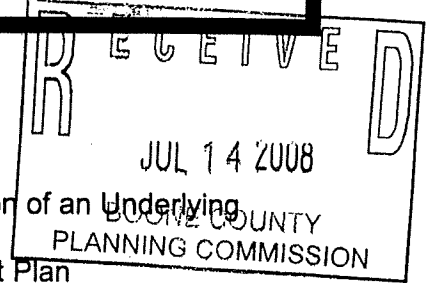


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



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

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions

- 2. Name of Project Road Ranger Shell
- 3. Location of Project 9600 Centennial Circle
- 4. Total Acreage of Site 3.0369
- 5. Current Zoning C-3 | PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) \_\_\_\_\_
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) \_\_\_\_\_
- 8. Proposed Uses (please specify each use) Gas / Food MART
- 9. Proposed Building Intensities (please specify) 56 Sq. ft.
- 10. Have you submitted a Concept Development Plan? YES
- 11. Are you also applying for:
  - Conditional Use Permit
  - Dimensional Variance
- 12. Name of Applicant(s) Quality Silo
- Phone Number 615-9966 Fax No. \_\_\_\_\_
- 13. Address of Applicant(s) 1000 Production Dr
- Burl 14 41001
- City State Zip
- 14. Name of Property Owner(s) Road Ranger Shell
- Phone Number 615-387-1700 Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) 9600 Centennial Circle
- Flo Ky 41072
- City State Zip
- 16. Are there any existing buildings on the site? YES
- How many? two
- 17. Deed Book 948 Page No. 934 Group No. 2026
- 18. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_

# EXHIBIT

“A”

## STAFF REPORT

Request of Quality Signs (applicant) for Road Ranger Shell (owner) for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow electronic price panels on an existing monument sign.

August 20, 2008

### REQUEST

The applicant has submitted a Change in Approved Concept Development Plan to allow electronic price panels on the Road Ranger/Shell monument sign. The property is located at 5960 Centennial Circle and is zoned Commercial Services/Planned Development (C-3/PD).

The submitted Concept Development Plan shows that a 5'-2" x 6' sign cabinet with two electronic price windows will replace Shell's manually changeable fuel copy. Regular fuel prices will be displayed in red light emitting diodes (LED) and are shown in a 26" x 62" (11.19 square foot) window. Diesel fuel prices will be displayed in green LED and are shown in a 14" x 33" (3.2 square foot) window.

### SITE HISTORY

In 1994, the Boone County Planning Commission and Boone County Fiscal Court approved a Change in Concept Development Plan to allow an approximate 3,000 square foot drive-through restaurant on a 1.18 acre tract (McDonald's) and a 4,000 square foot gasoline station/food mart/car wash (Road Ranger Shell) on a 3.3 acre tract. The approval also allowed three (3) free-standing signs to be constructed. The first sign was a 44' tall, 250 square foot entrance monument at the KY 18/Centennial Circle intersection, the second sign was an 11' tall, 80 square foot monument on the McDonald's lot, and the third sign was a 13' tall, 160 square foot monument on the Shell lot. There was a condition stating that the signs had to be constructed and designed as presented at the Committee Meeting (see attachments).

9/19/94 - The Boone County Planning Commission approved a Sign Permit for a 13' tall, 160 square foot monument sign.

### SITE CHARACTERISTICS

The 3.0369 acre site contains an approximate 4,500 square foot convenience store, 1,540 square foot car wash, a gasoline canopy, and a shared retention pond. The site has 315 feet

of frontage on KY 18 and 595 feet of frontage on Centennial Circle. Access to the site is provided from two curb cuts on Centennial Circle. The topography of the site falls from 874' above sea level along KY 18 to 852' above sea level at the retention pond. Overhead power poles are located along the KY 18 so the site has only been buffered with evergreen shrubs. The 13' tall, 160 square foot monument sign is located in close proximity to the KY 18/Centennial Circle intersection.

#### ADJACENT LAND USES AND ZONING

- North: Centennial Circle, McDonald's (C-3/PD), Real Fiesta Mexican Restaurant (C-3/PD), Hammond's Service Center (C-3/PD), and Plapp's Pro Outdoors (C-2/PD)
- South: Burlington Pike, Saturn of Florence (C-3/PD), Kia of Florence (C-3/PD), and Christ Methodist Church
- East: Tractor Supply (C-2/PD)
- West: Single-Family Residential Dwellings on Boone Aire Road (SR-1)

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element makes the following statement regarding the general area:

- A. Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts (Florence Commercial Area, pp. 144-145).

The Land Use Element provides the following Future Land Use Development Guidelines (pp. 140-142) that relate to the proposal:

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust,

smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact...

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).

- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141).

- C. 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. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County.

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Design, Signs, and Historic Preservation," pg. 142).

The Business Activity Element makes the following statement regarding the general area:

Commercial developments that occur in the KY 18 and U.S. 42 corridors should be limited in scale (e.g. building, intensity, use, etc.) and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas and designed properly. These commercial clusters should not function as an extension of Florence and Mall Road, but as distinct units serving the Burlington and Union areas. This principle should apply to the Limaburg area and surrounding area as well. The commercial development in this area should coordinate closely with the projected high and medium density residential development to form a more coherent community and create neighborhood centers rather than just a strip extending out of Florence. An example of this type of design is the Oakbrook Marketplace, which ties into the subdivision while serving a larger trade area (Recommended Areas of Commercial Activity, pg. 63).

The following Goals and Objectives relate to the project:

- A. Proper design principles shall be applied in development (Overall, Objective).
- B. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- C. Compact, efficient development patterns shall be encouraged for business districts (industrial commercial, and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective).
- D. Commercial uses shall be designed and located to coordinate with surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Objective).

#### PLANNED DEVELOPMENT STANDARDS

Concept Development Plan proposals within the Planned Development (PD) overlay district are to be primarily evaluated against the criteria that are listed in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations (see attachments). A proposed Concept Development Plan shall fulfill the criteria outlined in this section "unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal."

The signage standard states that "a consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height."

#### STAFF COMMENTS

1. The application is required because the 1994 conditions state that the Shell sign had to be constructed as it was presented to the Planning Commission. The approved exhibit showed that gas prices would be displayed with manually changeable copy.

2. Electronically changeable copy signs are currently a Conditional Use in Commercial Two (C-2) and Commercial Services (C-3) zoning districts and are typically acted on by the appropriate Board of Adjustment. The electronic message board standards listed in Section 3430 of the zoning regulations state the following standards must be met:
  - 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.
3. The Boone County and Florence Boards of Adjustment have approved six Conditional Use Permits to allow electronic gasoline prices on free-standing signs in the past two months. Three approvals were granted for Blue Pantry/BP and three approvals were granted for Road Ranger/Shell. The six gasoline station/convenience stores are all located on arterial roads (KY 18, Richwood Road, Mt. Zion Road, Turfway Road, and U.S. 42.)
4. As part of the Zoning Update, the Boone County Planning Commission has recommended that infrequently changing electronic messages (gas prices, hotel room rates, time and temperature, etc.) should be permitted by right in Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zones provided the following standards are met:
  - A. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.
  - B. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

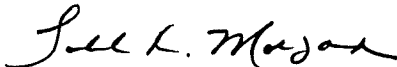
Staff would like to note that the proposed electronic message boards would have been principally permitted if:

- A. There were no zone change conditions affecting Shell's sign; and
  - B. Boone County Fiscal Court had adopted the Zoning Update as proposed. A 160 square foot monument sign would be eligible to have 20 square feet of infrequently changing electronic copy.
5. Boone County Planning Commission and Boone County Fiscal Court denied a Special Sign District request earlier this year which would have allowed a 54 square foot electronic message board on the Heritage Hill Subdivision sign. The message board would have allowed the tenants of 5900 Centennial Circle to advertise on KY 18.
6. The Planning Commission and Fiscal Court should analyze the Planned Development Standards and Boone County Comprehensive Plan and before acting on the request. The Planned Development Standards state that a consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The Future Land Use Development guidelines in the Comprehensive Plan state that 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. Staff is concerned that the electronic signage is proposed across from a single-family residential area and that the copy could be bright because it is red and green.
7. Staff recommends the following conditions if the request is approved:
- A. The electronic signs shall only be used to display regular and diesel fuel prices.
  - B. The fuel price colors shall be defined. Staff recommends that both fuel prices shall be an off-white or amber color because of the single-family residential area across the street.
  - C. The electronic fuel displays shall be equipped with dimmer switches so that the electronic copy is less bright at night.
  - D. Additional signage shall not be permitted in the blank sign cabinet.
  - E. Small trees shall be planted in the KY 18 landscaping buffer. The trees shall supplement the existing hedge row and shall be planted at a ratio of 3 trees per 100 linear feet of road frontage.

CONCLUSION

The Concept Development Plan request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of the criteria in Article 3 and 15 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

