

APPLICATION FORM

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

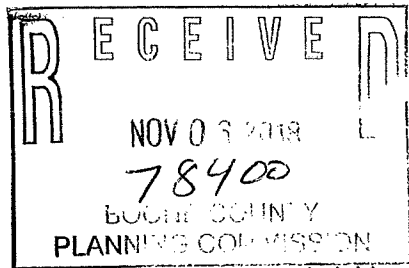
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Burlington Centre
2. Location of Project 5555 North Bend Rd.
3. Total Acreage of Site 3.0106
4. Current Zoning of Site C-2/CO
5. Proposed Zoning (Classification being requested) site sign plan
6. Proposed Uses (please specify each use) multi tenant office including Burlington Health care (i) illum pylon sign 105.60 SF with EMC
7. Names of Applicant(s) Tommy Reed / Atlantic Sign Company
Phone No. 513-241-6775 Fax No. 513-241-5060 E-Mail treedeatlanticsigncompany.com
8. Address of Applicant(s) 2326 Florence Ave
Cincinnati OH 45206
City State Zip
9. Name of Property Owner(s) Muellers Properties LLC
Phone No. _____ Fax No. _____ E-Mail _____
10. Address of Property Owner(s) 5555 N Bend Rd.
Burlington KY 41005
City State Zip
11. Proposed Building Intensities (please specify) (i) illum pylon sign 105.60 SF with EMC special sign plan
12. Are there any existing buildings on the site? YES
How many? 1
13. Deed Book 666 Page No. 754 Group No. 2025
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? _____
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)



EXHIBIT

“A”

STAFF REPORT

Request of **Tommy Reed/Atlantic Sign Company (applicant)** for **Muellers Properties LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 3.0106 acre site located at 5555 North Bend Road, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Two (C-2) zone to allow a pylon sign with an electronic message center.

December 5, 2018

REQUEST

The applicant has submitted a Zoning Map Amendment for a Special Sign District request to allow a 17'-5" tall, 105.6 square foot architectural freestanding sign, with an electronic message center, to be constructed on the Burlington Health Care property. The proposed sign contains a 59.35 square foot (77" x 111") electronic message center cabinet and four (4) fixed copy tenant cabinets that are 30" x 55½" (11.56 square feet) each. The submitted drawings show the existing 10' tall, 97.77 square foot monument sign will be removed and the new sign will be constructed in the same general location behind the right-of-way line.

APPLICABLE SIGN REGULATIONS

Section 3400 of the Boone County Zoning Regulations states 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, the 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, the 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 (4) of the Zoning Regulations allows mixed use commercial developments to have a density of one (1) on premise architectural freestanding sign in the C-2 zone for the purpose of identifying the name of the development, its major tenant(s), and its major access point. The sign can be up to 30' tall and 200 square feet in area (based on the road frontage of the subject parcel).

In addition, any parcel or outlot which is accessible from the mixed use commercial development (except for the lot where the above referenced architectural freestanding sign is located) shall be permitted a density of one (1) on-premise monument sign for the purpose of identifying the tenant(s) on the lot. The individual outlot monument sign shall not exceed one hundred (100) square feet in area and ten (10) feet in height.

Section 3430 of the Zoning Regulations lists electronic message boards and electronic display screens as Conditional Uses in C-2 zoning districts in Unincorporated Boone County. Such message signs must conform to Article 2, Sections 260-267 of this order, and further shall be subject to the following minimum standards and requirements:

- (1). The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required in Section 3405 of this Article;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and
 - c. A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.

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

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.

SITE HISTORY

In 1991, a Zoning Map Amendment from Suburban Residential Two (SR-2) to Commercial Two (C-2) and a Conditional Use Permit were conditionally approved to allow a landscape nursery on a 6.69 acre site. The Burlington Health Care facility is now located on the southern 3.0106 acres of this site.

In 2003, a Change in Approved Concept Development Plan was conditionally approved allowing a pharmacy and associated retail sales on subject 3.0106 acre site. One of the conditions limited the use of the property to a retail pharmacy, with no drive through, and the sales of medical equipment. Another condition stated that "any illumination for the permitted monument style sign shall be external only."

In 2014, a Change in Approved Concept Development Plan application was conditionally approved allowing the building to be converted into four separate tenant spaces and condition #5 from the 2003 Zone Change approval to be voided. This condition required external illumination for any proposed freestanding sign. With the request, the applicant submitted a sign concept showing what a future freestanding sign on the property could look like. The 4/2/14 Staff Report mentions the sign concept and what would need to be done to permit the sign. The sign concept was not approved as part of the application.

SITE CHARACTERISTICS

The 3.0106 acre site has approximately 360 feet of frontage along KY 237. The site is developed with a 18,500 square foot retail health care sales building and has parking or other vehicular areas on all four sides. The site shares an access point on KY 237 with landscape supply businesses to the north. The site has a 10' tall and 97.78 square foot monument style sign along the KY 237 frontage. Wood cover exists along the south and west property lines.

ADJACENT LAND USES AND ZONING

North: Rightway Garden Center and Ohio Mulch Landscape Supply (C-2)

South: Stephens Elementary School (PF)

East: North Bend Road, Tall Trees Condominiums, and Meadowood Greene Condominiums (SR-2/PD)

West: Boone County School District Bus Lot (PF)

RELATIONSHIP TO COMPREHENSIVE PLAN

The Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for Commercial (C) uses. This future land use classification is defined as "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, 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, Objective 3).
- C. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal B).
- D. 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).

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).
2. The applicant could have sought a Conditional Use Permit from the Boone County Board of Adjustment if the proposed sign met all the standards listed in Section 3430 of the Boone County Zoning Regulations.

The proposed sign does not meet the following Conditional Use Permit standard:

- 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.

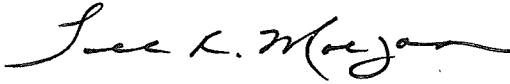
The sign drawing indicates that the viewable area of the electronic message board is 54 square feet in area (6' x 9'). The display screen comprises 51.1% of the overall sign area (54/105.6).

- 3. Staff sent the applicant's team a list of questions regarding the proposed sign on November 21, 2018 and a written response was provided on November 27, 2018 (see attachments).
- 4. Staff has the following concerns regarding the electronic message board:
 - A. It's proximity to two condominium developments located across KY 237.
 - B. That motorists could be distracted if too much information is presented.
- 5. Staff recommends the following conditions if the application is approved:
 - A. The overall sign shall be constructed as presented.
 - B. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).
 - C. No message shall contain more than one still photo and/or three 3 lines of text.
 - D. All messages displayed on the electronic message center shall be displayed for a minimum of seven (7) seconds.
 - E. The electronic message center shall have a 19 millimeter pixel pitch or better resolution.
 - F. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.
 - G. All alphanumeric portions of the message shall be displayed on a black background.
 - H. The property owner shall work with Planning Commission Staff to resolve any lighting (brightness/glare) issues that are caused by the subject sign on KY 237 or adjoining properties.
 - I. The sign shall not be used to advertise off premise businesses.

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 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

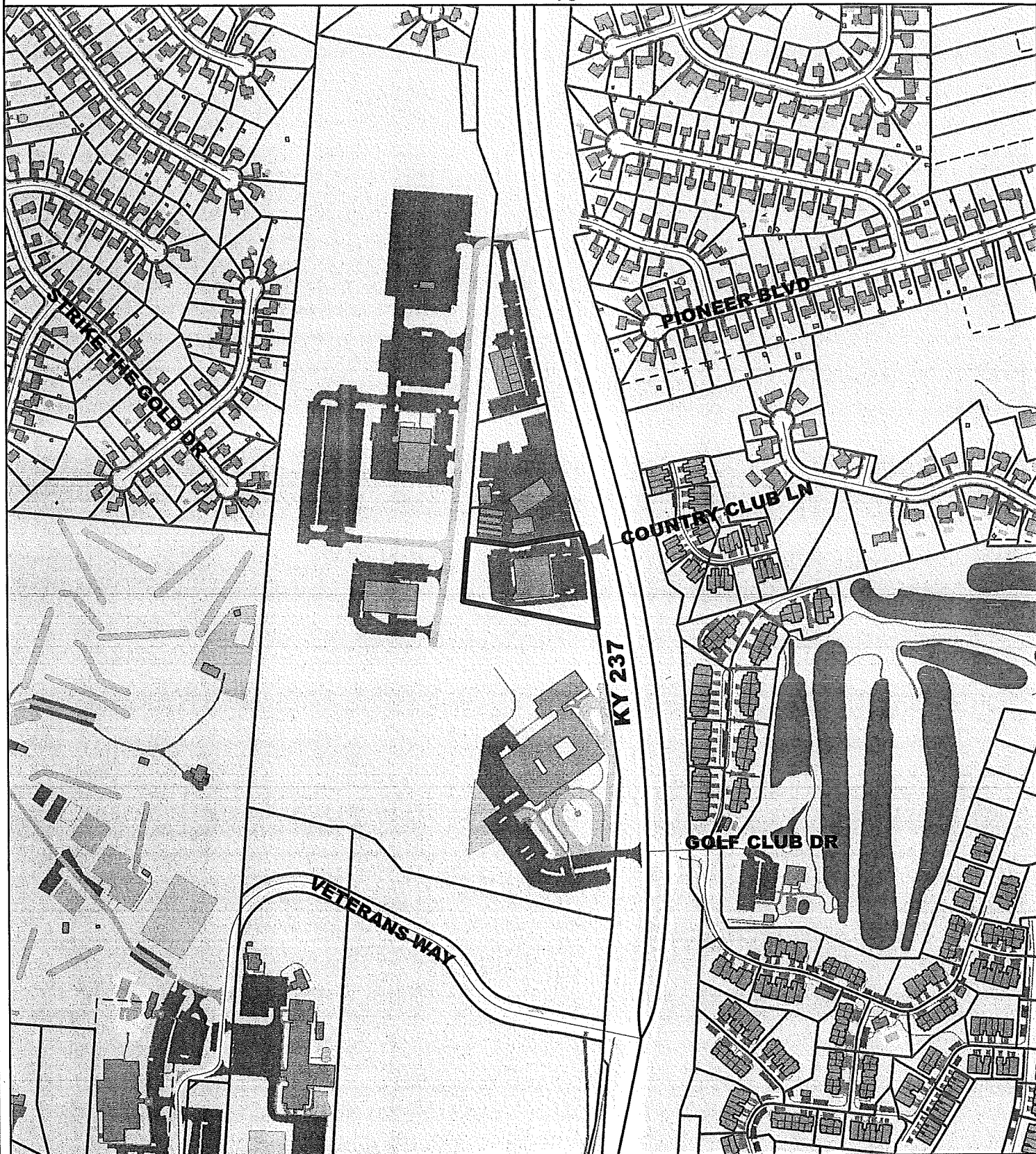
TKM/ss

Attachments:

