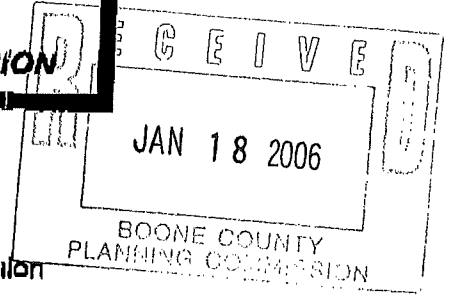


06-BCBA-003-A

APPLICATION FORM

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**



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

- (Check One)
1.  Boone  Florence  Walton  Union
  2. (Check One)  
 Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
  3. Applicant's Name JGD ASSOCIATES, Inc. - MATTHEW PISKO  
Phone Number 440-933-6825 Fax No. 440-933-3992  
Applicant's Address 92 Moore Road  
Avon Lake OH 44012  
City State Zip
  4. Description of Request: Addition of Three (3) service  
Boys to an existing two bay repair facility.
  5. Name of Development TravelCenters of America
  6. Location of Development 145 Richwood Road  
Walton, KY 41094
  7. Acreage Under Review 2.08 AC
  8. Lot Number and Name of Subdivision (if part of a subdivision)  
076.00-00-003.03
  9. Owner of Property JA OPERATING CORPORATION
  10. Phone Number of Owner 731.232.8630 (Jerry Chesney)  
Address of Property Owner 24601 Center Ridge Road, Westlake, OH 44145  
City State Zip
  11. Proposed Use(s) on Site TravelCenters of America Truck Stop  
and Repair Facility.
  12. Total Square Footage of Existing and/or Proposed Buildings 15953/7919 sq ft total: 23,872
  13. Current Zoning on Property C-3
  14. Deed Book 529 Page No. 56 Group No. 2072 38 ft
  15. Is the site subject to a zone change? No  
If yes, give date of approval N/A
  16. Have you submitted a Site Plan with this request? YES
  17. Have you submitted a list of adjoining property owners with this request? YES
  18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

(over)

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
PAGE 2**

**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-18-06 Fee Received \$ 717.00 RA 44721  
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No  
3. Staff Reviewer \_\_\_\_\_  
4. Scheduled Board Action Date \_\_\_\_\_  
5. Board Action:  
2/8/06 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)  
6. Conditions of Approval: SEE ~~STAFF~~ STAFF COMMENTS  
9A 9B AND 9C IN  
STAFF REPLY  
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission**  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page

**NOTE:** See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

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

## STAFF REPORT

APPLICANT: JGD Associates, Inc. for Travel Centers of America  
LOCATION: 145 Richwood Road, Boone County, Kentucky  
ZONING: Commercial Services (C-3)  
DATE: February 8, 2006

### Proposal

The applicant is requesting a Change in Non-Conforming Use to allow Travel Centers of America to construct a three bay truck repair addition onto their existing two bay shop. The subject property is located at 145 Richwood Road and is zoned Commercial Services (C-3).

The submitted Concept Development Plan (see attachments) indicates that the proposed addition is approximately 7,919 square feet in area (87' 8" x 90' 4") and will be constructed onto the rear of the existing shop. The addition will raise the gross building square footage of the truck stop from 15,953 square feet to 23,872 square feet.

The submitted elevation drawings (see attachments) indicate that the addition will be constructed of metal siding, while the existing building is constructed predominately of brick. In addition, these drawings indicate that new internally illuminated signs are being proposed on the proposed facades.

### Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for changes in non-conforming use.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming lots, uses or structures from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 272 of the Boone County Zoning Regulations states that where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted.

K.R.S. 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

2. The Board of Adjustment shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

Article 10, Section 1033 of the Boone County Zoning Regulations lists "truck stops" as a Conditional Use in the Commercial Services (C-3) zoning district.

Article 11, Section 1131 of the Boone County Zoning Regulations lists "truck stops" and "repair for tractor trailer and other trucks" as principally permitted uses in the Industrial One (I-1) zoning district.

#### Relationship to the Comprehensive Plan

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

The Land Use Element (Richwood Area, pg. 148) states that "commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange.

The Business Activity Element (Recommended Areas of Commercial Activity, pp. 62-65) makes the following statement regarding future commercial development at the I-75/Richwood Road Interchange:

"Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along U.S. Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area."

