

APPLICATION FORM

05-FBOA-002-A

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED DEC 14 2004 BOONE COUNTY PLANNING COMMISSION

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 _____ Variance _____ Appeal _____
Change in Non-Conforming Use [checked]
3. Applicant's Name [redacted] Phone Number [redacted] Fax No. [redacted] Applicant's Address [redacted] City [redacted] State [redacted] Zip [redacted]
4. Description of Request: 3 BAY SERVICE GARAGE ADDITION TO EXISTING SHOP.
5. Name of Development
6. Location of Development 7777 BURLINGTON RD FLORENCE, KY 41092
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property TRAVEL CENTERS OF AMERICA Phone Number of Owner 440-508-7410
10. Address of Property Owner 24601 CENTER RIDGE RD SUITE 200 WESTLAKE OH 44145
11. Proposed Use(s) on Site TRUCK STOP/FUELING FACILITY
12. Total Square Footage of Existing and/or Proposed Buildings 6394 PROPOSED
13. Current Zoning on Property G-2/PO
14. Deed Book 508 Page No. 13 Group No. 2041A
15. Is the site subject to a zone change?
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request?
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

SEE attached Business Card

Applicant's Signature: [Signature]

Property Owner's Signature: Richard Lawrence, Real Estate Mgr.

**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 12-14-04 Fee Received: 733.00 RA 41046
- 2. Is application complete? _____ Yes _____ No
- 3. Staff Reviewer _____
- 4. Scheduled Board Action Date _____
- 5. Board Action:
 - Approved
 - 1/12/05 Approved with Conditions (See #6)
 - Denial (See #7).
- 6. Conditions of Approval: SEE 1/12/05 F.B.O.A.
MEETING MINUTES
- 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 - 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: Quality Project Management, LLC
LOCATION: 7777 Burlington Pike, Florence, Kentucky
ZONING: Office Two/Planned Development (O-2/PD)
DATE: January 12, 2005

Proposal

The applicant is requesting a Change in Non-Conforming Use to allow Travel Centers of America to construct a three bay garage addition onto their existing three bay shop. The subject property is located at 7777 Burlington Pike and is zoned Office Two/Planned Development (O-2/PD).

The submitted Concept Development Plan (see attachments) indicates that the proposed addition is 6,394 square feet in area (69' x 92.66') and will be constructed onto the rear of the existing shop. The addition will raise the overall building square footage of the facility from 20,396.5 square feet to 26,790.5 square feet

The submitted elevation drawings (see attachments) indicate that the addition will be constructed predominately of metal siding, while the existing building is constructed predominately of masonry block. 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 of 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.

Site History

- 1986 – The Parkway Corridor Study was adopted by the City of Florence. The study recognized that continued rapid development in and around Florence had overloaded the existing transportation network and that many improvements were needed to help achieve a balanced relationship between the transportation system and land development patterns. The Parkway Corridor Study recommended a connection (Ewing Blvd.) between U.S. 42 and KY 18. The study also rezoned the subject property from Commercial Services (C-3) to Office Two/Planned Development (O-2/PD).
- 1999 – The Florence Board of Adjustment approved a Change in Non-Conforming Use Permit which allowed Travel Centers of America to reconstruct their building, gasoline islands, signs, and parking areas (see attached meeting minutes). The following charts summarize the request:

EXTERIOR IMPROVEMENTS	EXISTING BUILDING	PROPOSED BUILDING
DIESEL PUMPS	8	8
GASOLINE PUMPS	5	4
TRUCK PARKING	155	141
CAR RV/PARKING	60	100
CURB CUTS	4	3

INTERIOR IMPROVEMENTS	EXISTING BUILDING	PROPOSED BUILDING
SERVICE BAYS	3	2
STORE SQUARE FOOTAGE	2,227	2,950
RESTAURANT SEATS	150	52
PHONE ROOM SQUARE FOOTAGE	300	280
GAME ROOM SQUARE FOOTAGE	500	690
TV LOUNGE SEATS	24	14
SHOWERS	9	6
RESTAURANT SQUARE FOOTAGE	2,512	866
OVERALL FACILITY SQUARE FOOTAGE	19,906	17,555

	EXISTING FREESTANDING SIGN KY 18 ENTRANCE	PROPOSED FREESTANDING SIGN KY 18 ENTRANCE
HEIGHT	24' 4"	31' 11"
SQUARE FOOTAGE	123	210

Site Characteristics

The approximate 14 acre site contains a 20,396.5 square foot building. The building contains three restaurants, auto and truck retail sales areas, showers, restrooms, and three truck maintenance bays. The site also contains 64 parking spaces for cars, 133 parking spaces for trucks, and a large detention area to the rear of the site. Two freestanding signs exist on the site. The sign located near the KY 18 curb cuts is 31' tall and 210 square feet in area. The sign located near Tanners Lane is 113' tall and 638 square feet in area.

The property contains three curb cuts. Semi-trucks access the property from a signalized intersection that exists on KY 18. Cars, vans, and light trucks can access the site from curb cuts that exist on Tanners Lane and KY 18.