- *Site Vicinity Map
- *Cover Letter From Mike Cassidy
- *Photo Showing Existing and Proposed Sign Location
- *Proposed Sign Specifications
- *11/21/18 Email to Applicant and 11/27/18 Reply from Mike Cassidy
- *Zoning Map
- *2035 Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *2014 Committee Report and Sign Concept
- *Application

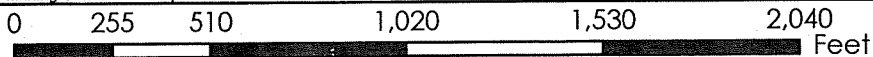
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created: 07/01/2013

Small text at the bottom right corner: Data Points & Symbols from 3/23/13
ArcMap Document: BooneMap (Site).mxd



November 27, 2018 (REV)

Members of the Commission
Boone County Planning Commission
2957 Washington St.
Burlington, KY 41005

Re: Burlington Centre Signage
5555 N. Bend Rd.
Burlington, KY

Members of the Commission;

In 2014, Steve Mueller, owner of Burlington Pharmacy and the Property on which the business is located, came before the Commission and was approved for a Change in an Approved Concept Development Plan which did address a new freestanding sign.

Burlington Pharmacy, like many other "ma and pa" type retail operations and many other Pharmacies, was not only not able to sustain but simply survive. Consequently, Steve Mueller was forced to close Burlington Pharmacy and was left with a substantial vacant building.

Over the last 3-4 years, Steve has tried to market the location to other retailers but with little to no success. Location, location, location, and exposure to the market have been the ongoing issues that this location has been unable to overcome. Most of the inquiries have had a common concern with identifying and advertising the location. The question has simply been "what type of sign can I have on the street?". The position of the building does not lend itself to effective building signage, and therefore, the street sign has become the sole and most effective means of advertising.

Due to the Zoning Regulations of this property, we are before the Commission seeking a Special Sign District so that cost effective and improved marketing of the site can be established. The proposed signage incorporates the most cost effective means of advertising available to any retailer, and that is the Electronic Message Board (EMB). The EMB has gained its foothold in the advertising industry through its sheer cost effectiveness per capita.

The design that has been presented addresses the major concerns of potential retail lessors, that is, Identification and Advertising of the location and the products and services available. It is the number one concern of all potential tenants.

It is with this Special Sign District as a means of addressing the concerns of these retailers that we appeal to the Commissions ability to find favor in our request.

Respectfully submitted,

Mike Cassedy



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206
(513) 241-6775
Fax (513) 241-9060

FILE NAME

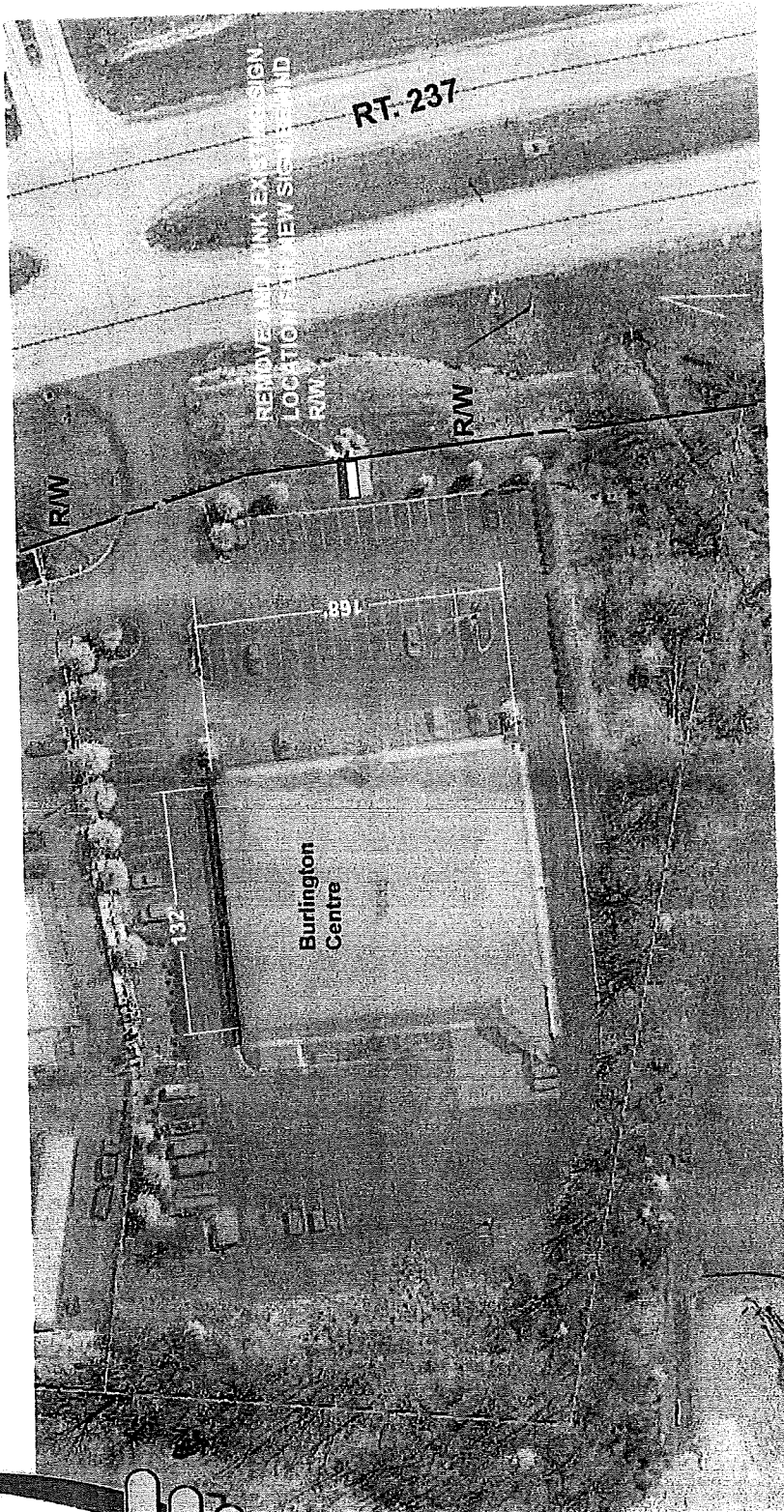
CLIENT

LOCATION

COUNTY

DATE

Not to be used for any other project without the written consent of Atlantic Sign Company.



DRAWING 1800

APPROVED



Atlantic Sign Company

2328 Florence Avenue
Cincinnati, OH 45206
(513) 241-6775
Fax (513) 241-5060

FILE NAME
#1814 FREESTANDING SIGN

CUSTOMER
BURLINGTON CENTER

CITY
BURLINGTON

STATE
BURLINGTON KENTUCKY

DRAWN BY
RLH

DATE
7-8-2018

PAGE
3 OF 3

SHEET NO.
79



#1814 FREESTANDING SIGN

1 NEW D/E PYLON SIGN WITH TENANT PANELS & EMD SCALE 3/8" = 1'-0"
2 ONE NEW D/F INTERNALLY ILLUMINATED SIGN WITH TENANT PANELS AND EMD

EMD : 6' x 9' 19MM WATCHFIRE EMD

CABINET : 2' x 2' x .25" ALUM. ANGLE FRAME, SADDLES AND STEEL SADDLE PLATES. FRAME TO HAVE 2' x 2' x .25" ALUM ANGLE STRINGERS FOR EMD ATTACHMENT. (TECH DRAWING FOR EMD IN FOLDER)

SKIN : .125" ALUM. SKIN

DIVIDER BARS : EXTRUDED ALUM. WITH 1 1/2" FACES.

RETAINER : .080" BRAKE FORMED ALUM. RETAINERS.

FACES : .177" WHITE POLYCARB WITH 1ST SURFACE TENANT GRPAPHICS

ILLUMINATION : USE WHITE LEDS & POWER SUPPLIES AS REQUIRED FOR PROPER ILLUMINATION.

PAINT : COLOR TO BE DETERMINED

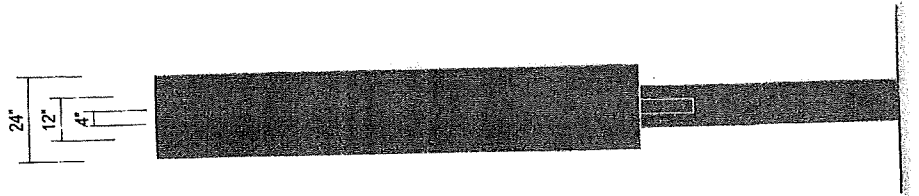
POLE COVER,

FRAME : 1 1/2" x 1 1/2" x .125" ALUM ANGLE FRAME WITH REMOVABLE ENDS

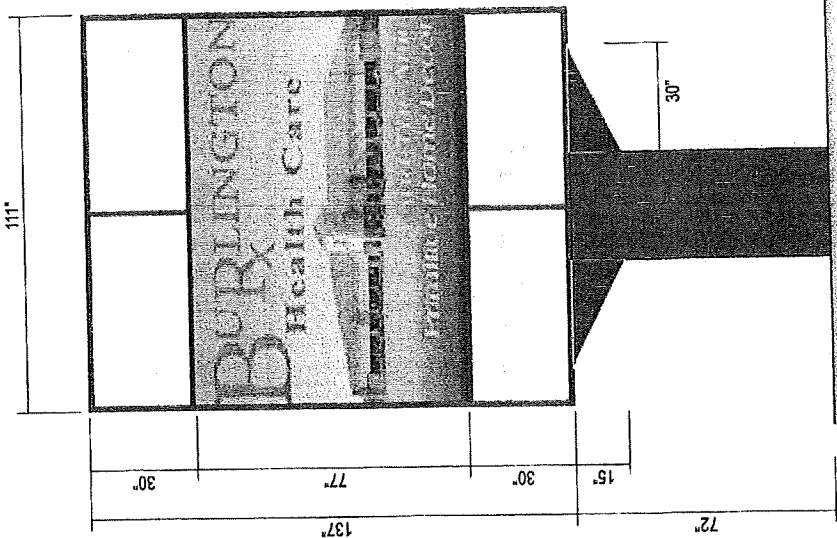
SKIN : .080" ALUM

WINGS : 4" x 1" LEGS x .125" ALUM CHANNEL

SKIN : .080" ALUM.



