

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project HIGHWAY SIGN FOR HERITAGE HILL PLAZIA
2. Location of Project CORNER OF BURLINGTON PK. AND CENTENNIAL DR.
3. Total Acreage of Site N/A
4. Current Zoning of Site C-3 PUD
5. Proposed Zoning (Classification being requested) _____
6. Proposed Uses (please specify each use) REPLACE EXISTING 6' x 9' MANUAL CHANGEABLE SIGN WITH A 6' x 9' ELECTRONIC CHANGEABLE SIGN
7. Names of Applicant(s) TED RICHARDSON AND PHIL SOUSA FOR QUOTATION
8. Phone Number 859-630-3000 Fax No. 859-781-9021 PLEASE CONTACT
9. Address of Applicant(s) 2191 N. FT THOMAS AV. FT. THOMAS KY 41075 MARSHALL SLAG PLANNING LLC
10. Name of Property Owner(s) Jake Sweeney, Automata City Florence C 291-0046
11. Phone Number 859-371-1818 Fax No. _____ Cell - 760-453
12. Address of Property Owner(s) 5969 Centennial Plaza Florence, Ky 41042
13. City Florence State Ky Zip 41042
14. Proposed Building Intensities (please specify) N/A
15. Are there any existing buildings on the site? N/A HWY. MONUMENT SIGN
16. How many? _____
17. Deed Book 546 Page No. 165 Group No. 2026
18. Are you also applying for:
 N/A Conditional Use Permit
 N/A Dimensional Variance
19. Have you submitted a Concept Development Plan? _____
20. Have you had a pre-application meeting with BCPC Staff? _____
21. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Ted Richardson and Phil Sousa (applicants) for Jake Sweeney Automotive Florence (owner) for a Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Service/Planned Development (C-3/PD) zone to allow electronically changeable copy to be added to an existing development identification sign.

April 16, 2008

REQUEST

The applicant is requesting this Zoning Map Amendment for a Special Sign District to allow 54 square feet (9' x 6') of an existing 31 foot high, 203.6 square foot freestanding sign to be replaced with an electronic message center in a Commercial Services/Planned Development (C-3/PD) zone. The applicant has indicated to Staff that the purpose for the electronic message center is not for the KIA/Saturn dealership but to allow advertisement of the tenants located within the commercial strip center at 5900 Centennial Circle. These tenants have no direct visibility from KY 18. KIA has an approximate 81 square foot (9' x 9') panel on this sign and they also have a separate 34 foot high, 100 square foot sign for Saturn.

SIGN HISTORY

- 1989 The 31 foot high, 203.6 square foot freestanding sign at the eastern intersection of KY 18 and Centennial Circle (This is the sign under review).
- 1991 34 foot high, 100 square foot sign for Saturn
- 1994 44 foot high, 248 square foot sign for Centennial Plaza (located at McDonalds)

ADJACENT ZONING AND LAND USES

- North: Sweeney property (Saturn & KIA Dealership) zoned Commercial Services/Planned Development (C-3/PD) and Tractor Supply zoned Commercial Two/Planned Development (C-2/PD).
- East: Best Self Storage zoned Commercial Services/Planned Development (C-3/PD).
- South: Across KY 18 Christ United Methodist Church zoned Suburban Residential One (SR-1).
- West: Gas Station zoned Commercial Services/Planned Development (C-3/PD).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Commercial ©. This classification is defined in the adopted Comprehensive Plan as:

Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element within the 2005 Boone County Comprehensive Plan only refers to this general area by stating:

"Commercial development along the north side of KY 18, between Limaburg Road and Zig-Zag Road should serve local residential needs, and include office uses in order to avoid a continuous commercial strip."

The Land Use Element does refer to signage by stating:

"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, p.142).

The adopted 2005 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through specific land use regulation tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).

- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- H. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).

STAFF CONCERNS/COMMENTS

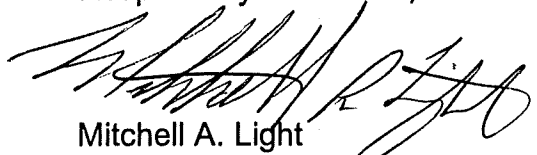
1. Staff is concerned that the electronic message center will divert the drivers attention away from the road. Staff would like to point out that this sign is located farther from KY 18 than the other two (2) signs due to the width of the right-of-way in this location. This sign is approximately 140 feet from KY 18. The Saturn sign is approximately 90 feet from KY 18 and the Centennial Plaza sign is approximately 70 feet from KY 18. The point being that merely adding an electronic message center to this sign may not make it any more effective due to its location. Also, traveling westbound on KY 18 from Zig-Zag Road (elev. 820) to Centennial Circle (elev. 850) there is an elevation difference of 30 feet, then the Best Self Storage facility is located on a hill approximately 12 feet (elev. 862) above the intersection which limits the amount of time the sign is visible while heading westbound.
2. Staff would like the applicant and/or property owner to address certain specifics such as: Who would be able to advertise on this electronic message center? Will the car dealership be able to advertise on this electronic message center? Who will be responsible for the messages and where will the "keyboard" be kept? These are just a few of the questions that come to mind.
3. The conceptual sign designs are attached to this Staff Report.
4. If this electronic message center is approved, there will be no need for banners or other forms of Temporary Advertising Displays that are now used to advertise certain businesses and/or promotional events.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