Surrounding Land Uses and Zoning

North: KY 18, Chung Kiwha (C-3/PD), Speedway (C-3/PD), and Vacant Lot (O-2/PD)

South: Florence Public Services Maintenance Facility (O-2/PD) & Public Storage Mini-Warehouses (O-2/PD)

East: Florence Public Services Maintenance Facility & Waffle House (O-2/PD)

West: Tanners Lane, I-71/75, & Public Storage Mini-Warehouses (O-2/PD)

Staff Comments

1. The 1999 Staff Report indicates that the operation has existed on the site since 1966. The facility was rebuilt in 1999 after the Florence Board of Adjustment approved a Change in Non-Conforming Use Permit (see attached meeting minutes).
2. The operation is a non-conforming use because gasoline filling stations, tractor trailer repair facilities, and truck stops are not principally permitted in the Office Two/Planned Development (O-2/PD) zoning district.
3. The business also contains several non-conforming signs (freestanding, building mounted, gasoline canopy, and directional). The most notable are two freestanding signs which exist along KY 18 and Tanners Lane. One of these signs is 31' tall and 210 square feet in area, while the other is 113' tall and 638 square feet in area. The Boone County Zoning Regulations permit mixed use establishments located in an Office Two (O-2) zone to have a density of one monument sign which can be up to 10 feet in height and 100 square feet in area.
4. Staff would like to note that the building appears to be larger than what the Florence Board of Adjustment approved in 1999. The Board approved up to a 17,555 square foot building with the understanding that a 19,906 square foot building was being torn down. It appears that a former Staff member approved a Site Plan for an approximate 19,500 square foot building with three garage bays. The measurements of the third garage bay are 25' x 93' (2,325 square feet). However, the Applicant's submitted Concept Development Plan indicates that the existing building is 20,396.5 square feet in area.
5. Staff is concerned that the predominate building material of the addition is metal siding because the existing building is constructed mostly of masonry block. The addition will be highly visible from Tanners Lane and the I-71/75 off-ramp.
6. Staff would like to note that the Concept Plan indicates that construction of the addition will require the removal of 8 truck stalls and the relocation of the "Cat Scale".
7. Staff is concerned that the addition will cause more semi-trucks to turn left out of the development and block traffic on KY 18. Although the truck entrance has been signalized for some time, Staff has witnessed semi-truck blocking off eastbound traffic on KY 18 as they attempt to turn left out the development toward the KY 18/I-71/75 interchange. The Applicant has not supplied any traffic data which indicates that the addition will not correlate to more truck traffic on the site.
8. Staff observed that some tires were being stored in the side yard of the establishment. According to the Boone County Zoning Regulations, this tire storage area must be screened from public view. Staff has made the Florence Zoning Enforcement Officers aware of this violation.
9. 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.

10. If the Board grants approval of the request, Staff recommends the following conditions:
- a. The building addition will be constructed predominately of masonry block and will match the appearance of the existing side and rear elevations.
 - b. No additional building mounted signage (neon striping, channel letters, sign cabinets; etc.) is being approved with the request.

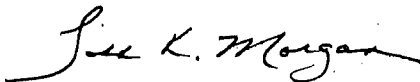
Conclusion

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

Staff believes the request will extend the non-conforming use because:

1. It will make the building substantially larger than it was before it was torn down;
2. The proposed addition is more objectionable than the current operation because it has the potential to cause more trucks to utilize the truck stop. Most trucks turn left when exiting the development and this turning movement blocks traffic on KY 18 during peak times; and
3. The proposed addition is more objectionable because it gives the facility more of an industrial character (truck repair).

