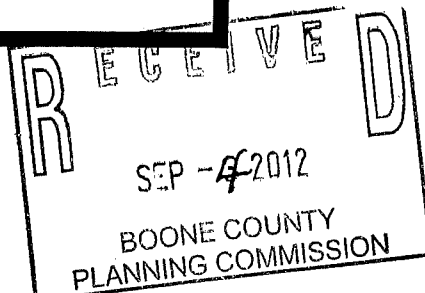


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project MINEOLA PIKE SHELL.
2. Location of Project LOT # 4-A DIVISION OF LOT 4 CIRCLEPORT ONE RESUBDIVISION
3. Total Acreage of Site 1.5234
4. Current Zoning of Site I-1/PD
5. Proposed Zoning (Classification being requested) _____
6. Proposed Uses (please specify each use) AMEND MODIFIED SIGNAGE ORDINANCE FOR LOT NO. 4-A DIVISION OF LOT # 4 CIRCLEPORT ONE RESUBDIVISION ON SHELL GASOLINE FACILITY.
7. Names of Applicant(s) MIKE MARTINELLI
Phone Number 513-367-9900 x157 Fax No. 513-367-1556
8. Address of Applicant(s) 9171 DRY FORK RD
HARRISON OHIO 45030
City State Zip
9. Name of Property Owner(s) _____
Phone Number CO R FOREX PARKS OF KY INC Fax No. _____
10. Address of Property Owner(s) 1006 RIVER CENTER BLVD SUITE 1100
COVINGTON KY 41011
City State Zip
11. Proposed Building Intensities (please specify) NONE
REQUEST FOR SPECIAL SIGN DISTRICT.
12. Are there any existing buildings on the site? 0
How many? _____
13. Deed Book ~~2022~~ Page No. ~~899~~ Group No. 2022
14. Are you also applying for: 1010 899
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
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)

Hawkstone Associates, Inc.
closed on the property on 9/27/12
SEE DB 1010, PG 899

859 -
292 -
5500

EXHIBIT

“A”

STAFF REPORT

Request of Mike Martinelli (applicant) for Corporex Parks of Kentucky, Inc. (owner) for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

October 3, 2012

REQUEST

The request is for a Zoning Map Amendment for a Special Sign District to allow a proposed Shell gasoline station and convenience store to install alternative signage. The 1.5234 acre site is located at the northwest corner of the Mineola Pike/Olympic Boulevard intersection. The following alternative signage is being proposed with the request:

- A. Allow the construction of a 8'-10.875" tall, 95.86 square foot monument sign on the lot. The sign would display regular fuel prices in 24" red LED and diesel fuel prices in 12" green LED. The regular fuel display window is 10.83 square feet (26" x 60") and the diesel fuel display window is 3.09 square feet (13.5" x 33"). The sign was included in the Special Sign District request because electronic signage is not permitted in the Industrial One (I-1) zone.
- B. Allow signage on all four faces of the gas canopy. The Boone County Zoning Regulations allows signage on no more than three (3) elevations of the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted. The signs may not extend above or below the fascia of the canopy. The chart below shows how much canopy signage is permitted and how much is proposed.

CANOPY FACE	FASCIA DIMENSIONS	PERMITTED SIGNAGE	SIGNAGE PROPOSED USING ZONING CODE (1 RECTANGLE)	ACTUAL SIGNAGE PROPOSED (2 RECTANGLES)
South Face (Facing Mineola)	3' x 164' 492 Sq. Feet	492 x 25% = 123 Sq. Feet	648 Sq. Feet (132%)	317.25 + 16 = 333.25 Sq. Feet
North Face (Facing C-Store)	3' x 164' 492 Sq Feet	492 x 25% = 123 Sq. Feet	317.25 Sq. Feet (64.48%)	N/A
East Face (Facing Olympic)	3' x 24' 72 Sq. Feet	72 x 25% = 18 Sq. Feet	88 Sq. Feet (122%)	43.08 + 16 = 59.08 Sq. Feet
West Face	3' x 24' 72 Sq. Feet	72 x 25% = 18 Sq. Feet	43.08 Sq. Feet (59.83%)	N/A

The canopy signage was included in the Special Sign District request for the following reasons:

1. Signage is proposed on all four canopy faces;
2. Each face contains more than 25% signage; and
3. The Shell logo extends above and below the face of the canopy (south and east faces).

SITE HISTORY

1986 - Boone County Planning Commission and Boone County Fiscal Court approve a Zoning Map Amendment from Industrial One (I-1) to Industrial One/Planned Development (I-1/PD) for a 32.505 acre site. The approved plan showed approximately 300,000 square feet of office space, 270 hotel suites, 58,000 square feet of commercial space, and 1,590 parking stalls on both sides of a future road (Olympic Boulevard). The 8.49 acre area that is currently being reviewed was shown with an 8,000 square foot bank, 50,000 square feet of retail shops (commercial uses and restaurants), 366 parking stalls, and a 0.491 acre out parcel that was not part of the review.

Access to the 8.49 acre area was shown from Olympic Boulevard and Circleport Drive only. Seven conditions were imposed on the approval (see attachments). Some of the notable conditions state that drive through restaurants are prohibited, a 35 foot wide easement shall be provided along the Mineola Pike frontage for road widening, and significant berming and landscaping shall be provided along Mineola Pike to screen the adjoining households.

1996 - Boone County Planning Commission and Boone County Fiscal Court approve a Zoning Map Amendment for a Special Sign District for a 32.505 acre site. The sign district allows the following signage on the subject site:

- A. A 30 foot tall, 180 square foot freestanding sign at the northwest corner of Mineola Pike and Olympic Boulevard to identify users within the park (Sign C).
- B. Three ground mounted signs up to 30 square feet in size (Sign D).
- C. Building mounted signs on commercial, office, and multi-tenant buildings (Signs E & F).

2012 - Boone County Planning Commission and Boone County Fiscal Court approve a Zoning Map Amendment from Industrial One (I-1) to Industrial One/Planned Development (I-1/PD) for an approximate 0.5 acre site and a Change in Concept Development Plan to allow commercial, office, and industrial uses on an approximate 8.49 tract. The approved Concept Development allows lot 1 to develop with gasoline station and convenience store. A note on the Concept Development Plan states that signage will be in conformance with the Special Sign District for the area or in conformance with the Boone County sign regulations.

2012 - Boone County Planning Commission approves a revised Preliminary Plat for Lot 4 of Circleport I Subdivision. The subject lot is Lot 4-A and is 1.5234 acres in area.

APPLICABLE SIGN REGULATIONS

Section 3400 of the Boone County Zoning Regulations states that the purpose of the sign article is to coordinate the type, placement and physical dimensions of signs within the different zones; to recognize the commercial communication requirements of all sectors of the business community; to recognize free speech; to encourage the innovative use of design through Special Sign Districts. Furthermore, this article is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. Lastly, this article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.

Section 3403 of the Boone County Zoning Regulations states that the surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed.

Section 3413 2. of the Boone County Zoning Regulations states that canopy (on gasoline and other completely detached canopies) mounted signage is permitted on no more than three (3) elevations of the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted. The signs may not extend above or below the fascia of the canopy.

Section 3413 4. of the Boone County Zoning Regulations states that industrial establishments located in the I-1 zone shall be permitted a density of one (1) on-premise monument sign per parcel of land (See Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) monument sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages. The maximum size for a monument sign for an office or industrial establishment shall not exceed one-half ($\frac{1}{2}$) square foot of area per lineal foot of road frontage along the street frontage where the monument sign is to be located with a maximum allowable size of one-hundred (100) square feet. The maximum height for an monument sign is ten (10) feet.

Section 3430 2. of the Boone County Zoning Regulations (not applicable in the City of Florence) states electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - gas prices, hotel room rates, time and temperature, etc.) shall be permitted in the Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts subject to the following standards:

- a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.
- b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

Section 3440 of the Boone County Zoning Regulations allows for the creation of special sign districts with the appropriate legislative body's approval. The effect of a special sign district shall be to modify requirements, regulations, and procedures for signs included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.

Section 4000 of the Boone County Zoning Regulations defines a sign as a device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

SITE CHARACTERISTICS

The 1.5234 acre site has approximately 316' of frontage on Mineola Pike and 284' of frontage on Olympic Boulevard. The road frontages are well landscaped with a mix of mature evergreen, deciduous trees, and shrubs. Boone County G.I.S. shows that the topography of the parcel falls from 900' above sea level near the center to 884' above sea level at the southeast property corner. Water mains are located along Mineola Pike and Olympic Boulevard and a sanitary sewer main runs through the rear of the property. Overhead utilities are located along the frontage of Mineola Pike.

ADJACENT LAND USES AND ZONING

North: Olympic Boulevard and Courtyard by Marriott (I-1/PD)

South: Mineola Pike and Single-Family Residential Dwellings (RS)

East: Mineola Pike/Olympic Boulevard Intersection and Single-Family Residential lots fronting on Erlanger Road (RS)

West: Undeveloped Property (I-1/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for Business Park uses. This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for highly visible areas and transition areas between industrial and residential land uses."

The following "Future Land Use Development Guideline" found in the Land Use Element relates to this proposal:

- A. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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 on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 164).

The 2010 Boone County Comprehensive Plan's adopted goals and objectives include the following pertinent statements:

- A. Proper design principles shall be applied in development (Overall).
- B. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- C. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity, Commercial Objective).

PLANNED DEVELOPMENT STANDARDS

Section 1514 of the Boone County Zoning Regulations states that 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.

"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. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects."

STAFF COMMENTS

- 1. The application will allow the on-site monument sign and gas canopy to have alternative signage. The applicant informed Staff that all the other signage (building mounted signage, directional signs) will comply with code.
- 2. The Boone County Planning Commission and Boone County Fiscal Court should analyze the following passages from the Boone County Zoning Regulations and Boone County Comprehensive plan before acting on the request:
 - A. Section 3440 of the Zoning Regulations states that the purpose of a Special Sign District shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.
 - B. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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 on the visual appearance of a development or corridor ("Design, Signs, and Historic Preservation," pg. 164).

3. Staff has the following comments:

- A. Staff took some pictures and did some research on two nearby gas station/convenience stores in order to do some comparisons.

Mobil Station at Mineola Pike and Airport Exchange Boulevard

- Property is zoned I-1/O-2/C-3/PD and a Special Sign District was approved for Airport Exchange Business Park in 1989.
- The monument sign was approved by the Airport Exchange Special Sign District Committee on March 15, 2004. The sign is 13' tall and 88 square feet in area. The sign does not have any electronic (LED) signage.
- The Sign District allowed the gas canopy to have one sign on any face that was visible from any street. Two square feet of canopy signage was permitted per linear foot of the fascia. The March 2, 2004 Sign Permit shows that Mobil signs were permitted on three faces and each sign is 13.33 square feet.

Marathon Station at Northside Drive/Kilgore Place Intersection. (The applicant asked Staff to research this station).

- Property is zoned Commercial Services (C-3).
- On April 15, 1999 a Sign Permit was issued to allow a 30' tall, 144 square foot freestanding sign. On April 25, 2012 another Sign Permit was issued to allow the incidental LED price panels.
- On July 16, 2002 Sign Permits were issued to allow three 9 square foot canopy signs. The canopy signs were not installed per the approved Permits and were not caught by Zoning Enforcement. The canopy signage is pre-existing, non-conforming because it has existed for more than 10 years.

- B. Staff has concerns about the amount of signage on the gasoline canopy because it could set a precedent for similar requests in the future. In particular, Staff is concerned about the amount of canopy signage being proposed, the Shell logo overhanging the canopy, the proximity of the canopy signage to single-family residential dwellings, and the amount of sign illumination at night.

4. Staff would like the applicant to address the following:

- A. Can Shell use a canopy design with less signage? What's done in other communities with similar requirements?
- B. What will the base of the monument sign be constructed with?

5. Staff recommends the following conditions if the request is approved:

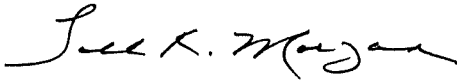
- A. The Shell logo shall not overhang the canopy fascia.

