

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

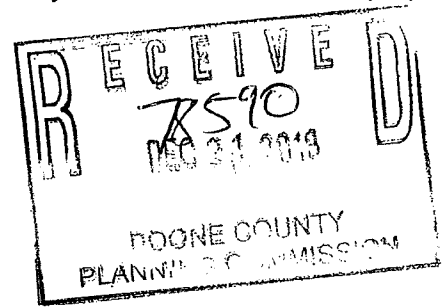
**FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED**

(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project KLOSTERMAN BAKING COMPANY
2. Location of Project 2100 LITTON LANE, HEBRON, KY
3. Total Acreage of Site 16
4. Current Zoning of Site INDUSTRIAL ONE
5. Proposed Zoning (Classification being requested) SPECIAL SIGN DISTRICT
6. Proposed Uses (please specify each use) INSTALL (1) MONUMENT SIGN WITH AN ELECTRONIC MSG. CTR.
7. Names of Applicant(s) JOHN DIERSING  
Phone No. 859.525.9966 Fax No. 859.525.0304 E-Mail JDIERING@QUALITYSIGN@FUSE.NET
8. Address of Applicant(s) 1530 PRODUCTION DR. BURLINGTON KY 41005
9. Name of Property Owner(s) SOUTHERN HEARTH LLC  
Phone No. 513.242.1004 Fax No. 513.242.3151 E-Mail KSTEVENS@KLOSTERMAN BAKERY.COM
10. Address of Property Owner(s) 4760 PADDOCK ROAD CINCINNATI OH 45229
11. Proposed Building Intensities (please specify) \_\_\_\_\_
12. Are there any existing buildings on the site? \_\_\_\_\_  
How many? \_\_\_\_\_
13. Deed Book 1111 Page No. 837 Group No. 2006
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? \_\_\_\_\_
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

#1

Request of **John Diersing (applicant)** for **Southern Hearth Real Estate LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky. The request is for a Special Sign District in a Industrial One (I-1) District to allow an electronic message center on a monument sign.

February 6, 2019

### REQUEST

The request is for a Zoning Map Amendment for a Special Sign District to allow Klosterman Baking Company to replace an existing monument sign with a new monument sign, including a full color electronic message center.

The existing monument sign is approximately four (4) feet tall and contains approximately 30 - 40 square feet of sign area. The proposal is to remove the existing sign and replace it with a ten (10) foot high monument sign containing 52.9375 square feet of sign area, of which, 28.1875 square feet (53.25%) will be a full color electronic message center.

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

### SITE HISTORY

- 1989 On April 12, 1989, the Boone Board of Adjustment approved a variance to temporarily reduce the width of the off-street parking area drive aisle (BCBOA 89-007).
- 1998 On May 15, 1998, a site plan was approved for a 32,256 square foot building addition.
- 2000 On May 3, 2000, a site plan was approved for a pre-fab metal building addition.
- 2018 On July 10, 2018, a site plan was approved for a metal building enclosure, revised truck access, and a recessed dock.

### APPLICABLE SIGN REGULATIONS

- A. 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".
- B. Section 3413, 4., (3), a., of the Boone County Zoning Regulations allows uses within the I-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 ½ square foot of sign area per lineal foot of road frontage along the street frontage where the sign is located, up to a maximum of 100 square feet.

- C. Section 3413, 4., (5), of the Boone County Zoning Regulations allows up to fifty (50) percent of the area of any permitted freestanding sign to be used for a manually changeable copy sign to display messages relating to the occupants of the development.
- D. 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."
- E. 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.
- F. While the Boone County Zoning Regulations do not allow electronic message boards within the I-1 District, Section 3430 of the Boone County Zoning Regulations provides for minimum standards and requirements (see attachment).

#### SITE CHARACTERISTICS

- A. The 16.11 acre site is located along the northwest side of Litton Lane, approximately 800 feet west of North Bend Road. The site in question is developed with a manufacturing/office facility, off-street parking area, truck loading/unloading areas, and an existing monument sign that is currently blank. Ingress/egress to the site in question is provided from two curb cuts onto Litton Lane.

#### ADJACENT LAND USES AND ZONING

North: Interstate 275 (I-1)

South: Vacant/undeveloped/agricultural land (I-1)

East: Medical offices , restaurants, and vacant/undeveloped land (St. Elizabeth, Skyline Chili, Waffle House, and Sonic) (C-4)

West: Manufacturing and vacant/undeveloped land (Fives Cincinnati) (I-1)

#### RELATIONSHIP TO COMPREHENSIVE PLAN

- A. The Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the site for Business Park uses. This designation is described as follows:

"A mix of office warehouse, research, office, and light industrial uses in a park-like, office

campus setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses.”

- B. The following 2017 Boone County Comprehensive Plan's Goals and Objectives apply to this application:

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)

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).

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).

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).

- C. Litton Lane is identified as a local street. Litton Lane is a dead end street providing for two-way traffic within two driving lanes (one lane in each direction). There are no sidewalks along either side of Litton Lane.

#### 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 south, east, and west of the site in question, for Business Park use. The area located to the east of the site in question, along North Bend Road, is identified for Commercial use.

2. An electronic message center sign currently exists at the Speedway gasoline station located at the intersection of Litton Lane with North Bend Road. The distance between this existing sign and the proposed sign will be approximately 870 feet.
3. Staff recommends that the applicant address the need for an electronic message center, given the limited visibility such a sign will have. The proposed sign will only be visible by those motorists on Litton Lane.
4. 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 53.25% 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.

The distance between the proposed sign and the closest electronic sign will be approximately 870 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.

The applicant has submitted information that they intend to use the proposed electronic message center for posting current and upcoming employment opportunities, public service messages, and time and temperature.

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 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.

The applicant has provided information that the pixel pitch of the proposed sign will be 16 mm.

5. The following table provides a summary between what is permitted by the Boone County Zoning Regulations and what is proposed by the applicant:

	Permitted By Zoning Regulation	Proposed
Sign Type	Monument	Monument
Maximum Number of Signs	1	1
Maximum Sign Area	100 square feet	52.9375 square feet
Maximum Height	10 feet	10 feet
Maximum Sign Area for Changeable Copy	50 square feet (50% of sign area manual only)	28.1875 square feet (53.25% of sign area full color electronic)

6. Should the commission take action to recommend approval of the submitted request, the following conditions should be part of that action:
- a. That the overall sign shall be constructed as submitted, with the exception that the proposed electronic message board/screen not exceed fifty percent (50%) of the total sign area.
  - b. That the proposed electronic message board/screen have no 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. Additionally, there shall be no scrolling or running messages.
  - c. That the message displayed on the proposed electronic message board/screen be displayed for a minimum of five (5) second intervals.

