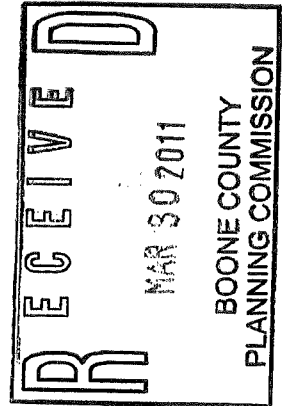


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See # 02518

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

- 1. (Check One) Boone [checked] Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
2. (Check One) Conditional Use Permit [checked] Variance \_\_\_\_\_ Appeal \_\_\_\_\_
3. Applicant's Name Commercial Sign and Crane LLC - Lisa Bailey
Phone Number (865) 573-9292 Fax No. (865) 573-9298
Applicant's Address P.O. Box 1206 Seymour TN 37865
4. Description of Request: Replacing existing price changer with LED Price Changer. VARIANCE to reduce 660 foot spacing requirement.
5. Name of Development Pilot Travel Center
6. Location of Development 118 Richwood Rd. Walton, KY 41094
7. Acreage Under Review 4.5183
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Pilot Delaware LLC
Address of Property Owner P.O. Box 10146 Phone No. (865) 474-2868
10. Knoxville TN 37939
11. Proposed Use(s) on Site LED Price Changer
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C3
14. Deed Book 349 Page No. 12 Group No. 2064
15. Is the site subject to a zone change? NO
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: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [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 3/31/11 ✓ Fee Received \$1,732.00 R#
2. Is application complete? ✓ Yes        No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
       Approved  
5/11/11 Approved with Conditions (See #6)  
       Denial (See #7)
6. Conditions of Approval: STAFF Comments 7A - 7C  
AND  
THE CAT WALK and WESTERN UNION SIGN CABINET  
shall be removed at the time the electronic fuel price cabinet is  
installed.
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: Commercial Sign and Crane for Pilot Travel Centers

LOCATION: 118 Richwood Road, Boone County, Kentucky

ZONING: Commercial Services (C-3)

DATE: May 11, 2011

### Proposal

The applicant has submitted the following applications:

1. A Conditional Use Permit application to allow electronically changeable fuel prices on Pilot's existing 34 foot tall, 255 square foot free-standing sign. The submitted photograph and simulation show that the 7' x 17' (119 square foot) manually changeable fuel price cabinet will be replaced with an identically sized cabinet that displays unleaded fuel prices in red L.E.D. and diesel fuel prices in green L.E.D. The submitted drawings show that the L.E.D. display is 3' x 16' (48 square feet).
2. A Variance to allow the electronic sign within 660' of another electronic sign. The Boone County G.I.S. system shows that the Pilot sign is approximately 185' from the TA Truck Stop/BP sign across Richwood Road.

### Pertinent Site History

- 7/1/87 - Boone County Planning Commission approves a Site Plan for a 4,700 square foot truck stop building and accessory gas pumps on the subject site.
- 10/14/87 - The Boone County Board of Adjustment approves a Variance allowing a second free-standing sign to be constructed on the lot.
- 11/20/87 - Boone County Planning Commission Staff issues a Sign Permit for a 35' tall, 238 square foot free-standing sign (entrance sign).
- 2/18/88 - Boone County Planning Commission Staff issues a Sign Permit for a 21'-4 $\frac{3}{4}$ " tall, 108 square foot free-standing sign (truck scale sign).

### Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment and Zoning Appeals is to act on Conditional Use Permit and Variance applications.

Article 2, Section 250 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 variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request in terms of the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the Zoning Regulations.
  - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The Board needs to evaluate the Conditional Use Permit request as it relates to the criteria necessary for granting or denying a Conditional Use Permit as stated 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 individual parcels located in C-3 zoning districts shall be permitted a density of one (1) on-premises, architectural free-standing. 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 changeable message boards as a Conditional Use in the C-3 zoning district. The following minimum standards 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.