### Relationship to the 2030 Transportation Plan

- The Transportation Plan indicates that the current Level of Service on Richwood Road between Dixie Highway and Frogtown Connector Road is D (Exhibit 2-7).
- Reconstruction of the Richwood Road Interchange is shown on the Kentucky Transportation Cabinet's 6 Year Plan (Exhibit 3-1).
- One of the long range transportation improvements recommended by the plan is the widening of Richwood Road to four lanes (with a center turn lane) between Dixie Highway and Chambers Road. The interchange improvements mentioned above will enable this widening to occur (Exhibit 6-1).
- The projected level of Service on Richwood Road between Dixie Highway and Frogtown Connector Road in the year 2030 is E (Exhibit 6-9).

### Board of Adjustment History

- 12/14/88 – The Boone County Board of Adjustment approves a Variance to allow three existing free-standing signs to be replaced with a 31' tall, 265 square foot free-standing sign.
- 06/14/00 – The Boone County Board of Adjustment approves a Change of Non-Conforming Use and four (4) Variances. The Change of Non-Conforming Use allows a 121 square foot sign cabinet to be added to a 86' 6" tall, 590 square foot pole sign. Variance 1 increases the permitted building mounted signage on the northern facade from 250 square feet to 535.49 square feet. Variance 2 increases the permitted building mounted signage on the western facade from 160.25 square feet to 396.94 square feet. Variance 3 increases the permitted building mounted signage on the eastern facade from 160.25 square feet to 589.26 square feet. Variance 4 allows the signage on two faces of the truck canopy to be increased from 25% to 100%.

### Site Characteristics

The approximate 9 acre site contains an approximate 15,953 square foot truck stop. The building contains two restaurants, a convenience store, a lounge, a game room, showers, and two truck maintenance bays. The front and sides of the building are constructed with brick and the rear of the building is a mix of brick and metal siding. The site also contains 8 truck fuel pumps, 4 car fuel pumps, and a metal storage building. Car parking is located to the front and western side of the building and truck parking is located at the rear of the site. Ingress and egress to the site is provided by two curb cuts on Richwood Road. Three (3) free-standing signs exist on the site.

### Surrounding Land Uses and Zoning

North: Richwood Road, White Castle, Arby's, Burger King, Pilot Truck Stop (C-3)

South: Undeveloped 49 Acre Parcel (C-3 & EPD)

East: Undeveloped 49 Acre Parcel (C-3 & EPD)

West: North I-75 Exit Ramp to KY 338

Staff Comments

1. The two truck repair bays which exist on site are legally non-conforming because the property is zoned Commercial Services (C-3).
  - The Boone County Zoning Regulations lists "tractor trailer repair facilities" as principally permitted uses in Industrial One (I-1) and Industrial Two (I-2) zones.
  - The Boone County Zoning Regulations do not list "tractor trailer repair facilities" as principally permitted uses or conditional uses in the Commercial Services (C-3) zone.
  - The Zoning Administrator determined that the "truck stop" use, which is conditionally permitted in the C-3 zone, does not include tractor trailer repair. This conclusion was reached after reviewing the two bullet points listed above and the legislative history of the issue.
2. The Board needs to determine if the proposed addition constitutes an enlargement or extension of the existing non-conforming use. In making this determination, the Board should determine if the additions are more objectionable than what already exists on the site. In addition, the Board could analyze whether some other non-conforming aspects of the property could be reduced or eliminated.
3. The business contains several non-conforming signs (free-standing, building mounted, gasoline canopy). Staff is concerned that the development has three large free-standing signs. The free-standing sign located near the access point is approximately 37' tall and 240 square feet in area. The truck scale sign is approximately 21' 4" tall and 107 square feet in area. The interstate sign is 86' tall and 711 square feet in area. The Boone County Zoning Regulations permits individual parcels which are zoned C-3 to have one (1) architectural free-standing sign which is up to 30 feet in height and 200 square feet in area.
4. Staff is concerned that the predominate building material of the addition is metal siding because the existing building is constructed mostly of brick. Staff would also like the applicant to explain the color scheme that is being proposed on the building addition.
5. Staff would like the applicant to address if more building mounted signs are being proposed on the maintenance bay addition or if existing signs are being relocated. Variances were approved in June of 2000 to increase the building mounted signage on the northern, eastern and western sides of the building (see Board of Adjustment History). Proposals to add more building mounted signage would need to be reviewed by the Board of Adjustment.
6. Staff is concerned that the addition could cause more semi-trucks to use the development and subsequently block traffic near the Richwood interchange at peak traffic times. Staff has asked the Applicant to supply some traffic data which indicates what impact the addition will have on the curb cuts and the Richwood interchange.

