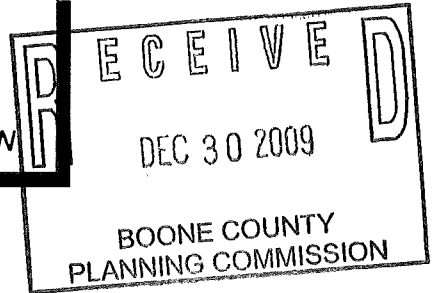


APPLICATION FORM

10-001

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 \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name ATLANTIC SIGN CO.  
Phone Number 513-241-6775 Fax No. 513-241-5060  
Applicant's Address 2328 FLORENCE AVE.  
CINCINNATI OH 45206  
City State Zip
4. Description of Request: INSTALL (1) ONE ELECTRONIC MESSAGE UNIT ON EXISTING POLE SIGNAL.
5. Name of Development BP GAS STATION (TRAVEL CENTER)
6. Location of Development 145 RICHWOOD RD. WALTON, KY 41094
7. Acreage Under Review \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property TRAVEL CENTERS OF AMERICA  
Address of Property Owner HPT TA PROPERTIES Phone No. \_\_\_\_\_  
400 CENTRE JE NEWTON, MA 02458  
City State Zip
11. Proposed Use(s) on Site  Electronic Sign
12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
13. Current Zoning on Property C-3
14. Deed Book 929 Page No. 681 Group No. 2072
15. Is the site subject to a zone change? \_\_\_\_\_  
If yes, give date of approval \_\_\_\_\_
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.

ORIGINAL Property Owner's Signature: \_\_\_\_\_  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: \_\_\_\_\_  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(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 12/30/09 Fee Received \$1,082<sup>00</sup> R# 5998
2. Is application complete? Yes  Yes  No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
 Approved  
 2/10/10 Approved with Conditions (See #6)  
 Denial (See #7)
6. Conditions of Approval: SEE STAFF COMMENTS  
4A., 4B., 4C., 4D., 4E.,  
4F., and 4G.
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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](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: Atlantic Company for Travel Centers of America

LOCATION: 145 Richwood Road, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: February 10, 2010

### Proposal

The applicant has submitted a Conditional Use Permit application to allow a 48 square foot electronically changeable message board on TA Truck Stop's entrance sign. The submitted photo and rendering show that the Taco Bell/Country Pride sign cabinet will be removed and an electronic message board will be installed in its place. The overall sign will remain 35'-9" tall and 254.32 square feet in area (21'-1" x 12'-0 $\frac{3}{4}$ ").

The applicant has informed Staff that the electronic message board has the ability to display up to 6 lines of green text. The minimum letter size is 4.5 inches and the maximum letter size is 11.5 inches. The sign will be manufactured with a dimmer and messages will dim as the sky gets darker. The message board will display restaurant specials, store specials, and diesel fuel prices.

### Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit applications.

The Board needs to evaluate the Conditional Use Permit request terms of the criteria listed in Section 262 of the Boone County Zoning Regulations. The criteria are listed below:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;

7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 3413 of the zoning regulations states that individual parcels of land in C-3 zoning districts shall be permitted a density of one (1) on-premises, architectural free-standing. In Unincorporated Boone County, the sign can be up to 30' tall and 200 square feet in area (dependent on road frontage).

Section 3430 of the Zoning Regulations permits electronically message boards as a Conditional Use in C-2 and C-3 zoning districts.

1. The following requirements must be met:
  - A. Such message boards will be considered a part of a permitted sign, free-standing or building mounted; up to fifty percent (50%) of the permitted sign area can be used for an electronically changeable message board.
  - B. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
  - C. Electronically changeable message boards 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 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.

2. **THE FOLLOWING DOES NOT APPLY IN THE CITY OF FLORENCE CITY LIMITS.** Electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - gas prices, hotel room rates, time and temperature, etc.) shall be permitted in the Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts subject to the following standards:

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

### Relationship of the Request to the Comprehensive Plan

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

The Future Land Use Development Guidelines (pages 140-142) found in the Land Use Element state that "developments in Boone County should give consideration to the overall design of the area. 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 of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation).

### Site Characteristics

The approximate 9 acre site contains a truck stop. The building contains two restaurants, a convenience store, a lounge, a game room, showers, and truck service area with four 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 (entrance sign, interstate sign, truck scale sign).