END VIEW



FRONT VIEW

APPROVED

Todd Morgan

From: Mike Cassedy <mikec@p-rs1.com>
Sent: Tuesday, November 27, 2018 2:45 PM
To: Todd Morgan; 'Tommy Reed'
Cc: 'William Yusko'; 'Paul McDonald'
Subject: RE: Burlington Centre - Special Sign District Application
Attachments: Letter to Planning Commission, Burlington Centre, REV Nov. 27.doc

Todd,

Assuming the building maintains its status of the "multi-tenant building only", I believe we can address the concerns prior to the meeting and at the meeting itself.

I have revised my letter and think it is more accurate.

I have also addressed the concerns in your email below in **BLUE**.

Thanx,

Mike

Preferred Resources, LLC
5769 Vice Ln.
Burlington, KY 41005

(859) 466-2894

From: Tommy Reed [mailto:treed@atlanticsigncompany.com]
Sent: Tuesday, November 27, 2018 11:02 AM
To: mikec@p-rs1.com; Mike Cassedy
Cc: William Yusko; Paul McDonald
Subject: RE: Burlington Centre - Special Sign District Application

Mike,

Please see below. Todd Morgan has to turn in his staff recommendation by Friday. It would probably benefit us to have these questions answered prior to him doing so, in case you wanted to revise anything before the hearing.

Thanks,

Tommy Reed
Permit Manager
Atlantic Sign Company
O: (513) 241-6775
F: (513) 241-5060

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Wednesday, November 21, 2018 10:59 AM

To: Tommy Reed <treed@atlanticsigncompany.com>; mikec@p-rs1.com

Subject: Burlington Centre - Special Sign District Application

Tommy and Mike,

I have several things I would like to point out or have you address:

1. I would like Mike's 11/1/18 cover letter to be revised because it uses the wrong terminology and is confusing. The 2014 application that was approved by Boone County Planning Commission and Boone County Fiscal Court was a Change in Approved Concept Development Plan to allow the building to be converted from a single tenant building to a multi-tenant building only (no Variances or Conditional Use Permits were submitted with the application to allow the sign). With the application, a drawing was submitted showing what a future sign on the property could look like. The 3/5/14 Staff Report references what changes would need to be made before the new sign could be permitted. **[Mike Cassedy] See the attached letter.**
2. Although a Conditional Use Permit is not being sought, I would like you to be prepared to discuss the electronic message board standards found in Section 3430 of the Boone County Zoning Regulations.
 - 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." This is part of your Special Sign District application. The electronic message center display screen comprises 51.1% of the overall sign (54/105.6). **[Mike Cassedy]** I believe we can safely address this minor issue at the meeting for the 1.1%.
 - 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." My past experience is that a display permit will not be required from Kentucky Transportation because the sign will not be visible from an Interstate highway. I have a call into Kentucky Transportation Cabinet to confirm. **[Mike Cassedy]** the KDOT does not require any applications or submittals for ON-PREMISE SIGNAGE.
 - 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." The sign is not located within 660 feet of another electronic sign. **[Mike Cassedy]** That is correct.
 - 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." I would like you to address if the sign will meet this standard at the public hearing. **[Mike Cassedy]** The standards of the Sign Industry highly recommend that neither of these types of modes be used simply because they are too difficult to read.
 - 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." I would like you to address if the sign will meet this standard at the public hearing. **[Mike Cassedy]** The Standard in the Sign Industry is to display at a rate which is comfortable for readership which does depend on numerous factors such as but not limited to: Speed limit, traffic pattern, display area, competitive lighting, competitive signage, viewing distance, sign position, mode of display and amount of content for each message display. It has been a consensus that a 3 second display is "generally" an appropriate average time of display. However, the factors mentioned do come into play. One item worth mentioning is to display the message an excessive amount of time in itself can be just as much, if not more, a traffic issue or hazard. Drivers will

direct their attention on the sign waiting for the message to change copy instead of directing their attention to the actual traffic. A 5 second display for this application is acceptable.

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." I would like you to address if the sign will meet this standard at the public hearing. **[Mike Cassedy]** All displays are equipped with an auto dimmer system as a too bright sign is difficult to read and considered a nuisance.

g. "Full color and monochrome message boards shall meet the follow 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.

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

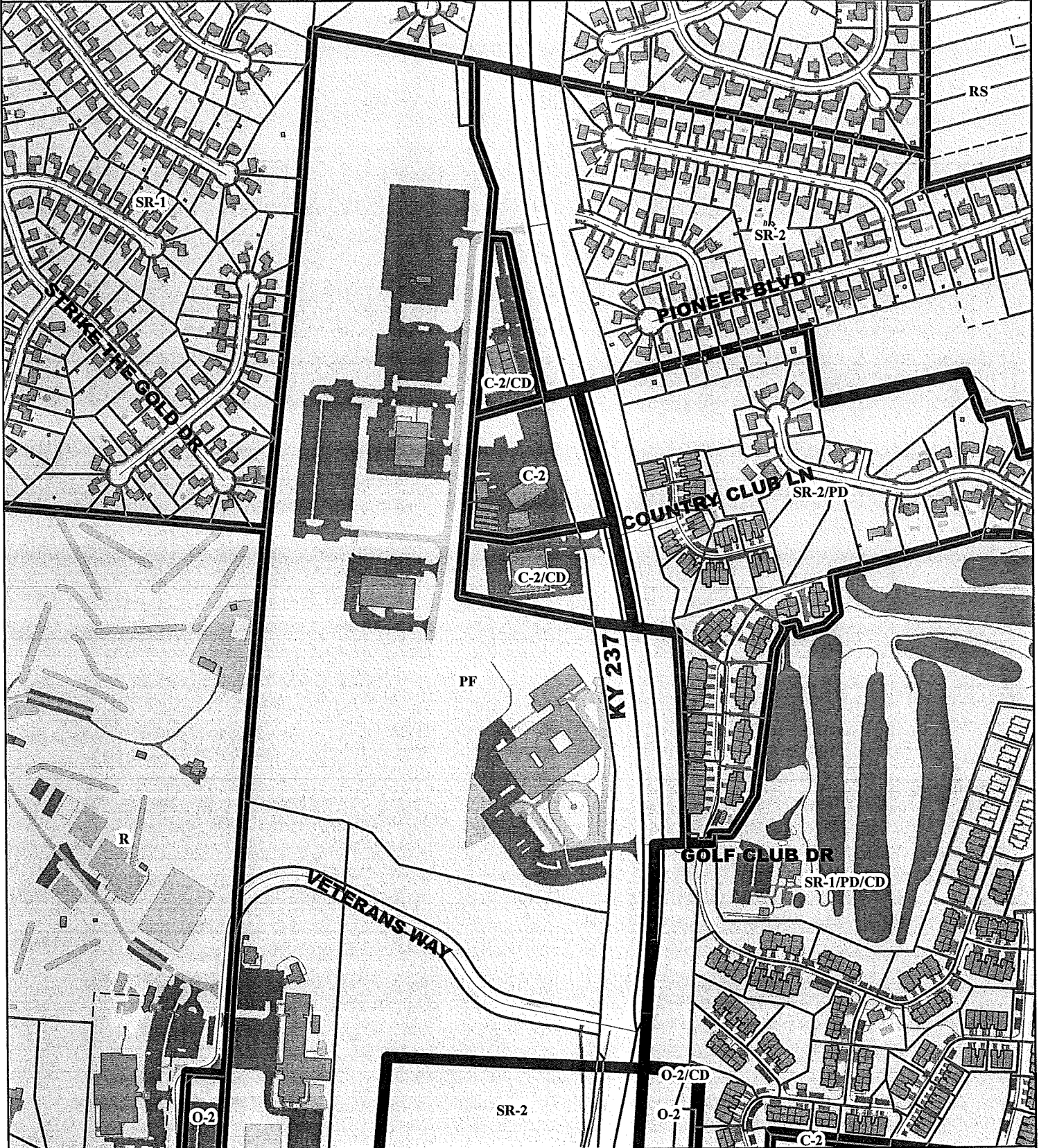
The proposed sign meets this standard. The submitted sign drawings show the sign will have a 19 mm pixel pitch. **[Mike Cassedy]** As noted.

3. Other questions

- a. Will all the building tenants be allowed to use the electronic message center? **[Mike Cassedy]** The difficulty of signing leases has been the concern of the potential tenants as to how the property owner can and will improve "Top of the Mind Awareness" for each tenant that signs a lease? The ID portion and the Electronic Message Center address these concerns with a high degree of satisfaction.
- b. Could the sign be used to advertise off premise businesses? **[Mike Cassedy]** No, the sign will advertise only Product and Services provided on the premises as defined for an "On-Premise" sign.
- c. How many lines of text could be displayed on screen if the entire message board is being used to display a text message? How many inches tall would the individual characters be? I recommend providing some industry standards regarding character sizes, readability, and distance from the sign. **[Mike Cassedy]** Utilizing a 19mm pixel provides a clear and very readable display. However, the Sign Industry rule of thumb for readership is; for every one inch of letter height there is approximately 30' of readership. Therefore a 8" tall letter can be read approximately 240' from the display. This rule of thumb is a plus and minus consideration. Factors which influence readership can be: color contrast, copy size, letter style, UPPER CASE versus lower case or combination, competitive lighting, traffic pattern, speed limit, visibility of the sign. Therefore, careful consideration of letter height becomes imperative to the readership of the overall message. A minimum letter height for these types of displays is approximately 5". However, a message of this letter height could only be read from the property parking lot. Consideration of the factors for this application would lend a belief that a minimum of 14"-20" letter height would be necessary for the 5 second display rule at a reasonable readership distance. Possibly 3-4 lines of copy.
- d. With several electronic sign requests, conditions have been imposed that prohibit bright colored sign backgrounds from being used. I will probably be recommending such a condition if the application is approved because there are two condominium developments directly across KY 237. Would you be agreeable to such a condition? **[Mike Cassedy]** The parking lot light will be more objectionable than the Electronic Message Center display. Brightness of the Colors of the background and copy will and can be controlled by the auto dimming feature of the EMC. The fact that the display is perpendicular to the thoroughfare and not parallel also reduces the effect of the lighting. There are no controlling factors of the parking lot lighting as there are for the EMC.

