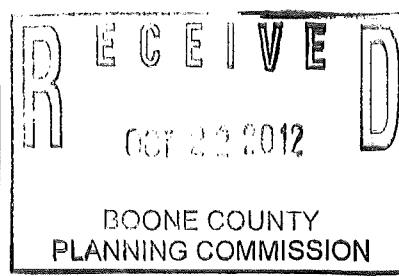


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [] Florence [x] Walton [] Union []
2. (Check One) Conditional Use Permit [] Variance [] Appeal [] Change in Non-Conforming Use [x]
3. Applicant's Name Triumph Signs, Phone Number 513-576-8090, Fax No. 513-576-8095, Applicant's Address 480 Milford Parkway, Milford OH 45150
4. Description of Request: Re-brand Pylon Sign to Valero. Install LED Pricer
5. Name of Development TA Travel America Center
6. Location of Development 7777 Burlington Pike, Florence, KY 41042
7. Acreage Under Review [redacted]
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property HPT TA Properties Trust, Address of Property Owner 24601 Center Ridge Ste 200, West Lake OH 44145
10. Proposed Use(s) on Site 429 Com Conv MKT / C-Store / Truck Stop
11. Total Square Footage of Existing and/or Proposed Buildings
12. Current Zoning on Property G-2 / PD
13. Deed Book 929, Page No. 675, Group No. 2041A
14. Is the site subject to a zone change? NO
15. If yes, give date of approval
16. Have you submitted a Site Plan with this request? NO
17. Have you submitted a list of adjoining property owners with this request? NO
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)

**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 11/22/12 Fee Received \$932.00 Receipt # 055815
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 11/14/12 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE 11/14/12 BOA MINUTES +
CLUR
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 - 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: Triumph Signs for Travel Centers of America

LOCATION: 7777 Burlington Pike, Florence, Kentucky

ZONING: Office Two/Planned Development (O-2/PD)

DATE: November 14, 2012

Proposal

The applicant is requesting a Change in Non-Conforming Use so Travel Centers of America can display regular fuel prices in red light emitting diodes (LED) on one of their freestanding signs. The existing sign is 31'-6" tall and is located next to the KY 18 automobile and light truck access point. The submitted drawing shows the manually changeable fuel price cabinet (4' x 10'-1") will be replaced with an identically sized cabinet. The new cabinet will display regular fuel prices with 18" tall red LED digits that are inside a 24-³/₄" x 51-¹/₈" window.

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 nonconforming 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.

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. The following charts summarize some of the key parts of 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
RESTAURANT SQUARE FOOTAGE	2,512	866
OVERALL FACILITY SQUARE FOOTAGE	19,906	17,555

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

- 1999 - Boone County Planning Commission Staff approves a Site Plan to allow the facility to be reconstructed. A former Staff member erroneously allowed an approximate 19,500 square foot building with three truck service bays.
- 1999 - Boone County Planning Commission approved a Sign Permit for a 31'-11" tall, 210 square foot freestanding sign at the KY 18 entrance per the Florence Board of Adjustment approval. (Note - The sign would be considered to be 408.75 square feet if it were approved today because one rectangle would be drawn around all the sign cabinets).
- 2005 - The Florence Board of Adjustment approved a Change in Non-Conforming Use which allowed a 6,394 square foot garage addition onto the rear of the existing shop. The proposed addition was approved with 3 truck service bays. The overall permitted building square footage was increased from 20,396.5 square feet to 26,790.5 square feet.
- 2005 - Boone County Planning Commission approved a Major Site Plan allowing the construction of a 5,745 square foot garage addition onto the back of the building.

Site Characteristics

The approximate 14 acre site contains a 26,141.5 square foot building. The building contains three restaurants, a convenience store with auto and truck accessory sales, showers, restrooms, and six truck maintenance bays. The site also contains 64 parking spaces for cars, 189 parking spaces for trucks, and a large detention area to the rear of the site. The property contains three curb cuts. Semi-trucks access the property from a signalized intersection on KY 18. Cars, vans, and light trucks can access the site from curb cuts that exist on Tanners Lane and KY 18. Three freestanding signs exist on the site (KY 18, Interstate high-rise, and truck scale). The freestanding sign located along KY 18 is 31'-6" tall and the freestanding sign located near Tanners Lane is 113' tall.