- d. That the proposed electronic message board/screen have a photocell or dimmer so that the displayed message shall dim as the sky gets darker and brighten as the sky gets brighter.
- e. All messages shall be displayed on a black background.
- f. 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 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

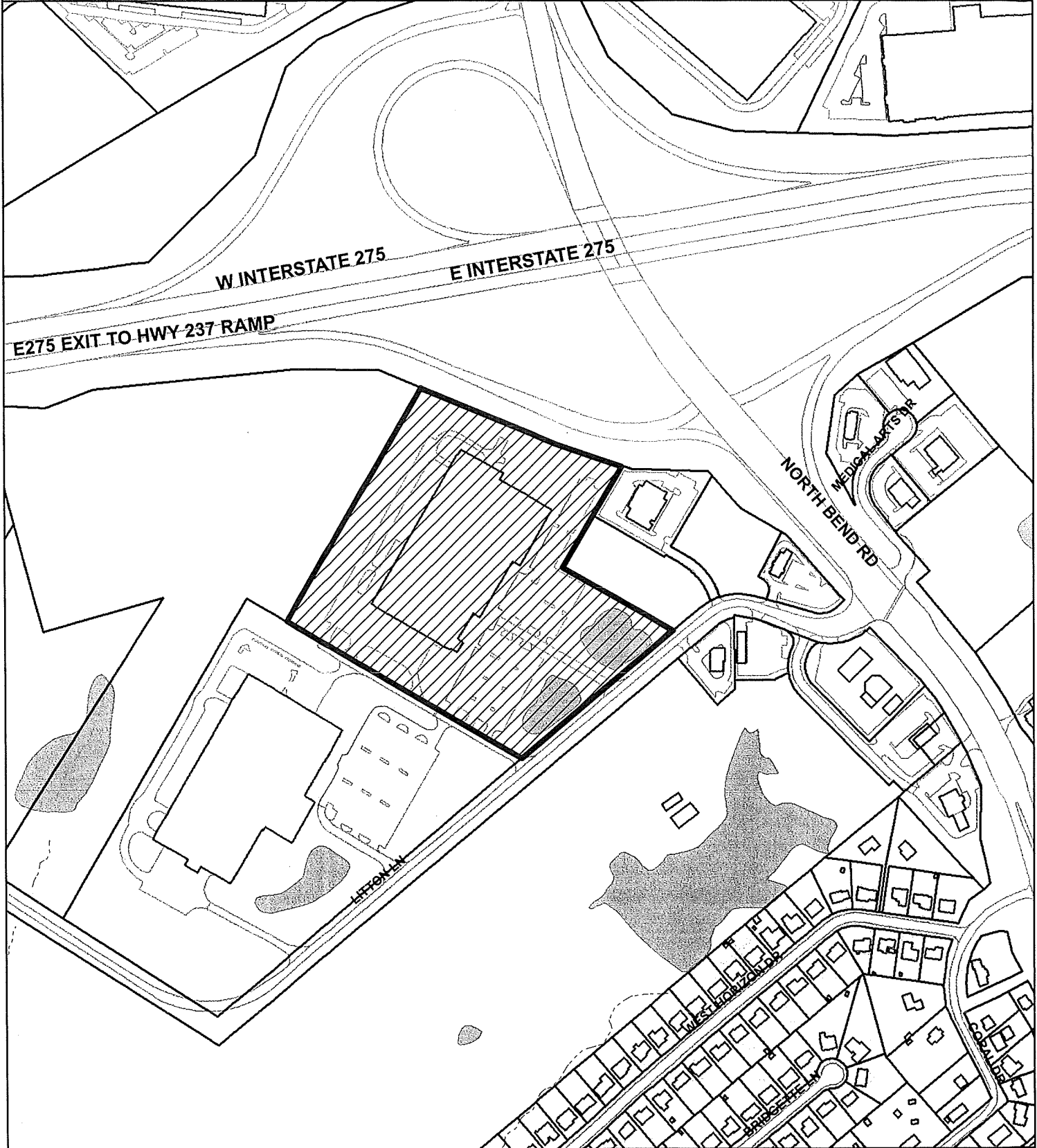
MDS/ss

Attachments:

- \*Vicinity Map
- \*Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2035 Future Land Use Map
- \*Application
- \*Site Plan
- \*Proposed Sign Detail
- \*Electronic Sign Regulations