### 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-7175 Exit Ramp to Richwood Road

### Pertinent Site History

On December 14, 1988, the Boone County Board of Adjustment approved a Variance allowing three existing free-standing signs to be replaced with an entrance sign that would not exceed 40' in height and 250 square foot in area.

On October 19, 2009, Boone County Planning Commission Staff approved a Sign Permit for the subject sign. The permit allowed an approximate 60 square foot sign cabinet to be replaced with a new cabinet that had an L.E.D. fuel price display. The 19.5 square foot electronic fuel price display met the infrequently changing electronic message board standard found in the zoning regulations and was permitted by right.

Staff Comments

1. The subject sign is pre-existing, non-conforming because it more than 30 feet in height and 200 square feet in area. However, a change in non-conforming use is not needed because the overall height and square footage of the sign is not being changed.
2. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines from the Comprehensive Plan before acting on the Conditional Use Permit request. This section calls out that motorists should not be confused and/or distracted by excessive signs and that signs should not have a negative impact on the visual appearance of a corridor.

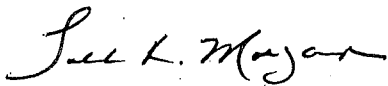
Staff has concerns that the electronic message board could have a negative visual appearance on Richwood Road and be distracting to motorists. Staff recommends that the time interval between message changes and the readability of the messages should be analyzed closely.

3. Section 3430 of the Boone County Zoning Regulations states that an electronic message board shall conform to the following criteria:
  - A. The electronic message board shall not be more than fifty percent (50)% of a permitted sign area. The two electronic message boards are 26.5% (67.5/254.32) of the overall sign area.
  - B. Electronic messages must be displayed on the board for at least 5 seconds and the messages cannot flash, scroll, or run.
  - C. Electronic message boards must be at least 660 feet apart. Staff did not identify any other electronic message boards within 660 feet of the proposed sign.
4. Staff recommends the following conditions if the request is approved:
  - A. The electronic message board shall display no more than two lines of graphics.
  - B. Messages shall be displayed in green and shall not flash, scroll or run.
  - C. Messages shall be displayed for a minimum of 15 seconds.
  - D. The maximum LED pitch shall not exceed 16 millimeters.
  - E. The ambient light level change (sign turned off versus sign turned on) at 100' perpendicular to the sign shall be no more than 0.3 foot candles.
  - F. The sign shall be equipped with a dimmer and the messages shall dim as the sky gets darker.
  - G. Off-premise advertising shall be prohibited on the sign.

Conclusion

K.R.S. 100.237 and Section 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/pr

Attachments

- \*Site Vicinity Map
- \*Picture of Existing Sign
- \*Simulation of Proposed Sign
- \*2007 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Topographical Map
- \*Application