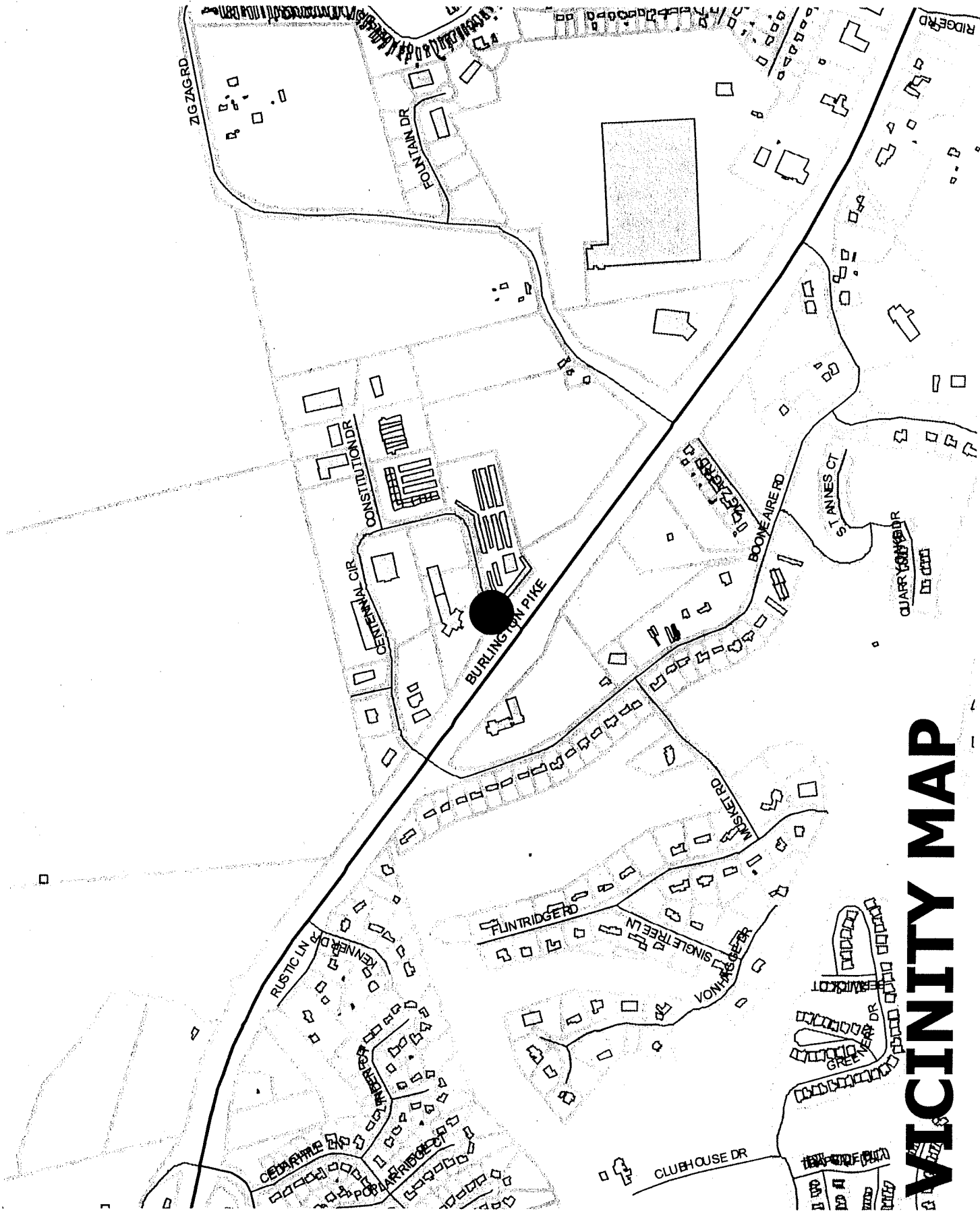


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

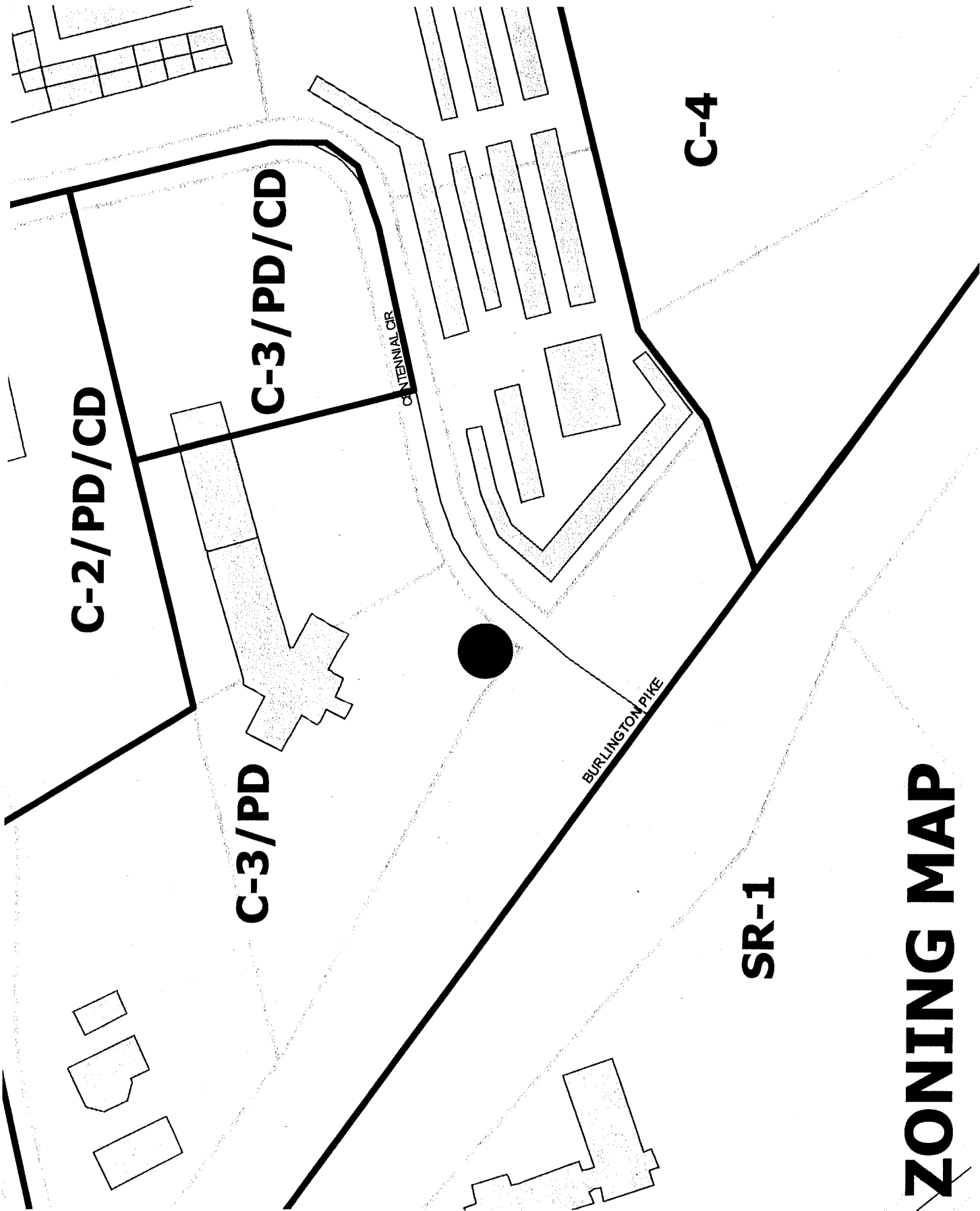
MAL/pr

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Sign
- Proposed Sign
- Section 3430 of the Zoning Regulations (Electronically Changeable Message Boards)
- Application