Respectfully submitted,

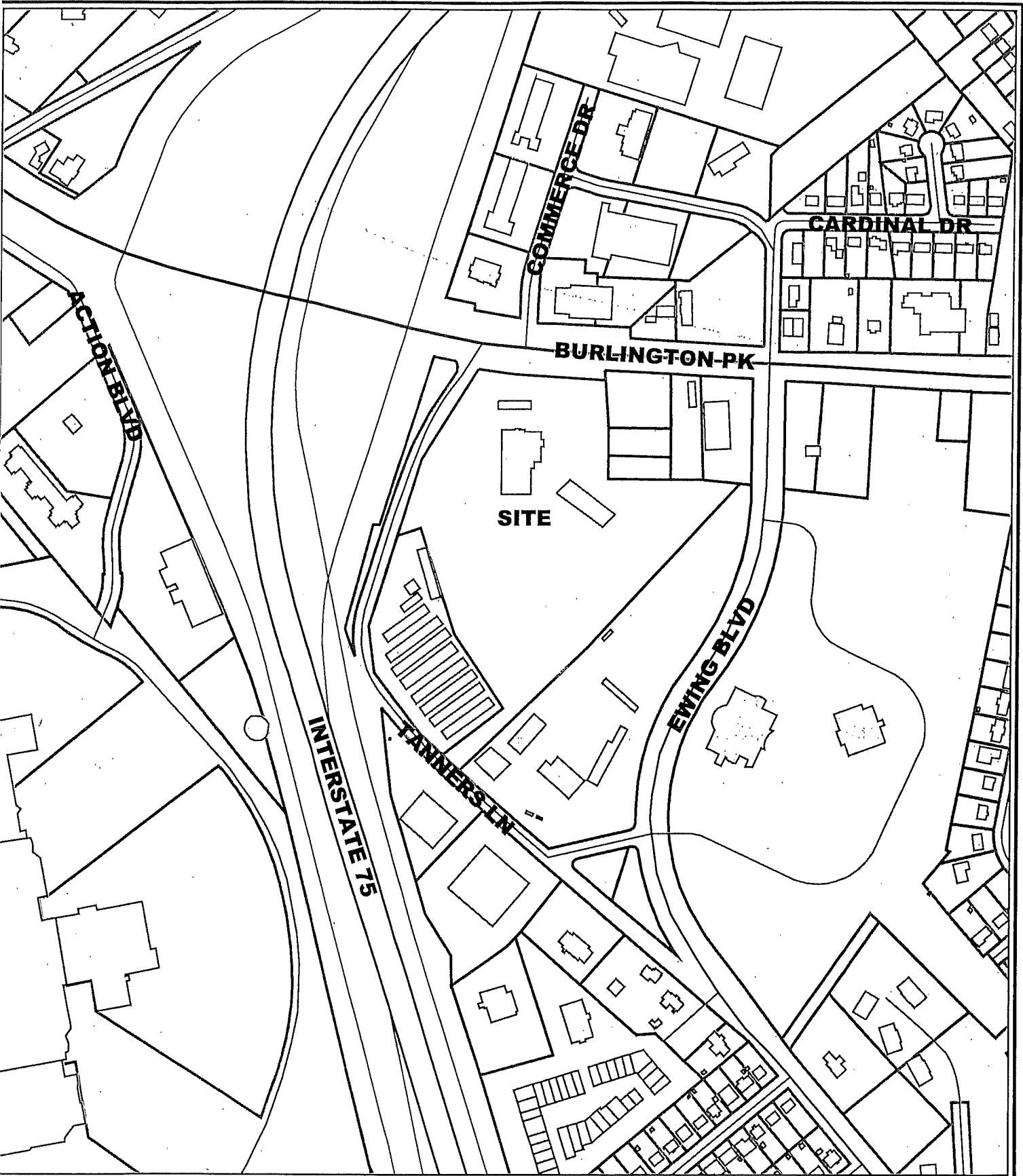


Todd K. Morgan, AICP
Planner, Zoning Services

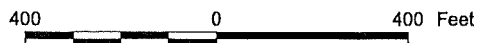
TKM/pr

Attachments

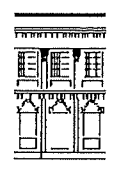
- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plans
- Exhibit C – Elevation Drawings
- Exhibit D – Zoning Map
- Exhibit E – Aerial Map
- Exhibit F – 05/12/99 Florence B.O.A. Meeting Minutes
- Exhibit G – 06/21/99 Site Plan
- Exhibit H – Application