Surrounding Land Uses and Zoning

North: KY 18, Chung Kiwha (C-3/PD), Speedway (C-3/PD)

South: Tanners Lane and Goodwill (C-3/PD),

East: Florence Public Services Maintenance Facility (PF/PD), Vacant Lot, Waffle House (O-2/PD)

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

Staff Comments

1. The operation has existed on the site since 1966.

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 contains several non-conforming signs (freestanding, building mounted, gasoline canopy, and directional). The most notable are the two freestanding signs which exist along KY 18 and Tanners Lane. 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. Section 3430 of the Boone County Zoning Regulations states that the City of Florence permits electronic signs as Conditional Uses in the Commercial Two (C-2) and Commercial Services (C-3) zoning districts. The applicant can ask for the electronic fuel price cabinet because the sign is a pre-existing nonconforming structure.
5. The Board needs to determine if the proposal constitutes an enlargement or extension of the existing non-conforming use. In making this determination, the Board can analyze if the proposal is more objectionable than what already exists on the site.
6. If the Board grants approval of the request, Staff recommends the following conditions:
 - A. The cabinet shall be constructed as presented.
 - B. The cabinet shall only display one fuel price.
 - C. The fuel price shall be displayed in one color and shall not flash, scroll, or run.

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 act on the request.

Respectfully submitted,

Todd K. Morgan, AICP
Senior Planner, Zoning Services

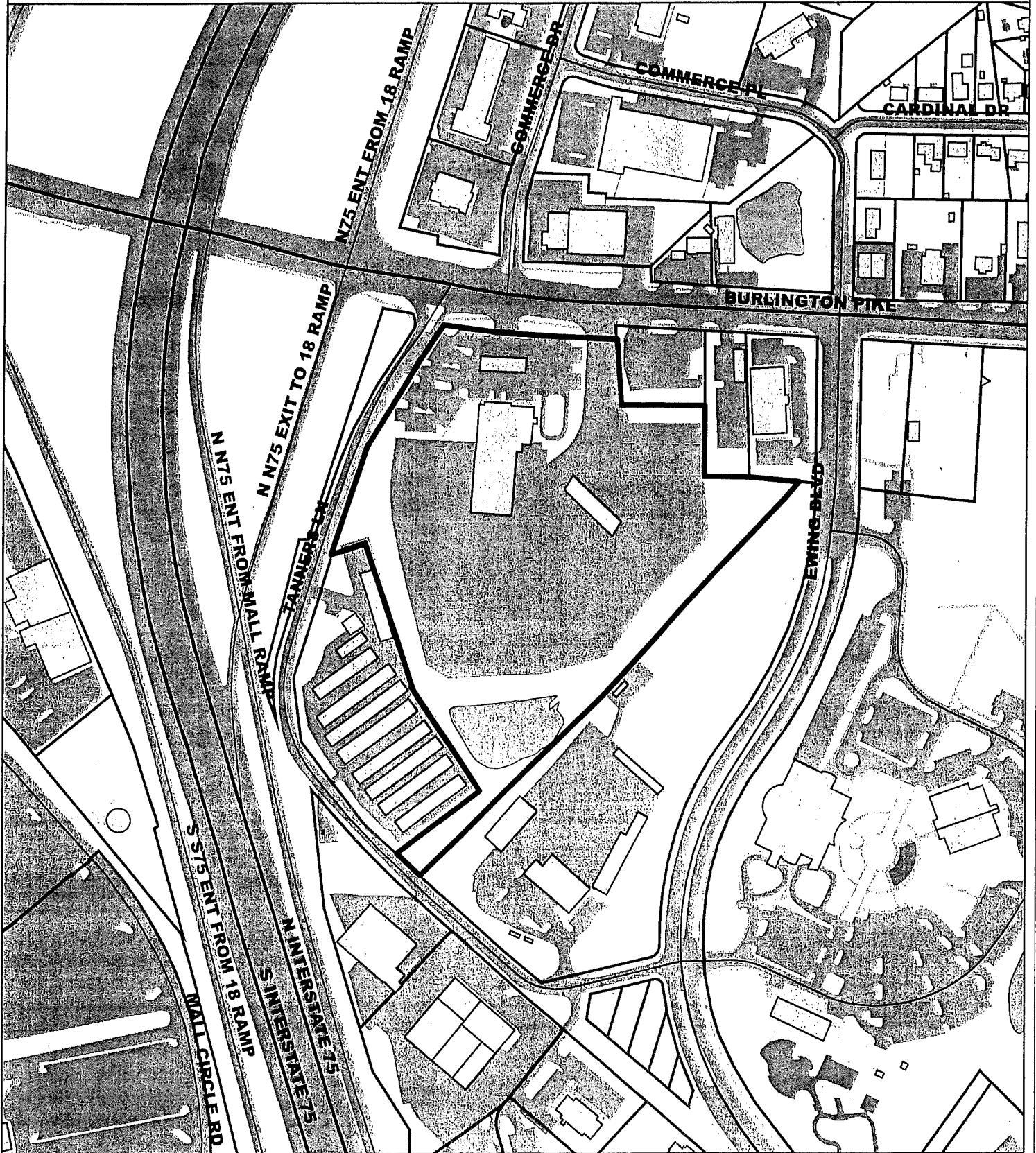
TKM/dw

Attachments

- *Site Vicinity Map
- *Proposed Sign Drawing
- *9/17/99 Sign Permit Drawing
- *4/25/05 Site Plan
- *2009 Aerial Map
- *Zoning Map
- *Application