Respectfully Submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

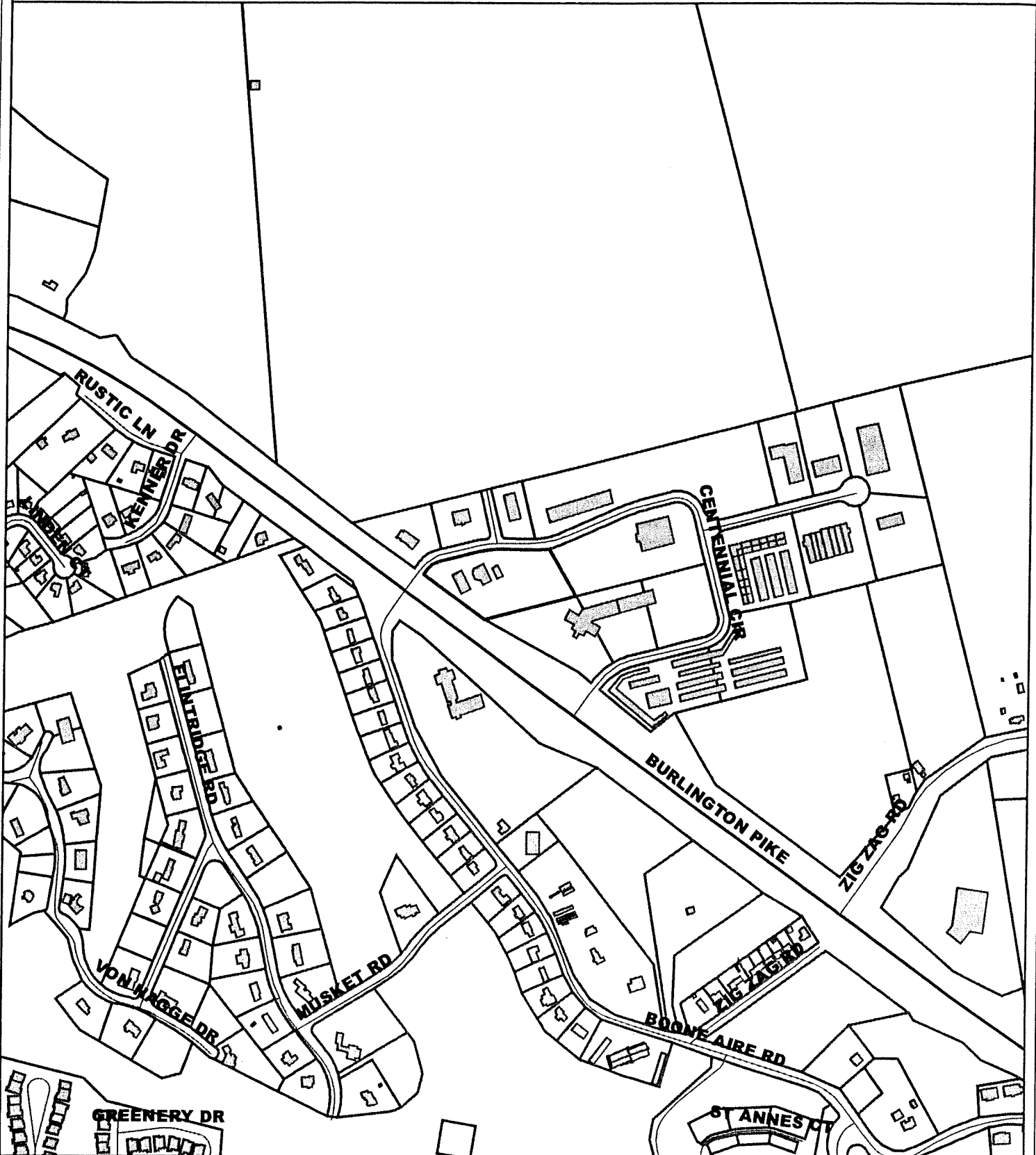
TKM/pr

Attachments:

- \*Site Vicinity Map
- \*Aerial Map
- \*Concept Development Plan
- \*Zoning Map
- \*Topographical Map
- \*Future Land Use Map
- \*Planned Development Standards
- \*1994 Committee Report
- \*1994 Concept Development Plans
- \*Application