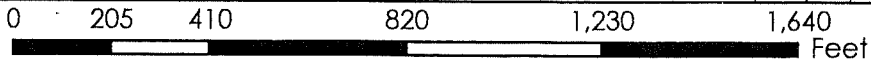
# SITE VICINITY MAP

www.boonecountygis.com



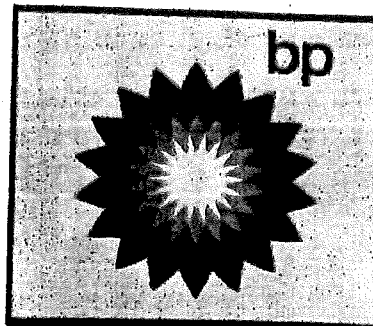
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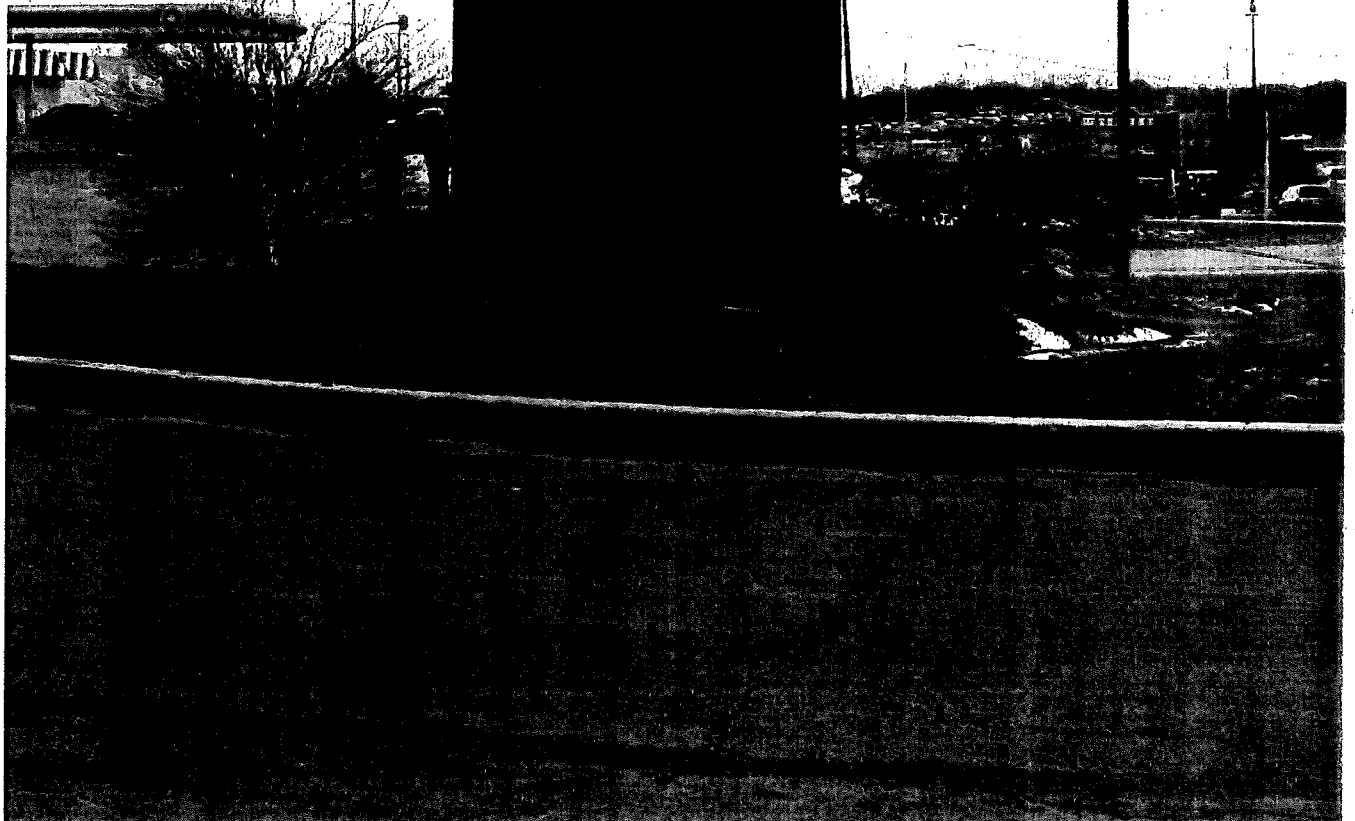