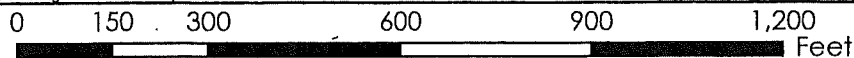
SITE VICINITY MAP

www.boonecountygis.com

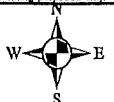


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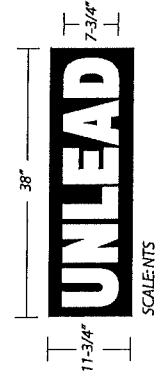
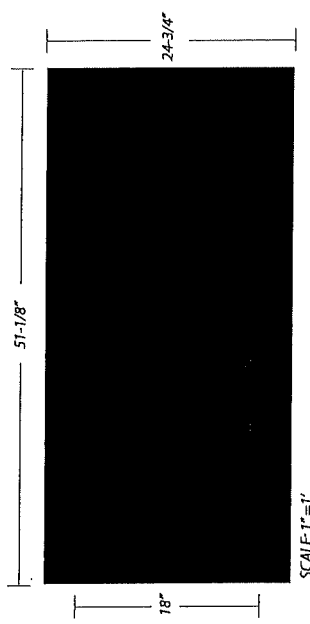
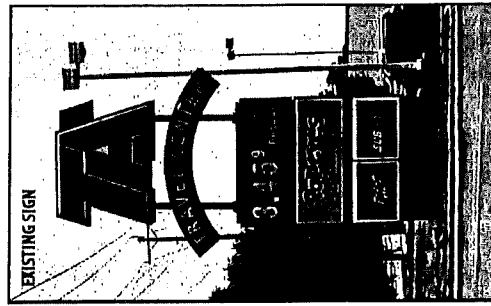
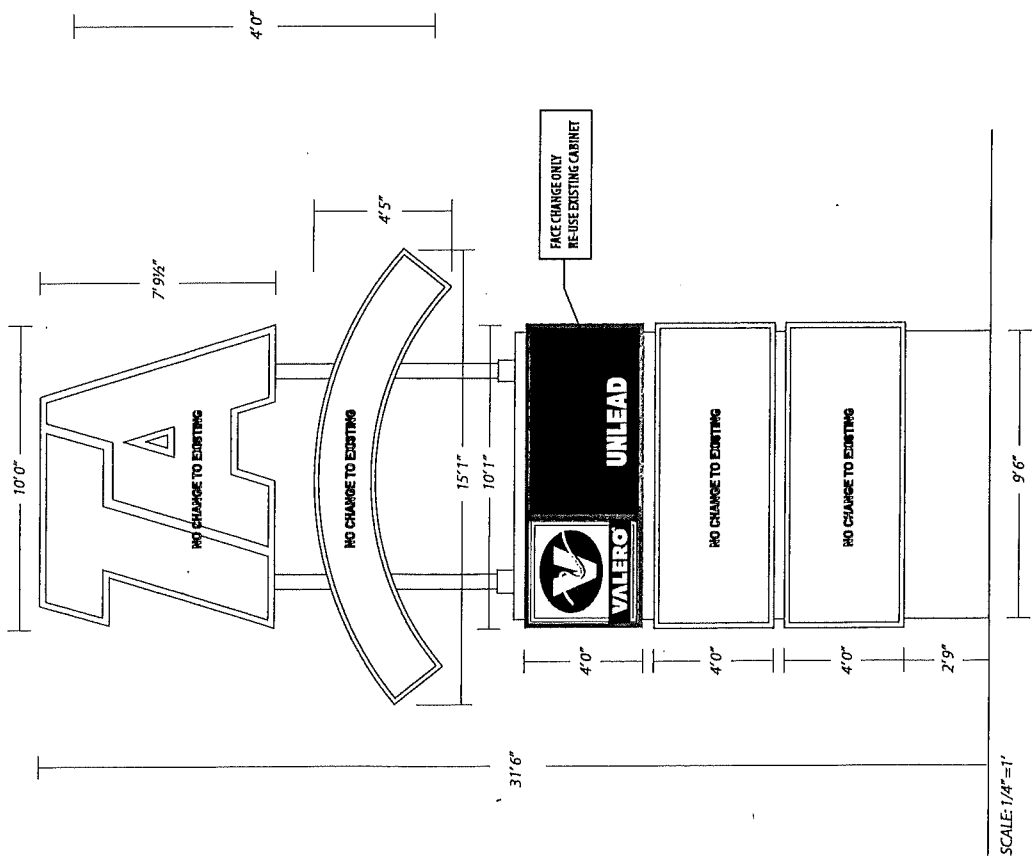
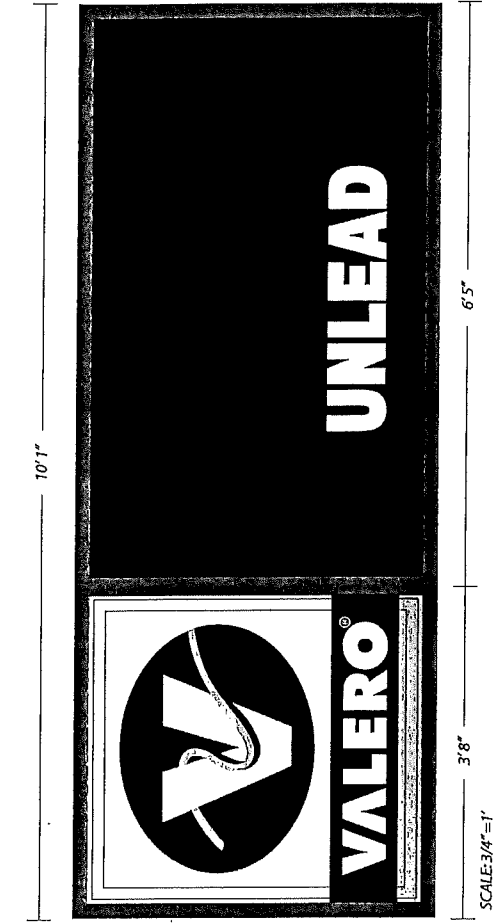
1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Small text at the bottom right corner, likely a file path or version number: "Boone County GIS - Putting Northern Kentucky on the Map - ArcMap Document (*.mxd)"



