

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

For A Special Sign District

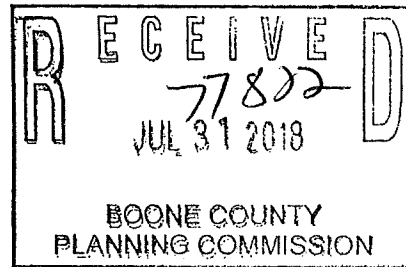
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project PRIMARY EVE CARE ASSOCIATES
2. Location of Project 1821 FLORENCE PIKE, STE 1 BURLINGTON, KY
3. Total Acreage of Site 2.04
4. Current Zoning of Site O-1/CD
5. Proposed Zoning (Classification being requested) _____
6. Proposed Uses (please specify each use) PROFESSIONAL BUILDING - ELECTRONIC MESSAGE CENTER ON EXISTING SIGN
7. Names of Applicant(s) DAVID M. BLAIR
8. Phone No. 859-462-3437 Fax No. 859-689-6232 E-Mail dblairod@gmail.com
9. Address of Applicant(s)
1821 FLORENCE PIKE, STE 1 BURLINGTON, KY 41005
City State Zip
10. Name of Property Owner(s) BLAIR PROFESSIONAL CENTER
11. Phone No. 859-462-3437 Fax No. _____ E-Mail dblairod@gmail.com
12. Address of Property Owner(s)
1821 FLORENCE PIKE, STE 1 BURLINGTON, KY 41005
City State Zip
13. Proposed Building Intensities (please specify) N/A
14. Are there any existing buildings on the site? YES
15. How many? 1
16. Deed Book 917 Page No. 486 Group No. 2025
17. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
18. Have you submitted a Concept Development Plan? Yes
19. Have you had a pre-application meeting with BCPC Staff? Yes
20. 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)



EXHIBIT

“A”

STAFF REPORT

#1

Request of David M. Blair (applicant) for Blair Professional Center (owner) for a Zoning Map Amendment for a Special Sign District for a 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky. The request is for a Special Sign District in an Office One (O-1) District to allow an electronic message center on a monument sign.

September 5, 2018

REQUEST

The request is for a Zoning Map Amendment for a Special Sign District to allow Blair Professional Center to modify their existing monument sign and install a full color electronic message board.

The existing freestanding sign is approximately 9 feet tall, contains 88 square feet of sign area and includes three fixed advertising areas on both sides of the sign, defined as follows: (1) the top is the building identification name; (2) the middle is currently a 44 square foot business identification sign; and (3) the bottom is currently a 24 square foot manually changeable copy sign. The proposal includes removing the middle cabinet and replacing it with a 40 square foot (4' x 10') full color electronic message board as well as replacing the bottom cabinet with a 24 square foot (3' x 8') permanent sign face.

A Special Sign District application was submitted because electronic signs are not permitted in the O-1 zoning district.

SITE HISTORY

- 2001 On January 16, 2001, the Boone County Fiscal Court adopted Ordinance Number 01-02, changing the zoning of the site in question from C-3 to O-1, subject to one condition.
- 2001 On March 26, 2001, the Boone County Planning Commission approved a site plan for the site in question.
- 2002 In May 2002, a sign permit was approved for the site in question.
- 2016 On March 9, 2016, the Boone Board of Adjustment approved a Conditional Use Permit to Florence Baptist Temple (1898 Florence Pike), allowing the construction of a sign with an electronic message board. The Conditional Use Permit was approved with the following conditions:
1. The sign shall be constructed so it has the appearance of one integral sign.
 2. Bright colored sign backgrounds shall not be used on the electronic message center. The property owner shall work with the Planning Commission Staff to resolve any lighting issues (brightness/glare) that are caused by the subject sign on public rights-of-way.
 3. The electronic message center shall display no more than four (4) lines of text at any time.
 4. The electronic messages shall be held for a minimum of five (5) seconds.
 5. The sign shall only be used to advertise church business.

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 3413 of the Boone County Zoning Regulations allows uses within the O-1 District to have a density of one on premise monument sign per parcel of land. The sign can be a maximum of 10 feet in height and have a maximum sign area of 100 square feet ($\frac{1}{2}$ square foot of sign area is permitted per lineal foot of road frontage along the street frontage where the sign is located).

While the Boone County Zoning Regulations do not allow electronic message boards within the O-1 District, Section 3430 of the Boone County Zoning Regulations provides for minimum standards and requirements (see attachment).

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 monument sign as "A freestanding sign that is composed of a solid structure between finished grade and the top of the sign.

SITE CHARACTERISTICS

The 2.04 acre site is located on the south side of Florence Pike and on the north side of Burlington Pike, at their intersection with Taylor Drive. The site in question contains an approximate 8,200 square foot medical office building, 42 off-street parking spaces, and an existing monument sign. Access to the site in question is from two curb cuts onto Florence Pike. Mature landscaping exists within the western half of the site. Boone County GIS shows the topography of the developed portion of the site is 834' above sea level and falls to 822' above sea level to the western half of the site. The existing freestanding monument sign is located approximately 190 feet west of the edge of pavement of Taylor Road and approximately 50 feet north of the edge of pavement of Burlington Pike.

ADJACENT LAND USES AND ZONING

North: Heritage Bank, medical office, general offices, Florence Baptist Temple (C-2)

South: Retail, restaurants, Tank Park and Ride (C-4/PD/CD)

East: Boone County Public Library and right-of-way (C-2)

West: Vacant land (C-3)

RELATIONSHIP TO COMPREHENSIVE PLAN

The Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for Commercial uses. The designations are described as follows:

Commercial (C) - Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

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 2017 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Goal A, Objective 4)
- B. Boone County shall evaluate and promote business and economic sectors of the future and explore ways to encourage existing industry to be competitive in a regional and global economy (Economy, Goal A, Objective3).
- C. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy, Goal B, Objective 3).
- D. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation, Goal A, Objective 1).

STAFF COMMENTS

1. 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).
 - C. The 2035 Future Land Use Map identifies the site in question, as well as areas located to the north, south, and west of the site in question, for Commercial use. The area located to the east of the site in question is identified for Public/Institutional use.
2. There are currently six (6) electronic message signs located along Burlington Pike, between Hopeful Church Road/Houston Road and KY 237. They are located as follows:
- a. Speedway Gas Station - Southeast corner of the intersection of Burlington Pike with Ridge Road
 - b. Speedway gas Station - Northeast corner of the intersection of Burlington Pike with Centennial Circle
 - c. Walgreens - Southeast corner of the intersection of Patrick Drive with Burgundy Hill Drive
 - d. Boone County Public Library - Northwest corner of the intersection of Wildcat Boulevard with Taylor Drive
 - e. Florence Baptist Temple - Along the north side of Florence Pike, at McGrath Lane
 - f. Boone County Cooperative Extension Service - Southwest corner of the intersection of Burlington Pike with McGrath Lane
3. Staff recommends that the applicant address the following items as they relate to Section 3430 of the Boone County Zoning Regulations:
- 1. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.

The submitted drawings indicate that the proposed electronic message board will comprise 45% of the total sign area.
 - 2. 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.
 - 3. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of

each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

Both the proposed sign and the existing sign for the Florence Baptist Temple are visible from Burlington Pike. The distance between these two signs, as measured along Burlington Pike, is approximately 575 feet.

4. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
5. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.
6. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.
7. Full color and monochrome message boards shall meet the following pixel pitch requirements:

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

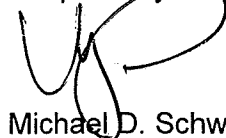
A 25 mm pixel pitch or better resolution shall be required when the top of the message board is located more than 30 feet above grade.

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

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 Section 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,



Michael D. Schwartz
Planner

MDS/tlb

Attachments:

- *Section 3430 Boone County Zoning Regulations
- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2035 Future Land Use Map
- *Application
- *Photo of Existing Sign
- *Existing Sign Specifications
- *Proposed Sign

Boone County Zoning Regulations
Article 34, Signs

SECTION 3430

Electronic Message Boards and Electronic Display Screens

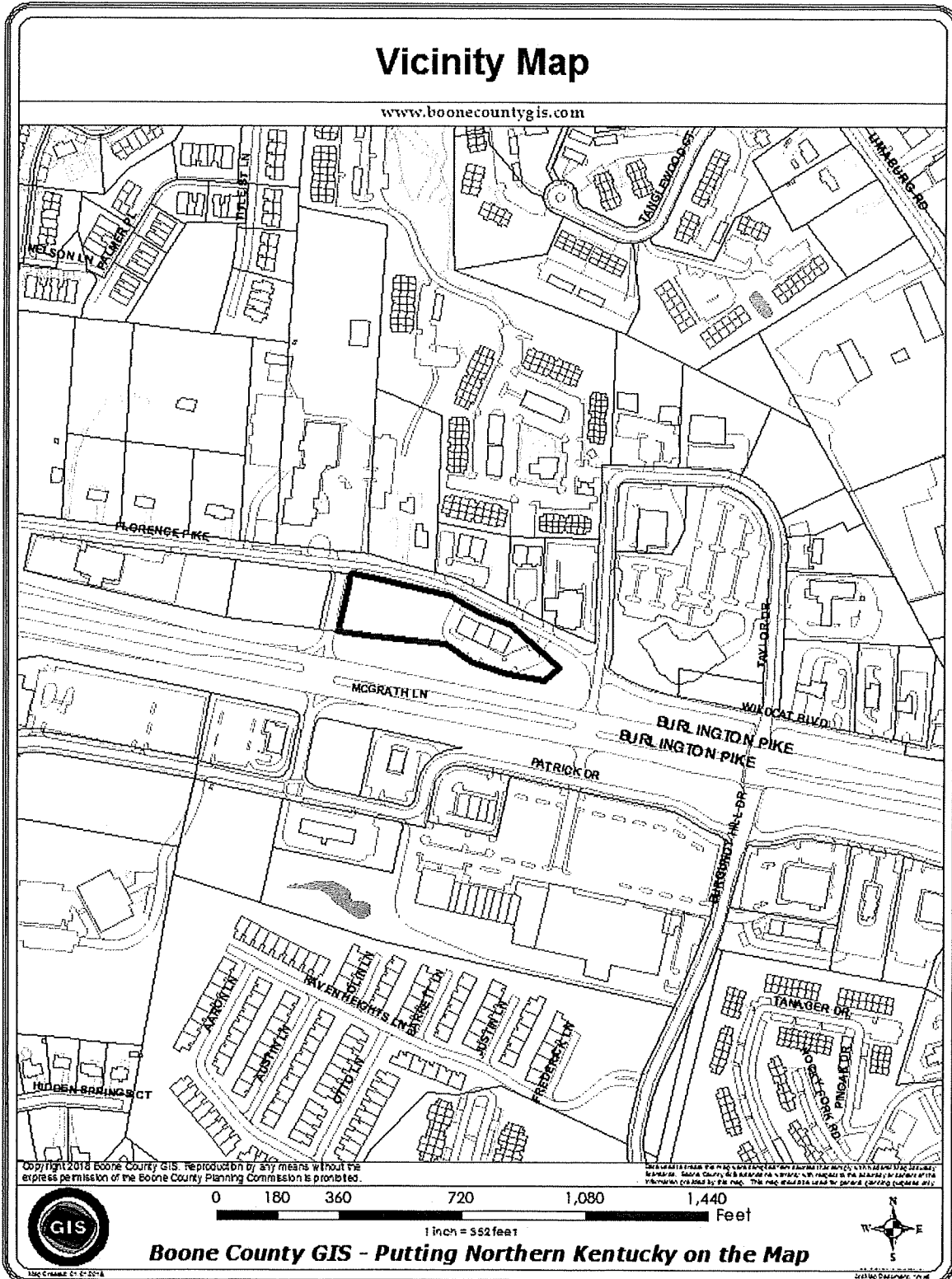
The following version of Section 3430 applies to Unincorporated Boone County, City of Union and City of Walton only.

- (2). Electronic message boards and electronic display screens as conditional uses, shall conform, at minimum to the following requirements:
- a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.
 - b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
 - c. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
 - d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
 - e. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.
 - f. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.
 - g. Full color and monochrome message boards shall meet the following pixel pitch requirements:

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

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



Boone County GIS Map

www.boonecountygis.com



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This aerial image has been processed to enhance the map. All rights reserved. Boone County GIS assumes no liability for errors or omissions in the information provided by this map. This map should be used for general planning purposes only.