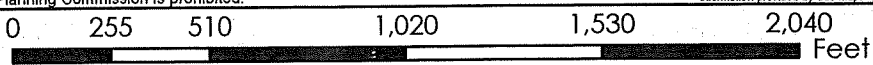
ZONING MA

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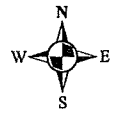
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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

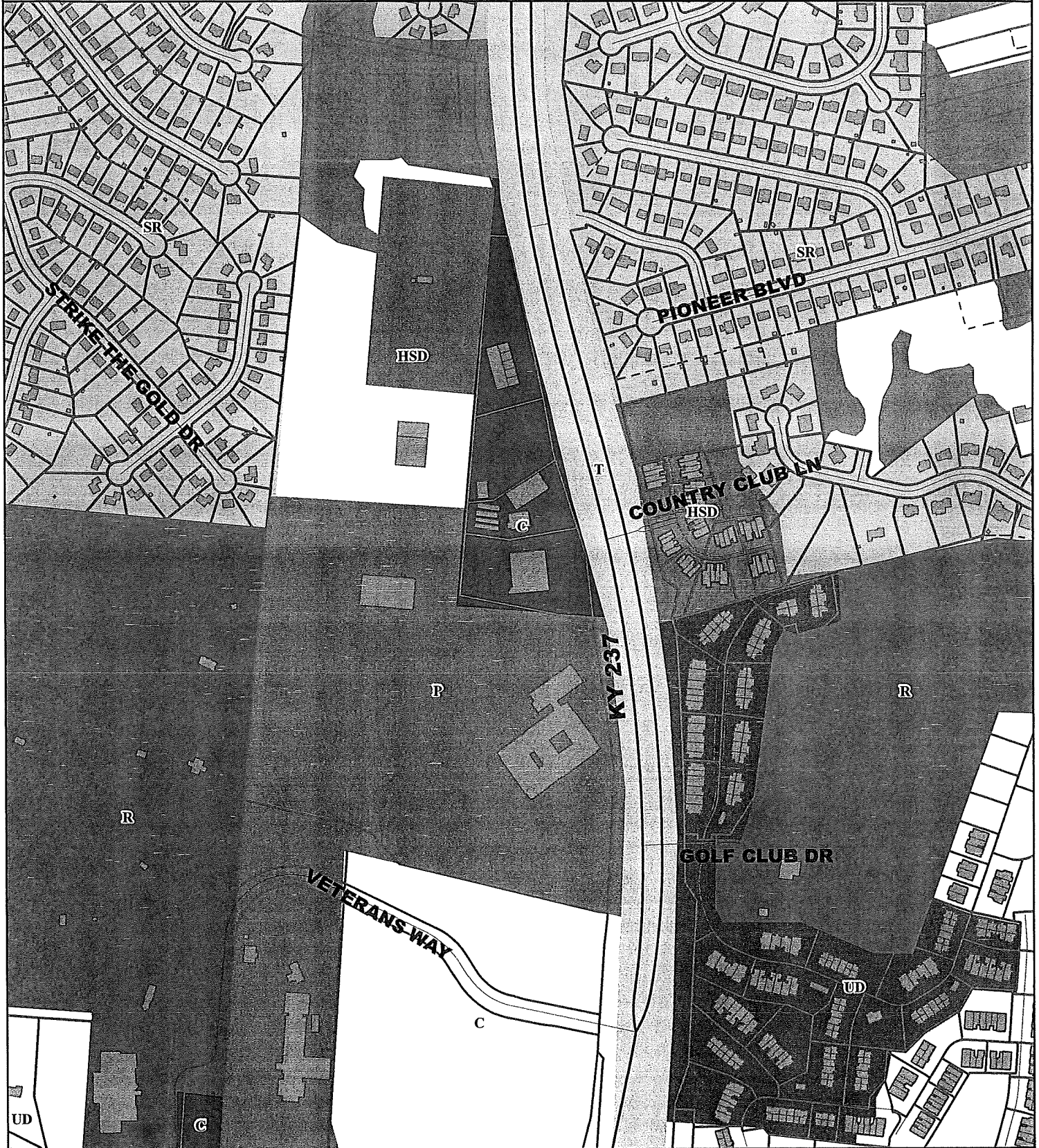


Map Created: 07/01/2013

ArcMap Document: BooneMap (12).mxd

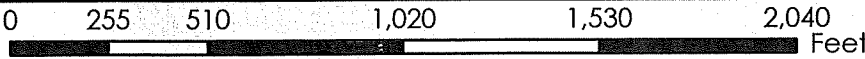
2035 FUTURE LAND USE MAP

www.boonecountygis.com

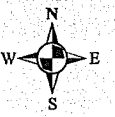


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1 inch = 500 feet



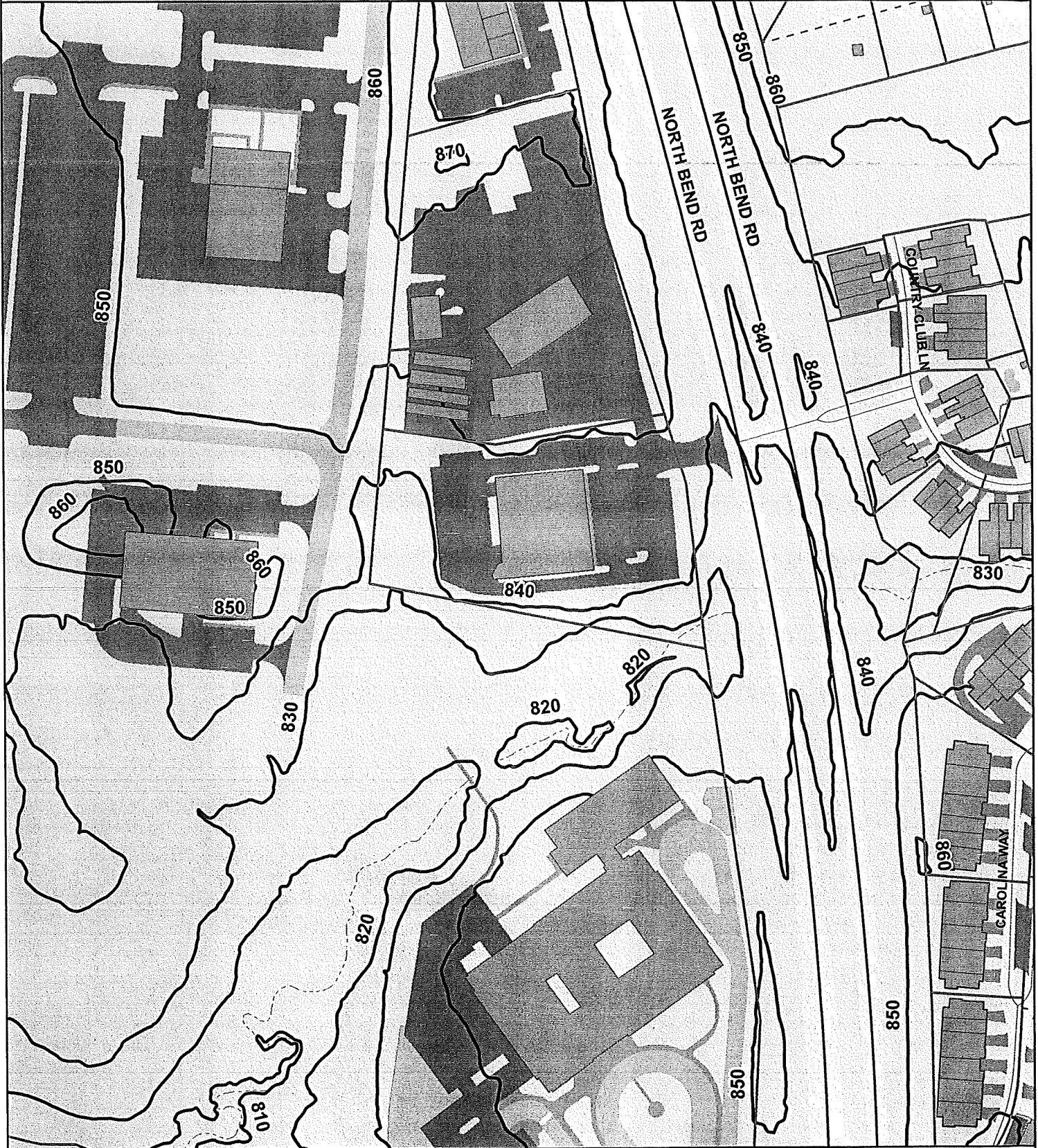
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File: F:\mxd\BooneMap (16).mxd