Please read carefully and check application for:

Switch out in Switch out with changes

New switch required

Date: _____ Signature: _____

2022 Triumph Sign & Cabinet, Inc. All rights reserved.
 This drawing was made by: _____
 It may not be reproduced or altered without written permission.

Colors

- (2) Faces to be finished per side. Faces are separated using 2" aluminum divider bar painted to match existing cabinet color.
- (1) NEW 18" LED Gas prices to be mounted to lexan face per side.

- All existing cabinets are of aluminum construction.
- NEW Replacement faces are pan-formed Lexan w/ 2nd surface vinyl graphics.

- Overall Sign Height: 31' 6"
- Total Sign Area: 293 SQ FT / Retro-Fit Sign Area: 40.3 SQ FT
- All cabinet are internally illuminated. Illumination provided by Daylight H.O. Fluorescent Lamps.

Specifications

Sketch No. #13227 Nylon Sign Panel

Scale: 1/4" = 1'

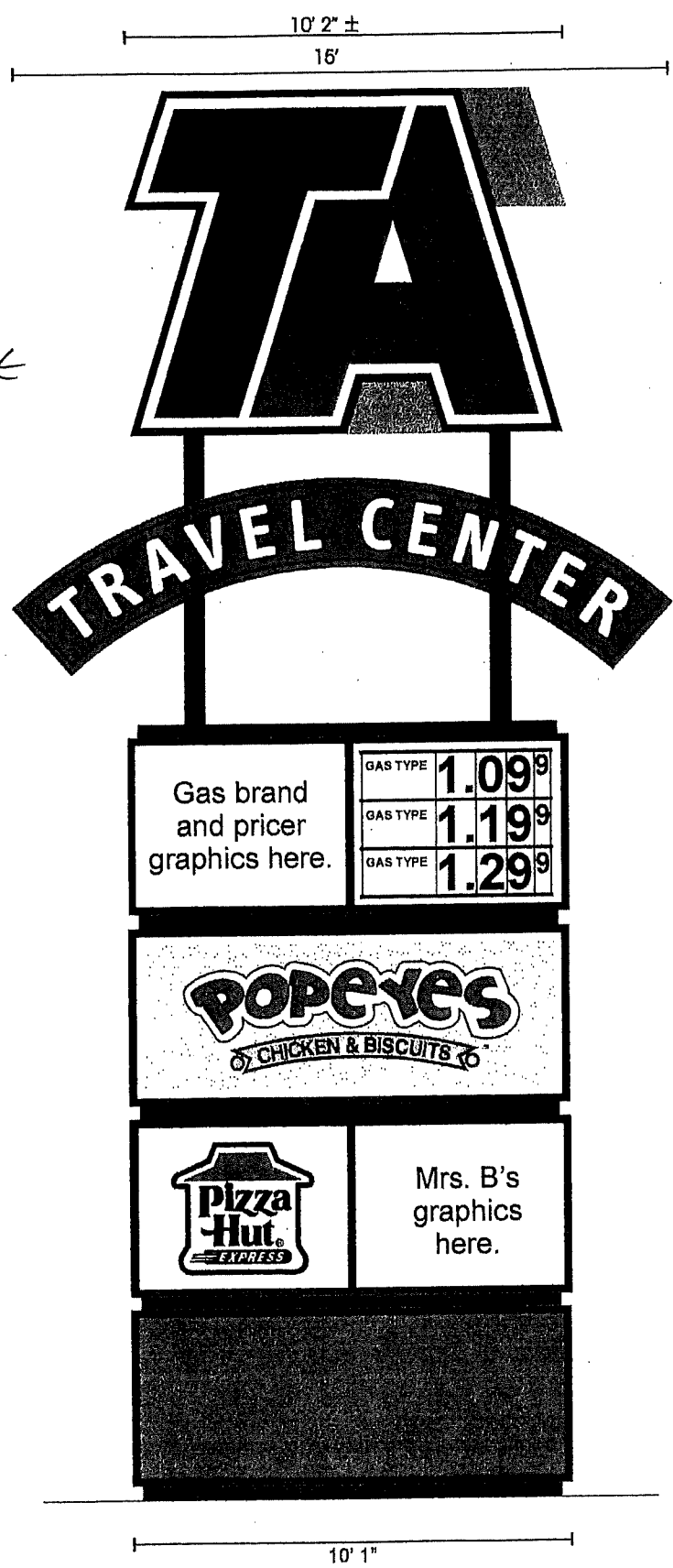
Date: 10/10/12 Rev: _____

Drawing by: _____ Checked by: _____



dk.

9/17/99
Sign Permit



- Formed plastic faces.
- Internally illuminated.

Florence, KY
Sign No. 0093-E04

Elrod & Company
 Corporate Sign Program Management and Engineering
 1509 Sarah Court, Murfreesboro, TN 37129