- B. The electronic (LED) displays on the monument sign shall only display fuel prices.
- C. The electronic (LED) fuel prices shall not flash, scroll, or run.
- D. Photocells shall be provided in the sign and electronic (LED) fuel prices shall dim as the sky gets darker.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment and Sections 1514 (Planned Development Standards) and 3440 (Special Sign Districts) of the zoning regulations. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

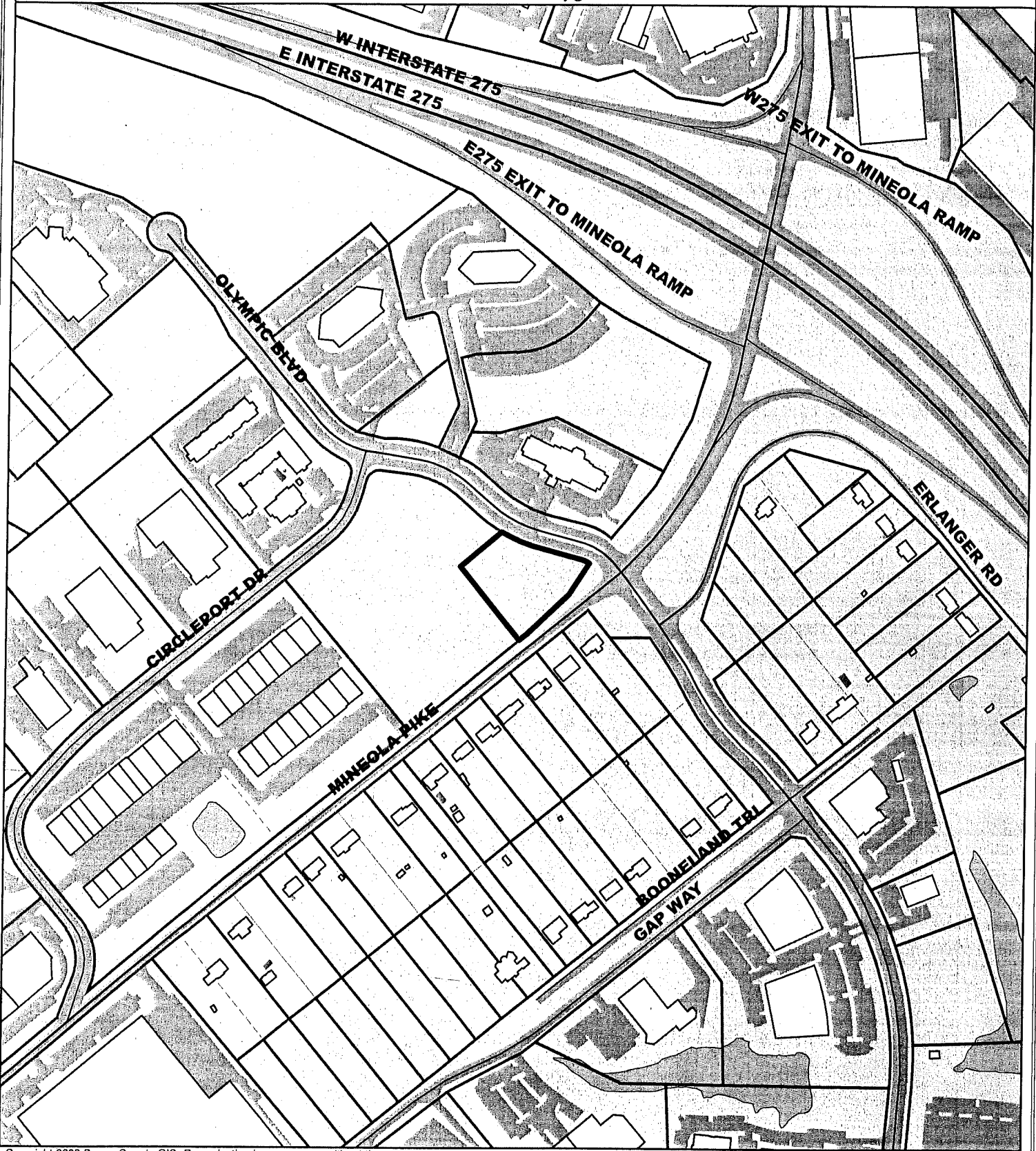
TKM/dw

Attachments:

- *Site Vicinity Map
- *Preliminary Site Plan
- *Proposed Monument Sign
- *Proposed LED Sign Cabinet for Regular Fuel
- *Proposed LED Sign Cabinet for Diesel Fuel
- *Proposed Signage on Gasoline Canopy
- *Pictures of a Similar Gas Canopy
- *Zoning Map
- *2035 Future Land Use Map
- *2009 Aerial Map
- *1996 Circleport I Special Sign District
- *2012 Approved Concept Development Plan
- *Planned Development Standards
- *Application

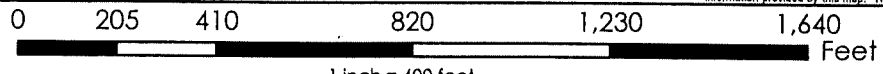
SITE VICINITY MAP

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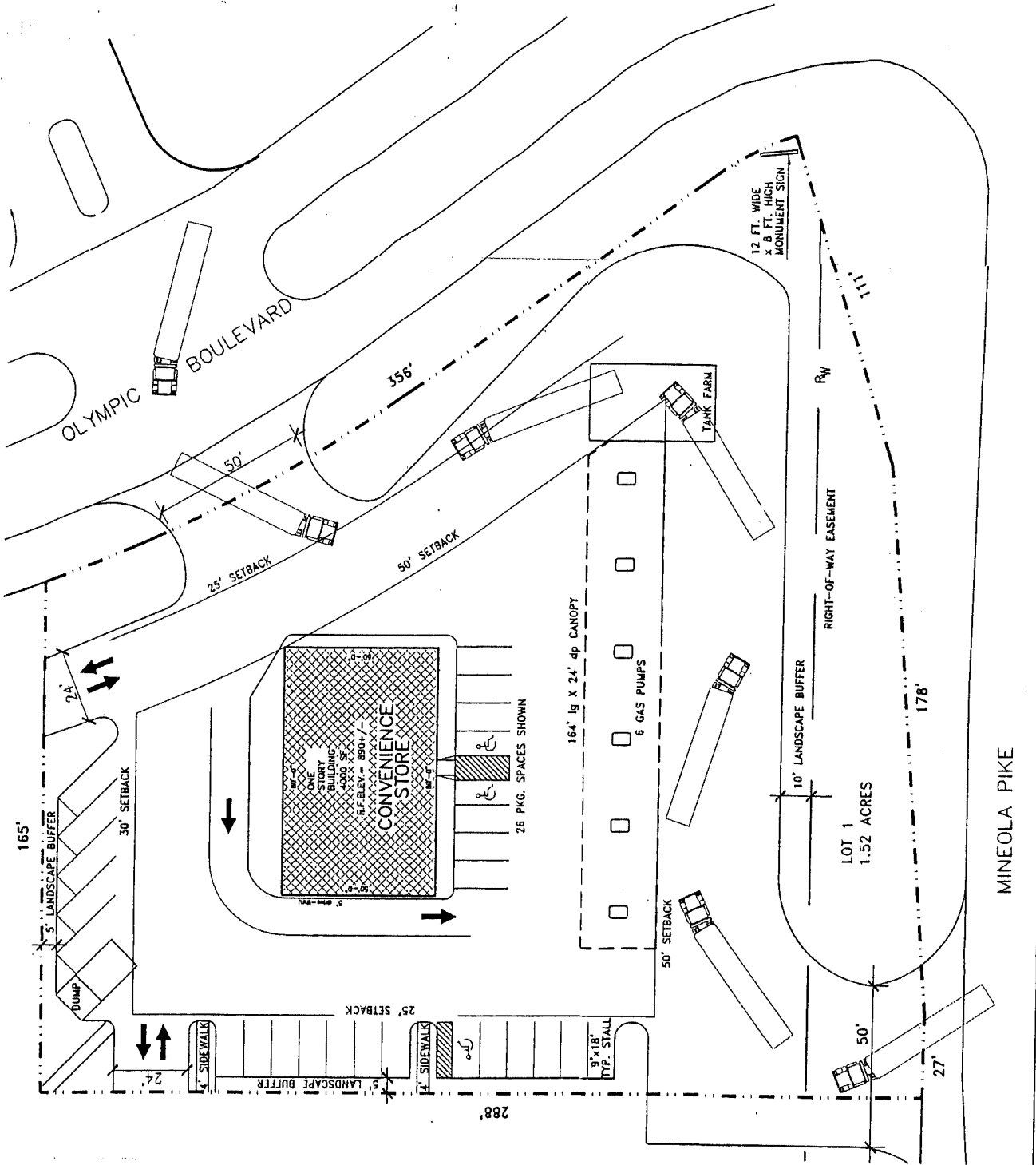
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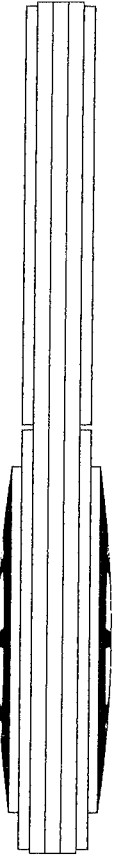
Boone County GIS - Putting Northern Kentucky on the Map

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ArchMap Document: *.mxd



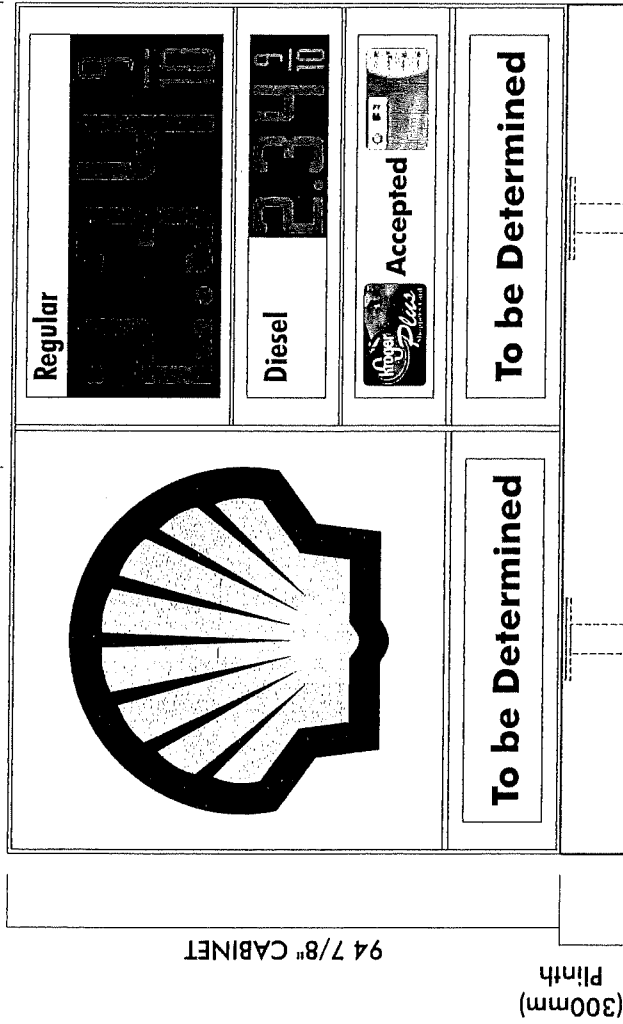
RVI Evolution 8 x 12 Monument



Top View

145 1/2" CABINET

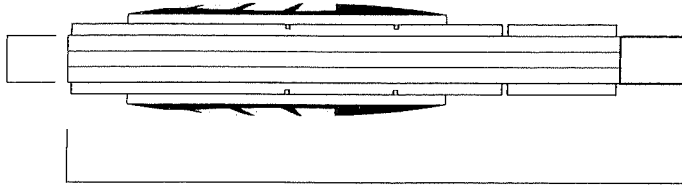
(1500mm)



94 7/8" CABINET

300mm
Plinth

8"
CABINET DEPTH



24" LED

12" LED

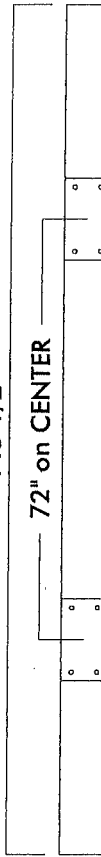
8' - 10 7/8" OAH

Side View

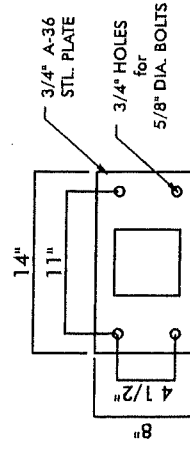
Scale: 3/8" = 1'

145 1/2"

72" on CENTER



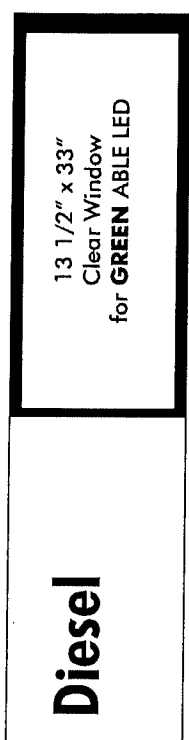
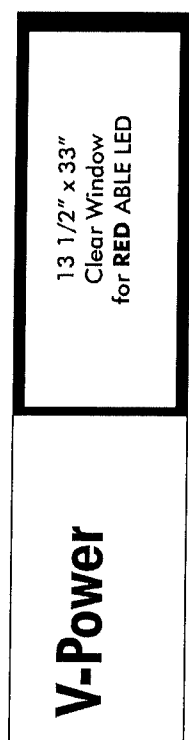
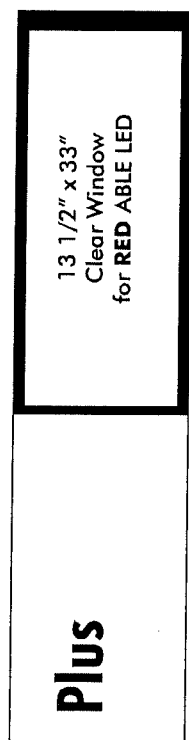
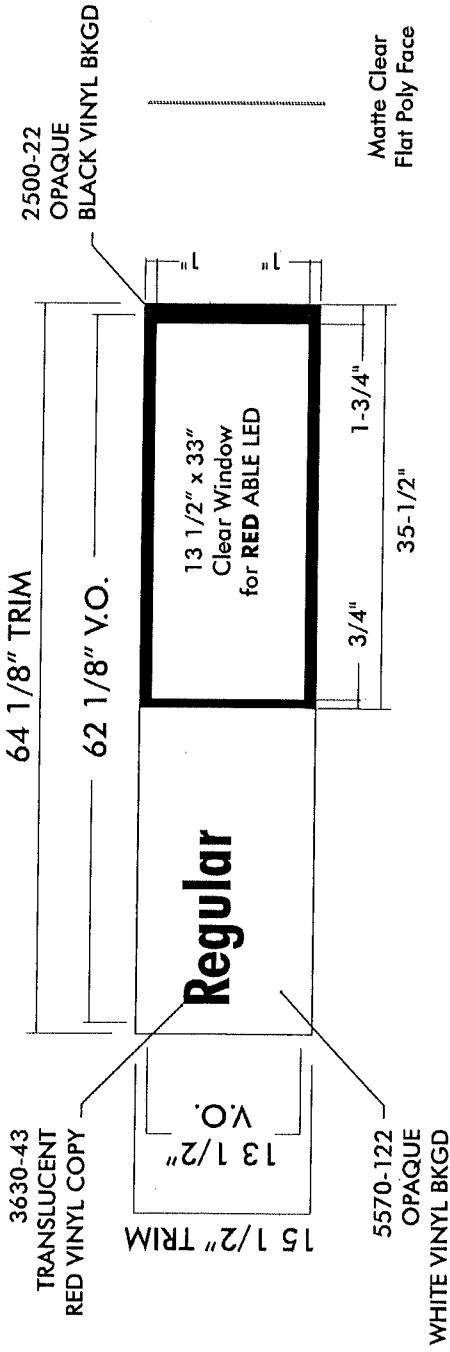
Bottom Mounting Detail