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Feet

1 inch = 248 feet

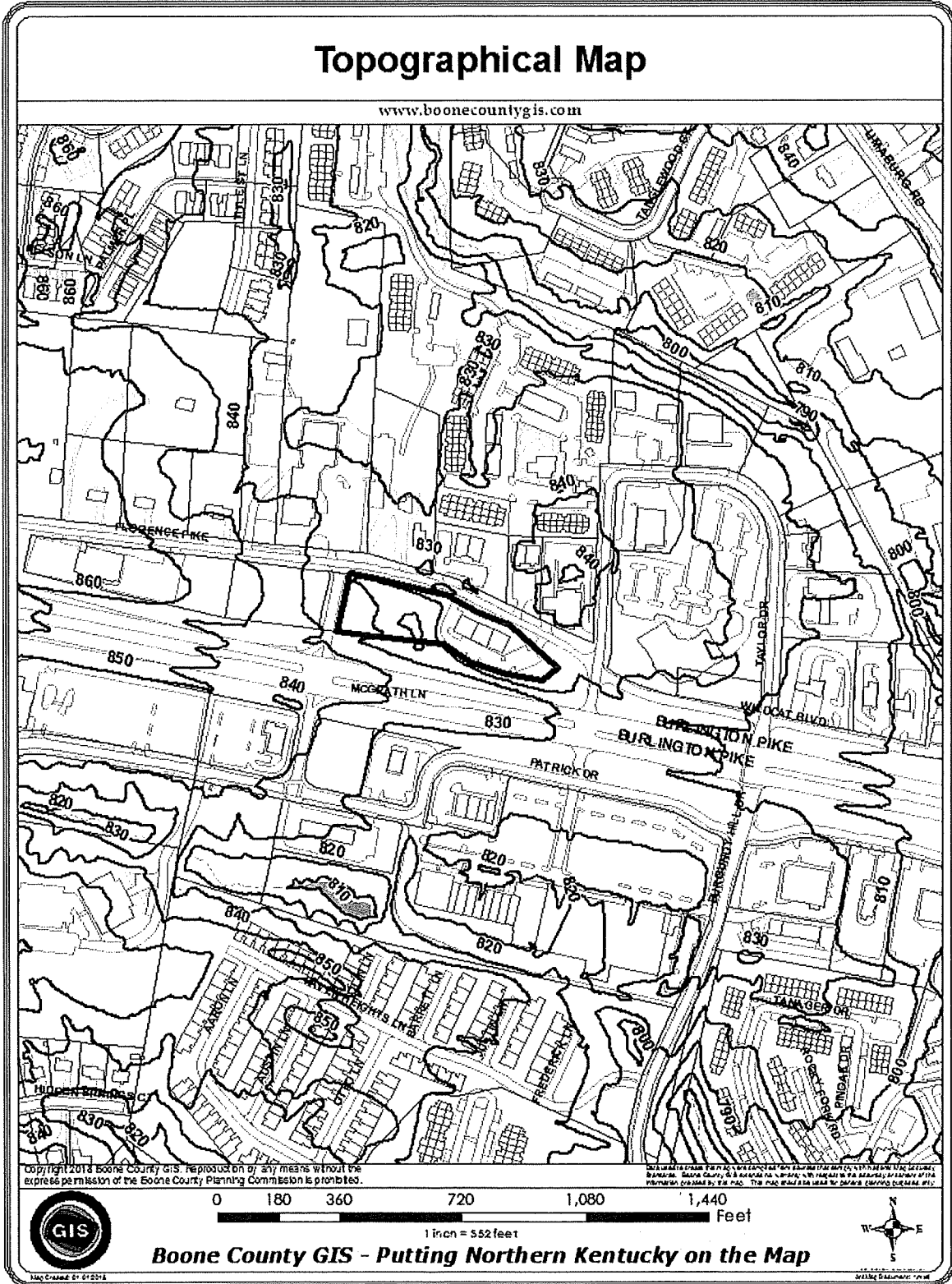


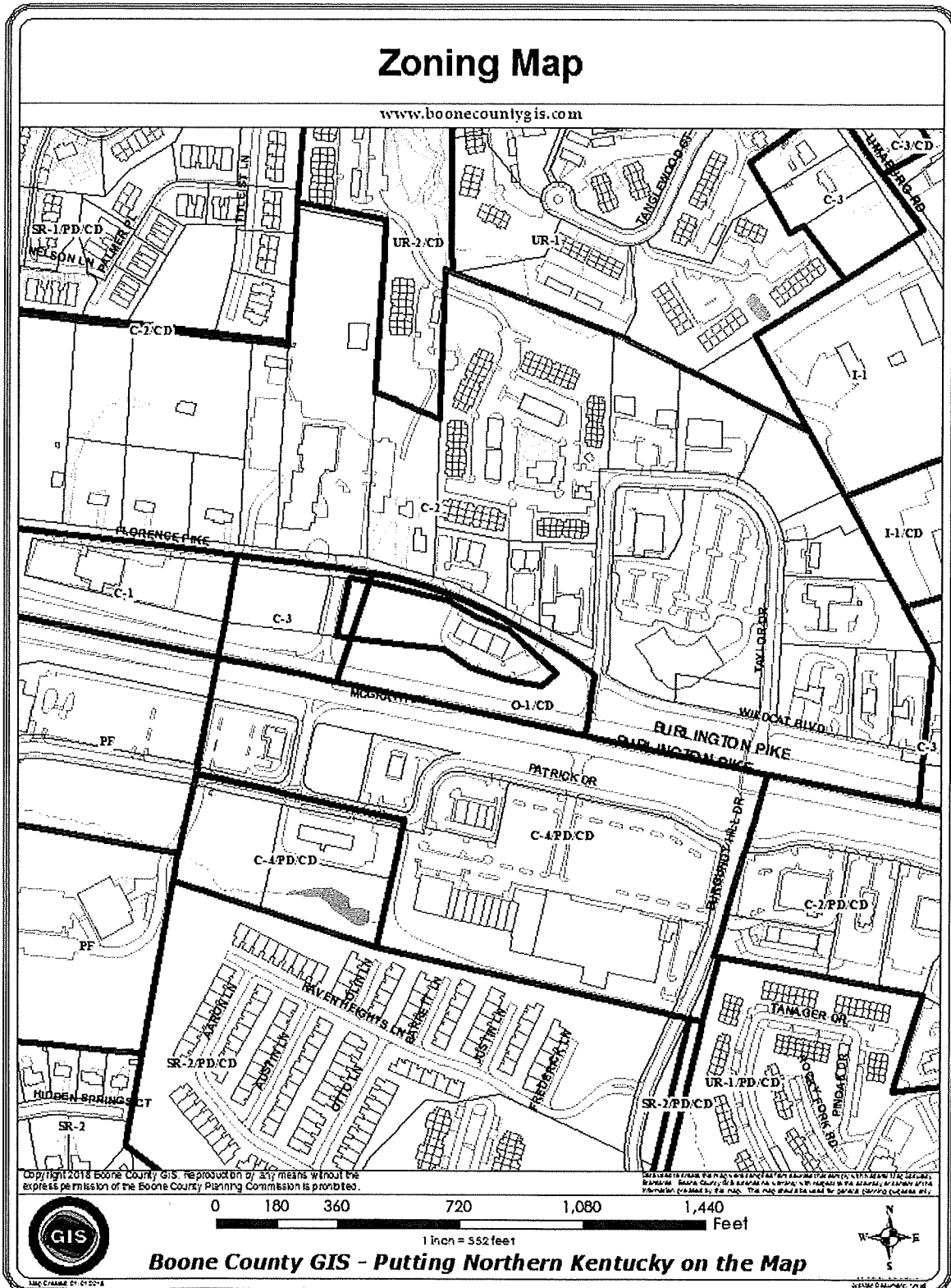
Boone County GIS - Putting Northern Kentucky on the Map