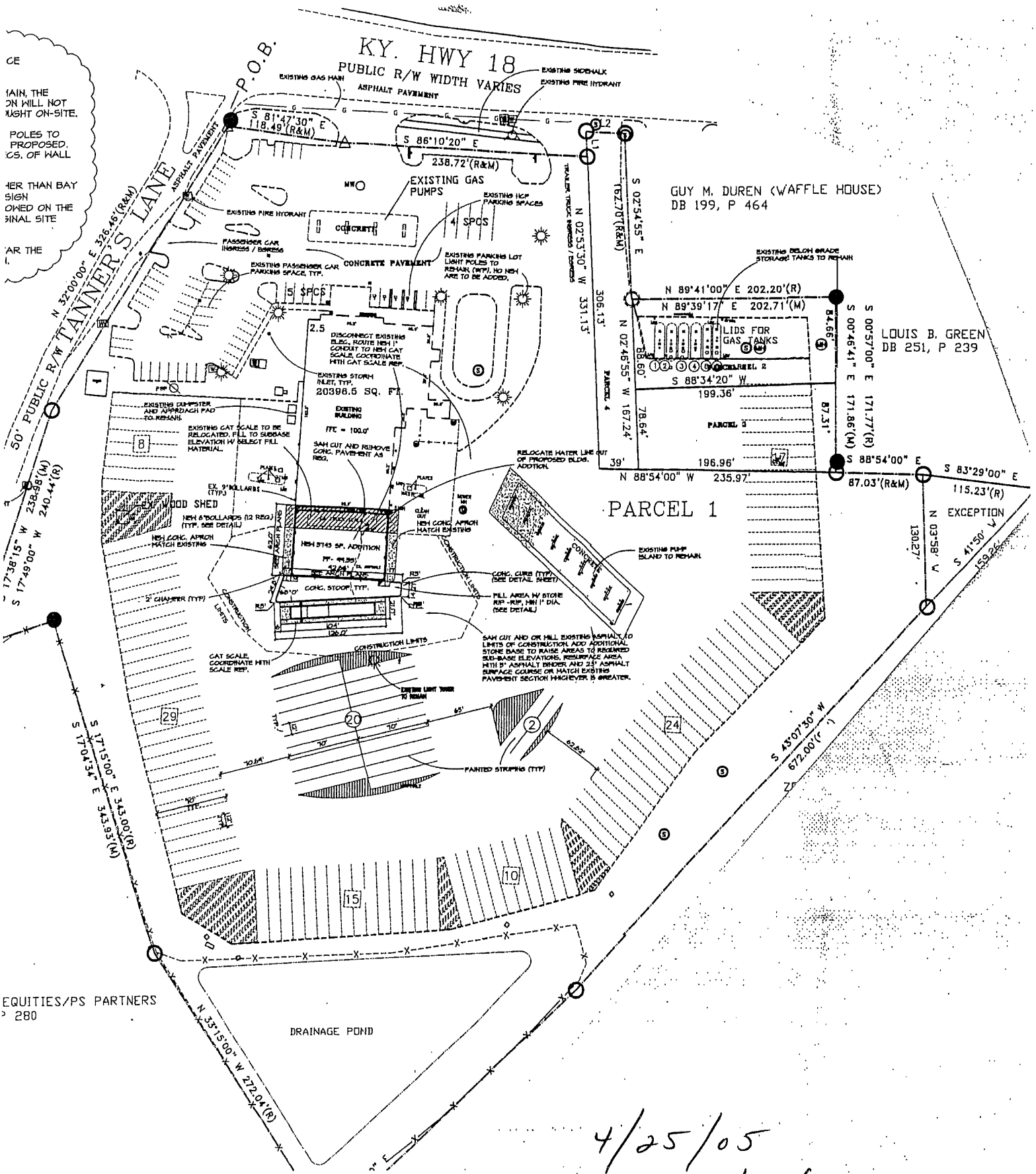
SCALE: 1/4" = 1'
 DATE: 08/19/99

NO: 0093-E04-B
 PAGE: 1

DRAWN BY:
Nan Stanford

MID10

CE
 MAIN, THE
 ON WILL NOT
 NIGHT ON-SITE.
 POLES TO
 PROPOSED,
 CS. OF WALL
 MORE THAN BAY
 SIGN
 OWNED ON THE
 FINAL SITE
 CLEAR THE