Base Plate Detail
Not To Scale

RVI Evolution GLOBAL
6' Modified System
12" LED Price

(13 1/2" x 62 1/8")
 Window Opening



PART NUMBER	DESCRIPTION	COLORS
LB-3124	PAINT	WHITE
LB-5860	PAINT	RED

FEDERAL HEATH SIGN COMPANY
 1500 North Bolton Jacksonville, TX 77576
 (903) 589-2100 (800) 886-3327 Fax: (903) 589-2101
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 Arizona - Tampa - Daytona Beach - Winter Park

Building Quality Signage Since 1901

Project / Location: **SHELL RVI Evolution GLOBAL**

Account Rep: **Dan Hull**

Project Manager: **Sherry Rowell**

Drawn By: **TROSE**

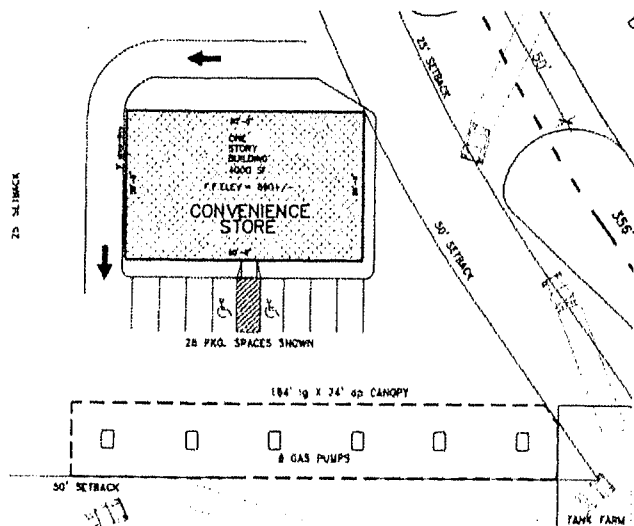
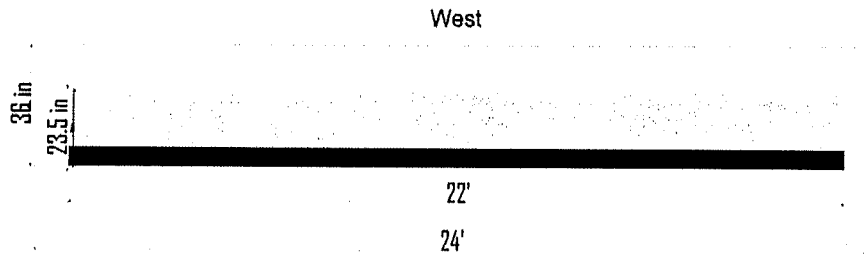
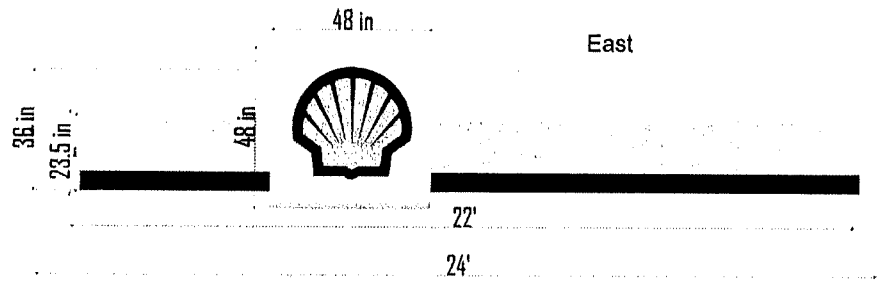
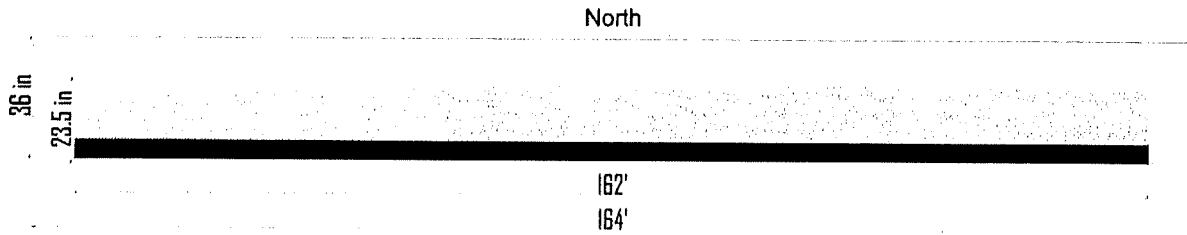
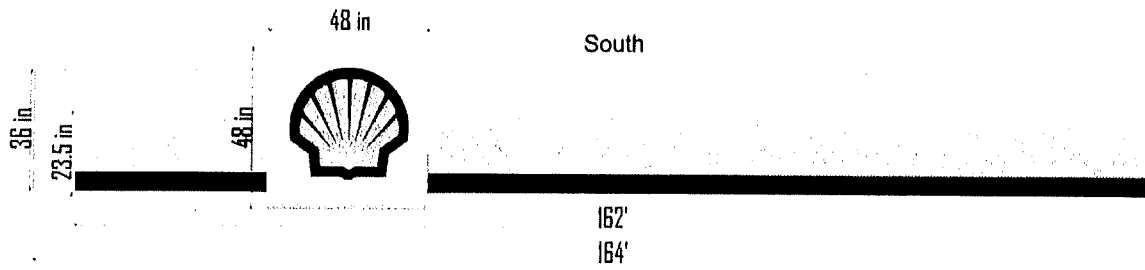
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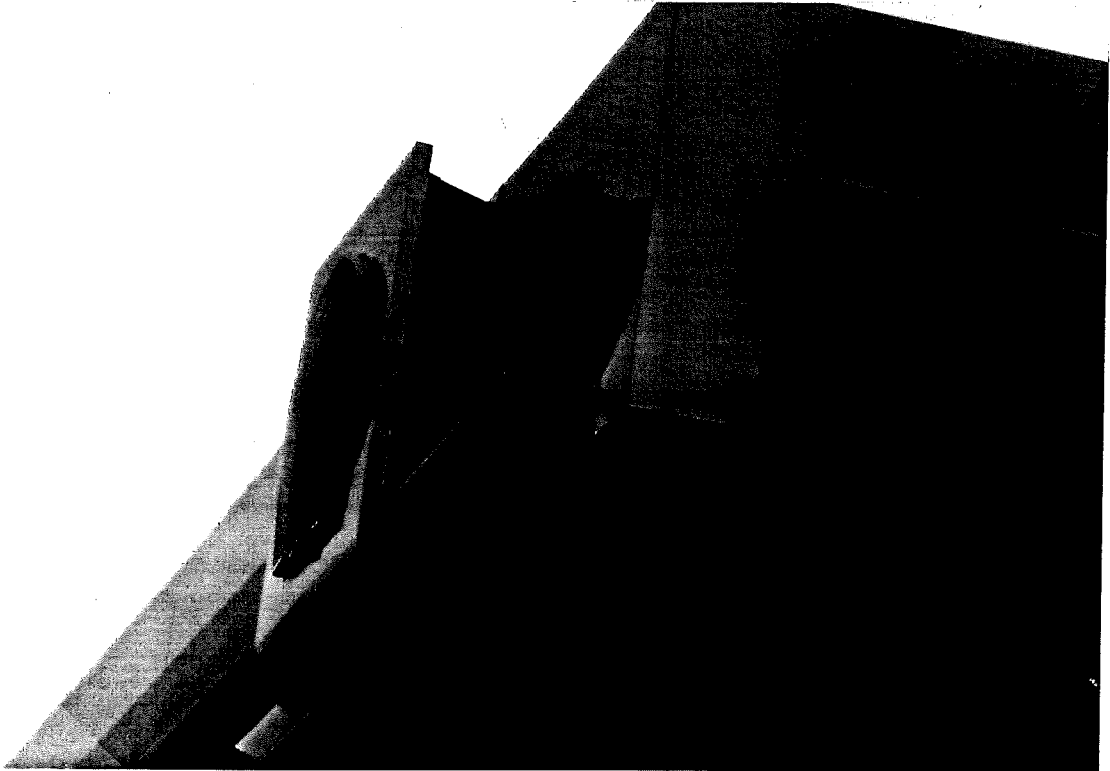
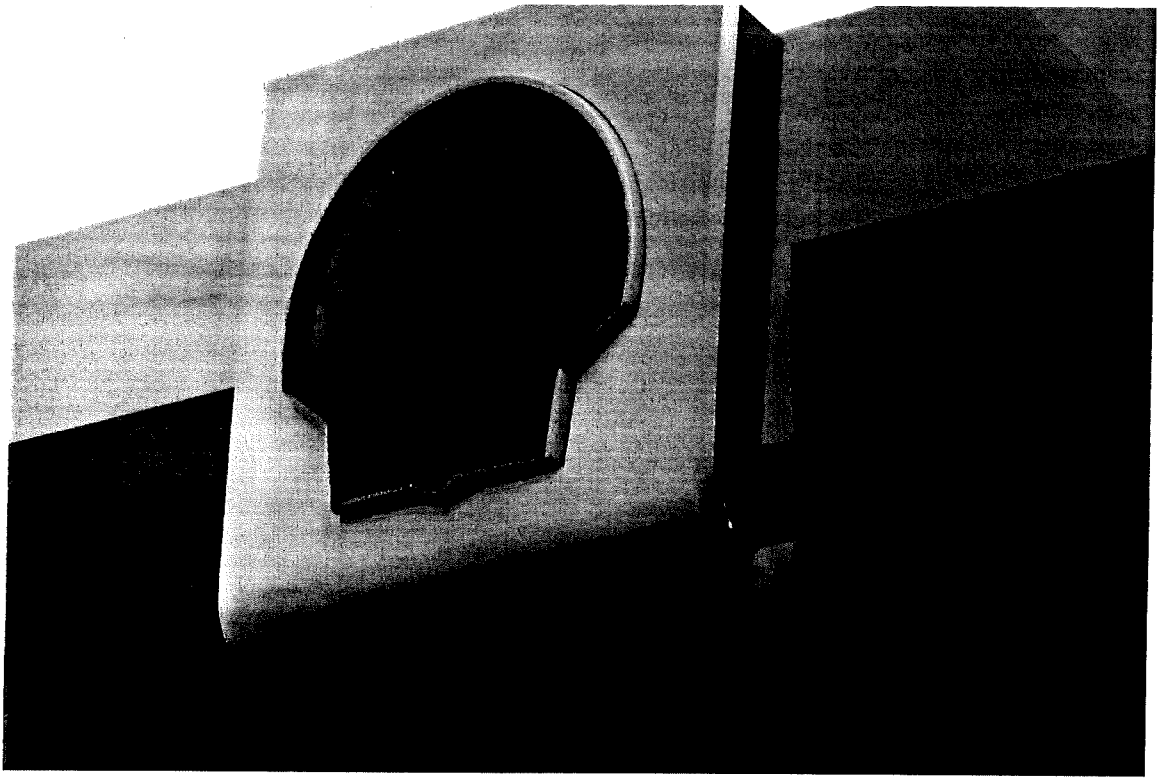
Date: **09.29.11**

Sheet Number: **1** of **1**

Design Number: **SG2026_6mod1LD**

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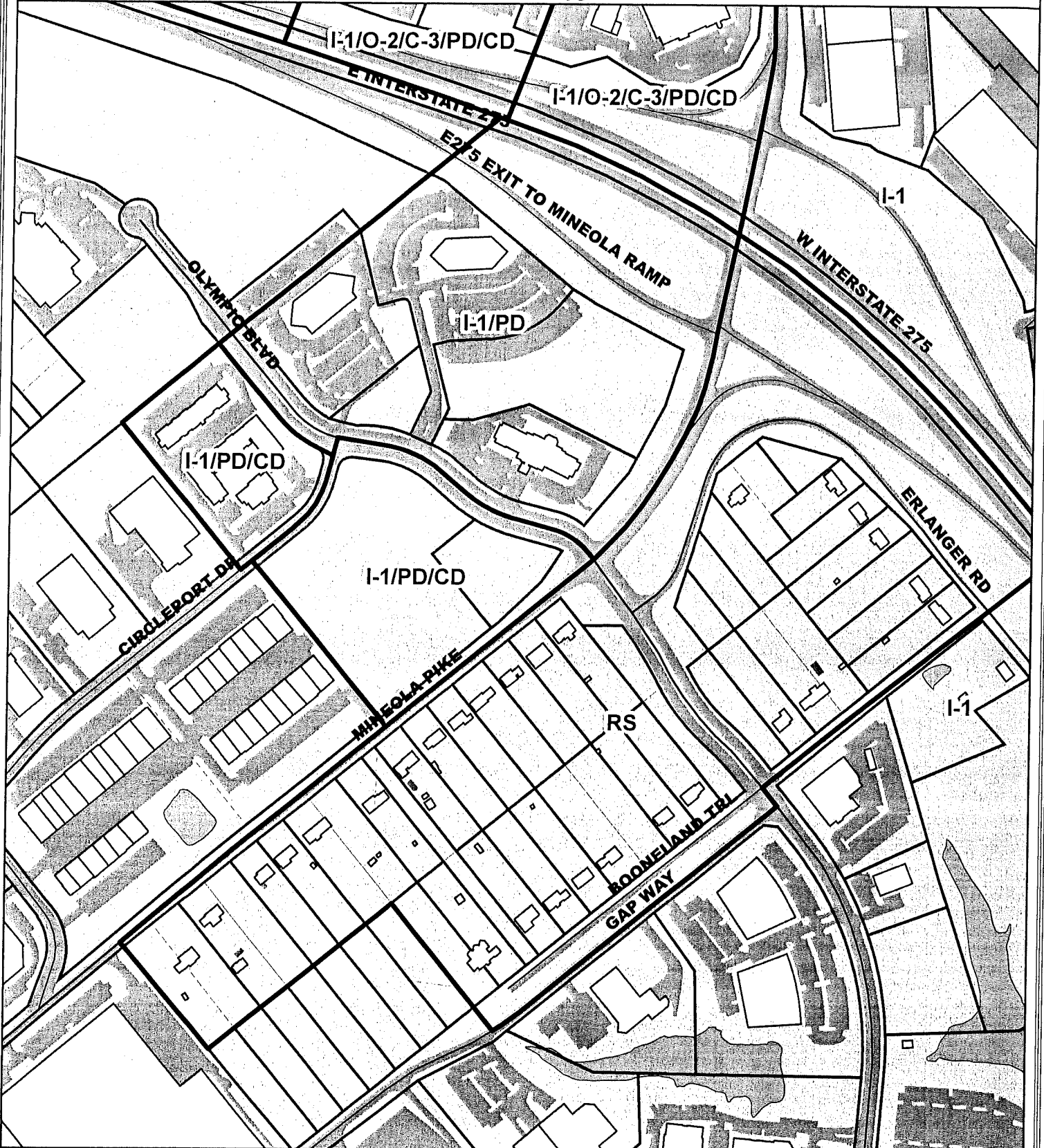






