

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY
PLANNING COMMISSION
(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Answers in Genesis Creation Museum
2. Location of Project 2800 Bullittsburg Church Rd, Petersburg, KY 41080
3. Total Acreage of Site 47
4. Current Zoning of Site PF A2SE
5. Proposed Zoning (Classification being requested) SPECIAL SIGN DISTRICT
6. Proposed Uses (please specify each use) museum, Trails, Picnic area

7. Names of Applicant(s) Patrick Marsh cell # 630-0323
Phone Number 859-727-2222 ext. 4717 Fax No. 859-689-1943
8. Address of Applicant(s) 2800 Bullittsburg Church Rd.
Petersburg KY 41080
City State Zip
9. Name of Property Owner(s) Answers in Genesis (Mike Zorath)
Phone Number 859-727-2222 Fax No. 859-689-1943
10. Address of Property Owner(s) 2800 Bullittsburg Church Rd.
Petersburg KY 41080
City State Zip
11. Proposed Building Intensities (please specify) _____

12. Are there any existing buildings on the site? Yes
How many? 2
13. Deed Book Page No. Group No. 2003
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District
- _____ Florence Water and Sewer Dept.
- _____ Cinergy/U.L.H.&P. Co.
- _____ Sanitation District #1
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department

DB PG
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EXHIBIT

“A”

STAFF REPORT

Request of Patrick Marsh (applicant) for Answers in Genesis (owner) for a Zoning Map Amendment for a Special Sign District for approximately 48 acres located at 2800 Bullittsburg Church Road and 2754 Deck Lane, Boone County, Kentucky. The request is for a Special Sign District in Public Facilities (PF) and Rural Suburban Estates (RSE) zones to allow alternative signage.

November 17, 2004

REQUEST

This request is for a Special Sign District for the Answers in Genesis ("AIG") facility which is under construction at 2800 Bullittsburg Church Road. The single family residence which adjoins the AIG site to the northwest at 2754 Deck Lane is included in the request as its deed book reference was listed on the application form (this property is now owned by AIG). The AIG facility will include a museum, religious assembly, offices, and mail order operation within an approximate 95,000 square foot building, and passive outdoor uses.

The proposed signage includes the following:

- A. A steel cut out "silhouette" of a stegosaurus or other dinosaur mounted on top of a 7 foot high stone wall on each side of the entrance drive along Bullittsburg Church Road (a total of two such silhouettes). The silhouettes measure 13.94 feet by 6.63 feet (sign area is 92.42 square feet each) and the total height, including the mounting wall, is 13.92 feet. An approximate 21 square foot sign area is proposed on the face of each stone mounting wall underneath each of the two dinosaur silhouettes (total sign area of each dinosaur silhouette/sign plaque combination is approximately 113 square feet). Separate, additional stone walls with no signage components are proposed to be incorporated into the fencing scheme and flank the "outer" side of each dinosaur silhouette. A variance to allow the fence height in the front yard area to be increased from 4 feet to 6 feet was approved conditionally by the Boone County Board of Adjustment on November 10, 2004.

A steel cut out silhouette of a tree attached to the face of the main gate along Bullittsburg Church Road (flanked by the above described dinosaur silhouettes). The tree silhouette measures 21.88 feet by 8.32 feet for a total sign area of 182 square feet. The location of the entry features described in this paragraph and "A" above are indicated on the attached site plan by the number 1.

- B. A conventional monument style sign with a stone base is proposed along the north side of the building and facing I-275. This is a 7 foot high, 70 square foot sign (5' by 14') which will be illuminated with ground mounted flood lights. Open framed dinosaur sculptures which are fabricated from rebar are proposed to flank the monument sign; no size or height is indicated for the dinosaur sculptures. The location is indicated on the attached site plan by the number 2.

- C. An 18 foot high, 25 foot diameter, circular globe fountain is proposed within the roundabout at the front of the building. The location is indicated on the attached site plan by the number 3.
- D. Temporary/seasonal banners mounted on permanent frames on the freestanding light poles on the site. The banners on the 25 foot high poles measure 1.75 by 7 feet (12.25 sf each), and twenty eight (28) of these banners are proposed (two each on fourteen poles). The banners on the 18 foot high poles measure 1.5 feet by 6 feet (9 sf each), and twelve (12) of these banners are proposed (two each on six poles).
- E. Metal directional signs for the internal vehicular areas which are 6 feet high, with multiple informational panels that each measure 6 inches by 3 feet.

Concepts for all of the features described above are attached and are labeled with letters which correspond to the paragraphs above.

SITE HISTORY

A Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) to allow the multi-use facility was conditionally approved by the Fiscal Court on May 6, 1999 (Ordinance, conditions, and Concept Development Plan are attached). Condition #7 somewhat relates to signage as it states "there shall be no outside animated, mechanical or moving, brightly illuminated and loud sounding figures on the site." A Major Site Plan for the construction of the building was approved on June 27, 2002. The above described fence height variance was approved conditionally by the Board of Adjustment on November 10, 2004.

SITE CHARACTERISTICS

As mentioned above, the total site contains approximately 48 acres (initial AIG site contains approximately 47 acres and the single family residence lot contains approximately 1 1/4 acres), with frontage along the north-south portion of Bullittsburg Church Road, the entire east side of Deck Lane, and along I-275. The site is currently being developed with the AIG building and parking improvements in the north and west portions of the site. A lake exists in the approximate center of the site, and a blue line stream is located along the east property line. The topography of the site is relatively flat in the western portion, and notably steeper in the eastern portion. A cell tower exists along the north boundary, to the east of the new building.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include the following.

- A. I-275 is located along the northern boundary of the site.
- B. Lower density residential and agricultural uses are located to the south and east (RSE).
- C. Undeveloped tracts are located to the west along both sides of the east-west leg of Bullittsburg Church Road (C-3) and a concrete plant is located further to the west along the south side of Bullittsburg Church Road (I-2).
- D. Several residences are located to the south/southwest (south of the C-3 area), along the west side of the north-south leg of Bullittsburg Church Road (RSE and RS).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's 2025 Future Land Use Map designates the western part of the site for "Public/Institutional" uses, the majority of the eastern part and a narrow portion of the southern-most area as "Rural Lands," and small parts of the eastern part of the site as "Developmentally Sensitive." The Public/Institutional designation is described as "government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc." Rural Lands are described as "wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision." Developmentally Sensitive areas are, in short, those which have some sort of characteristics which limit the ability for urban development to be supported, and which have some sort of important natural characteristics.

The Land Use Element makes the following statements that relate to the area.

- A. This section of Boone County contains the I-275 Idlewild Interchange, Idlewild, Bullittsville, and a substantial portion of KY 20. The Idlewild interchange should see slow, highway-related, commercial growth. This commercial development should occur on the southern half of the interchange because of the lack of visibility, established residential uses and church uses on the northern half. South of the interchange, Bullittsburg Church Road should be improved and serve as the only access to the commercial development from the KY 20 Bypass. The existing cement mixing plant should eventually redevelop as light industrial uses. The wooded swale south of this plant should remain as a buffer to existing and planned residential uses to the south. Access to commercial development on the southwestern quadrant must align with Bullittsburg Church Road. Idlewild proper is unlikely to experience major commercial or residential growth ("Idlewild Area," pg. 176).

The Land Use Element's "Future Land Use Development Guidelines" make the following comments which relate to this proposal.

- A. 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," pg. 160).

The Business Activity Element makes the following comments regarding the general area.

- A. The Petersburg Road/Idlewild Interchange area at KY 8 and I-275 is now experiencing traffic volumes on I-275 that could support some commercial activity in the next few years. Significant commercial will not occur, however, until residential development occurs in the corridor. Parallel roads should be utilized to provide access to commercial developments. Particular concern should be taken in the design and development of the commercial businesses due to the existing topography and character of the surrounding area ("Areas of Future Commercial Activity," pg. 72).

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper design principles shall be applied in development (Overall, Objective 3).
- B. Boone County businesses are developed in appropriate locations and are compatible with their surrounding area (Business Activity, Goal).

SPECIAL SIGN DISTRICTS

Section 3440 of the Boone County Zoning Regulations allows for the creation of special sign districts with the appropriate legislative body's approval. The purpose of a special sign district is to allow an applicant to create sign standards for a specific district and "to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development."

STAFF COMMENTS

1. The governing bodies will need to determine whether the proposal is in agreement with the Comprehensive Plan. The proposed sign district is within an area that is substantially designated for Public/Institutional uses, especially where the active development is occurring on the site. The Goals and Objectives note the need both for applying proper design principles and for compatibility with the surrounding area - on this note, the Business Activity Element cautions that "particular concern should be taken in the design and development of the commercial businesses due to the existing topography and character of the surrounding area." The governing bodies will also need to consider the alternate findings for a Zoning Map Amendment, as well as the direction given by Section 3440 "Special Sign Districts" of the zoning regulations.
2. The adjoining residence along Deck Lane which is owned by AIG was included in the proposed Special Sign District by inclusion of its deed book reference on the application. Because this structure is zoned RSE, and none of the permitted RSE uses demand the proposed signage (the directional signage possibly being applicable), Staff recommends that any approval of this application exclude the residence. If a zone change application is ever submitted for the residence, the Special Sign District could be expanded at that time.
3. The Special Sign District was requested because several aspects of the signage package do not meet the standard requirements of Article 34 of the zoning regulations. These include:
 - A. The changeable banners are semi-permanent in nature (can be changed based holidays, events, etc.). Such changes in face normally require a permit for each occurrence as either a "change in face" or a Temporary Advertising Display (TAD) (the regulations do not address "semi-permanent" signs per se; they consider signs simply to be either permanent or temporary). Approval of this request would allow the banner changes to occur without obtaining a permit for each instance.
 - B. The two combination dinosaur silhouette/sign plaques and tree silhouette are each considered a freestanding sign under the definition in Article 40 of the zoning regulations (the entire entry monument package could conceivably be considered to be a single sign although the sign area would be substantially larger than the three separate sign areas combined). With the conventional monument style sign facing I-275, a total of four freestanding signs are proposed. The four signs total approximately 479 square feet and the two dinosaur silhouettes are almost 14 feet high. Article 34 of the zoning regulations allow one monument style sign which is up to 10 feet high and has a maximum area of 100 square feet. Of note, the entry features at Bullittsburg Church Road and the monument sign facing I-275 can not be simultaneously viewed from any one point.

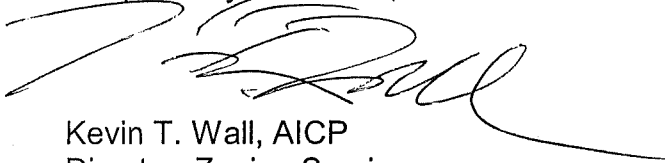
While the proposal is a substantial departure from the zoning regulations in one regard, no building mounted signage has been proposed. Depending on whether I-275 or Deck Lane was opted as the "primary" frontage for sign code purposes, a minimum of approximately 915 square feet of building mounted signage is normally permitted (possibly up to 1,095 s.f.). In order to assure that the total signage on the site is relatively "balanced" when compared to the normal requirements/expectations, the governing bodies could consider a condition of approval which would prohibit building mounted signage on the site.

4. As mentioned above, condition #7 of the original AIG zone change approval states "there shall be no outside animated, mechanical or moving, brightly illuminated and loud sounding figures on the site." The basic purpose of this condition is to maintain the rural characteristics of the site and area by avoiding a theme park-like environment - a purpose which is reinforced by the Comprehensive Plan. While the sculptural elements (the rebar dinosaurs along the freeway and the globe fountain in the roundabout) could possibly be construed as signage under a strict interpretation of the regulations, the Zoning Administrator is reluctant to deem these features as "signage" due to their artistic nature, three dimensional sculptural form, and lack of direct advertising or verbiage. However, they can still be evaluated relative to condition #7 and its broader purpose (especially since the dinosaur sculptures are designed to augment or "frame" the monument sign, even if they are not "signage" themselves). Therefore, Staff recommends that the governing bodies review the entire proposal in that light.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment. Section 3440 "Special Sign Districts" of the zoning regulations should also be consulted. The Future Land Use Map will not need to be amended if the governing bodies approve this Zoning Map Amendment for a Special Sign District.

Respectfully submitted,

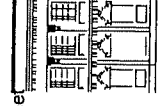


Kevin T. Wall, AICP
Director, Zoning Services

KTW/pr

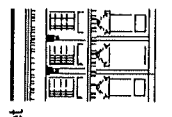
attachments:

- * location map
- * aerial photograph w/ zoning
- * Future Land Use Map excerpt
- * topographic map
- * Boone County Fiscal Court Ordinance #99-10, 3/17/99 Committee Report outlining
AIG zone change conditions, and original AIG Concept Development Plan
- * application materials including Concept Development Plan/signage exhibits



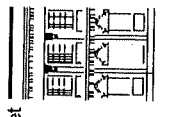
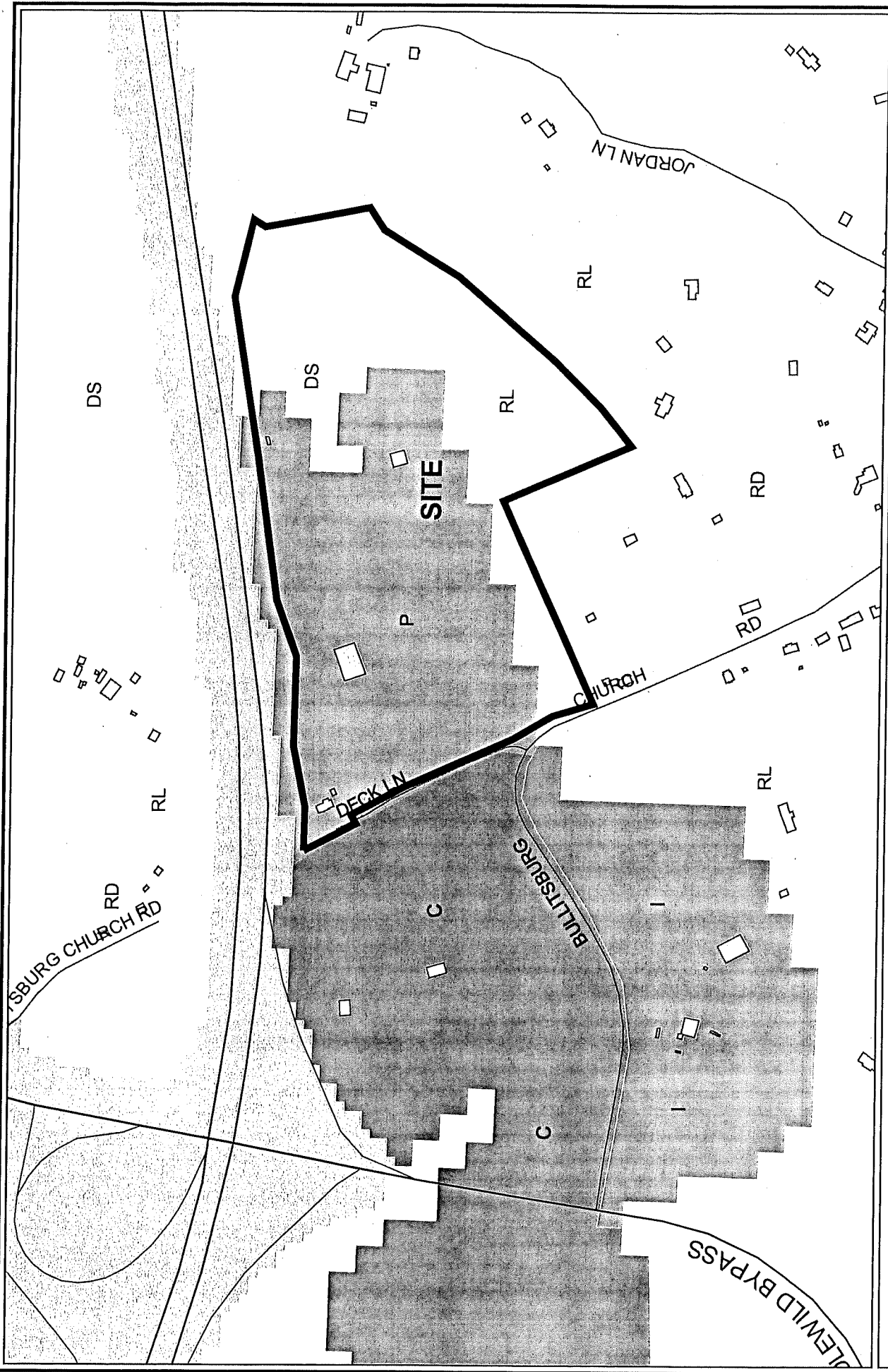
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 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 25, 2004

Location



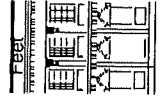
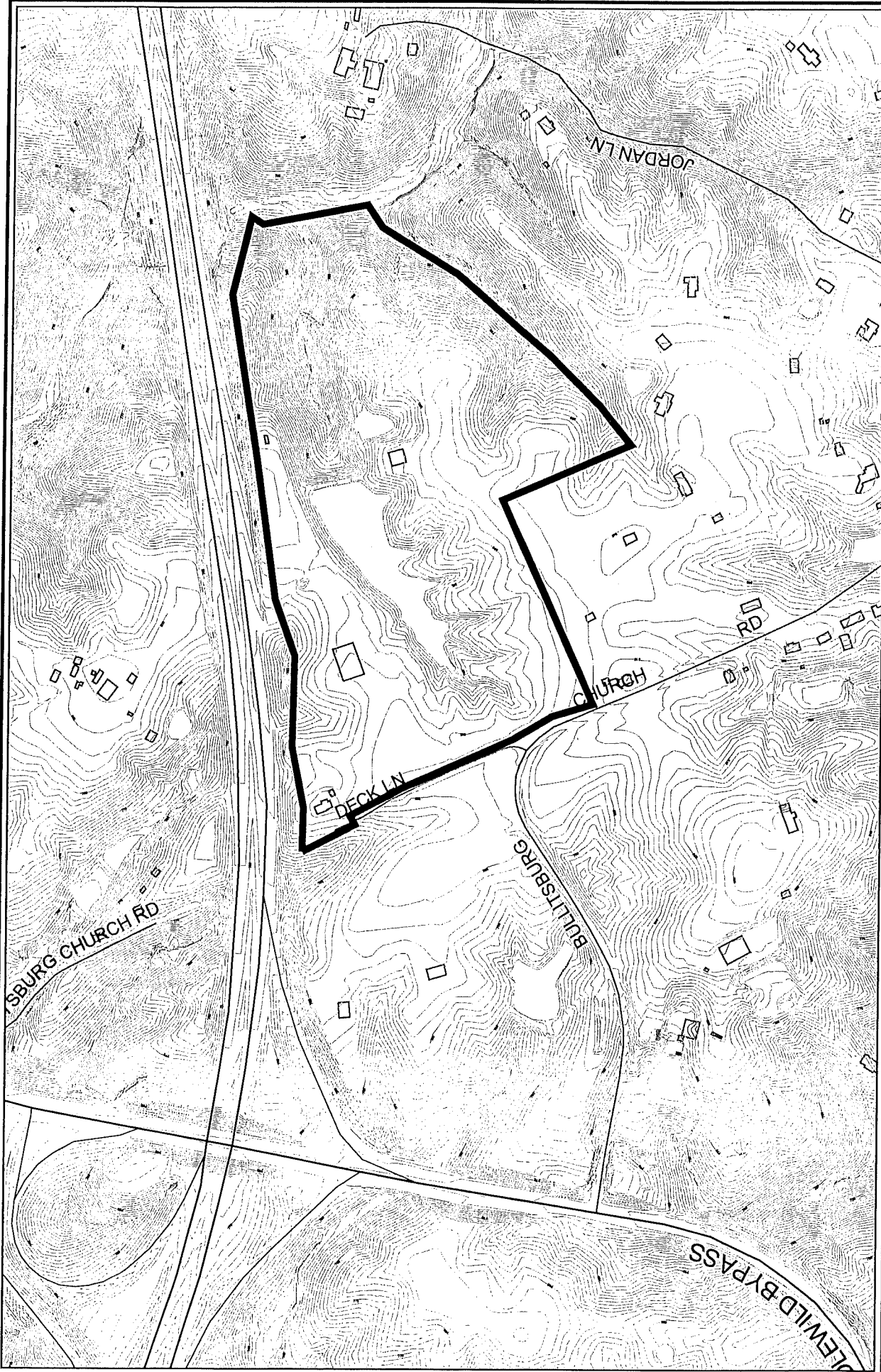
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 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 25, 2004

Zoning



1 inch equals 500 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 October 25, 2004

Future Land Use



1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
October 25, 2004

Topography

ORDINANCE NO. 99-10
BOONE COUNTY FISCAL COURT
ANSWER IN GENESIS

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT GRANTING THE REQUEST OF ANSWERS IN GENESIS (AGENT AUTHORIZED BY OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO PUBLIC FACILITIES (PF) ON AN APPROXIMATE 47 ACRE SITE GENERALLY LOCATED ALONG THE EAST SIDE OF DECK LANE AND BULLITSBURG CHURCH ROAD AND ALONG THE SOUTH SIDE OF I-275, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Public Facilities (PF) on an approximate 47 acre site generally located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Committee of the Boone County Planning Commission which reviewed the proposed project recommended approving the request by a vote of 3-2.

