APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

RECEIVED 74142 SEP 12 2016 16-WBDA-003-A BOONE COUNTY PLANNING COMMISSION

SEE 11/4/16 Email from Kevin Costello. A Variance wasn't needed. Applicant overpaid and a $650.00 refund being issued.

SECTION A (To be completed by applicant)

(Check One)

1. _____ Boone _____ Florence __X__ Walton _____ Union

(Check One)

2. __X__ Conditional Use Permit __X__ Variance _____ Appeal
   _____ Change in Non-Conforming Use
3. Applicant's Name Justen Scalf - Onestop Signs
   Applicant's Address 2502 St Rt 131
   Goshen (City) OH (State) 45122 (Zip)
   Phone Number 513-309-8834 Fax No. / E-Mail justenscalf1@gmail.com
4. Description of Request: Monument sign to Include GMC or Electronic Message Center at 2'5" x 6'3" - double sided
5. Name of Development Arby's RMI
6. Location of Development 205 Mary Grubbs Hwy Walton KY 41094 - North Frontage
7. Acreage Under Review 1.23
8. Lot Number and Name of Subdivision (if part of a subdivision) Walton Towne Center
9. Owner of Property Arby's RMI (Jack Jones)
   Address of Property Owner 300 Main St.
10. Cincinnati (City) OH (State) 45202 (Zip)
    Phone Number 513-362-8900 Fax No. / E-Mail jack@arbys-rmi.com
11. Proposed Use(s) on Site Restaurant
12. Total Square Footage of Existing and/or Proposed Buildings 2,200 sqft
13. Current Zoning on Property [redacted] Commercial Two (C-2)
14. Deed Book 1051 Page No. 159 Group No. 2079
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: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

(over)

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

1. Date Received 9/12/16 Fee Received $1,732.05 Receipt # 74142
2. Is application complete? ✓ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
   _____ **Approved**
   11/3/16 **Approved with Conditions** (See #6)
   _____ **Denial** (See #7)
6. Conditions of Approval: SEE 11/3/16 Meeting Minutes AND CLUR
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: One Stop Signs for Arby's

LOCATION: 205 Mary Grubbs Highway, Walton, Kentucky

ZONING: Commercial Two (C-2)

DATE: November 3, 2016

Proposal

The applicant submitted a Conditional Use Permit application to allow Arby's to have an electronic message center on their monument sign. The proposed monument sign is 10' tall and 45.31 square feet in area and includes a 29" x 75" (15.10 square foot) cabinet containing an electronic message center. The sign will be visible from Mary Grubbs Highway.

Pertinent Site History

On June 25, 2015, Boone County Planning Commission Staff approved a Major Site Plan application allowing a 2,890 square foot Arby's restaurant with 75 parking spaces and a drive through lane to be constructed on the lot.

On September 10, 2015, Boone County Planning Commission Staff approved a Sign Permit allowing a 10' tall, 70.67square foot monument sign to be constructed along the Mary Grubbs Highway parcel frontage.

Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit applications.

The Board needs to evaluate the Conditional Use Permit request as it relates to the criteria necessary for granting or denying a Conditional Use Permit as stated in Section 262 of the Boone County Zoning Regulations. The Board may consider whether such use:

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 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 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 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.

Section 3413 of the Boone County Zoning Regulations states that any outlot which is accessible from or marketed as part of a commercial subdivision shall be permitted a density of one (1) on-premises monument sign. The sign can be up to 10' tall and 100 square feet in area. The permitted area of sign is dependent on the road frontage of the parcel. One square foot of sign area is permitted for each linear foot of road frontage along the street where the sign is proposed.

Section 3430 of the Boone County Zoning Regulations lists electronic changeable message boards which advertise multiple messages as a Conditional Use in Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3) Commercial Four (C-4), Public Facilities (PF), and Recreation (R) zoning districts in the City of Walton. Such message boards are subject shall conform to the following minimum requirements:

a. 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.

b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

c. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate of thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

d. 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.

e. 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.

f. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.

g. Full color and monochrome message boards shall meet the following pixel pitch requirements:

   A 19 mm pixel pitch or better resolution shall be required when the top of the message board is located 30 feet or less above grade.

   A 25 mm pixel pitch or better resolution shall be required when the top of the message board is located more than 30 feet above grade.

Note: The pixel pitch requirements shall not apply to price boards (gas prices, hotel room rates, and other similar fixed price displays).

Section 3430 of the Boone County Zoning Regulations lists electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - gas prices, hotel room rates, and other similar fixed price displays) shall be permitted in the Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3), Commercial Four (C-4), Public Facilities (PF) and Recreation (R) zoning districts subject to the following standards:

a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.

b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

Relationship of the Request to the Comprehensive Plan

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for "Commercial" uses. This designation is defined as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Future Land Use Development Guidelines (pages 161-164) 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 Characteristics

The approximate 1.2337 acre site has 196 feet of road frontage on Mary Grubbs Highway and 77 feet of road frontage on Chestnut Drive. The property contains a 2,890 square foot Arby's restaurant with 75 parking spaces and a drive through lane. Access is provided from a single curb cut on Chestnut Drive. A 10' monument sign was constructed near the northwest property boundary and is visible from Mary Grubbs Highway. The approved 6/25/15 Site Plan shows the topography is 881.8 feet above sea at the access point, 878' above sea level at the sign location, and 874' above sea level at the northern property line.

Surrounding Land Uses and Zoning

North: Mary Grubbs Highway, BP Gas Station and Convenience Store, Undeveloped Commercial Parcel (C-2)

South: Chestnut Drive, Undeveloped Commercial Parcels (C-2)

East: Taco Bell (C-2)

West: Marathon Gas Station and Convenience Store with Dairy Queen (C-2)

Staff Comments

1. On October 24, 2016, Staff sent the applicant an email asking for additional information regarding the sign. At the time the Staff Report was finalized, Staff still had not received answers to the questions. Staff has asked the applicant to address the questions at the public hearing.

2. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines before acting on the Conditional Use Permit request. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.

3. The closest electronic message board, which displays multiple messages, is located at Walton Pharmacy. This sign is located approximately 1,175 feet to the east of the subject sign.

   The Walton Pharmacy electronic message center was approved by the Walton Board of Adjustment on June 26, 2003. Eight (8) conditions were imposed on the approval (see attachments). The April 6, 2004 Sign Permit shows that the sign is 23.5 feet tall and 147 square feet in area and contains a 63 square foot electronic message board.

4. Staff received an Email from Matt Bogen, with Kentucky Transportation Cabinet (KYTC) regarding the request. It indicates that a permit is not required from KYTC.