#### Relationship of the Request to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates 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 4.5 acre site fronts on Richwood Road and Dixie Highway. The property contains a 4,700 square foot Pilot convenience store/truck stop, two gasoline canopies, tractor trailer and car parking, a truck scale, and two free-standing signs. The first free-standing sign is located at the entrance and is 34' tall and 255 square feet in area. The second freestanding sign is a truck scale sign that is 21'-4 $\frac{3}{4}$ " tall and 108 square feet in area. Access to the site is provided from a single curb cut on Richwood Road.

#### Surrounding Land Uses and Zoning

North: Vacant Commercial Lot Fronting on Frogtown Connector Road (C-4)

South: Richwood Road, Undeveloped Property (C-3 & EPD), and TA Truck Stop (C-3)

East: Dixie Highway, Winnelson Plumbing Supply (I-1)

West: Best Pal Drive, Burger King, and Comfort Inn (C-3)

Staff Comments

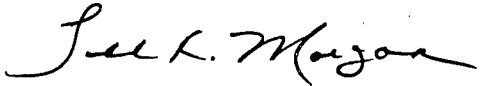
1. The existing free-standing signs are legally non-conforming for the following reasons:
  - A. Section 3413 of the Zoning Regulations states individual parcels located in C-3 zoning districts shall be permitted a density of one (1) on-premises, architectural free-standing. There are two free-standing signs on the site.
  - B. The Zoning Regulations permit an architectural free-standing sign to be up to 30' tall and 200 square feet in area (dependent on road frontage). The subject sign is 34 foot tall and 255 square feet in area.
2. The Board should analyze the "Design, Signs, and Historic Preservation" section of the Future Land Use Development Guidelines 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.
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 boards shall not be more than fifty percent (50%) of a permitted sign area. The electronic message board comprises 18.8% (48/255) of the overall sign area.
  - B. Electronic messages must be displayed on the board for at least 5 seconds and messages cannot flash, scroll, or run.
  - C. Electronic message boards must be at least 660 feet apart. A Variance request has been submitted because the Pilot sign is located approximately 185' from the TA Truck Stop/BP sign across Richwood Road.
4. The Board needs to determine if granting the Variance application would alter the essential character of the area or if denying the request would create an unnecessary hardship on the property owner.
5. The Pilot on the other side of the Richwood Road interchange received a Conditional Use Permit and Variance on November 16, 2009 which allowed electronic fuel prices on their entrance sign. The submitted proposal and conditions required a catwalk to be removed from the sign.
6. Staff didn't find any record that the Western Union sign had been permitted on the sign. Staff doesn't know if the sign has existed for 10 years or if it has pre-existing non-conforming status.
7. If the application is approved, Staff recommends the following conditions:
  - A. The electronic copy shall only be used to advertise fuel prices.

- B. The fuel price displays shall not flash, run, or scroll.
- C. The sign shall be equipped with photocells and the fuel prices shall dim as the sky gets darker.
- D. The cat walk and illegal sign shall be removed at the time the electronic fuel price cabinet is installed.

Conclusion

K.R.S. 100.237 and 100.241 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 requests.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