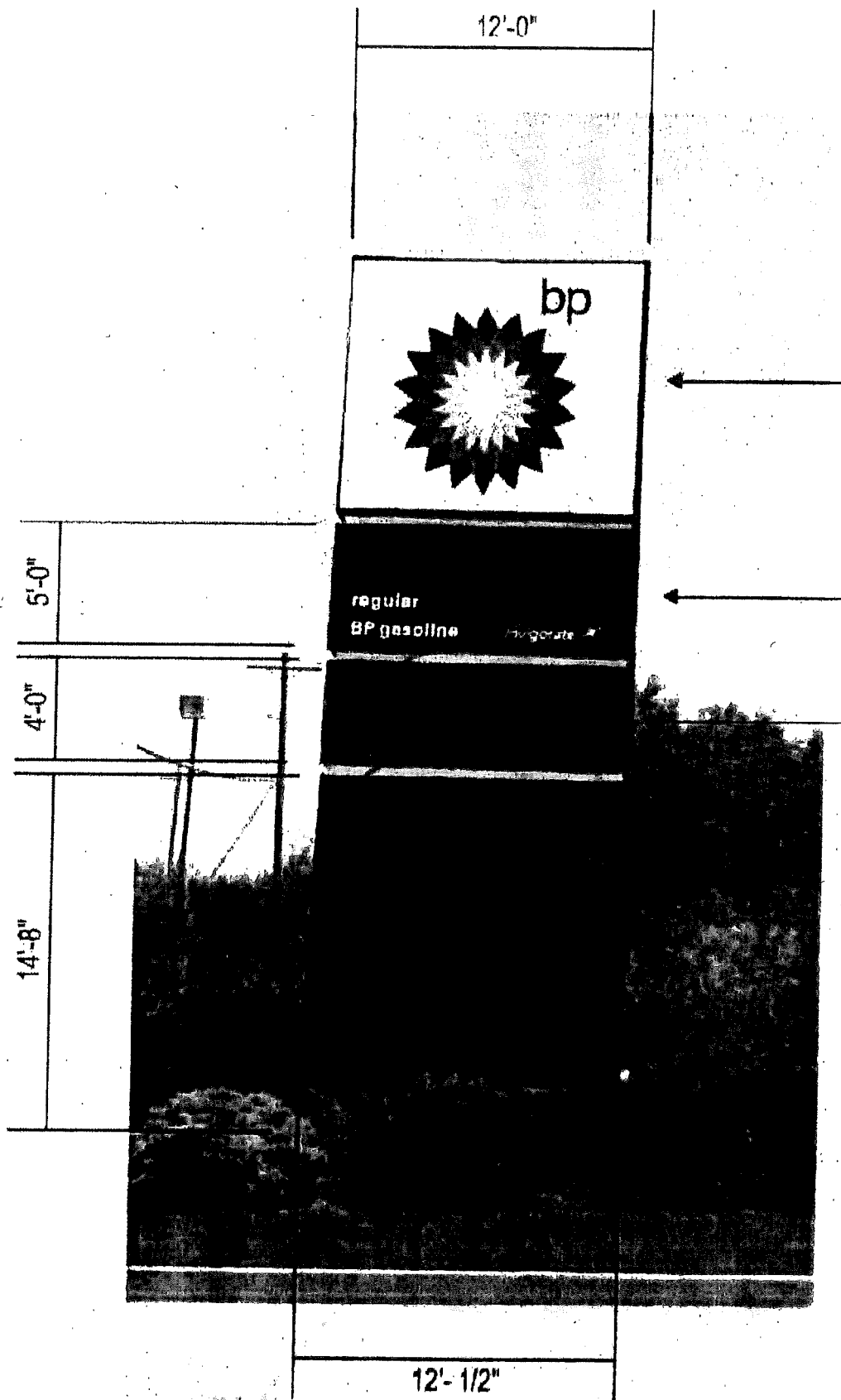
**Boone County GIS - Putting Northern Kentucky on the Map**