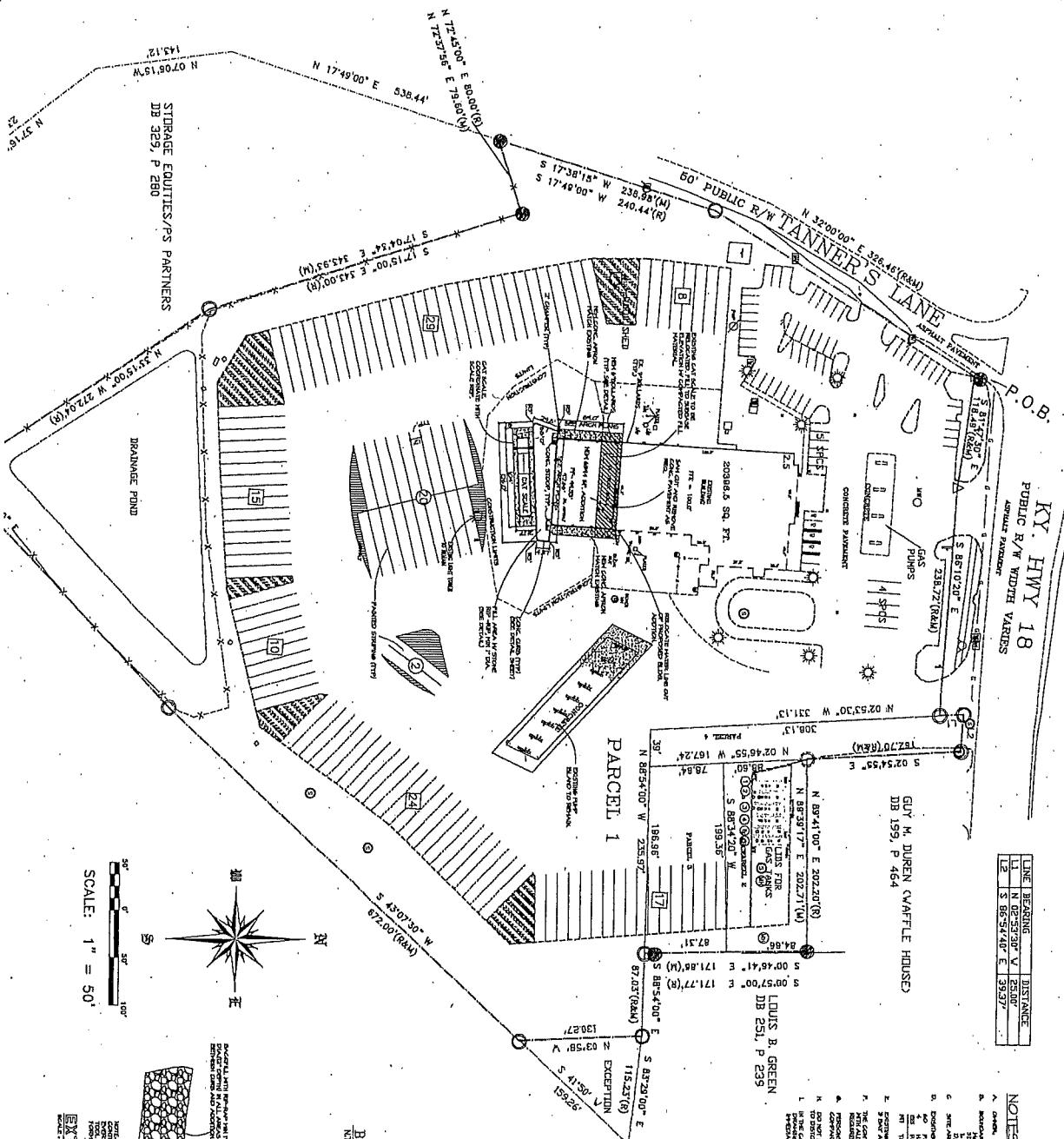


**7777 Burlington Pike
Site Vicinity Map**



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 28, 2004





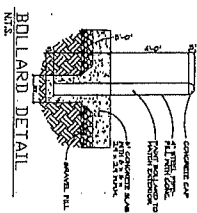
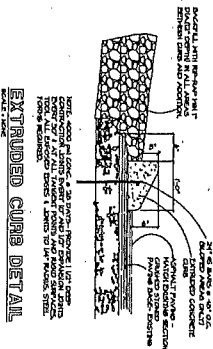
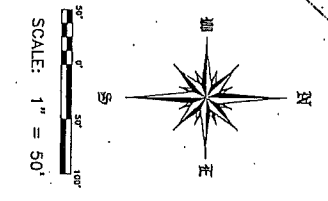
KY. HWY 18
 PUBLIC R/W WIDTH VARIAS
 APURVA TANNER
 P.O.B.

LINE	BEARING	DISTANCE
1	N 02°57'00" W	282.00'
2	S 85°54'40" E	35.37'

GUY M. DUREN (W/AFLE HOUSES)
 DB 199, P 464

LOUIS B. GREEN
 DB 251, P 239

- NOTES**
1. TRAVEL CENTERS OF AMERICA
 2. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED
 3. EXISTING UTILITIES SHOWN AS DOTTED LINES
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 11. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 12. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 13. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 14. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 15. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 16. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 17. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
 20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED



DEC. 03. 2004

0-1

Scale: 1" = 50'