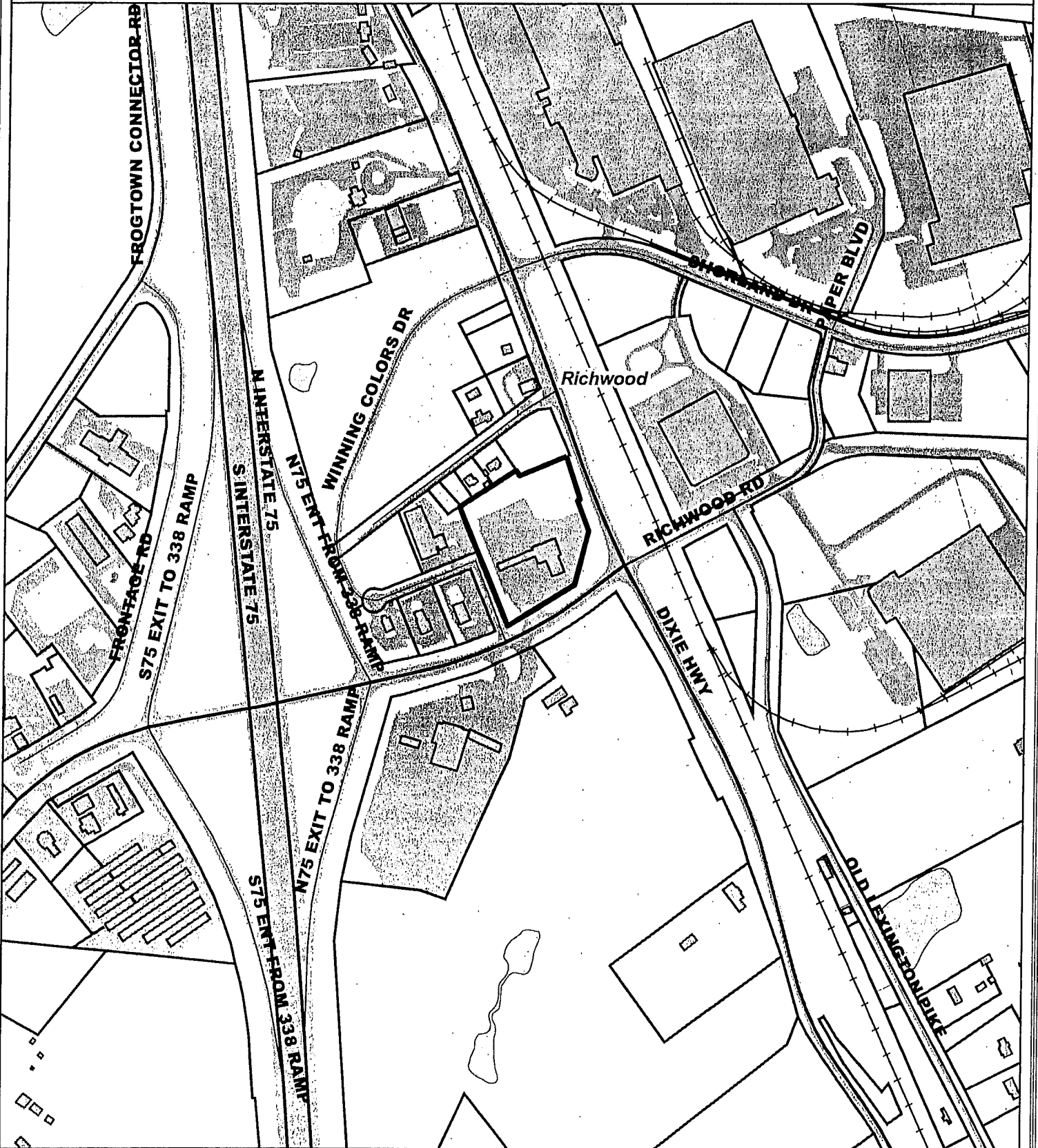
TKM/dw

Attachments

- \*Site Vicinity Map
- \*Sign Photo/Simulation (Before and After)
- \*Electronic Sign Spacing
- \*2009 Aerial Map
- \*Zoning Map
- \*Future Land Use Map
- \*Application

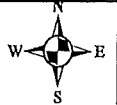
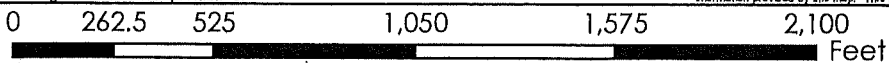
# SITE VICINITY MAP

www.boonecountygis.com



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

Map Created: 01/01/2008

Base File: Kentucky Map 410.mxd  
ArcMap Document: \*.mxd

CLIENT: Pilot #278 - Walton, KY  
36" LED



100 SUNSHINE • 5000 EAST HIGHLAND AVENUE  
10000 • 800-521-5000 • 313-776-2525 FAX  
SUNSHINE.COM



Pilot/Subway ID  
7ft. x 17ft.

Manual Pricer  
7ft. x 17ft.



Pilot/Subway ID  
7ft. x 17ft.

LED Pricer  
7ft. x 17ft.

LED Display  
3ft. x 16ft.