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the Zoning Map Amendment; and

WHEREAS, the Boone County Fiscal Court believes that the Boone County Planning Commission's recommendation is not appropriate and that the applicant's request should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby granted, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Public Facilities (PF) on an approximate 47 acre site generally located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOKS 207 & 209, PAGE NOS, 514 & 310, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for this Zoning Map Amendment request are the findings of fact and conditions of the Committee of the Boone County Planning Commission which considered the matter. The Committee Report, which recommended approval of this request subject to conditions is attached hereto and incorporated herein as Exhibit A.

Further, the Fiscal Court finds the applicant's request to be consistent with the Boone County Comprehensive Plan. That plans call for the area in question to be developed as industrial at some time. The proposed use qualifies as an industrial use, but it is also consistent with the permitted uses in the Public Facilities (PF) zoning classification. This PF classification allows the area in question to be developed consistent with the Comprehensive Plan, while not encouraging other development in the area before the infrastructure is built to handle more intense development which will take place in the future.

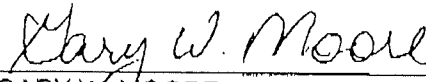
ORDINANCE NO. 99-10
BOONE COUNTY FISCAL COURT
ANSWER IN GENESIS

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.


Introduced and given First Reading on the 27th day of April, 1999.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 6th day of May, 1999, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

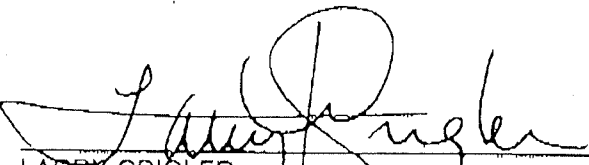


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



CAROLYN A. RUDICILL
FISCAL COURT CLERK



LARRY CRIGLER
BOONE COUNTY ATTORNEY

May 20 1999

DATE PUBLISHED

REPORT AND FINDINGS PRESENTED TO THE FULL PLANNING COMMISSION AT THE MARCH 17, 1999 BUSINESS MEETING. REPORT AND FINDINGS WERE REJECTED BY FULL PLANNING COMMISSION BY A VOTE OF 8-6.

COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: March 17, 1999

RE: Request of Answers in Genesis (agent authorized by owner) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 47 acre tract located along the east side of Deck Lane and Bullitsburg Church Road and along the south side of I-275, Boone County, Kentucky. The request is for a zone change to permit a museum, religious assembly, office, mail order operation, picnic areas, ornamental monuments, storage and a small loading dock.

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has concluded that the Zoning Map Amendment and Concept Development Plan are in agreement with the 1995 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates most of this site as Industrial (I) and Rural Lands (RL) and the proposed uses are generally in agreement with these classifications and with the permitted uses in the Public Facilities (PF) zoning district.
2. The Comprehensive Plan's Land Use Element states that "development in this area should not be accompanied by major sanitary sewer facilities that could commit the Idlewild area to development." The proposed facility would use an on-site sanitary disposal system, thus the construction of a sanitary system that would commit the area at large to development is not part of this proposal.
3. The Committee has concluded that the request with the attached conditions is in general agreement with the "Future Land Use Development Guidelines," which are outlined in the Comprehensive Plan's Land Use Element.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan and to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating

COMMITTEE REPORT - Answers In Genesis
March 17, 1999

Page 2

CONDITIONS

1. The applicant shall be responsible for resurfacing Bullitsburg Church Road from its proposed entrance to KY 8 (Idlewild Bypass) according to the requirements of the Boone County Engineer.
2. The applicant shall be responsible for installing directional signage from the site to KY 20/Idlewild Bypass. A "No Truck Traffic" sign shall be installed on southbound Bullitsburg Church Road.
3. All lighting on the site shall be self-contained and directed away from adjoining properties. Lighting shall only be used for security and safety reasons.
4. The applicant shall provide copies of all approved sanitary sewage and water permits to the Boone County Planning Commission.
5. The proposed uses on the site shall be limited to those uses indicated on the applicant's application. No other Public Facilities (PF) uses will be allowed unless a new application is filed and a new Public Hearing process is held.
6. The proposed uses on the site shall be in accordance with the breakdown or percentage as identified by the applicant at the March 3, 1999 Public hearing (see Attachment #1). The primary use of the site shall be the museum.
7. There shall be no outside animated, mechanical or moving, brightly illuminated and loud sounding figures on the site.
8. Camping and recreational vehicles (overnight stays) shall be prohibited on the site. An amphitheater is also not permitted on the site.
9. The parking of vehicles shall be limited to paved parking areas on the site and indicated on the Concept Development Plan.
10. The proposed religious uses on the site are tied to uses identified in Attachment #1 and shall be limited to inside the proposed building.
11. The applicant shall submit architectural drawings for the Design Review process. The proposed building shall consist of masonry brick or decorative block materials and be similar to the materials and design shown at the March 3, 1999 Public Hearing (see Attachment #2).

COMMITTEE REPORT - Answers In Genesis
March 17, 1999

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

Phil Damstrom
 Phil Damstrom, Chairman

For Against
 Abstain Absent

Larry Brown
 Larry Brown

For Against
 Abstain Absent

Mark Hicks
 Mark Hicks

For Against
 Abstain Absent

Bob Newman
 Bob Newman

For Against
 Abstain Absent

Bill Viox
 Bill Viox

For Against
 Abstain Absent

TOTAL: 3 FOR 2 AGAINST 0 ABSTAIN 0 ABSENT

Answers *In General*

**MUSEUM
EXHIBIT AND GENERAL PURPOSE AREA
50%**

**CHILDRENS WORKSHOPS
& CLASSROOMS
12%**

**BOOK
STORE
2%**

**MUSEUM
DEVELOPMENT
3%**

**RESEARCH
LIBRARY
2%**

**OFFICES
20%**

**MAINTENANCE
2%**

**DISTRIBUTION
& STORAGE
9%**

DEVELOPER: **Answers**
In Genesis



ENGINEER: PDS

RSE WINDHORN

RSE CAMPBELL ESTATE

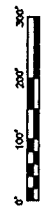
PF

A-1 CAMPBELL ESTATE

TOWN AREA 0215 AREAS

- ONE TO THREE PROPOSED BUILDINGS CONSISTING OF A KITCHEN, OFFICE SPACE, SMALL LIVING ROOM AND STORAGE SPACE TOTALING 2,500 SQ. FT.
- EXISTING DRIVE SHALL BE MAINTAINED AND IMPROVED TO MEET ALL APPLICABLE REGULATIONS
- EXISTING AND NEW UTILITIES SHALL BE ACCESSIBLE FROM DECK LAKE
- EXISTING WATER SHALL BE PROVIDED BY A CISTERN SUPPLIED BY PROPOSED WELL ROOF WATER
- EXISTING SEWER SHALL BE TREATED BY PUMP-OUT
- EXISTING SERVICES SHALL BE TREATED BY AN ON-SITE WASTEWATER TREATMENT PLANT

A-1 STEVENS FAMILY TRUST



MOORE
 EXISTING COMMERCIAL-3 ZONE

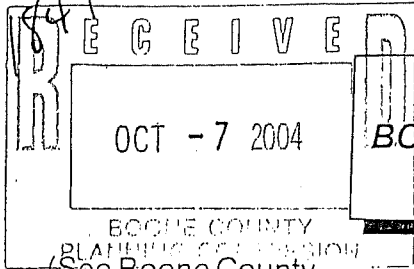
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 ROONE COUNTY

EXISTING INDUSTRIAL-2 ZONE

EXISTING IDEALIZED CONCRETE PLANT

SCALES

APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY
PLANNING COMMISSION
(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

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ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence Union

19. Applicant's Signature Patrick Marsh
Property Owner's Signature Michael Zarr Absurers in Genesis

SECTION B (To be completed by BCPC Staff)

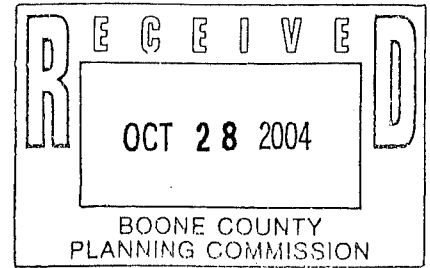
1. Date Received 10-7-04
2. Review Fee \$ 1849.00 R# 40452
3. Check what has been submitted:
 Application
 Fee
 Legal Description
 Concept Development Plan
 Address of Adjoining Property Owners
3 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer KRIN WSL
6. Committee Chairman _____
7. Scheduled Public Hearing Date 11/17/04
8. Boone County Planning Commission Action:
 Approval
 Approval with Conditions
 Denial
9. Other: _____

** Five (5) Copies Are Required

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 - Web Page

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

Date: 10/28/04
To: Kevin Wall, Boone County Planning Commission
From: Patrick Marsh, Answers in Genesis Creation Museum
Re: Special Sign District Application



Dear Kevin,

I am sorry for the delay in providing the drawings you requested. I have included drawings for the items we would like to include. The actual designs might change, but the items and their sizes are basically accurate. I was not sure about all the things that need to be included for the application, but these are the basic items we would like to include:

1. Entrance Gate details, including stone entrance, dinosaur sculptures and sculpted tree on the entrance gate and written signage on the stone wall.
2. General idea of site direction signage
3. Entrance fountain sculpture and seating area
4. Monument Sign on north face of the building, as seen from highway 275, including rebar dinosaur sculptures on each side.

Please let me know if there is anything else that you need. Thank you for your help in this matter,

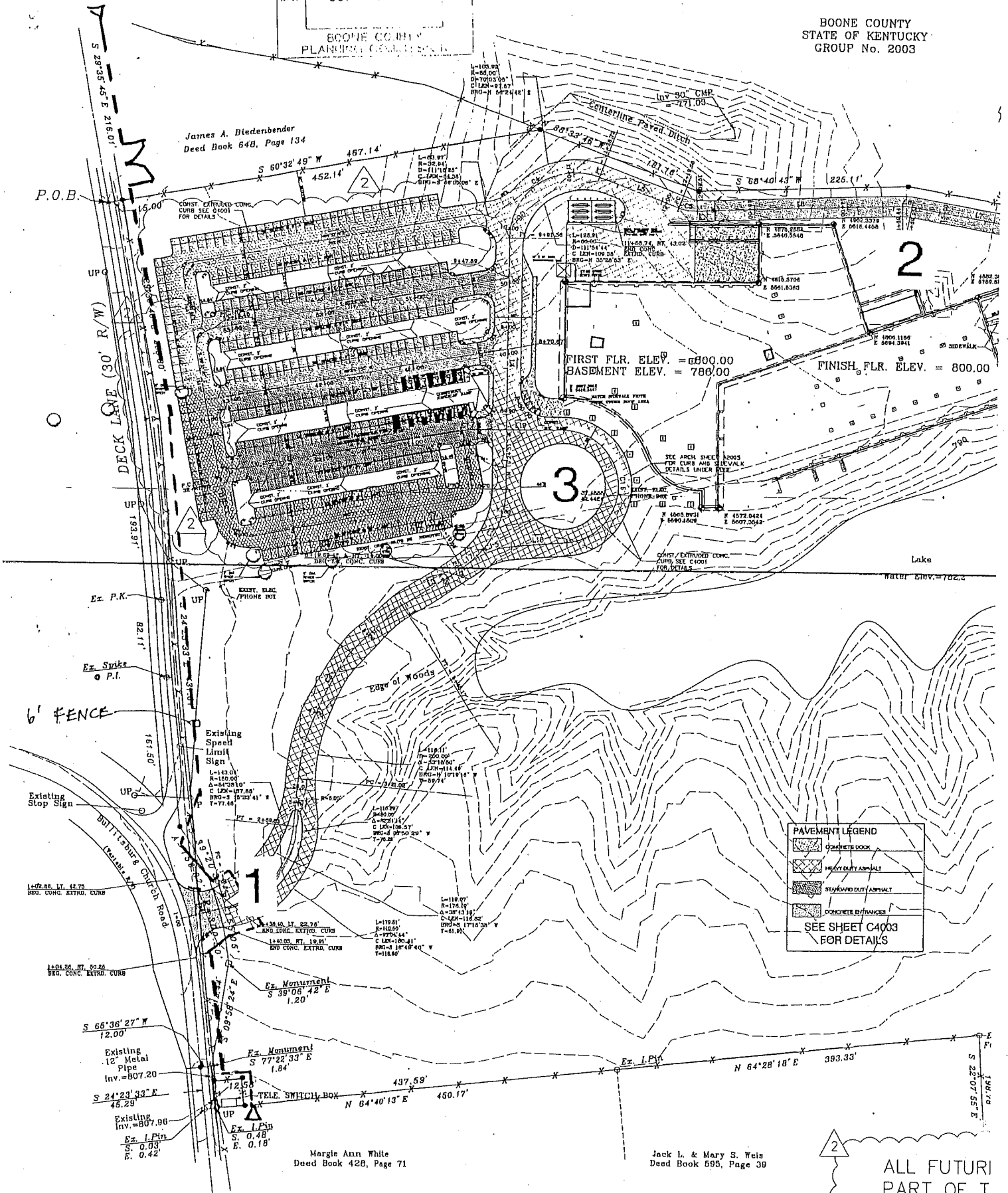
Respectfully,

Patrick Marsh
Patrick Marsh
Museum Design Director
Answers in Genesis Creation Museum
859-727-2222 ext 477
859-630-0323 cell
pmarsh@answersingenesis.org

OCT - 7 - 2004
BOONE COUNTY
PLANNING COMMISSION

NOTE: North is based upon a survey by Timothy R. McNeaty,
Dated 2/12/78; Recorded in Deed Book 363, Page 93.

BOONE COUNTY
STATE OF KENTUCKY
GROUP No. 2003



PAVEMENT LEGEND	
	CONCRETE DECK
	HEAVY DUTY ASPHALT
	STANDARD DUTY ASPHALT
	CONCRETE DRIVEWAYS

SEE SHEET C4003 FOR DETAILS

James A. Hadenbender
Deed Book 648, Page 134

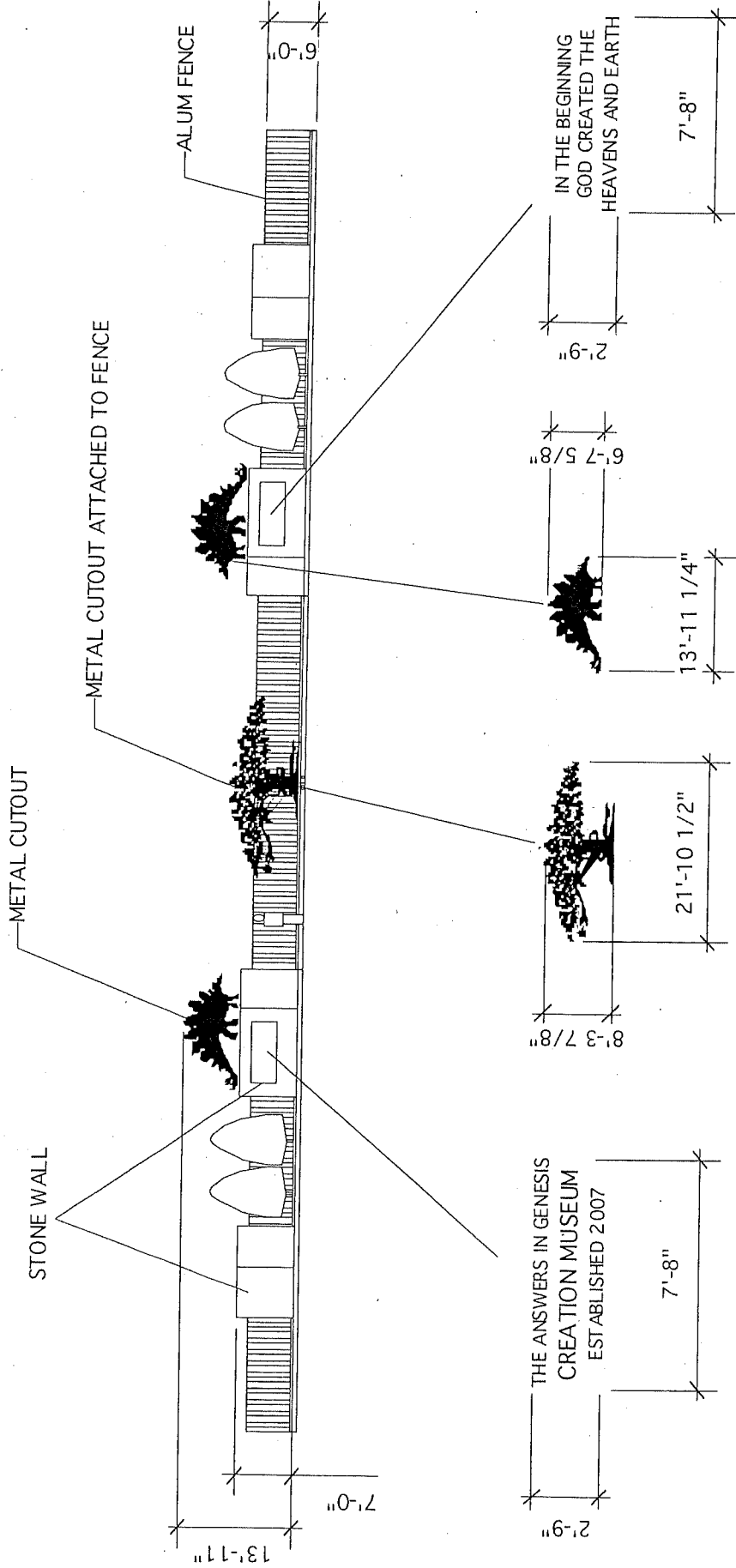
FIRST FLR. ELEV. = 680.00
BASEMENT ELEV. = 780.00