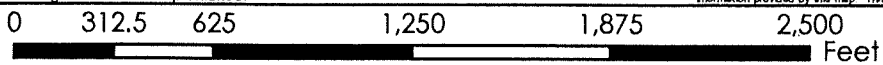
# SITE VICINITY MAP

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1 inch equals 600 feet

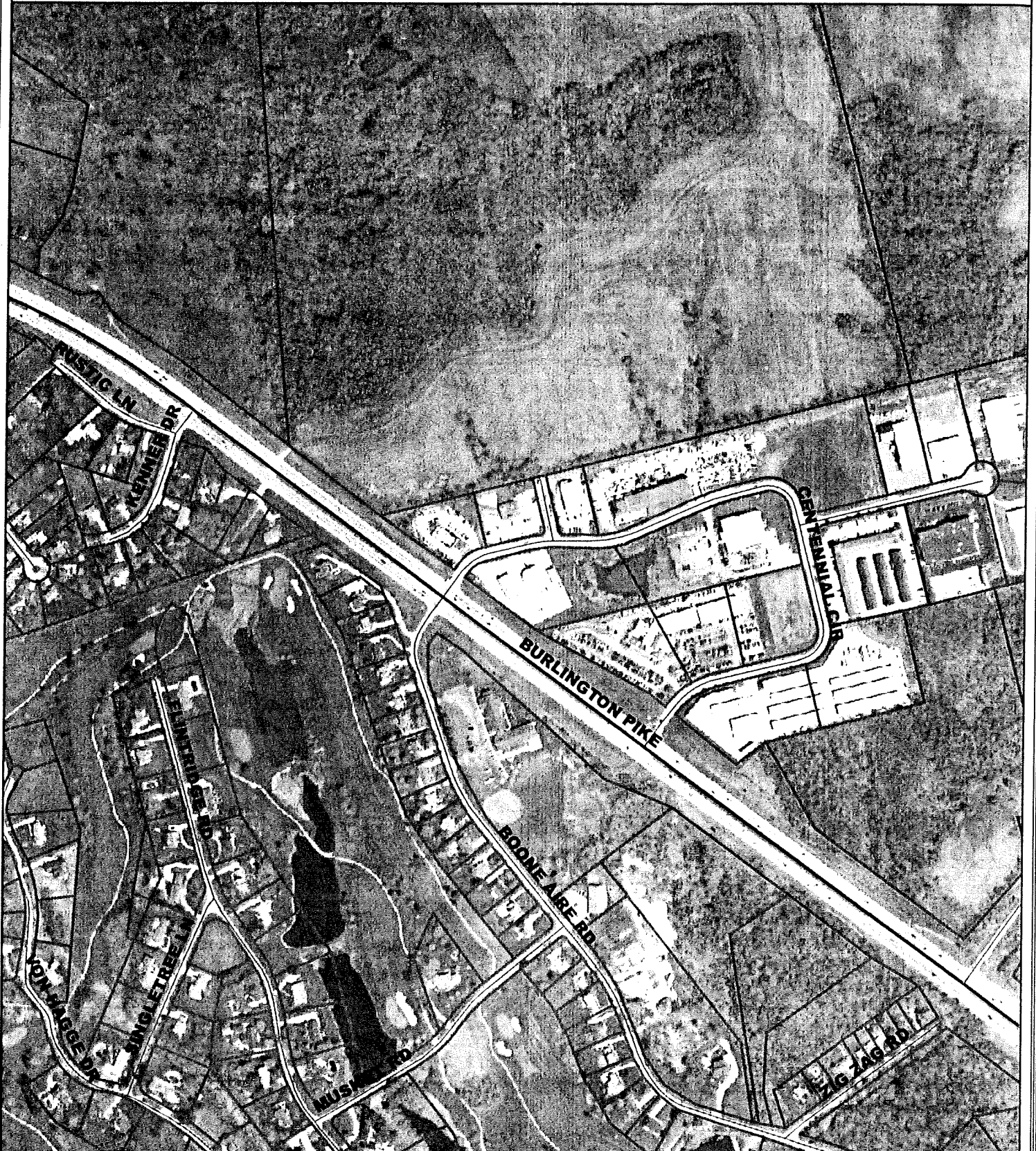


**Boone County GIS - Putting Northern Kentucky on the Map**



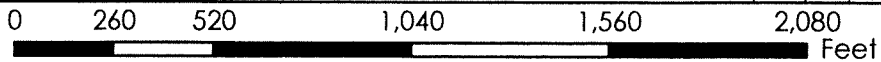
# AERIAL MAP

www.boonecountygis.com



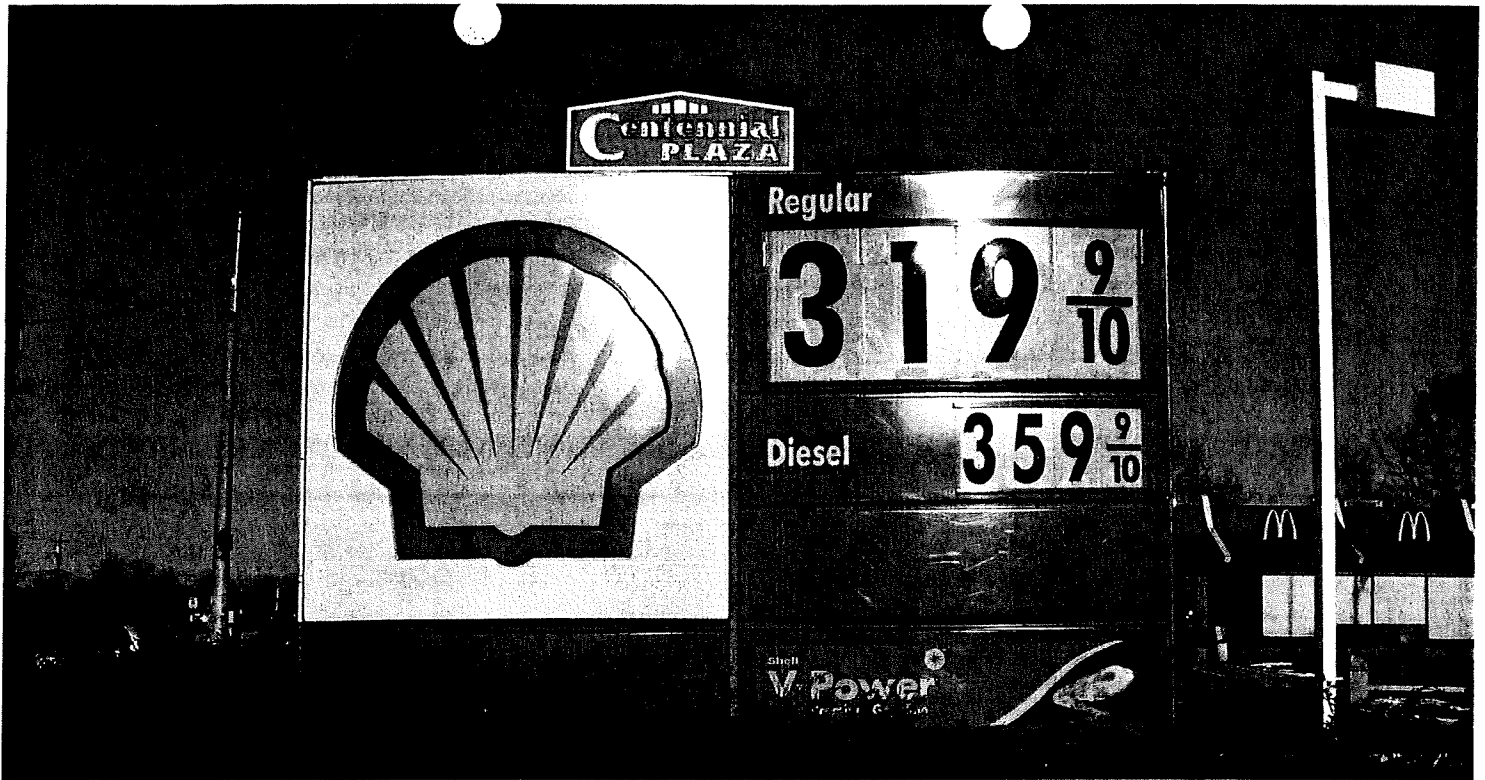
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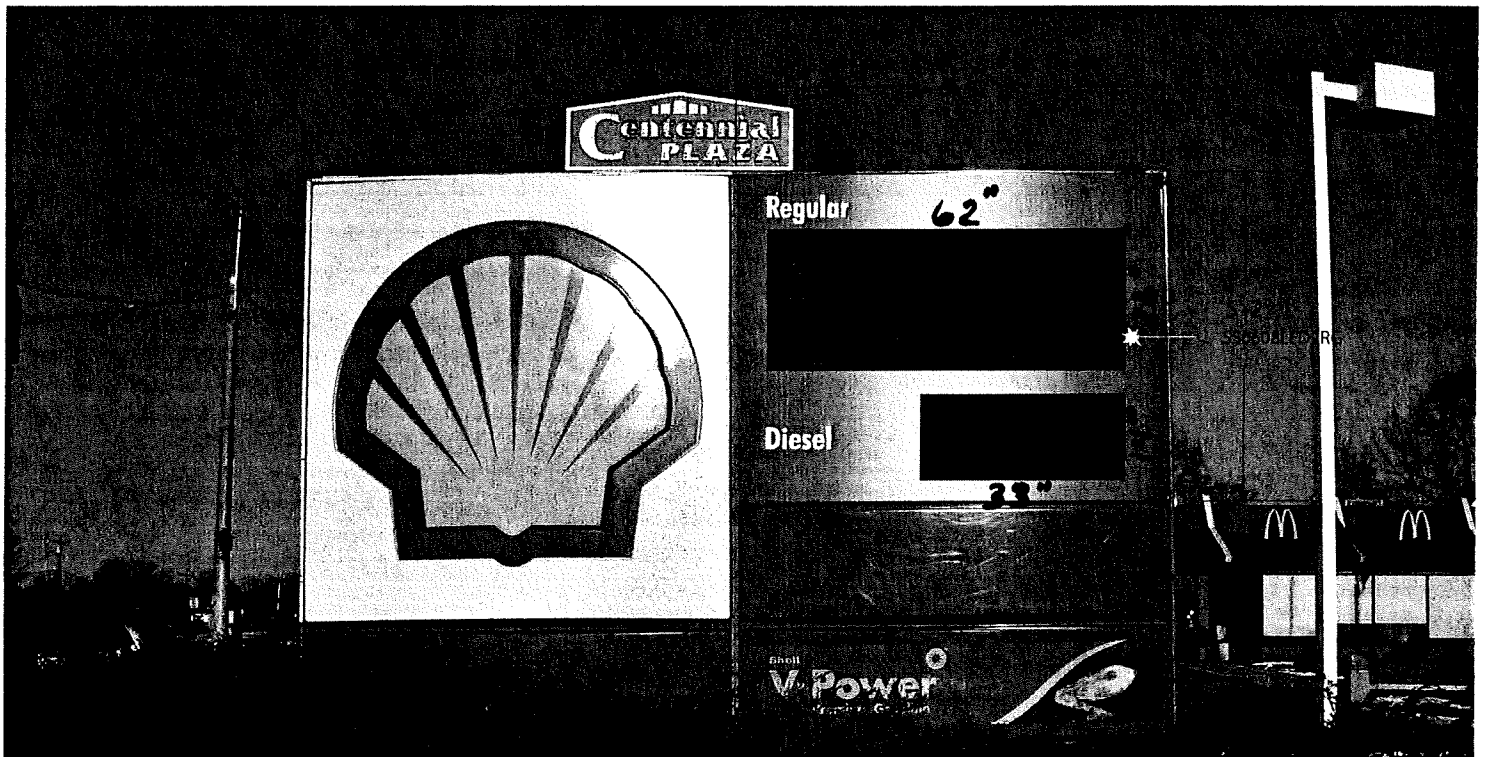


**Boone County GIS - Putting Northern Kentucky on the Map**





EXISTING SIGN



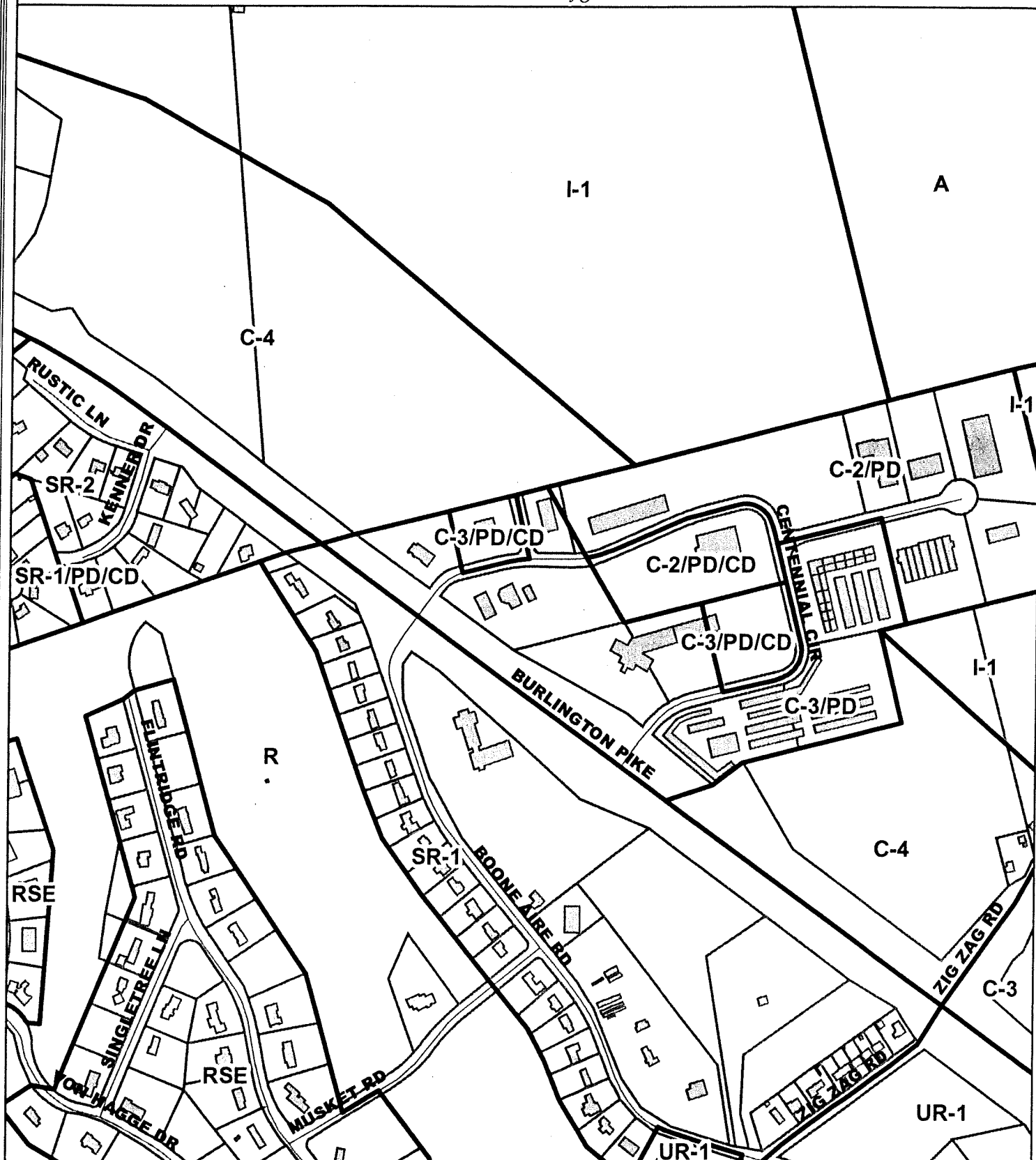
PROPOSED LED PRICE SIGN - TO REPLACE EXISTING PRICE SIGN  
31.02 SQ. FT.



ROAD RANGER  
5960 Centennial Circle, Florence, KY 41042  
Proposed LED Price Sign  
July 11, 2008

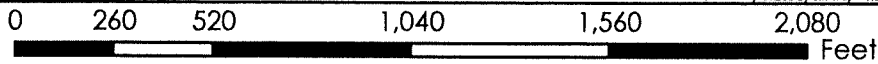
# ZONING MAP

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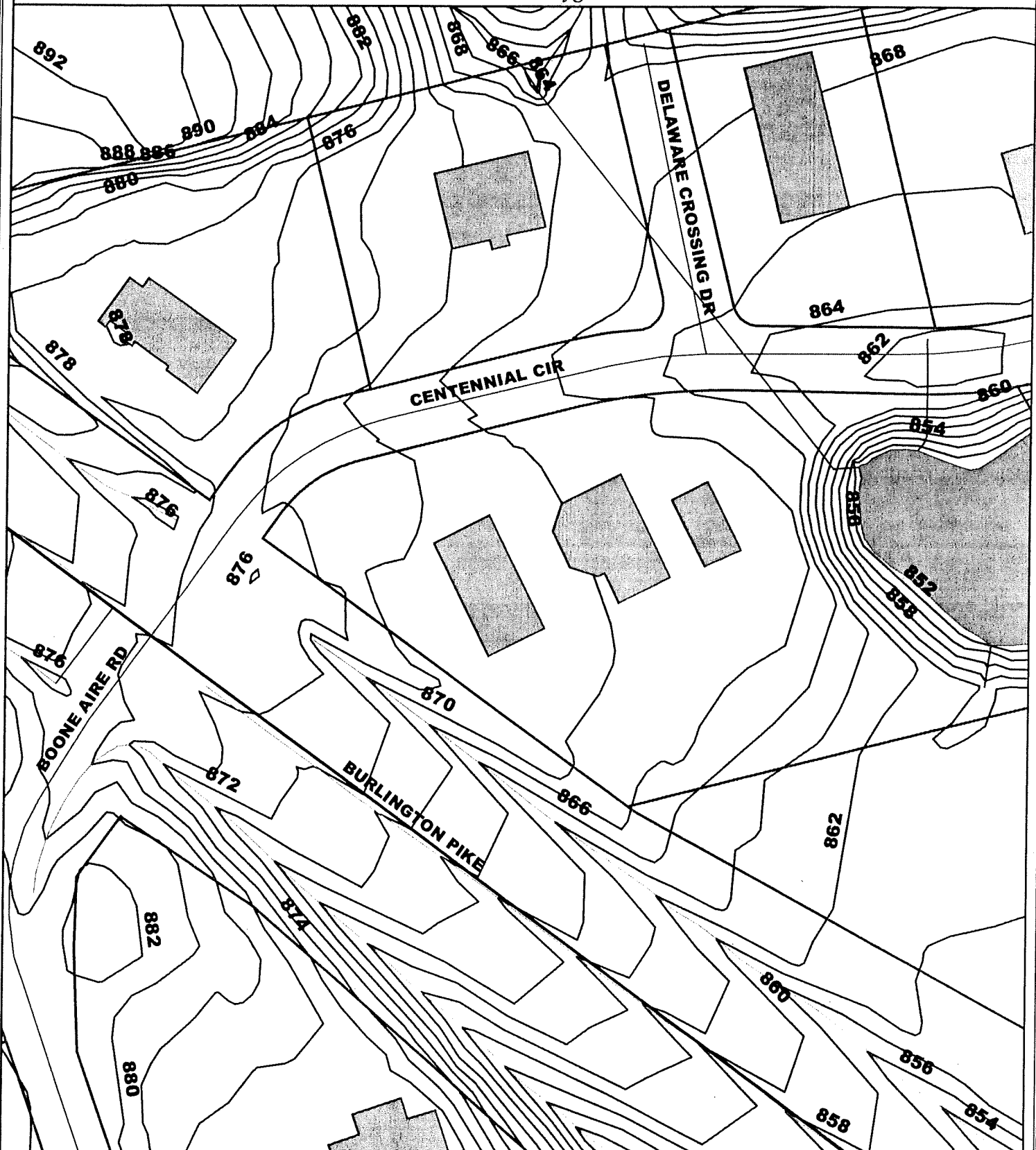