VICINITY MAP



C-2/PD/CD

C-3/PD/CD

C-3/PD

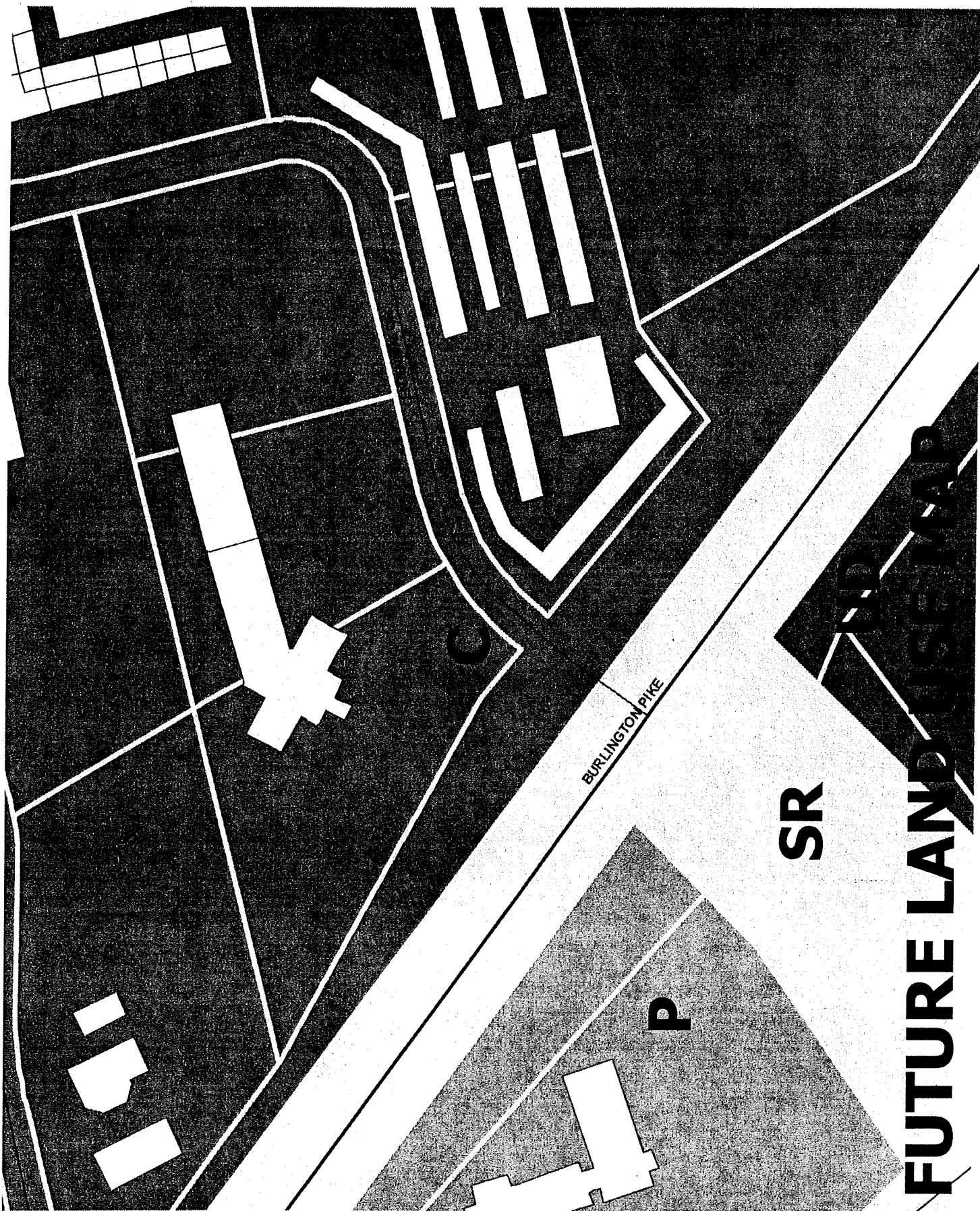
C-4

SR-1

CENTENNIAL CR

BURLINGTON PIKE

ZONING MAP



BURLINGTON PIKE

SR

P

FUTURE LAND USE MAP



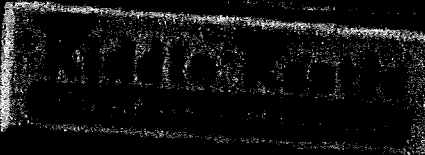
**HERITAGE HILL
COMMERCIAL CENTER
VALUE SELF STORAGE**

KIA

**HERITAGE HILL
COMMERCIAL CENTER
VALUE SELF STORAGE**

EXISTING

**HERITAGE HILL
COMMERCIAL CENTER
VALUE SELF STORAGE**



PROPOSED

WITH GEORGIA ELECTRONIC

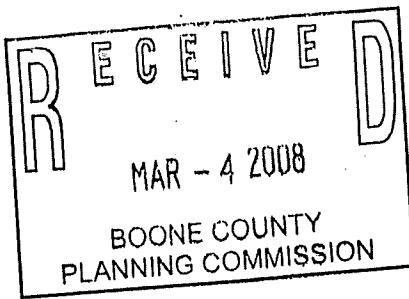
MESSAGE CENTER

SECTION 3430

Electronically Changeable Message Boards

The Board of Adjustment and Zoning Appeals may permit an electronically changeable message board as a Conditional Use in C-2 and C-3, zoning districts. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:

1. The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required in Section 3405 of this Article;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
 - c. Number of nearest milepost on interstate highway from which the sign will be visible or distance and direction from the nearest intersection on another thoroughfare;
 - d. The location of the proposed sign on a U.S. Geological Survey, 1:24,000 scale, topographic map and the location of all existing electronically changeable message boards within one-half mile of the proposed location;
 - e. A profile of the line through the center of the proposed sign at an angle of 0 to 75 degrees to the centerline of each thoroughfare from which the sign will be visible; and
 - f. A photograph not less than eight (8) inches by ten (10) inches in size, taken of the proposed location of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked on each photograph.
 - g. A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.
2. An electronically changeable message board, as a conditional use, shall conform, at minimum to the following requirements:
 - a. Such message boards will be considered a part of a permitted sign free-standing or building mounted; up to fifty percent (50)% of the permitted sign area can be used for an electronically changeable message board.
 - b. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
 - c. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
 - d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
 - e. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project: HIGHWAY SIGN FOR HERITAGE HILL PLAZA
2. Location of Project: CORNER OF BURLINGTON PK. AND CENTENNIAL DR.
3. Total Acreage of Site: N/A
4. Current Zoning of Site: C-3 PUD
5. Proposed Zoning (Classification being requested):
6. Proposed Uses (please specify each use): REPLACE EXISTING 6' X 9' MANUAL CHANGEABLE SIGN WITH 6' X 9' ELECTRONIC CHANGEABLE SIGN
7. Names of Applicant(s): TED RICHARDSON AND PHIL SOUSA
8. Address of Applicant(s): 2191 N. FT. THOMAS AV., FT. THOMAS KY 41075
9. Name of Property Owner(s): JAKE SWEENEY, AUTOMATED CITY BUSINESS
10. Address of Property Owner(s): 5769 Centennial Plaza, Ft. Thomas, Ky 41042
11. Proposed Building Intensities (please specify): N/A