ZONING MAP

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0 8,750 17,500 35,000 52,500 70,000

Feet

1 inch = 83,333 feet

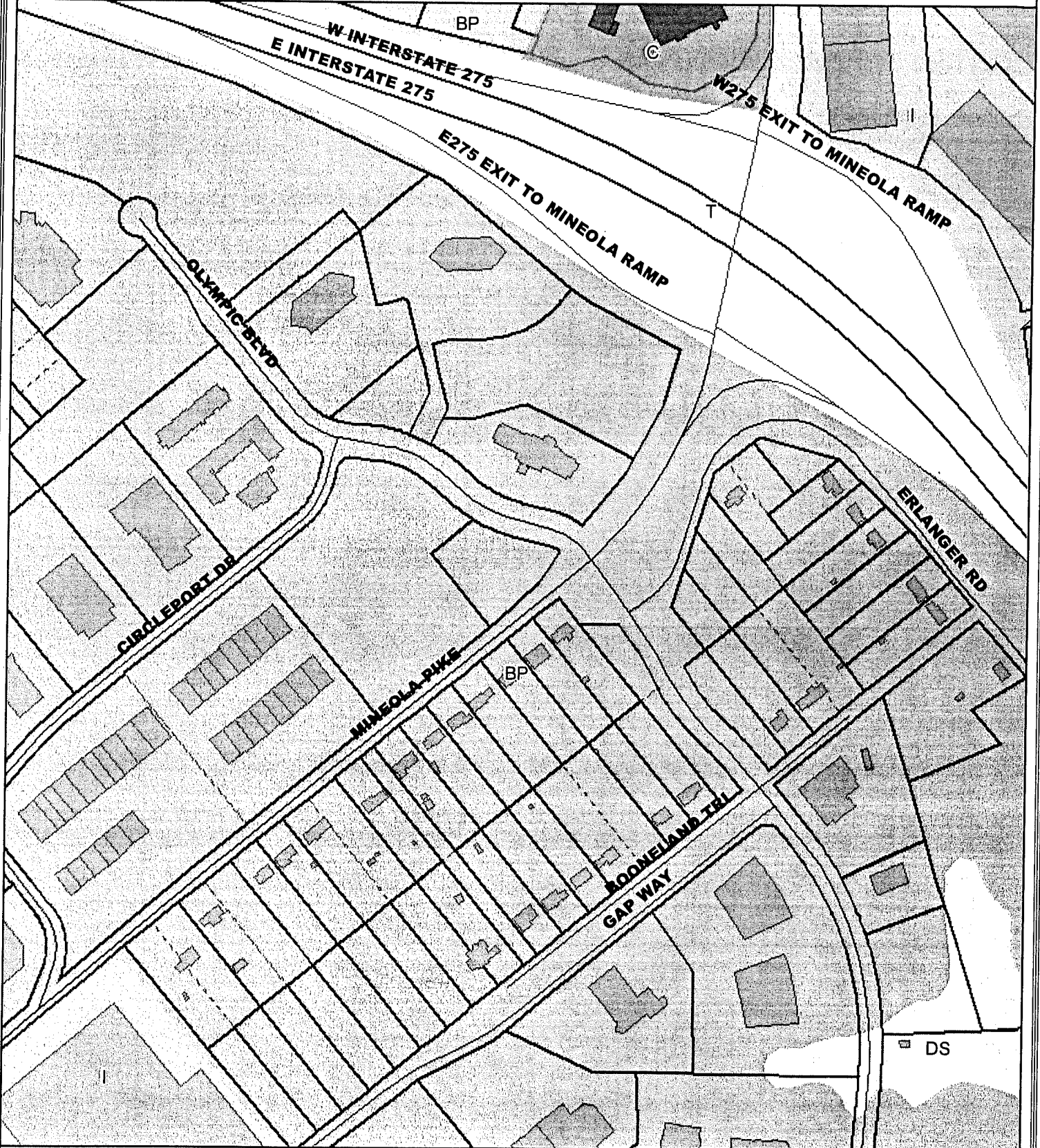


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2035 FUTURE LAND USE MAP

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0 8,750 17,500 35,000 52,500 70,000

Feet
1 inch = 83,333 feet



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2009 AERIAL MAP

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0 8,750 17,500 35,000 52,500 70,000

Feet
1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



CIRCLEPORT I
SPECIAL SIGN DISTRICT

I. OVERALL OBJECTIVE

The objective of this special sign district is to provide a comprehensive signage regulation to ensure that the high-quality environment established at CirclePort I will continue to develop in a controlled, coordinated manner. The Special Sign District will be coextensive with the existing 32 acre planned development. The planned development allows for a variety of activities at the site that include commercial office and hotel uses.

Because the planned development envisions a mix of activities, it is important that as this area is developed, it is governed by a signage regulation that at once meets diverse signage needs and also results in a pleasing coordinated appearance. The underlying zone at this site is I-1. Signage requirements under the I-1 zone are designed to meet the needs of I-1 uses. As such, the I-1 signage regulation is not designed to meet the diversity of uses that are called for in the planned development. The special sign district is designed to coordinate signage for the various uses on the site, as well as maintain connectedness to the overall CirclePort project.

II. THE SUBJECT AREA

The Special Signage District will govern a 32.505 acre area located in the southwest quadrant of the I-275 and Mineola interchange. A legal description is provided in Appendix A.

III. SIGN TYPES

The general requirements for signage within the Special Sign District shall conform to Article 34, Section 3400-3410, 3440 & 3460 of the Boone County Zoning Regulations 1991. Additionally, the CirclePort I sign district shall address park identity signage, interstate signage, free-standing signage, ground mounted signage and building mounted signage.

- A. Park Identity Signage Sculpture - The signage sculpture is intended to establish identity of the park itself and enhance its perception. Its height shall not exceed fifty (50) feet. The signage sculpture will incorporate high-tech and international imagery. The signage sculpture will be designed to appeal to international and high-tech companies seeking to expand and relocate within the Park.
- B. Interstate Sign - Interstate signage is intended to be visible to travelers on the adjoining interstate highway. It will be used for the planned Residence Inn parcel and any one other future hotel parcel. The overall height of the sign shall not exceed seventy-five (75) feet. No sign shall exceed two hundred fifty (250) square feet. There shall be no more than two such signs located on the pole. This sign will identify the hotel's location to travelers unfamiliar with the area. It will allow drivers the opportunity to get in the proper lane to exit safely. The sign will also inform travelers leaving the airport area of a choice of hospitality services in Boone County. Every feasible effort will be made to make this sign attractive and aesthetically appealing.
- C. Free-Standing Sign - The free-standing sign is an upright sign that shall not exceed thirty (30) feet in height. This sign type is used to consolidate and organize signage at the primary park entrance by identifying users within the park. The sign shall consist of a series of small signs. The total area of signage will vary depending upon the number of businesses in the park, but in no event shall the signage area exceed one hundred eighty (180) square feet.
- D. Ground Mounted Sign - Ground mounted signs are mounted directly to foundation fixed in the ground. The signs may have either a vertical or horizontal orientation but in either case shall not exceed thirty (30) square feet in size. A vertically-oriented sign shall be ten (10) feet in height and three (3) feet in width. A horizontally-oriented sign shall be four (4) feet in height and ten (10) feet in length. The purpose of these signs shall be for secondary identification or identification where traffic flow and elevation makes this signage type effective.
- E. Building Mounted Signs - Building mounted signs on commercial or hotel parcels shall be used to identify specific businesses and buildings. This sign

type can be used for primary or secondary identification depending upon such factors as effective readability, reaction time after recognition and angle of view. The size of building mounted signage shall not exceed two (2) square feet per lineal foot of building width.

In the event more than one building mounted sign is utilized, the primary signs shall be sized at two (2) square feet per lineal foot of building width and secondary signage shall be sized at one square foot per lineal foot of building width. These signs shall not exceed two hundred (200) square feet each.

Building mounted signs on office parcels shall be limited to one (1) property sign subject to the following requirements: the sign shall not project further than four (4) feet from the face of the building; the bottom of the sign shall be at least ten (10) feet above grade; and the surface area of the sign shall not exceed one-half (1/2) square feet for each lineal foot of building width, provided that no projecting sign shall exceed a maximum sign area of thirty-two (32) square feet.

- F. Building Mounted Signage on Commercial Multi-Tenant Building - This signage type is intended to identify individual businesses within the building. The signage will be located on a signage system to be incorporated with the building's architecture. An individual tenant's signage shall not exceed one (1) square foot per lineal foot of store frontage.

IV. SIGN LOCATION GUIDELINES

As of the adoption of this Special Sign District, the approved signage plan is as follows:

A. Park Identity Signage Sculpture

The Park Identity Signage Sculpture shall be located near the intersection of the north and east property lines. This location will establish park identity to visitors approaching the park from the I-275 interchange.

B. Common Entrance

Signage identifying businesses located within the park shall be located on a single free-standing sign. The free-standing sign will consolidate the signage of businesses in the park on a single sign that is coordinated with ground signage throughout the park. Each parcel within the park may have signage on this sign. Individual tenants within a multi-tenant commercial building may have signage located on this sign. This sign will be located at the main entrance to the park at the intersection of Olympic and Mineola.

C. Residence Inn

The signage plan for the Residence Inn parcel consist of the following elements:

- Two (2) Ground Mounted Signs not to exceed fifty (50) square feet each.
- One (1) Building Mounted Sign located on the gatehouse building not to exceed thirty (30) square feet, and one (1) Building Mounted Sign on the residential building not to exceed two hundred (200) square feet.
- One (1) Interstate Sign not exceeding seventy-five (75) feet in height located near the intersection of the north and west property lines. The sign shall not exceed two hundred fifty (250) square feet. The pole shall be painted a color coordinated with buildings in the park.

D. Future Hotel Uses

The signage for future Hotel parcels shall consist of the following elements:

- Two (2) Ground Mounted Signs not to exceed fifty (50) square feet each.
- Two (2) Building Mounted Signs.
- One (1) Interstate Sign located on the same pole described in B above and subject to the same limitations. Only one additional sign shall be allowed on such pole and no additional poles shall be allowed.

E. Commercial Signage

The signage for a multi-tenant commercial parcel shall consist of the following:

- Ground mounted signs at major access points within the park.
- Up to one building mounted sign identifying the name of the commercial building.
- A uniform Building Mounted Sign system for the purpose of identifying individual tenants within the multi-tenant building. The signage system shall be incorporated into the architectural design of the building.

The signage for a free-standing, single-tenant commercial parcel shall consist of the following:

- One Ground Mounted Sign.
- Building Mounted Signs.

F. Office Signage

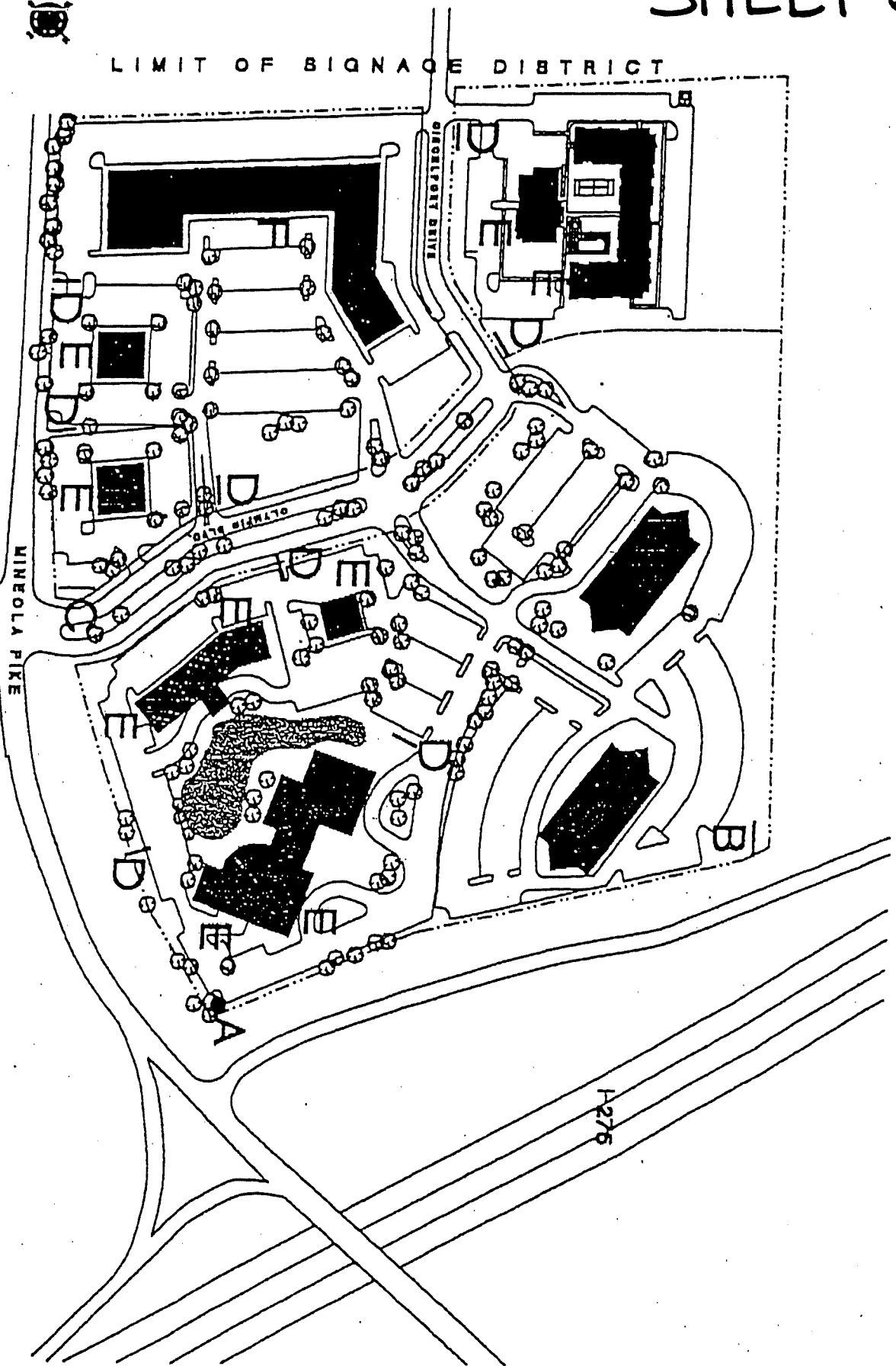
The signage for office parcels shall consist of the following elements:

- One Ground Mounted Sign.
- One Building Mounted Sign.