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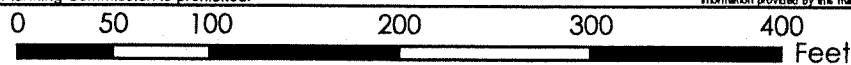
# TOPOGRAPHICAL MAP

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1 inch equals 100 feet

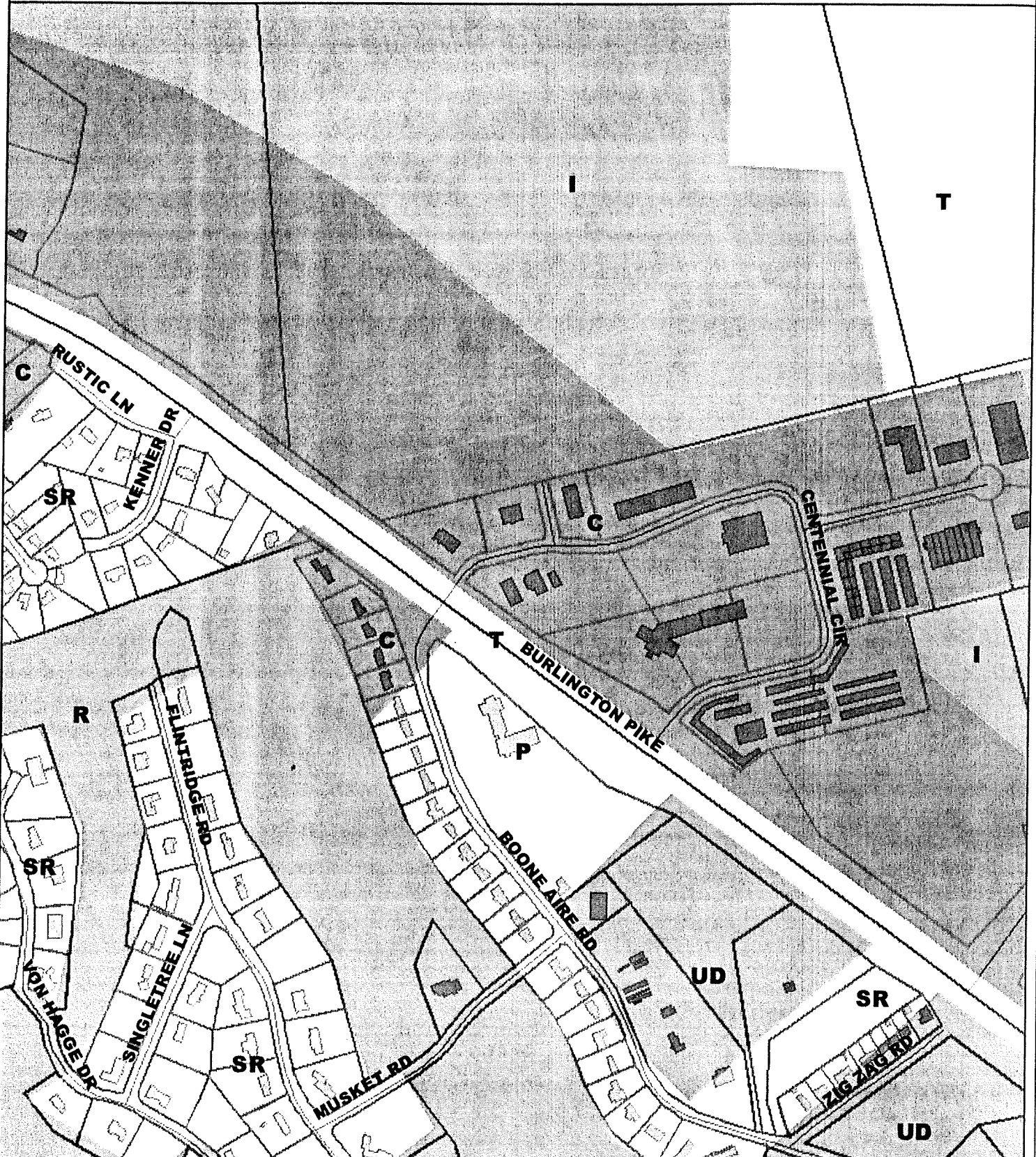


**Boone County GIS - Putting Northern Kentucky on the Map**



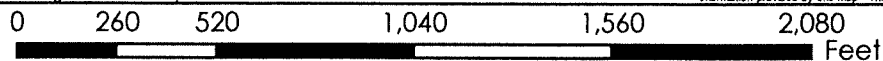
# FUTURE LAND USE MAP

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1 inch equals 500 feet

**Boone County GIS - Putting Northern Kentucky on the Map**



It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

## **SECTION 1512**

### **Intensity**

The intensity of use in a Planned Development may exceed by no more than thirty (30) percent the maximum intensity permitted in the underlying zone district.

## **SECTION 1513**

### **Minimum Size**

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

## **SECTION 1514**

### **Planned Development Standards**

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. In general, planned developments shall have a pedestrian orientation. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a mixed use development as described in this standard is provided.
2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc.

5. Preservation of Existing Site Features: Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article.
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects.
7. Architecture: A consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.
8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. The use of signage design guidelines is required for multi-phased projects.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all planned development unless physically unfeasible or undesirable due to land use characteristics. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations or existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: April 20, 1994

RE: Request of James W. Berling (applicant) for Waco Oil Company (owner) for a Change in Concept Development Plan on a 4.48 acre site located in Centennial Plaza, on KY 18, Boone County, Kentucky. The request is to allow a fast food restaurant and self service gas station under the zoning of Commercial Two/Planned Development (C-2/PD) and Commercial Services/Planned Development (C-3/PD).

## REMARKS:

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

### Findings of Fact

1. The Future Land Use Map and Text of the adopted 1990 Boone County Comprehensive Plan indicates the site as a commercial use which should serve local residential needs. The Committee believes that the proposed uses will provide needed services for local residences and businesses while avoiding the appearance of a continuous commercial strip on KY 18.
2. The planned development does not hinder nor deter development of surrounding undeveloped properties in accordance with the Comprehensive Plan.

### Conditions

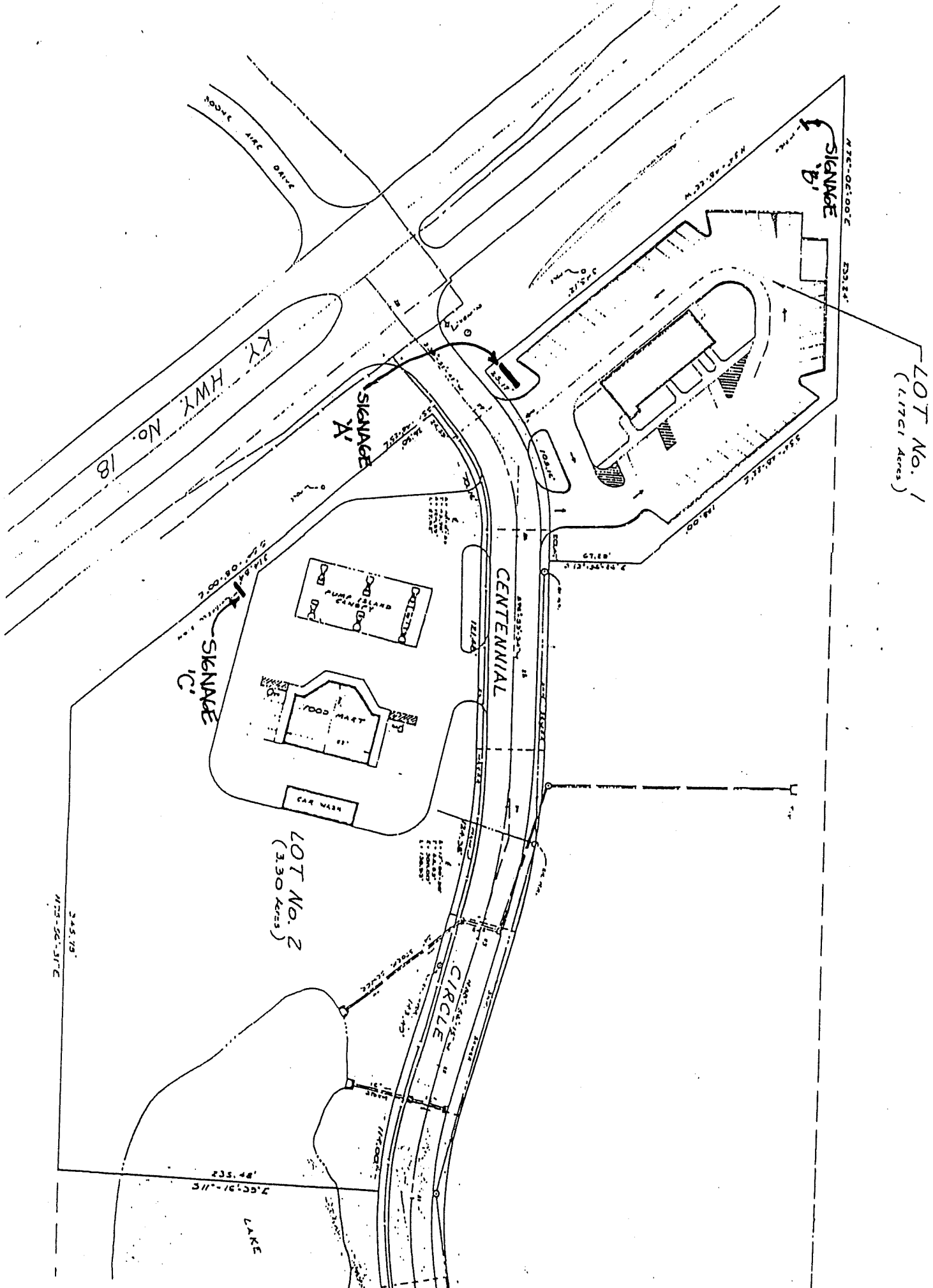
The applicant is being asked to agree to and include these items as part of the Concept Development Plan and to address questions and comments at the Public Hearing:

1. A maximum of three (3) free-standing signs will be permitted. The two monument signs will be permitted as presented at the Committee meeting. The project identification sign shall be permitted to be a maximum of 250 square feet in size and 44 feet in height.