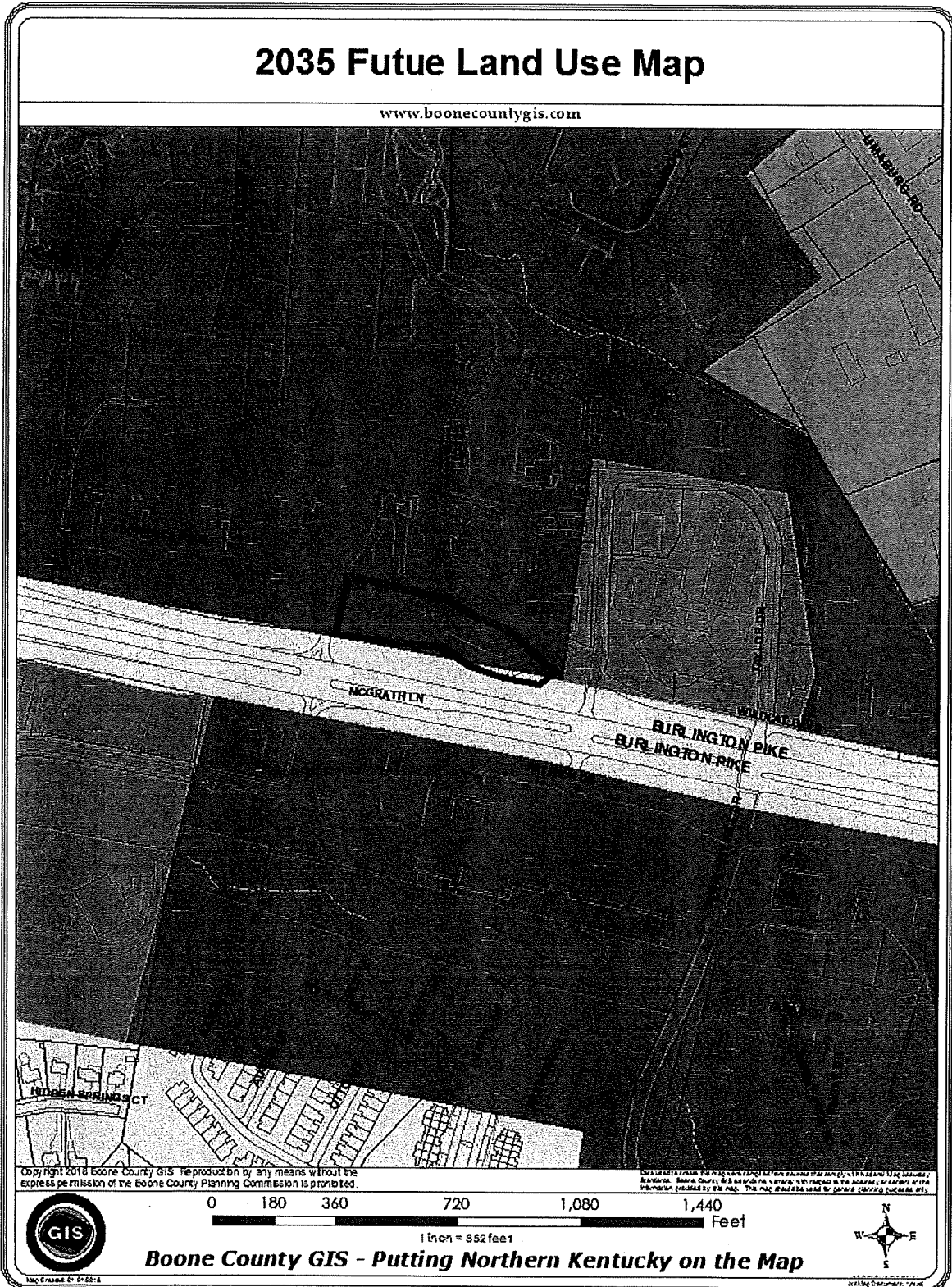
Map Created: 01/01/2018

Map File: BOONE_LANDUSE_181

Author: D. Blair/PC/2018







APPLICATION FORM

ZONING MAP AMENDMENT *For A Special Sign District*
BOONE COUNTY PLANNING COMMISSION

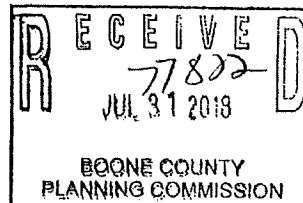
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project PRIMARY EYE CARE ASSOCIATES
2. Location of Project 1821 FLORENCE PIKE, STE 1 BURLINGTON, KY
3. Total Acreage of Site 2.04
4. Current Zoning of Site O-1/CD
5. Proposed Zoning (Classification being requested) _____
6. Proposed Uses (please specify each use) PROFESSIONAL BUILDING - ELECTRONIC MESSAGE CENTER ON EXISTING SIGN
7. Names of Applicant(s) DAVID M. BLAIR
Phone No. 859-462-3437 Fax No. 859-689-6232 E-Mail dblaird@gmail.com
8. Address of Applicant(s) _____
1821 FLORENCE PIKE, STE 1 BURLINGTON, KY 41005
City _____ State _____ Zip _____
9. Name of Property Owner(s) BLAIR PROFESSIONAL CENTER
Phone No. 859-462-3437 Fax No. _____ E-Mail dblaird@gmail.com
10. Address of Property Owner(s) _____
1821 FLORENCE PIKE, STE 1 BURLINGTON, KY 41005
City _____ State _____ Zip _____
11. Proposed Building Intensities (please specify) N/A
12. Are there any existing buildings on the site? YES
How many? 1
13. Deed Book 979 917 Page No. 486 Group No. 2025
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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



(over)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

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

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

19. ORIGINAL Property Owner's Signature David Blair
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
- ORIGINAL Applicant's Signature David Blair
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

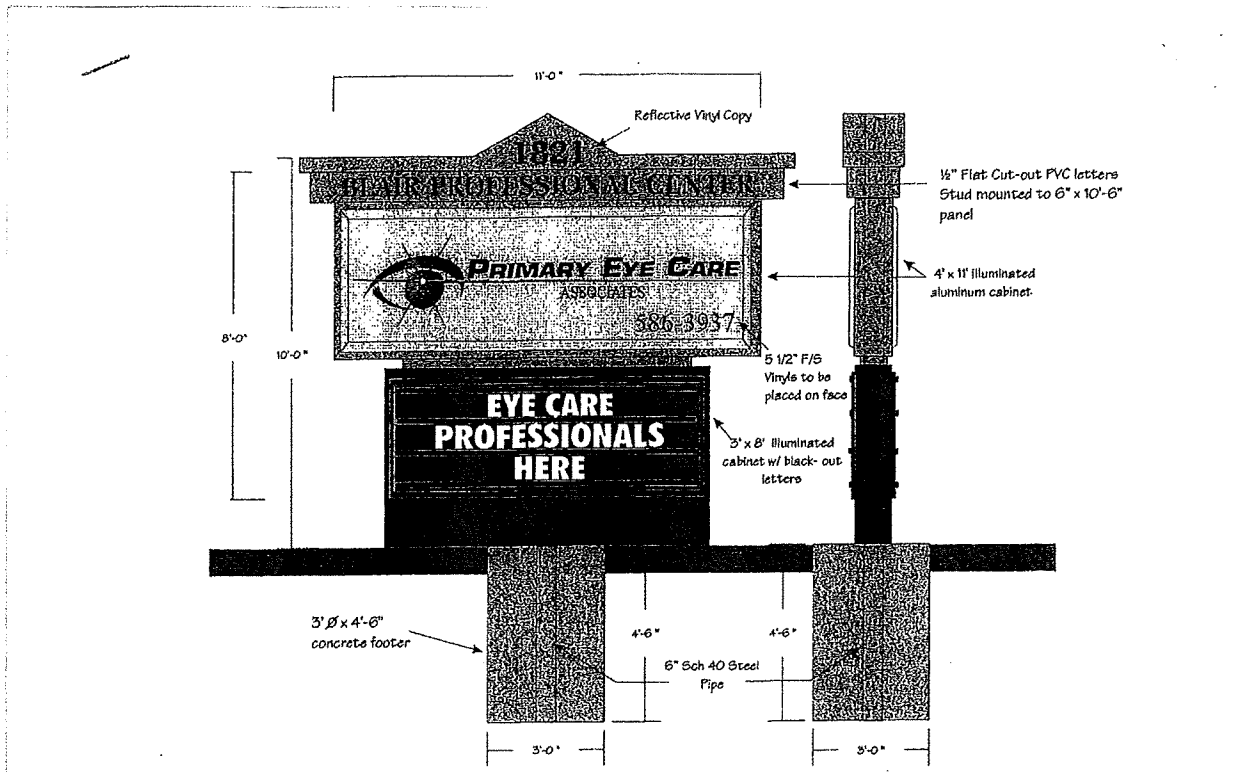
SECTION B (To be completed by BCPC Staff)


1. Date Received 7-31-18
2. Review Fee \$2,302.80 FH 77822
3. Check what has been submitted:
 Application
 Fee
 Legal Description
 Concept Development Plan
 Address of Adjoining Property Owners
 Number of Copies of Plan Received**
4. Date Application is Administratively Complete as Defined in KRS 100.211 _____
5. Staff Reviewer MIKE SCHWARTZ
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 Approval
 Approval with Conditions
 Denial _____ Resolution # _____
9. Other: _____