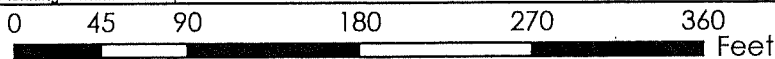
# ELECTRONIC SIGN SPACING

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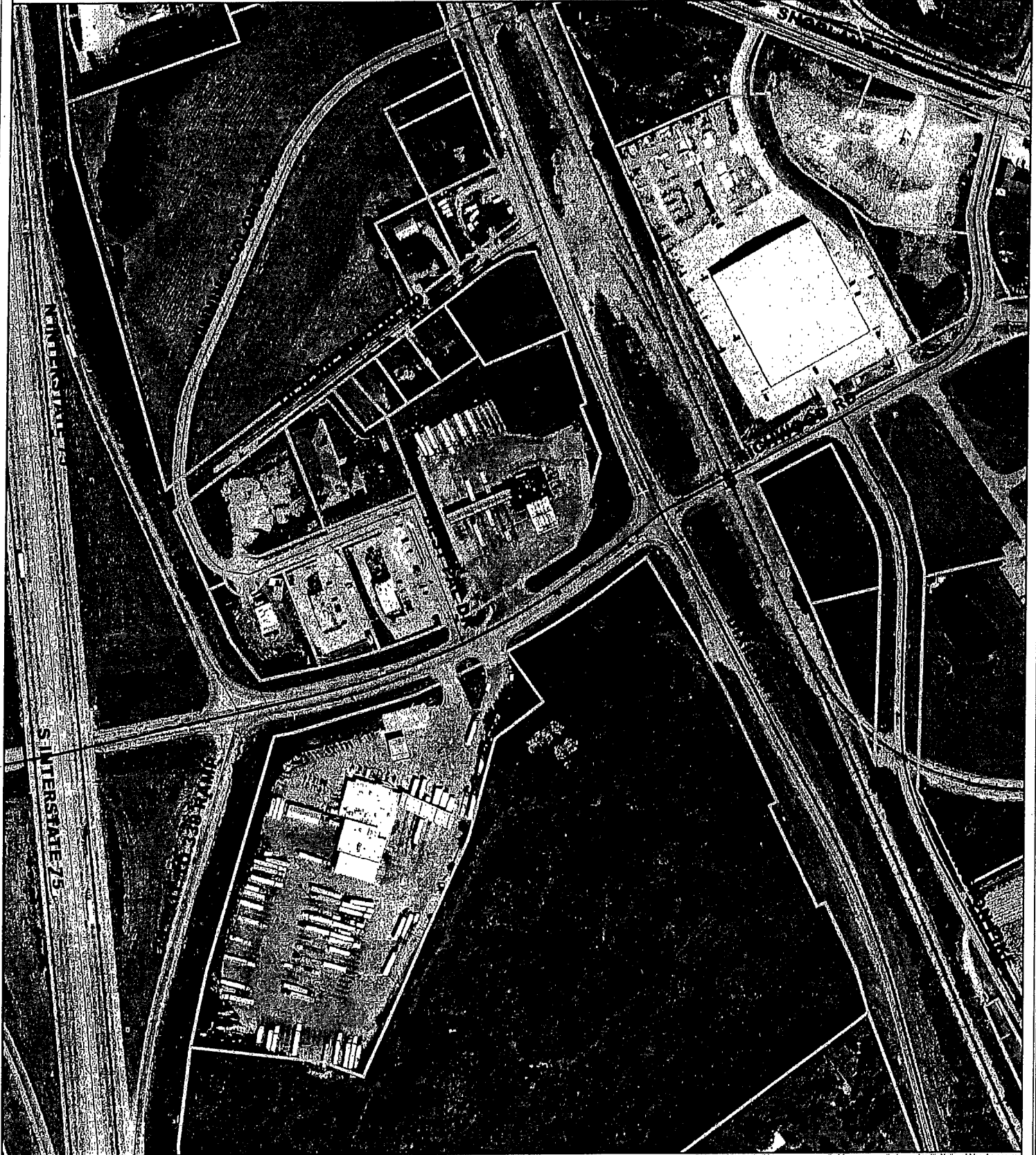
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/01/2008