FINISH FLR. ELEV. = 800.00

Margie Ann White
Deed Book 420, Page 71

Jack L. & Mary S. Weis
Deed Book 695, Page 39

ALL FUTURE
PART OF T
APPROVED

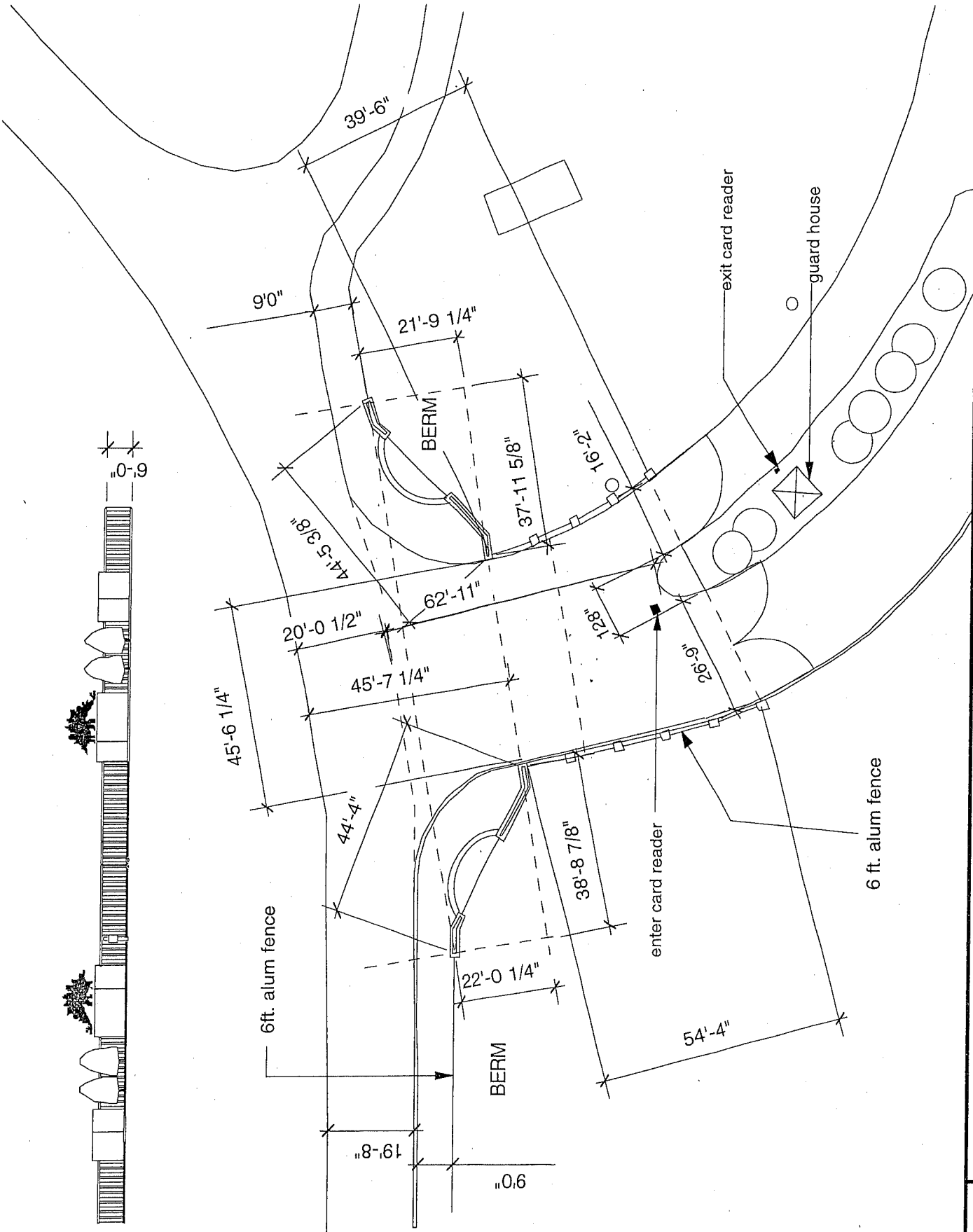


A

CREATION MUSEUM ENTRANCE GATE DETAILS

10/25/04

A

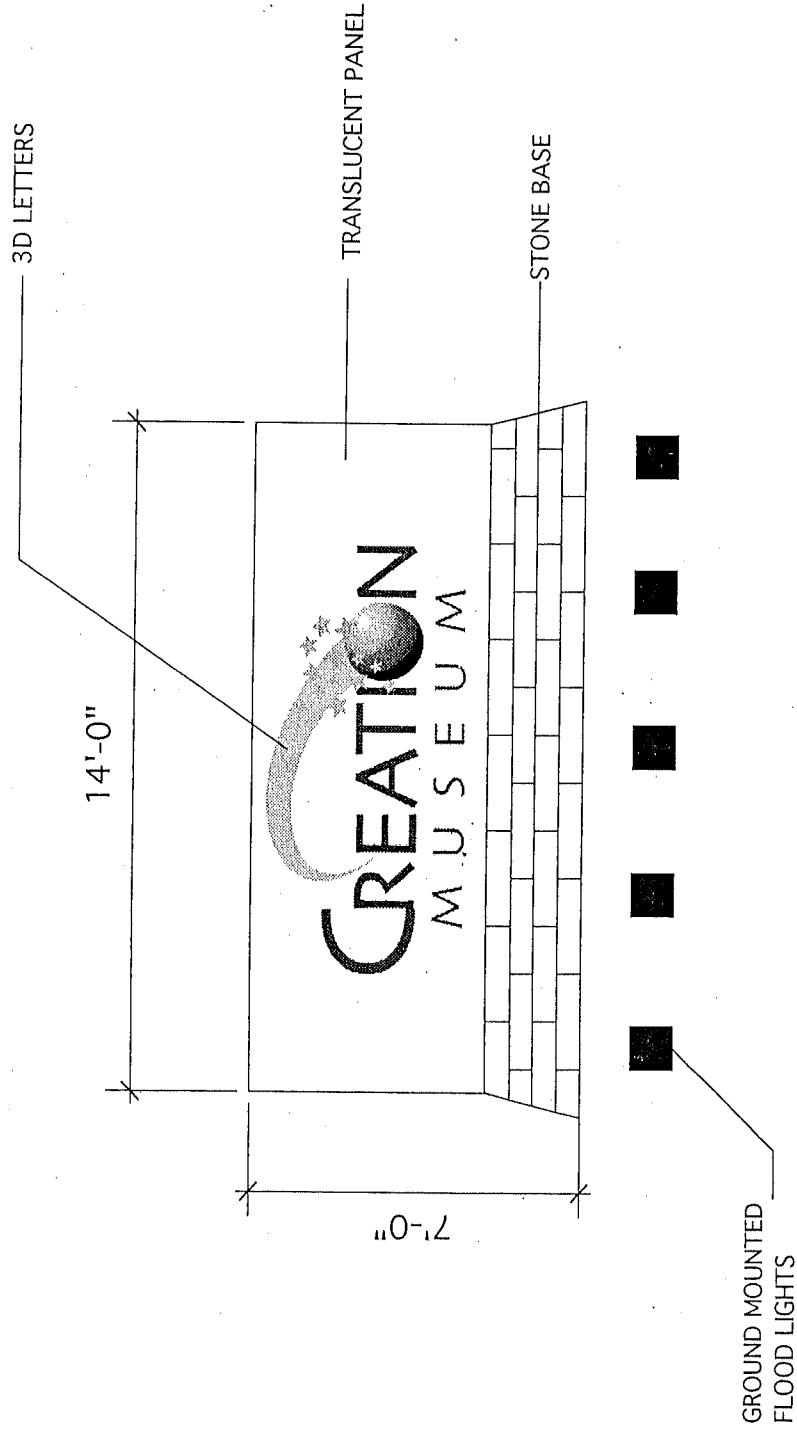


DATE: 6/25/04
SCALE: 1/30TH

ANSWERS IN GENESIS
CREATION MUSEUM

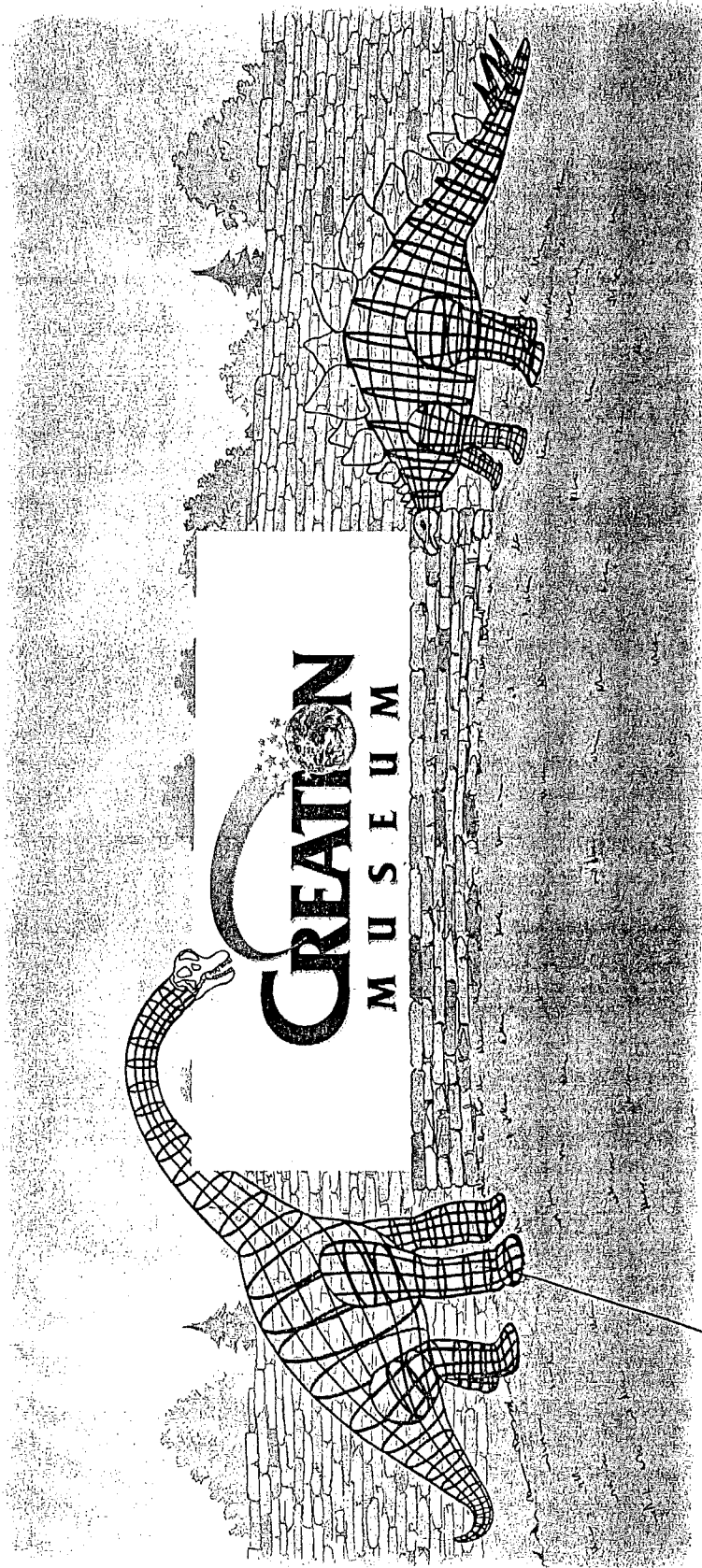
ENTRANCE GATE

1095



B

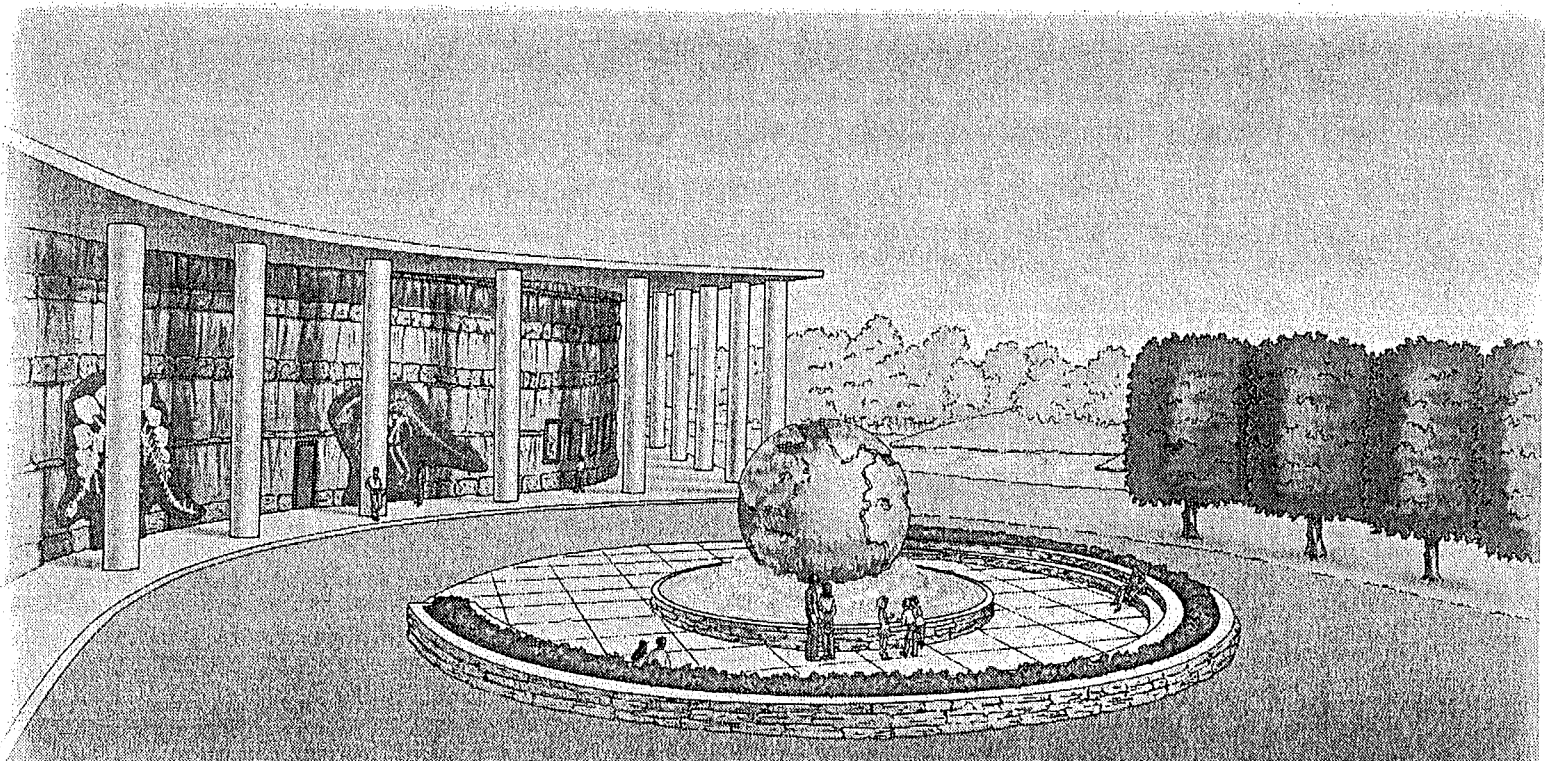
MONUMENT SIGN (VIEWED FROM HIGHWAY)	10/25/04
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Dinos made of welded rebar

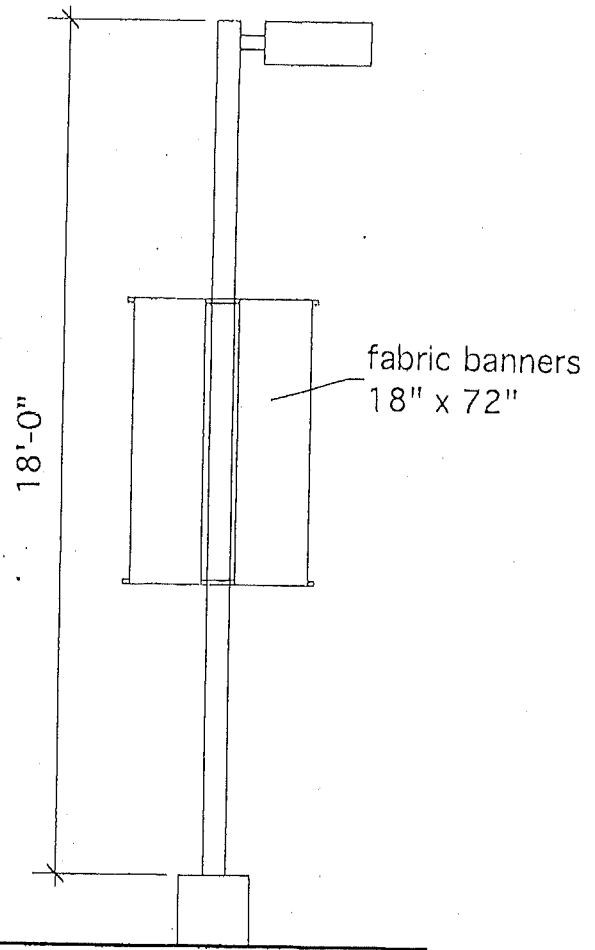
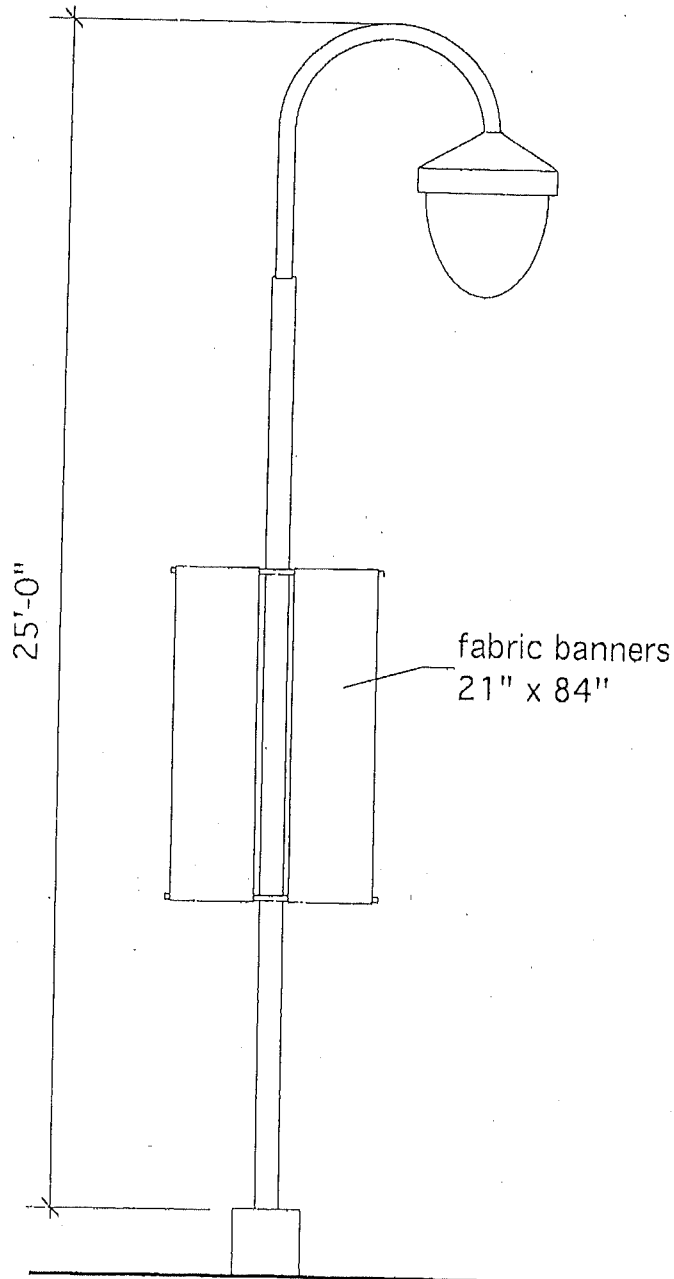
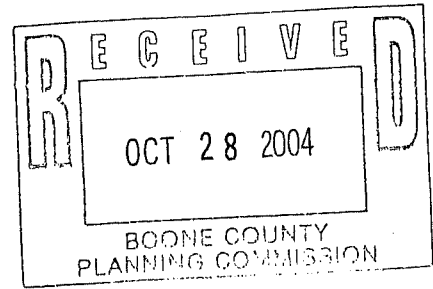
Monument sign (viewed from highway)