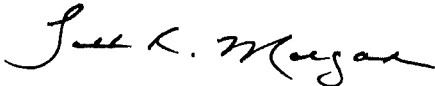
The Boone County Comprehensive Plan recommends that further commercial further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange. The 2030 Boone County Transportation Plan indicates that current Level of Service on Richwood Road between Dixie Highway and Frogtown Connector Road is D.

7. On January 12, 2005, the Florence Board of Adjustment approved a Change in Non-Conforming Use which allowed Travel Centers of America to construct a three (3) bay garage addition onto their existing three (3) bay facility on KY 18. As a result, Travel Centers of America currently has a total of eight (8) service bays between their Richwood and Florence facilities. Approval of the subject request would bring the total number of truck maintenance bays at the two facilities to eleven (11).
8. Staff would like the applicant to explain if any new parking lot lighting or wall packs are being proposed.
9. If the Board grants approval of the request, Staff recommends the following conditions:
  - a. The construction materials and colors of the building addition will match the construction materials and colors of the existing truck maintenance shop.
  - b. No additional signage is being approved with the request.
  - c. A Major Site Plan will need to be submitted to the Boone County Planning Commission. The Site Plan will need to address building setbacks, parking aisles, parking lot striping, lighting, etc.

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Change-in-Non-Conforming Use.