5. Staff recommends the following condition if the application is approved:

   The electronic message board shall comply with the following standards:

   A. The sign shall be constructed as presented unless modified by other conditions below.

   B. Electronic messages shall be held for a minimum of 10 seconds and shall not contain any apparent visual motion (running messages, scrolling messages, flashing messages, moving patterns or boards of light, animation effects, videos, live feeds, etc.).

   C. Messages shall be displayed with a 19 mm pixel pitch or better resolution.

   D. The sign shall be equipped with a photocell and the electronic copy shall dim as the sky gets darker.

   E. The property owner shall work with the City of Walton and Boone County Planning Commission Staff to resolve any lighting issues (brightness, glare, etc.) that are caused by the subject sign on public rights-of-way.

   F. The electronic message center shall not be used to advertise off-premise businesses.

Conclusion

K.R.S. 100.237 and 100.241 and Section 220 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/ss

Attachments
*Site Vicinity Map
*Proposed Sign Drawing
*Proposed Sign Location
*Picture of Existing Sign
*9/10/15 Sign Permit
*2016 Aerial Map
*2016 Aerial Map with Electronic Sign Spacing
*Topographical Map
*Zoning Map
*2035 Future Land Use Map
*10/24/16 Email to Applicant
*10/27/16 Email from Kentucky Transportation Cabinet
*6/26/03 Conditions for Walton Pharmacy
*Application

SITE VICINITY MAP

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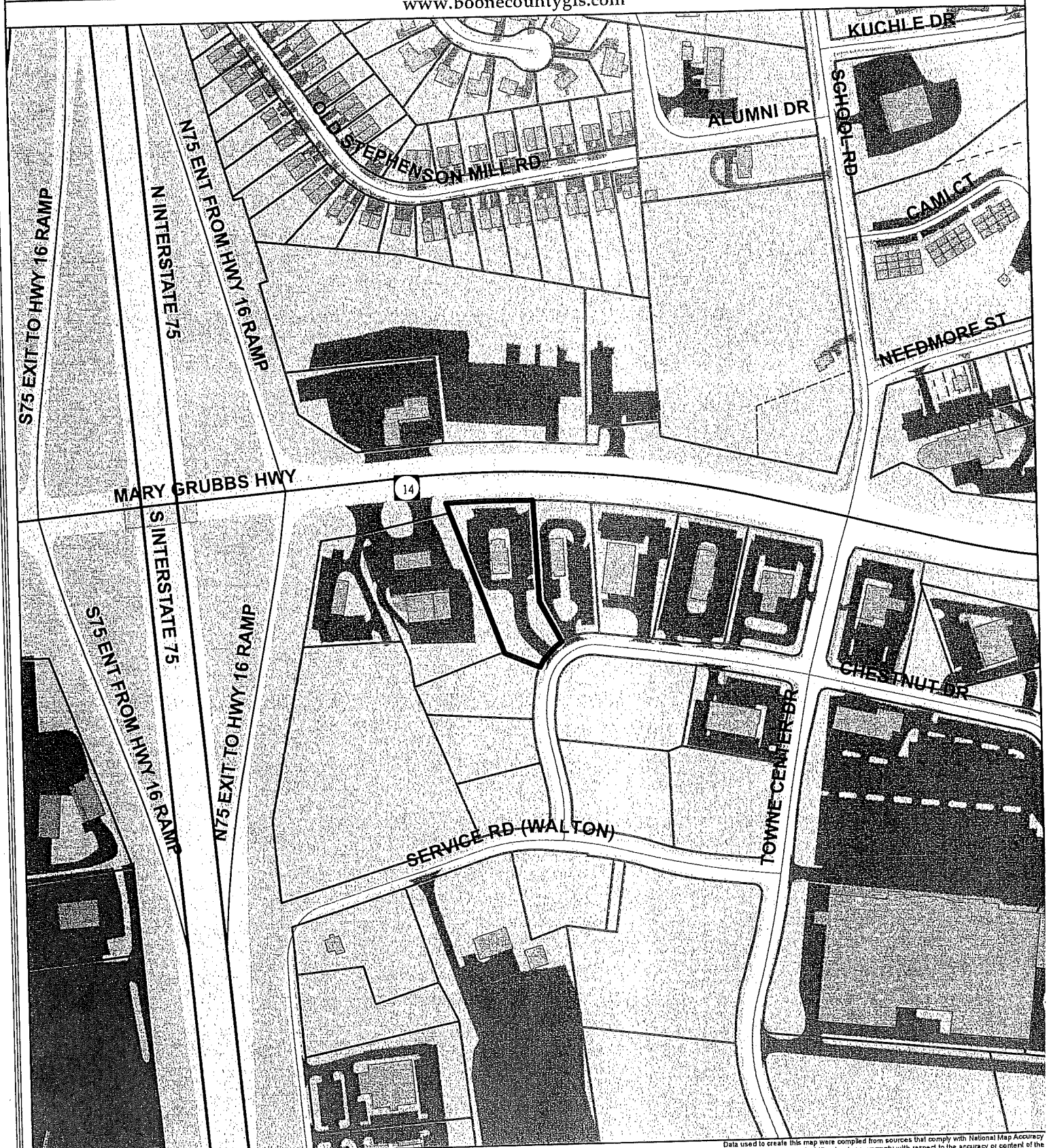

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0 150 300 600 900 1,200 Feet