Entrance Fountain - 18' high x 25' Dia. circle



ATTN: Kevin Wall

D



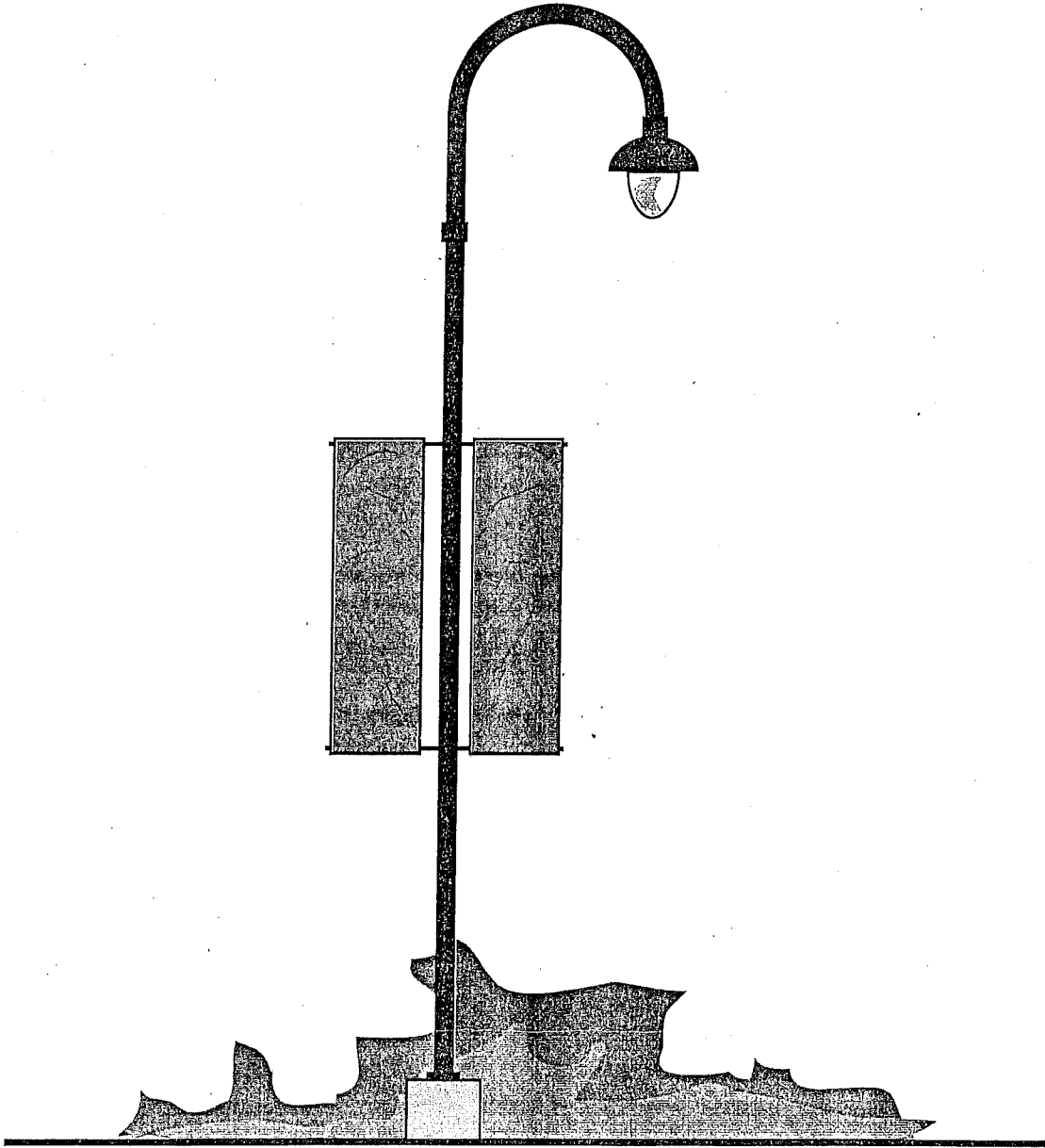
(14) lamp posts
x 2 banners = 28 banners
front of building (museum parking)

(6) lamp posts
x 2 banners = 12 banners
back of building (staff & guest parking)

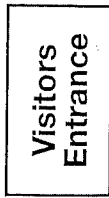
ANSWERS IN GENESIS CREATION MUSEUM

october 25, 2004

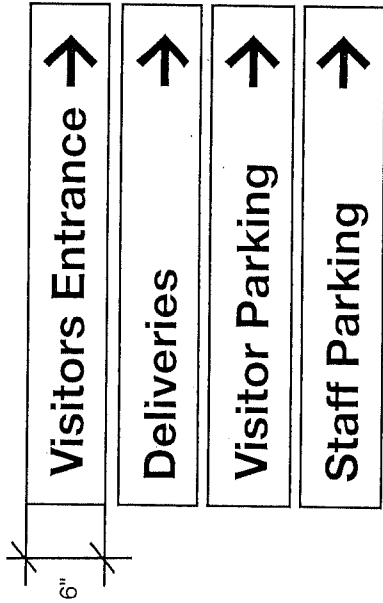
D



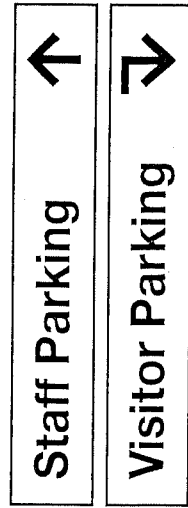
TYPICAL BANNER INSTALLATION ON LIGHT POLES
ANSWERS IN GENESIS CREATION MUSEUM



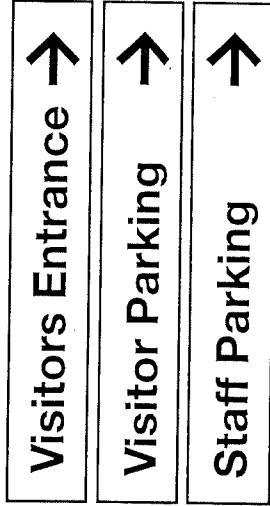
G



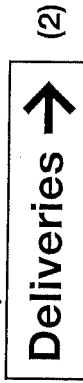
A



B



C



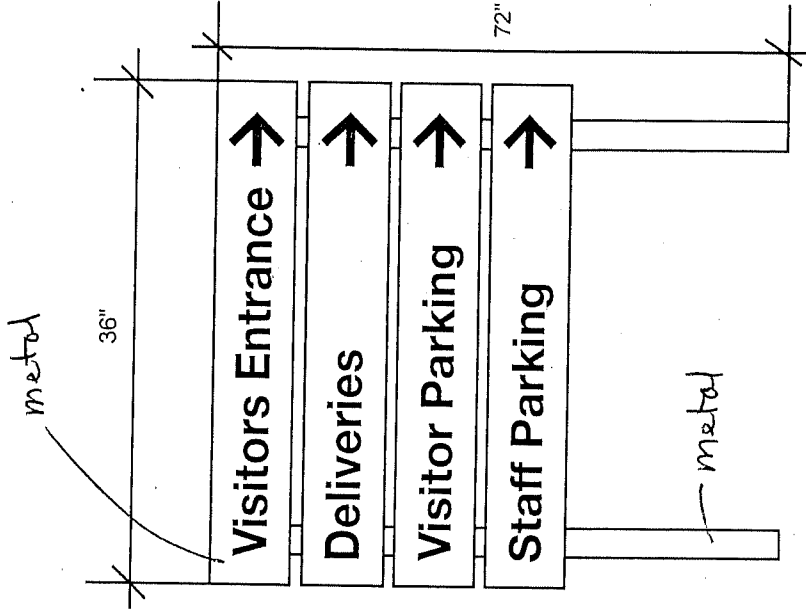
D



E



F



Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Mr. Kevin Wall, AICP, CDT – Director, Zoning Services; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Poston, Vice Chairwoman, introduced the second item on the Agenda:

2. **Applicant:** **Patrick Marsh for
Answers in Genesis (owner)**

Request: **Zoning Map Amendment**

The request of Patrick Marsh (applicant) for Answers in Genesis (owner) for a Zoning Map Amendment for a Special Sign District for approximately 48 acres at 2800 Bullittsburg Church Road and 2754 Deck Lane, Boone County, Kentucky. The request is for a Special Sign District in Public Facilities (PF) and Rural Suburban Estates (RSE) zones to allow alternative signage.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, Mrs. Poston asked for the applicant's presentation.

Mr. Patrick Marsh, representing Answers in Genesis at 2800 Bullittsburg Church Road, Petersburg, passed out packets of information to the Commissioners (see Exhibit 1). Reviewing a Power Point presentation, he stated that signs, banners, sculptures, landscaping and architecture create anticipation, excitement, and expectation for their guests. They have a museum and are a public facility. They want to create as interesting an environment as possible, but the existing Public Facilities Sign District Regulations keep them from achieving that goal. They want to create a unique entrance. They are trying to enhance the appearance of the museum and the neighborhood. They want to create excitement and a festive atmosphere. The banners will be similar to those on Ewing Boulevard. They want to show purpose through signage. They are not trying to create a theme park environment. He presented a Power Point slide of the Answers in Genesis museum. He stated that the entrance gate has two monuments and a cutout in the

center. During daytime hours, the gates are folded back and not seen. At night when the park is closed, people will see the finished product. There are pictures in the packets of the gate and the dimensions. He noted the steel cutouts on the left and right sides of the gate and the sculptured tree in the center. He stated that they have a Variance for the fencing and it will be similar to the Aquatic Center in Florence. He noted the existing construction fence. He stated that there was concern at the Variance meeting as to whether the stone portions of either side would create a visual hazard. They did a test by taking cars back and forth to show that people can see beyond the monuments and see cars coming. There will be even more visibility with the stone fence than with the construction fence. Cars coming up Deck Lane are very visible and there is nothing in the way on the right hand side. He does not believe there will be a visual hazard when pulling out of the site. He stated that they want to create banners to put on the light posts in the front and back parking areas. The back parking area is primarily for the staff. The banners will be similar to those in Florence. He presented a Power Point slide to show how the banners might look. He stated that the fountain will be on the green area in the front. He presented a color Power Point slide of the fountain at the entrance. He stated that the highway monument sign as viewed from I-275 will say "Creation Museum" and have two dinosaurs to be interesting and appealing. It will not be moving or have strong lighting. They hope the sign will be an asset to Boone County. Mr. Costello asked if any part of the sign will be lighted. Mr. Marsh responded that the sign itself will be lit so that it can be read and there will be some lights on the dinosaurs. He does not know how "brightly lit" compares to "attractively lit", but he does not expect it to be offensive to anyone. He stated that there will be ground-mounted floodlights and three-dimensional letters. He stated that the signs will be reviewed by the Sign Board. They have to present the signs to the Sign Board to get a signage permit. This completed the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Ms. Anne Banta, 2966 Bullittsburg Church Road, stated that she and her husband are opposed to the request. Their property abuts the back property line. She stated this is a rural area. Answers in Genesis has cut down trees and woods where their property line runs to put in septic lines. They have altered the natural beauty of the rural area. They can see the lighting on the Answers in Genesis property from their property and when driving down Bullittsburg Church Road. The site is well lit. The chainlink fence at the entrance is not attractive and she does not know when it will be replaced. She is not sure how they want to light the signs, but they have enough lighting as it is. She is opposed.

Mr. Bill Moore stated that his property is to the west. He would like some changes made to the entrance. Reviewing the Staff Power Point presentation, he stated that there is a problem the trucks coming in going over on his property

about ten feet as they cannot make the turn. He stated that the other entrance is open to trucks and they are tracking mud and running over water valves and making a mess six feet onto his property. Mrs. Poston explained that the request this evening is in regard to the signage. Mr. Moore responded that the road needs to be moved over before the signs are built. Tractor trailers cannot make the turn and track onto his property. He indicated how the entrance needs to be moved over before the signs are built. He has discussed this matter with Planning & Zoning, but he has not gotten anywhere and does not know what to do. He stated that the entrance needs to be widened by thirty feet. The trucks go onto his property to make the turn and there are tire tracks in the dirt there. Mr. Costello stated that Staff will look at it and determine if it is his property or right-of-way. Mr. Moore responded that it is right-of-way. Mr. Costello stated that it would be the county's property. Mr. Wall stated that there is a condition of the zone change approval that Answers in Genesis needs to do improvements from their entrance to Idlewild Bypass and they are looking at requiring the radius to be larger. The improvements are up to the County Engineer through the Encroachment Permit process. He stated that Answers in Genesis has an approved Site Plan that meets the zoning requirements. Mr. Costello asked if the Site Plan showed the road improvements. Mr. Wall responded "yes" -- he does not know to what level -- but it is per the County Engineer's requirements and there was an agreement with Greg Sketch. Mr. Moore stated that he has been talking to Kenny at Public Works about it. He stated that last week they repaved the road and cut it back five or six feet, but it is not enough. He stated that it is county right-of-way, but he mows it and he cannot mow it when trucks track down through there. There is several hundred feet where he cannot mow or do anything with it. Mrs. Poston suggested he talk with the County Engineer. Mr. Moore stated that this needs to be addressed before the signs are built. The road is not wide enough and he does not want trucks where he mows.

Mr. Moore stated that if a sign is being proposed where Bullittsburg Church Road meets KY 20, it should be a community sign for future growth. Mr. Costello responded that they are not permitted an off-premise sign and a sign is not planned in that location.

Mrs. Poston asked if there was anyone else present who wished to speak. There being no response, she asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if the large dinosaur pictures on the building are considered signage. Mr. Wall responded that they are not existing on the building now and have not been requested. Mr. Marsh stated that it is cast stone and part of the structure of the building. The entire exterior is Grand Canyon stone. Two dinosaurs are imbedded in the wall as part of the architectural element. Mr. McMillian asked if it is signage. Mr. Costello asked if Staff was aware of it when they came in with the sign drawings. Mr. Wall responded that it is the first he has heard of it. He saw it on the drawing and assumed it was illustrative. He stated

that based on the description, it is very similar to the globe and rebar dinosaurs – it is a sculptor element incorporated into the masonry of the building, and he would not call it signage. Mr. McMillian stated that the dinosaurs out front are signage. Mr. Wall agreed that the dinosaurs on the monuments are signage. He stated that he does not consider the rebar dinosaurs in the back to be signage, but there is an obligation to review them pursuant to the prior condition.

Mr. McMillian asked if there will still be a fence along I-275. Mr. Wall responded that there is an old stock wire fence there now that is rusted. The monument sign and sculpture sit up higher and the fence will not obstruct the view of the signs.

Mr. Poe stated that if someone came in with a sign that had a sculpture – such as McDonald's with Ronald McDonald or Frisch's with Big Boy – they would be considered signage. He questioned how the distinction is made. Mr. Wall responded that there is no magic formula – it is a judgment call. He stated that the dinosaurs do not have trademark corporate identity. Mr. Poe stated that he is concerned about setting a precedent and that other organizations will come in with sculptures that they say are artistic – but they are related to the trademark. Mr. Wall repeated that it is a judgment call and stated that when considering corporate identify versus a one of a kind piece, the dinosaurs are one of a kind. Mr. Poe stated that he would like the Committee to look at this issue and consider it for the future. Mr. Costello stated that the building sits back a distance and people have to drive into the site before they see it. The dinosaurs are an imbedded design. Mr. Poe stated that he is talking about the rebar dinosaurs. He questioned the size and how far it will stick out in relation to the size of the building when driving down the interstate.

Mr. Schwenke stated that it is a rural area there and he asked the Committee to consider how the signs will fit in with the rest of the community.

Mr. Marsh asked to respond to the comments made. He stated that he tried to create something that would be similar to housing monuments – bold and nicely landscaped with a stately atmosphere at the entrance to a public facility. He stated that the colors of the stonework will be similar to the natural colors of the building. They want everything to blend and be beautiful, but stately. He stated that this is an opportunity to create something that will bring more things like this to Boone County. He stated that sculptures within the property give an opportunity for places for people to walk. People can walk on the grounds and enjoy the nature trails and the lake without any cost. The only cost is to go in the museum. It is a public facility. People can have lunch there. They are trying to create places to walk and things to see in a natural environment. They are trying to take care of the lighting and understand that it is too bright. They are trying to figure out what to do. They have worked with the county in regard to the roadway. They talked to the county about how to maneuver trucks in and out and

they adjusted the curve. The curve was addressed before they paved. He stated that they have paved down to KY 20.

Mr. Poe stated that he is concerned about the size of the dinosaurs. Mr. Marsh responded that the sign is seven feet tall and the dinosaur is 12' – 13'. Mr. Poe stated that if it is not part of the sign and not part of the condition, then it could be 25 feet tall. He would like the Committee to address this.

Counselor Wilson stated that Mr. Marsh made the comment that he wanted to design this so that it looks like a residential development entrance type sign and asked if Mr. Marsh is saying that the rebar dinosaurs are signs. Mr. Marsh responded "no" and stated that he is talking about the dinosaurs at the entrance. Mr. Poe stated that he is not talking about the ones at the entrance. Mr. Marsh stated that the sign in relation to the side of the hill is long and large, but not much larger than two pine trees. The sign was allowed to be 100 square feet, but it is not that large. The sign will not be overpowering and will be graceful. People can see through the dinosaurs and they blend into the background.

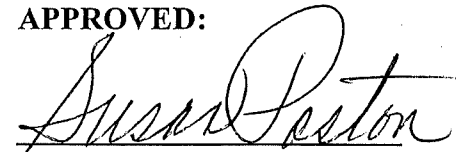
Mr. Breetz stated that he is concerned about the banners – with the color and wording, the banners could have a bigger impact than the signs. He asked the applicant to come to the Committee Meeting prepared to answer questions about the colors and wording on the banners. Mr. Costello stated that the Planning Commission can regulate the number and size of the banners, but not the content. Mr. Breetz asked if the banners are considered signs. Mr. Costello responded "yes". Mr. Breetz stated that the applicant indicated that the banners would change over time and he is concerned as to what they might be like.

Mr. McMillian asked if something has to have words on it before it is considered a sign. Mr. Wall responded "no" and commented that under the Code, colors and images can be signs. Mr. McMillian stated that the dinosaurs at the top of a sign without words on them are considered a sign, but the rebar dinosaurs are not. Mr. Wall agreed and stated that this issue is addressed in the Staff Report. He stated that if every three-dimensional object is considered a sign, a lot of good design elements will not be seen. If someone brought in a Rodan and wanted to put it in front of an office building but it was considered a sign, we may not be prohibiting a work of art. Some Zaring subdivisions have a sculpture of people on benches or a fishing rod at a lake – and if they are considered signs, they will not be there. Mr. McMillian stated that they are not advertising a fishing lake, but Answers in Genesis is advertising its business and it looks like a sign to him. He stated that if there is an alligator outside, people will go in to see the alligator. Mr. Wall agreed and stated that under the Code, there does not have to be verbiage to be a sign. It is not an easy line to draw and it is a case-by-case judgment call. He made a judgment in this case – but there can still be a critical analysis of it. Mr. McMillian stated that it will be discussed in Committee.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on December 1, 2004 at 5:00 PM. This item will be on the Agenda for the Business Meeting on December 15, 2004 at 6:00 PM.

Mrs. Poston closed this Public Hearing at 8:26 PM.