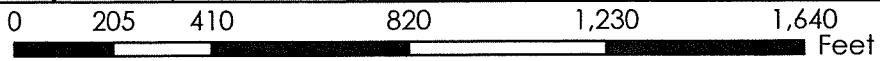
# Vicinity Map

www.boonecountygis.com



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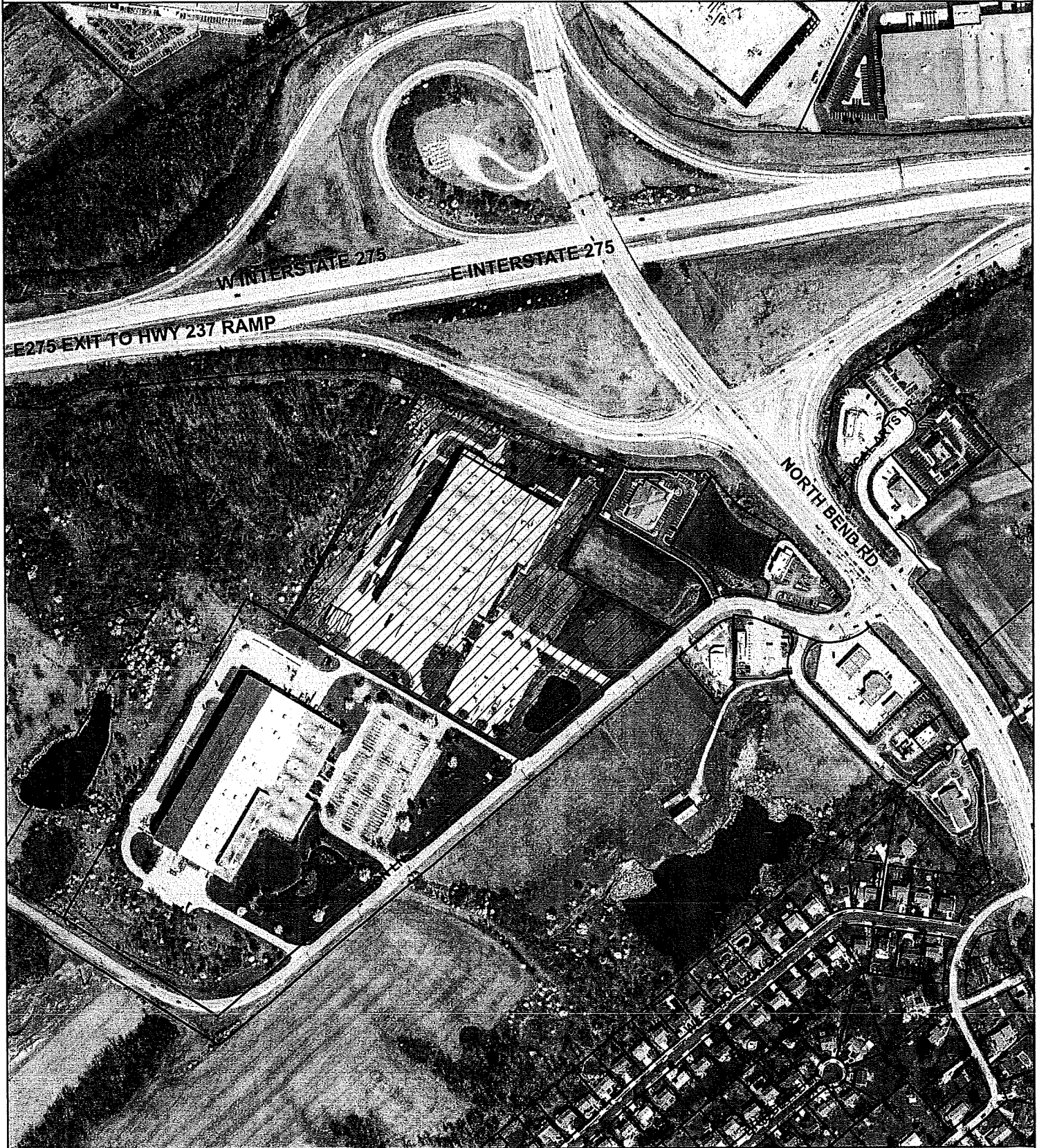
1 inch = 400 feet



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

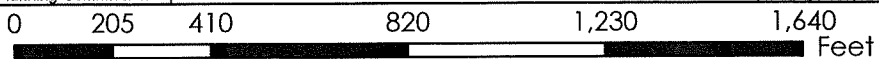
# Aerial Map

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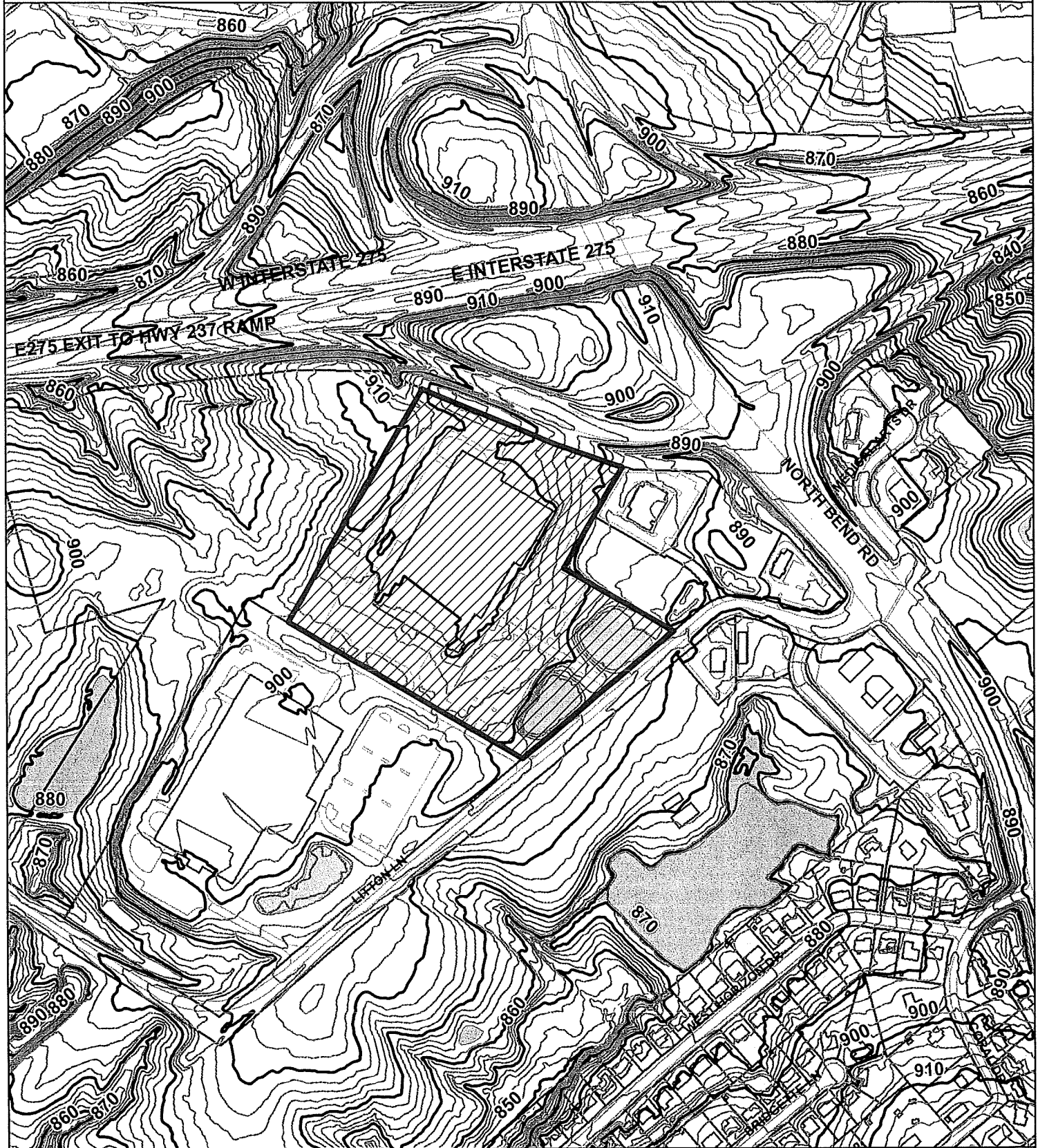