1 inch = 300 feet

N W E S

Boone County GIS - Putting Northern Kentucky on the Map

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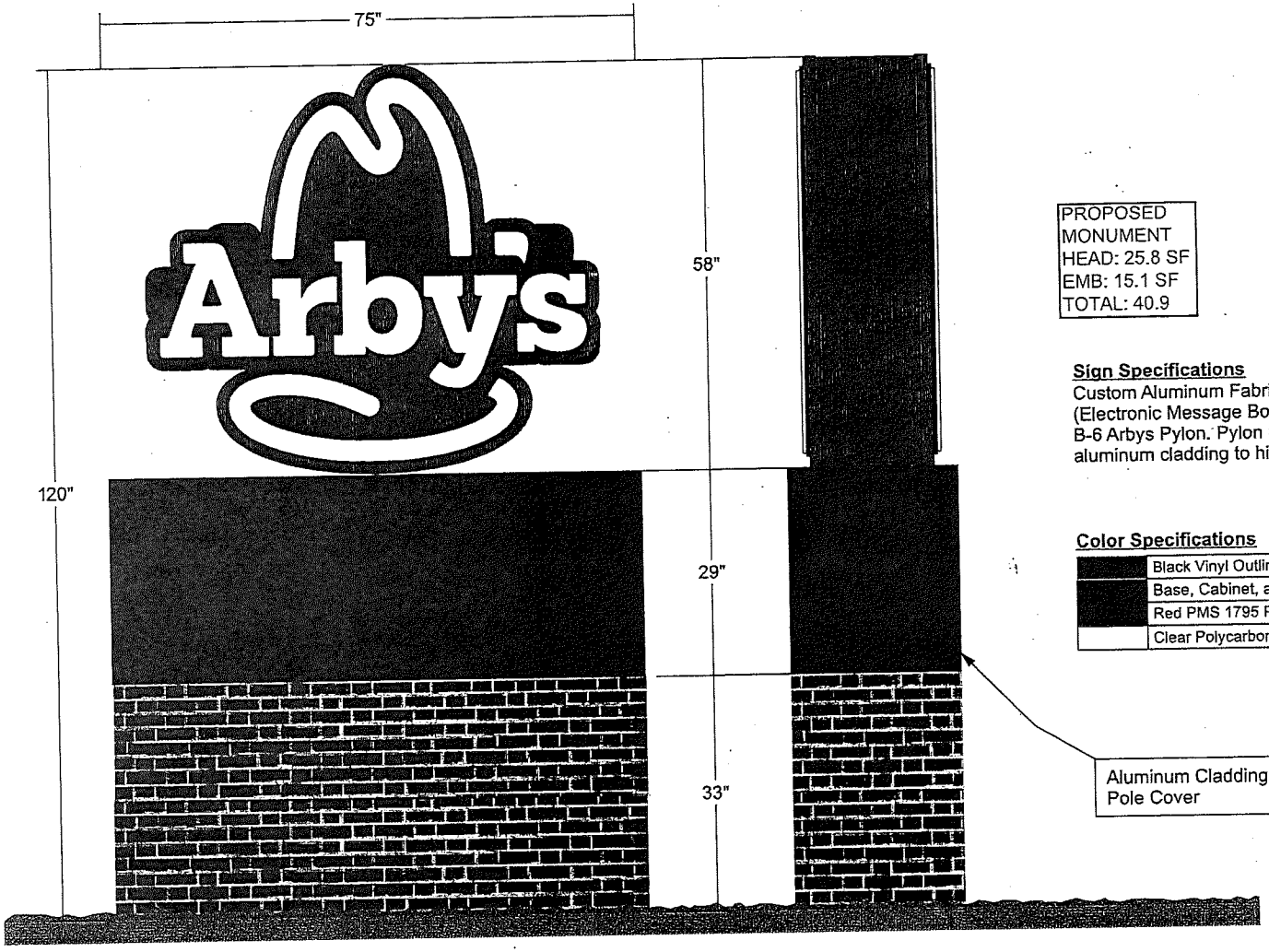
Map Created: 07/01/2013

B-6 Monument



PROPOSED
MONUMENT
HEAD: 25.8 SF
EMB: 15.1 SF
TOTAL: 40.9

Sign Specifications

Custom Aluminum Fabricated Cabinet to have a EMB (Electronic Message Board) on each side and a Double Sided B-6 Arbys Pylon. Pylon mounted flush to EMB. EMB to have aluminum cladding to hide pole. 33" Brick Base

Color Specifications

	Black Vinyl Outline Applied 2nd Surface
	Base, Cabinet, and Cladding painted gloss black
	Red PMS 1795 Painted 2nd Surface
	Clear Polycarbonate Faces painted White 2nd surface

Aluminum Cladding
Pole Cover

APPROVAL INFORMATION & CONFIRMATION

☐ Proof is approved. Proceed with production of order.

☐ Proof is approved with corrections. Make corrections as indicated and proceed with production of order

SIGNATURE _____ PRINT NAME _____ DATE _____

I have reviewed this proof in regard to: Sign type; order quantity; and accuracy of icons, symbols, and text (e.g. spelling capitalization, punctuation).