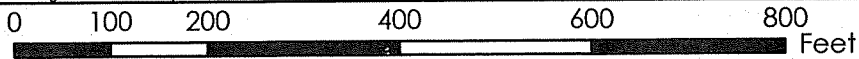
TOPOGRAPHICAL MAP

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



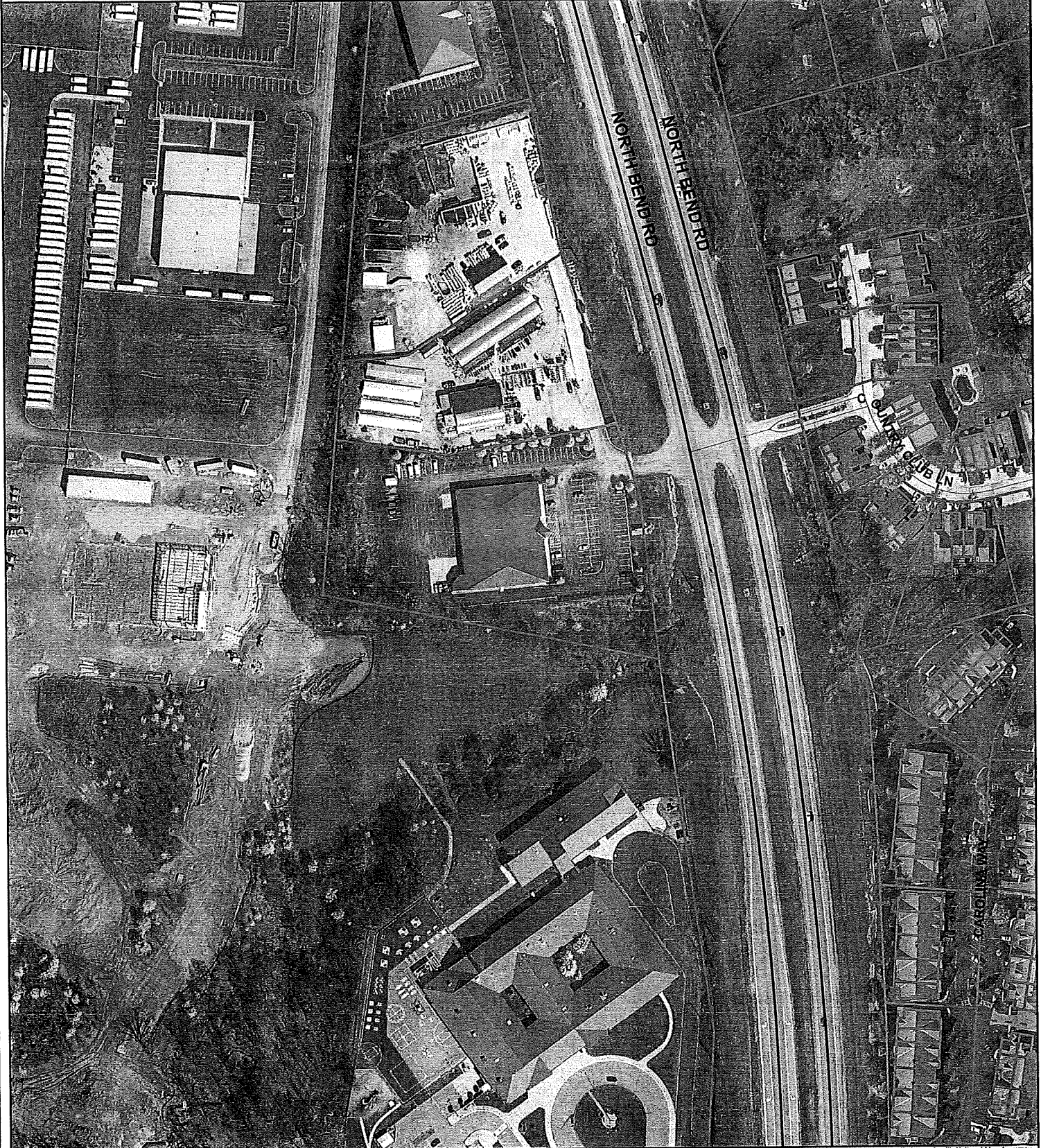
1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

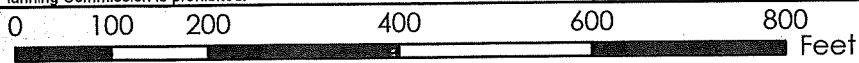
2016 AERIAL MAP

www.boonecountygis.com

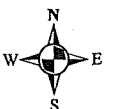


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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map File Path: F:\maps\2016\BooneMap.mxd
ArcMap Document: BooneMap (mxd)

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: May 7, 2014

RE: Request of **Mueller's Properties LLC (applicant)** for **Steven J. Mueller and Deborah L. Mueller (owners)** for a Change in an Approved Concept Development Plan in a Commercial Two (C-2) zone for a 3.0106 acre tract at 5555 North Bend Road, Boone County, Kentucky. The request is to modify a previous condition of approval to allow additional commercial uses.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following condition. The request is to modify condition #1 of the 2003 zone change approval to allow all C-2 zone Principally Permitted Uses with the exception of O-1 zone Principally Permitted Use #26 "funeral homes and crematoriums excluding cemeteries or mausoleums." The applicant has also requested that any freestanding sign be permitted to use internal illumination. Condition #5 of the 2003 zone change approval requires external illumination for any freestanding sign.

FINDINGS OF FACT

1. The Committee has concluded that the proposed Change in an Approved Concept Development Plan application is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates the site as "Commercial ." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The proposal is to allow additional commercial uses within the existing building and to allow any freestanding sign to be internally illuminated. The proposal will not change the character of the development or how it relates to the surrounding sites.
 - B. The Land Use Element doesn't discuss this specific site, but it does mention the nearby single point urban interchange (SPUI) at KY 237 and KY 18, the importance of these two roads, and their influence on the area. In this regard, the Land Use Element ("13. Burlington," pg. 176) states "the intersection area of KY 18 and KY 237 is a high visibility area that already has an office orientation. The Kentucky Transportation Cabinet will construct a SPUI interchange here in 2012, where KY 18 would be a free-flowing route, and KY 237 would have an elevated intersection over the top of KY 18. Because of the

central location, and the importance of the area, and the urban nature of the future road system, this area may be more suitable for a mix of office and commercial, rather than residential. Proposed development at this high visibility, central location should not be all retail, and should be comprised of at least one half office. A developer that proposes this concept on the northwest corner must show that it fits with the school uses near the site and does not create traffic issues in this area. Access Management is critical in this area, in fact access to KY 18 and KY 237 will be limited by the future ramp construction. A land use, infrastructure, and architecture study should be conducted for this urban interchange area.”

When considering the limited scope of this application and the fact that the Land Use Element text discusses a mix of office and commercial uses for the area at large, the Committee has concluded that the proposal is in agreement with this text. Based on these same reasons, it is also in agreement with the Business Activity Goals and Objectives which are outlined in the Staff Report for this request.

The Land Use Element text outlined above discusses the importance of access management in this area. The existing access point, which is shared with two other commercial lots, is not proposed to change. This aspect of the development is also in agreement with the Future Land Use Development Guidelines (“Access Management,” pg. 163).

2. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

CONDITION

1. All business activities shall occur indoors with the exception that one drive-through facility which meets the normal requirements of the Boone County Zoning Regulations shall also be permitted.

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

Job Name :

**BURLINGTON
CENTRE**
Job Location:
BURLINGTON, KY

Design No.:
BurPh-103

Date:
03 11 14

Scale:
See Drwg. for Dimensions

NOTES

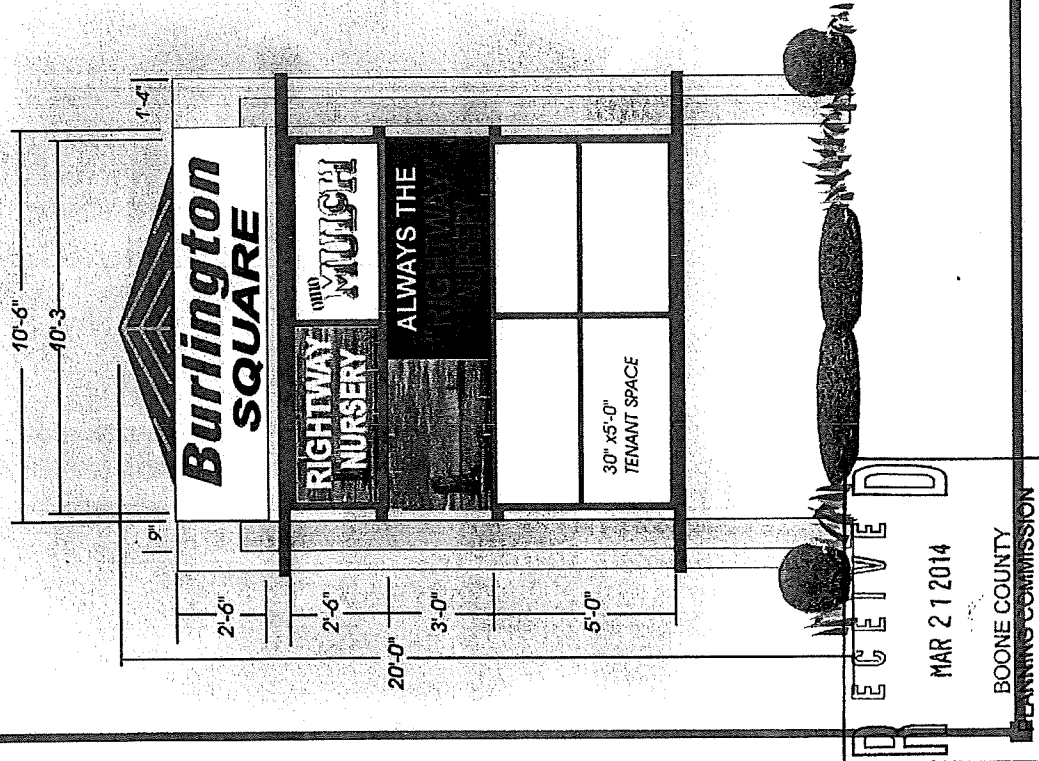
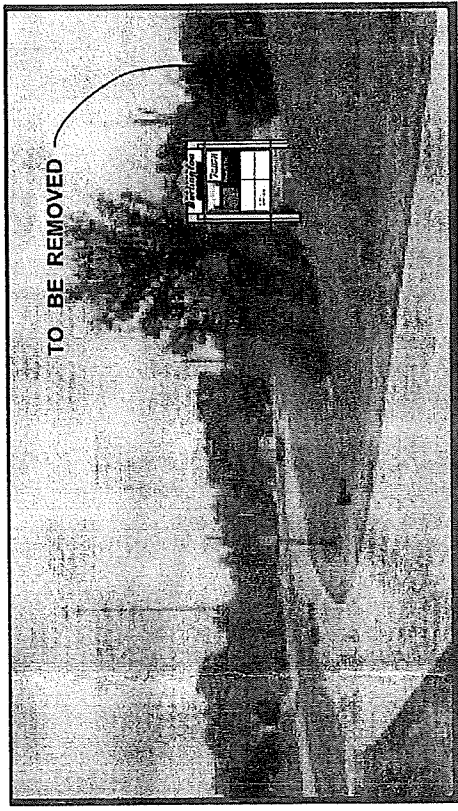
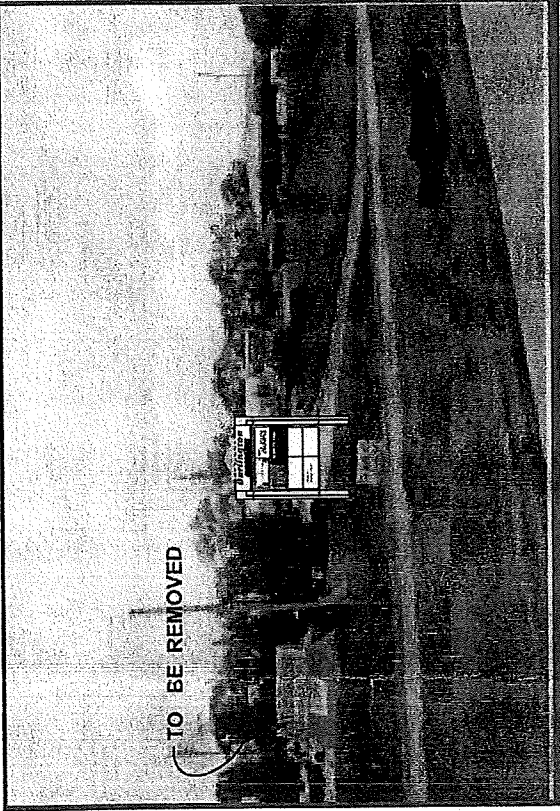
DESIGN INTENT DRAWING