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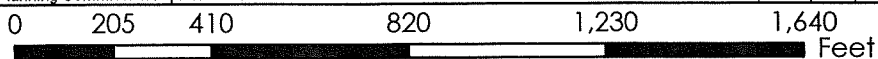
# Topographical Map

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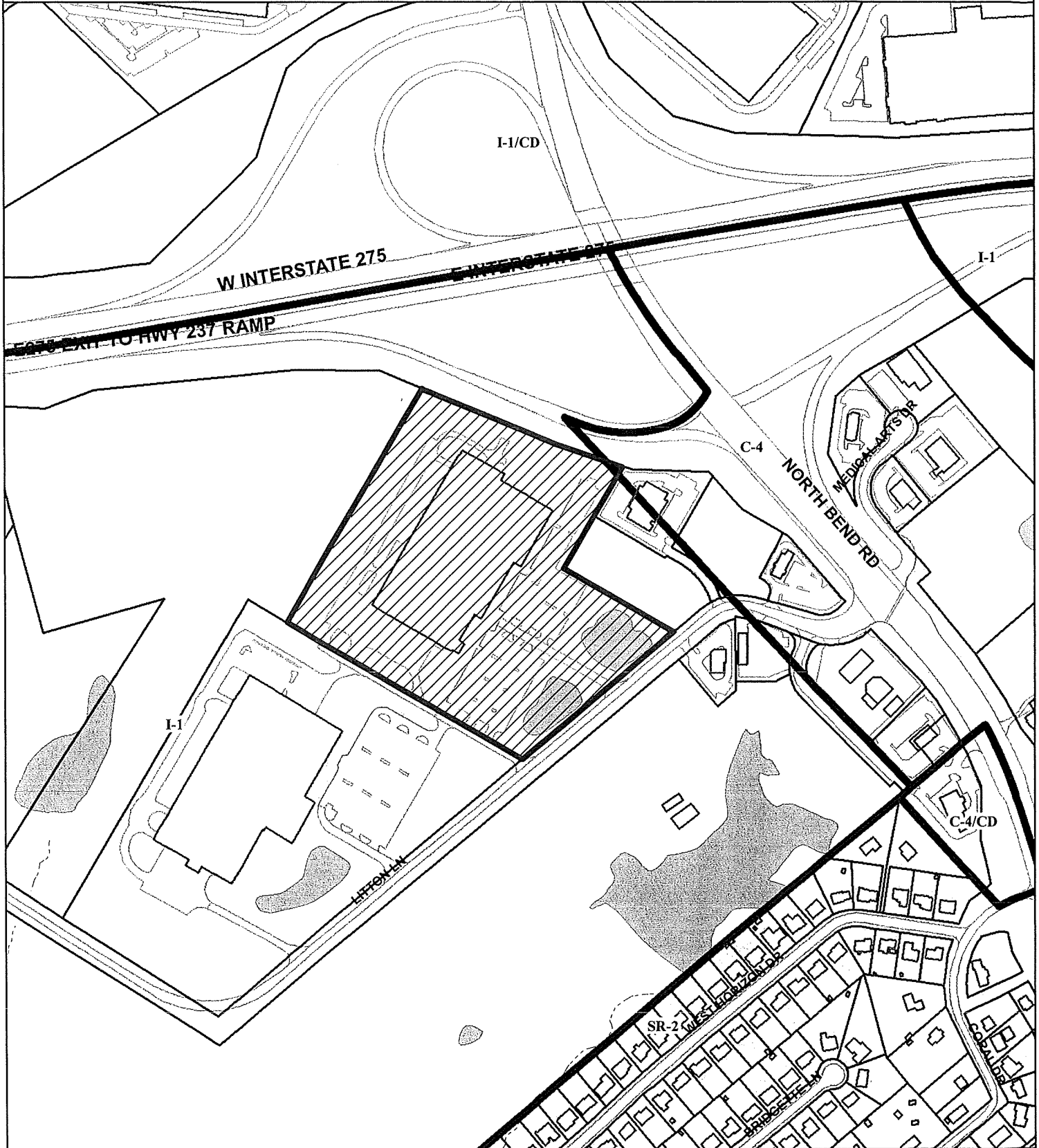


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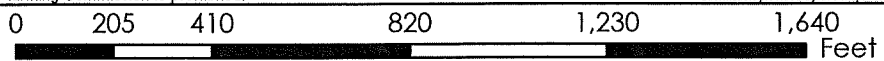
# Zoning Map