The McDonalds "M" shall be located below the Centennial Plaza on the project identification sign. The "M" shall be located between the support columns and can be no wider than the seven (7) feet tenant panels. McDonalds will not be permitted to use any of the tenant cabinets nor will it be permitted to have any changeable copy signs on the project identification sign. The stone base for this sign shall be reduced to a maximum of four (4) feet in height.

7'9"  
JFH

All signs shall be constructed and designed as presented at the Committee Meeting with consistent materials and colors.



LOT No. 1  
(1.1761 Acres)

LOT No. 2  
(3.30 Acres)

LOT No. 3  
(3.30 Acres)

SEWAGE  
B

SEWAGE  
A

SEWAGE  
C

CENTENNIAL

CIRCLE

KY HWY No. 18

200' FIRE DRIVE

PUMP HOUSE  
LAND

FOOD MART

CAR WASH

235.48'  
311°-16'55"

LAKE

N 75°-06'00" E  
233.84'

233.84'

188.00'

121.74'

121.74'

121.74'

121.74'

121.74'

121.74'

245.79'  
N 75°-06'00" E  
1125-56'-31" E

245.79'

245.79'

121.74'

121.74'

121.74'

121.74'

121.74'

121.74'

121.74'

121.74'

67.88'

67.88'

67.88'

67.88'

67.88'

67.88'

N 75°-06'00" E  
188.00'

188.00'

188.00'

188.00'

188.00'

188.00'

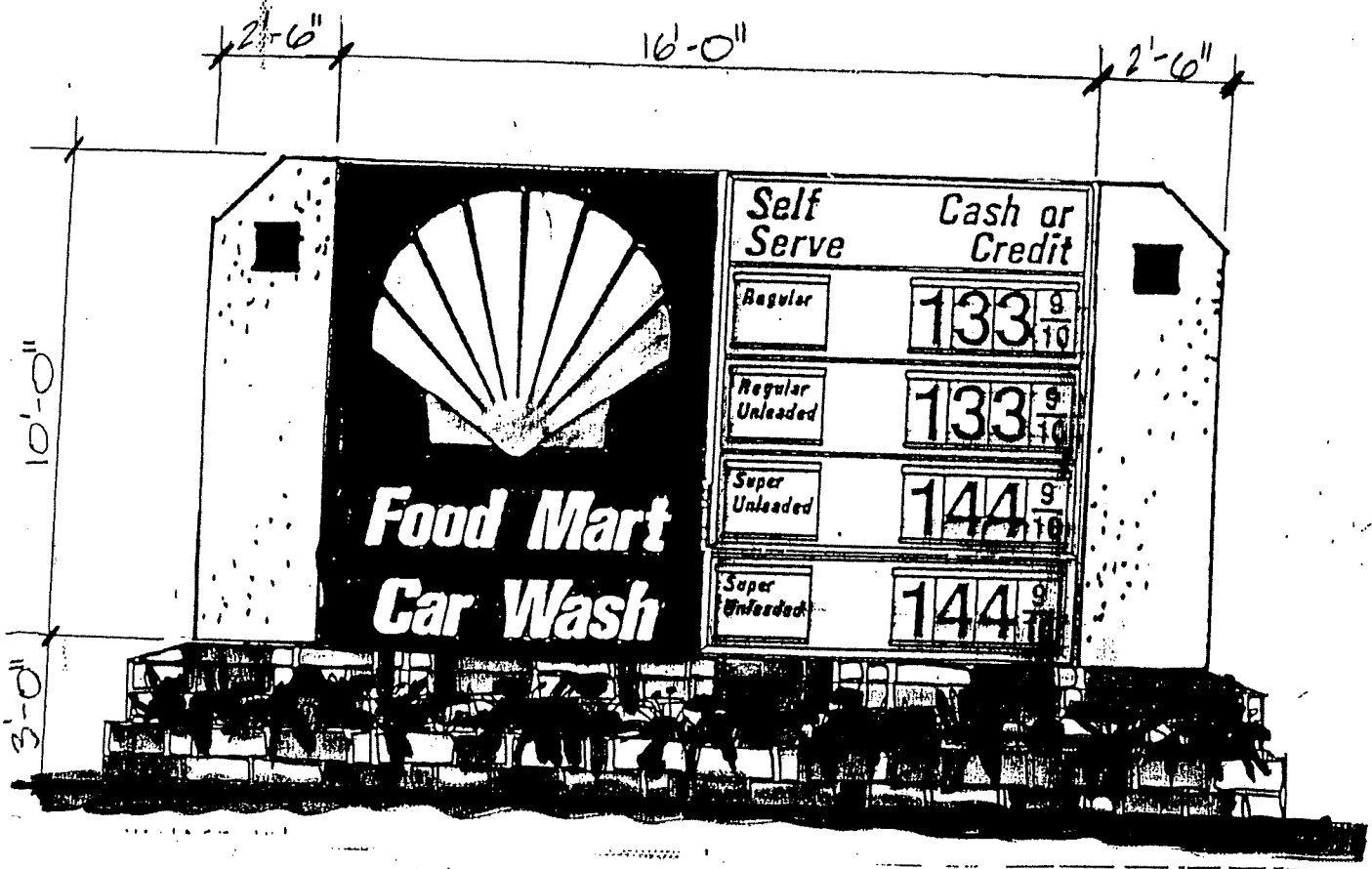
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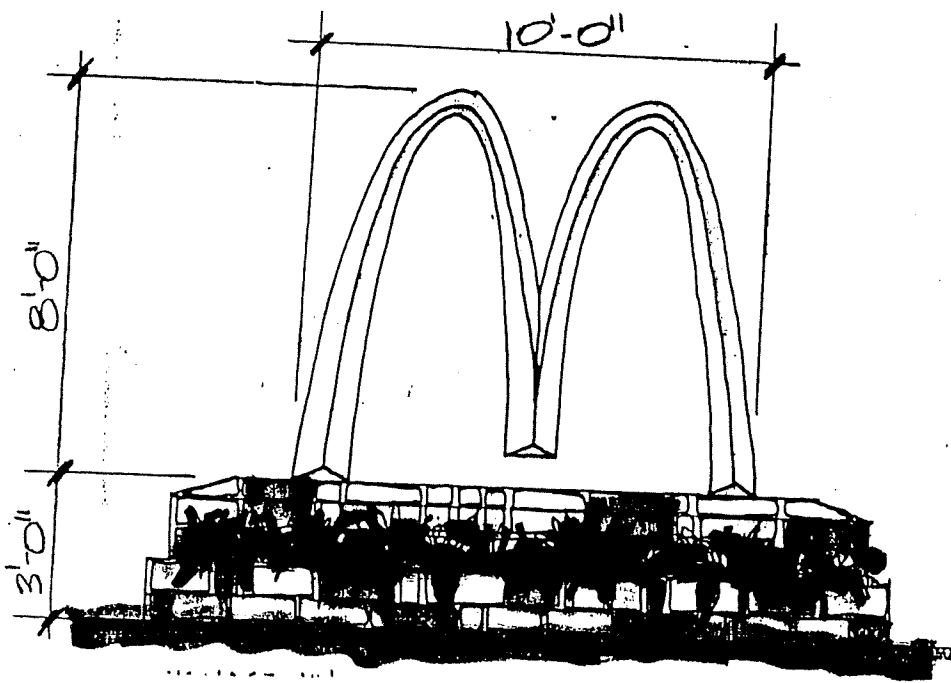
188.00'

188.00'



SIGNAGE 'C'

SCALE: 1/4" = 1'-0"



SIGNAGE 'B'

SCALE: 1/4" = 1'-0"



Centennial  
Plaza

40'-0"

16'-0"

2'-0"  
TYP

4'-0"

2'-0"

2'-0"

4'-0"

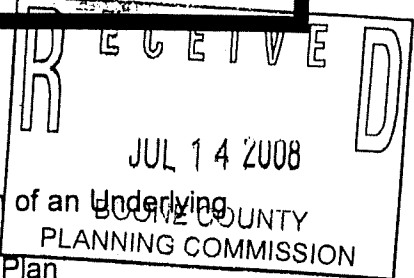
7'-0"

SIGNAGE 'AA'

SCALE: 1/4" = 1'-0"

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions

- 2. Name of Project Road Ranger Shell
- 3. Location of Project 5900 Centennial Circle
- 4. Total Acreage of Site 3.0369
- 5. Current Zoning C-3 | PD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) \_\_\_\_\_
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) \_\_\_\_\_
- 8. Proposed Uses (please specify each use) Gas / Food MART
- 9. Proposed Building Intensities (please specify) 5100 sq ft
- 10. Have you submitted a Concept Development Plan? YES
- 11. Are you also applying for:
  - Conditional Use Permit
  - Dimensional Variance
- 12. Name of Applicant(s) Quality Silo
- Phone Number 813-9966 Fax No. \_\_\_\_\_
- 13. Address of Applicant(s) 1000 Production Dr  
Surf 14 FL 4000  
City State Zip
- 14. Name of Property Owner(s) Road Ranger Shell
- Phone Number 813-387-1700 Fax No. \_\_\_\_\_
- 15. Address of Property Owner(s) 5900 Centennial Circle  
Fla 14 41072  
City State Zip
- 16. Are there any existing buildings on the site? YES  
How many? two
- 17. Deed Book 948 Page No. 934 Group No. 2026
- 18. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM**

**August 20, 2008  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Breetz, Mr. Carmichael, Mr. Mike Ford, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

**Staff Members Present:** Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

**Legal Counsel Present:** Mr. Dale Wilson

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:34 PM. Following an explanation of the Public Hearing process, Mrs. Poston introduced the first item on the Agenda:

**Applicant:** **Quality Signs for  
Road Ranger Shell (owner)**

**Request:** **Change in Concept Development Plan**

**The request of Quality Signs (applicant) for Road Ranger Shell (owner) for a change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow electronic price panels on an existing monument sign.**

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). (Note: The Staff Report was prepared by Staff Member Todd Morgan).