G. Existing Signage

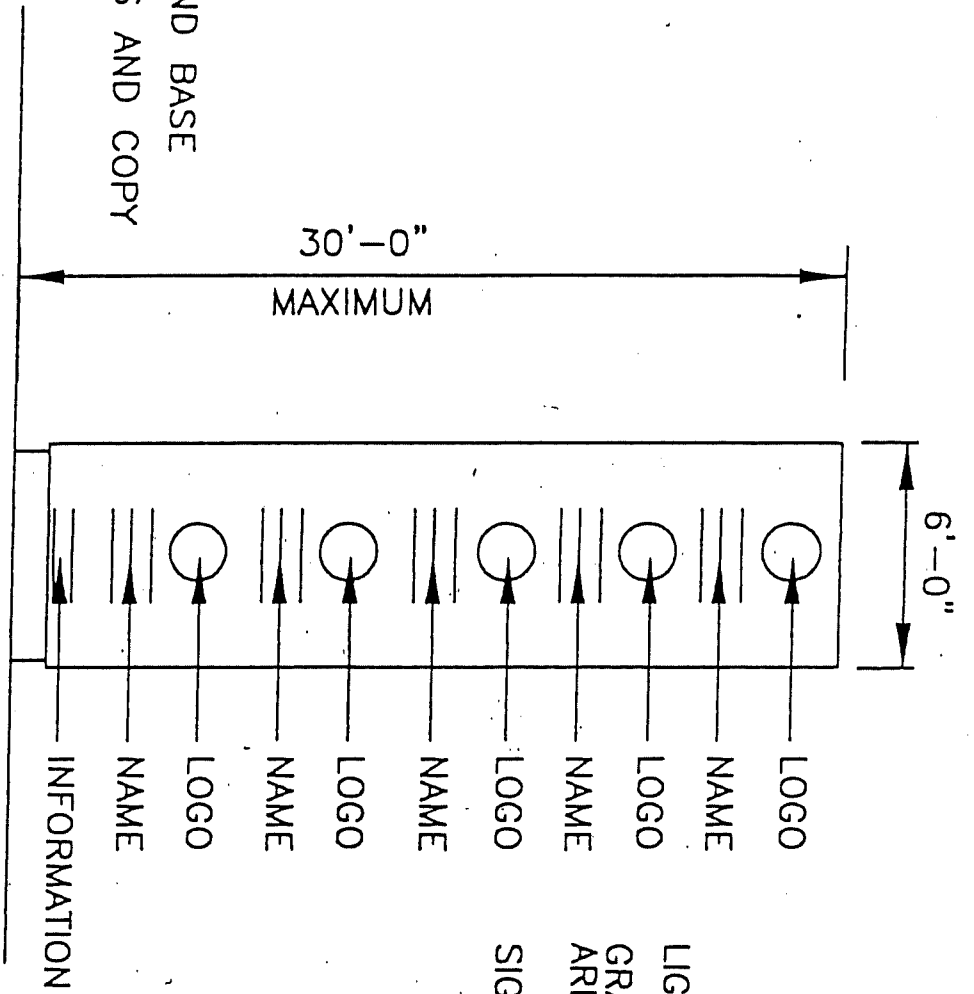
All signs in existence shall be allowed to be maintained.

LIMIT OF SIGNAGE DISTRICT



SIGNAGE FOR CIRCLEPORT 1

ALUMINUM SIGN AND BASE
GRAPHICS, COLORS AND COPY
TO BE SUBMITTED



LIGHTING:
GRAPHICS AND LETTERING
ARE INTERNALLY ILLUMINATED
SIGN IS GROUND ILLUMINATED.

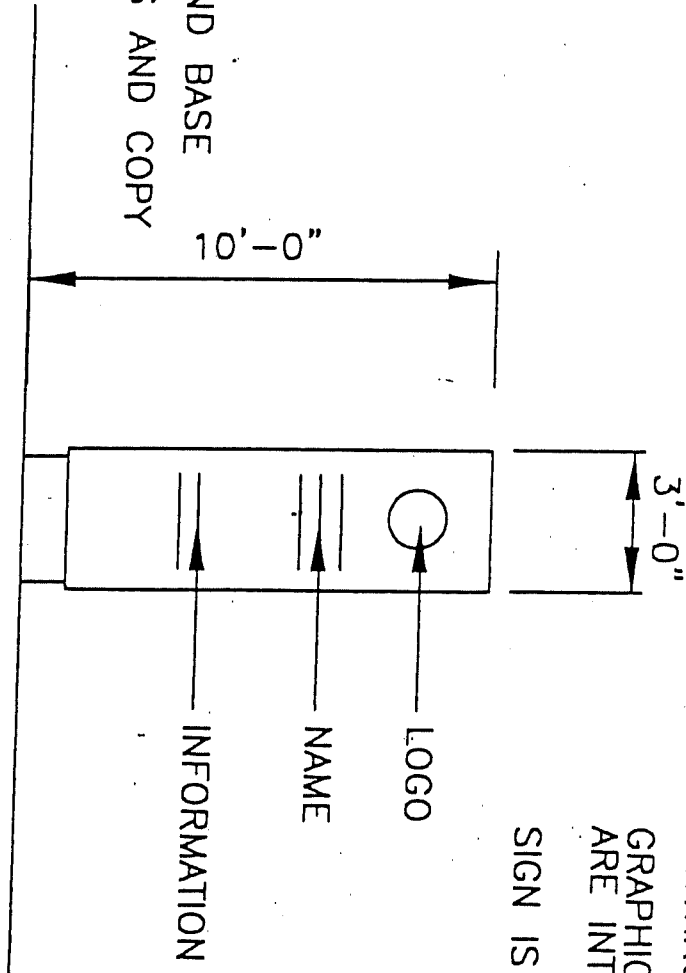
CIRCLEPORT 1

PYLON SIGN C



CONSTRUCTION, INC.
8 DECEMBER 1995

ALUMINUM SIGN AND BASE
GRAPHICS, COLORS AND COPY
TO BE SUBMITTED



LIGHTING:
GRAPHICS AND LETTERING
ARE INTERNALLY ILLUMINATED
SIGN IS GROUND ILLUMINATED.

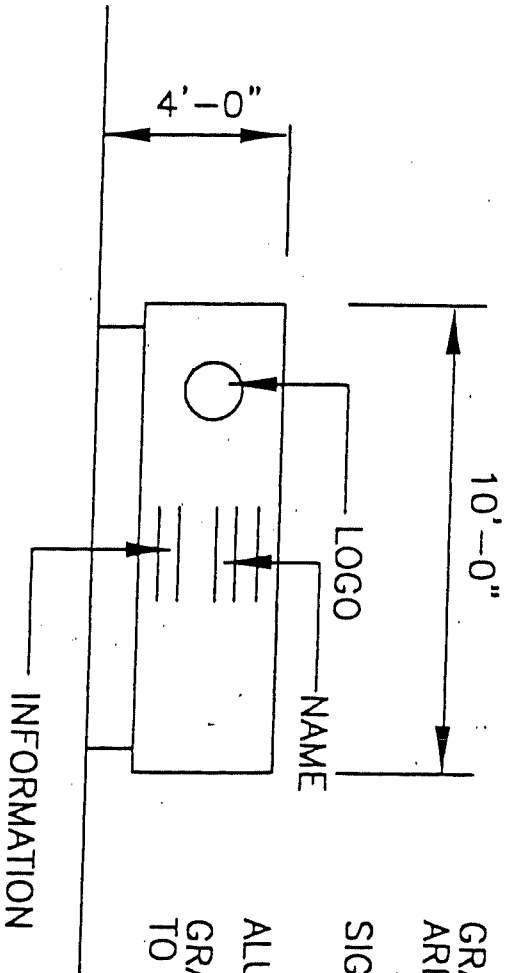
CIRCLEPORT 1

GROUND SIGN D

ALTERNATIVE 1



CONSTRUCTION, INC.
8 DECEMBER 1985



CIRCLEPORT 1

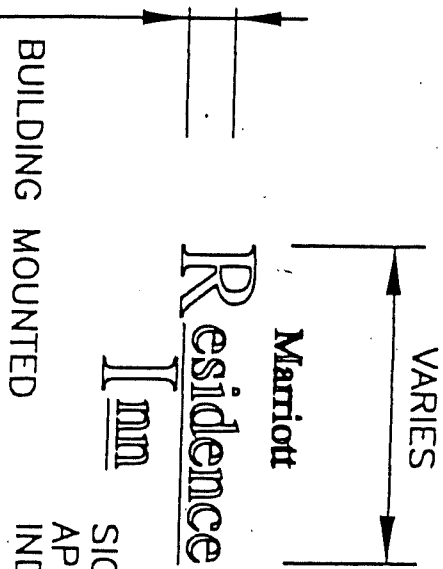
GROUND SIGN D

ALTERNATIVE 2

LIGHTING:
 GRAPHICS AND LETTERING
 ARE INTERNALLY ILLUMINATED
 SIGN IS GROUND ILLUMINATED.

ALUMINUM SIGN AND BASE
 GRAPHICS, COLORS AND COPY
 TO BE SUBMITTED

LETTER HEIGHT VARIES
FROM GATE HOUSE
TO HOTEL



SIGNAGE TO MEET HOTEL STANDARDS AS
APPROVED BY BOONE COUNTY, PER
INDIVIDUAL USER.

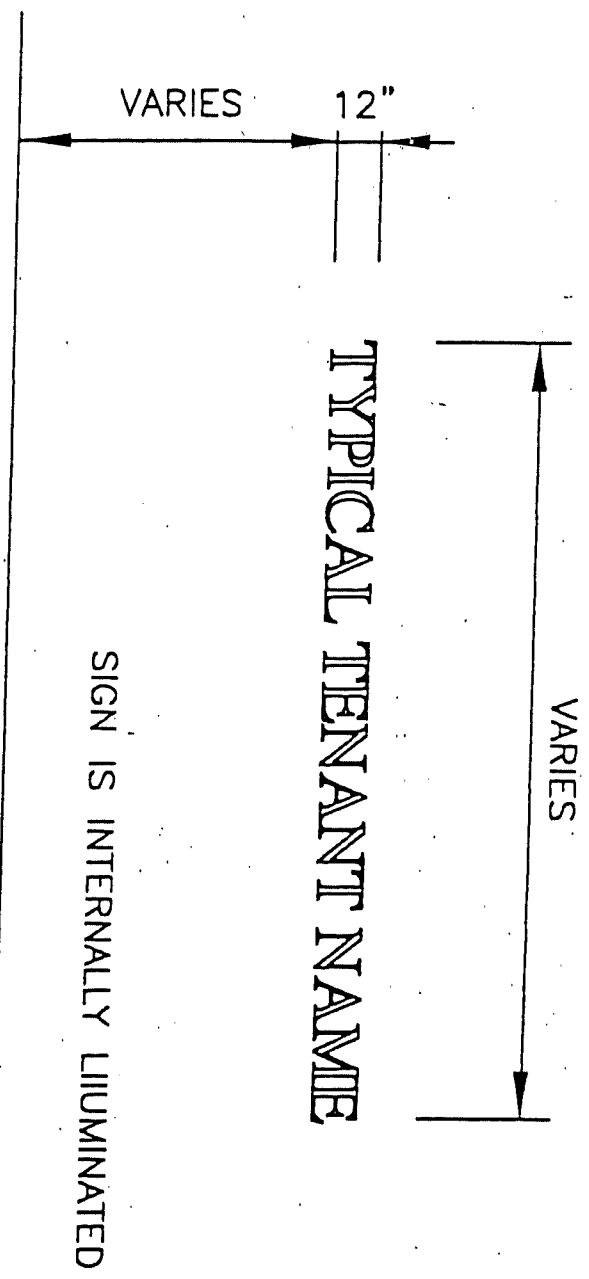
SIGN IS INTERNALLY ILLUMINATED

CIRCLEPORT 1

EXTERIOR BUILDING SIGN E



CONSTRUCTION, INC.
A DECEMBER 1985



CIRCLEPORT 1

EXTERIOR BUILDING SIGN F



CONSTRUCTION, INC.
A DECEMBER 1995

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2284

February 2, 1996

Mr. William Butler, President
Corporex Development Services, Inc.
50 E. RiverCenter Blvd.
Covington, KY 41011

RE: Recommended Conditions of Approval for a Special Sign District, located within Circleport I, Boone County, Kentucky

Dear Mr. Butler:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 4:00 P.M., Tuesday, February 6, 1996.