APPROVED:

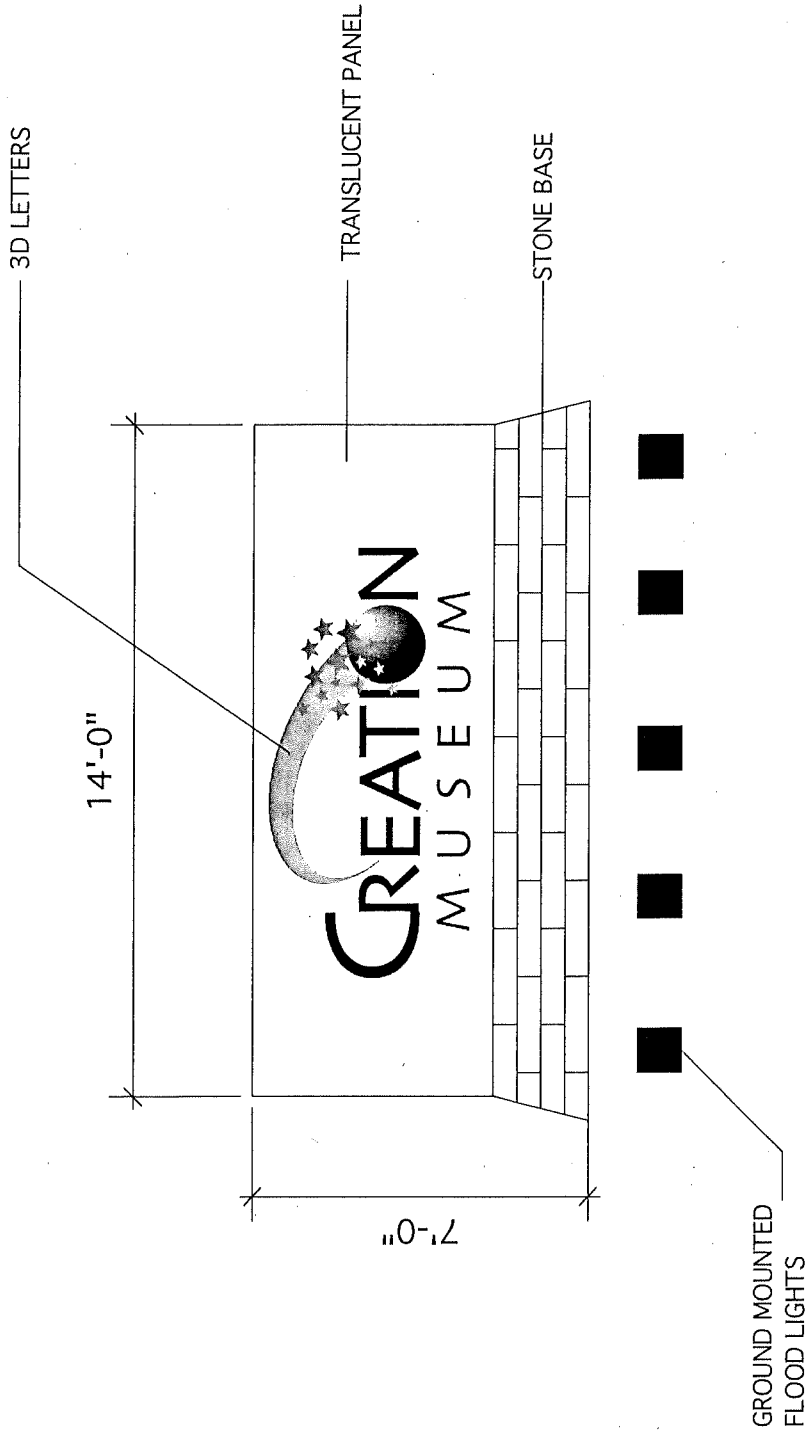

Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

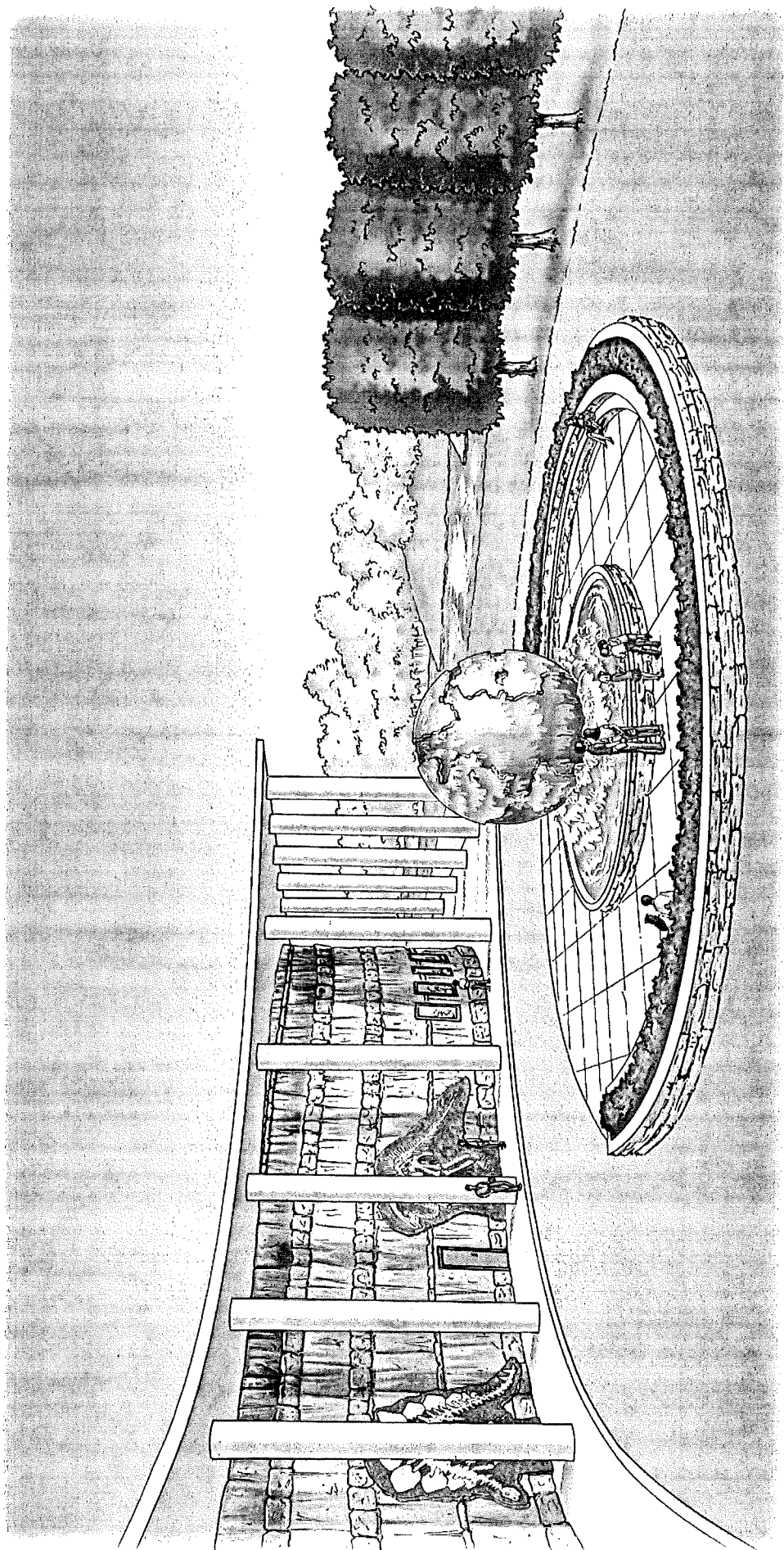
Exhibit –

- 1. Packet of information submitted by Patrick Marsh on behalf of Answers in Genesis**

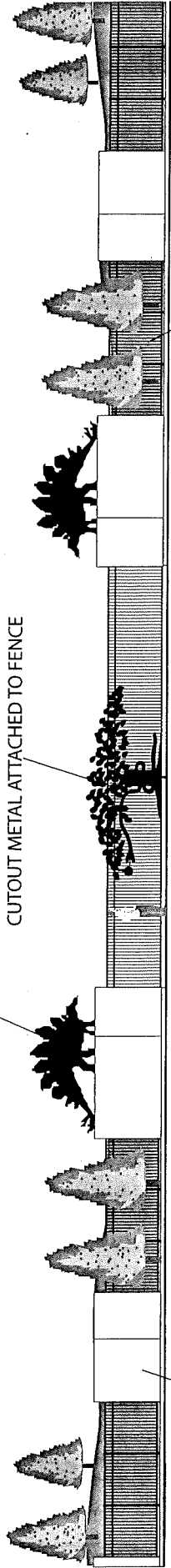


MONUMENT SIGN (VIEWED FROM HIGHWAY)

10/25/04



Entrance Fountain



FLAT STEEL PLATE

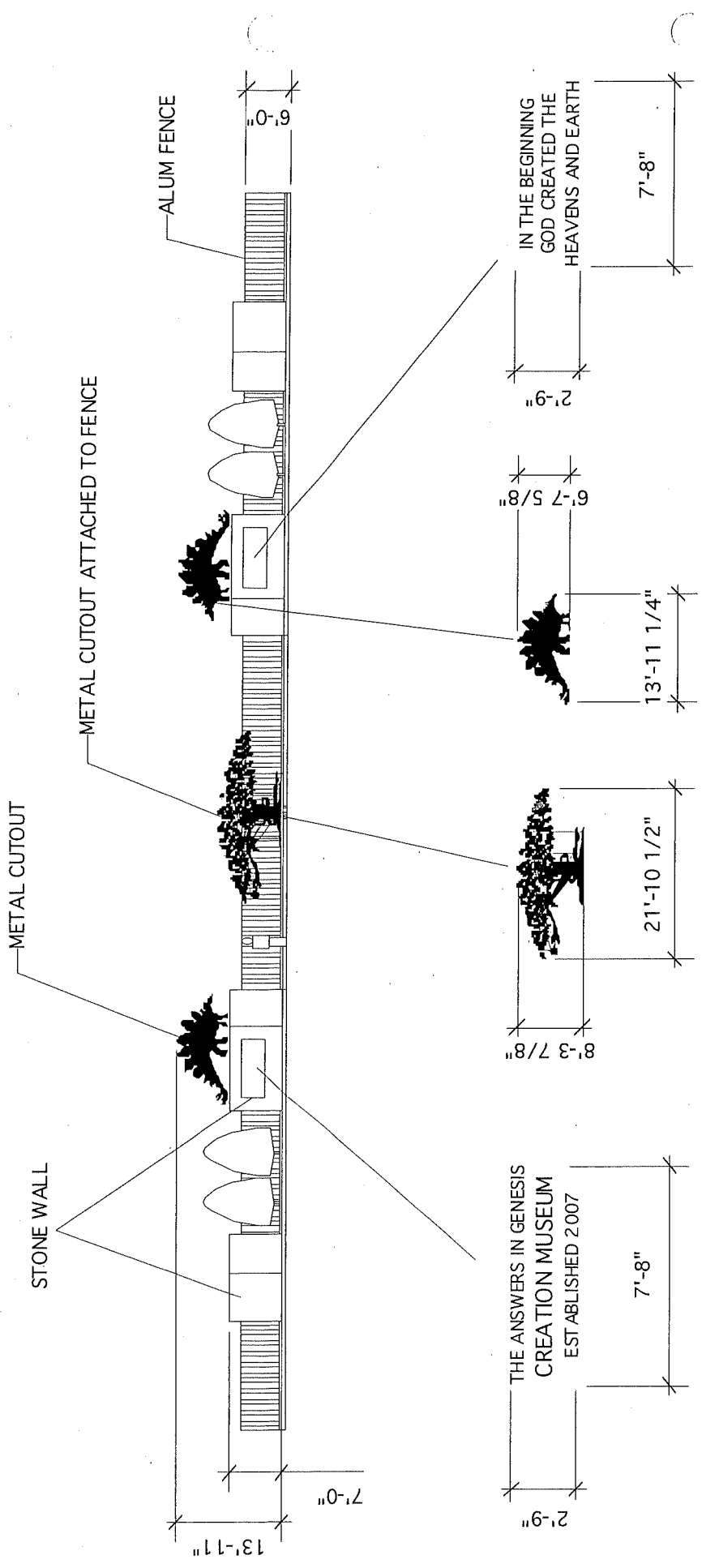
CUTOUT METAL ATTACHED TO FENCE

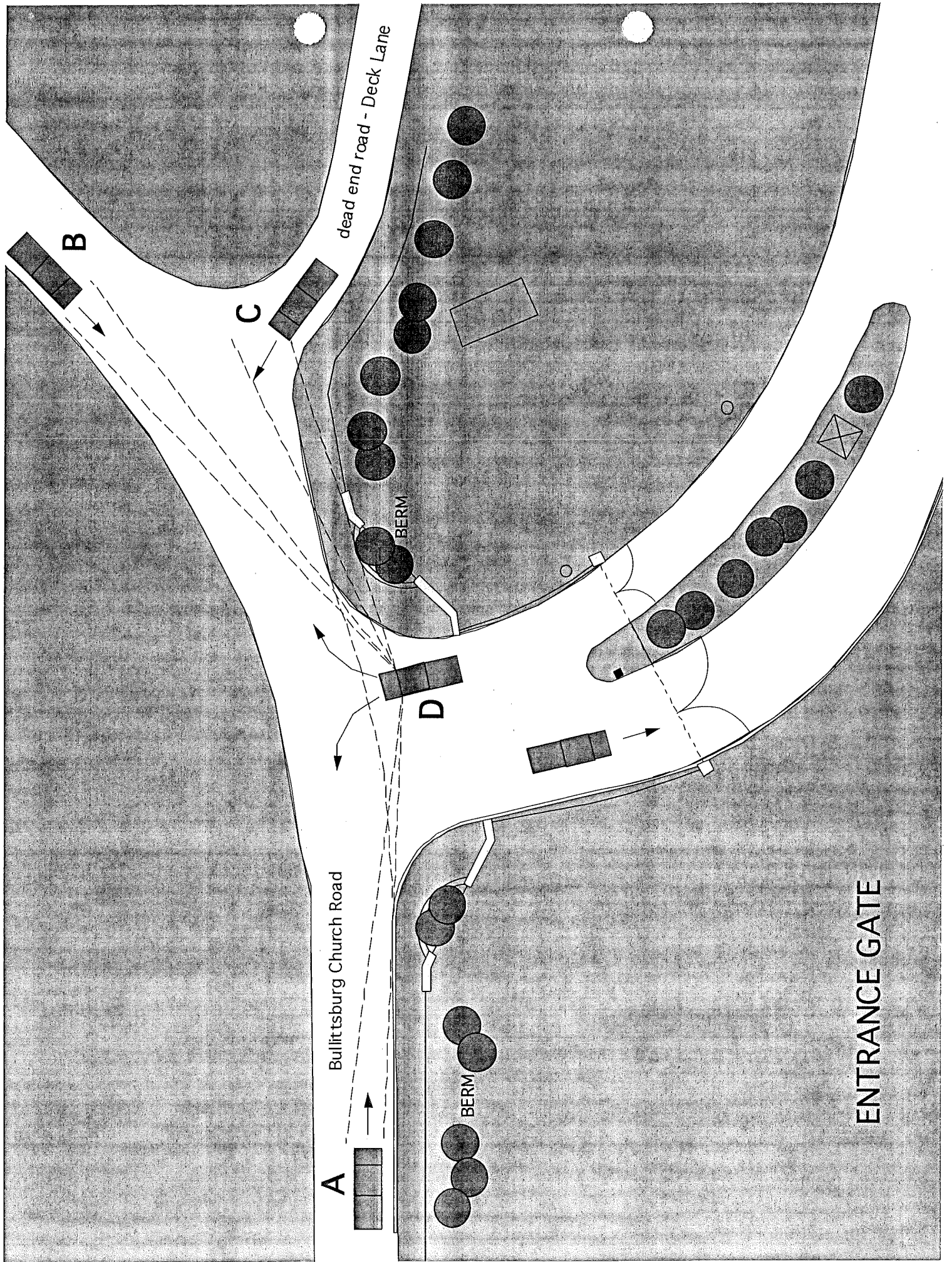
NATURAL STONE

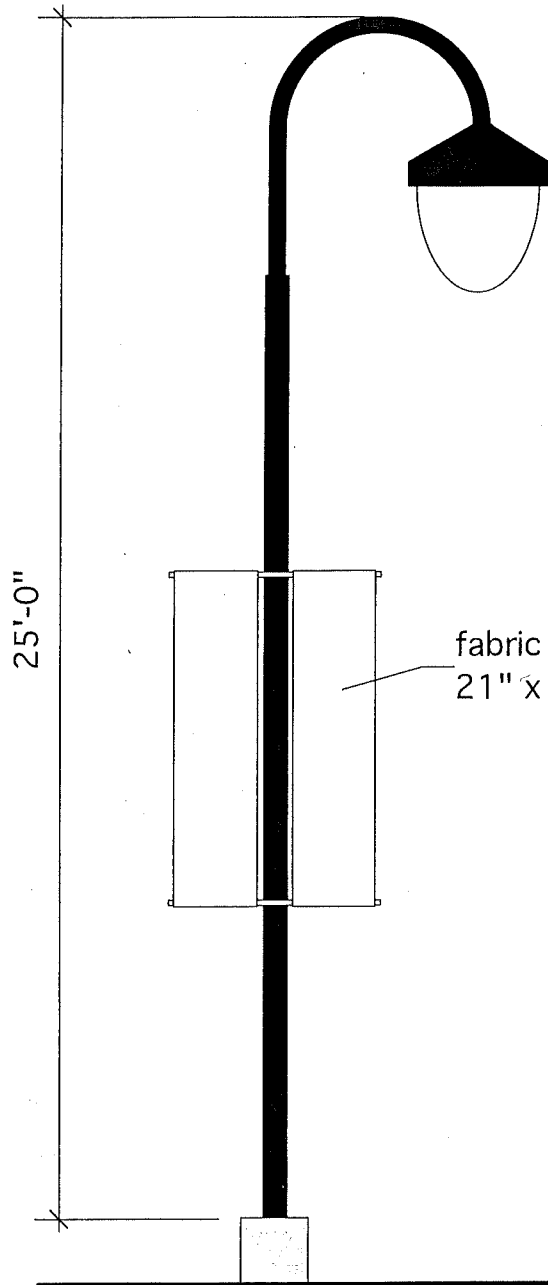
BLACK ALUMINUM FENCE

ENTRANCE GATE TO THE CREATION MUSEUM

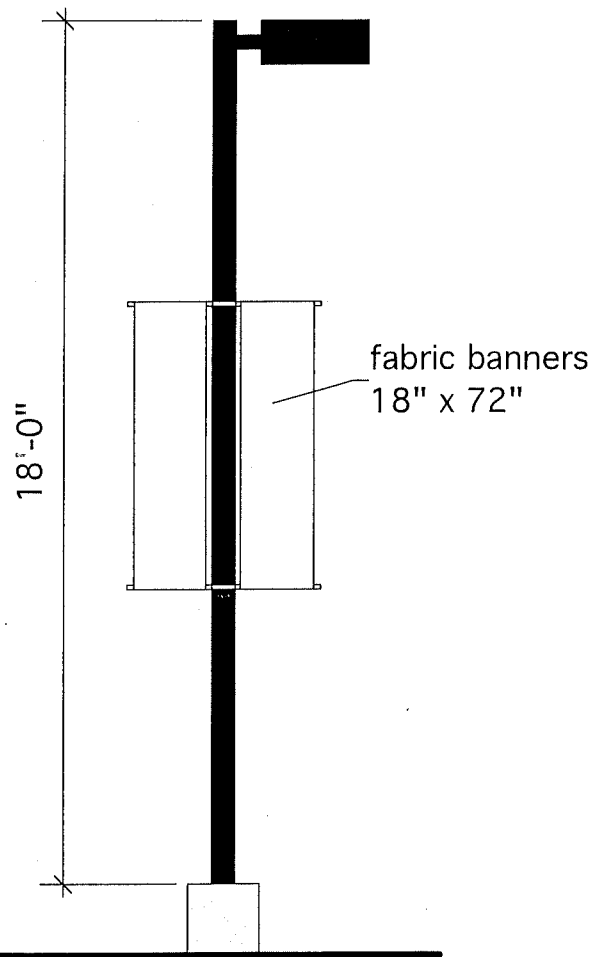
ANSWERS IN GENESIS



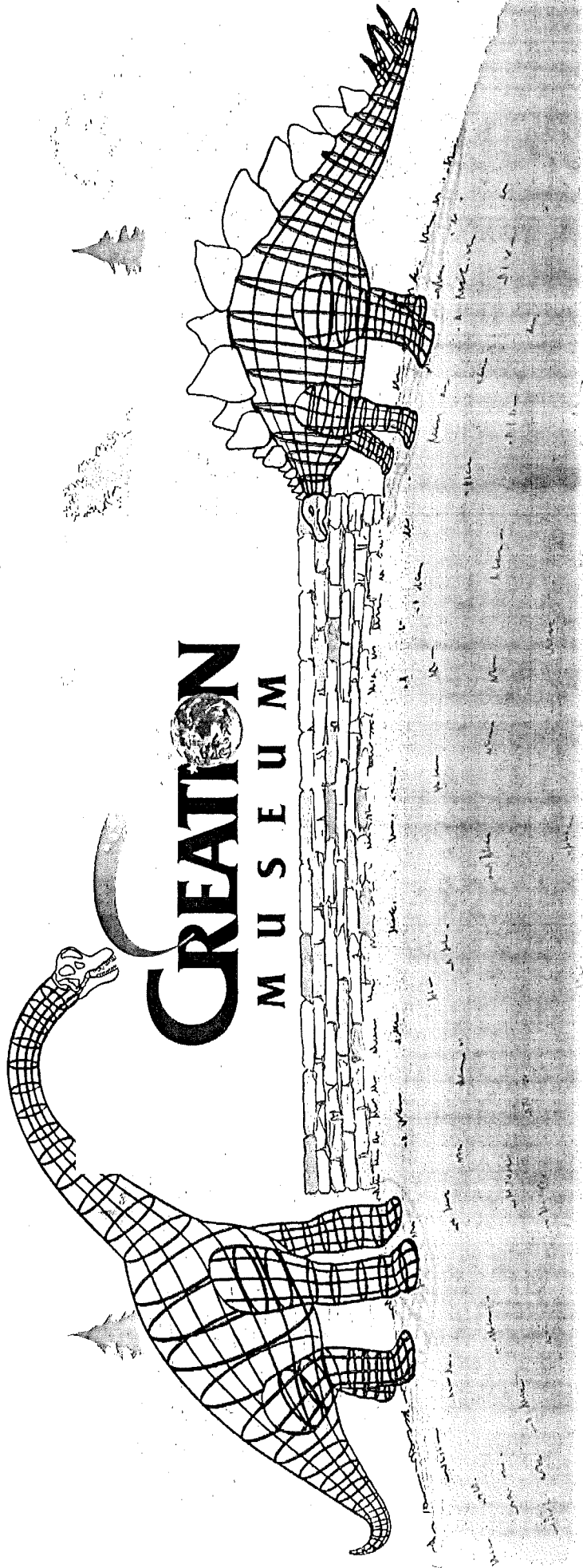




(14) lamp posts
 x 2 banners = 28 banners
 front of building (museum parking)