regular **2.99**  
BP gasoline *available*

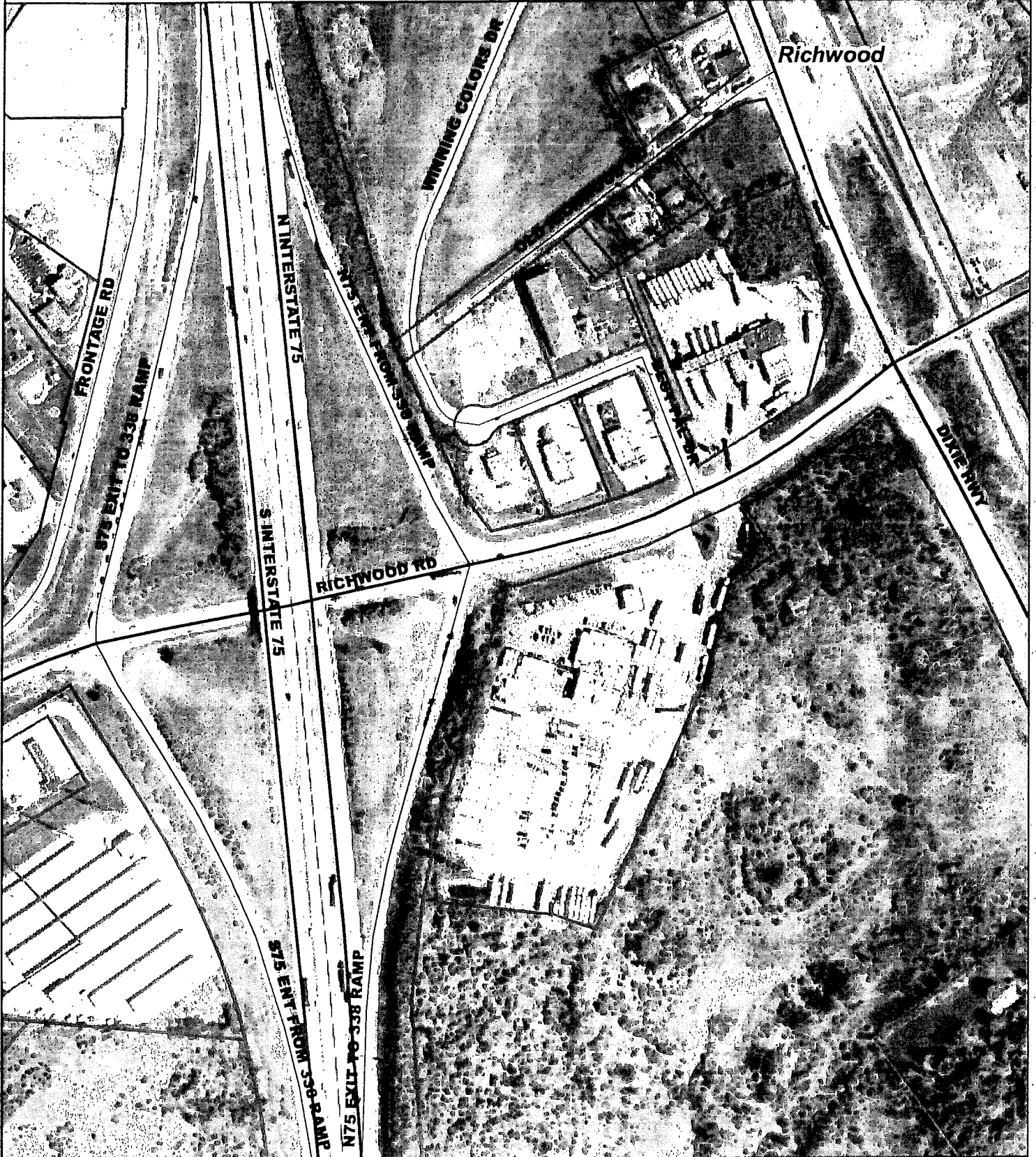




PROPOSED POLE SIGN

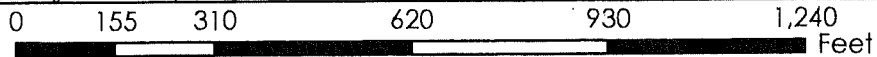
# 2007 AERIAL MAP

www.boonecountygis.com



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1 inch = 300 feet



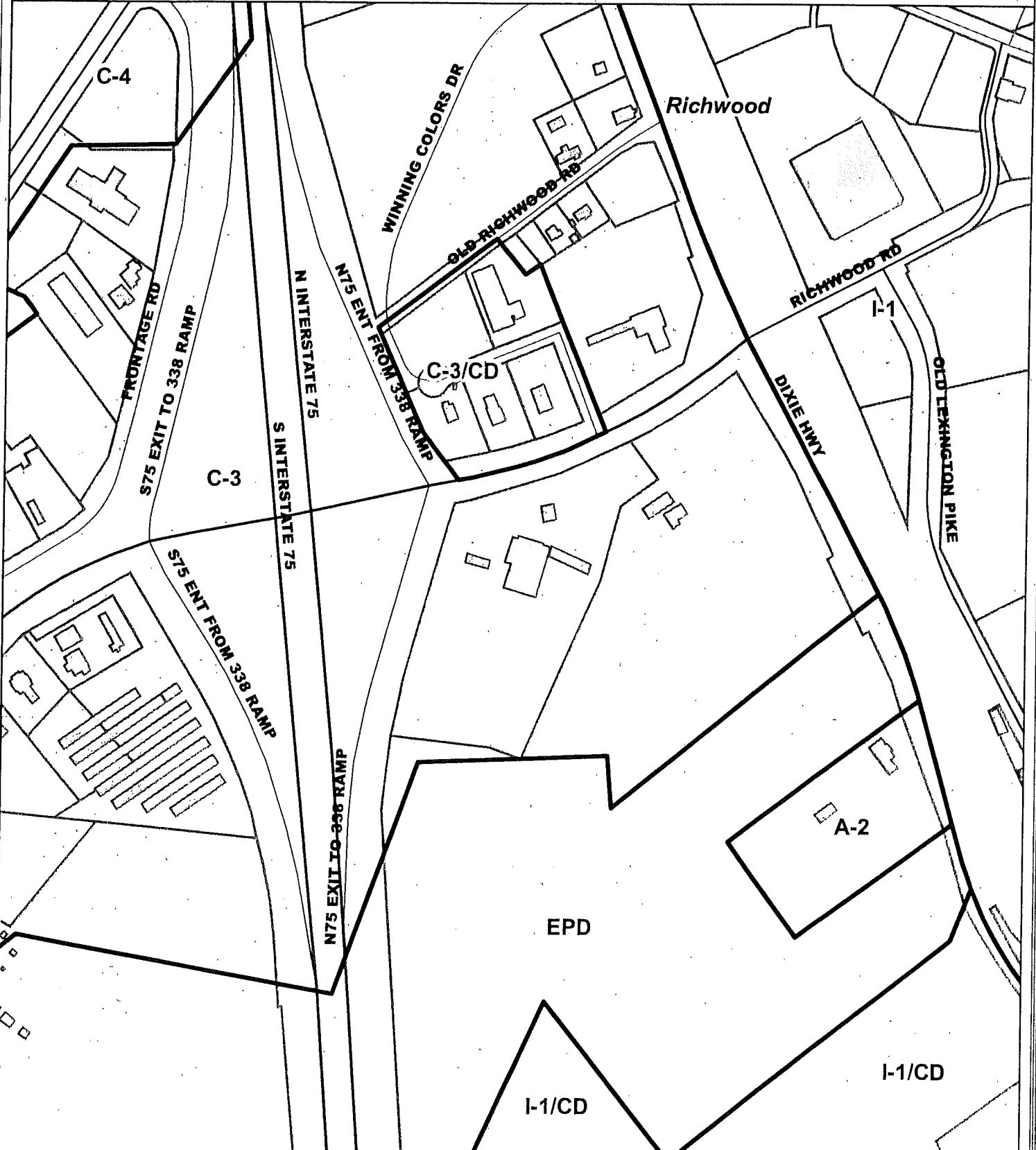
**Boone County GIS - Putting Northern Kentucky on the Map**