Conditions of Approval

1. The Special Sign District for Circleport I will be limited to the area indicated within the dashed lines on the map that was resubmitted January 29, 1996 at the Zone Change Committee meeting.
2. The Monument Highway Sign labeled "B" on the map, located along I-275, will accommodate only the Special Sign District and/or Lot 9 within Circleport I.
3. The creation of this Special Sign District does not alter, change, modify or otherwise affect the 1986 approved Concept Development Plan for Circleport I or the 1995 revised Concept Development Plan for Lot 9.

Mr. William Butler
February 2, 1996
Page 2

4. All proposed signs are to be located only where designated on the map within the Special Sign District boundaries. All designs, dimensions, and types of signs shall conform with the proposal submitted to and approved by the Committee.

Sincerely,



Edward Coleman
Planner

AEC\par

cc: Bob Millay, Zone Change Committee
Marty McGrory, Development Associate, Corporex Inc.

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment for a Special Sign District in Circleport I, Boone County, Kentucky.



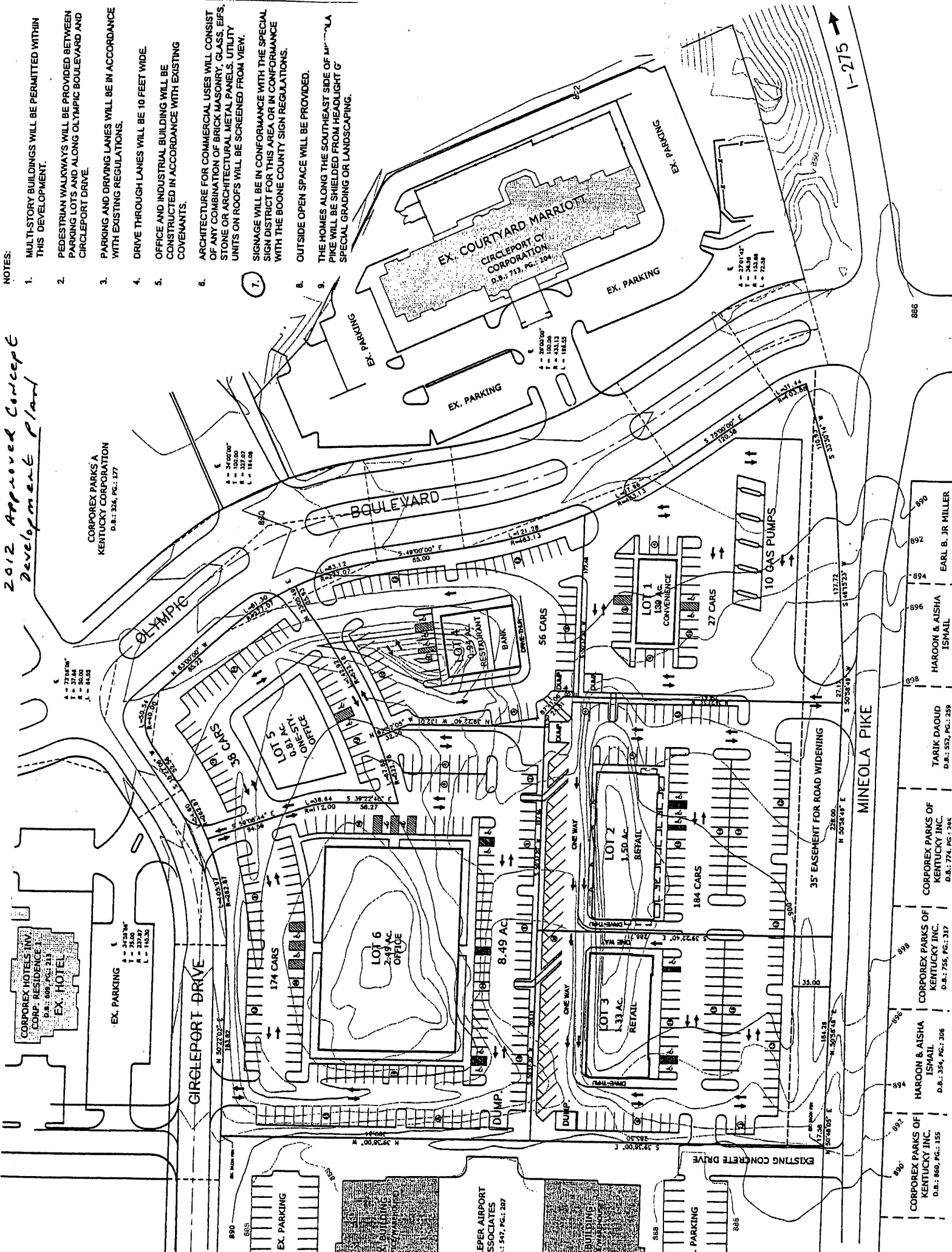
William Butler, Applicant
Corporex Development Services, Inc.

2012 Approved Concept
Development Plan

NOTES:

- MULTI-STORY BUILDINGS WILL BE PERMITTED WITHIN THIS DEVELOPMENT.
- PEDESTRIAN WALKWAYS WILL BE PROVIDED BETWEEN PARKING LOTS AND ALONG OLYMPIC BOULEVARD AND CIRCLEPORT DRIVE.
- PARKING AND DRIVING LANES WILL BE IN ACCORDANCE WITH EXISTING REGULATIONS.
- DRIVE THROUGH LANES WILL BE 10 FEET WIDE.
- OFFICE AND INDUSTRIAL BUILDING WILL BE CONSTRUCTED IN ACCORDANCE WITH EXISTING COVENANTS.
- ARCHITECTURE FOR COMMERCIAL USES WILL CONSIST OF ANY COMBINATION OF BRICK MASONRY, GLASS, EIFS, STONE OR ARCHITECTURAL METAL PANELS. UTILITY UNITS ON ROOFS WILL BE SCREENED FROM VIEW.
- SIGNAGE WILL BE IN CONFORMANCE WITH THE SPECIAL SIGN DISTRICT FOR THIS AREA OR IN CONFORMANCE WITH THE BOONE COUNTY SIGN REGULATIONS.
- OUTSIDE OPEN SPACE WILL BE PROVIDED.
- THE HOMES ALONG THE SOUTHEAST SIDE OF MINEOLA PIKE WILL BE SHIELDED FROM HEADLIGHT 'G' SPECIAL GRADING OR LANDSCAPING.

CORPOREX PARKS A
KENTUCKY CORPORATION
D.B.: 324, PG.: 177



CORPOREX HOTELS, INC.
CORP. RESIDENCE
D.B.: 689, PG.: 211
EX HOTEL

EX. PARKING
A = 243.00"
T = 72.00"
R = 217.27"
L = 163.30"

GIRCLEPORT DRIVE

LOT 6
2.48 AC
OFFICE

LOT 5
0.81 AC
OFFICE

LOT 4
1.50 AC
OFFICE

LOT 3
1.33 AC
RETAIL

LOT 2
1.50 AC
RETAIL

LOT 1
1.39 AC
CONVENIENCE

10 GAS PUMPS

35' EASEMENT FOR ROAD WIDENING

MINEOLA PIKE

EX. PARKING

EX. PARKING

CORPOREX AIRPORT
ASSOCIATES
D.B.: 547, PG.: 237

EX. BUILDING

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SECTION 1514

Planned Development Criteria

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. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

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. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

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 dominant. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. 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 and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of greenways, 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. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
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. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, 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. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
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. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. **Architecture:** Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, 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. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

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. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. 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, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. 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. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of 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.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zoning can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

For development plans within the Houston-Donaldson Study Area, a pre-application meeting of the applicant with the Long Range/Comprehensive Planning Committee (or equivalent committee) of the Planning Commission shall also be held. The purpose of this meeting is to arrive at a recommendation to the full Planning Commission as to whether or not the developer's plans are consistent with the recommendations of the Houston-Donaldson Study. The Long Range/Comprehensive Planning Committee meeting may be held immediately prior to a Business Meeting, and recommendation of the committee may be verbal.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

RECEIVED
SEP - 4 2012
BOONE COUNTY
PLANNING COMMISSION

SECTION A (To be completed by applicant)

1. Name of Project MINEOLA PIKE SHELL.
2. Location of Project Lot # 4-A DIVISION OF LOT 4 CIRCLEPORT ONE RESUBDIVISION
3. Total Acreage of Site 1.5234
4. Current Zoning of Site I-1/PD.
5. Proposed Zoning (Classification being requested) _____
6. ^{Future} Proposed Uses (please specify each use) AMEND MODIFIED SIGNAGE ORDINANCE FOR LOT NO. 4-A DIVISION OF LOT #4 CIRCLEPORT ONE RESUBDIVISION FOR SHELL GASOLINE FACILITY.
7. Names of Applicant(s) MIKE MARTINELLI
Phone Number 513-367-9900 x157 Fax No. 513-367-1556
8. Address of Applicant(s) 9171 DRY FORK RD
HARRISON OHIO 45030
City State Zip
9. Name of Property Owner(s) _____
Phone Number CORPORATE PARKS OF KY INC Fax No. _____
10. Address of Property Owner(s) 1005 RIVER CENTER Blvd Suite 1100
COVINGTON KY. 41011
City State Zip 859-
292-
5500
11. Proposed Building Intensities (please specify) NONE
REQUEST FOR SPECIAL SIGN DISTRICT.
12. Are there any existing buildings on the site? 0
How many? _____
13. Deed Book 280/375 Page No. 93/24 Group No. 2022
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
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)

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT - Todd Morgan, Staff

1. Request of **Mike Martinelli (applicant)** for **Corporex Parks of Kentucky, Inc. (owner)** for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in a Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 1.52 acre site is Lot 4A of Circleport I Subdivision at the intersection of Olympic Boulevard and Mineola Pike. Earlier in 2012, a Concept Development Plan was approved for this lot showing a 4,000 square foot gas station and convenience store. The applicant has applied for a Special Sign District to allow alternative signage for a monument sign and the gas canopy. The proposed monument sign will be 8' 10⁷/₈" tall and 95.86 square feet in area. The monument sign meets all of the I-1 standards with the exception of the electronic signage. The regular fuel prices are advertised in 24" red LED numbers and diesel prices in 12" green LED numbers. The fuel price windows are 26" x 60" for regular fuel and 13¹/₂" x 33" for diesel fuel. The applicant is also requesting alternative signage for their gas canopy. The current signage regulations allow 3 elevations of signage on the gas canopy. The overall sign area cannot exceed 25% of the fascia area. The south elevation facing Mineola Pike shows that the canopy face is 492 square feet and they are only permitted 123 square feet of signage. The total square footage requested is 648 square feet, which includes the Shell logo. On the north elevation (facing the convenience store), the applicant is proposing 317.25 square feet of signage on the 492 square foot fascia. The yellow band is not illuminated, only the red band and the Shell logo. In regard to the east elevation, the Shell logo sits 6" above and below the roof line of the gas canopy. The total square footage of the fascia is 72 square feet and only 18 square feet of signage is permitted. They are proposing 88 square feet of signage. On the west elevation, the applicant is proposing 43.08 square feet of signage versus the 18 square feet that is normally permitted. Mr. Morgan showed photographs of a Shell station with similar signage on the gas canopy and explained the site history including the original Special Sign District, which included a 30 foot high multi-tenant sign freestanding near the Olympic Boulevard/Mineola Pike intersection. Mr. Morgan continued to explain the current zoning of the property and surrounding land uses including some of the residential uses to the south. The Future Land Use Map suggests the site be developed as a Business Park and the site is subject to the Planned Development Standards.

In regard to Staff comments, Mr. Morgan noted that the application will allow the on-site monument sign and gas canopy to have alternative signage. The applicant informed Staff that all other signage such as building mounted signage, directional signage, etc. will comply with the current regulations. Mr. Morgan also referred to the purpose of a Special Sign District and the Development Guidelines in the Boone County Comprehensive Plan. Mr. Morgan showed photographs of 2 existing gas stations - the Mobil Station at Mineola Pike and Airport Exchange Boulevard and the Marathon Station at the Northside Drive/Kilgore Place intersection. The Mobil facility is subject to a previously approved Special Sign District and the gas canopy meets the current signage requirements. The Marathon Station received permits in 1999 and 2002 for signage but the canopy signage was not installed per the approved permit. The canopy signage is pre-existing, non-conforming because it has existed for more than 10 years. Mr. Morgan continued to express a concern about the amount of signage on the gas canopy because it could set a precedent. Staff is also concerned about the amount of canopy signage being proposed, the Shell logo overhanging the canopy, the proximity of the canopy signage to single-family residential dwellings, and the amount of sign illumination at night. In addition, what will the base of the monument sign be constructed of and what would be displayed in the "To Be Determined" cabinets on the monument sign? The Staff recommends the following conditions if the request is approved: the Shell logo shall not overhang the canopy fascia; the electronic (LED) displays on the monument sign shall only display fuel prices; the electronic (LED) fuel prices shall not flash, scroll or run; and photo cells shall be provided in the sign and electronic (LED) fuel prices shall dim as the sky gets darker.

At this time, Chairman Rolfsen asked if the applicant was ready to make their presentation?

Ms. Arli Schuermann, representing Corporex, stated that her company is the adjoining property owner for 3 of the 4 sides of the proposed gas station. The Special Sign District application was prepared to accompany the originally approved Concept Development Plan in 1986. Recently, this plan was revised to accommodate uses like gas stations and restaurants to complement the business park. The next step was to amend the Special Sign District to match the revised Concept Development Plan. The Planned Development Overlay allows some flexibility. The site and adjoining properties, including the residences, have a Business Park designation. The Shell brand has the best image and reputation. Triumph Energy will be the owner of the store and it will be high quality.

Mr. Mike Martinelli, Triumph Energy, stated that his company has been in business for 31 years. They also distribute fuel to BP, Sunoco, and Marathon stores. Each fuel brand has an image which correlates to their signage on gas canopies. Mr.