Mrs. Poston asked for the applicant's presentation.

Mr. Mark Stottman with Quality Signs stated that the request is to change their manual gas price sign to an electronic gas price sign. They are not increasing the size of the sign or the height. They want to change the price panels on the right hand side of the sign so that they will be able change the gas prices from inside and not have to go outside in the bad weather.

Mr. Steve Lewis, Construction Project Manager for Road Ranger LLC, 4950 East State Road, P. O. Box 4745, Rockford, IL, stated that the sign will be used for gasoline prices only. He does not see how the LED's could be a problem to the residents across the street -- the sign is perpendicular to KY 18 and it faces the KY 18 traffic, not the residential homes. He stated that LED has a tendency to be directional lighting. He stated that they went around the county to see what colors have been installed on LED signs and even at Boone County Library the message center has red LED scrolling lights. He stated that green is the color used to identify diesel fuel and using green is a way to get out the message that they have diesel fuel. He does not know if they can put a dimmer switch on the LED's or if the LED's would work properly if they turned the power down. He does not see the red or green lights causing problems for drivers at night or in the daytime. He stated that the sign is 50' - 60' off the road and there are no direct lights facing anyone except the people in the McDonald's plaza. He stated that they do not plan to have additional signage in the blank sign cabinet. He stated that this sign was approved in 1994 at the east end of the property, but the sign is at the west end of the property. He stated that the oil business is a destination location for drivers who realized they have to stop and get fuel when they are going somewhere else. He stated that planting trees that would block visibility of the sign is not a good business decision. In the past, he has traded the location of the trees and put them on the side or in the back of the sign - but in this location, there is not much room for a tree except out in the right-of-way and he is not sure that they can put a tree in the right-of-way. He has not had a chance to discuss this with their management.

Mrs. Poston stated that the request will go to the Zone Change Committee and they will be able to discuss those items with the Committee.

Mr. Stottman stated that he is almost sure that it is not possible to put a dimmer on LED lighting, but he will check with the manufacturer. This concluded 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. There was no response.

Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. Charlie Reynolds asked Staff to provide a Site Plan to the Committee showing where Staff is recommending trees and if a trade off to the back or side of the sign would be acceptable. Mr. Wall responded that the recommendation is for the street frontage because there are no trees there now and it is a large open vista. He does not think that small trees with a mature height of 25 feet would block the sign. He stated that this type of sign is prevalent in the community and most sites generally have more and larger trees. He will bring the Site Plan to the Committee Meeting.

Counselor Wilson asked if there was a condition that they have trees and, if so, are they are in violation of that condition? Mr. Wall responded that he is not aware of a violation. He stated that expectations and standards have changed in the last fifteen years.

Mr. Charlie Reynolds noted that the sign was approved at the east end of the property and it is now at the west end of the property. He asked if that is a violation. Mr. Wall responded he is not aware of a violation. He stated that the condition addresses the design of the sign and not the precise location.

Mr. Breetz asked if the existing sign is illuminated at night. Mr. Wall responded that it is internally illuminated. Mr. Breetz asked if the intensity of the current illumination could be compared to the illumination with the LED's. Mr. Wall responded that his understanding is that the industry has some standard guidelines, but there is no measure in terms of lumens, watts or foot candles.

Mrs. Poston noted the location of the sign (identified as "Sign C") on the plan and questioned how the sign got from the east end of the property to the west end. Mr. Wall responded that he was presenting for Staff Member Todd Morgan who is on vacation and he does not have that information. He will follow up on the question and provide the information to the Committee.

Mr. Stottman stated that Don Conrad built the Shell station and the sign has always been at the corner where it is now. There was never another monument sign on the property. He will ask Mr. Conrad's son-in-law if he has a copy of the permit.

Mr. Rolfsen stated that he is not in favor of the red copy on the sign. He asked if there is a sign in another location with the red and green copy that he could view. Mr. Stottman responded "not in this area". He stated that Shell's standard colors are red for gas and green for diesel. The handles on the diesel pumps are green. Mr. Rolfsen responded that he does not have a problem with green, but he has a problem with the red. Mr. Stottman will bring a colored rendering to the Committee Meeting. Mr. Lewis stated that on Dixie Highway in Erlanger, just south of I-275, there is a Shell station with a sign similar to what they are proposing. Mr. Rolfsen responded that he understands relating green to diesel fuel, but he needs to consider white for regular gas instead of red.

Mr. Ford noted that the electronic panels are lit at night and questioned if that will require a change in the type of illumination for the rest of the sign. Mr. Stottman responded "no".

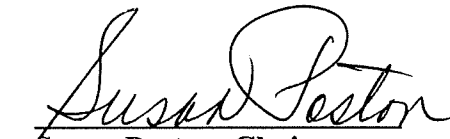
Mr. Patrick Reynolds questioned doing a foot candle comparison of the existing sign compared to the proposed sign. Mr. Wall responded that Staff does not have the equipment to do that and he does not know if Staff could credibly make that comparison.

Mr. Schwenke noted that Mr. Wall stated in his presentation that if they reduced the changeable copy portion of the sign by 11 feet, they would not have to be here. Mr. Wall responded that they would have to be here based on the original condition because the sign was manually changeable on the original approval. Mrs. Poston noted that the new regulations allow a sign with 20% or 20 square feet of changeable copy, whichever is less. She questioned the percentage and square footage of this sign that would have electronic changeable copy. Mr. Wall responded that it would be 31.02 square feet of a 160 square foot sign, which is 19.38%.

Mr. Stottman stated that the Shell station on Dixie Highway in Erlanger is open 24 hours a day. He stated that at night, the lights under the canopy and the security lights are much brighter than the LED gas price sign. He stated that the proposed sign will not be any brighter than the LED gas price sign at the Marathon station at KY 237/KY 20. He stated that the LED signs are going to be more and more popular because they are so easy to change and they are not that bright.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on September 3, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 17, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing.

**APPROVED:**

  
Susan Poston, Chairwoman

**Attest:**

  
Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
September 17, 2008  
7:00 P.M.**

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Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:02 PM.

**COMMISSION MEMBERS PRESENT:**

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Kim Bunger  
Mr. Mike Ford  
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. Greg Breetz  
Mr. Jim Carmichael  
Mrs. Linda Herald  
Mrs. Vivian Llambi  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light, Assistant Zoning Administrator/ZEO  
Mr. Todd Morgan, AICP, Senior Planner  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

**Approval of the Minutes:**

Mrs. Poston stated that the Commissioners received copies of the Minutes of the September 3, 2008 Business Meeting. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Bunger moved that they be approved as written. Mr. Patrick Reynolds seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

**1. Change in Concept Development Plan**

**The request of Quality Signs (applicant) for Road Ranger Shell (owner) for a change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow electronic price panels on an existing monument sign.**

Staff Member Todd Morgan 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.

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. The applicant was present but did not wish to speak.

Mrs. Poston asked if there was anyone else present who wished to make a summary statement before the Planning Commission takes action on this request. There was no response.

**There being no discussion, Mr. Rolfsen moved to by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Patrick Reynolds seconded the motion.**

Mr. McMillian questioned how many stations will be affected. Mr. Morgan responded that this request is only for this location. He stated that they have applied for Conditional Use Permits from the Florence Board of Adjustment for two other locations. Mr. Steve Lewis with Road Ranger, LLC stated that they purchased nine locations in Northern Kentucky and three of them are in Boone County. Seven of the locations will have electronic price panel signs. They

received permission from the Florence Board of Adjustment to put up electronic price panel signs at two of their locations and they were only permitted to use one color (red). This site is the third location in Boone County.

Mr. McMillian stated that when permits were granted for the station at KY 18/Ridge Avenue and the one at Centennial, they agreed to keep their prices the same so that people would not have to go across the road. He asked if this station will have the same prices. Mr. Morgan stated that he was not aware of that condition. Mr. Lewis responded that they usually try to be consistent so that one station is not favored over the other. He believes the prices will be reasonably close, but he does not know that they will always be the same. He stated that the stations at Ridge Avenue and at Mt. Zion Road will have changeable copy signs. He does not know the pricing strategies of the company.

Counselor Wilson stated that he does not know how the Planning Commission could condition rezoning approvals on the price of gasoline. He stated that he does not think that the Planning Commission can insist that two different gas stations have the same prices. Mr. McMillian stated that it was a condition so that people would not cross the intersection to get a better price on the gas. Mrs. Poston asked Mr. Costello to check into it.

There being no further discussion, Mrs. Poston asked for a vote on the motion made by Mr. Rolfsen and it carried unanimously.

**2. Change in Concept Development Plan**

**The request of ECE, Inc. (applicant) for Wagstaff, Inc. (owner) for a Change in an Approved Concept Development Plan in an Industrial One/Planned Development (I-1/PD) zone for a 14.33 acre site located at 4657 North Bend Road, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow a building addition, additional parking area, and a freestanding sign with electronically changeable copy.**

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.

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. The applicant was present but did not wish to speak.

Mrs. Poston asked if there was anyone else present who wished to make a summary statement before the Planning Commission takes action on this request. There was no response.

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Charlie Rolfsen, Chairman

**DATE:** September 17, 2008

**RE:** Request of Quality Signs (applicant) for Road Ranger Shell (owner) for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow electronic price panels on an existing monument sign.

### 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 agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
  - A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Commercial" uses. This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
  - B. The proposal is agreement with the following Future Land Use Development Guidelines (pp. 140-142):
    - Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact... ("Buffering," pg. 141).

The Committee and property owner agreed to conditions which require a photocell in the sign and additional landscaping along the KY 18 right-of-way.

- 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.

The Committee determined that the proposed electronic fuel price signs would not flash, roll, scroll, or run or be distracting to motorists. The proposed electronic signs are unlike many others because the fuel price messages will only change once or twice a day.

- C. The Land Use Element text states that commercial development in the Florence Commercial area should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate (pp. 144-145).

The Road Ranger Shell is adjacent to KY 18.

- 2. The proposal is in agreement with the following Planned Development Standards from Section 1514 of the Boone County Zoning Regulations:

- A. Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site.