EQUITIES/PS PARTNERS
 280

4/25/05
 SITE PLAN

KY. HWY 18
 PUBLIC R/W WIDTH VARIES

GUY M. DUREN (WAFFLE HOUSE)
 DB 199, P 464

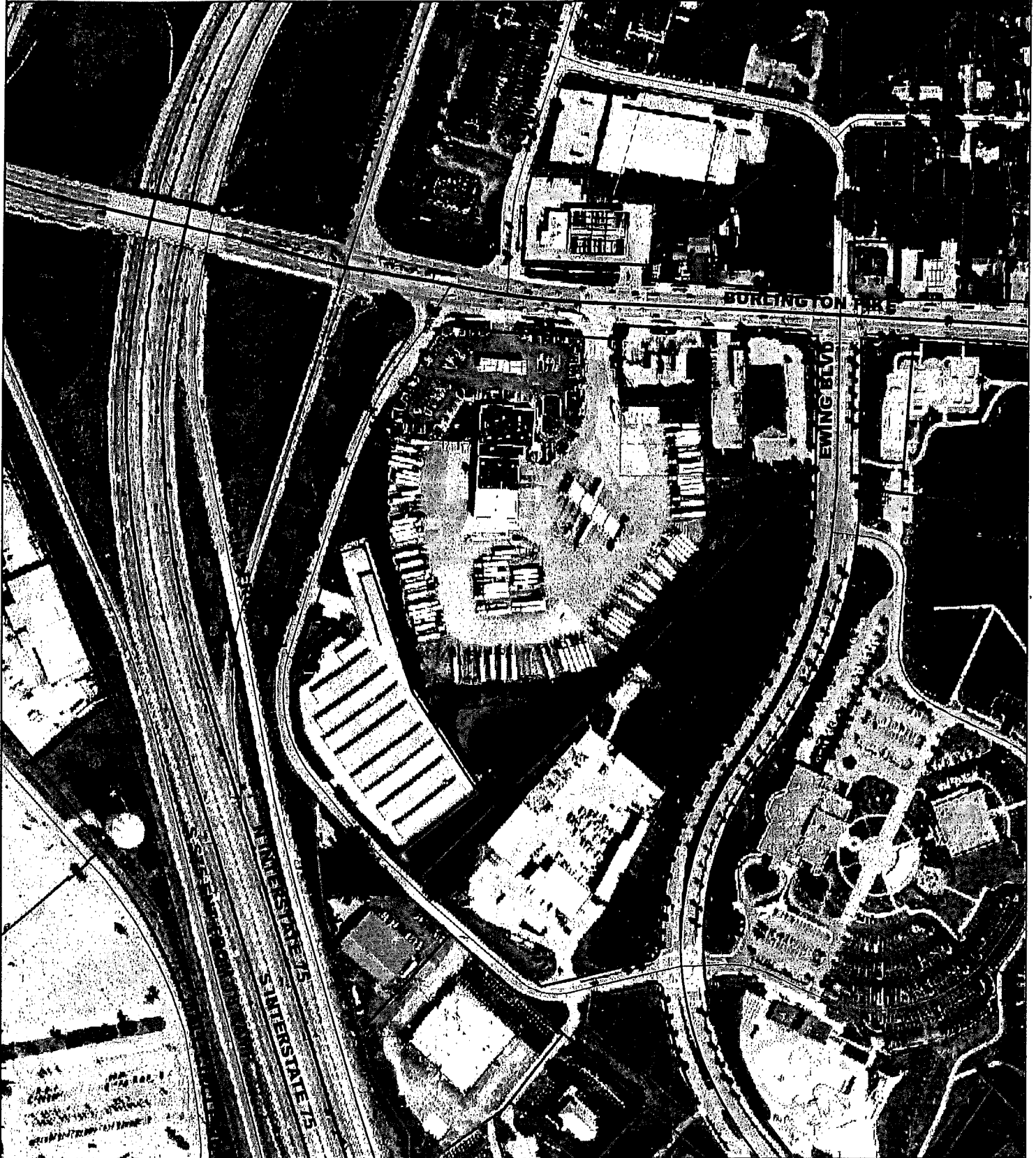
LOUIS B. GREEN
 DB 251, P 239

PARCEL 1

DRAINAGE POND

2009 AERIAL MAP

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000

Feet

1 Inch = 83,333 feet

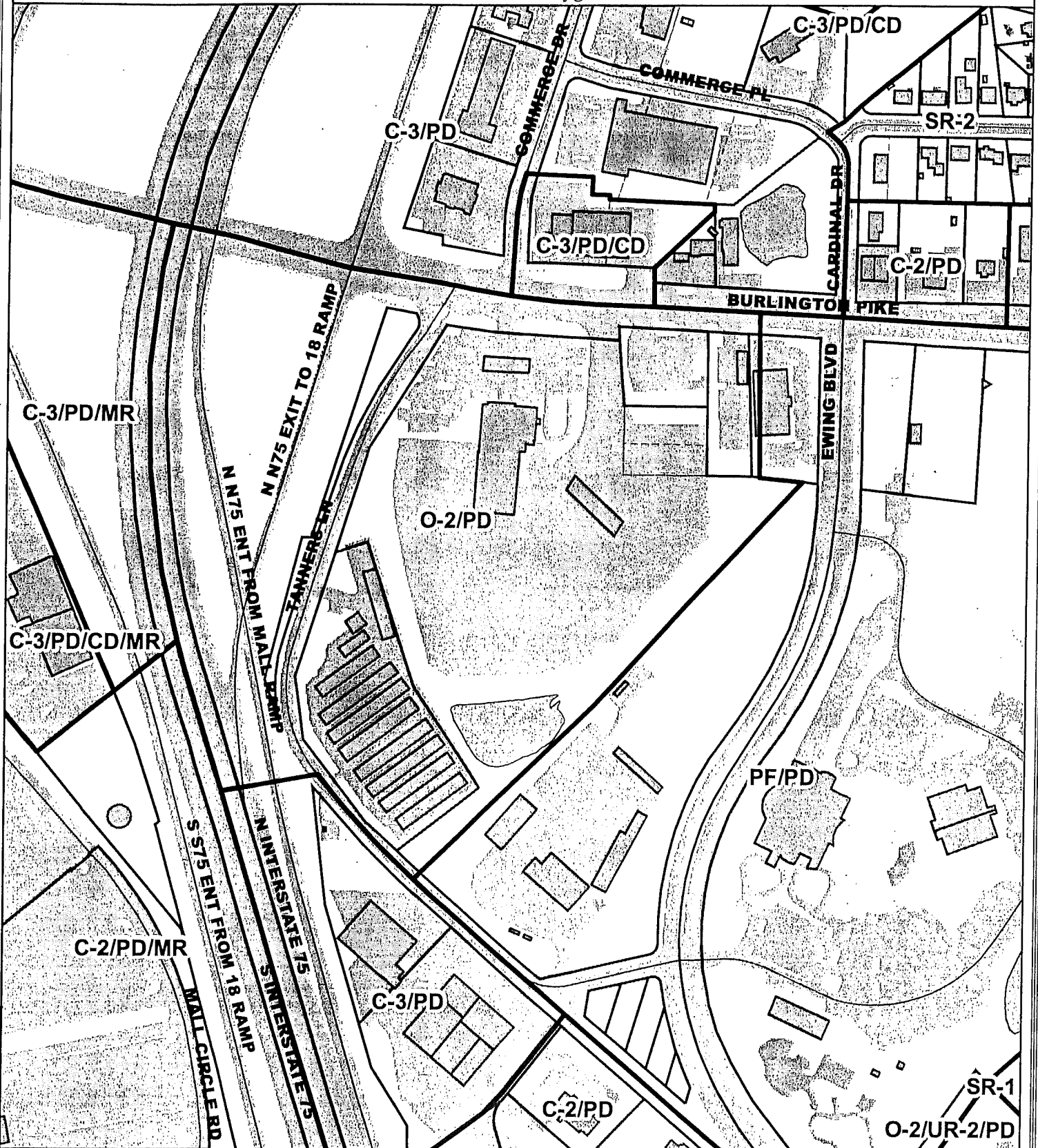


Boone County GIS - Putting Northern Kentucky on the Map



ZONING MAP

www.boonecountygis.com



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0 8,750 17,500 35,000 52,500 70,000

Feet

1 inch = 83,333 feet



Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVE OCT 22 2012 BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 []
[checked] Change in Non-Conforming Use
3. Applicant's Name Triumph Signs
Phone Number 513-576-8090 Fax No. 513-576-8095
Applicant's Address 480 Milford Parkway
Milford OH 45150
City State Zip
4. Description of Request: Re-brand Pylon Sign to Valera.
Install LED Pricer
5. Name of Development TA Travel America Center
6. Location of Development 7777 Burlington Pike
Florence, KY 41042
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property HPT TA Properties Trust