FOR QUESTIONS PLEASE CONTACT MARSHALL SLACK PLANNING LLC @ 291-0040 Cell: 760-4538

- 12. Are there any existing buildings on the site? N/A Hwy. Monument Sign
13. Deed Book 546 Page No. 165 Group No. 2026
14. Are you also applying for: N/A Conditional Use Permit, N/A Dimensional Variance
15. Have you submitted a Concept Development Plan?
16. Have you had a pre-application meeting with BCPC Staff?
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

Public Hearing Item No. 3:

Commission Members Present: Mrs. Herald, Mrs. Kegley, Mrs. Llambi, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

3. **Applicants:** **Ted Richardson and Phil Sousa for Jake Sweeney Automotive Florence (owner)**

Request: **Zoning Map Amendment for Special Sign District**

The request of Ted Richardson and Phil Sousa (applicants) for Jake Sweeney Automotive Florence (owner) for a Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Service/Planned Development (C-3/PD) zone to allow electronically changeable copy to be added to an existing development identification sign.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Marshall Slagle, 2044 Greenup Street, Covington, KY was present on behalf of the applicant. He introduced Phil Sousa, a partner in the building with Ted Richardson. Mr. Slagle agreed with the Staff Report. He stated that the sign would be strictly for Heritage Hill -- KIA and the other uses on the sign would stay as they are today. The sign is jointly owned and the existing signs would continue. The electronically changeable copy sign will be controlled by Heritage Hill and the keyboard will be in their office. He stated that it is difficult for people to know that the businesses are back there. He stated that the electronically changeable copy will occupy about 25% of the sign area and it will stay the same for three to five minutes – it will not be continuously changing. He stated that they will abide by the regulations. He agreed with the Staff Report that the visibility going westbound is not clear because of the terrain and the storage facility in the front blocks the sign. The visibility is better going east. They believe the request is consistent with the Comprehensive Plan. He offered to answer any questions.

Mr. Sousa stated that they bought the building out of bankruptcy. They have had trouble keeping it occupied because of the lack of signage. They want to give each tenant a little bit of signage so that people know where they are and they have some identification. This concluded the applicant's presentation.

Mrs. Poston noted that there was no one else in the audience and asked if there were any comments or questions from the Commissioners.

Mr. Rolfsen asked the applicant to bring information to the Committee Meeting in regard to the lighting. Mr. Slagle responded that it will be concealed lighting - internally illuminated. Mr. Sousa stated that the signs come in red, amber or three colors. He asked different companies for bids on each color, but has not received the information.

Mr. Slagle stated that there are changeable letters on the sign now. Mr. Sousa stated that they have to use a pole to change the letters and it is difficult.

Mr. Rolfsen stated that the sign is so busy now that he does not know if people will notice the changeable copy. Mr. Sousa stated that they jointly own the sign with Saturn/Kia (50%). He reviewed a Power Point slide of the sign and indicated the changeable copy area (where the changeable letters are currently located). He stated that they understand that the sign cannot change every 3 to 5 seconds and are willing for it to change only every 3 – 5 minutes. They want each tenant to have some exposure. He stated that Kiddie Kastle has moved out. They want to put a permanent sign identifying the plaza on the bottom of the sign and use the top for the tenants. They want tenant exposure.

Mr. Rolfsen asked if the permanent plaza sign would be internally lit like the Kiddie Kastle sign. Mr. Sousa responded that the whole bottom of the sign is internally lit.

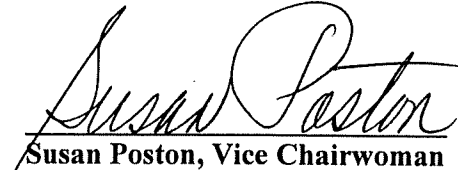
Mrs. Poston questioned why they use so much space to advertise Heritage Hill Commercial Center when that space could be used for the tenants. Mr. Sousa responded that they inherited the sign. Mrs. Poston asked if they have jurisdiction over the top part of the sign. Mr. Sousa responded that it is shared. He stated that if the Planning Commission wants the sign less cluttered, he can use a 9' x 9' electronically changeable copy sign and change it every 3 to 5 minutes.

Mrs. Poston asked Staff to provide information to the Committee about other changeable copy signs on KY 18. Mr. Sousa stated that Walgreen's is the closest electronically changeable copy sign and it changes more often.