TA

TravelCenters of America

Shop Bay Addition

Florence Travel Center

Job Number: 620020

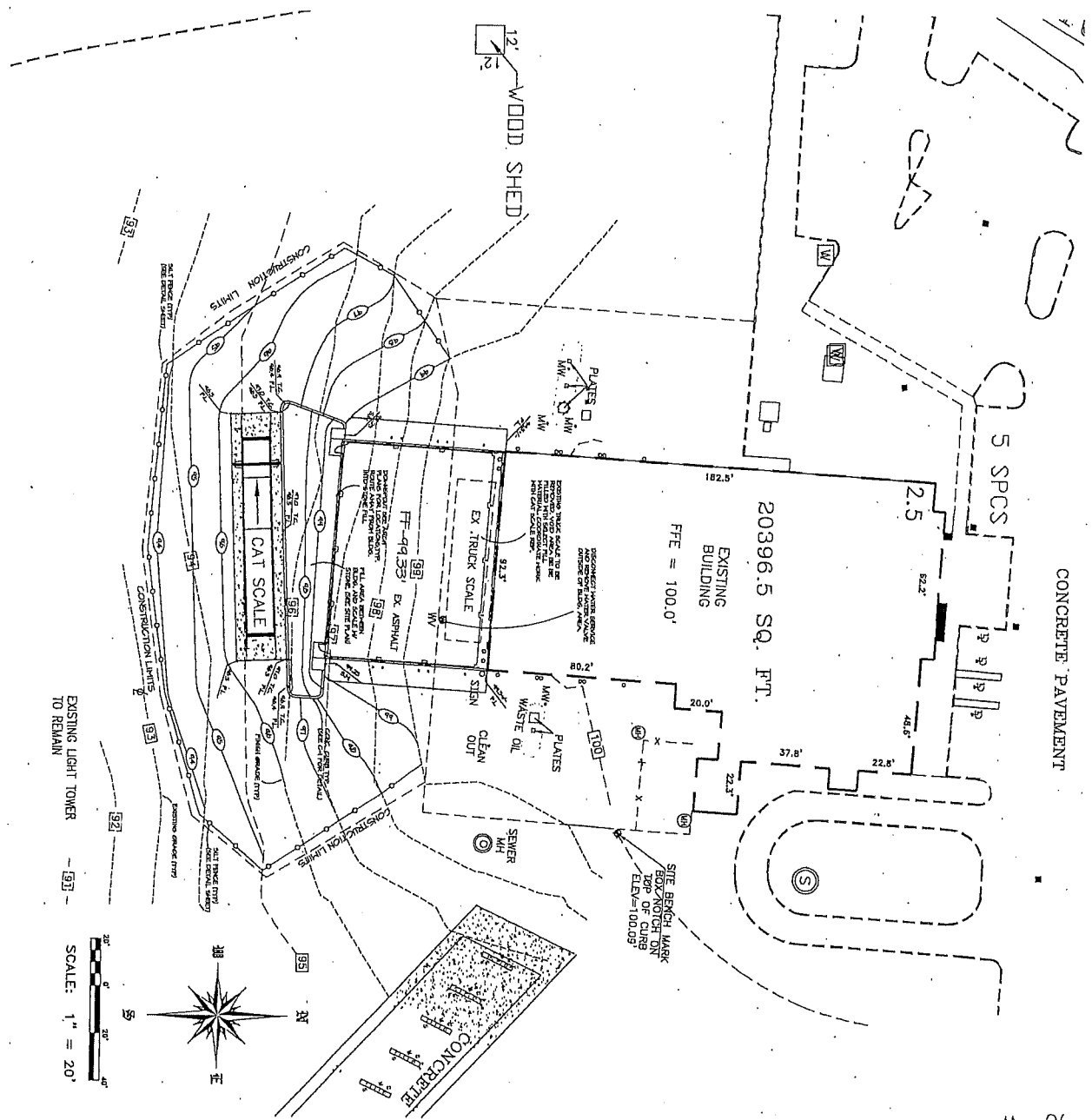
Revisions: PERMIT SET

Location: 771 BURLINGTON PIKE FLORENCE, KY.

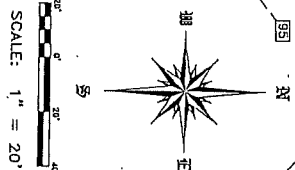
ENGINEERING, P.S.C.

TENNESSEE DESIGN AND ENGINEERING, P.S.C.

CONCRETE PAVEMENT



EXISTING LIGHT TOWER TO REMAIN



NOTES

- A. SHEETS: THREE COPIES OF ALL SHEETS.
- B. EXISTING UTILITIES: EXISTING UTILITIES SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- C. SITE AREA: 100.0 SQ. FT.
- D. EXISTING BUILDING: EXISTING BUILDING SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- E. EXISTING LIGHT TOWER: EXISTING LIGHT TOWER SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- F. EXISTING CONCRETE PAD: EXISTING CONCRETE PAD SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- G. EXISTING ASPHALT DRIVE: EXISTING ASPHALT DRIVE SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- H. EXISTING WOOD SHED: EXISTING WOOD SHED SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- I. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- J. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- K. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- L. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- M. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- N. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- O. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- P. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- Q. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- R. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- S. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- T. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- U. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- V. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- W. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- X. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- Y. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- Z. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

GRADING NOTES

- A. GRADE: ALL LANDSCAPE AREAS TO GRADE. NO FINISH SHALL BE.
- B. STORM: ALL STORM AND OTHER DRAINAGE SYSTEMS SHALL BE AS PER SOIL CONSULTANTS RECOMMENDATIONS. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- C. FILL: ALL FILL SHALL BE AS PER SOIL CONSULTANTS RECOMMENDATIONS. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- D. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- E. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- F. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- G. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- H. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- I. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- J. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- K. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- L. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- M. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- N. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- O. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- P. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- Q. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- R. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- S. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- T. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- U. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- V. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- W. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- X. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- Y. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- Z. EXISTING CONSTRUCTION LIMITS: EXISTING CONSTRUCTION LIMITS SHALL BE AS SHOWN ON THE PLAN. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