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1 inch = 400 feet



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

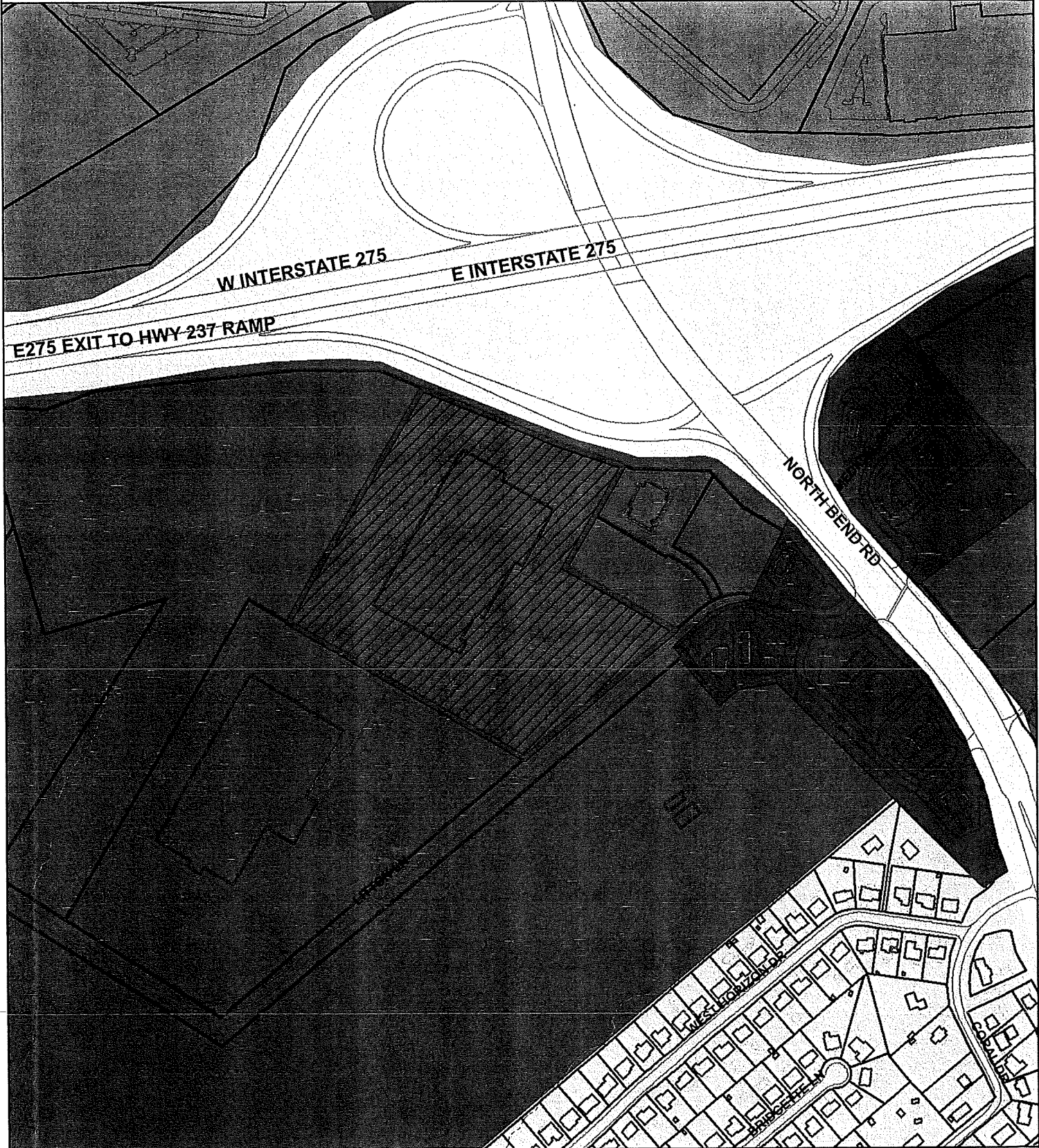


Map Created: 01/01/2018

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ArcMap Document: \*.mxd

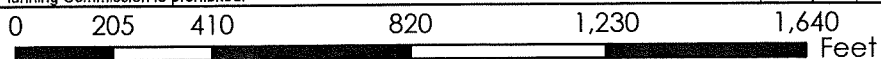
# 2025 Future Land Use Map

www.boonecountygis.com



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

Map Created: 01/01/2018

Boone County GIS  
ArcMap Document: \*.mxd

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 KLOSTERMAN BAKING COMPANY
- 2. Location of Project 2100 LITTON LANE, HEBRON, KY
- 3. Total Acreage of Site 16
- 4. Current Zoning of Site INDUSTRIAL ONE
- 5. Proposed Zoning (Classification being requested) SPECIAL SIGN DISTRICT
- 6. Proposed Uses (please specify each use) INSTALL (1) MONUMENT SIGN WITH AN ELECTRONIC MSG. CTR.

- 7. Names of Applicant(s) JOHN DIERSING  
Phone No. 859.525.9966 Fax No. 859.525.0304 E-Mail JDIERSING@QUALITYSIGN@FUSE.NET
- 8. Address of Applicant(s) 1630 PRODUCTION DR. BURLINGTON KY 41005  
City State Zip

- 9. Name of Property Owner(s) SOUTHERN HEARTH LLC  
Phone No. 513.242.1004 Fax No. 513.242.3151 E-Mail KSTEVENS@KLOSTERMAN BAKERY.COM
- 10. Address of Property Owner(s) 4760 PADDOCK ROAD CINCINNATI OH 45229  
City State Zip

11. Proposed Building Intensities (please specify) \_\_\_\_\_

12. Are there any existing buildings on the site? \_\_\_\_\_  
How many? \_\_\_\_\_

13. Deed Book \_\_\_\_\_ Page No. \_\_\_\_\_ Group No. \_\_\_\_\_

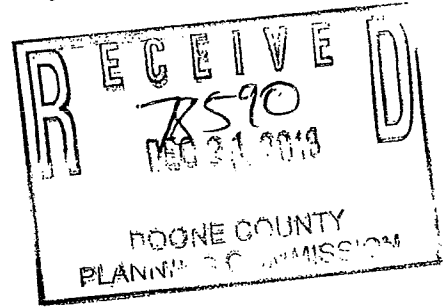
14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance

15. Have you submitted a Concept Development Plan? \_\_\_\_\_

16. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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



**ZONING MAP AMENDMENT  
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
  - \_\_\_\_\_ Florence
  - \_\_\_\_\_ Walton
  - \_\_\_\_\_ Union

19. **ORIGINAL Property Owner's Signature** Kenneth A. Kattum Jr.  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature** John Diering FOR QUALITY SIGNS  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 12-21-18
2. Review Fee \$2,602.00 R# 78590
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 \_\_\_\_\_
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - \_\_\_\_\_ **Approval**
  - \_\_\_\_\_ **Approval with Conditions**
  - \_\_\_\_\_ **Denial**
9. Other: \_\_\_\_\_ Resolution # \_\_\_\_\_

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.



Dear Board Members,

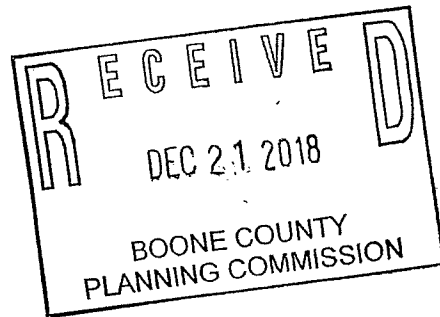
We are applying for a Zoning Map Amendment to be allowed to erect an electronic message center (EMC) for Klosterman Baking Company @ 2100 Litton Ln. in Hebron, KY.