Boone County GIS  
ArcMap Document: \*.mxd

# 2009 AERIAL MAP

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0 150 300 600 900 1,200 Feet

1 inch = 300 feet

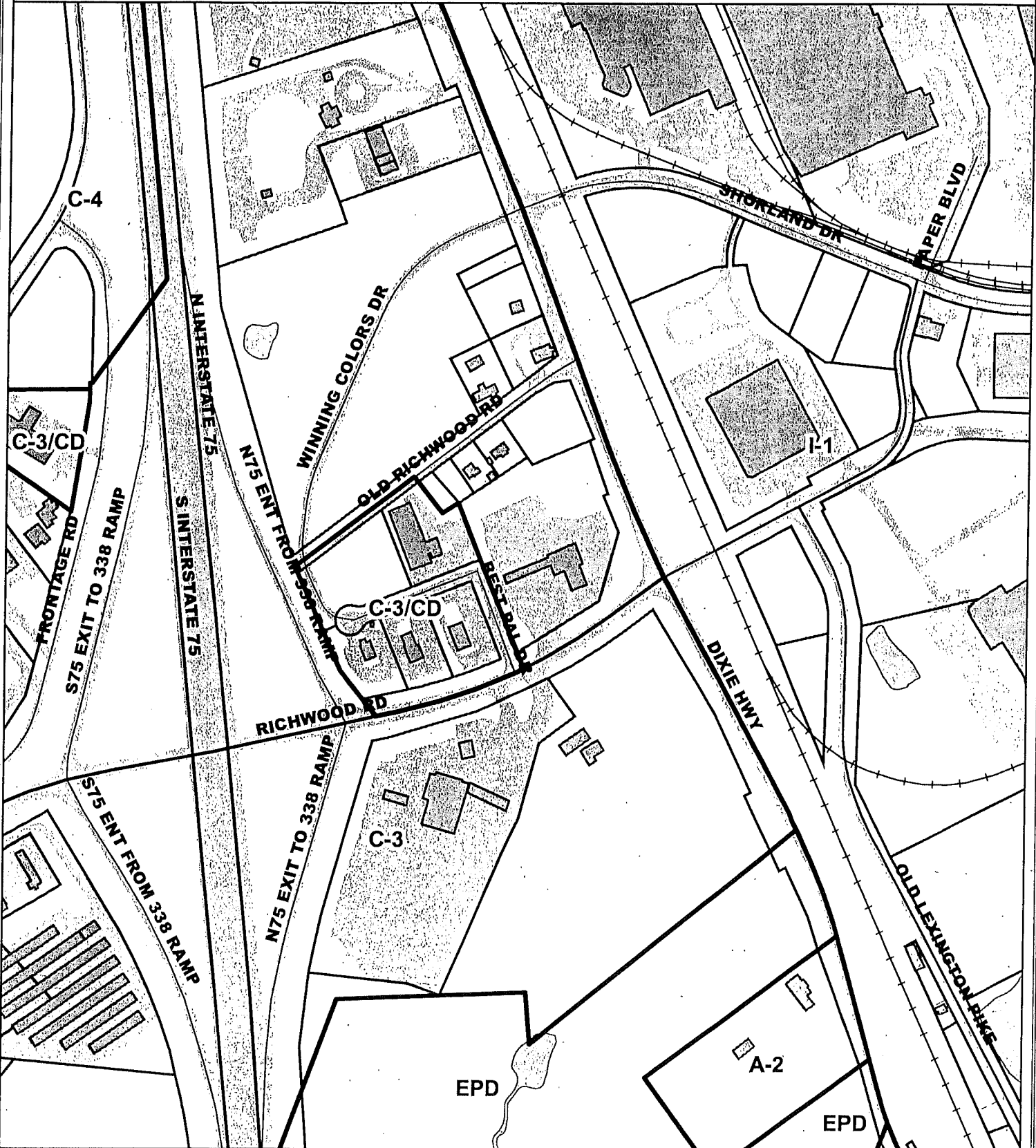


**Boone County GIS - Putting Northern Kentucky on the Map**



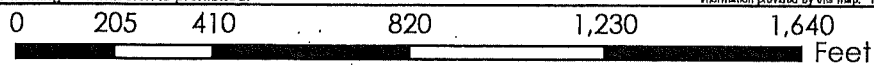