These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contractor shall accept sole and final responsibility for all final materials, selection, engineering details, fabrication details, permits and installation. The contractor shall produce his own detailed shop drawings and installation drawings for all signs represented in these design intent drawings.

This drawing and the designs herein are protected under U.S. Copyright Law and shall remain the property of Preferred Resources of the drawings shall not be reproduced or used in any manner without the expressed written consent of Preferred Resources of the Resealid.

preferred resources
P.O. Box 381
5769 Vics Lane
Burlington, KY 41005
(859) 466-2884

Sheet No.
1403



Sign Concept Submitted with 2014 Change in Approved Concept Development Plan application. The sign was not approved with the application.

APPLICATION FORM

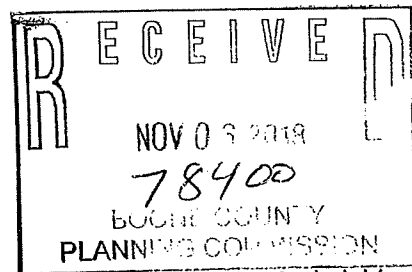
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

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

SECTION A (To be completed by applicant)

1. Name of Project Burlington Centre
2. Location of Project 5555 North Bend Rd.
3. Total Acreage of Site 3.0106
4. Current Zoning of Site C-2/CO
5. Proposed Zoning (Classification being requested) site sign plan
6. Proposed Uses (please specify each use) multi tenant office including Burlington Health care (i) illum pylon sign 105.60 SF with EML
7. Names of Applicant(s) Tommy Reed / Atlantic Sign Company
Phone No. 513-241-6775 Fax No. 513-241-5060 E-Mail reed@atlanticsigncompany.com
8. Address of Applicant(s) 2328 Florence Ave 45206
Cincinnati OH Zip
City State
9. Name of Property Owner(s) Muellers Properties LLC
Phone No. _____ Fax No. _____ E-Mail _____
10. Address of Property Owner(s) 5555 N Bend Rd. 41005
Burlington KY Zip
City State
11. Proposed Building Intensities (please specify) (i) illum pylon sign 105.60 SF with EML special sign plan
12. Are there any existing buildings on the site? yes
How many? 1
13. Deed Book 866 Page No. 754 Group No. 2025
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? _____
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)

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: January 2, 2019

RE: Request of **Tommy Reed/Atlantic Sign Company (applicant)** for **Muellers Properties LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 3.0106 acre site located at 5555 North Bend Road, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Two (C-2) zone to allow a pylon sign with an electronic message center.

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 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 Committee determined the proposed electronic message center met the three findings above. The sign will help the property owner market available tenant spaces in the building. In addition, the sign and will not create negative impacts on the KY 237 corridor or be distracting to motorists because of the conditions that have been imposed on the approval.

4. The Committee 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 overall sign shall be constructed as presented.
2. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).
3. No message shall contain more than one (1) still photo and/or four (4) lines of text.

Any portion of an alphanumeric message that isn't displayed on a still photo shall use a black background to reduce glare.
4. All messages displayed on the electronic message center shall be displayed for a minimum of seven (7) seconds.
5. The electronic message center shall have a 19 millimeter pixel pitch or better resolution.
6. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.
7. The property owner shall work with Planning Commission Staff to resolve any lighting (brightness/glare) issues that are caused by the subject sign on KY 237 or adjoining properties.
8. The sign shall not be used to advertise off premise businesses.

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.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: December 19, 2018

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

2. Request of **Tommy Reed/Atlantic Sign Company (applicant)** for **Muellers Properties LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 3.0106 acre site located at 5555 North Bend Road, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Two (C-2) zone to allow a pylon sign with an electronic message center.

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.

Greg Breetz

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

Steve Turner

Steve Turner
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Bunger

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

Randy Bessler (Alternate)
For Project _____ Absent _____
Against Project _____

Janet Kegley

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

Richard Lunnemann (Alternate)
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 5 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Mark Hicks
Mr. Kim Patton
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:32 P.M. and introduced the third item on the Agenda:

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

3. Request of **Tommy Reed/Atlantic Sign Company (applicant)** for **Muellers Properties LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 3.0106 acre site located at 5555 North Bend Road, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Two (C-2) zone to allow a pylon sign with an electronic message center.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is the Burlington Health Care property. The request is a Zoning Map Amendment for a Special Sign District in order to allow a pylon sign with an electronic message center (EMC). There is a monument sign currently located on the site. It will be removed and replaced with a 17.5 foot high pylon sign that's 105.6 square feet. The proposed sign includes a 59.35 square foot electronic message center cabinet and four (4) fixed copy tenant cabinets that are 11.56 square feet each in size. He showed a drawing of the proposed sign. In 2014, a Change in an Approved Concept Development Plan was approved and a free standing sign concept was presented but was not approved as part of the application. Mr. Morgan showed maps of the topography and adjacent zoning. The current zoning of Commercial Two (C-2) would allow this type of sign as a Conditional Use but only if the EMC would not exceed 50% of the sign area. The proposed EMC is at 51.1% or just barely over that amount and that is the reason for the Special Sign District. He showed photographs of the site and adjoining properties. The 2035 Future Land Use Map designates this site for Commercial (C) uses.

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

- A. 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).

In terms of Staff Comments, the Boone County Planning Commission and the 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 specifically, Section 3440 of the Zoning Regulations states the purpose of a Special Sign District. The applicant could have sought a Conditional Use Permit from the Boone County Board of Adjustment if the proposed sign met all the standards listed in Section 3430 of the Boone County Zoning Regulations. But because the display screen of the EMC exceeds the 50% requirement, the applicant has decided to seek a Special Sign District.

In addition, Staff sent the applicant's team a list of questions regarding the proposed sign on November 21, 2018 and a written response was provided on November 27, 2018 (see attachments). Staff has the following concerns regarding the electronic message board:

- A. Its proximity to two condominium developments located across KY 237.
- B. That motorists could be distracted if too much information is presented.

If the application were to be approved, Mr. Morgan recommended the following conditions:

- A. The overall sign shall be constructed as presented.
- B. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).
- C. No message shall contain more than one still photo and/or three 3 lines of text.
- D. All messages displayed on the electronic message center shall be displayed for a minimum of seven (7) seconds.
- E. The electronic message center shall have a 19 millimeter pixel pitch or better resolution.
- F. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.
- G. All alphanumeric portions of the message shall be displayed on a black background.
- H. The property owner shall work with Planning Commission Staff to resolve any lighting (brightness/glare) issues that are caused by the subject sign on KY 237 or adjoining properties.
- I. The sign shall not be used to advertise off premise businesses.

The 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 3440 (Special Sign Districts) of the zoning regulations. The Future Land Use Map will not need to be amended if the request is approved.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

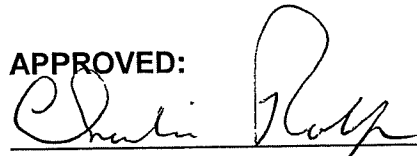
Mr. Mike Cassidy, representing Burlington Centre, stated Burlington Pharmacy first located in the retail center where the Ameristop is located. The business was relocated in 2004 and the pharmacy closed in 2013. The business closed because it was undervalued. Profits dwindled. It was considered a small business. It closed because of changes in Medicare and due to competition - Walgreens, Kroger, CVS, Walmart, Meijer, etc. In 2014, Steve Mueller sought a zone change to lease or sell the building. Part of the concept was to get Rightway Nursery and Ohio

Mulch involved in the signage. They showed no interest whatsoever. The building has one tenant and Mr. Mueller now works for Walgreens. He is trying to do something to bring the building back to life. He has advertised and marketed the building and everyone needs exposure/advertising on KY 237. A lot of tenants like electronic message centers because of the versatility. It is enticement to attract tenants. Poston Brothers is now interested in leasing the building if they can advertise on the EMC. Mr. Cassidy noted that he has addressed Staff Concerns in his email messages. One concern is lighting. All the manufacturers have automatic dimmers on EMCs. All electronic message centers have an auto dimming system through computer programming. There are no residential areas on the west side of the site. The proposed sign does not shine at Tall Trees Subdivision because it is located perpendicular to the street. There is also some foliage that lines the road right-of-way. More lighting would come from the parking lot lights and impact Tall Trees Subdivision more than the EMC.