Our client's primary interest is to post current and upcoming employment opportunities.

They also plan to post public service messages and time & temp as a courtesy to passing motorists.

Respectfully Submitted,

John Diersing



Since 1983

● 2100 Litton Ln., Hebron, Ky 41048



EXISTING/  
PROPOSED SIGN LOCATION

FILE: Klosterman PP-1

DATE: 10-12-18

SCALE: NTS

Approved By

Sales Rep. John Diersing

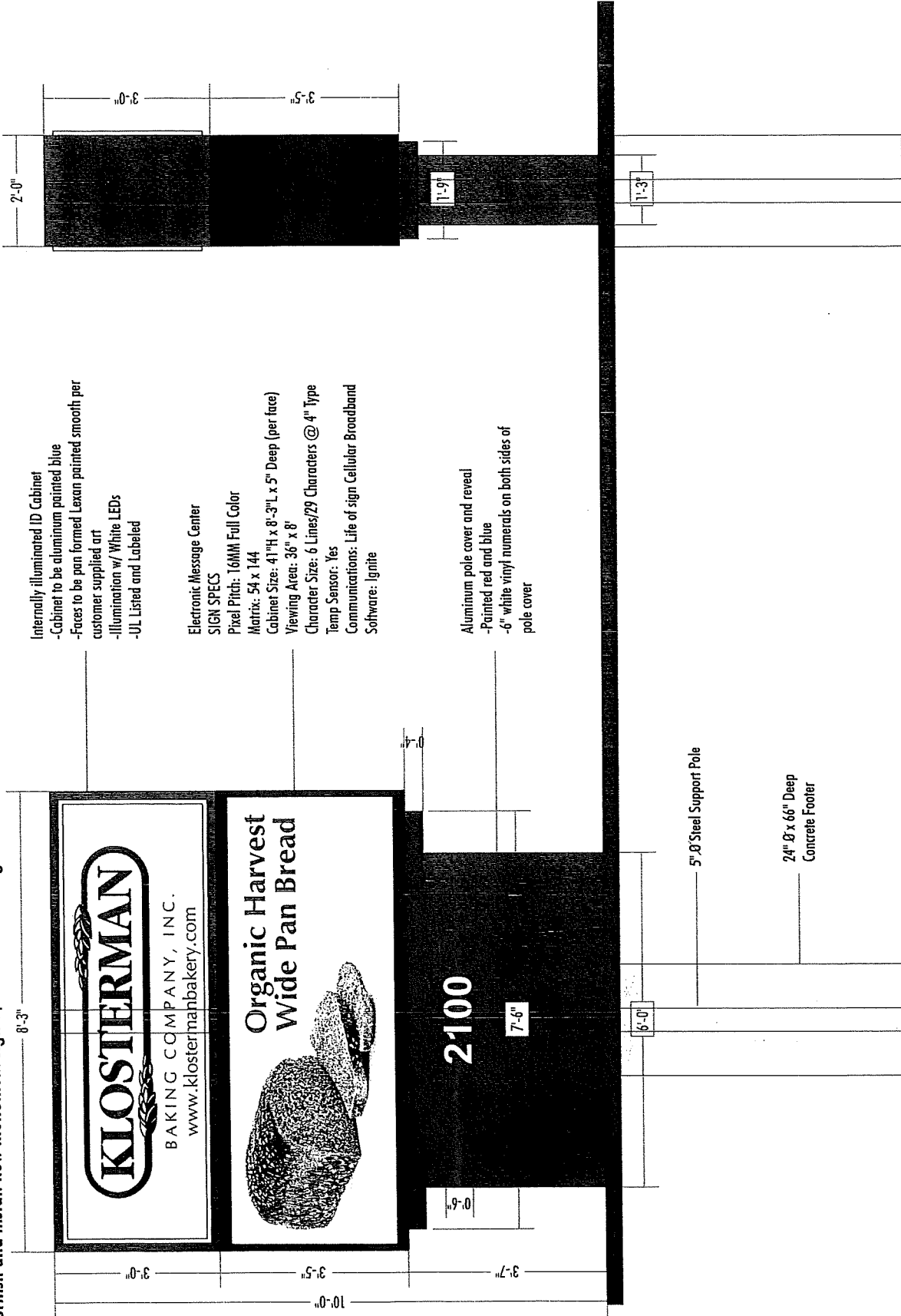
DRAWN BY: WOODY FELLINGER

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.



**Monument Sign w/ EMC**

**Furnish and install new monument sign w/ electronic message center**



Internally illuminated ID Cabinet  
 -Cabinet to be aluminum painted blue  
 -Faces to be part formed Lexan painted smooth per customer supplied art  
 -Illumination w/ White LEDs  
 -UL Listed and Labeled

Electronic Message Center  
 SIGN SPECS  
 Pixel Pitch: 16MM Full Color  
 Matrix: 54 x 144  
 Cabinet Size: 41"H x 8-3"L x 5" Deep (per face)  
 Viewing Area: 36" x 8"  
 Character Size: 6 Lines/29 Characters @ 4" Type  
 Temp Sensor: Yes  
 Communications: Life of sign Cellular Broadband Software: Ignite

Aluminum pole cover and reveal  
 -Painted red and blue  
 -6" white vinyl numerals on both sides of pole cover

5'-0" Steel Support Pole

24" Ø x 66" Deep Concrete Footer

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.



© 2018

FILE: Klosterman Mon EMC-2

DATE: 11-20-18

SCALE: 3/8" = 1'

Approved By

Sales Rep. John Diersing

DRAWN BY: WOODY FELLINGER

## **SECTION 3425**

### **Off Premises Signs Permitted as a Conditional Use**

The Board of Adjustment and Zoning Appeals may permit an off-premises sign as a conditional use in the I-1, and I-2 districts (See footnote below). Local information signs as conditional uses shall conform to Sections 260-267, inclusive, of this order, and further, shall be subject to the following minimum regulations 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; and
  - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
2. An off-premises sign, as a conditional use, shall conform, at minimum, to the following requirements:
  - a. No sign shall be larger than eight hundred (800) square feet and no linear dimension shall exceed fifty (50) feet;
  - b. The maximum height of any sign shall not exceed thirty (30) feet;
  - c. All signs shall be located at least six hundred and sixty (660) feet from the right-of-way lines of any interstate highways and at least one hundred (100) feet from the right-of-way lines of any other thoroughfares;
  - d. Off-premises signs shall not be permitted at intervals of less than two thousand six hundred and forty (2,640) feet, measured along the centerline of each interstate highway or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

**\*\* NOTE:** The City of Florence, Ordinance 0-29-80, allows off-premises signs in the I-1 zone only. Unincorporated Boone County, Ordinance 920.179, allows off-premises signs in the I-1 zone only.