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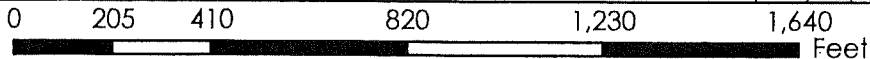
# ZONING MAP

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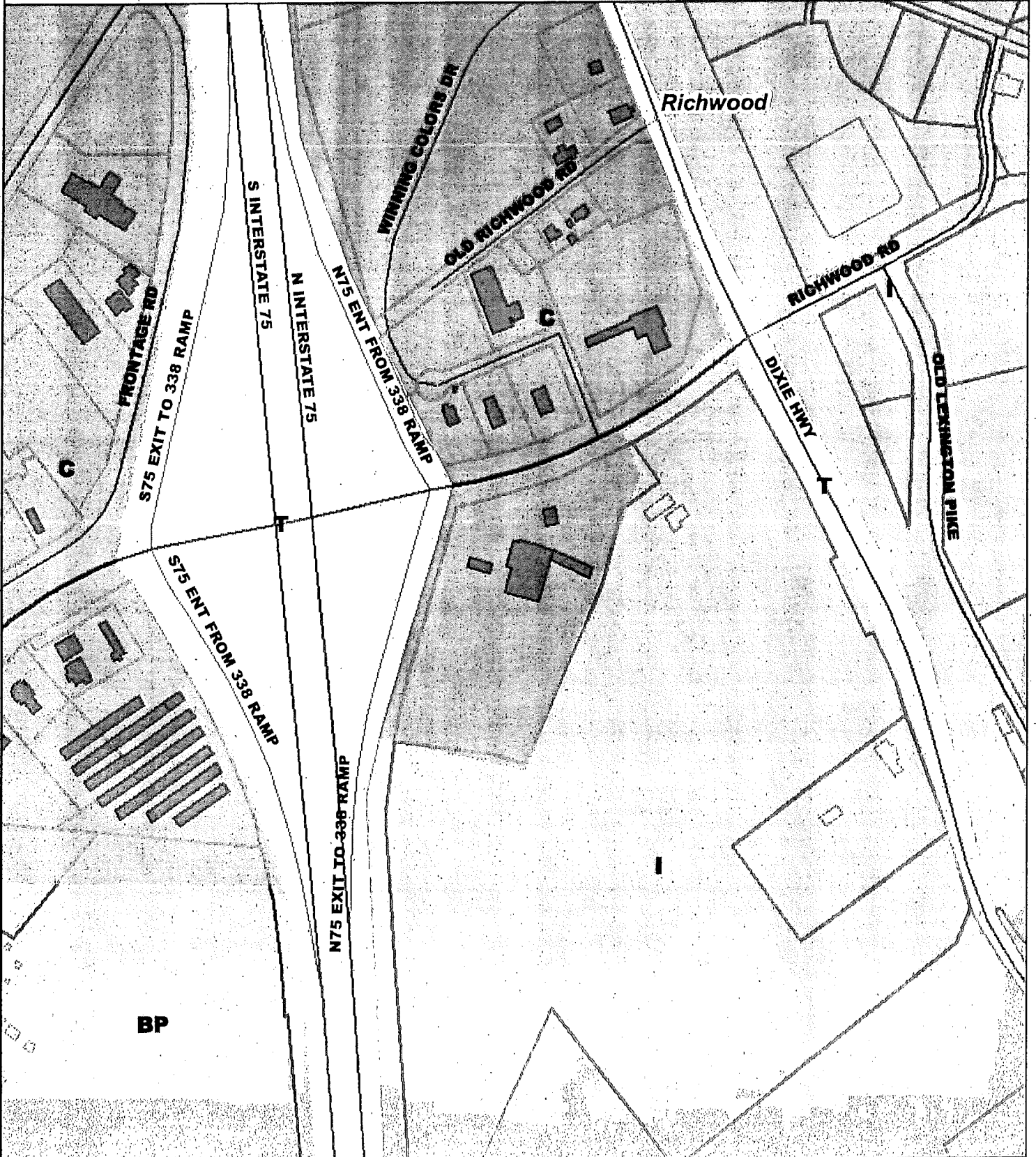
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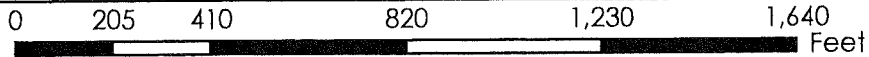
# FUTURE LAND USE MAP