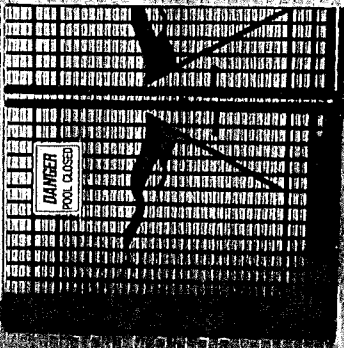


(6) lamp posts
 x 2 banners = 12 banners
 back of building (staff & guest parking)



Example of Creation Museum Monument Sign facing Hwy 275

FLORENCE AQUATIC CENTER



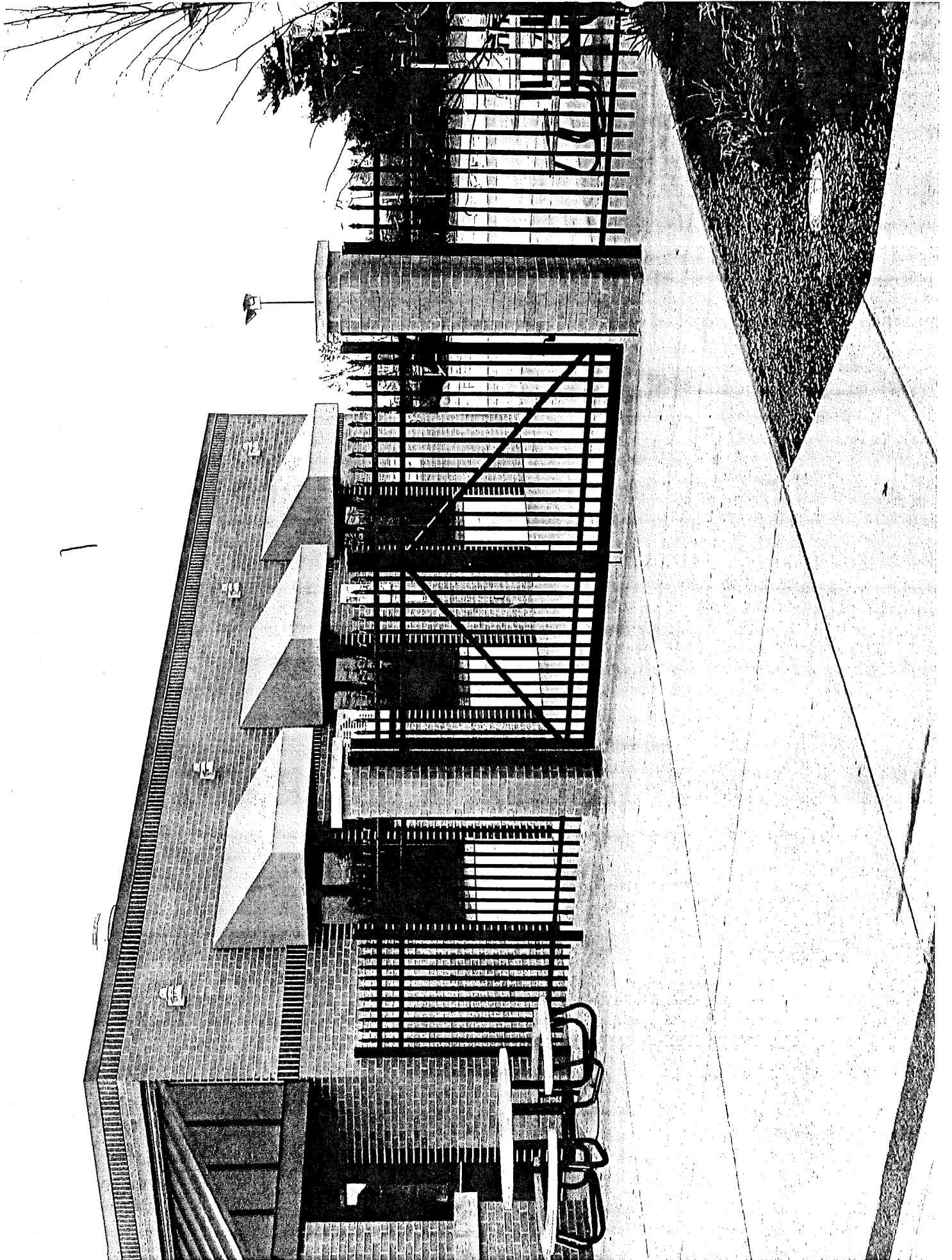
DANGER
POOL CLOSED

No Open Pool
or Deck Areas
shall be
accessible

Pool Hours
The Aquatic Center Pool
is open to the public
from 9:00 a.m. to 6:00 p.m.
on weekdays and 10:00 a.m. to 6:00 p.m.
on weekends and holidays.
Pool Admission
Adults \$3.00
Children \$1.50
Seniors \$2.00
Students \$1.50
Members \$5.00
Life Members \$100.00
Non-Resident \$4.00
Non-Resident Children \$2.00
Non-Resident Seniors \$3.00
Non-Resident Students \$2.00
Non-Resident Life Members \$150.00
Non-Resident Life Members \$300.00







**BOONE COUNTY PLANNING COMMISSION
BURLINGTON ELEMENTARY SCHOOL
5946 N. ORIENT STREET
BURLINGTON, KENTUCKY
BUSINESS MEETING
December 15, 2004
6:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 6:00 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Jim Carmichael
Mr. Robert Newman
Mrs. Lisa Wilson, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services
Ms. Jan Hancock, Secretary

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the December 1, 2004 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Poston moved that they be approved as mailed. Mr. Reynolds seconded the motion. A vote on the motion found all voting members in favor. Mr. Knock was not yet present. The motion carried.

Chairman Caddell stated that the Commissioners received copies of the Minutes of the December 1, 2004 Public Hearing. He asked if there were any comments or corrections. There being no changes to the Minutes, Mrs. Poston moved that they be approved as mailed. Mr. McMillian seconded the motion. A vote on the motion found all voting members in favor. Mr. Knock was not yet present. The motion carried.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment, Conditional Use Permit, and Variance

The request of Grace Properties, LLC c/o Richard E. Wentz (owner) for a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1), a Conditional Use Permit, and a Variance from Section 3745 "Buffer Yards" of the Boone County Zoning Regulations, all for an approximate 1.56 acre site located on the north side of KY 20, immediately west of the property at 759 KY 20, and approximately 205 feet east of the KY 20/Lindbergh Court intersection, Boone County, Kentucky. The request is for a Zone Change and a Conditional Use Permit to allow a hotel, and a Variance to allow reductions in certain buffer yards.

The Chairman stated that there is a request to defer Agenda Item #1. The Committee Meeting would be held on January 5, 2005 at 4:30 PM in Courtroom 3A of the Administration Building and this item would be on the Agenda for the Business Meeting on January 19, 2005 at 7:00 PM in Courtroom 3A of the Administration Building. Mr. McMillian so moved. Mr. Barlow seconded the motion. A vote on the motion found all voting members in favor. Mr. Knock was not yet present. The motion carried.

2. Special Sign District

The request of Patrick Marsh (applicant) for Answers in Genesis (owner) for a Zoning Map Amendment for a Special Sign District for approximately 48 acres at 2800 Bullittsburg Church Road and 2754 Deck Lane, Boone County, Kentucky. The request is for a Special Sign District in Public Facilities (PF) and Rural Suburban Estates (RSE) zones to allow alternative signage.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

There being no discussion, Mr. Barlow moved to approve the request based on the Committee Report. Mr. Bunger seconded the motion. A vote on the motion found all voting members in favor. Mr. Knock was not yet present. The motion carried.

Mr. Knock arrived at this time.

**3. Technical Design Review - St. Luke Medical Office Building
Turfway Road and Houston Road**

Staff Member Kevin Wall presented the Design Review request for St. Luke Medical Office Building. The request is for a 53,000+ square foot, three-story, office building on the St. Luke Campus near the main entrance. He noted there are two buildings shown on the Site Development Study, but one is a proposed future building shown only for reference. The subject building is a brick modern-theme building with glass, colors and design details similar to St. Luke Hospital and the office building located near the Turfway Road/Houston Road intersection. The Technical Committee recommends approval of the application as presented.

There being no discussion, Mr. Schwenke moved to adopt the Committee Report. Mr. Bunger seconded the motion and it carried unanimously.

NEW BUSINESS:

**Agenda Item
No.**

4

Zoning Map Amendment

The request of IDI (Kenneth W. Smith) (applicant) for George D. Lyons, Helen Lyons, and Norbert Donegan (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Industrial One (I-1) for an approximate 52-acre area located at 11507 and 11525 Dixie Highway, Boone County, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

Mr. White moved to schedule a Public Hearing for the above item on January 19, 2005 at 7:30 PM. Mr. Barlow seconded the motion and it carried unanimously.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: December 15, 2004

RE: Request of **Patrick Marsh (applicant)** for **Answers in Genesis (owner)** for a Zoning Map Amendment for a Special Sign District for approximately 48 acres located at 2800 Bullittsburg Church Road and 2754 Deck Lane, Boone County, Kentucky. The request is for a Special Sign District in Public Facilities (PF) and Rural Suburban Estates (RSE) zones to allow alternative signage.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

1. The Committee has concluded that the request is in general agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the affected areas of the site for "Public/Institutional" uses. The Plan describes the Public/Institutional designation as "government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc." It is the Committee's conclusion that the Special Sign District appropriately relates to the unique needs and character of the institutional use on the property by integrating sculptural type signs and other elements which appropriately respond to the design and arrangement of the site and building, and the park-like setting of the grounds. Additionally, the overall amount of proposed signage on the site is not excessive when compared to the total amount of signage permitted under the normal requirements of Article 34, but has been basically "repackaged" in a manner which responds to the unique conditions of this site. This point is reinforced by the fact that no building mounted signage is proposed.

- B. The Land Use Element's "Future Land Use Development Guidelines" ("Designs, Signs, and Historic Preservation," pg. 160) state "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." Also, the 2000 Boone County Comprehensive Plan Goals and Objectives state "proper design principles shall be applied in development" (Overall, Objective 3), and "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal). When considering these statements, the Committee has concluded that the Special Sign District is a reasonable identification and "theming" system for a unique site, facility, and use as explained above.
2. The Committee has concluded that the request is in accord with the policies of Section 3440 "Special Sign District" of the Zoning Regulations. It is the Committee's conclusion that by modifying the normal signage requirements as they relate to this facility, the proposed signage scheme more appropriately responds to the special circumstances of this user and site than would be achieved under the standard requirements.
 3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

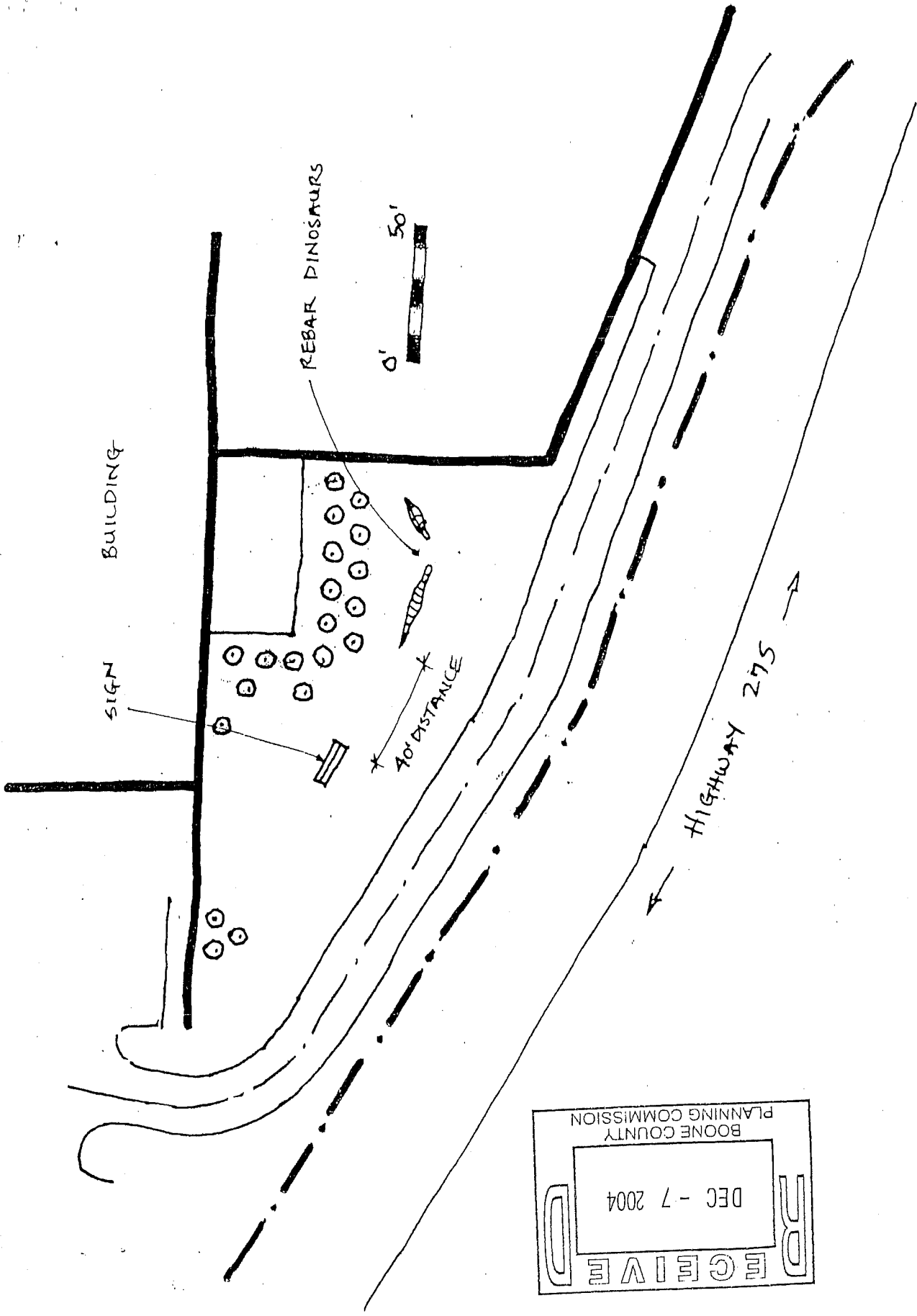
1. There shall be no building mounted signage on the site.
2. Lighting for both the entry signage/monument package at the entrance on Bullittsburg Church Road and the monument sign facing I-275 shall be focused to illuminate the signs only, and shall not flood or spillover to any adjoining areas on the subject site or otherwise. The lighting for the entry signage/monument package

at the entrance on Bullittsburg Church Road shall use low level spot lights which are no brighter than necessary to properly illuminate the signs. The lighting for the monument sign facing I-275 shall be controlled so that it is not excessively bright when viewed from I-275.

3. To avoid the appearance that the rebar dinosaur sculptures are augmenting or enhancing the monument sign facing I-275, the locations of these sculptures shall be per the attached exhibit. The dinosaur sculptures shall not be illuminated.
4. The semi-permanent banners mounted on light posts that were included in the original application shall not be utilized on the site, and are excluded from the Special Sign District. This condition shall not prohibit Temporary Advertising Displays per the normal requirements of the zoning regulations.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

RECEIVED
DEC - 7 2004
BOONE COUNTY
PLANNING COMMISSION



ANSWERS IN GENESIS - HIGHWAY SIGN

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Mr. Kevin Wall, AICP, CDT – Director, Zoning Services; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

Mrs. Poston, Vice Chairwoman, introduced the second item on the Agenda:

2. Applicant: Patrick Marsh for
Answers in Genesis (owner)

Request: Zoning Map Amendment

The request of Patrick Marsh (applicant) for Answers in Genesis (owner) for a Zoning Map Amendment for a Special Sign District for approximately 48 acres at 2800 Bullittsburg Church Road and 2754 Deck Lane, Boone County, Kentucky. The request is for a Special Sign District in Public Facilities (PF) and Rural Suburban Estates (RSE) zones to allow alternative signage.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Following an explanation of the Public Hearing process, Mrs. Poston asked for the applicant's presentation.

Mr. Patrick Marsh, representing Answers in Genesis at 2800 Bullittsburg Church Road, Petersburg, passed out packets of information to the Commissioners (see Exhibit 1). Reviewing a Power Point presentation, he stated that signs, banners, sculptures, landscaping and architecture create anticipation, excitement, and expectation for their guests. They have a museum and are a public facility. They want to create as interesting an environment as possible, but the existing Public Facilities Sign District Regulations keep them from achieving that goal. They want to create a unique entrance. They are trying to enhance the appearance of the museum and the neighborhood. They want to create excitement and a festive atmosphere. The banners will be similar to those on Ewing Boulevard. They want to show purpose through signage. They are not trying to create a theme park environment. He presented a Power Point slide of the Answers in Genesis museum. He stated that the entrance gate has two monuments and a cutout in the

center. During daytime hours, the gates are folded back and not seen. At night when the park is closed, people will see the finished product. There are pictures in the packets of the gate and the dimensions. He noted the steel cutouts on the left and right sides of the gate and the sculptured tree in the center. He stated that they have a Variance for the fencing and it will be similar to the Aquatic Center in Florence. He noted the existing construction fence. He stated that there was concern at the Variance meeting as to whether the stone portions of either side would create a visual hazard. They did a test by taking cars back and forth to show that people can see beyond the monuments and see cars coming. There will be even more visibility with the stone fence than with the construction fence. Cars coming up Deck Lane are very visible and there is nothing in the way on the right hand side. He does not believe there will be a visual hazard when pulling out of the site. He stated that they want to create banners to put on the light posts in the front and back parking areas. The back parking area is primarily for the staff. The banners will be similar to those in Florence. He presented a Power Point slide to show how the banners might look. He stated that the fountain will be on the green area in the front. He presented a color Power Point slide of the fountain at the entrance. He stated that the highway monument sign as viewed from I-275 will say "Creation Museum" and have two dinosaurs to be interesting and appealing. It will not be moving or have strong lighting. They hope the sign will be an asset to Boone County. Mr. Costello asked if any part of the sign will be lighted. Mr. Marsh responded that the sign itself will be lit so that it can be read and there will be some lights on the dinosaurs. He does not know how "brightly lit" compares to "attractively lit", but he does not expect it to be offensive to anyone. He stated that there will be ground-mounted floodlights and three-dimensional letters. He stated that the signs will be reviewed by the Sign Board. They have to present the signs to the Sign Board to get a signage permit. This completed the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Ms. Anne Banta, 2966 Bullittsburg Church Road, stated that she and her husband are opposed to the request. Their property abuts the back property line. She stated this is a rural area. Answers in Genesis has cut down trees and woods where their property line runs to put in septic lines. They have altered the natural beauty of the rural area. They can see the lighting on the Answers in Genesis property from their property and when driving down Bullittsburg Church Road. The site is well lit. The chainlink fence at the entrance is not attractive and she does not know when it will be replaced. She is not sure how they want to light the signs, but they have enough lighting as it is. She is opposed.