The Board of Adjustment shall convey a copy of all off-premises sign conditional use applications and permits to the Zoning Administrator.

## **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.**

1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as a Conditional Use in C-1, C-2, C-3, C-4, PF and R zoning districts. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
  - (1). The application for conditional use permit shall be accompanied by the following information:
    - a. All of the information required in Section 3405 of this Article;
    - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; 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.

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

- 2. Electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - gas prices, hotel room rates, and other similar fixed price displays) shall be permitted in the Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3), Commercial Four (C-4), Public Facilities (PF) and Recreation (R) zoning districts subject to the following standards:
  - a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.
  - b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

**The following version of Section 3430 applies to the City of Florence only.**

- 1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as Conditional Use in C-2 and C-3 zoning districts. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
  - (1). The application for conditional use permit shall be accompanied by the following information:
    - a. All of the information required in Section 3405 of this Article;
    - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

#1

**TO:** Boone County Planning Commission

**FROM:** Rick Lunnemann, Chairman

**DATE:** March 6, 2019

**RE:** Request of John Diersing (applicant) for Southern Hearth Real Estate, LLC (owner) for a Zoning Map Amendment for a Special Sign District for an approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-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 for Business Park uses which is described as a mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting. The proposal is to create a Special Sign District to allow an electronic message center on a 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, Objective 3).
  - 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. That the overall sign shall be constructed as submitted, with the exception that the proposed electronic message board/screen not exceed fifty percent (50%) of the total sign area.
2. That the proposed electronic message board/screen have no 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. Additionally, there shall be no scrolling or running messages.
3. That the message displayed on the proposed electronic message board/screen be displayed for a minimum of five (5) second intervals.
4. That the proposed electronic message board/screen have a photocell or dimmer so that the displayed message shall dim as the sky gets darker and brighten as the sky gets brighter.
5. All messages shall be displayed on a black background.
6. The sign shall not be used to advertise off premise businesses, including any public service announcements.

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 Committee Vote.

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

TO: Boone County Planning Commission

FROM: Rick Lunnemann, Chairman  
58

DATE: February 20, 2019

### **ZONING MAP AMENDMENT - Rick Lunnemann, Chairman, Michael Schwartz, Staff**

1. Request of **John Diersing (applicant)** for **Southern Hearth Real Estate LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky. The request is for a Special Sign District in a Industrial One (I-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.

*Kim Bunger*  
\_\_\_\_\_  
**Kim Bunger**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Mark Hicks (Alternate)**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Janet Kegley**

For Project \_\_\_\_\_ Absent   
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Lisa Heilman (Alternate)**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_

*Rick Lunnemann*  
\_\_\_\_\_  
**Rick Lunnemann (Chairman)**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Brad Shipe (Alternate)**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Kim Patton**

For Project \_\_\_\_\_ Absent   
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Kenny Vaught*  
\_\_\_\_\_  
**Kenny Vaught**

For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ DEFERRED 3 FOR PROJECT 2 ABSENT  
\_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
FEBRUARY 6, 2019  
7:30 P.M.**

---

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler, Secretary/Treasurer  
Ms. Corrin Gulick  
Mr. Steve Harper  
Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Steve Turner, Temporary Presiding Officer  
Mr. Kenny Vaught

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Brad Shipe

**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. Robert Jonas, AICP, Director, Planning Services  
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:39 p.m.

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

1. Request of **John Diersing (applicant)** for **Southern Hearth Real Estate LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-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. The site is 16 acres in size and located on the north side of Litton Lane and west of North Bend Road. Mr. Schwartz referred to an aerial photograph to identify the site. The request is to replace an existing sign with a monument sign containing an electronic message board. He showed the location of the signs. The surrounding zoning of the site is Industrial One (I-1) with the exception to the east being zoned Commercial Four (C-4). It is important to note that the current regulations allow the site to have one monument sign up to 10 feet high and 100 square feet in area as well as allowing 50% of the sign area to be manually changeable copy. The topography of the site is relatively flat. The Comprehensive Plan designates the site as Business Park (BP). Mr. Schwartz showed photographs of the site. The proposed sign is 10 feet in height and just under 53 square feet in sign area of which 28 square feet is to be a full color electronic message board. The electronic message board is about 53% of the total sign area. Staff has provided appropriate references to the Comprehensive Plan relative to signage and the 2017 Goals and Objectives. Staff would like to add the following comments. While this type of sign is permitted in a Special Sign District, Staff has provided the pertinent regulations for permitted electronic signs such as no flashing, no motion and 5 second intervals for message changes. All of these items should be addressed by the applicant as how they will comply with the criteria. Should the request be approved, all messages should be displayed on a black background and the sign should not advertise for off-premise businesses.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Woody Fellingner, Quality Signs, introduced Mr. Chip Klosterman from Klosterman Bakery and stated that the proposed sign will comply with the current regulations for electronic message signs. It will not flash, scroll or blink. They will comply with the zoning regulations 100%. The proposed sign has an auto dim function. At night, the sign will be less bright than during the day. It won't be in your face or too bright. Mr. Fellingner stated that the owner wants to post messages for prospective clients, public service announcements, time/temperature and their logo. Further, Mr. Klosterman has kids who visit the manufacturing facility for tours. The proposed sign is more modern looking. By going electronic, it allows someone who is off-site to change the sign message. It saves the company time and money.

Chairman Rolfsen asked if the proposed sign could only be seen from Litton Lane? Mr. Fellingner responded yes. Mr. Klosterman stated that there are fewer manufacturing facilities today. That is why they offer tours. It is used for "greeting" messages.

At this time, Chairman Rolfsen asked if any of the Board members had any questions or comments?

Mr. Lunnemann asked about the type of public service announcements? Mr. Klosterman replied that it would recognize group tours, products they sell and time/temperature.