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

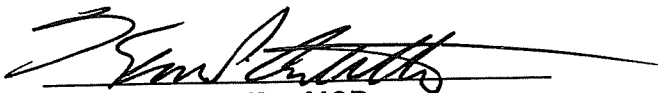
Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on December 19, 2018 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on January 2, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:49 P.M.

APPROVED:



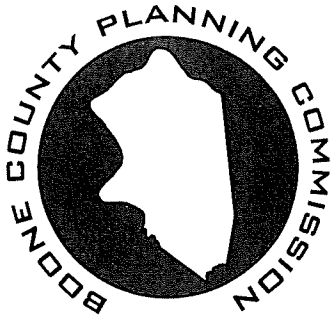
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

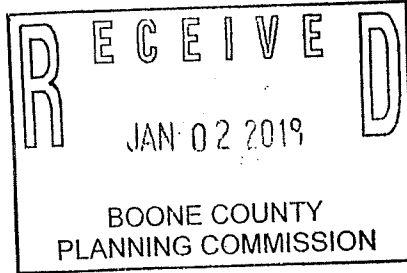
www.boonecountyky.org/pc
www.boonecountygis.com

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

December 21, 2018

Mr. Tommy Reed
Atlantic Sign Company
2328 Florence Avenue
Cincinnati, OH 45206



RE: Request of **Tommy Reed/Atlantic Sign Company (applicant)** for **Muellers Properties LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 3.0106 acre site located at 5555 North Bend Road, Boone County, Kentucky. The request is for a Special Sign District in a Commercial Two (C-2) zone to allow a pylon sign with an electronic message center.

Dear Mr. Reed,

The following represents the conditions of approval for the above referenced Zoning Map Amendment for a Special Sign District as agreed to by the applicant's team and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. The property owner will need to sign the appropriate line on the last page of this letter if he agrees to the listed conditions. Please return this letter to the Boone County Planning Commission office by December 31, 2018.

CONDITIONS

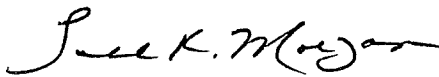
1. The overall sign shall be constructed as presented.
2. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).
3. No message shall contain more than one (1) still photo and/or four (4) lines of text.

Any portion of an alphanumeric message that isn't displayed on a still photo shall use a black background to reduce glare.
4. All messages displayed on the electronic message center shall be displayed for a minimum of seven (7) seconds.
5. The electronic message center shall have a 19 millimeter pixel pitch or better resolution.

Mr. Tommy Reed
December 21, 2018
Page 2

6. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.
7. The property owner shall work with Planning Commission Staff to resolve any lighting (brightness/glare) issues that are caused by the subject sign on KY 237 or adjoining properties.
8. The sign shall not be used to advertise off premise businesses.

Sincerely,

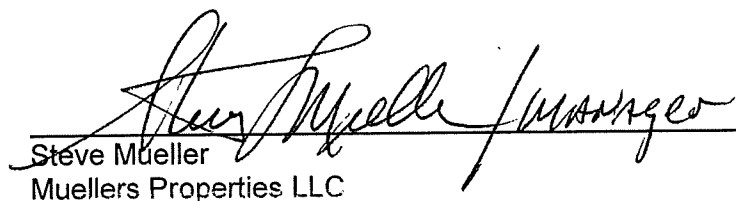


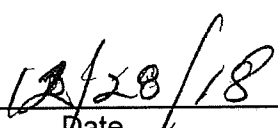
Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKMtlb

AGREEMENT

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

 _____
Steve Mueller
Muellers Properties LLC

 _____
Date

57K

RETURN TO:

RETURN TO:
DENNIS C. HELMER
7415 Burlington Pike, Suite B
Florence, Kentucky 41042

Property Transfer Tax Paid \$ _____
EXEMPT: KRS 142.050(7)(e)
MARILYN ROUSE, Clerk D.C. _____

DEED

KNOW ALL MEN BY THESE PRESENTS:

That STEVEN J. MUELLER and DEBORAH L. MUELLER, his wife, grantors, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration to them paid by MUELLER'S PROPERTIES, L.L.C., by and through its manager, DEBORAH L. MUELLER grantee, the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the MUELLER'S PROPERTIES, L.L.C., its successors and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit:
Grantor Mailing Address: 325 Creekwood Drive, Edgewood, Kentucky 41017
Grantee Mailing Address: 325 Creekwood Drive, Edgewood, Kentucky 41017
Property Street Address: █████ Kentucky 237, Burlington, Kentucky 41005

GROUP NO. 441

SEE ATTACHED LEGAL DESCRIPTION

Being the same property conveyed to the Grantor by BEN R. WRIGHT, et ux by deed dated 30th day of October, 2003 and recorded in Deed Book 864, Page 955, in the office of the Boone County Clerk, Burlington, Kentucky.

LEGAL DESCRIPTION

The following is a description of a parcel of land located on the west side of KY 237, 0.5 miles north of KY 18, in Boone County, Kentucky and more particularly described as follows:

TRACT 1

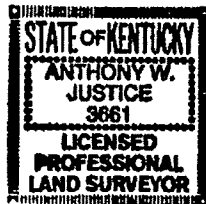
Beginning at an Iron Pin (found) with cap marked "LS 797 - 1781" in the westerly right-of-way line of KY 237, a corner of the Boone County School District Finance Corporation, Deed Book 437, Page 191; thence leaving said right-of-way with the line of the Boone County School District Finance Corporation, N 78°50'53" W - 513.79 feet to an Iron Pin (found) with cap marked "LS 797 - 1781" at a POST; thence N 05°00'00" E - 233.09 feet to an Iron Pin (set); thence leaving the line of the Boone County School District Finance Corporation with a new made line over the land of Ben R. Wright and Sandra K. Wright, Deed Book 332, Page 193, S 81°59'25" E - 171.28 feet to an Iron Pin (set) at a 12" TREE; thence N 79°52'43" E - 253.86 feet to an Iron Pin (set) in the westerly right-of-way line of KY 237; thence with said right-of-way line S 17°26'39" E - 171.49 feet to a POST; thence S 03°53'33" E - 189.16 feet to the Point of Beginning, containing 3.0106 Acres or 131,140 Square Feet, and subject to all right-of-ways and easements of record or in existence.

The above described Tract 1 is subject to a new 40 foot wide ingress and egress easement centered along the existing asphalt drive, to provide access to the remaining lands of the parent tract, Ben R. Wright and Sandra K. Wright, Deed Book 332, Page 193, Group 441.

S&R EA 67, page 617

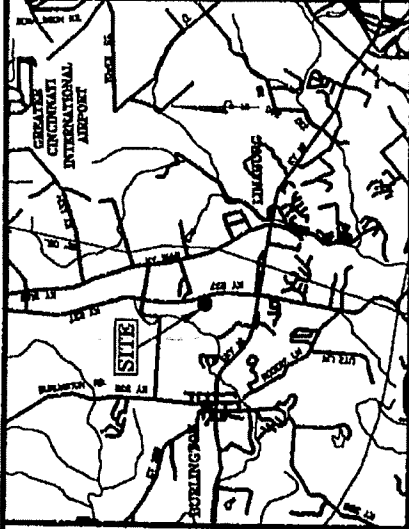
This being a part of the same land conveyed to Ben R. Wright and Sandra K. Wright, husband and wife, from William Fisk and Mary Ann Fisk, husband and wife, by deed dated July 1, 1985, as recorded in Deed Book 332, Page 193, Group 441 of the Boone County Clerk's Records at Burlington, Kentucky.

The above description is in accordance with a survey made by the undersigned on October 4, 2003.



Anthony W. Justice 10-4-03
Anthony W. Justice
Professional Land Surveyor - No. 3661
100 Portsmouth Drive
Georgetown, Kentucky 40324
(502) 863-6381

BOONE COUNTY
D866 PG 757



VICINITY MAP SCALE: 1" = 8,000'

LAND SURVEYOR'S CERTIFICATE
 I certify that this plat has been prepared by me or under my supervision in accordance with the Kentucky Statutes regarding Surveys and conforms with all provisions of the Boone County Zoning and Subdivision Regulations and that dedicated areas including public ways or streets are currently owned by the property owner.

DATE: 10/4/03
 Anthony W. Justice

Anthony W. Justice, PLS
 Professional Land Surveyor # 2661
 101 Portsmouth Drive
 Georgetown, Kentucky 40324
 Phone: 502/763-6381

SURVEYOR CERTIFICATE - BUILDABLE LOTS
 I certify that I have examined the records of the Boone County Clerk and find that this is the FIRST conveyance made under the present ownership of the parent tract.

Anthony W. Justice, PLS # 2661
 10/4/03

Sugarcamp Properties, LLC
 DB 803, PG 162
 GROUP 2025 & 443
 ZONING = C-2/CD

DEDICATION CERTIFICATE
 We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision with our free consent, establish the shown building restriction lines, and dedicate all streets, alleys, walks, parks, and other areas shown in public or private use as recited. We further certify that title to the property shown is duly acquired by deed recorded in Deed Book 332, Page 183 of the Boone County Clerk's office.