The Committee and property owner agreed to a condition which requires 8 additional trees to be planted near the KY 18 right-of-way.

- B. A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height.

The height and square footage of the Road Ranger Shell monument sign will remain unchanged.

- 3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 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 the conditions.

CONDITIONS

1. The electronic signs shall only be used to display regular and diesel fuel prices.
2. Regular fuel prices shall be advertised in red light emitting diodes and diesel fuel prices shall be advertised in green light emitting diodes.
3. A photocell shall be provided in the sign and the fuel prices shall dim as the sky gets darker.
4. Additional signage shall not be permitted in the two blank sign cabinets.
5. Eight small trees will be required along the front and side property lines per the attached landscaping plan. At least two species of small trees shall be selected.

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 Concept Development Plan Committee Vote.

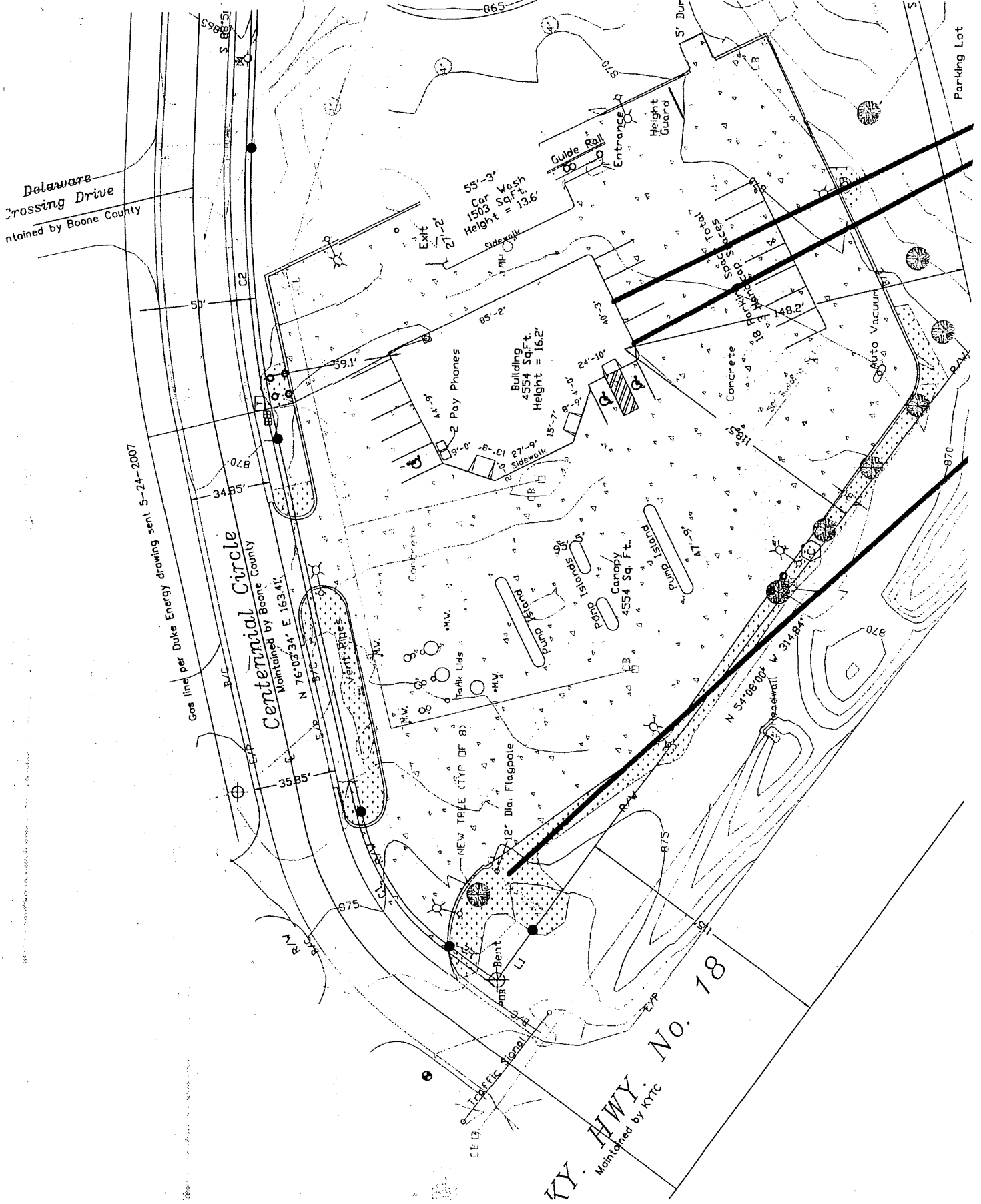
Delaware Crossing Drive  
Maintained by Boone County

Gas line per Duke Energy drawing sent 5-24-2007

Centennial Circle  
Maintained by Boone County

KY. HWY. No. 18  
Maintained by KYTC

Parking Lot



**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM**

**August 20, 2008  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Breetz, Mr. Carmichael, Mr. Mike Ford, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke.

**Staff Members Present:** Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

**Legal Counsel Present:** Mr. Dale Wilson

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**Request:** Change in Concept Development Plan

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Mrs. Poston asked if there were any comments or questions from the Commissioners.

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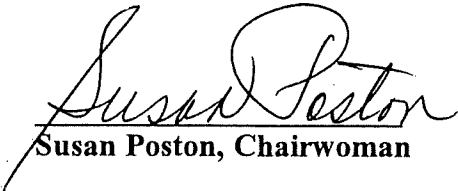
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There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on September 3, 2008 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 17, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing.

**APPROVED:**

  
Susan Poston, Chairwoman

Attest:

  
Jan Hancock, Recording Secretary

## **ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: September 3, 2008

RE: Request of **Quality Signs (applicant)** for **Road Ranger Shell (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow electronic price panels on an existing monument 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.

Quality Signs/Road Ranger Shell

September 3, 2008

*Charlie Rolfsen*  
**Charlie Rolfsen, Chairman**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

*Judy Arnett*  
**Judy Arnett**  
 For Project  Absent   
 Against Project   
 Abstain  Deferred

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

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

*Janet Kegley*  
**Janet Kegley**  
 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 4 FOR PROJECT  ABSENT  
 AGAINST PROJECT  ABSTAIN

# **SUPPORTING INFORMATION**



# BOONE COUNTY PLANNING COMMISSION

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

September 5, 2008

Mr. John Carabelli  
Road Ranger, L.L.C.  
P.O. Box 4745  
Rockford, IL 61110-4745

RE: Request of **Quality Signs (applicant)** for **Road Ranger Shell (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky. The request is for a Change in Concept Development Plan to allow electronic price panels on an existing monument sign.

Dear Mr. Carabelli:

The following letter represents the conditions of approval for the above referenced request. You need to sign the appropriate line on the last page of this letter if you are in agreement with the conditions. Please return the original letter to the Boone County Planning Commission office by September 16, 2008.

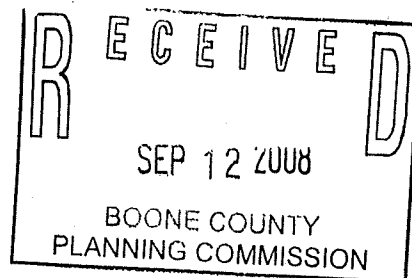
## CONDITIONS

1. The electronic signs shall only be used to display regular and diesel fuel prices.
2. Regular fuel prices shall be advertised in red light emitting diodes and diesel fuel prices shall be advertised in green light emitting diodes.
3. A photocell shall be provided in the sign and the fuel prices shall dim as the sky gets darker.
4. Additional signage shall not be permitted in the two blank sign cabinets.
5. Eight small trees will be required along the front and side property lines per the attached landscaping plan. At least two species of small trees shall be selected.

Sincerely,

Todd K. Morgan, AICP  
Senior Planner, Zoning Services

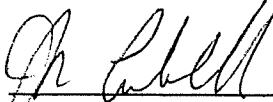
TKM/pr



Mr. John Carabelli  
Road Ranger, L.L.C.  
September 5, 2008  
Page 2

AGREEMENT

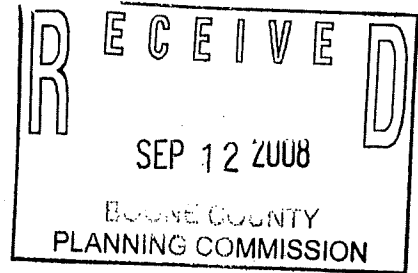
I, John Carabelli, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan which is described on the first page of this letter.



9/10/08

John Carabelli, Vice President of Construction  
Road Ranger, L.L.C.

Date



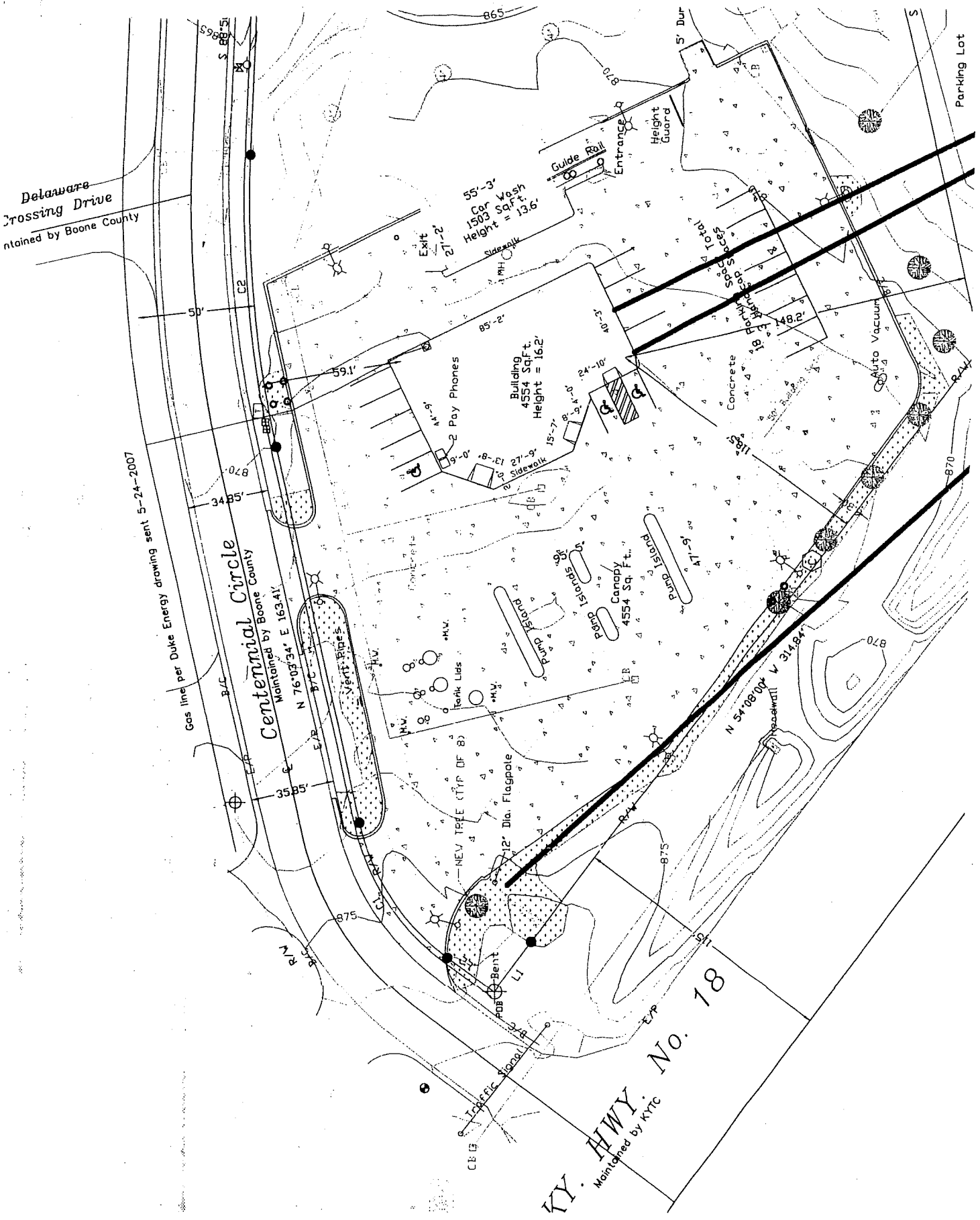
Delaware Crossing Drive  
Maintained by Boone County