Mr. Bill Moore stated that his property is to the west. He would like some changes made to the entrance. Reviewing the Staff Power Point presentation, he stated that there is a problem the trucks coming in going over on his property

about ten feet as they cannot make the turn. He stated that the other entrance is open to trucks and they are tracking mud and running over water valves and making a mess six feet onto his property. Mrs. Poston explained that the request this evening is in regard to the signage. Mr. Moore responded that the road needs to be moved over before the signs are built. Tractor trailers cannot make the turn and track onto his property. He indicated how the entrance needs to be moved over before the signs are built. He has discussed this matter with Planning & Zoning, but he has not gotten anywhere and does not know what to do. He stated that the entrance needs to be widened by thirty feet. The trucks go onto his property to make the turn and there are tire tracks in the dirt there. Mr. Costello stated that Staff will look at it and determine if it is his property or right-of-way. Mr. Moore responded that it is right-of-way. Mr. Costello stated that it would be the county's property. Mr. Wall stated that there is a condition of the zone change approval that Answers in Genesis needs to do improvements from their entrance to Idlewild Bypass and they are looking at requiring the radius to be larger. The improvements are up to the County Engineer through the Encroachment Permit process. He stated that Answers in Genesis has an approved Site Plan that meets the zoning requirements. Mr. Costello asked if the Site Plan showed the road improvements. Mr. Wall responded "yes" -- he does not know to what level-- but it is per the County Engineer's requirements and there was an agreement with Greg Sketch. Mr. Moore stated that he has been talking to Kenny at Public Works about it. He stated that last week they repaved the road and cut it back five or six feet, but it is not enough. He stated that it is county right-of-way, but he mows it and he cannot mow it when trucks track down through there. There is several hundred feet where he cannot mow or do anything with it. Mrs. Poston suggested he talk with the County Engineer. Mr. Moore stated that this needs to be addressed before the signs are built. The road is not wide enough and he does not want trucks where he mows.

Mr. Moore stated that if a sign is being proposed where Bullittsburg Church Road meets KY 20, it should be a community sign for future growth. Mr. Costello responded that they are not permitted an off-premise sign and a sign is not planned in that location.

Mrs. Poston asked if there was anyone else present who wished to speak. There being no response, she asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if the large dinosaur pictures on the building are considered signage. Mr. Wall responded that they are not existing on the building now and have not been requested. Mr. Marsh stated that it is cast stone and part of the structure of the building. The entire exterior is Grand Canyon stone. Two dinosaurs are imbedded in the wall as part of the architectural element. Mr. McMillian asked if it is signage. Mr. Costello asked if Staff was aware of it when they came in with the sign drawings. Mr. Wall responded that it is the first he has heard of it. He saw it on the drawing and assumed it was illustrative. He stated

that based on the description, it is very similar to the globe and rebar dinosaurs – it is a sculptor element incorporated into the masonry of the building, and he would not call it signage. Mr. McMillian stated that the dinosaurs out front are signage. Mr. Wall agreed that the dinosaurs on the monuments are signage. He stated that he does not consider the rebar dinosaurs in the back to be signage, but there is an obligation to review them pursuant to the prior condition.

Mr. McMillian asked if there will still be a fence along I-275. Mr. Wall responded that there is an old stock wire fence there now that is rusted. The monument sign and sculpture sit up higher and the fence will not obstruct the view of the signs.

Mr. Poe stated that if someone came in with a sign that had a sculpture – such as McDonald's with Ronald McDonald or Frisch's with Big Boy – they would be considered signage. He questioned how the distinction is made. Mr. Wall responded that there is no magic formula – it is a judgment call. He stated that the dinosaurs do not have trademark corporate identity. Mr. Poe stated that he is concerned about setting a precedent and that other organizations will come in with sculptures that they say are artistic – but they are related to the trademark. Mr. Wall repeated that it is a judgment call and stated that when considering corporate identify versus a one of a kind piece, the dinosaurs are one of a kind. Mr. Poe stated that he would like the Committee to look at this issue and consider it for the future. Mr. Costello stated that the building sits back a distance and people have to drive into the site before they see it. The dinosaurs are an imbedded design. Mr. Poe stated that he is talking about the rebar dinosaurs. He questioned the size and how far it will stick out in relation to the size of the building when driving down the interstate.

Mr. Schwenke stated that it is a rural area there and he asked the Committee to consider how the signs will fit in with the rest of the community.

Mr. Marsh asked to respond to the comments made. He stated that he tried to create something that would be similar to housing monuments – bold and nicely landscaped with a stately atmosphere at the entrance to a public facility. He stated that the colors of the stonework will be similar to the natural colors of the building. They want everything to blend and be beautiful, but stately. He stated that this is an opportunity to create something that will bring more things like this to Boone County. He stated that sculptures within the property give an opportunity for places for people to walk. People can walk on the grounds and enjoy the nature trails and the lake without any cost. The only cost is to go in the museum. It is a public facility. People can have lunch there. They are trying to create places to walk and things to see in a natural environment. They are trying to take care of the lighting and understand that it is too bright. They are trying to figure out what to do. They have worked with the county in regard to the roadway. They talked to the county about how to maneuver trucks in and out and

they adjusted the curve. The curve was addressed before they paved. He stated that they have paved down to KY 20.

Mr. Poe stated that he is concerned about the size of the dinosaurs. Mr. Marsh responded that the sign is seven feet tall and the dinosaur is 12' – 13'. Mr. Poe stated that if it is not part of the sign and not part of the condition, then it could be 25 feet tall. He would like the Committee to address this.

Counselor Wilson stated that Mr. Marsh made the comment that he wanted to design this so that it looks like a residential development entrance type sign and asked if Mr. Marsh is saying that the rebar dinosaurs are signs. Mr. Marsh responded "no" and stated that he is talking about the dinosaurs at the entrance. Mr. Poe stated that he is not talking about the ones at the entrance. Mr. Marsh stated that the sign in relation to the side of the hill is long and large, but not much larger than two pine trees. The sign was allowed to be 100 square feet, but it is not that large. The sign will not be overpowering and will be graceful. People can see through the dinosaurs and they blend into the background.

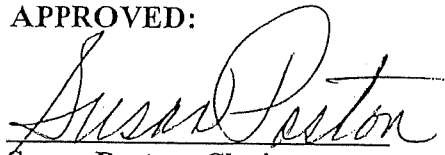
Mr. Breetz stated that he is concerned about the banners – with the color and wording, the banners could have a bigger impact than the signs. He asked the applicant to come to the Committee Meeting prepared to answer questions about the colors and wording on the banners. Mr. Costello stated that the Planning Commission can regulate the number and size of the banners, but not the content. Mr. Breetz asked if the banners are considered signs. Mr. Costello responded "yes". Mr. Breetz stated that the applicant indicated that the banners would change over time and he is concerned as to what they might be like.

Mr. McMillian asked if something has to have words on it before it is considered a sign. Mr. Wall responded "no" and commented that under the Code, colors and images can be signs. Mr. McMillian stated that the dinosaurs at the top of a sign without words on them are considered a sign, but the rebar dinosaurs are not. Mr. Wall agreed and stated that this issue is addressed in the Staff Report. He stated that if every three-dimensional object is considered a sign, a lot of good design elements will not be seen. If someone brought in a Rodan and wanted to put it in front of an office building but it was considered a sign, we may not be prohibiting a work of art. Some Zaring subdivisions have a sculpture of people on benches or a fishing rod at a lake – and if they are considered signs, they will not be there. Mr. McMillian stated that they are not advertising a fishing lake, but Answers in Genesis is advertising its business and it looks like a sign to him. He stated that if there is an alligator outside, people will go in to see the alligator. Mr. Wall agreed and stated that under the Code, there does not have to be verbiage to be a sign. It is not an easy line to draw and it is a case-by-case judgment call. He made a judgment in this case – but there can still be a critical analysis of it. Mr. McMillian stated that it will be discussed in Committee.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on December 1, 2004 at 5:00 PM. This item will be on the Agenda for the Business Meeting on December 15, 2004 at 6:00 PM.

Mrs. Poston closed this Public Hearing at 8:26 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:

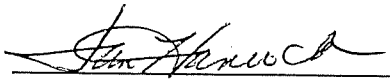

Jan Hancock, Recording Secretary

Exhibit -

1. Packet of information submitted by Patrick Marsh on behalf of Answers in Genesis

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: December 1, 2004

RE: Request of **Patrick Marsh (applicant)** for **Answers in Genesis (owner)** for a Zoning Map Amendment for a Special Sign District for approximately 48 acres located at 2800 Bullittsburg Church Road and 2754 Deck Lane, Boone County, Kentucky. The request is for a Special Sign District in Public Facilities (PF) and Rural Suburban Estates (RSE) zones to allow alternative signage.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Randy Barlow

Randy Barlow, Chairman
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Greg Breetz
For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____

Kim Bunger

Kim Bunger
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet Kegley

Janet Kegley
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Susan Poston

Susan Poston
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

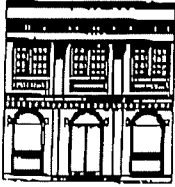
Charlie Reynolds (Alternate)*
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Earl White (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 4 FOR PROJECT 1 ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

December 8, 2004

Mr. Michael Zovath
Answers in Genesis
2800 Bullittsburg Church Road
Petersburg, KY 41080

FAX: 689-1943

RE: Recommended Conditions of Approval for Answers in Genesis Zoning Map Amendment for Special Sign District Application, 2800 Bullittsburg Church Road, Boone County, Kentucky

Dear Mr. Zovath:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their December 1, 2004 meeting. If you, as the property owner's authorized representative, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, December 10, 2004.

CONDITIONS

1. There shall be no building mounted signage on the site.
2. Lighting for both the entry signage/monument package at the entrance on Bullittsburg Church Road and the monument sign facing I-275 shall be focused to illuminate the signs only, and shall not flood or spillover to any adjoining areas on the subject site or otherwise. The lighting for the entry signage/monument package at the entrance on Bullittsburg Church Road shall use low level spot lights which are no brighter than necessary to properly illuminate the signs. The lighting for the monument sign facing I-275 shall be controlled so that it is not excessively bright when viewed from I-275.
3. To avoid the appearance that the rebar dinosaur sculptures are augmenting or enhancing the monument sign facing I-275, the locations of these sculptures shall be per the attached exhibit. The dinosaur sculptures shall not be illuminated.

Mr. Michael Zovath
December 8, 2004
Page 2

- 4. The semi-permanent banners mounted on light posts that were included in the original application shall not be utilized on the site, and are excluded from the Special Sign District. This condition shall not prohibit Temporary Advertising Displays per the normal requirements of the zoning regulations.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

Enclosure

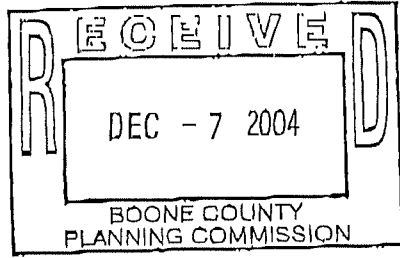
AGREEMENT

I, the authorized representative for the property owner of the real estate located at 2800 Bullittsburg Church Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment for a Special Sign District application.

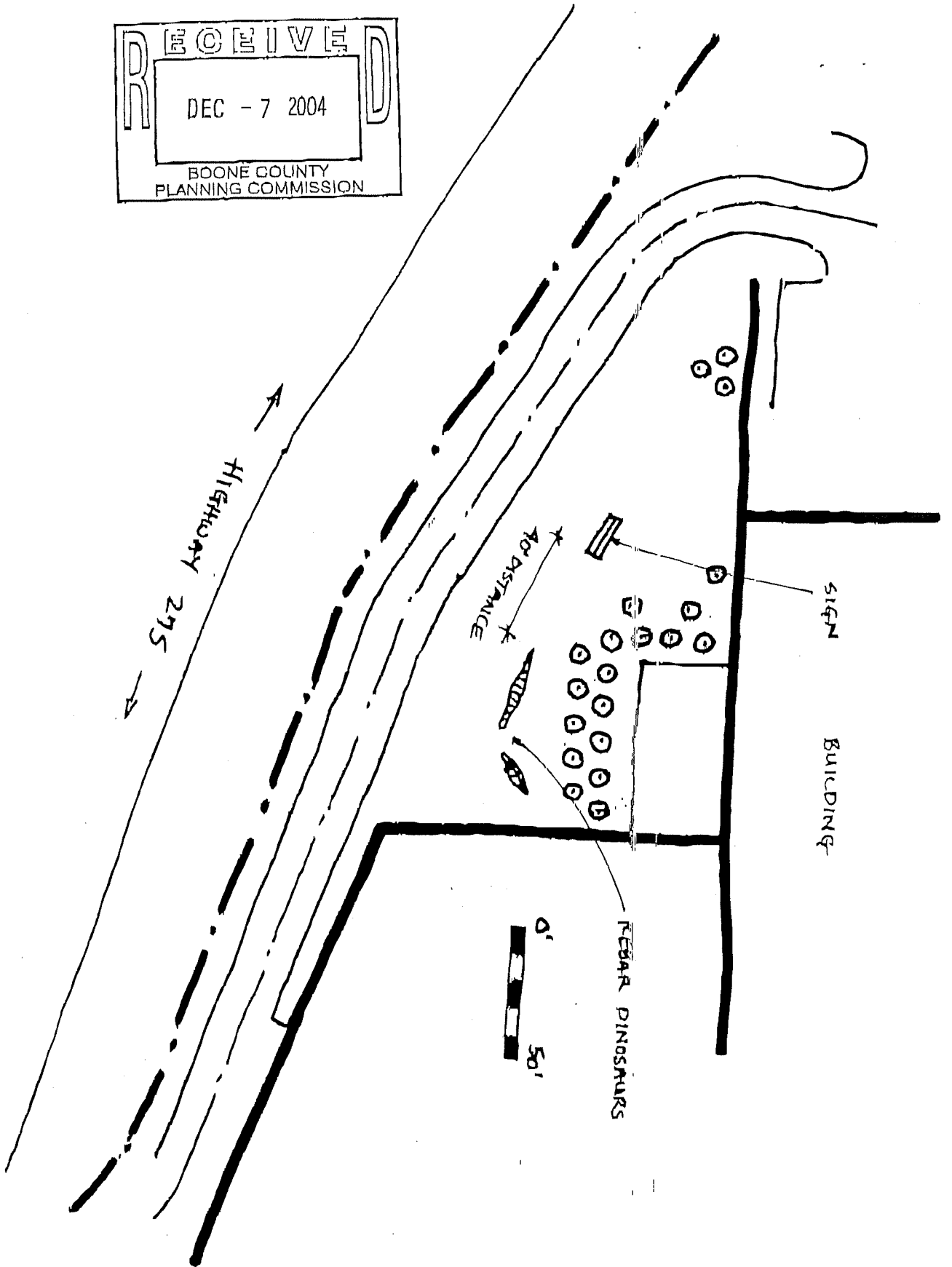


Michael Zovath
Authorized Representative for Property Owner

14 Dec 04
Date



ANSWERS IN GENESIS - HIGHWAY SIGN



11-4-04

NOTICE PUBLIC HEARING

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a request of Patrick Marsh for certain real estate owned by Answers In Genesis. The request is for a Zoning Map Amendment for a Special Sign District in Public Facilities (PF) and Rural Suburban Estates (RSE) zones to allow alternative signage. The Public Hearing is to be held Wednesday, November 17, 2004, at 7:00 p.m. in the third floor auditorium, courtroom 3A, of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment for a Special Sign District is requested is located at 2800 Bullittsburg Church Road and 2754 Deck Lane, Boone County, Kentucky. The legal description for this property is represented as a part of the complete tract as recorded in DEED BOOKS: 779 & 780 PAGES: 599 & 676 of the Boone County Clerk's Office, as supplied by the applicant for this application. This Public Hearing is to serve as a due process, trial type hearing where all persons may be heard regarding this request.

The Boone County Comprehensive Plan, including its Land Use Plan Map, will be reviewed to determine whether the request, if approved, would be consistent with the Comprehensive Plan. If such a request would be inconsistent with the Comprehensive Plan, then any changes to the Comprehensive Plan to make it consistent with the request, if approved, will be reviewed. All interested persons are encouraged to attend and be heard. (BCR11042004)

OCT - 7 - 2004
 BOONE COUNTY
 PLANNING COMMISSION

NOTE: North is based upon a survey by Timothy R. McNealy,
 Dated 2/12/78; Recorded in Deed Book 363, Page 93.

BOONE COUNTY
 STATE OF KENTUCKY
 GROUP No. 2003

James A. Biedenbender
 Deed Book 64D, Page 134

FIRST FLR. ELEV. = 800.00
 BASEMENT ELEV. = 788.00
 FINISH FLR. ELEV. = 800.00

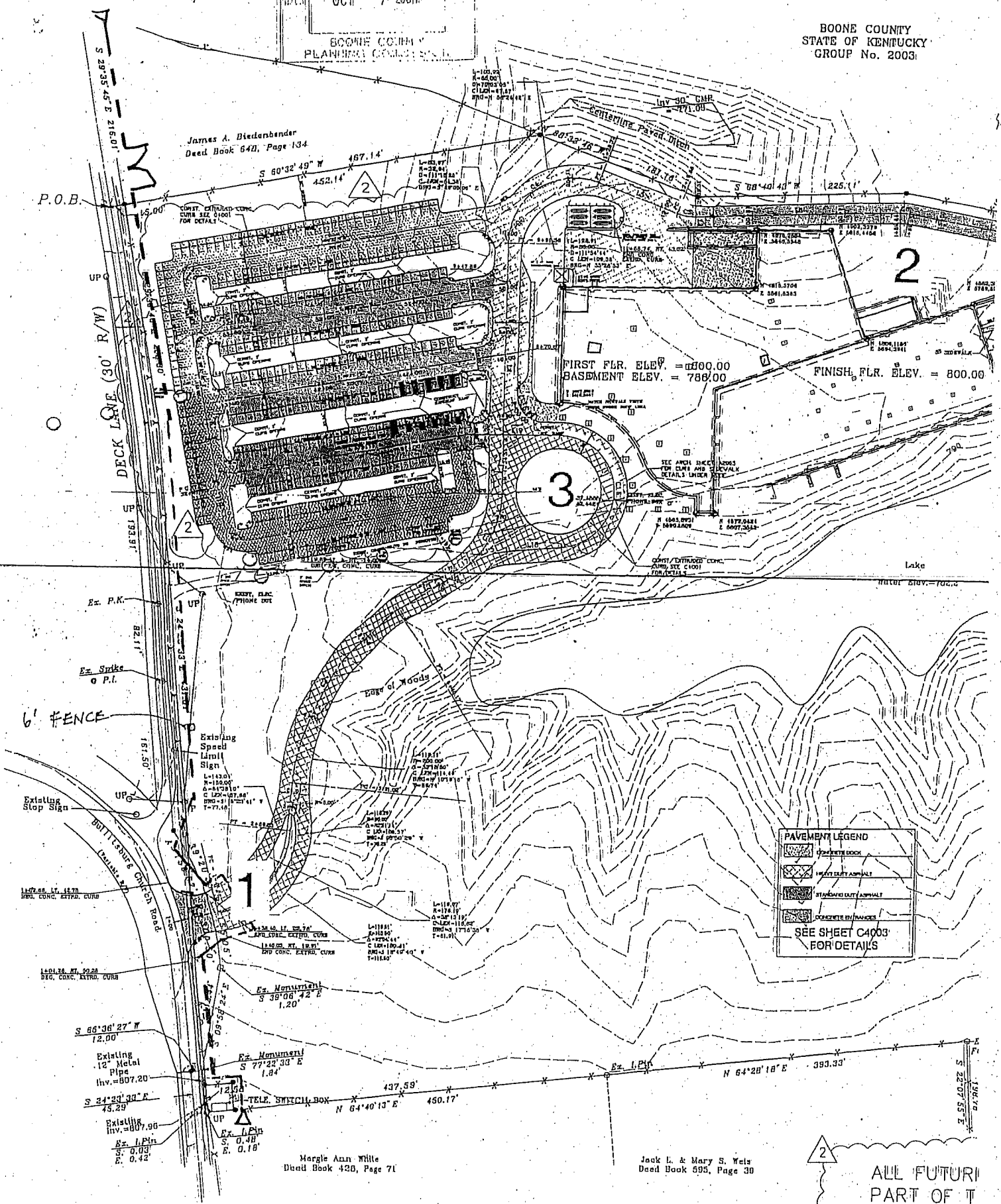
PAVEMENT LEGEND	
	CONCRETE ROAD
	STREET ASPHALT
	STAMPED CONCRETE
	CONCRETE DRIVEWAY