Martinelli referred to a display board showing various canopy designs. Shell is very strict on design and inspections. It is a premiere brand. The red band of light is neon. It does not cascade any lighting. It splashes and has a halo effect off the yellow fascia. The Shell logos are LED and do not cascade. The base of the monument is a dark gray aluminum material. It will be landscaped. The "To Be Determined" sign areas will be "ATM" and "Lottery."

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Jeremy Love, 3331 Mineola Pike, stated that his uncle owns the house but he lives there. His uncle bought the house last year through foreclosure. He expressed a concern about the red band on the canopy and the LED Shell sign being seen from his bay window.

Seeing no one else in the audience, Chairman Rolfsen inquired whether the Board members had questions or comments?

Mr. Longano asked if the site was sold and the development had changes, what would the changes be subject to?

Mr. Wilson stated that it would be dependent on the wording of the conditions. In most instances, the agreed conditions would run with the land. Any changes would have to be reviewed by the Zoning Administrator to determine if they would need to go through the process again.

Mr. Bunger asked the location of the Shell facility shown in the slides and if the applicant was agreeable to the Staff's recommended conditions if the project was approved?

Mr. Martinelli replied that the Shell facility location is in Delhi at the intersection of Delhi Pike and Anderson Ferry Road. Mr. Martinelli stated that he is in agreement with the conditions outlined in the Staff Report.

Mr. Schwenke asked if the gas canopy band was one color - yellow, would it be signage? Mr. Morgan stated if it was only one color and not illuminated, it would not be considered signage.

Chairman Rolfsen asked what was the distance and elevation between the proposed canopy and Mr. Love's residence? Mr. Morgan responded that he would provide that information to the Committee members.

In addition, Mr. Costello suggested that the applicant conduct a visual study from the residence in question to the proposed gas canopy. Mr. Love stated that the Mobil Station in Airport Exchange Business Park is not illuminated and it is located across from a hotel.

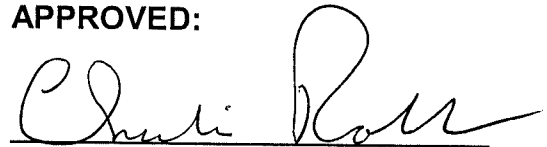
Chairman Rolfsen asked if the Delhi gas station is identical to the proposed location? Mr. Martinelli responded yes and there is no spill over effect.

Mr. Bunger pointed out that if the applicant agrees to the Staff conditions, the Shell logo sign will be smaller than the Delhi store location.

Mr. Ford asked if the applicant was proposing signage on all four sides of the canopy? Mr. Morgan responded yes. Mr. Ford asked if the Mobil gas canopy located at Mineola Pike and Airport Exchange Boulevard complies with the current regulations? Mr. Morgan replied yes.

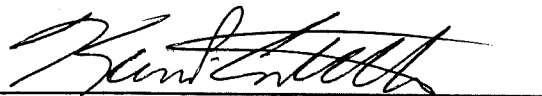
There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 17, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on November 7, 2012 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:59 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
NOVEMBER 7, 2012
7:00 P.M.**

Chairman Rolfsen welcomed the audience to the Planning Commission's November 7th Business Meeting. He invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Ms. Susan Schultz
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the October 3, 2012 Business Meeting and Public Hearings. He asked if there were any comments or corrections. There being no changes to the minutes, **Mr. Reynolds moved that the Minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.**

ACTION ON PLAN REVIEWS:

CHANGE IN CONCEPT DEVELOPMENT PLAN - Kevin Wall, Staff; Ben Brandstetter, Chairman

1. Request of **Kiddie College III, LLC (applicant)** for **K. Hovnanian Summit Homes of Kentucky, LLC (owner)** for a Change in an approved Concept Development Plan in a Commercial Services (C-3) zone for a 3.0 acre lot at 12875, 12885, and 12895 Frogtown Connector Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow an outdoor play area in conjunction with a day care center.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to one condition (see Committee Report). Mr. Wall noted that the Committee voted unanimously for the project with Mr. Brandstetter, Mrs. Kegley, Mr. Breetz and Mr. Bunger voting in favor of the request.

At this time, Chairman Rolfsen asked if there is a motion to take action on the request? Mr. Brandstetter moved that the request be approved with a condition by Resolution to the Boone County Fiscal Court based upon the Committee Report. Mrs. Kegley seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT - Todd Morgan, Staff; Kim Bunger, Chairman

2. Request of **Mike Martinelli (applicant)** for **Corporex Parks of Kentucky, Inc. (owner)** for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in a Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

Chairman Rolfsen announced that Mr. Brandstetter recused himself from voting on the request due to a prior business relationship with the property owner. Mr. Brandstetter left the meeting room.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously for the project with Mr. Bunger, Mr. Breetz, and Mrs. Kegley voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience, who wanted to speak in favor or against the request for a 5 minute time limit?

Ms. Arli Schuermann, representing Corporex stated that her company is on board with the proposed project. It will be high quality. It will be located at the front door of their park. It

will be a Shell gas station. They are excited about getting started so they can lease more space in the park, thus creating jobs.

Chairman Rolfsen asked if there was a motion to take action on the request? **Mr. Bunger moved that the request be approved with conditions by Resolution to the Boone County Fiscal Court based upon the Committee Report. Mr. Bessler seconded the motion and it passed unanimously.**

At this time, Mr. Brandstetter entered the meeting room.

TECHNICAL/DESIGN REVIEW - Todd Morgan, Staff; Jim Longano, Chairman

3. Houston Shoppes - 6805 Houston Road

Staff Member, Todd Morgan, presented the request using a PowerPoint presentation. Houston Road Shoppes is located at the intersection of Houston Road and Crist Crossing. In May, 2012, the Planning Commission approved a 17, 500 square foot multi-tenant building through the Design Review process. In the northeast tenant space of the proposed building, the applicant wants to make some changes to accommodate a Drake's restaurant. The proposed changes would include the front, side and rear elevations. Mr. Morgan showed the previously approved building elevations. The proposed changes include a cooler addition, four garage doors in the front and one garage door on the side facade. The garage doors would be wood. The cooler addition will include matching brick.

Mr. Morgan stated that the Technical/Design Review Committee met prior to the Business Meeting and recommended approval unanimously subject to the following condition: the cooler addition will not have any visible roof equipment. **Mr. Longano moved to approve the request subject to the above condition. Mr. Turner seconded the motion.**

Chairman Rolfsen asked what type of restaurant was being proposed? Mr. David Graves, Director of Real Estate, responded that Drake's is owned by BHG of Lexington. BHG owns Malone's, Harry's and Sal's. BHG has 11 stores in Lexington, 2 in Louisville, 1 in Nashville, 1 in Huntsville and 1 in Indianapolis. It will be opened in April/May.

Chairman Rolfsen asked for a vote on the previous motion made by Mr. Longano and seconded by Mr. Turner. The motion passed unanimously.

TECHNICAL/DESIGN REVIEW - Todd Morgan, Staff; Jim Longano, Chairman

4. Mike's Carwash - 8036 Burlington Pike

Staff Member, Todd Morgan, presented the request using a PowerPoint presentation. Mike's Carwash was approved by the Planning Commission earlier this year. The applicant would like to install a vending kiosk next to the vacuum area. The proposed kiosk will be 8' x 8' in size. It will be constructed with the same building materials of the primary building.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: November 7, 2012

RE: Request of Mike Martinelli (applicant) for Corporex Parks of Kentucky, Inc. (owner) for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

REMARKS:

We, the Committee, recommend approval of the above referenced application based on the following findings of fact:

Findings of Fact

1. Section 3400 of the Zoning Regulations states the intent of the sign article is to encourage the innovative use of design through Special Sign Districts. Furthermore, this article is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. Lastly, this article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.
2. The request is in accord with the Section 3440 of the Zoning Regulations. This section states the purpose of a special sign district is to allow an applicant to create sign standards for a specific district. "The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development."
3. The Committee has concluded that the Zoning Map Amendment for a Special Sign District is in agreement with the 2010 Boone County Comprehensive Plan. The Land Use Element's Future Land Use Development Guidelines state that developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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
objective is to avoid the
potential negative impact
("Design, Signs, and His

*Applied for a
Zoning Map Amendment
Special Sign District
to allow A/E signage*

motorist attention. The
risks, and to avoid the
development or corridor

4. The Planned Development
theme shall be provided
the predominate signage
and of a limited size and
architectural theme by the
use of signage design g

24' x 164'

at a consistent signage
mounted signs shall be
hall be monument style
relate to the planned
erials, and colors. The
jects."

The Committee determined the LED gas prices on the monument sign and the additional signage on the gasoline canopy will create a more attractive business climate, will not be distracting to motorists, and will not have negative impacts on the Mineola Pike/Olympic Boulevard corridor. The applicant submitted a letter from RC Ford Associates at the October 17, 2012 Zone Change Committee Meeting, indicating that the red band on the gas canopy will glow and be visible to the human eye but will not produce light sufficient to be measurable with a light meter at a distance of 225 feet from the canopy.

5. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and Section 3440 of the Boone County Zoning Regulations. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The Shell logo shall not overhang the canopy fascia.
2. The electronic (LED) displays on the monument sign shall only display fuel prices.
3. The electronic (LED) fuel prices on the monument sign shall not flash, scroll, or run.
4. Photocells shall be provided in the monument sign and the electronic (LED) fuel prices shall dim as the sky gets darker.

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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
OCTOBER 3, 2012
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Mark Hicks
Mrs. Janet Kegley
Ms. Susan Schultz

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Mr. Rolfsen, Chairman, called the Public Hearing to order at 7:30 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT - Todd Morgan,
Staff

1. Request of Mike Martinelli (applicant) for Corporex Parks of Kentucky, Inc. (owner) for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in a Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 1.52 acre site is Lot 4A of Circleport I Subdivision at the intersection of Olympic Boulevard and Mineola Pike. Earlier in 2012, a Concept Development Plan was approved for this lot showing a 4,000 square foot gas station and convenience store. The applicant has applied for a Special Sign District to allow alternative signage for a monument sign and the gas canopy. The proposed monument sign will be 8' 10⁷/₈" tall and 95.86 square feet in area. The monument sign meets all of the I-1 standards with the exception of the electronic signage. The regular fuel prices are advertised in 24" red LED numbers and diesel prices in 12" green LED numbers. The fuel price windows are 26" x 60" for regular fuel and 13¹/₂" x 33" for diesel fuel. The applicant is also requesting alternative signage for their gas canopy. The current signage regulations allow 3 elevations of signage on the gas canopy. The overall sign area cannot exceed 25% of the fascia area. The south elevation facing Mineola Pike shows that the canopy face is 492 square feet and they are only permitted 123 square feet of signage. The total square footage requested is 648 square feet, which includes the Shell logo. On the north elevation (facing the convenience store), the applicant is proposing 317.25 square feet of signage on the 492 square foot fascia. The yellow band is not illuminated, only the red band and the Shell logo. In regard to the east elevation, the Shell logo sits 6" above and below the roof line of the gas canopy. The total square footage of the fascia is 72 square feet and only 18 square feet of signage is permitted. They are proposing 88 square feet of signage. On the west elevation, the applicant is proposing 43.08 square feet of signage versus the 18 square feet that is normally permitted. Mr. Morgan showed photographs of a Shell station with similar signage on the gas canopy and explained the site history including the original Special Sign District, which included a 30 foot high multi-tenant sign freestanding near the Olympic Boulevard/Mineola Pike intersection. Mr. Morgan continued to explain the current zoning of the property and surrounding land uses including some of the residential uses to the south. The Future Land Use Map suggests the site be developed as a Business Park and the site is subject to the Planned Development Standards.

In regard to Staff comments, Mr. Morgan noted that the application will allow the on-site monument sign and gas canopy to have alternative signage. The applicant informed Staff that all other signage such as building mounted signage, directional signage, etc. will comply with the current regulations. Mr. Morgan also referred to the purpose of a Special Sign District and the Development Guidelines in the Boone County Comprehensive Plan. Mr. Morgan showed photographs of 2 existing gas stations - the Mobil Station at Mineola Pike and Airport Exchange Boulevard and the Marathon Station at the Northside Drive/Kilgore Place intersection. The Mobil facility is subject to a previously approved Special Sign District and the gas canopy meets the current signage requirements. The Marathon Station received permits in 1999 and 2002 for signage but the canopy signage was not installed per the approved permit. The canopy signage is pre-existing, non-conforming because it has existed for more than 10 years. Mr. Morgan continued to express a concern about the amount of signage on the gas canopy because it could set a precedent. Staff is also concerned about the amount of canopy signage being proposed, the Shell logo overhanging the canopy, the proximity of the canopy signage to single-family residential dwellings, and the amount of sign illumination at night. In addition, what will the base of the monument sign be constructed of and what would be displayed in the "To Be Determined" cabinets on the monument sign? The Staff recommends the following conditions if the request is approved: the Shell logo shall not overhang the canopy fascia; the electronic (LED) displays on the monument sign shall only display fuel prices; the electronic (LED) fuel prices shall not flash, scroll or run; and photo cells shall be provided in the sign and electronic (LED) fuel prices shall dim as the sky gets darker.

At this time, Chairman Rolfsen asked if the applicant was ready to make their presentation?

Ms. Arli Schuermann, representing Corporex, stated that her company is the adjoining property owner for 3 of the 4 sides of the proposed gas station. The Special Sign District application was prepared to accompany the originally approved Concept Development Plan in 1986. Recently, this plan was revised to accommodate uses like gas stations and restaurants to complement the business park. The next step was to amend the Special Sign District to match the revised Concept Development Plan. The Planned Development Overlay allows some flexibility. The site and adjoining properties, including the residences, have a Business Park designation. The Shell brand has the best image and reputation. Triumph Energy will be the owner of the store and it will be high quality.

Mr. Mike Martinelli, Triumph Energy, stated that his company has been in business for 31 years. They also distribute fuel to BP, Sunoco, and Marathon stores. Each fuel brand has an image which correlates to their signage on gas canopies. Mr.