Gas line per Duke Energy drawing sent 5-24-2007

Centennial Circle  
Maintained by Boone County

KY. HWY. No. 18  
Maintained by KYTC

Parking Lot



37

**SPECIAL WARRANTY DEED**

This DEED is made and entered into as of February 29, 2008, from

**AFM 804, Inc., a Kentucky corporation**  
c/o Richard D. Nelson  
250 E. Fifth Street, Suite 1200  
Cincinnati, Ohio 45202

("Grantor")

to

**Road Ranger, L.L.C.,**  
an Illinois limited liability company  
4930 E. State Street  
Rockford, Il 61108

("Grantee").

**WITNESSETH**

For a total consideration of One Million, Nine Hundred, Seventy Seven Thousand, Nine Hundred Sixty Two Dollars and 00 Cents (\$1,977,962.00)., the receipt and sufficiency of which is hereby acknowledged. Grantor grants and conveys to Grantee in fee simple and with covenant of Special Warranty all of Grantor's right title and interest in and to the real property located in Florence, Boone County, Kentucky, which is more particularly described on EXHIBIT A attached hereto, made a part hereof, and incorporated herein by reference (the "Property").

Grantor hereby covenants with Grantee to **SPECIALLY WARRANT** the title conveyed herein subject to (i) liens for real property taxes and assessments due and payable in 2008 and after, which Grantee assumes and agrees to pay, (ii) the standard title policy exceptions contained in an American Land Title Association policy of title insurance, (iii) easements, rights-of-way, restrictions or minor defects or irregularities in title incurred in the ordinary course of business and encumbrances consisting of governmental laws, ordinances or regulations affecting the Property or zoning restrictions, easements, licenses or restrictions on the use and improvement of the Property, or minor imperfections in title thereto, and (iv) rights of others that would be evident by visual inspection of the Property.

Richard D. Nelson, Chapter 11 Trustee, hereby executes this deed on behalf of Grantor, as authorized by United States Bankruptcy Court Case No. 07-15630, Order: (A) Authorizing The Sale Of Assets Pursuant To 11 U.S.C. § 363(B), (F) And (M) And (B) Authorizing The Assumption And Assignment Of Executory Contracts And Unexpired Leases Pursuant To 11 U.S.C. § 365 a certified copy of which is attached hereto as Exhibit B.

**RETURN TO:** Return to:  
Multi-State Title Agency  
201 East Fifth St., PNC Center  
Cincinnati, OH 45202-4182  
616-8170

CINLibrary 1818516v.1

BOONE COUNTY  
**D948 Pg 934**

BOONE COUNTY

[Back](#)

[Back to the Home Page](#)

**EXHIBIT "A"**

Group #:  
PIDN #:  
Plat #:

Group No. 3355  
PIDN 061.00-31-002.00

Being all of Lot 2, Section No. 1, Centennial Plaza Subdivision, as more particularly shown on Plat No. 275B of the Boone County Clerk's records at Burlington, Kentucky.

Being all that same property conveyed to AFM 804, Inc., a Kentucky corporation by virtue of a deed recorded July 14, 2000 in Deed Book 784, Page 414, Boone County, Kentucky Clerk's records.

Property: 5960 Centennial Circle  
Boone County, KY

GROUP 3355

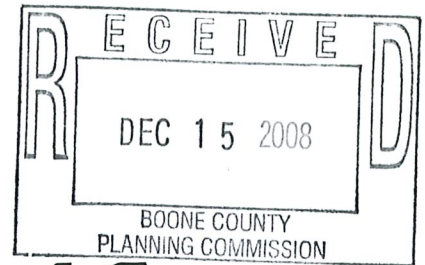
08-01-00015(804)

(space reserved)

BOONE COUNTY  
D948 PG 937

BOONE COUNTY

# Ordinance Of The Boone County Fiscal Court



## ORDINANCE NO. 08-18

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF QUALITY SIGNS (APPLICANT) FOR ROAD RANGER SHELL (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD) ZONE FOR A 3.0369 ACRE SITE LOCATED AT 5960 CENTENNIAL CIRCLE, BOONE COUNTY, KENTUCKY.

**WHEREAS**, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 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 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 approval, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky.

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

### SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone is more particularly described in DEED BOOK 948, PAGE NO. 934 (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, with conditions, for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 3.0369 acre site located at 5960 Centennial Circle, Boone County, Kentucky, 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 Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report 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.

Introduced and given First Reading on the 21th day of October, 2008.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 18th day of Nov, 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:

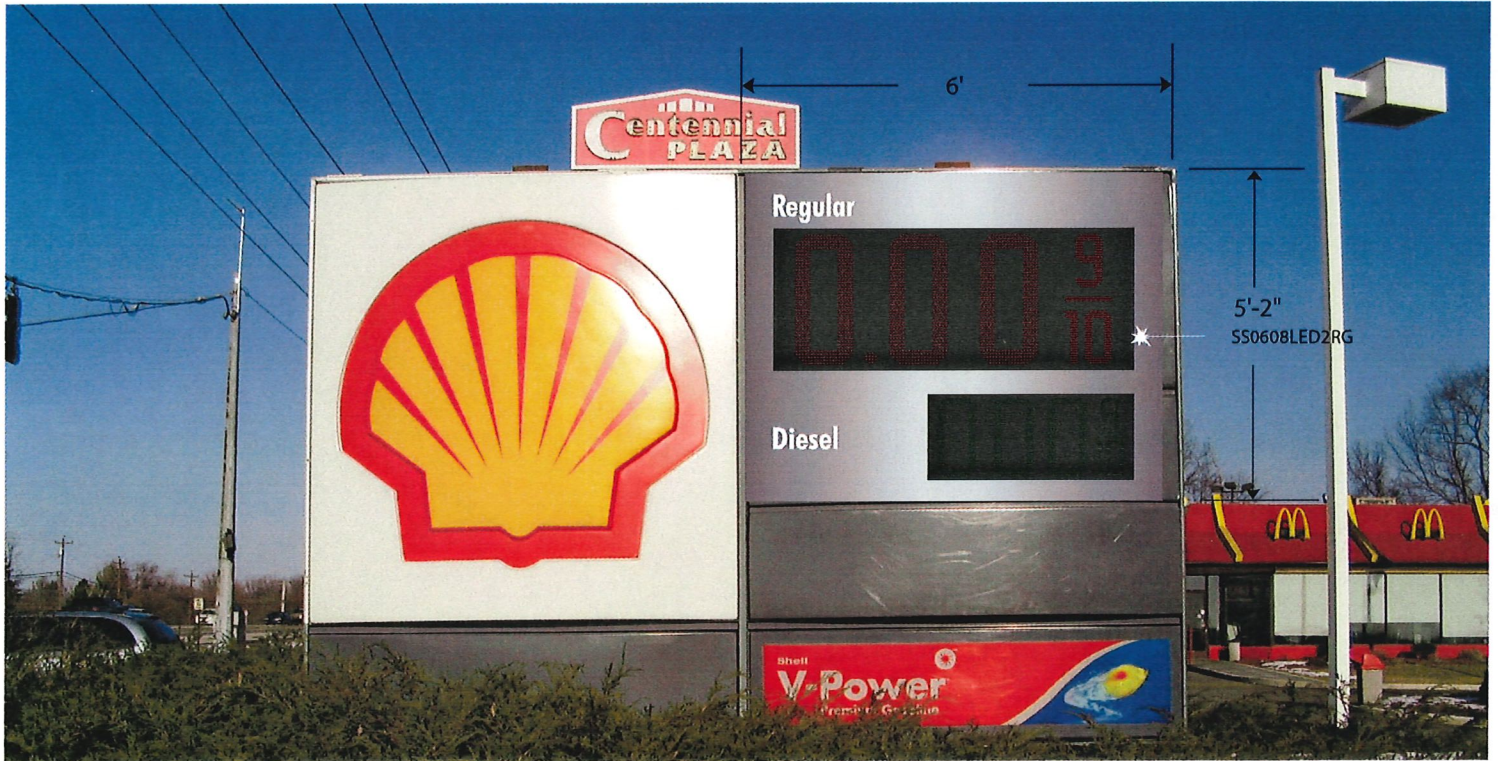
  
BLAIR SCHROEDER  
FISCAL COURT CLERK

  
ROBERT NEACE  
COUNTY ATTORNEY

December 5, 2008  
DATE PUBLISHED



EXISTING SIGN



PROPOSED LED PRICE SIGN - TO REPLACE EXISTING PRICE SIGN

31.02 SQ. FT.

*Concept  
Plan  
with  
conditions*

APPROVED

Staff Jessie Morgan

Date 9/17/08

Boone County  
Planning Commission



ROAD RANGER  
5960 Centennial Circle, Florence, KY 41042  
Proposed LED Price Sign  
July 11, 2008