Mrs. Llambi asked if the sign is only copy or if there will be solid graphics. Mr. Sousa responded that it is just copy.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on April 30, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 7, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:30 PM.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
May 7, 2008
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:03 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Greg Breetz
Mr. Kim Bunger
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mrs. Susan Poston, Chairwoman
Mr. Patrick Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Vivian Llambi
Mr. Randy Poe
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP – Director, Planning Services
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

with the conditions. Mr. Breetz seconded the motion and it carried unanimously.

4. Zoning Map Amendment for Special Sign District

The request of Ted Richardson and Phil Sousa (applicants) for Jake Sweeney Automotive Florence (owner) for a Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Service/Planned Development (C-3/PD) zone to allow electronically changeable copy to be added to an existing development identification sign.

Staff Member Mitch Light presented the Committee Report which recommended that the request be denied based on the Findings of Fact (see Committee Report).

Mrs. Poston asked if the applicant wanted to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. Marshall Slagle, representing the applicant, Ted Richardson, stated that they now change the sign on the 6' x 9' area by hand, but they want to change it at a remote location. There will only be one merchant identified on the sign for three to five minutes. They are not asking to advertise or sell a product like they do at Walgreen's. There will be less sign clutter than there is now. The sign will not blink or cause distraction to motorists. They believe the request meets the criteria of the Zoning Ordinance. The sign will be only 25% of the sign area and up to 50% is allowed. He stated that they will seek approval from the Highway Department. He stated that the sign will not be like the changeable copy sign at Walgreen's which changes every three to five seconds. There will not be any moving objects on the sign. He stated that it did not come out in Committee that the existing sign exceeds the regulations and it was not in the Staff Report. He stated that they are not adding to the sign, they are making a better readable sign with less clutter, which is consistent with the Comprehensive Plan. They are not enlarging the sign. They are making better use of the sign area.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition to the request. There was no response.

There being no discussion, **Mr. Rolfsen moved that the request be denied based on the Findings of Fact in the Committee Report. Mr. Breetz seconded the motion and it carried unanimously.**

NEW BUSINESS: None

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: May 7, 2008

RE: Request of Ted Richardson and Phil Sousa (applicants) for Jake Sweeney Automotive Florence (owner) for a Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Service/Planned Development (C-3/PD) zone to allow electronically changeable copy to be added to an existing development identification sign.

REMARKS:

We, the Committee, recommend denial of this request based upon the following findings of fact:

Findings of Fact

1. The submitted Zoning Map Amendment request for a Special Sign District would allow 54 square feet (9' x 6') of an existing 31 foot high, 203.6 square foot freestanding sign to be replaced with an electronic message center in a Commercial Service/Planned Development (C-3/PD) zone.

If there were no freestanding sign on the site, Section 3413 of the Boone County Zoning Regulations would allow a maximum thirty (30) foot high and two hundred (200) square foot sign with manually changeable copy for up to 50% of the sign area. The Committee has concluded that since the existing sign exceeds both the height and area of what the current regulations allow, more than ample opportunity exists for the businesses within the applicants development to advertise than other businesses within the surrounding development that do not have the access or the ability to advertise along the main thoroughfare at all.

2. The Committee has concluded that the proposed electronic message center is not in agreement with the 2005 Boone County Comprehensive Plan nor has the Applicant made a case that the proposal is in agreement with the adopted 2005 Boone County Comprehensive Plan. The Land Use Element in the 2005 Boone County Comprehensive Plan states "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, p.142). The Applicant has not adequately demonstrated how the

proposal supports this text, especially since the existing sign exceeds the current regulations with regard to the overall height and area. This sign would be the only electronically changeable copy sign in the Burlington Pike corridor, except for Walgreens (which is a monument style sign, 13 foot high and 99.3 square feet, that serves a single user, received a Conditional Use Permit from the Boone County Board of Adjustment in 2001 and is approximately 1 mile away) and the Main Branch of the Boone County Library, which is exempt from zoning requirements. The proposal does not relate to other signs or buildings in the area and would be a beacon amongst a number of commercial sites with similar circumstances.

3. The Committee has not identified any facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character nor has the Applicant provided any such facts.
4. The Committee has not identified any facts which would lead to a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate nor has the Applicant provided any such facts.

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/Concept Plan Committee Vote.

Public Hearing Item No. 3:

Commission Members Present: Mrs. Herald, Mrs. Kegley, Mrs. Llambi, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

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Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Marshall Slagle, 2044 Greenup Street, Covington, KY was present on behalf of the applicant. He introduced Phil Sousa, a partner in the building with Ted Richardson. Mr. Slagle agreed with the Staff Report. He stated that the sign would be strictly for Heritage Hill -- KIA and the other uses on the sign would stay as they are today. The sign is jointly owned and the existing signs would continue. The electronically changeable copy sign will be controlled by Heritage Hill and the keyboard will be in their office. He stated that it is difficult for people to know that the businesses are back there. He stated that the electronically changeable copy will occupy about 25% of the sign area and it will stay the same for three to five minutes – it will not be continuously changing. He stated that they will abide by the regulations. He agreed with the Staff Report that the visibility going westbound is not clear because of the terrain and the storage facility in the front blocks the sign. The visibility is better going east. They believe the request is consistent with the Comprehensive Plan. He offered to answer any questions.