# ZONING MAP

www.boonecountygis.com



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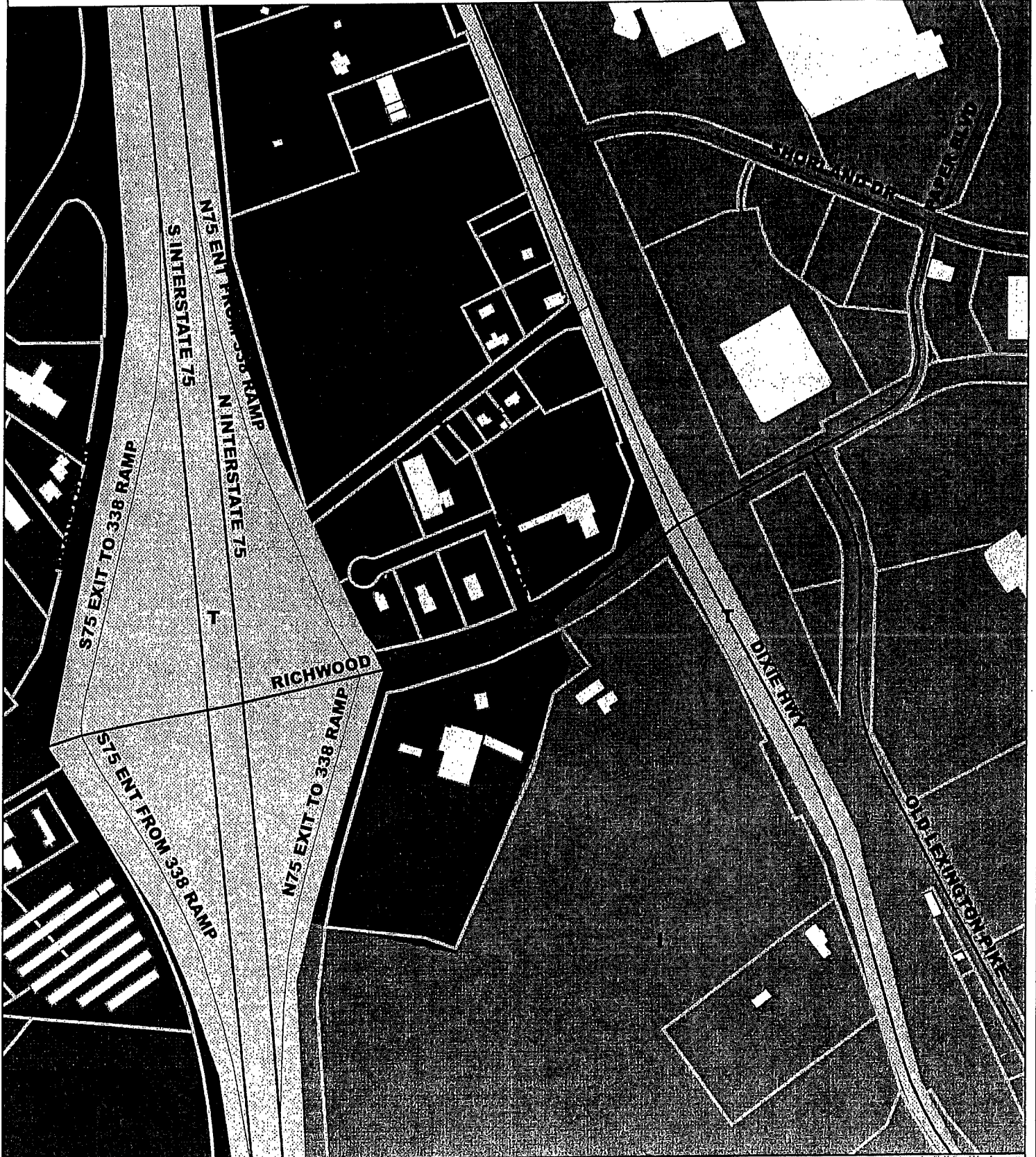
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**Boone County GIS - Putting Northern Kentucky on the Map**