Ben R. Wright & Sandra K. Wright
 DB 332/183 GROUP 441
 1.6704 ACRES
 ZONING = C-2

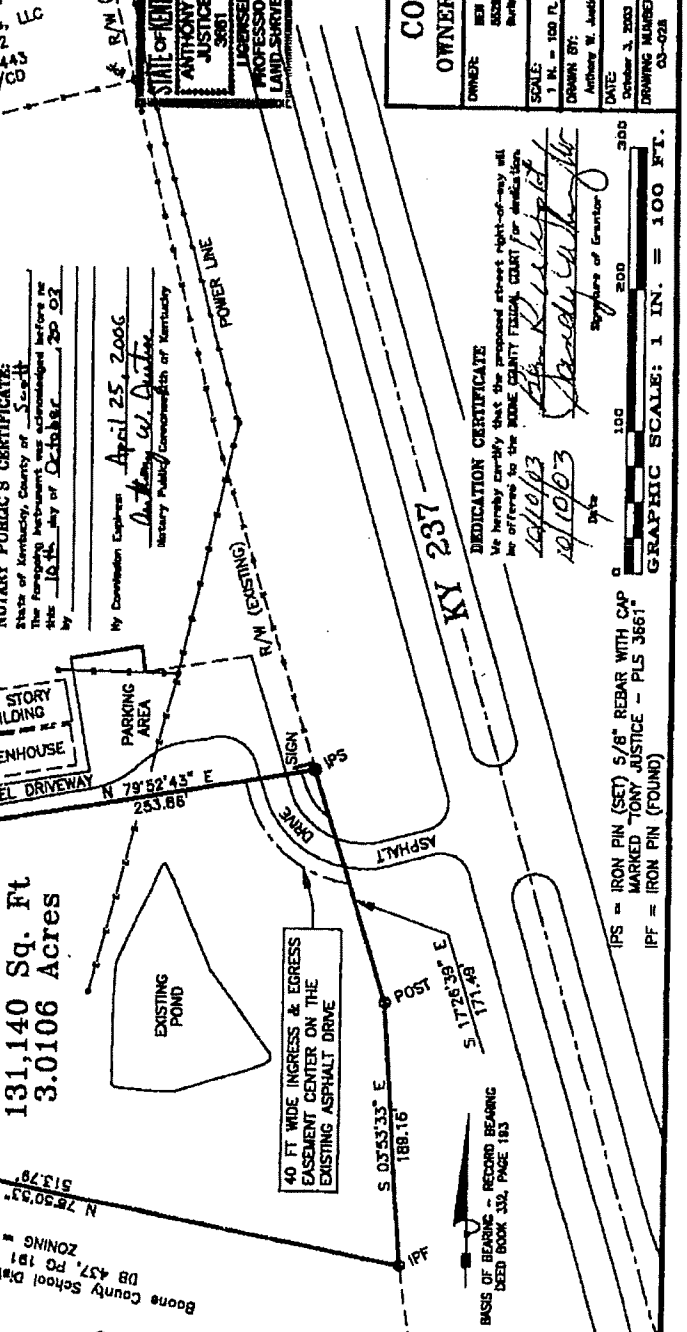
NOTARY PUBLIC'S CERTIFICATE:
 State of Kentucky, County of South
 The foregoing instrument was acknowledged before me this 10th day of October, 2003

My Commission Expires: April 25, 2006
 Anthony W. Justice
 Notary Public, Commonwealth of Kentucky

BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE
 Approved for recording the transfer of property only by the Boone County Planning Commission on the 15th day of October, 2003.

Boone County School District Finance Corporation
 DB 437, PG 191 - GROUP 2025
 ZONING = PF

Boone County School District Finance Corporation
 DB 437, PG 191 - GROUP 2025
 ZONING = PF



BOONE COUNTY
D866 PG 758

P & Z Code No. 4418

CONVEYANCE PLAT - TRACT 1
 OWNER: BEN R. WRIGHT & SANDRA K. WRIGHT

OWNER: BEN R. WRIGHT & SANDRA K. WRIGHT
 5032 HWY 237
 Burlington, Kentucky 41005

BACK REFERENCE:
 Deed Book 332, Page 183
 Group 441

SCALE: 1 IN. = 100 FT.
 LOCATION: West side of KY 237, 0.5 miles north of KY 101, in Boone County

COUNTY: BOONE

AWJ Anthony W. Justice
 Professional Land Surveyor
 100 Portsmouth Drive - Georgetown, KY 40324
 Phone: (502) 663-6381

NOTE:
 This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

DEDICATION CERTIFICATE
 We hereby certify that the proposed street right-of-way will be offered to the BOONE COUNTY PLANNING COMMISSION for dedication.

10/10/03
 10/10/03
 Anthony W. Justice
 Signature of Grantor

IPS = IRON PIN (SET) 5/8" REBAR WITH CAP MARKED "TONY JUSTICE - PLS 3661"
 IPF = IRON PIN (FOUND)

GRAPHIC SCALE: 1 IN. = 100 FT.

DOCUMENT NO: 210898
 RECORDED ON: DECEMBER 17, 2003 01:24:06PM
 TOTAL FEES: \$16.00
 GROUP: 441
 COUNTY CLERK: MARTLYN K ROUSE
 BOONE COUNTY CLERK
 DEPUTY CLERK: BARBARA

BOOK 866 PAGES 754 - 758

ORDINANCE NO. 2019 - 05

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, FOR A REQUEST OF TOMMY REED/ATLANTIC SIGN COMPANY (APPLICANT) FOR MUELLERS PROPERTIES LLC (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR A 3.0106 ACRE SITE LOCATED AT 5555 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN A COMMERCIAL TWO (C-2) ZONE TO ALLOW A PYLON SIGN WITH AN ELECTRONIC MESSAGE CENTER.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Commercial Two (C-2) for a 3.0106 acre site located at 5555 North Bend Road, 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 THE COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

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 Commercial Two (C-2) for a 3.0160 acre site located at 5555 North Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial Two (C-2) zone is more particularly described in DEED BOOK 866, PAGE NO. 754 (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, of 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 1."

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 same are marked as "Exhibit B."

SECTION THREE

This Ordinance shall be in effect and in full force from and after its adoption and publication as provided by law.

First Reading the 19th day of February, 2019.

Second Reading the 26th day of March, 2019.

ADOPTED THIS 26th DAY OF March, 2019. Yes 4 No 0



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

ATTEST:



Sharon Burcham
Fiscal Court Clerk



Atlantic Sign Company

2328 Florence Avenue

Cincinnati, OH 45206

(513) 241-6775

Fax (513) 241-5060

FILE NAME

CUSTOMER

LOCATION

DRAWN BY

DATE

The Atlantic Sign Company hereby certifies that the information contained herein is true and correct to the best of our knowledge and belief. This certification is made for the use of the information contained herein by the recipient of this information.



Zoning Map Amendment for Special Sign Dist.

APPROVED

Staff Jessica Johnson

Date 1/2/19

Boone County

Planning Commission

DRAWING 1800

APPROVED

Boone County PVA's Office

Property Search

Measurement

341 Feet

Measurement Result

Clear

GIS Service

11:20 AM
9/27/2018



Atlantic Sign Company
 2328 Florence Avenue
 Cincinnati, OH 45206
 (513) 241-6775
 Fax: (513) 241-5060

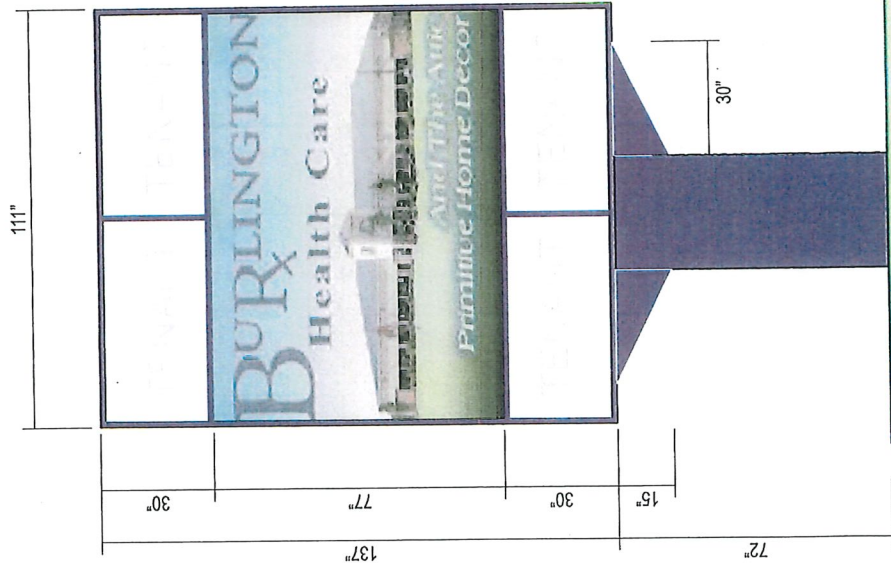
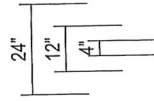
- FILE NAME: #1814 FREESTANDING SIGN
- CUSTOMER: BURLINGTON CENTER
- LOCATION: BURLINGTON KENTUCKY
- DRAWN BY: RLH
- DATE: 7-5-2016
- PAGE: 3 OF 3
- SALESREP: PJ



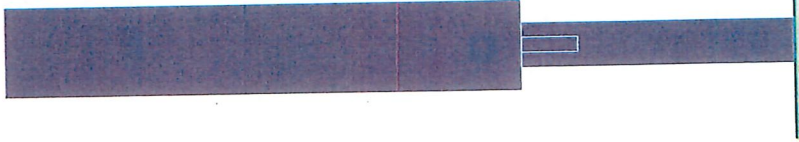
#1814 FREESTANDING SIGN

- 1 NEW DJF PYLON SIGN WITH TENANT PANELS & EMD SCALE 3/8" = 1'-0"
- 2 ONE NEW DIF INTERNALLY ILLUMINATED SIGN WITH TENANT PANELS AND EMD

EMD : 6' x 9' 19MM WATCHFIRE EMD
 CABINET : 2" x 2" x .25" ALUM. ANGLE FRAME, SADDLES AND STEEL SADDLE PLATES. FRAME TO HAVE 2" x 2" x .25" ALUM ANGLE STRINGERS FOR EMD ATTACHMENT. (TECH DRAWING FOR EMD IN FOLDER)
 SKIN : .125" ALUM. SKIN
 DIVIDER BARS : EXTRUDED ALUM. WITH 1 1/2" FACES.
 RETAINER : .090" BRAKE FORMED ALUM. RETAINERS.
 FACES : .177" WHITE POLYCARB WITH 1ST SURFACE TENANT GRPAPHICS ILLUMINATION : USE WHITE LEDS & POWER SUPPLIES AS REQUIRED FOR PROPER ILLUMINATION.
 PAINT : COLOR TO BE DETERMINED
 POLE COVER, FRAME : 1 1/2" x 1 1/2" x .125" ALUM ANGLE FRAME WITH REMOVABLE ENDS
 SKIN : .080" ALUM
 WINGS : 4" x 1" LEGS x .125" ALUM CHANNEL
 SKIN : .080" ALUM.



FRONT VIEW



END VIEW