Address of Property Owner 24601 Center Ridge Ste 200
West Lake OH 44145
City State Zip
10. Proposed Use(s) on Site 429 Com Conv Mkt / C-Store / Truck Stop
11. Total Square Footage of Existing and/or Proposed Buildings
12. Current Zoning on Property O-2/PD
13. Deed Book 929 Page No. 675 Group No. 2041A
14. Is the site subject to a zone change? NO
If yes, give date of approval
15. Have you submitted a Site Plan with this request? NO
16. Have you submitted a list of adjoining property owners with this request? NO
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] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
HPT TA Properties Trust
24601 Center Ridge
West Lake, OH 44145

- 2. ADDRESS OF PROPERTY
7777 Burlington Pike
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
TA Travel America Center

- 4. DEED BOOK 929 PAGE NO. 675 GROUP NO. 2041A

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
- | | |
|--|---|
| <input type="checkbox"/> Zoning Map Amendment:
From _____ To _____

<input type="checkbox"/> Development Plan

<input type="checkbox"/> Subdivision Plat

(Not Recorded)

<input type="checkbox"/> Variance | <input type="checkbox"/> Conditional Use Permit

<input type="checkbox"/> Conditional Zoning

<input checked="" type="checkbox"/> Other: Change in Non-Conforming |
|--|---|

- 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

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 November 14, 2012 Certificate of Land Use Restriction (#12-FBOA-008-A), for HPT TA Properties Trust, Property Owner(s).

The following conditions will apply:

1. The cabinet shall be constructed as presented.
2. The cabinet shall only display one fuel price only.
3. The fuel price shall be displayed in one color only and shall not flash, scroll, or run.
4. The sign shall be equipped with a photocell and the sign shall dim as the sky gets darker.

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

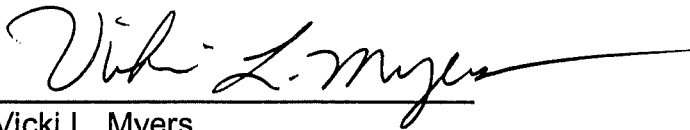
DEED BOOK 929 PAGE NO. 675 GROUP NO. 2041A

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 27th day of November, 2012.



Vicki L. Myers

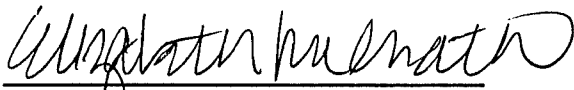
Notary ID 438411

NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath

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.)