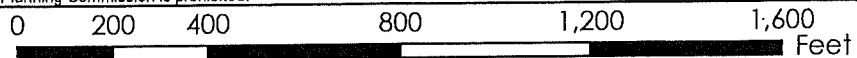
# FUTURE LAND USE MAP

www.boonecountygis.com



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



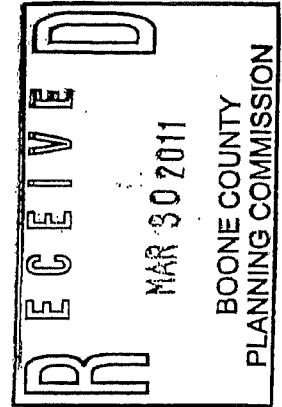
1 inch = 400 feet



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

APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



see # 02518

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

- (Check One)
- Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_
  - (Check One)  
 Conditional Use Permit  Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
\_\_\_\_\_ Change in Non-Conforming Use \_\_\_\_\_
  - Applicant's Name Commercial Sign and Crane LLC - Lisa Bailey  
Phone Number (865) 573-9292 Fax No. (865) 573-9298  
Applicant's Address P.O. Box 1206  
Seymour TN 37865  
City State Zip
  - Description of Request: Replacing existing price changer with LED  
Price Changer. VARIANCE to reduce 660 foot spacing requirement.
  - Name of Development Pilot Travel Center
  - Location of Development 118 Richwood Rd.  
Walton, KY 41094
  - Acreage Under Review 4.5183
  - Lot Number and Name of Subdivision (if part of a subdivision) \_\_\_\_\_
  - Owner of Property Pilot Delaware LLC  
Address of Property Owner P.O. Box 10146 Phone No. (865) 474-2868
  - Knoxville TN 37939  
City State Zip
  - Proposed Use(s) on Site LED Price Changer
  - Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_
  - Current Zoning on Property C3
  - Deed Book 319 Page No. 12 Group No. 2064
  - Is the site subject to a zone change? NO  
If yes, give date of approval \_\_\_\_\_
  - Have you submitted a Site Plan with this request? Yes
  - Have you submitted a list of adjoining property owners with this request? Yes
  - 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)

COPY

CLUR #11-BCBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Pilot Delaware, LLC  
P.O. Box 10146  
Knoxville, TN 37939
2. ADDRESS OF PROPERTY  
118 Richwood Road  
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Pilot Travel Center
4. DEED BOOK 849                      PAGE NO. 12                      GROUP NO. 2064
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

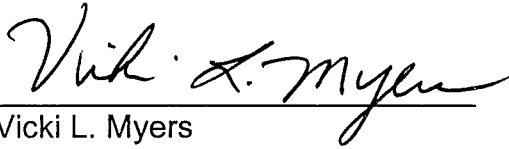
Todd K. Morgan  
SIGNATURE OF COMPLETING OFFICIAL

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 17 day of May, 2011.

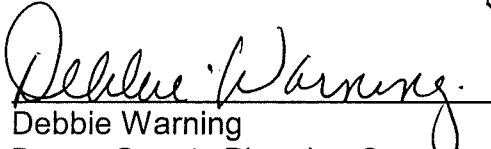


Vicki L. Myers  
Notary ID 438411  
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie 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 and Variance approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of May 11, 2011 Certificate of Land Use Restriction (#11-BCBOA-005-A), for Pilot Delaware, LLC, Property Owner(s).

The following conditions will apply:

- 1) The electronic copy shall only be used to advertise fuel prices.
- 2) The fuel price displays shall not flash, run or scroll.
- 3) The sign shall be equipped with photocells and fuel prices shall dim as the sky gets darker.
- 4) The cat walk and Western Union signs shall be removed at the time the electronic fuel price cabinet is installed.

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

DEED BOOK 849 PAGE NO. 12 GROUP NO. 2064