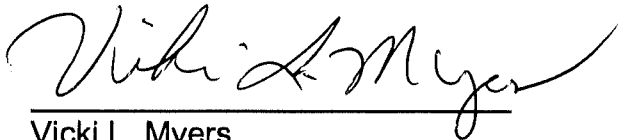
PAGE NO. 22

GROUP NO. 2082

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

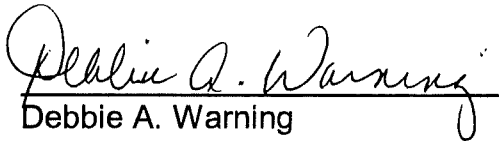
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 25 day of November, 2008.



Vicki L. Myers
Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Debbie A. Warning
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.)