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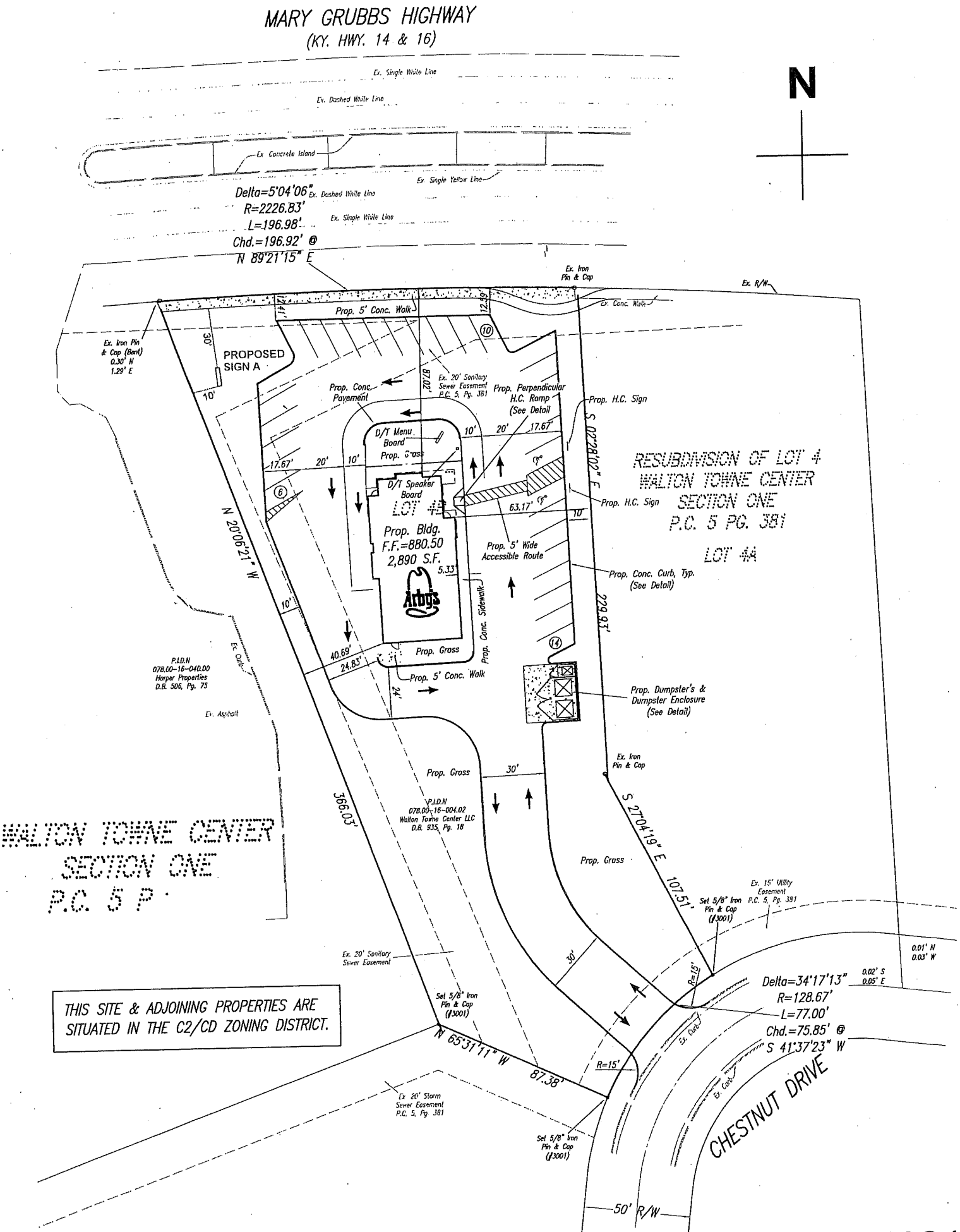
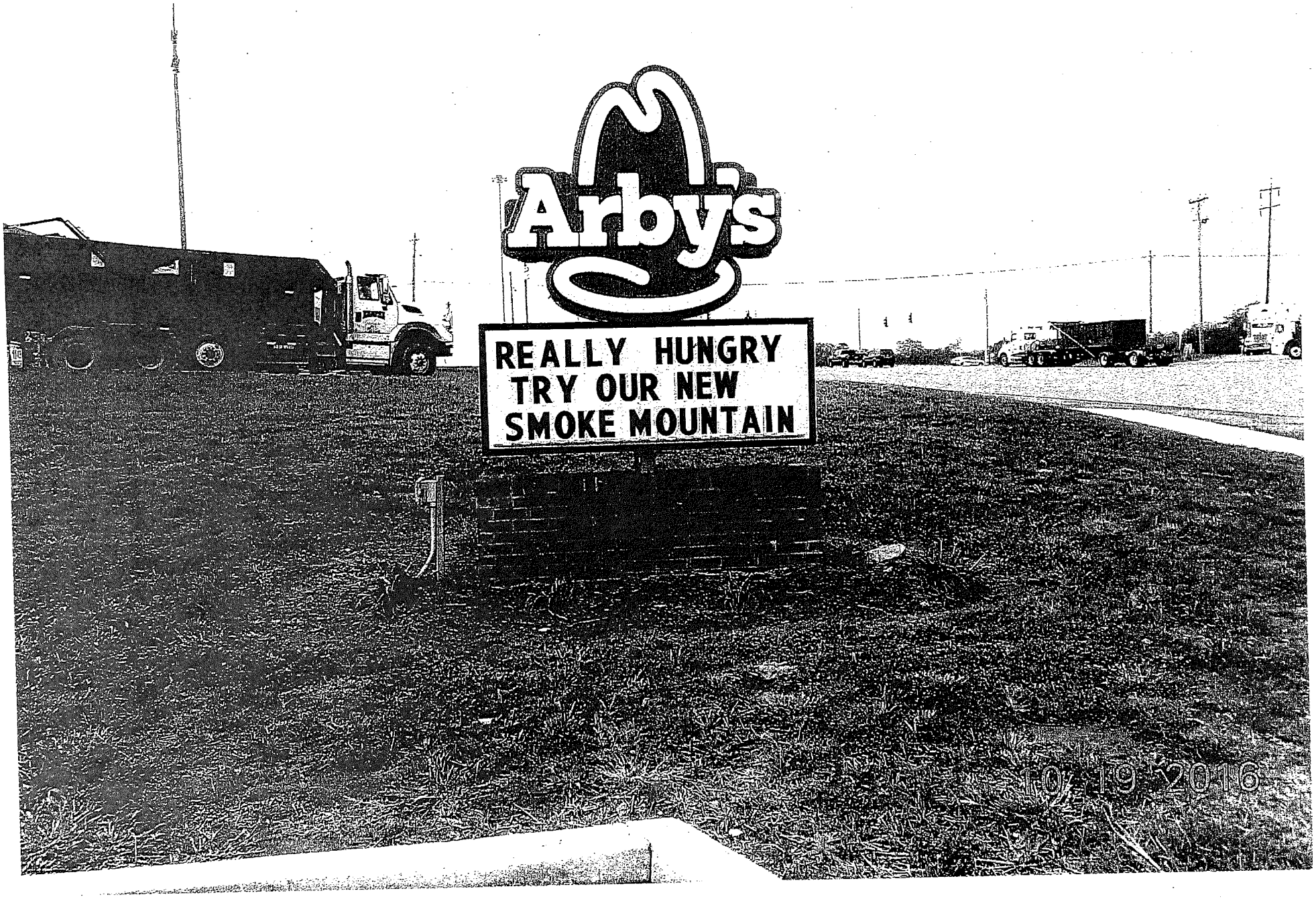
Client:	Arby's
Location:	
Drawn By:	Date:
Approved By:	
Sheet:	Scale:
File:	

Design Team
SIGN COMPANY LLC.
731-925-4448 • 800-953-3744 • Fax 731-926-2022
www.designteam.net



ARBYS 205 MARY GRUBBS HWY. WALTON KY 41094


Arby's
REALLY HUNGRY
TRY OUR NEW
SMOKE MOUNTAIN
10 19 2016

NO. SP-W-135-2015

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 One Stop Signs for Arby's for property located at 205 Mary Grubbs Highway and zoned C-2/CD, 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 Sign 17.7 s.f. located on the front elevation
- Building Mounted Sign 29 s.f. over the drive thru window on the west side elevation
- Building Mounted Sign 9.4 s.f. on the east sige elevation
- Monument Sign 10' high and 70.67 s.f. located along their Mary Grubbs Highway frontage
- Menu Board 41 s.f. located on the east side elevation