Respectfully submitted,

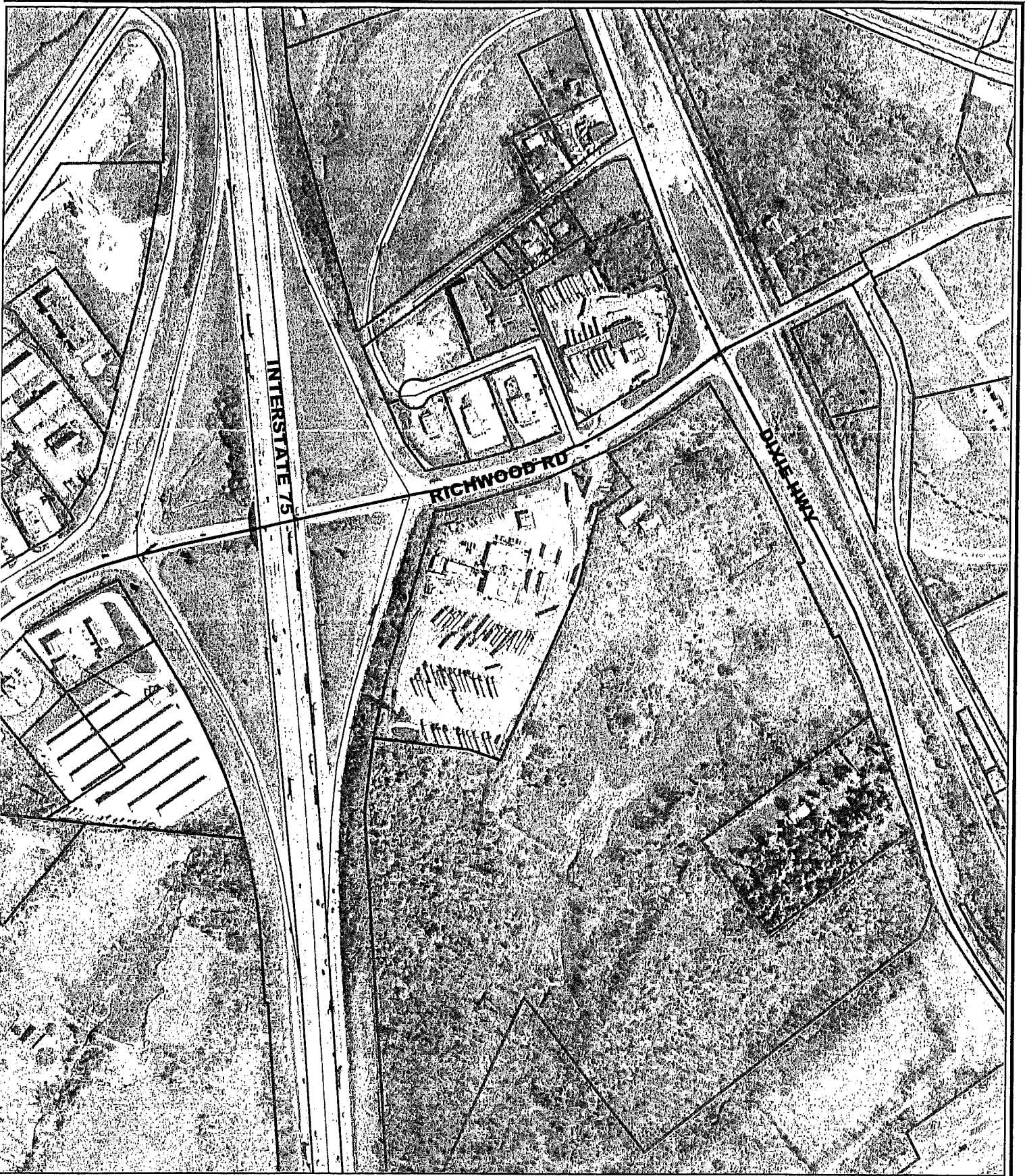


Todd K. Morgan, AICP  
Planner, Zoning Services

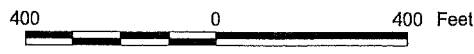
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Attachments

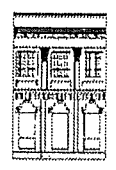
- Exhibit A – Aerial Map
- Exhibit B – Concept Development Plan (Proposed Building & Existing Parking Layout)
- Exhibit C – Concept Development Plan (Proposed Building & Proposed Parking Layout)
- Exhibit D – Floor Plan of Proposed Addition
- Exhibit E – Elevation Drawings of Proposed Addition
- Exhibit F – Zoning Map
- Exhibit G – Future Land Use Map
- Exhibit H – Application



# 145 Richwood Road Aerial Map



1 inch equals 400 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 25, 2006













# 145 Richwood Road Zoning Map

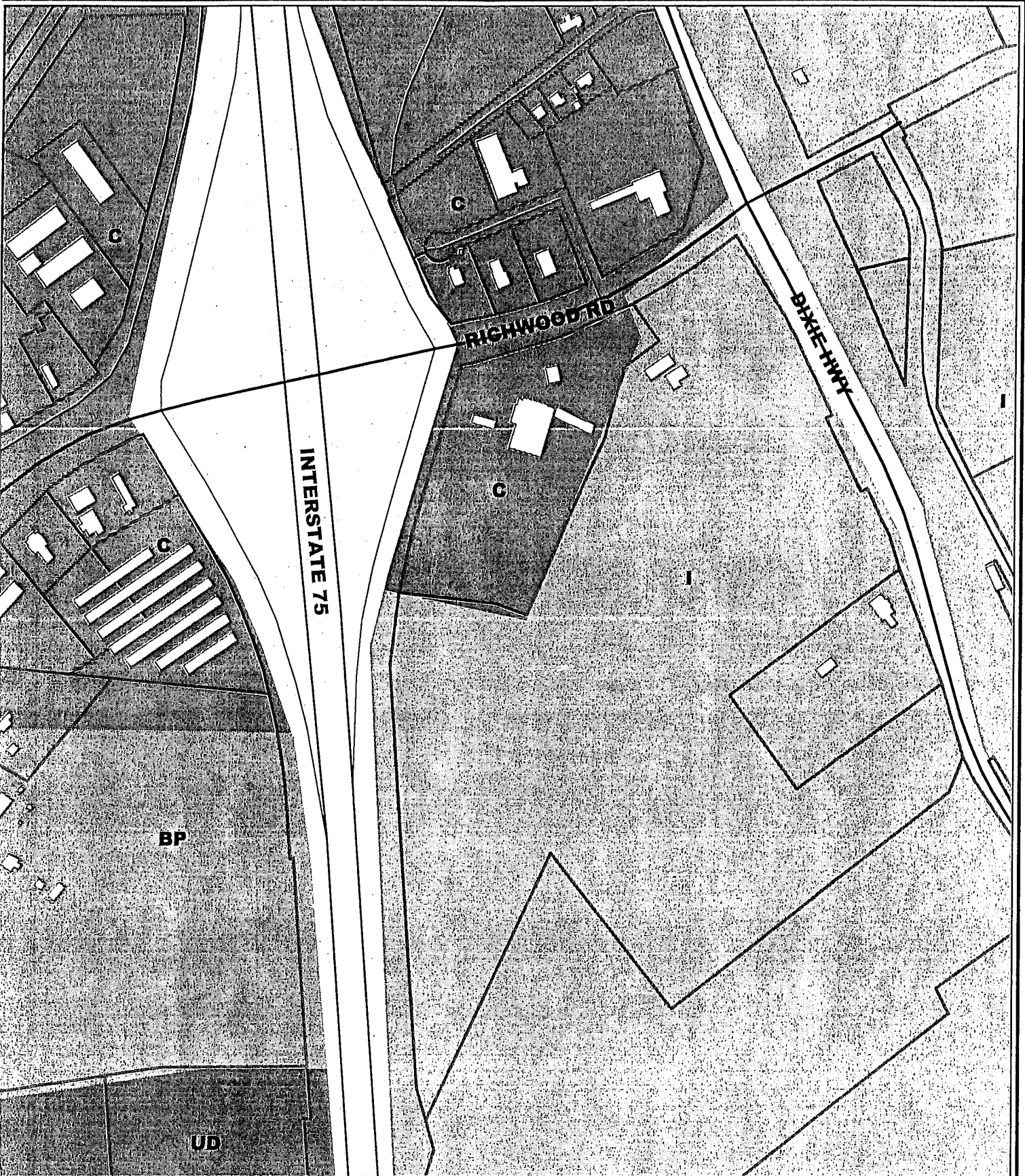
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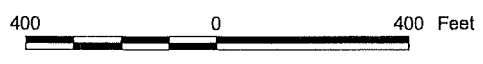
1 inch equals 400 feet

Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 25, 2006

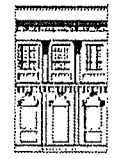




# 145 Richwood Road Future Land Use Map

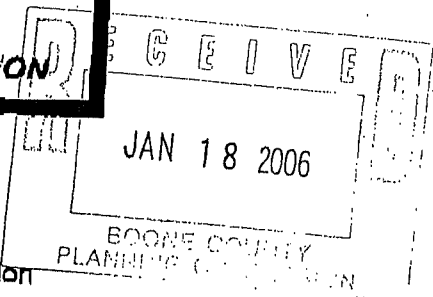


1 inch equals 400 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 February 1, 2006



APPLICATION FORM

**BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION**



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

(Check One)

- 1.  Boone  Florence  Walton  Union

(Check One)

- 2.  Conditional Use Permit  Variance  Appeal
- 3.  Change in Non-Conforming Use

3. Applicant's Name JGD Associates, Inc. - MATTHEW PISKO  
 Phone Number 440-933-6825 Fax No. 440-933-3992  
 Applicant's Address 92 Moore Road  
Avon Lake OH 44012  
 City State Zip

4. Description of Request: Addition of Three (3) service

5. Name of Development TravelCenters of America

6. Location of Development 145 Richwood Road  
Walton, KY 41094

7. Acreage Under Review 9.08 AC

8. Lot Number and Name of Subdivision (if part of a subdivision)  
076.00-00-003.03

9. Owner of Property TA OPERATING CORPORATION

10. Phone Number of Owner 731.232.8630 (Jerry Chesnow)

Address of Property Owner 24601 Center Ridge Road, Westlake, OH 44145  
City State Zip

11. Proposed Use(s) on Site TravelCenters of America Truckstop  
and Repair Facility.

12. Total Square Footage of Existing and/or Proposed Buildings 5953 / 7919 sq ft total: 23,872

13. Current Zoning on Property C-3 39 ft

14. Deed Book 520 Page No. 56 Group No. N/A

15. Is the site subject to a zone change? No  
If yes, give date of approval N/A

16. Have you submitted a Site Plan with this request? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

(over)

COPY

CLUR #06-BCBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

TA Operating Corporation  
24601 Center Ridge Road  
Westlake, OH 44145

2. ADDRESS OF PROPERTY

145 Richwood Road  
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Travel Centers of America

4. DEED BOOK 529

PAGE NO. 56

GROUP NO. 2072

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From  To

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat  
(Not Recorded)

Other: Change in Non-Conforming Use

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION  
2995 WASHINGTON STREET  
BURLINGTON, KENTUCKY 41005

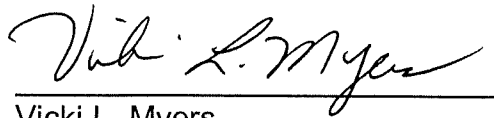
*Todd K. Morgan*  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

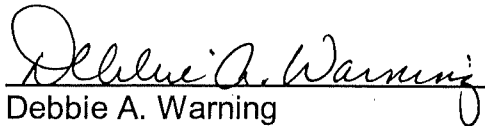
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 13<sup>th</sup> day of February, 2006.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 8, 2006 Certificate of Land Use Restriction (#06-BCBOA-003-A), for TA Operating Corporation, Property Owner(s).

The following conditions will apply:

- 1) The construction materials and colors of the building addition will match the construction materials and colors of the existing truck maintenance shop.
- 2) No additional signage is being approved with the request.
- 3) A Major Site Plan will need to be submitted to the Boone County Planning Commission. The Site Plan will need to address building setbacks, parking aisles, parking lot striping, lighting, etc.

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 529

PAGE NO. 56

GROUP NO. 2072