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1 Inch = 400 feet



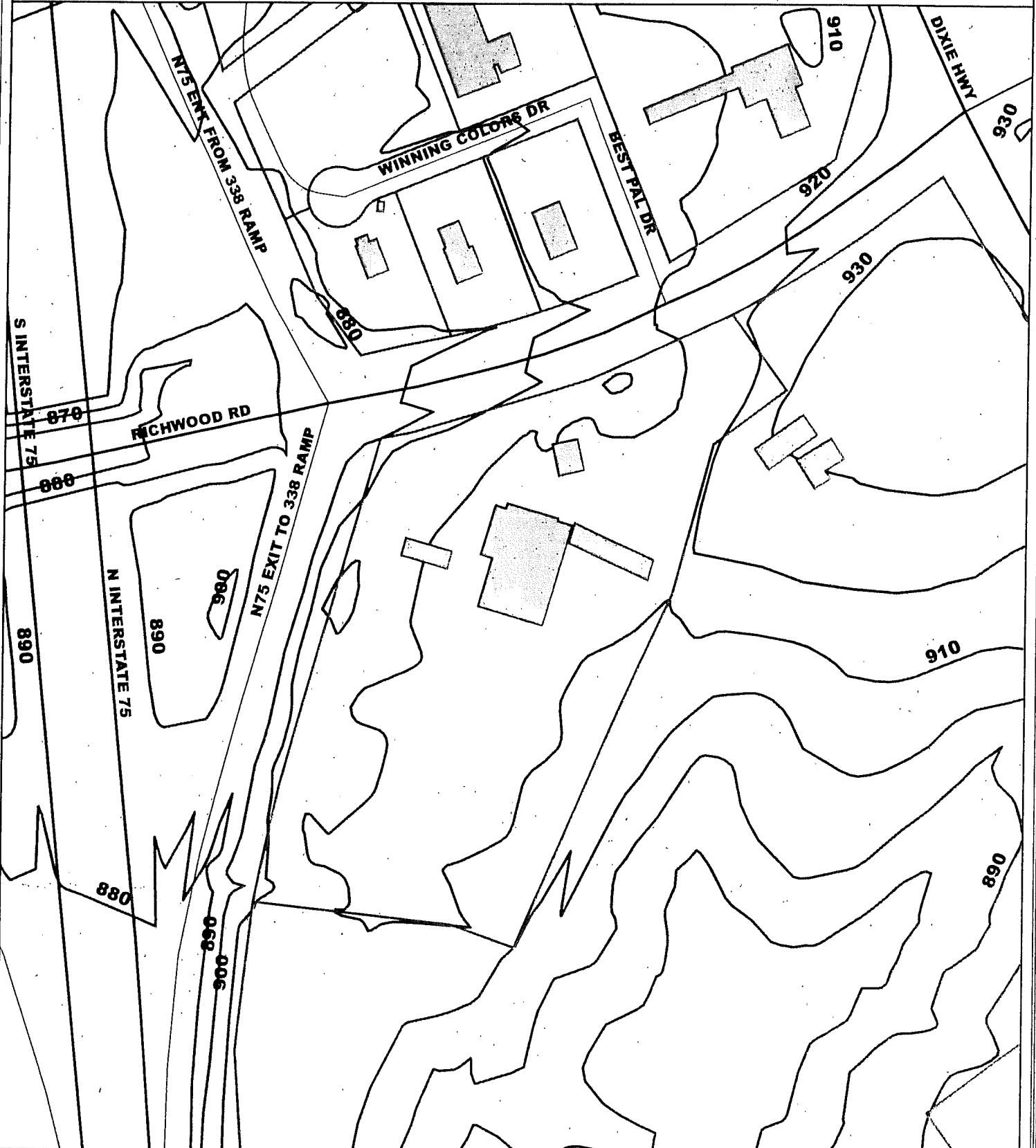
**Boone County GIS - Putting Northern Kentucky on the Map**