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

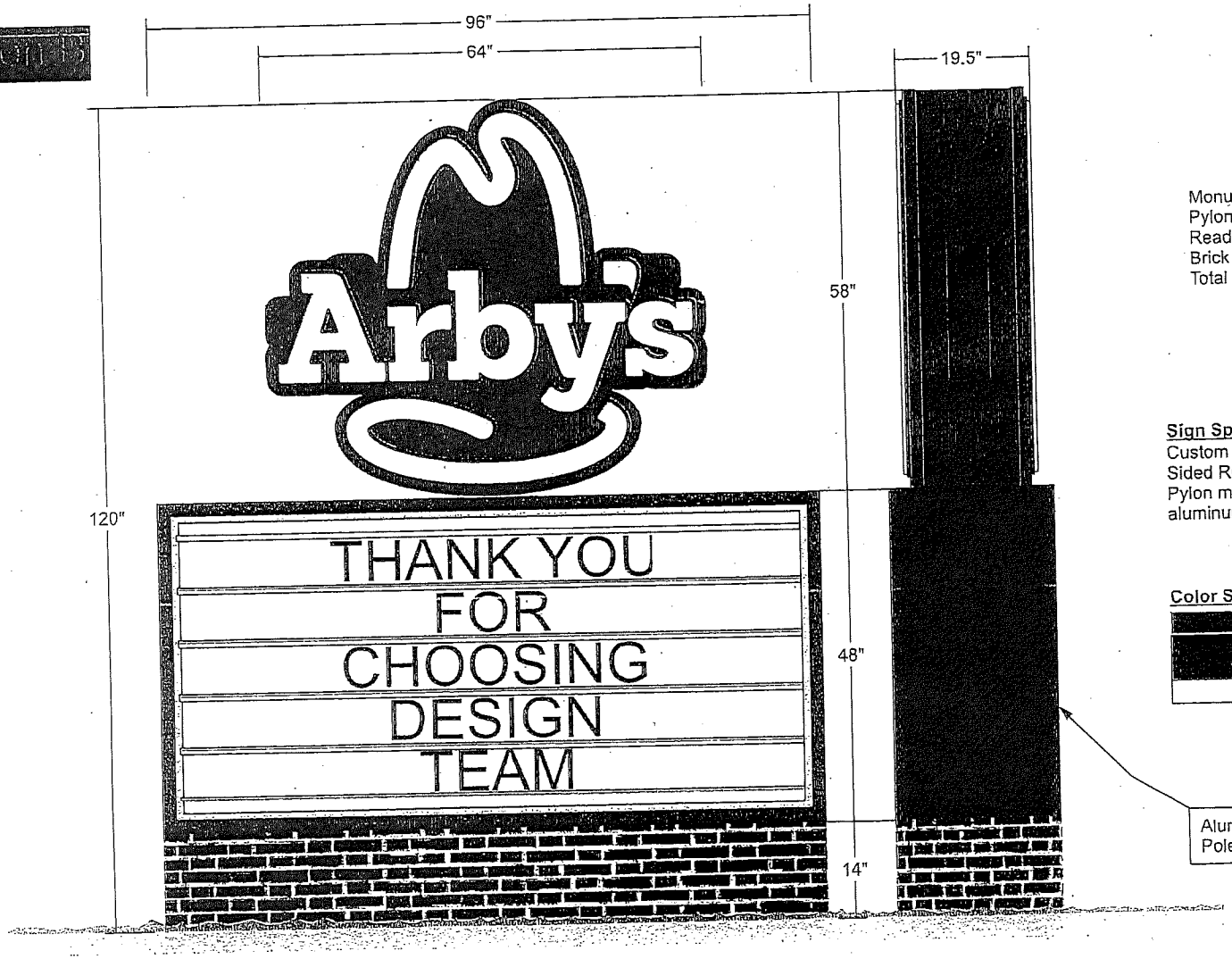
9/10/15
DATE

Mitchell A. Light
Assistant Zoning Administrator

B-6 Monument

A

Option 1B



Monument Square Footage:
Pylon Head: 25.8
ReaderBoard: 32
Brick Base: 9.3
Total Square Footage: 67.1

Sign Specifications

Custom Aluminum Fabricated Cabinet to have a Double Sided Readerboard and a Double Sided B-6 Arbys Pylon. Pylon mounted flush to Readerboard. Readerboard to have aluminum cladding to hide pole. 14" Brick Base

Color Specifications

	Black Vinyl Outline Applied 2nd Surface
	Base, Cabinet, and Cladding painted gloss black
	Red PMS 1795 Painted 2nd Surface
	Clear Polycarbonate Faces painted White 2nd surface

APPROVAL INFORMATION & CONFIRMATION

☐ Proof is approved. Proceed with production of order.

☐ Proof is approved with corrections. Make corrections as indicated and proceed with production of order

SIGNATURE _____ PRINT NAME _____ DATE _____

I have reviewed this proof in regard to: Sign type; order quantity and accuracy of name, symbols, and text (e.g. spelling capitalization punctuation).

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Client:	Arby's
Location:	
Drawn By:	Date:
Approved By:	
Sheet:	Scale:
File:	

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731 925-4438 - 000-853-3744 - Fax 731-926-2022
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2016 AERIAL MAP

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1 inch = 250 feet

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DISTANCE BETWEEN ELECTRONIC SIGNS