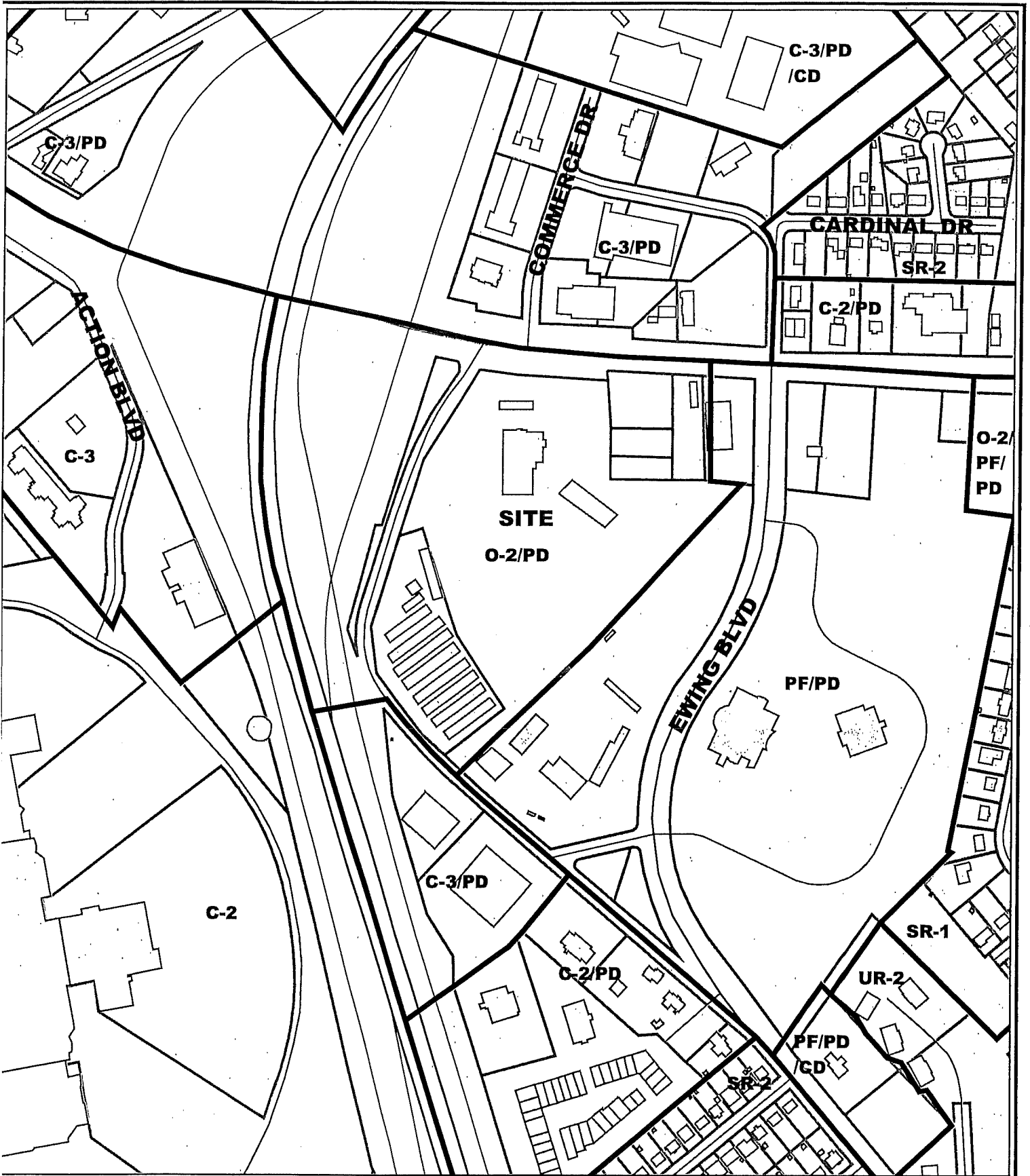


TravelCenters of America
Shop Bay Addition
Florence Travel Center

TENNESSEE DESIGN AND ENGINEERING, P.S.C.
Professional Seal and Stamp
1000 North Main Street
Florence, TN 38132
www.tnengineers.com

Job Number: 620020
Revisions: PERMIT SET
Location: 771 BARRINGTON PIKE FLORENCE, TN

DEC. 03, 2004
C-2
GRADING PLAN



7777 Burlington Pike Zoning Map

400 0 400 Feet



1 inch equals 400 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 28, 2004





7777 Burlington Pike Aerial Map

250 0 250 Feet

1 inch equals 250 feet
Produced by the
Boone County Planning Commission
GIS Services Division
December 28, 2004



Mrs. Ward commented that they have a front yard on Arrowwood and on Kernal Drive.

The Chairman asked if there was anyone present who wished to speak in opposition to the request. There was no response.

There being no further comments, Mr. Ewing moved to grant the sixteen foot Variance to allow a fourteen foot setback on the basis that it will not adversely impact the neighborhood. Mr. Bond seconded the motion and it carried unanimously.

3. The request of Pruco LLC on behalf of National Auto Truckstops, Inc., DBA Travel Centers of America for a Change in Non-Conforming Use to allow the demolition of an existing 33 year old truckstop and construction of a Travel Center, and a change in height and square footage of a non-conforming sign for a site at 7777 Burlington Pike, Florence, Kentucky. The property is currently zoned Office Two/Planned Development (O-2/PD).

Staff Member Mark Jordan presented the Staff Report (see Staff Report).

Chairman Holland questioned the permitted signage. Mr. Jordan responded that they are allowed a free-standing sign, assuming the frontage is 201 feet or more, under the current regulations. The maximum height would be 30 feet and a maximum area of two hundred square feet. The Chairman commented that they are almost at that size.

The Chairman asked for the applicant's presentation.

Attorney Eric Deters, representing Travel Centers, submitted a handout (see Exhibit 1) and stated that this is a 33-year old facility and it's current condition is known. This company wants to tear it down and rebuild it at a cost of \$4.5 million. He offered to show the Board drawings and plans. He stated that this is an opportunity to clean up the site and make it look better. The building size is decreased. He stated that it would not be a Burger King any more and it would be a Popeye. He stated that they want to do the same thing they are doing, but do it better.