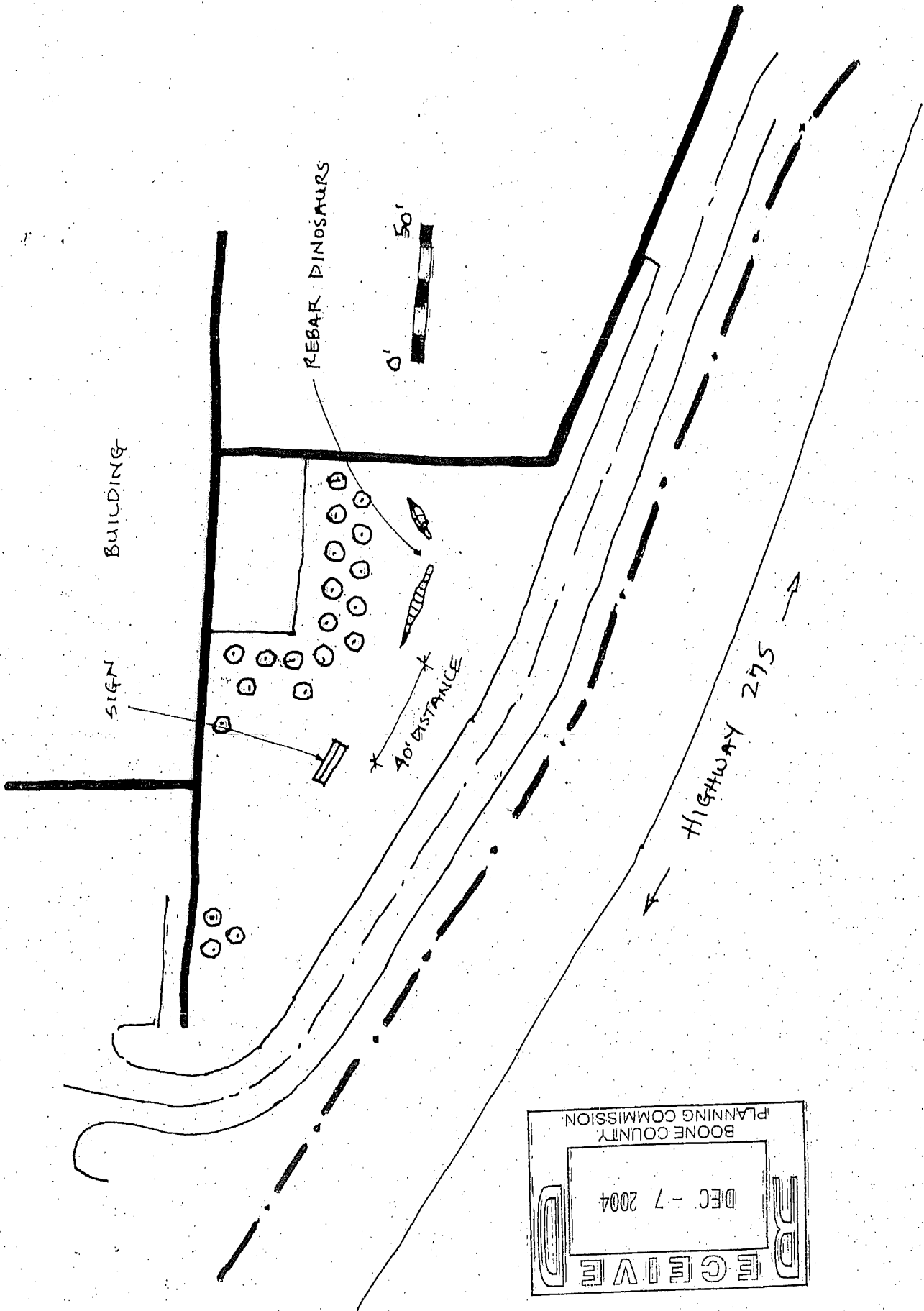
SEE SHEET C4003
 FOR DETAILS

Margie Ann White
 Deed Book 42B, Page 71

Jack L. & Mary S. Wells
 Deed Book 695, Page 30

ALL FUTURE
 PART OF T

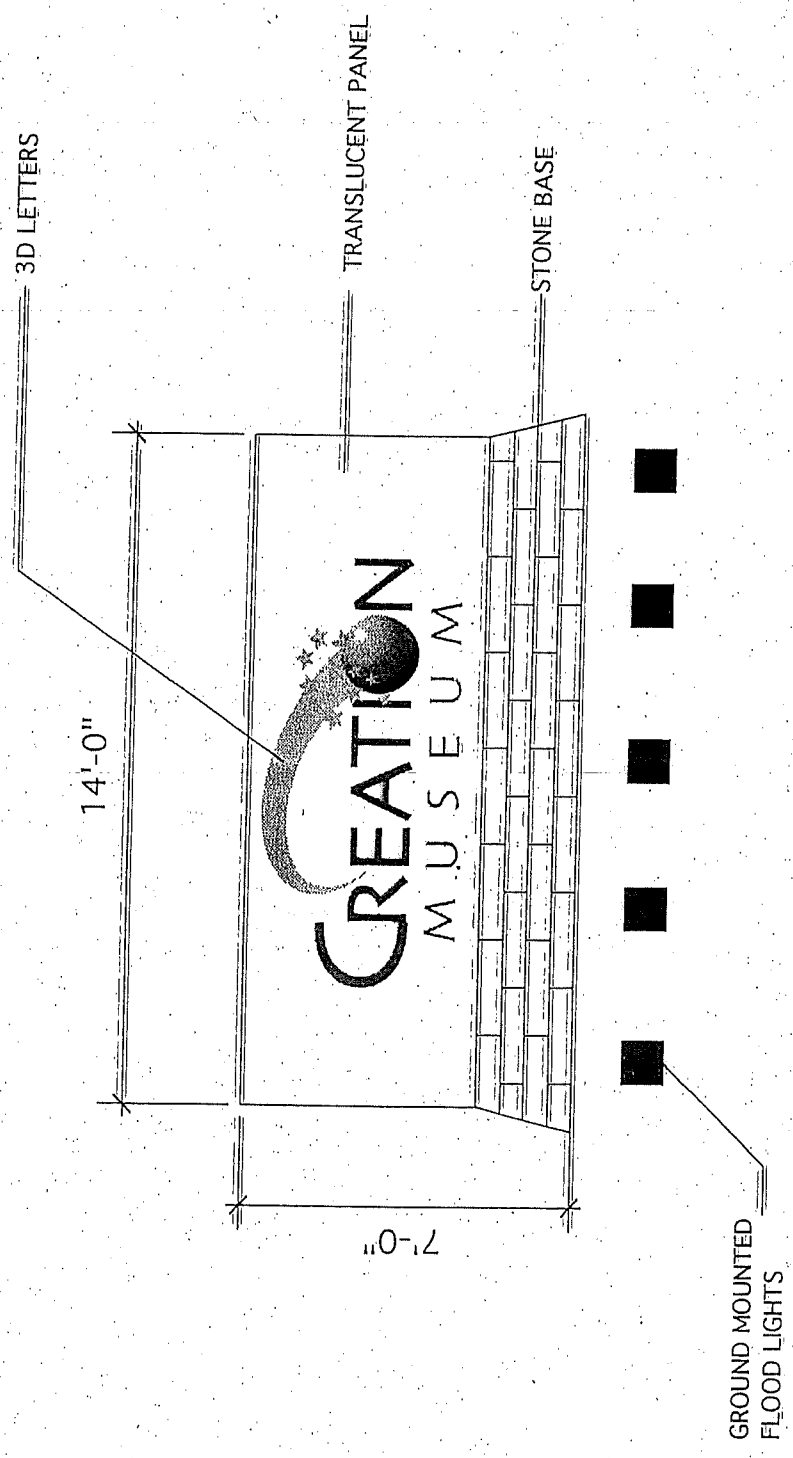




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 BOONE COUNTY
 PLANNING COMMISSION

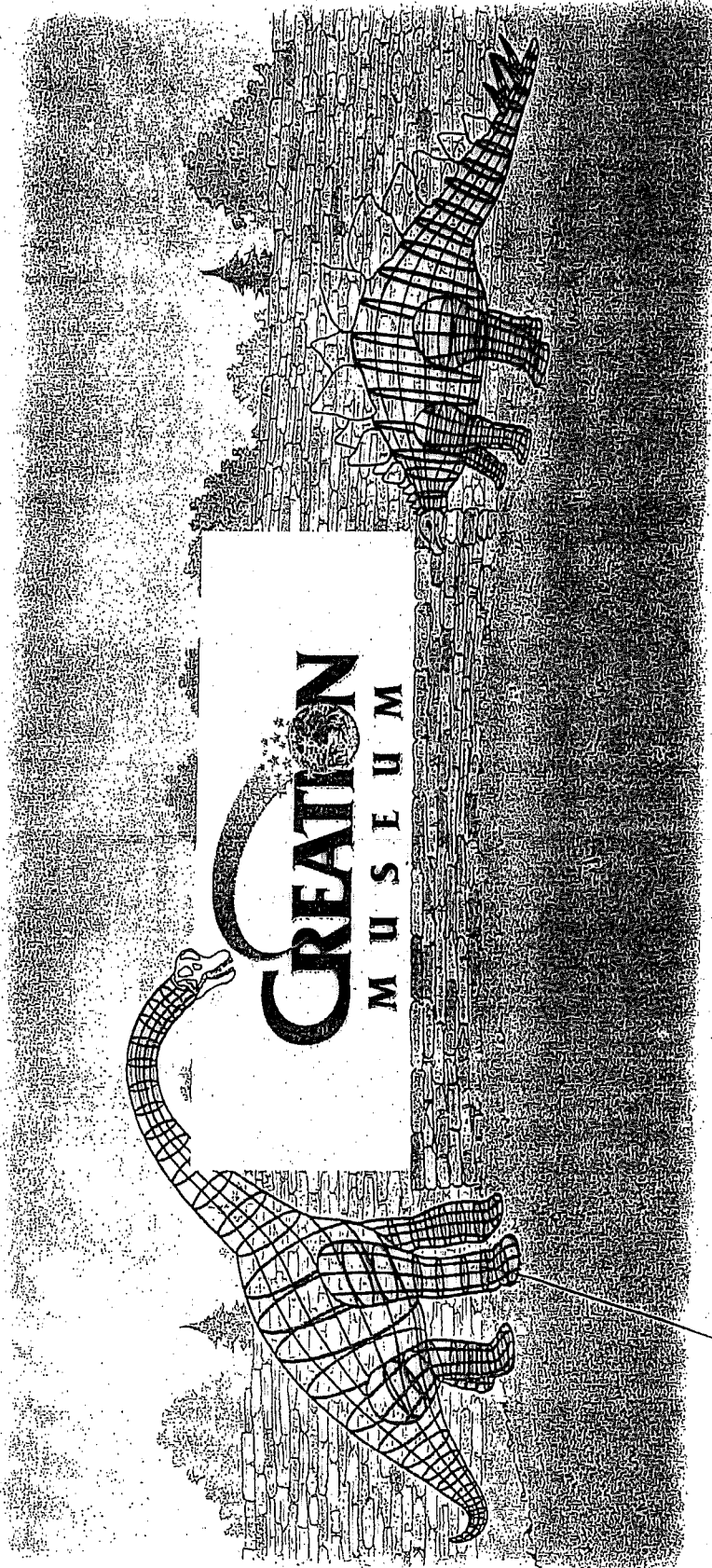
ANSWERS IN GENESIS - HIGHWAY SIGN

1095



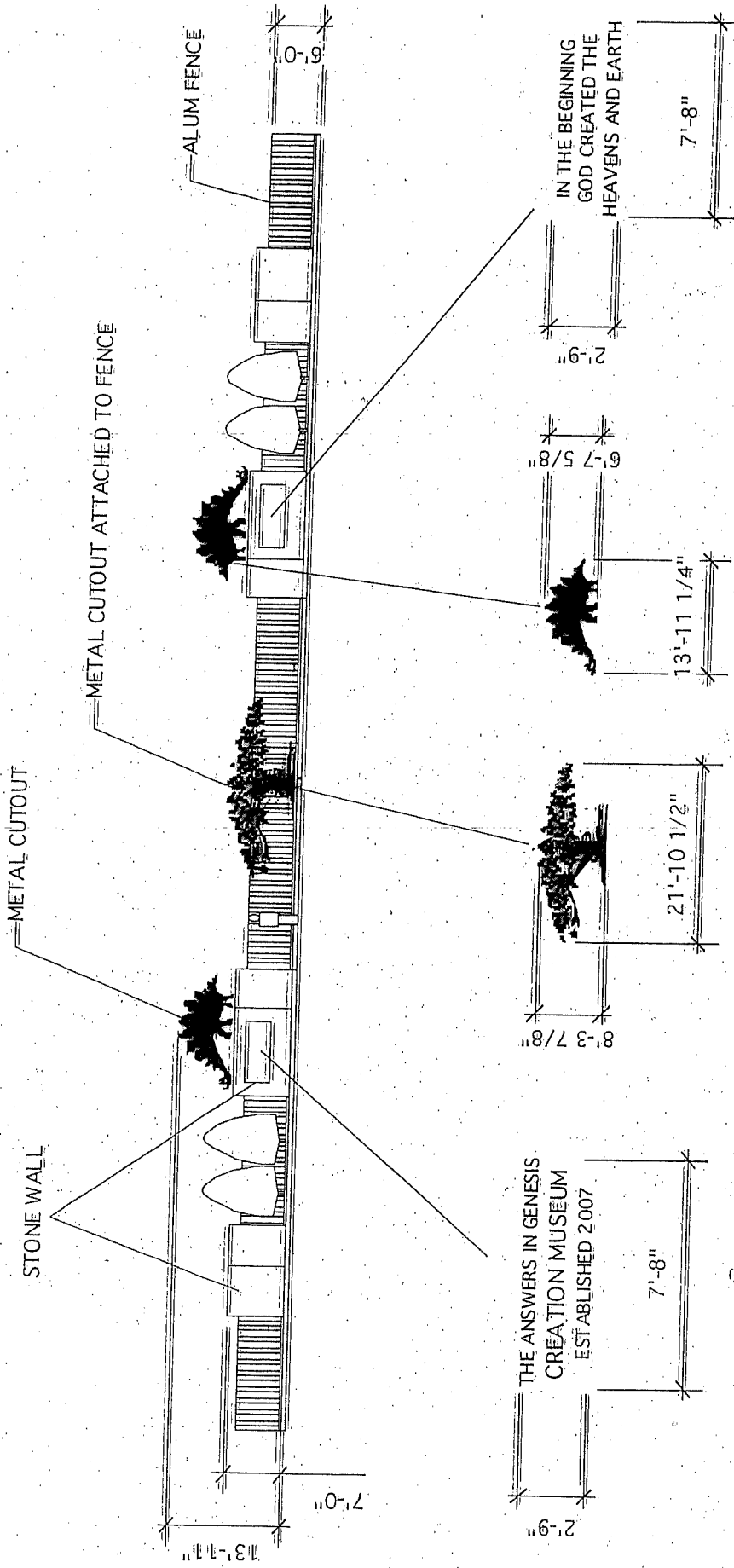
B

MONUMENT SIGN (VIEWED FROM HIGHWAY)	10/25/04
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Dinos made of welded rebar

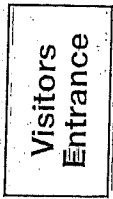
Monument sign (viewed from highway)



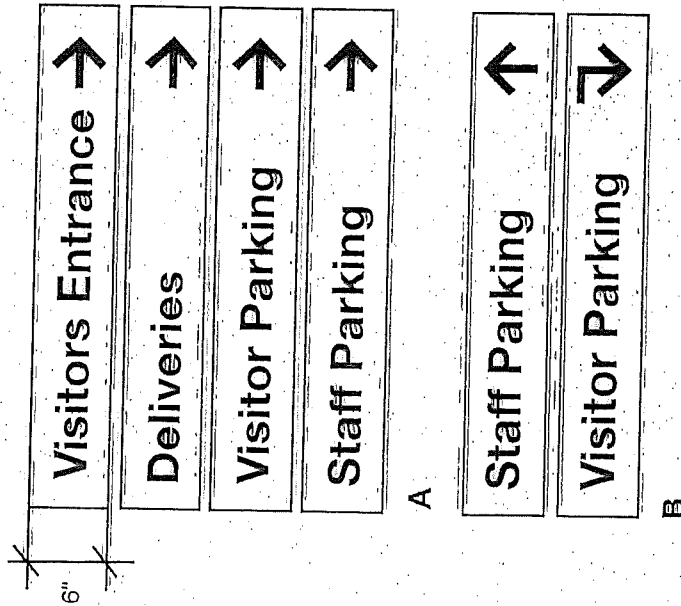
A

CREATION MUSEUM ENTRANCE GATE DETAILS

10/25/04

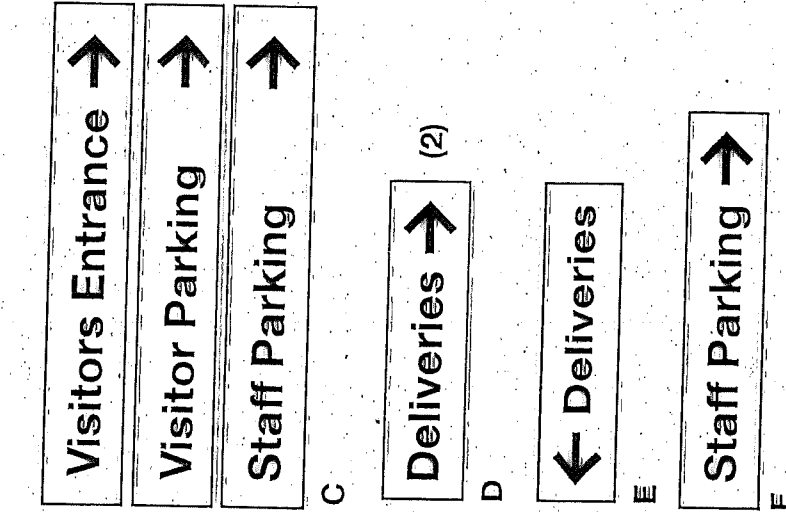


G



A

B

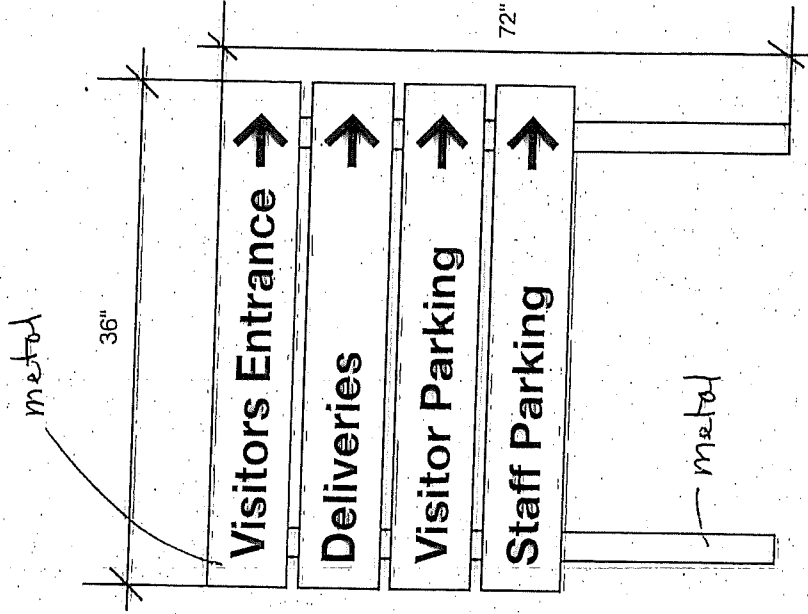


C

D

E

F



M

Entrance Fountain - 18' high x 25' Dia. circle