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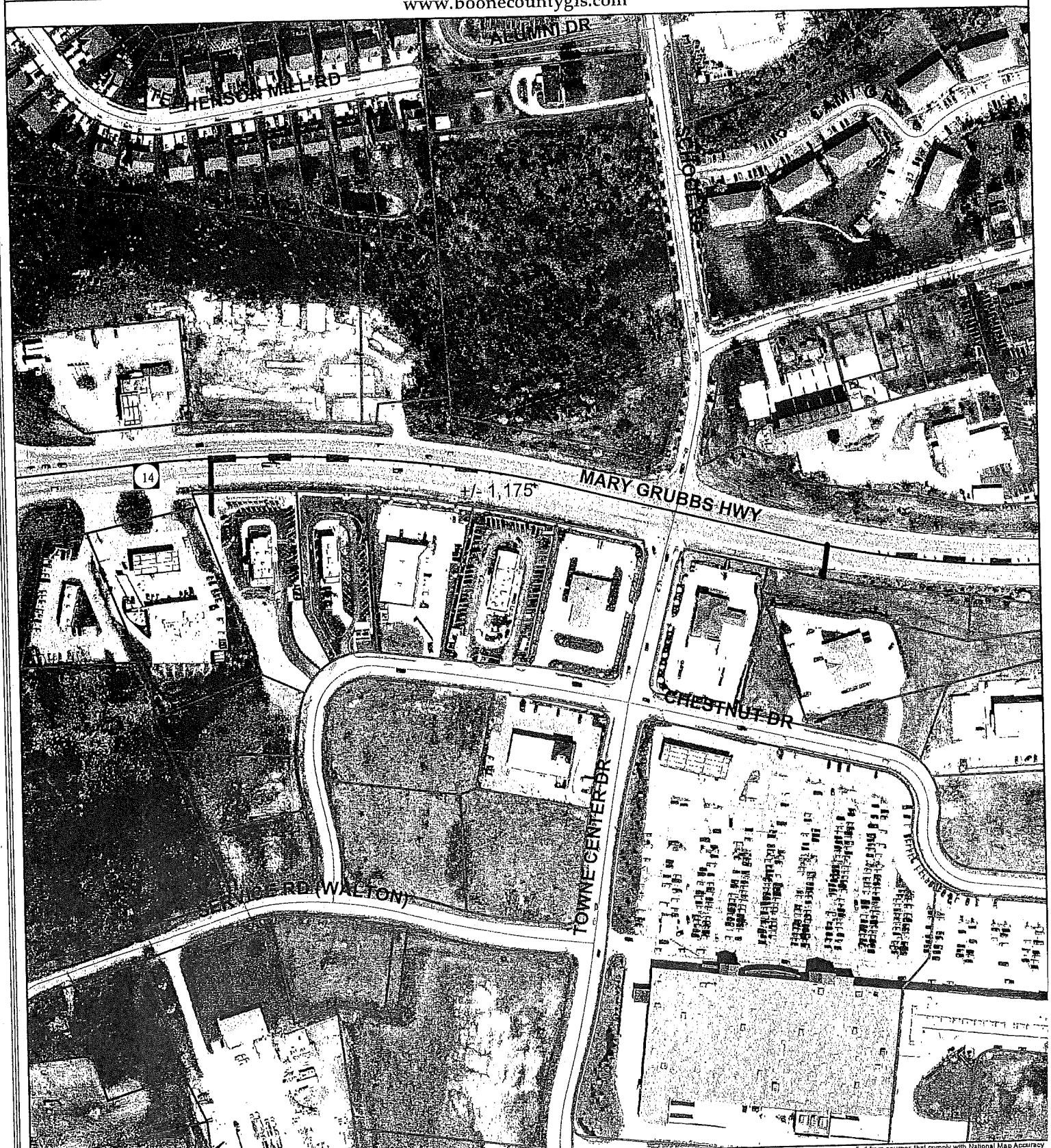

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TOPOGRAPHICAL MAP

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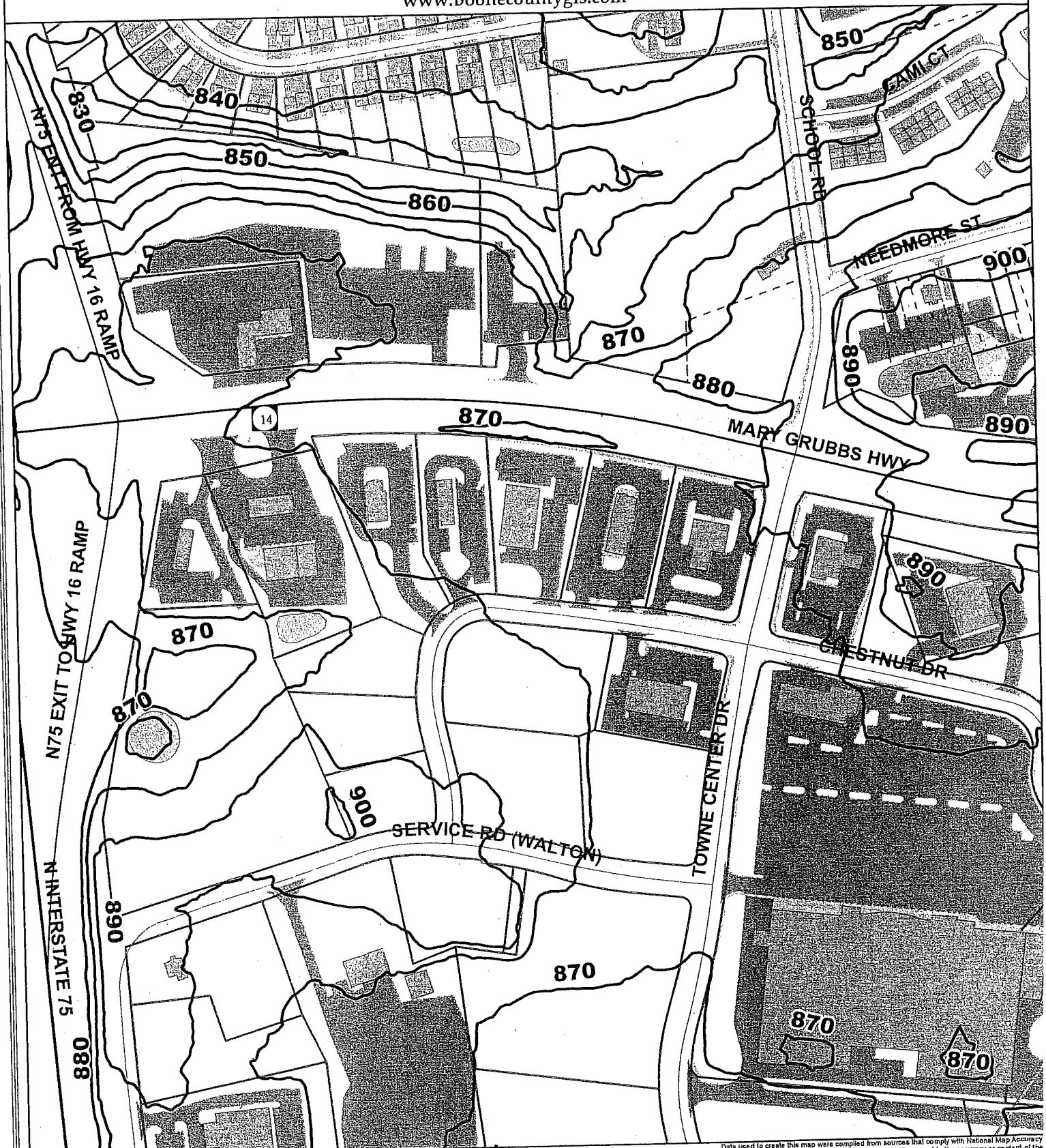