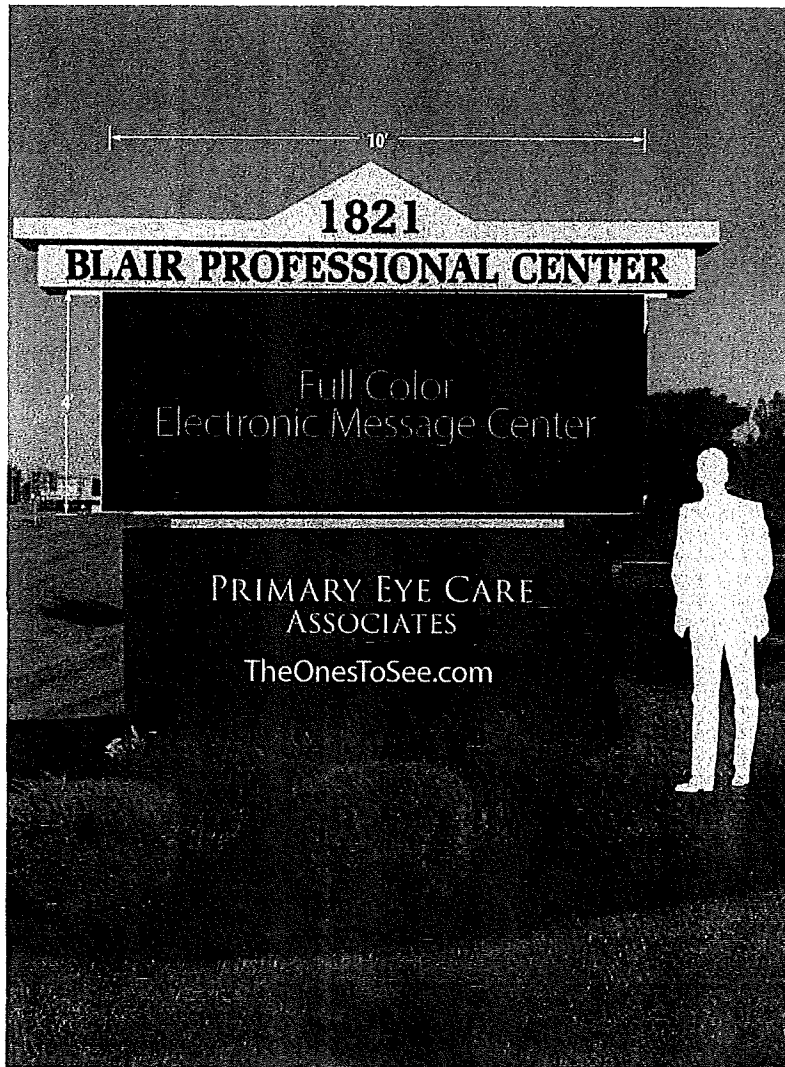
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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






File BLAIR-5-r-permits **Date** - 6/2/05 **©** 1999 **Approved By** _____ **Scale:** 3/8" = 1'
 THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC. **Sales Rep.** John Diersing **DESIGNED BY** WOODY FELLINGER



Scale: 3/8" = 1'-0"

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

DATE: September 19, 2018

RE: Request of **David M. Blair (applicant)** for **Blair Professional Center (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky. The request is for a Special Sign District in an Office One (O-1) District to allow an electronic message center on a monument sign.

REMARKS:

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

FINDINGS OF FACT:

1. The Committee has concluded that the proposed Concept Development Plan is in agreement with the Comprehensive Plan due to the following reasons:
 - A. The Future Land Use Map designates this site as "Commercial" which is described as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The proposal is to create a Special Sign District to allow an electronic message center on an existing monument sign.
2. The Committee has concluded that the provisions stated in the Special Sign District, coupled with the agreed conditions, fulfill the applicable requirements of Article 3 of the Boone County Zoning Regulations.
3. The Committee concluded that with the conditions agreed upon by the Property Owner, the proposed sign will be more than adequate to identify the property and will not be distracting to motorists.
4. The Committee has concluded that the proposal is in agreement with the following 2017 Boone County Comprehensive Plan's Goals and Objectives:
 - A. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Goal A, Objective 4)
 - B. Boone County shall evaluate and promote business and economic sectors of the future and explore ways to encourage existing industry to be competitive in a regional and global economy (Economy, Goal A, Objective3).
 - C. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy, Goal B, Objective 3).

- D. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation, Goal A, Objective 1).
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 Article 3 "Amendment" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS:

1. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.
2. 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.
3. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
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6. Full color and monochrome message boards shall meet the following pixel pitch requirements:

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

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

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

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 Development Plan

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT
David M. Blair for Blair Professional Center - Special Sign District
September 19, 2018

Committee Vote.

Blair/Blair Professional Center

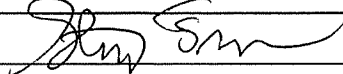
September 19, 2018

Greg Breetz

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ____

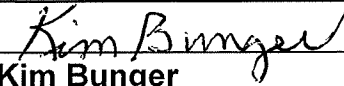


Steve Turner, Chairman

For Project Absent ____

Against Project ____

Abstain ____ Deferred ____



Kim Bunger

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ____

Randy Bessler (Alternate)

For Project ____ Absent ____

Against Project ____

Janet Kegley

For Project ____ Absent ____

Against Project ____

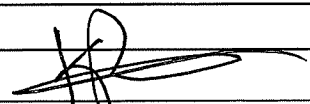
Abstain ____ Deferred ____

Lisa Heilman, (Alternate)

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ____



Kim Patton

For Project Absent ____

Against Project ____

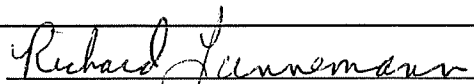
Abstain ____ Deferred ____

Mark Hicks (Alternate)

For Project ____ Absent ____

Against Project ____

Abstain ____ Deferred ____



Richard Lunnemann (Alternate)

For Project Absent ____

Against Project ____

Abstain ____ Deferred ____

TOTAL: ____ DEFERRED ____ FOR PROJECT ____ ABSENT

 ____ AGAINST PROJECT ____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Steve Turner, Chairman

DATE: September 19, 2018

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Steve Turner, Chairman, Michael Schwartz, Staff

1. Request of David M. Blair (applicant) for Blair Professional Center (owner) for a Zoning Map Amendment for a Special Sign District for a 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky. The request is for a Special Sign District in a Office One (O-1) District to allow an electronic message center on a monument sign.