Martinelli referred to a display board showing various canopy designs. Shell is very strict on design and inspections. It is a premiere brand. The red band of light is neon. It does not cascade any lighting. It splashes and has a halo effect off the yellow fascia. The Shell logos are LED and do not cascade. The base of the monument is a dark gray aluminum material. It will be landscaped. The "To Be Determined" sign areas will be "ATM" and "Lottery."

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Jeremy Love, 3331 Mineola Pike, stated that his uncle owns the house but he lives there. His uncle bought the house last year through foreclosure. He expressed a concern about the red band on the canopy and the LED Shell sign being seen from his bay window.

Seeing no one else in the audience, Chairman Rolfsen inquired whether the Board members had questions or comments?

Mr. Longano asked if the site was sold and the development had changes, what would the changes be subject to?

Mr. Wilson stated that it would be dependent on the wording of the conditions. In most instances, the agreed conditions would run with the land. Any changes would have to be reviewed by the Zoning Administrator to determine if they would need to go through the process again.

Mr. Bunger asked the location of the Shell facility shown in the slides and if the applicant was agreeable to the Staff's recommended conditions if the project was approved?

Mr. Martinelli replied that the Shell facility location is in Delhi at the intersection of Delhi Pike and Anderson Ferry Road. Mr. Martinelli stated that he is in agreement with the conditions outlined in the Staff Report.

Mr. Schwenke asked if the gas canopy band was one color - yellow, would it be signage? Mr. Morgan stated if it was only one color and not illuminated, it would not be considered signage.

Chairman Rolfsen asked what was the distance and elevation between the proposed canopy and Mr. Love's residence? Mr. Morgan responded that he would provide that information to the Committee members.

In addition, Mr. Costello suggested that the applicant conduct a visual study from the residence in question to the proposed gas canopy. Mr. Love stated that the Mobil Station in Airport Exchange Business Park is not illuminated and it is located across from a hotel.

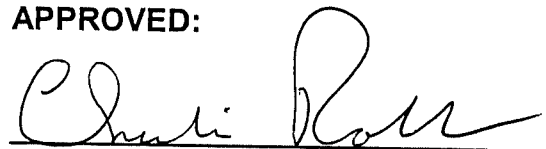
Chairman Rolfsen asked if the Delhi gas station is identical to the proposed location? Mr. Martinelli responded yes and there is no spill over effect.

Mr. Bunger pointed out that if the applicant agrees to the Staff conditions, the Shell logo sign will be smaller than the Delhi store location.

Mr. Ford asked if the applicant was proposing signage on all four sides of the canopy? Mr. Morgan responded yes. Mr. Ford asked if the Mobil gas canopy located at Mineola Pike and Airport Exchange Boulevard complies with the current regulations? Mr. Morgan replied yes.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 17, 2012 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on November 7, 2012 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:59 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: October 17, 2012

RE: Request of Mike Martinelli (applicant) for Corporex Parks of Kentucky, Inc. (owner) for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

REMARKS:

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

Mike Martinelli (applicant) for Corporex Parks of Kentucky, Inc. (owner)

October 17, 2012

Kim Bunger
Kim Bunger, Chairman

For Project Absent
 Against Project
 Abstain Deferred

Ben Brandstetter
Ben Brandstetter

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley
Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Susan Schultz
Susan Schultz

For Project Absent
 Against Project
 Abstain Deferred

Mark Hicks (Alternate)
Mark Hicks (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Jim Longano (Alternate)
Jim Longano (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
Charlie Reynolds (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 3 FOR PROJECT ABSENT 1
 AGAINST PROJECT ABSTAIN

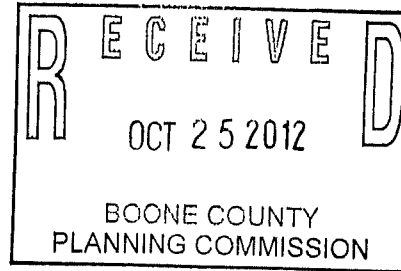
SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
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

October 19, 2012

Mr. Mike Martinelli
Triumph Energy d/b/a Hawkstone Associates, Inc.
9171 Dry Fork Road
Harrison, OH 45030

RE: Request of **Mike Martinelli (applicant)** for **Corporex Parks of Kentucky, Inc. (owner)** for a Zoning Map Amendment for a Special Sign District for a 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One/Planned Development (I-1/PD) zone to allow alternative signage.

Dear Mr. Martinelli:

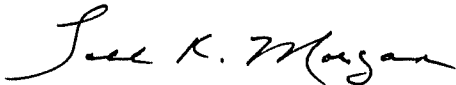
The following represents the conditions of approval for the above referenced Zoning Map Amendment for a Special Sign District application as agreed to by you and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please sign the appropriate line on the last page of this letter if you agree to the listed conditions. Please return this letter with your original signature to the Boone County Planning Commission office by November 6, 2012.

CONDITIONS

1. The Shell logo shall not overhang the canopy fascia.
2. The electronic (LED) displays on the monument sign shall only display fuel prices.
3. The electronic (LED) fuel prices on the monument sign shall not flash, scroll, or run.
4. Photocells shall be provided in the monument sign and the electronic (LED) fuel prices shall dim as the sky gets darker.

Mr. Mike Martinelli
October 19, 2012
Page 2

Sincerely,



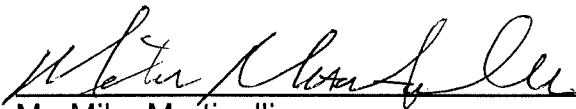
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\dw

cc: Ms. Arii Schuermann, Corporex Companies

AGREEMENT

I, Mike Martinelli, do hereby agree to the listed conditions of approval for the Zoning Map Amendment for a Special Sign District which is described on the first page of this letter.



10/23/12

Mr. Mike Martinelli

Date

Construction Maintenance Director

~~Triumph Energy d/b/a Hawkstone Associates, Inc.~~

~~HAWKSTONE ASSOCIATES LLC DBA TRIUMPH ENERGY CORP.~~

Note - Hawkstone Associates, Inc. purchased the property from Corporex Parks of Kentucky on September 27, 2012 (see Deed Book 1010, Page 899).

Return to:
Strauss & Troy, LPA
50 E. RiverCenter Blvd, Suite 1400
Covington, Kentucky 41011

RETURN TO:

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Corporex Parks of Kentucky, LLC, a Kentucky limited liability company, formerly known as Corporex Parks of Kentucky I, LLC, a Kentucky limited liability company ("Grantor") for and in consideration of Five Hundred Twenty Five Thousand and 00/100 Dollars (\$525,000.00) to them paid by the Grantee herein, the receipt of which is hereby acknowledged, does hereby bargain, sell, and convey to the Grantee, Hawkstone Associates, Inc., an Ohio corporation ("Grantee"), its successors and/or assignees, with covenant of Special Warranty, the following described real estate, County of Boone and Commonwealth of Kentucky, to-wit:

PROPERTY ADDRESS: All of Lot No. 4A of the Division of Lot 4 of Circleport One Resubdivision
MAILING ADDRESS: 9171 Dry Fork Road, Harrison, Ohio 45030
which is the ~~in-care-of-address~~ for the 2012 tax bill

SEE ATTACHED EXHIBIT 'A' FOR LEGAL DESCRIPTION

Being part of the same property conveyed to Grantor herein in Deed Book 280, Page 85 and Deed Book 280, Page 93 of the Boone County Clerk's office at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Hawkstone Associates, Inc., an Ohio corporation, its successors and/or assigns, forever, the Grantors, their successors and/or assigns, HEREBY making a Special Covenant with the Grantee, its successors and/or assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same, with covenant of Special Warranty, against all legal claims whatsoever. By its execution of the Certificate below, Grantee acknowledges and agrees that it is accepting title to the described property subject to, and Grantee expressly accepts its obligations under, those certain recorded covenants, easements, and restrictions set forth in the documents described on EXHIBIT 'B' attached to this deed and incorporated herein by reference.


IN WITNESS WHEREOF, Thomas E. Banta the President of Corporex Realty & Investment, LLC,

CERTIFICATION

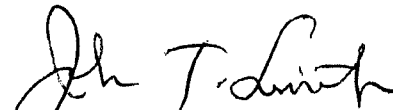
Thomas E. Banta, the President of Corporex Realty & Investment, LLC, a Kentucky limited liability company, the Manager on behalf of Corporex Parks of Kentucky, LLC, a Kentucky limited liability company, whose mailing address is 100 E. RiverCenter Blvd., Suite 1100, Covington, Kentucky 41011, Grantors herein, and

John T. Smith the Treasurer of Hawkstone Associates, Inc., an Ohio corporation, whose address is 9171 Dry Fork Road, Harrison, Ohio 45039, Grantee herein, do hereby certify, pursuant to KRS 382.135, that the above-stated consideration in the amount of \$525,000.00 is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

Corporex Corporex Parks of Kentucky, LLC, a
Kentucky limited liability company
By: Corporex Realty & Investment, LLC, a
Kentucky limited liability company
Its: Manager

By: 
Print Name: Thomas E. Banta
Its: President

Hawkstone Associates, Inc., an Ohio corporation

By: 
Print Name: John T. Smith
Its: Treasurer

641952_4

Commonwealth of Kentucky)
) ss
County of Kenton)

Sworn to and subscribed in my presence this 27th day of September, 2012 by Thomas E. Banta the President of Corporex Realty & Investment, LLC, a Kentucky limited liability company the Manager of Corporex Parks of Kentucky, LLC, a Kentucky limited liability company, Grantor, hereby each acknowledges the execution of the foregoing Certificate to be his and its free act and deed.

Heather L Pretelini

Notary Public

My Commission Expires:



HEATHER L. PRETELINI
Notary Public Kentucky
State At Large
My Commission Expires
December 12, 2015
Notary ID# 486601

Commonwealth of Kentucky)
) ss
County of Kenton)

Sworn to and subscribed in my presence this 27th day of September, 2012 by John T. Smith the Treasurer of Hawkstone Associates, Inc., an Ohio corporation, Grantee, who hereby acknowledges the execution of the foregoing Certificate to be his and its free act and deed.

Heather L Pretelini

Notary Public

My Commission Expires:



HEATHER L. PRETELINI
Notary Public Kentucky
State At Large
My Commission Expires
December 12, 2015
Notary ID# 486601

This instrument prepared by:

Martin C. Butler/Esq.

Martin C. Butler, Esq.
STRAUSS TROY CO., LPA
50 East RiverCenter Blvd, Suite 1400
Covington, Kentucky 41011
(513) 621-8900

EXHIBIT A

LEGAL DESCRIPTION

Group No: 5171

All of Lot No. 4A of the Division of Lot No. 4 Circleport One Resubdivision, as shown on the plat thereof recorded in Plat Cabinet 5, Slide 647 of the Boone County, Kentucky Clerk's Records.

Subject to and together with the non-exclusive, perpetual easements for the passage of vehicles (limited by the terms set forth in the instrument hereafter referenced) and of pedestrians, on and over certain Private Driveways and Curbcuts (as such terms are defined in the document hereafter referenced) created by virtue of that certain Declaration of Protective Covenants for Resubdivision of Lot 4 of Circleport I Business Park made by Corporex Parks of Kentucky, LLC, dated September 27, 2012 and recorded September 28, 2012 in ~~Instrument~~ Book 208 Page 81 of the Boone County, Kentucky Clerk's records. *Miscellaneous*

EXHIBIT B

List of Recorded Declarations

1. Declaration of Protective Covenants for Circleport I Business Park in Boone County, Kentucky, dated November 14, 1983, and recorded on November 16, 1983 at Book 151, Page 1 of the Boone County, Kentucky Clerk's Office.
2. First Amendment to Protective Covenants, dated effective as of September 7, 2012, and recorded on September 28, 2012 at Book 1208, Page 18 of the Boone County, Kentucky Clerk's Office.
misc.
3. Declaration of Protective Covenants For Resubdivision of Lot 4 of Circleport I Business Park, dated effective as of September 27, 2012, and recorded on September 28, 2012 at Book 1208, Page 87 of the Boone County, Kentucky Clerk's Office.
misc.
4. Declaration of Restrictive Covenants (Portions of Circleport I Business Park)(Boone County, Kentucky)(Gas Station Convenience Store)dated effective as of September 7, 2012, and recorded on September 28, 2012 at Book 98, Page 110 of the Boone County, Kentucky Clerk's Office.
misc.

Boone County
D1010 PG 904

DOCUMENT NO: 606830
RECORDED ON: SEPTEMBER 28, 2012 09:34:15A
TOTAL FEES: \$26.00
TRANSFER TAX: \$25.00
GROUP : 5171
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: STACY ADKINS
BOOK D1010 PAGES 899 - 904

ORDINANCE 13-05

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF MIKE MARTINELLI (APPLICANT) FOR CORPOREX PARKS OF KENTUCKY, INC. (OWNER) FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 1.534 ACRE SITE GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE MINEOLA PIKE/OLYMPIC BOULEVARD INTERSECTION AND DIRECTLY ACROSS FROM THE PROPERTIES AT 3331 AND 3333 MINEOLA PIKE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Industrial One/Planned Development (I-1/PD) for a 1.5234 acre site generally located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, 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 the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, 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 approved, with conditions, this Zoning Map Amendment to establish a Special Sign District for property zoned Industrial One/Planned Development (I-1/PD) for a 1.5234 acre site generally located

on the northwest corner of the Mineola Pike/Olympic Boulevard intersection and directly across from the properties at 3331 and 3333 Mineola Pike, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial One/Planned Development (I-1/PD) zone is more particularly described in DEED BOOK 280, PAGE NO. 94 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

The findings of fact and conditions as set forth in the Boone County Planning Commission Committee Report are marked as "Exhibit B."

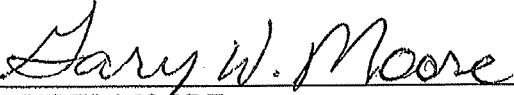
SECTION III

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 18th day of December, 2012.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 22nd day of January, 2013 and signed 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


DAPHNE KORNBLUM
FISCAL COURT CLERK