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ZONING MAP

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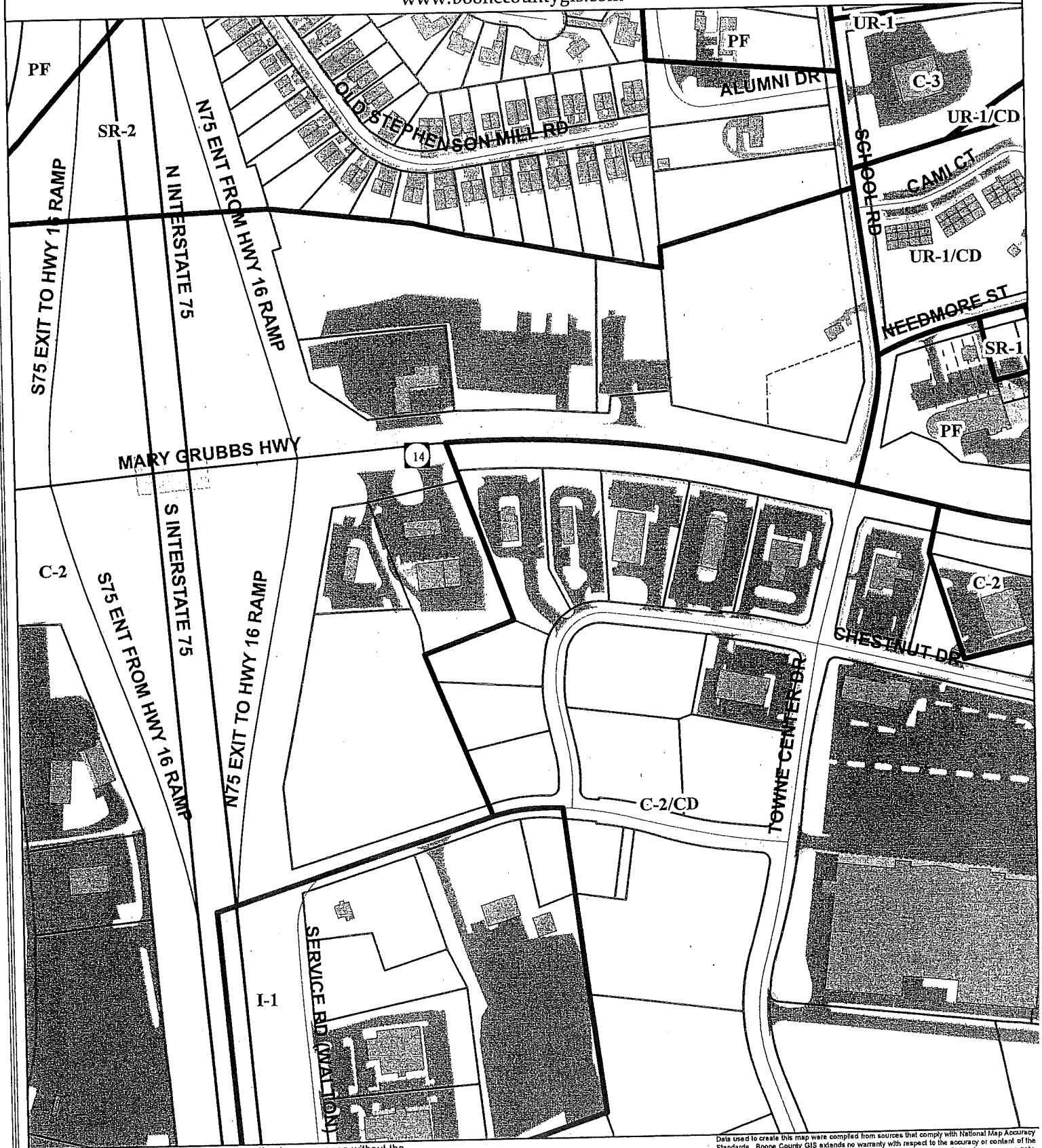

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2035 FUTURE LAND USE MAP

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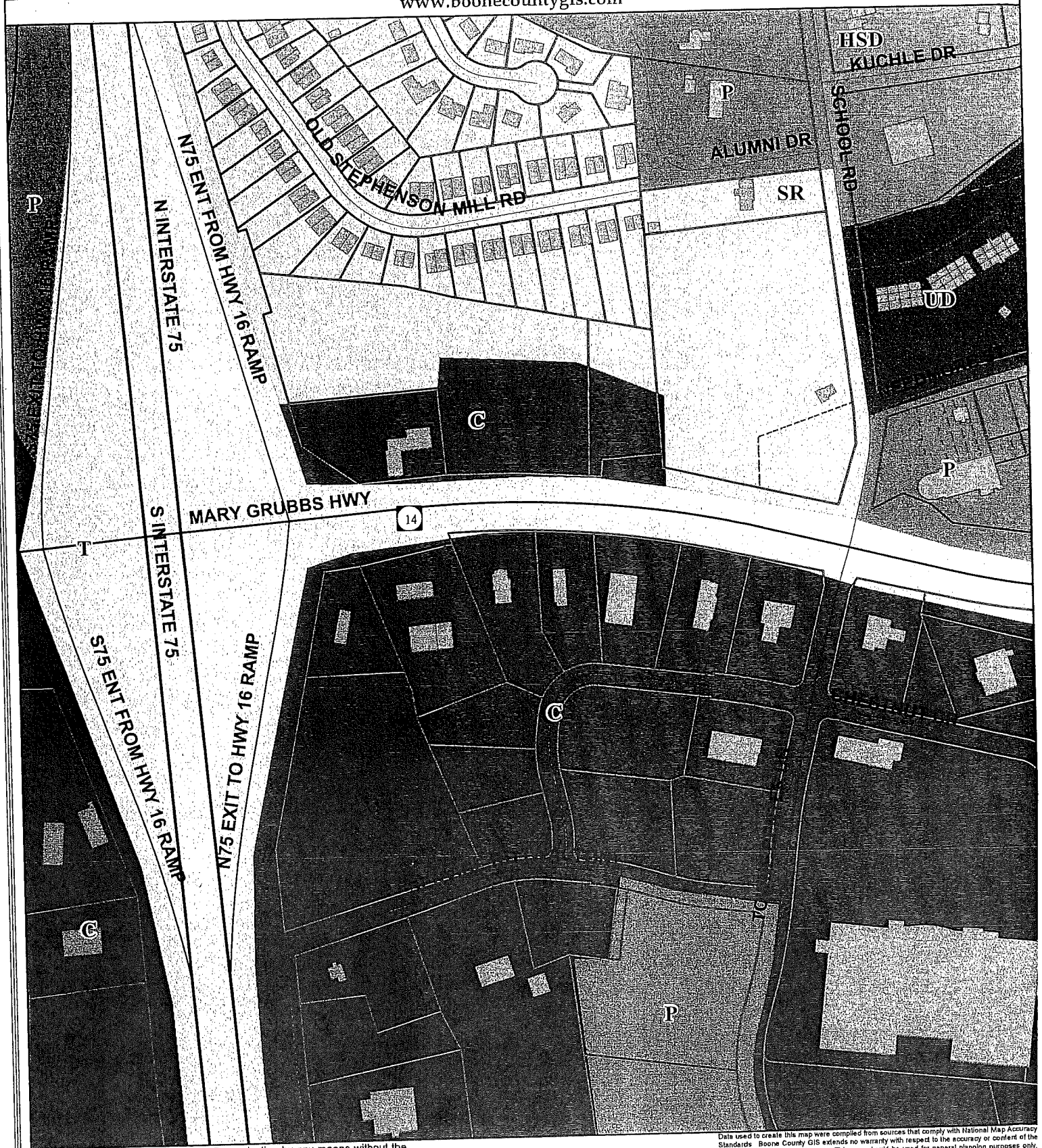