REMARKS:

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARINGS
SEPTEMBER 5, 2018
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Robert Jonas, AICP, Director, Planning Services
Mr. Michael Schwartz

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

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Michael Schwartz, Staff

1. Request of **David M. Blair (applicant)** for **Blair Professional Center (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky. The request is for a Special Sign District in a Office One (O-1) District to allow an electronic message center on a monument sign.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is 2 acres in size. It is located on the north side of Burlington Pike and the south side of Florence Pike at Taylor Drive. In 2001, there was a Zoning Map Amendment request which changed the zoning of the site from C-3 to O-1 as well as the approval of a Site Plan. In 2002, a sign permit was approved for the existing monument sign. In 2016, a Conditional Use Permit was approved for an electronic message center at Florence Baptist Temple (1898 Florence Pike). He showed an aerial photograph of the site. The site is relatively flat with the exception of the western portion with the location of a detention area. The site is currently zoned Office One (O-1). Mr. Schwartz identified the adjoining zoning and land uses. The 2035 Future Land Use Map identifies the site as Commercial (C). He showed a photograph of the existing sign which is 8 feet tall and 88 square feet of sign area with fixed advertising on both sides of the sign. The middle cabinet is 44 square feet in area and the lower portion of the sign is 24 square feet in size. The lower portion of the sign is proposed to be changed from manual changeable letters to a permanently lit cabinet. The middle area is proposed to be reduced to 40 square feet for the electronic message center and the top part of the sign will remain the same. Mr. Schwartz showed drawings of the proposed sign. He also showed photographs of the site and adjoining properties. The location of the sign is approximately 50 feet from the edge of pavement of KY 18 and approximately 190 feet from the edge of pavement of Taylor Drive. It is important to note that the front of the existing building is oriented towards Burlington Pike (KY 18), whereas the rear of the building is oriented towards Florence Pike. Mr. Schwartz showed a drawing depicting all of the existing electronic message centers along Burlington Pike. He referenced the location of these types of signs at the library, Florence Baptist Temple and at area gas stations.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Dr. David Blair, applicant, stated that he is modifying the existing sign by actually reducing the sign area from 4' x 11' to 4' x 10'. He is not changing the height of the sign but just the square footage - slightly less. He would like to add a digital message center.

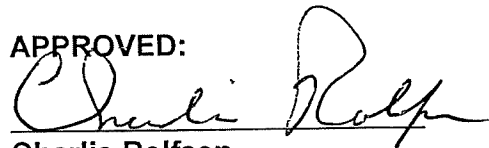
At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. John Salisbury, 1746 Coachtrail Drive, asked what was the brightness level? Does it automatically dim? Can it do damage to someone who walks up to it like a child? How will they handle vandalism?

Mr. Rob Price, sign contractor, responded that the sign is no different than what is there now. It operates just like the library sign and the Walgreen's sign. These signs are physically lower and are LED. It has a dimming sensor for darkness and lightness. Dr. Blair stated that if vandalism occurred, it would be covered by insurance.

Chairman Rolfsen asked if any Board Members had any questions or comments?

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on September 19, 2018 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on October 3, 2018 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:40 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION

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

September 20, 2018

Dr. David M. Blair
Primary Eye Care Associates
1821 Florence Pike
Suite 1
Burlington, Kentucky 41005

RE: Recommended Conditions of Approval for David M. Blair (applicant) for Blair Professional Center (owner) for a Zoning Map Amendment Application for a Special Sign District for a 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky. The request is for a Special Sign District in an Office One (O-1) District to allow an electronic message center on a monument sign.

Dear Mr. Vesper

The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their September 19, 2018 meeting. If you, as the authorized representative of the property owner agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, September 28, 2018.

CONDITIONS

1. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.
2. 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.
3. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
4. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

David M. Blair for Blair Professional Center - Special Sign District
September 20, 2018

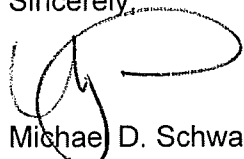
- 5. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.
- 6. Full color and monochrome message boards shall meet the following pixel pitch requirements:

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

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

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

Sincerely,



Michael D. Schwartz
Planner

MDS/ss

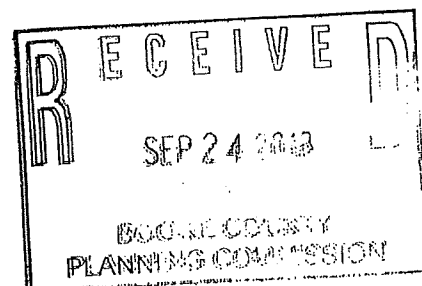
AGREEMENT

I, the authorized representative of the property owner of the 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment for a Special Sign District application.



David M. Blair, Authorized Representative for Blair Professional Center

9-24-18
Date



DEED OF CONVEYANCE

THIS DEED, between BLAIR PROFESSIONAL CENTER, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, 1821 Florence Pike, Burlington, Kentucky 41005: party of the first part (in whose care the state and county tax bill for this calendar year may be sent); and the COMMONWEALTH OF KENTUCKY, for the use and benefit of the TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, Frankfort, Kentucky 40622, party of the second part;

WITNESSETH: That the said party of the first part, in consideration of One Hundred Fifty Seven Thousand Dollars (\$157,000.00) cash in hand paid, the receipt of which is hereby acknowledged, have bargained and sold and do hereby sell, grant and convey to the party of the second part, its successors and assigns forever, the following described property and property rights:

GROUP NO.: 2031
PIDN: 049-00-00-049.01

PARCEL NO. 389 TRACT A

Being a tract of land located in Boone County, Kentucky along KY 18 (Burlington Pike) approximately 135 feet north of the intersection of KY 18 and McGrath Lane, and more particularly described as follows:

Beginning at a point in the North existing and proposed right of way line of KY 18, said point being 28.00 feet left of McGrath Lane Extension Station 41+34.69, said point also being in the West proposed right of way line of McGrath Lane Extension; thence with said proposed right of way line North 12 degrees 08 minutes 09 seconds East, 147.10 feet to a point 28.00 feet left of McGrath Lane Extension Station 42+81.78; thence along an arc 41.58 feet to the left, having a radius of 25.00 feet, the chord of which is North 35 degrees 30 minutes 48 seconds West, 36.95 feet, to a point 55.31 feet left of McGrath Lane Extension Station 43+06.68, said point being in the South existing right of way line of KY 1783 (Florence Pike); thence with said existing right of way line South 83 degrees 09 minutes 45 seconds East, 106.45 feet, crossing the centerline of McGrath Lane Extension at Station 43+11.81, to a point 50.69 feet right of McGrath Lane Extension Station 43+16.51, said point being in the East proposed right of way line of McGrath Lane Extension; thence with said proposed right of way line along an arc 36.96 feet to the left, having a radius of 25.00 feet, the chord of which is South 54 degrees 29 minutes 12 seconds West, 33.68 feet, to a point 28.00 feet right of McGrath Lane Extension Station 42+91.61; thence South 12 degrees 08 minutes 09 seconds West, 151.93 feet to a point 28.00 feet right of McGrath Lane Extension Station 41+39.68, said point being in the North existing and proposed right of way line of KY 18; thence with said existing and proposed right of way line North 82 degrees 57 minutes 41 seconds West, 56.22 feet, crossing the centerline of McGrath Lane Extension at Station 41+37.18, to the point of beginning.

The above described parcel contains 0.231 acre (10,052 square feet).

6
BM

RETURN TO: *[Handwritten Signature]*

CORRECTION

DEED

KNOW ALL MEN BY THESE PRESENTS:

That the Grantors, Charlene F. Combs and Robert Ray Combs, wife and husband, by Charlene F. Combs, his attorney in fact, for and in consideration of One (\$1.00) Dollar and other good and valuable consideration, to Grantors paid by the Grantee herein the receipt whereof is hereby acknowledged, do hereby BARGAIN, SELL AND CONVEY to Grantee, Blair Professional Center, LLC, its successors and/or assigns forever, the following described real estate to wit:

Property address: 1821 Florence Pike, Burlington, Kentucky 41005

Grantors'/Grantee's mailing address: 904 Willowdale Drive, Villa Hills, Kentucky 41017

Group No: 2031 - Boone County

For legal description see attached Exhibit "A"

BACK REFERENCE: Being the same property (parcel 1) conveyed to the grantor by deed dated October 24, 1994 and recorded in Deed Book 569, page 142 of the Boone County Clerk's records at Burlington, Kentucky. Also, being the same property conveyed to Blair Professional Center, LLC by deed from Charlene F. Combs dated May 3, 2001 and recorded May 7, 2001 recorded in Deed Book 803, page 59. Inadvertently the grantor in Deed Book 803, page 59 was recited as being a single person, when in fact she is married to Robert Ray Combs. The purpose of

RETURN TO:

NO TITLE EXAMINATION
Bertelsman, Kaufmann, Seidenfaden & Kolenta
ATTORNEYS AT LAW
122 N. FT. THOMAS AVENUE
FT. THOMAS, KENTUCKY 41076-1557

BOONE COUNTY
D917 PG 486

this deed is to correct that error.