Chairman Holland agreed that it has been downsized, but stated that he is concerned about the curb cuts going from 4 to 3 because this is a highly congested area.

Mr. Deters stated that he and his father are in the BP business. He stated that planners like less curb cuts because they feel that it better controls the traffic. The applicant would rather have four curb cuts, but the planners prefer less. He stated that the first curb cut is moved away from the interstate. He stated that

the problem is with trucks going in, and this plan would improve that.

Chairman Holland stated that it is an eyesore there. He asked if they could incorporate the old Shell station. Mr. Deters responded that they do not own that property.

Mr. Bond asked if vehicles would still be turning left out of the site. Mr. Deters responded "yes". He added that they tried to get a light there but they were not able to because it is too close to the other light.

Mr. Rich Lawrence, Real Estate Manager for Travel Centers of America, stated that currently both cars and trucks make a left onto KY 18 and that does not change -- they are just controlling it better. Trucks will use one curb cut and cars will use the car curb cut. He stated that their traffic is primarily off the interstate and it is essential that the vehicles be able to make a left out of the site and go back towards the interstate. Not being able to do that would eliminate their business.

Mr. Bond stated that there are a lot of traffic accidents there because of left turns. Mr. Lawrence responded that they cannot make it a perfect situation there. They will not make it worse and will probably improve it somewhat.

Mr. Deters stated that if this request is not approved, then we are stuck with the way it is now. He stated that they sat down with Mr. Costello and discussed this and he suggested that they buy some property and have a curb cut out onto Ewing Drive. Mr. Deters stated that it is a bad situation and they are trying to make it a little better.

Mr. Bond questioned the drive-thru. Mr. Deters stated that it will be an express fast food place and Popeye Chicken will have a drive-thru. He stated that a good Wendy's does \$26,000 a week -- but Popeye is projected to do about \$30,000 a month. It is not like a McDonald's or a Burger King. He stated that they have done studies that show it is really to serve the existing customers who are there to get gas. Mr. Lawrence added that Popeye helps them to get a return on their money, but it is not in the same league as a Burger King.

Mr. Jim Shumate with Estes Engineering stated that they have been working with the Highway Department on an Encroachment Permit. He stated that they aligned the automobile entrance with Commerce Drive and pushed the truck entrance down to the far eastern part of the site. He stated that they have preliminary approval from the Highway Department on where the curb cuts will be. He has asked the Highway Department to look at the possibility of re-phasing the light at the on and off ramps to I-71. He stated that they have done research and feel that they have improved the situation.

Chairman Holland stated that there is no way trucks can go down Tanners Lane. Mr. Deters agreed.

Mr. Shumate stated that if trucks were on Ewing Boulevard and went down to U.S. 42, they could not make the right turn. He noted that Ewing Boulevard says "No Trucks". The Highway Department says that doing that would just move the problem down to Ewing Boulevard.

Chairman Holland stated that Tanners Lane is for cars only. Mr. Lawrence stated that there will be directional signs. Mr. Deters added that the trucks could not make the turn. Mr. Shumate stated that it is a 15-foot radius and trucks cannot make that.

Mr. Bond questioned making the car entrance small enough that they have to go in there and exit somewhere else. He stated that there is too much traffic in the area.

Mr. Deters responded that what causes accidents is when you have all those curb cuts and cars stopping traffic. Moving the curb cut down reduces the number of curb cuts and makes it safer because there is only one place where vehicles are slowing down rather than many places. He stated that planners want the number of curb cuts reduced to control the traffic and add to safety.

Chairman Holland noted that the facility is 33 years old and asked if there is hazardous waste there. Mr. Deters responded "no". He added that the modern travel centers are much nicer than traditional truck stops.

Mrs. Ward commented that if the facility is like the pictures, it will be a nice place.

Mr. Bond questioned eliminating the drive-thru. Mr. Lawrence responded that the drive-thru is not a problem from a traffic standpoint. They are selling a convenience to a vehicle that is already on the lot, but it does factor into the economics. The drive-thru contributes to their return on investment and it is an important item. Mr. Bond commented that they could come back later and change it to a McDonald's and then the traffic flow will increase. Mr. Lawrence responded that they do not have a relationship with McDonald's and would be conflicting with someone who has the franchise rights. They do not have a Burger King because someone already has the rights to a Burger King. He stated that once those franchises are gone, they are gone.

Mrs. Ward asked if there is a sit-down area. Mr. Lawrence responded "yes". He described the area to be like a food court -- with a counter for Popeye, a counter for Pizza Hut, and a counter for Mrs. Bea's, which is cafeteria style (like Boston Market). There is no wait staff and it is "serve yourself". They all have

counters and then there is a common seating area in front with about fifty seats for all three restaurants.

The Chairman asked if there was anyone present who wished to speak in opposition to the request. There was no response.

The Chairman asked if there were any further questions from the Board.

Mr. Pieper asked to discuss the sign. The Chairman suggested that the Board act on the other request first since there will be no sign if it does not pass.

Counselor Wilson explained that they have pre-existing, non-conforming rights to keep what they have there. They are asking the Board to allow a substitution of a non-conforming use for what is there now. The test is whether they have persuaded the Board that what they want to substitute is less objectionable than what is there now. The Chairman added that a main criteria is that they are not enlarging the non-conforming use. Counselor Wilson agreed.