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Mrs. Poston noted that there was no one else in the audience and asked if there were any comments or questions from the Commissioners.

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Mr. Rolfsen stated that the sign is so busy now that he does not know if people will notice the changeable copy. Mr. Sousa stated that they jointly own the sign with Saturn/Kia (50%). He reviewed a Power Point slide of the sign and indicated the changeable copy area (where the changeable letters are currently located). He stated that they understand that the sign cannot change every 3 to 5 seconds and are willing for it to change only every 3 – 5 minutes. They want each tenant to have some exposure. He stated that Kiddie Kastle has moved out. They want to put a permanent sign identifying the plaza on the bottom of the sign and use the top for the tenants. They want tenant exposure.

Mr. Rolfsen asked if the permanent plaza sign would be internally lit like the Kiddie Kastle sign. Mr. Sousa responded that the whole bottom of the sign is internally lit.

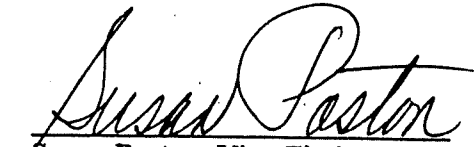
Mrs. Poston questioned why they use so much space to advertise Heritage Hill Commercial Center when that space could be used for the tenants. Mr. Sousa responded that they inherited the sign. Mrs. Poston asked if they have jurisdiction over the top part of the sign. Mr. Sousa responded that it is shared. He stated that if the Planning Commission wants the sign less cluttered, he can use a 9' x 9' electronically changeable copy sign and change it every 3 to 5 minutes.

Mrs. Poston asked Staff to provide information to the Committee about other changeable copy signs on KY 18. Mr. Sousa stated that Walgreen's is the closest electronically changeable copy sign and it changes more often.

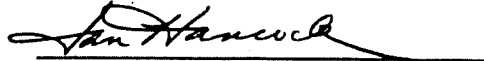
Mrs. Llambi asked if the sign is only copy or if there will be solid graphics. Mr. Sousa responded that it is just copy.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on April 30, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on May 7, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:30 PM.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: April 30, 2008

RE: Request of Ted Richardson and Phil Sousa (applicants) for Jake Sweeney Automotive Florence (owner) for a Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Service/Planned Development (C-3/PD) zone to allow electronically changeable copy to be added to an existing development identification sign.

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.

Richardson/Sousa/Special Sign District

April 30, 2008

Janet Kegley, Chairwoman

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Judy Arnett

For Project ___ Absent
 Against Project ___
 Abstain ___ Deferred ___

Greg Breetz

For Project ___ Absent ___
 Against Project
 Abstain ___ Deferred ___

Kim Bunger

For Project ___ Absent ___
 Against Project
 Abstain ___ Deferred ___

Charlie Rolfson
Chairman

For Project ___ Absent ___
 Against Project
 Abstain ___ Deferred ___

Jim Carmichael (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Charlie Reynolds (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Patrick Reynolds (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Bob Schwenke (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

TOTAL: ___ DEFERRED ___ FOR PROJECT 2 ABSENT
3 AGAINST PROJECT ___ ABSTAIN

SUPPORTING INFORMATION

RECEIVED

BOOK 540 PAGE 165

PROPERTY TRANSFER TAX PAID \$ 7K (7K)
JERRY W. ROUSE, CLERK J.R.

1994 JUN 23 P 12:30

DEED

10 28
JERRY W. ROUSE
BOONE COUNTY CLERK

KNOW ALL MEN BY THESE PRESENTS:

That JACOB B. SWEENEY, JR. a married man and GREGORY D. SWEENEY a married man

whose mailing address is: 5969 Centennial Circle, Florence, Kentucky 41042

for and in consideration of ONE DOLLAR (\$1.00) to them paid by the grantee herein, the receipt of which is acknowledged, do bargain, sell, and convey to: SWEENEY KENTUCKY REALTY PARTNERSHIP, a Kentucky partnership its successors and assigns forever, the following described Real Estate, in the County of Boone and Commonwealth of Kentucky, to-wit:

Group No. 1545
Plat No. 18 pg 33

Present Street Address: 5969 Centennial Circle, Florence, Kentucky 41042

Grantee Mailing Address: 5969 Centennial Circle, Florence, Kentucky 41042

Situated in Boone County, Kentucky and being all of Lots 3 and 4 of Heritage Hill Industrial Center, Section 1, as shown in plat Book 18, page 33 of the Boone County Clerk's Records at Burlington, Kentucky.

Subject to easements of record.