The Power of Attorney from Robert Ray Combs to Charlene F. Combs is recorded this same day herewith.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to Grantee, Blair Professional Center, LLC, its successors and/or assigns forever, with COVENANTS OF GENERAL WARRANTY.

Grantors and Grantees certify, under oath, that the consideration reflected in this deed is the full consideration for the property, and Grantees execute this deed for the sole purpose of making this certificate about the consideration.

IN WITNESS WHEREOF, the said Charlene F. Combs, and Robert Ray Combs by Charlene F. Combs, his attorney in fact, and Charlene Combs as Authorized Member of Blair Professional Center, LLC, hereunto set their hands this 14th day of June, 2006.

NO CASH CONSIDERATION PASSING
TAX EXEMPT PURSUANT TO
K.R.S. 142.050(7)(d) - CORRECTION DEED
FAIR CASH VALUE \$375,000.00

GRANTORS

GRANTEES

Charlene F. Combs
Charlene F. Combs

Blair Professional Center, LLC

Robert Ray Combs by
Robert Ray Combs by

Charlene Combs, Authorized Member
Charlene Combs, Authorized Member

Charlene F. Combs, his attorney in fact
Charlene F. Combs, his attorney in fact

STATE OF KENTUCKY
COUNTY OF CAMPBELL

The foregoing deed and consideration certificate was acknowledged, subscribed to and sworn to before me, by Charlene F. Combs, and Charlene F. Combs as attorney in fact on behalf of Robert Ray Combs; and the foregoing consideration certificate was acknowledged, subscribed to and sworn to before me, by Charlene Combs, Authorized Member of Blair Professional Center, LLC, this 14th day of June, 2006.

Jan Seiderfaden
Notary Public, State-at-Large

My Commission Expires:
05/23/09

I HEREBY CERTIFY THAT THIS INSTRUMENT
HAS BEEN DRAFTED BY:

George Kolentse

GEORGE KOLENTSE
BEKTELSMAN, KAUFMAN, SEIDENFADEN & KOLENTSE
122 N. FT. THOMAS AVENUE
FT. THOMAS, KENTUCKY 41075-1557

BOONE COUNTY
D917 PG 487

Exhibit "A"

Address: 1821 Florence Pike
Burlington, Kentucky 41005

Group No. 2031 - Boone County

Located generally in Boone County, Group No. 2031, on the north side of Kentucky Highway No. 18 as revised and relocated, about 0.2 miles east of Camp Ernst Road and described thus; BEGINNING at a pk nail, the northwest corner of the Stith parent tract of 75 acres, in the centerline of Old Kentucky Highway No. 18; thence with said centerline, S. 83 degrees 26' 15" E. 404.20 feet to a spike; S. 76 degrees 16' 35" E. 216.28 feet to a spike, S. 65 degrees 7' 55" E. 213.76 feet to a spike therein; thence with right-of-way lines of Kentucky Highway No. 18 as relocated and its approaches, S. 26-53 W. 20.0 feet to a rebar, S. 48 degrees 37' 50" E. 190.86 feet to a rebar and S. 45 degrees 40' 15" W. 55.64 feet to a point in the north right-of-way line of Kentucky Highway No. 18 as relocated and revised at a concrete monument; thence with said line of Kentucky Highway No. 18 as revised and relocated, N. 78-47 W. 100.8 feet to a point at a concrete monument N. 74-27 W. 119.32 feet to a point at a concrete monument, N. 52-11 W. 91.07 feet to a point at a concrete monument, N. 84-29 W. 199.87 feet to a point at a concrete monument, N. 83-13 W. 451.27 feet to a point at a concrete monument in the common line of the properties of Grubbs and Linnemann and the Adrienne Stith Estate; thence therewith, N. 9 degrees 47' 25" E. 193.13 feet to the place of beginning containing 3.7836 acres to the north property line in the centerline of Old Kentucky Highway No. 18 and subject to legal highways and legal easements of record and in existence.

Also granted with the above described parcel is the right of access to revised Kentucky Highway No. 18 as granted by official order of the Highway Department #81394. Said parcel is subject to a right-of-way easement granted to the Mid Valley Pipeline Company in Deed Book 93, page 125, the apparent width of which is 33 feet.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., March 15, 1990, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

F:\Lynda.Tucker\DEEDS\BLAIR.PROFESSIONAL.DEED.wpd

BOONE COUNTY
D917 PG 488

DOCUMENT NO: 359267
RECORDED ON: JUNE 15, 2006 01:25:53PM
TOTAL FEES: \$9.00
GROUP : 2031
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: CINDY B
BOOK 0917 PAGES 486 - 488

ORDINANCE NO. 2018 - 17

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, THE REQUEST OF DAVID M. BLAIR (APPLICANT) FOR BLAIR PROFESSIONAL CENTER (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 2.04 ACRE SITE LOCATED AT 1821 FLORENCE PIKE, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN AN OFFICE ONE (O-1) DISTRICT TO ALLOW AN ELECTRONIC MESSAGE CENTER ON A MONUMENT SIGN.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Office One (O-1) for a 2.04 acre site located at 1821 Florence 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:

SECTION ONE

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 Office One (O-1) District for a 2.04 acre site located at 1821 Florence Pike, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Office One (O-1) District is more particularly described in DEED BOOK 917, PAGE NO. 486 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION TWO

That as a basis for this approval, with conditions, for a Zoning Map Amendment request are the Findings of Fact and Conditions of the Boone County Planning Commission as set forth in its Minutes and official records for this request 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 Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."


SECTION THREE

This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

First Reading the 13th day of November, 2018.

Second Reading the 4th day of December, 2018.