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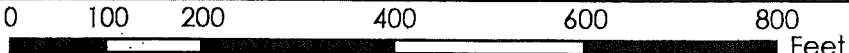
# TOPOGRAPHICAL MAP

www.boonecountygis.com



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

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION

RECEIVED  
DEC 30 2009  
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 \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_
3. Applicant's Name ATLANTIC SIGN CO.  
Phone Number 513-241-6775 Fax No. 513-241-5060  
Applicant's Address 2328 FLORENCE AVE.  
CINCINNATI OH 45206  
City State Zip
4. Description of Request: INSTALL (1) ONE ELECTRONIC MESSAGE UNIT ON EXISTING POLE SIGN.
5. Name of Development BP GAS STATION (TRAVEL CENTER)
6. Location of Development 145 RICHWOOD RD.  
WALTON, KY 41094
7. Acreage Under Review \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
9. Owner of Property TRAVEL CENTERS OF AMERICA  
Address of Property Owner HPT TR PROPERTIES Phone No. \_\_\_\_\_  
400 CENTRE ST NEWTON, MA 02458  
City State Zip
10. Proposed Use(s) on Site ELECTRONIC SIGN
11. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
12. Current Zoning on Property C-3
13. Deed Book 929 Page No. 681 Group No. 2072
14. Is the site subject to a zone change? \_\_\_\_\_  
If yes, give date of approval \_\_\_\_\_
15. Have you submitted a Site Plan with this request? YES
16. Have you submitted a list of adjoining property owners with this request? YES
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] 12/18/09  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Travel Centers of America  
HPT TA Properties  
400 Centre Street  
Newton, MA 02458

2. ADDRESS OF PROPERTY

145 Richwood Road  
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

TA Travel Center

4. DEED BOOK 929

PAGE NO. 681

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:

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  
2950 WASHINGTON STREET, ROOM 317  
P.O. BOX 958  
BURLINGTON, KENTUCKY 41005

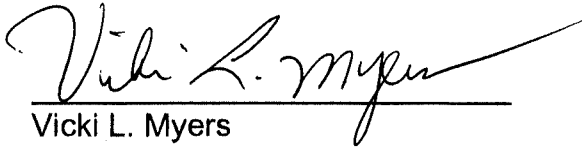
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior 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 11 day of February, 2010.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
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 Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 10, 2010 Certificate of Land Use Restriction (#10-BCBOA-001-A), for Travel Centers of America/HPT TA Properties, Property Owner(s).

The following conditions will apply:

- 1) The electronic message board shall display no more than two lines of graphics.
- 2) Messages shall be displayed in green and shall not flash, scroll or run.
- 3) Messages shall be displayed for a minimum of 15 seconds.
- 4) The maximum LED pitch shall not exceed 16 millimeters.
- 5) The ambient light level change (sign turned off versus sign turned on) at 100' perpendicular to the sign shall be not more than 0.3 foot candles.
- 6) The sign shall be equipped with a dimmer and the messages shall dim as the sky gets darker.
- 7) Off-premise advertising shall be prohibited on the sign.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 929

PAGE NO. 681

GROUP NO. 2072