Being the same property conveyed to the Grantors herein by Deed dated December 28, 1990 and recorded in Deed Book 478, page 177 of the Boone County Clerk's Records at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said SWEENEY KENTUCKY REALTY PARTNERSHIP, a Kentucky partnership its successors and assigns, forever, the Grantors, their heirs, and assigns HEREBY COVENANTING with Grantee its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, The said Grantors, JACOB B. SWEENEY, JR. and GREGORY D. SWEENEY and LESLIE L. SWEENEY, wife of JACOB B. SWEENEY, JR. and MAUREEN K. SWEENEY, wife of GREGORY D. SWEENEY who hereby release their right of dower, hereunto set their hands, this 23 day of June, 1994.

WITNESSES:

Michael Neumark
Printed Name: Michael Neumark

Stanley Zappin
Printed Name: Stanley Zappin

Jacob B. Sweeney, Jr.
JACOB B. SWEENEY, JR.

Leslie L. Sweeney
LESLIE L. SWEENEY

WITNESSES:

Michael Neumark
Printed Name: Michael Neumark

Stanley Zappin
Printed Name: Stanley Zappin

Gregory D. Sweeney
GREGORY D. SWEENEY

Maureen K. Sweeney
MAUREEN K. SWEENEY

RETURN TO: Thompson, Stone & Flory

STATE OF Ohio)
COUNTY OF Hamilton) SS:

The foregoing instrument was acknowledged before me this 23 day of June, 1994 by JACOB B. SWEENEY, JR. and LESLIE L. SWEENEY, husband and wife.

Michael Neumark
Notary Public

MICHAEL NEUMARK, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission expires:
Date: Section 147.02 R.C.

STATE OF Ohio)
COUNTY OF Hamilton) SS:

The foregoing instrument was acknowledged before me this 23 day of June, 1994 by GREGORY D. SWEENEY and MAUREEN K. SWEENEY, husband and wife.

Michael Neumark
Notary Public

MICHAEL NEUMARK, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My Commission expires:
Date: Section 147.02 R.C.

CERTIFICATE OF CONSIDERATION

Grantors and Grantee both certify, under oath, that the consideration reflected in this deed is the full consideration paid for the property and Grantee joins in this deed for the sole purpose of making this certificate about the consideration. THE FULL CASH VALUE OF THE PROPERTY PASSING HEREIN IS \$1,340,000.00. Sworn to this 23 day of June, 1994.

GRANTORS:

Jacob B. Sweeney, Jr.
JACOB B. SWEENEY, JR.
Leslie L. Sweeney
LESLIE L. SWEENEY
Gregory D. Sweeney
GREGORY D. SWEENEY
Maureen K. Sweeney
MAUREEN K. SWEENEY

GRANTEE:

SWEENEY KENTUCKY REALTY PARTNERSHIP, a Kentucky partnership
By: Jacob B. Sweeney, Jr.
Its: Managers Partnership

STATE OF KENTUCKY
KENTON COUNTY OF BOONE

JERRY W. ROUSE
I, ~~BILLY~~ BILLY TAYLOR, Clerk of the Court, for the aforesaid, do hereby certify that this instrument of writing from JACOB B. SWEENEY, JR. ET AL to SWEENEY KY. REALTY PARTNERSHIP was this day presented to me in my office.

certified as above, and this day left for the record at 12:30 P.M.. Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office. Given under my hand this 23 day of June, 1994.

JERRY W. ROUSE
By: Jerry Rouse
BILLY TAYLOR, Clerk

This Deed prepared by:

Michelle L. Pensyl
Michelle L. Pensyl, Esq.
THOMPSON, HINE AND FLORY
312 Walnut Street, Suite 1400
Cincinnati, Ohio 45202
(513) 352-6818

Resolution Of The Boone County Fiscal Court

Resolution No. 08-~~112~~ 113 *Ed.*

A RESOLUTION OF THE BOONE COUNTY FISCAL COURT ACCEPTING THE BOONE COUNTY PLANNING COMMISSION'S RECOMMENDATION OF DENIAL FOR THE REQUEST OF TED RICHARDSON AND PHIL SOUSA (APPLICANTS) FOR JAKE SWEENEY AUTOMOTIVE FLORENCE (OWNER) FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT AT 5969 CENTENNIAL CIRCLE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated area 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.

NOW, THEREFORE, BE IT RESOLVED 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 recommended for denial, this Zoning Map Amendment for a Special Sign District at 5969 Centennial Circle, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment for a Special Sign District in a Commercial Service/Planned Development (C-3/PD) zone is more particularly described in DEED BOOK 546, PAGE NO. 165 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of denial for a Zoning Map Amendment request are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Planning Commission recommended denial for this request based on the findings of fact as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

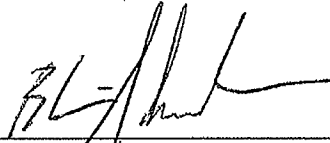
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 22nd day of July, 2008, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



BLAIR G. SCHROEDER
FISCAL COURT CLERK

TED RICHARDSON called and asked if he could convert a 9' x 9' panel into electronically changeable copy. The 1991 Concept Plan didn't show electronically changeable copy. Kevin Wall determined they would have to go back through the public hearing process.

TKM



1/25/07