Ms. Gulick asked if the proposed sign impacts sight distances coming in and out of the entrance/exits? Mr. Fellingner responded that he doesn't believe so. It will be located in the exact same spot. It is the same height.

Mr. Bunger asked what is the base material? Also, will the black background work for the company? The base is all aluminum construction with an aluminum pole cover. The black background will work on the site.

Mr. Hicks stated that he appreciated the owner restricting the use of the proposed sign. Is there a way to not allow these types of signs to be a billboard? Can the Staff look into this issue? Mr. Costello responded that the proposed sign can only advertise the on-premise business not off-premise businesses. Mr. Hicks mentioned the existing sign in Richwood as an example. Mr. Costello replied that he would have Staff investigate that sign.

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

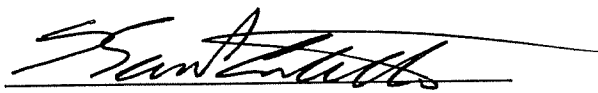
**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 20, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on March 6, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 7:51 P.M.**

**APPROVED:**



**Charlie Rolfsen**  
**Chairman**

**Attest:**



**Kevin P. Costello, AICP**  
**Executive Director**

# **SUPPORTING INFORMATION**



## **BOONE COUNTY PLANNING COMMISSION**

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

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

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

February 25, 2019

John Diersing  
Quality Sign  
1530 Production Drive  
Burlington, Kentucky 41005

RE: Recommended Conditions of Approval for **John Diersing (applicant)** for **Southern Hearth Real Estate, LLC (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky. The request is for a Special Sign District in an Industrial One (I-1) District to allow an electronic message center on a monument sign.

Dear Mr. Diersing:

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 February 20, 2019 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, March 1, 2019.

### **CONDITIONS**

1. That the overall sign shall be constructed as submitted, with the exception that the proposed electronic message board/screen not exceed fifty percent (50%) of the total sign area.
2. That the proposed electronic message board/screen have no 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. Additionally, there shall be no scrolling or running messages.
3. That the message displayed on the proposed electronic message board/screen be displayed for a minimum of five (5) second intervals.
4. That the proposed electronic message board/screen have a photocell or dimmer so that the displayed message shall dim as the sky gets darker and brighten as the sky gets brighter.
5. All messages shall be displayed on a black background.
6. The sign shall not be used to advertise off premise businesses, including any public service announcements.

CONDITION LETTER

PAGE 2

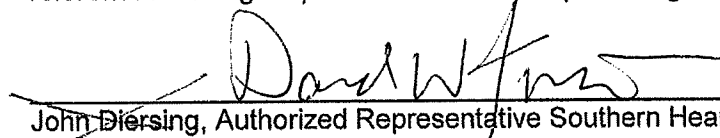
John Diersing for Southern Hearth Real Estate, LLC - Special Sign District  
February 25, 2019

Sincerely,

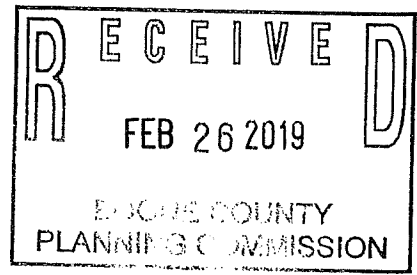
Michael D. Schwartz  
Planner

AGREEMENT

I, the authorized representative of the property owner of the approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment for a Special Sign District application.

 2/25/19  
\_\_\_\_\_  
John Diersing, Authorized Representative Southern Hearth Real Estate, LLC      Date

DAVID W. FELLINGNER  
MDS/ss



**ORDINANCE NO. 2019 - 10**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF JOHN DIERSING (APPLICANT) FOR SOUTHERN HEARTH REAL ESTATE LLC (OWNER) FOR A ZONING MAP AMENDMENT TO ESTABLISH A SPECIAL SIGN DISTRICT FOR AN APPROXIMATE 16 ACRE SITE LOCATED AT 2100 LITTON LANE, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A SPECIAL SIGN DISTRICT IN AN INDUSTRIAL ONE (I-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 Industrial One (I-1) for an approximate 16 acre site located at 2100 Litton Lane, 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 Industrial One (I-1) district for an approximate 16 acre site located at 2100 Litton Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial One (I-1) district is more particularly described in Deed Book 1111, Page No. 837 (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 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 same are marked as "Exhibit B."

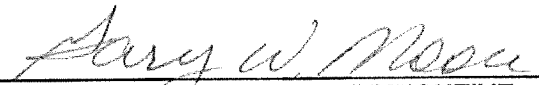
**Section Three**

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


First Reading the 9<sup>th</sup> day of April, 2019.

Second Reading the 14<sup>th</sup> day of May, 2019

Adopted this 14<sup>th</sup> day of May, 2019 Yes 4 No 0

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

ATTEST:

  
Sharon Burcham  
Fiscal Court Clerk

● 2100 Litton Ln., Hebron, Ky 41048



EXISTING/  
PROPOSED SIGN LOCATION

FILE: Klosterman PP-1

DATE: 10-12-18

SCALE: NTS

Approved By

Sales Rep. John Diersing

DRAWN BY: WOODY FELLINGER

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.

© 2018



**Monument Sign w/ EMC**

Furnish and install new monument sign w/ electronic message center



Internally illuminated ID Cabinet  
 -Cabinet to be aluminum painted blue  
 -Faces to be pan formed Lexan painted smooth per customer supplied art  
 -Illumination w/ White LEDs  
 -UL Listed and Labeled

Electronic Message Center  
 SIGN SPECS  
 Pixel Pitch: 16MM Full Color  
 Matrix: 54 x 144  
 Cabinet Size: 41"H x 8'-3"L x 5" Deep (per face)  
 Viewing Area: 36" x 8"  
 Character Size: 6 Lines/29 Characters @ 4" Type  
 Temp Sensor: Yes  
 Communications: Life of sign Cellular Broadband Software: Ignite

Aluminum pole cover and reveal  
 -Painted red and blue  
 -6" white vinyl numerals on both sides of pole cover

5" Ø Steel Support Pole

24" Ø x 66" Deep Concrete Footer

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.



FILE: Klosterman Mon EMC-2  
 DATE: 11-20-18  
 SCALE: 3/8" = 1'

Approved By  
 Sales Rep. John Diersing  
 DRAWN BY: WOODY FELLINGER

© 2018