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Map Created: 07/01/2013

Todd Morgan

From: Todd Morgan
Sent: Monday, October 24, 2016 10:32 AM
To: Justen Scalf (justenscalf1@gmail.com)
Subject: Arby's Conditional Use Permit
Attachments: Arby's-Walton.pdf

Justen,

Please address the following questions:

1. The existing sign doesn't match the 9/10/15 Sign Permit (see the attached photo). Do you have any as-built measurements of the sign?
2. Is the existing sign being altered (enlarged base, new EMC cabinet, new Arby's cabinet) or is it being reconstructed?
3. Is a full color message board being displayed?
4. The submitted drawing show a 29" x 75" EMC cabinet is shown. What is the viewable area of the EMC?
5. What is the maximum number of lines of text/graphics that would be displayed on the EMC? How tall would the smallest characters be? How many characters could be located in a single line of text? How far away would the smallest characters be visible/readable?
6. What is the proposed pixel pitch? The Boone County Zoning Regulations require a 19 mm pixel pitch or better resolution.
7. Will the sign contain a photocell or dimmer?
8. Will the sign be used to advertise for Arby's only?
9. Will the sign be programmed to comply with the Boone County Zoning Regulations?
    - Minimum 5 second message hold time.
    - Messages cannot contain any apparent visual motion. Examples are running, flashing, or scrolling messages, moving patterns of light, expanding, contracting or rotating shapes, animation effects, showing live programs or videos.

If possible, I would like you to respond to the questions by this Wednesday so I can include them in my Staff Report. Any questions that cannot be addressed by Wednesday can be addressed at the 11/3/16 Walton Board of Adjustment meeting.

Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Todd Morgan

From: Bogen, Matthew (KYTC-D06) <Matthew.Bogen@ky.gov>
Sent: Thursday, October 27, 2016 11:22 AM
To: Todd Morgan
Subject: On-premise advertising

Todd,

I checked our policy on electronic advertising devices. Since the Arby's location falls within the boundary of the urbanized NKY area (per FHWA), they can construct an on-premise electronic advertising device without a permit from KYTC. I would still direct them to the KAR and KRS section 177.830-.890 for guidance on design standards.

http://www.lrc.ky.gov/kar/603/010/021.htm
http://www.lrc.ky.gov/Statutes/chapter.aspx?id=37984

Thanks,

Matt Bogen, PE
KYTC District 6
Permits Section Supervisor
Phone: (859) 341-2700 x307
Cell: (859) 462-8718

CLUR #03-WBOA-002-A

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

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

RECEIVED 74142 SEP 12 2016 BOONE COUNTY PLANNING COMMISSION

SECTION A (To be completed by applicant)

1. (Check One) _____ Boone _____ Florence X Walton _____ Union
2. (Check One) X Conditional Use Permit X Variance _____ Appeal
   _____ Change in Non-Conforming Use
3. Applicant's Name Justen Scalf - Onestop Signs
   Applicant's Address 2502 St Rt 131
   Goshen (City) OH (State) 45122 (Zip)
   Phone Number 513-309-8834 Fax No. / E-Mail justenscalf1@gmail.com
4. Description of Request: Monument sign to Include GMC or Electronic Message Center at 2'5" x 6'3" - double sided
5. Name of Development Arby's RMI
6. Location of Development 205 Mary Grubbs Hwy Walton KY 41094 - North Frontage
7. Acreage Under Review 1.23
8. Lot Number and Name of Subdivision (if part of a subdivision) Walton Towne Center
9. Owner of Property Arbys RMI (Jack Jones)
   Address of Property Owner 300 Main St.
10. Cincinnati (City) OH (State) 45202 (Zip)
    Phone Number 513-362-8900 Fax No. / E-Mail jack@arbys-rmi.com
11. Proposed Use(s) on Site Restuarant
12. Total Square Footage of Existing and/or Proposed Buildings 2,200 sqft
13. Current Zoning on Property Commercial Two (C-2)
14. Deed Book 1051 Page No. 159 Group No. 2079
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: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

(over)

COPY

CLUR #16-WBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
   Arby's RMI
   300 Main Street
   Cincinnati, OH 45202

2. ADDRESS OF PROPERTY
   205 Mary Grubbs Highway
   Walton, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
   Arby's

4. DEED BOOK 1051 PAGE NO. 159 GROUP NO. 2079

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

   ____ Zoning Map Amendment:
   From_____To

   ____ Development Plan

   ____ Subdivision Plat
   (Not Recorded)

   ____Variance

   _X_ Conditional Use Permit

   ____ Conditional Zoning

   ____ Other:

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

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

Todd K. Morgan

SIGNATURE OF COMPLETING OFFICIAL

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

CLUR #16-WBOA-003-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Boone Board of Adjustments and in accordance with the current zoning in effect as of November 3, 2016 Certificate of Land Use Restriction (#16-WBOA-003-A), for Arby's RMI, Property Owner(s).

The following conditions will apply:

1. **The sign shall be constructed as presented unless modified by other conditions below.**
2. **The electronic message center shall only display messages in red monochrome text on a black background.**
3. **Electronic messages shall be held for a minimum of 30 seconds and shall not contain any apparent visual motion (running messages, scrolling messages, flashing messages, moving patterns or boards of light, animation effects, videos, live feeds, etc.) or still photos**
4. **Messages shall be displayed with a 19 mm pixel pitch or better resolution.**
5. **The sign shall be equipped with a photocell and the electronic copy shall dim as the sky gets darker.**
6. **The property owner shall work with the City of Walton and Boone County Planning Commission Staff to resolve any lighting issues (brightness, glare, etc.) that are caused by the subject sign on public rights-of-way.**
7. **The electronic message center shall not be used to advertise off-premise businesses.**

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1051 PAGE NO. 159 GROUP NO. 2079

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 16 day of November, 2016.

Treva L. Beagle
Notary ID 499309
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2017

This instrument was prepared for recording purposes only by:

Ronica Wuest
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.)