Mr. Pieper commented that they are making an attempt at traffic control. Mr. Ewing stated that he feels that this would be an improvement. Mr. Bond stated that he is concerned about the traffic situation.

There being no further comments, Chairman Holland moved to grant the substitution of the non-conforming use on the basis that it is not expanding the use, the current use is an eyesore, and this will be something more aesthetically pleasing to the community. Mr. Pieper suggested two conditions: 1) That signage be put in that indicates the Tanner Lane exit is for automobiles only, and 2) that there be a landscaping scheme. Mr. Deters responded "We are agreeable to those conditions". Mr. Lawrence added that they will create additional space for landscaping because the new building is pushed back. Chairman Holland added the two conditions to his motion. Mr. Ewing seconded the motion. A roll call vote on the motion found Chairman Holland, Mr. Ewing, Mr. Pieper, and Mrs. Ward in favor. Mr. Bond was opposed. The motion carried by a vote of 4 to 1.

Counselor Wilson questioned the method of demolition.

Mr. John Micelli, the general contractor, stated that they will shut the facility down for five months and will bring in equipment and knock it down. They did an asbestos survey and there was none. He stated that they will provide notice to their clientele and believe that most of their customers will go to their facility south of here (Richwood).

Chairman Holland stated that there is a request for about two additional feet for the sign. They are allowed 200 square feet and

they are asking for 210 square feet. They are allowed 30 feet and they are asking for an additional 1 foot 11 inches. Mr. Ewing moved to grant a Variance for the sign. Mrs. Ward seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Ewing moved to adjourn. Mr. Bond seconded the motion. The meeting was adjourned by unanimous consent at 9:15 P.M..

APPROVED:


Charles F. Holland, Chairman

Attest:


Jan Hancock, Recording Secretary



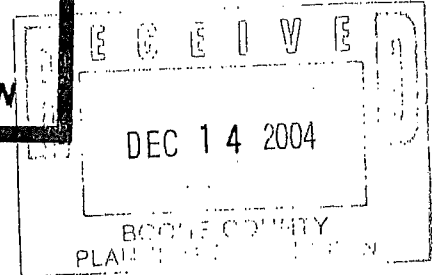
Quality Project Management, LLC
1549 Maple Avenue
Lakewood, Ohio 44107

440-777-1800 (tel)
416-521-0101 (fax)
602-708-3707 (cell)

gimmarino@qpmllc.com
www.qpmllc.com

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
COUNTY PLANNING COMMISSION



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

- 1. (Check One) Boone Florence Walton Union
- 2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name [Redacted] **QPM**
Phone Number [Redacted] Fax No. [Redacted]
Applicant's Address [Redacted]
City _____ State _____ Zip _____
- 4. Description of Request: 3 BAY SERVICE GARAGE ADDITION TO Existing Shop.
- 5. Name of Development _____
- 6. Location of Development 7777 BURLINGTON RD
FLORENCE, KY. 41042
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property TRAVEL CENTERS OF AMERICA
Phone Number of Owner 440-808-7410
- 10. Address of Property Owner 24601 CENTER RIDGE RD SUITE 200
WESTLAKE OH. 44145
City _____ State _____ Zip _____
- 11. Proposed Use(s) on Site TRUCK STOP / FUELING FACILITY
- 12. Total Square Footage of Existing and/or Proposed Buildings 6394
- 13. Current Zoning on Property COM
- 14. Deed Book 508 Page No. 13 Group No. _____
- 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? _____
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

SEE attached Business CARD

Applicant's Signature: [Signature]

Property Owner's Signature: Richard Lawrence, Real Estate Mgr.

COPY

CLUR #05-FBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Travel Centers of America
24601 Center Ridge Rd., Suite 200
West Lake, OH 44145

2. ADDRESS OF PROPERTY

7777 Burlington Pike
Florence, KY 41042

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

Travel Centers of America

4. DEED BOOK 508

PAGE NO. 13

GROUP NO. 2041A

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

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

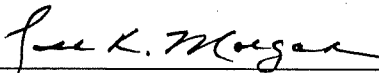
Subdivision Plat
(Not Recorded)

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



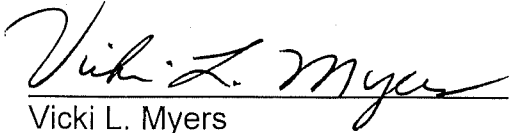
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

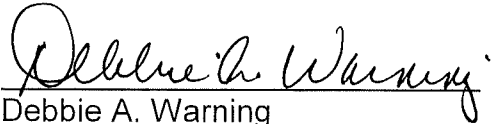
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 25 day of February, 2005.



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 Florence Board of Adjustments and in accordance with the current zoning in effect as of January 12, 2005 Certificate of Land Use Restriction (#05-FBOA-002-A), for Travel Centers of America, Property Owner(s).

The following conditions will apply:

- 1) There is to be no additional building-mounted signage other than the bay numbers.
- 2) The building is to be constructed of masonry block and match the existing building.

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

DEED BOOK 508 PAGE NO. 13 GROUP NO. 2041A