ADOPTED THIS 4th DAY OF December, 2018. Yes 4 No 0

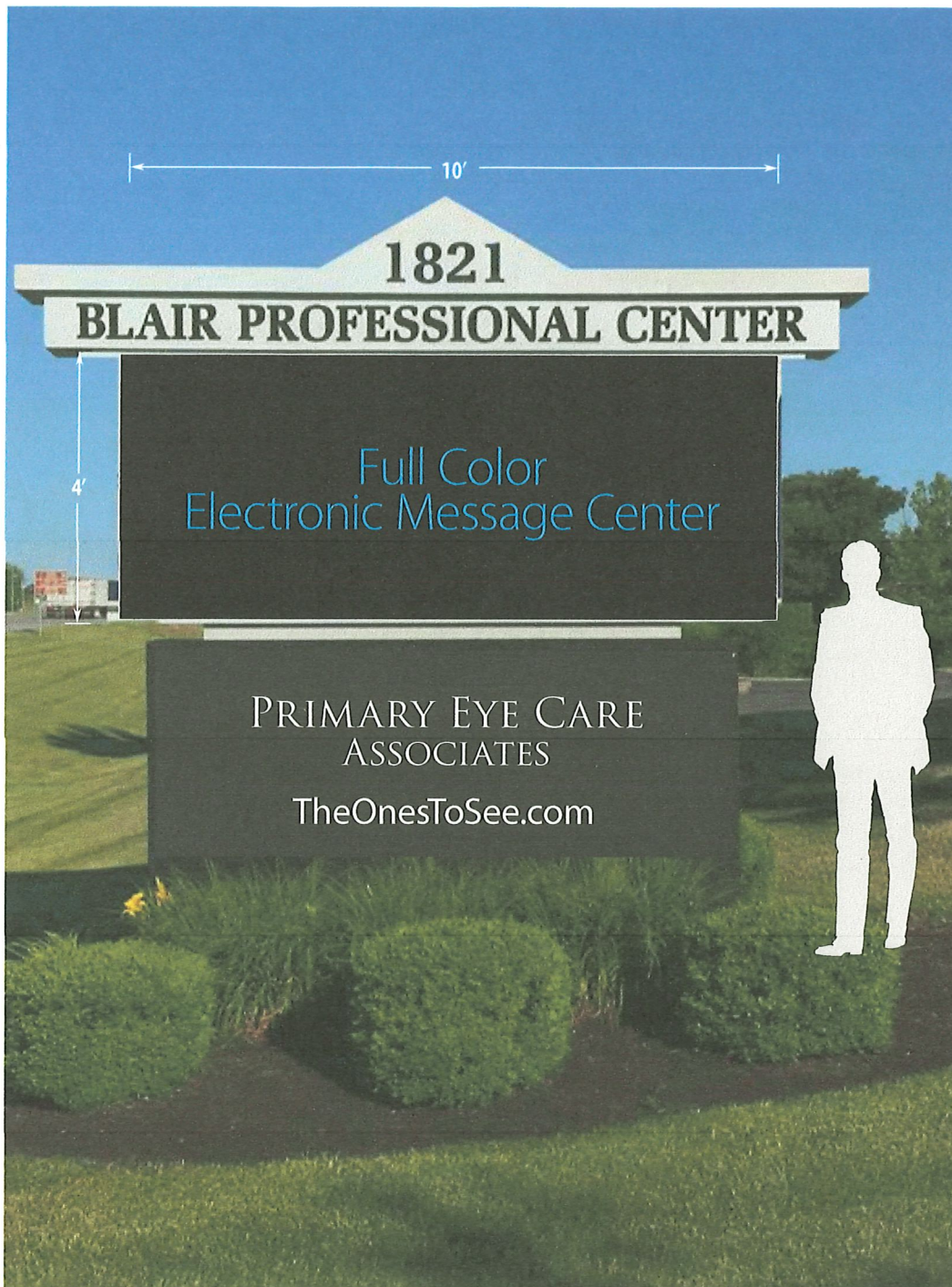


GARY W. MOORE, JUDGE/EXECUTIVE
BOONE COUNTY FISCAL COURT

ATTEST:



Sharon Burcham
Fiscal Court Clerk



Scale: 3/8" = 1'-0"

ZMA-SPECIAL SIGN DISTRICT
APPROVED w/conditions

Staff M. Schwartz

Date 10/3/18

Boone County
Planning Commission

1821

BLAIR PROFESSIONAL CENTER



PRIMARY EYE CARE

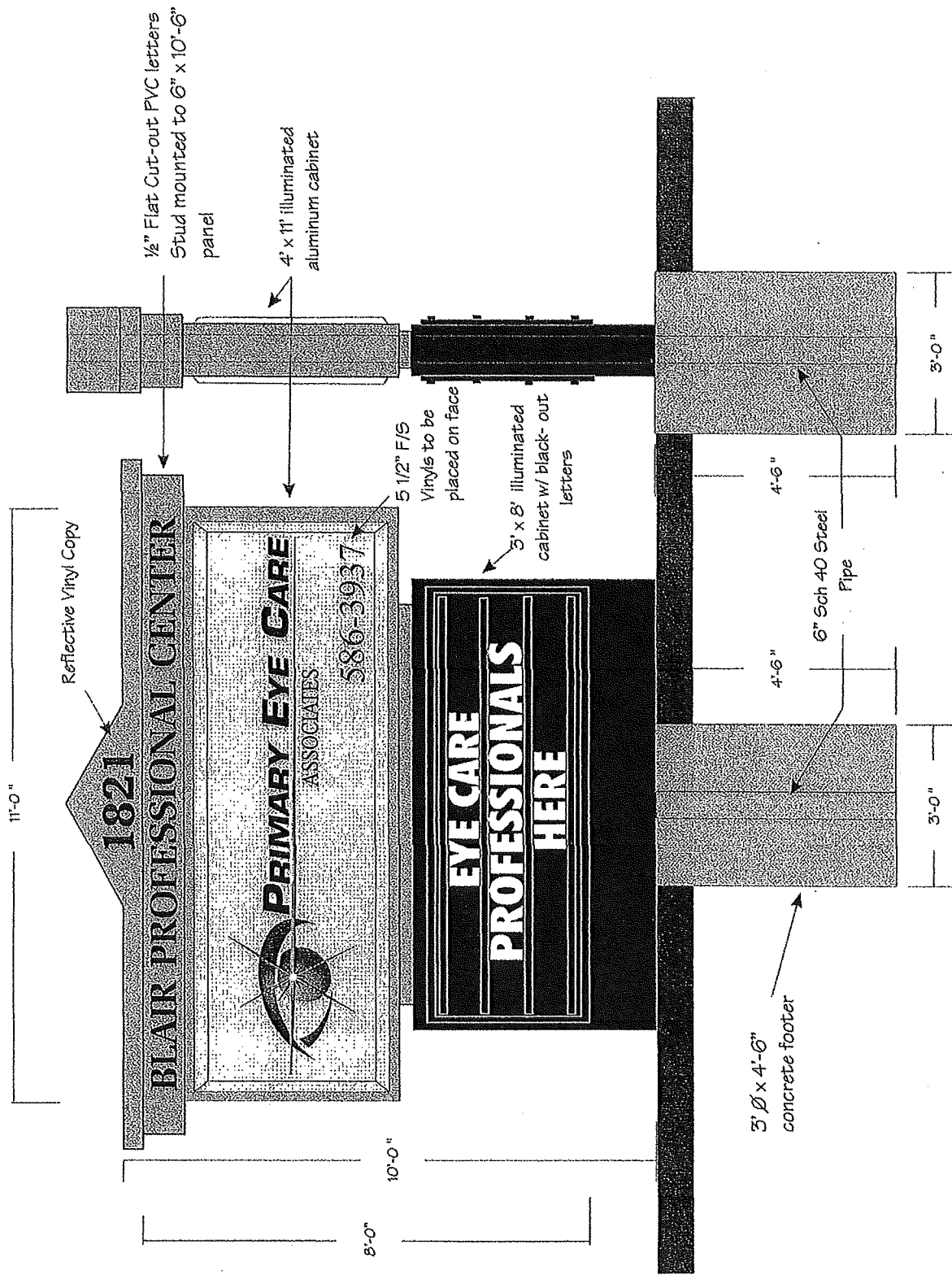
ASSOCIATES

TheOnesToSee.com

586-EYES

SCHEDULE ONLINE
NOW AT
THEONESTOSEE.COM

Existing



Existing

Scale: 3/8"=1'

Approved By _____
 Sales Rep. John Diersing

File BLAIR-5-t-permits Date 6/3/05 © 1999

THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.



DESIGNED BY
WOODY FELLINGER