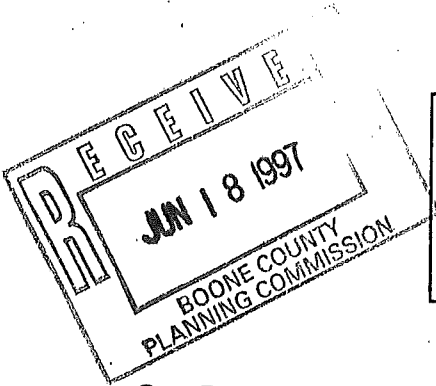


APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

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

- 1. (Check One) Boone \_\_\_ Florence \_\_\_ X Walton \_\_\_ Union \_\_\_
2. (Check One) Conditional Use Permit \_\_\_ x \_\_\_ Variance \_\_\_ Appeal \_\_\_
Change in Non-Conforming Use \_\_\_
3. Applicant's Name Blue Beacon of Walton
Phone Number (913) 825-2221 Fax No. (913) 825-0801
Applicant's Address P.O. Box 856
Salina KS 67402-0856
City State Zip
4. Description of Request: Variance to erect one 70' high rise sign with 400 sq. ft. of sign face
5. Name of Development Blue Beacon of Walton
6. Location of Development Site Legal Description
7. Acreage Under Review .1 Acre
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Blue Beacon
Phone Number of Owner (913) 825-2221
10. Address of Property Owner Salina KS 67402
City State Zip
11. Proposed Use(s) on Site Truck Wash
12. Total Square Footage of Existing and/or Proposed Buildings 10,800 sq. ft.
13. Current Zoning on Property C-3
14. Deed Book 421 Page No. 172 Group No. 2077B & 2086B
15. Is the site subject to a zone change? No
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.

Applicant's Signature: [Signature] Blue Beacon International, Inc.
Property Owner's Signature: [Signature] Vice-President

(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 \_\_\_\_\_ Fee Received \_\_\_\_\_  
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No  
3. Staff Reviewer ED COLEMAN \_\_\_\_\_  
4. Scheduled Board Action Date 7/9/97  
5. Board Action:  
\_\_\_\_\_ Approved  
\_\_\_\_\_ Approved with Conditions (See #6)  
 Denial (See #7)  
6. Conditions of Approval: \_\_\_\_\_  
7. Reasons for Denial: SEE MINUTES FROM MEETING

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

**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

**DEVELOPMENT:** Blue Beacon International, Inc.

**APPLICANT:** Blue Beacon International, Inc.

**LOCATION:** 13085 Walton-Verona Road, Walton, Kentucky

**ZONING:** Commercial Services (C-3)

**DATE:** July 9, 1997

The applicant is requesting a Variance to allow an increase in the height and square footage of a free-standing pole sign on a 9.44 acre tract located on KY 14 & 16, south of the Flying J Truck Stop in Walton. The applicant's request is for a Variance that would permit a 400 square foot sign at a height of 70 feet.

On May 19, 1997, Blue Beacon International, Inc., represented by Dana Morse, requested a variance to allow a 400 square foot sign at a height of 80 feet. The Board denied the applicant's request stating that the sign would be a hazard and would adversely affect the public safety because of the potential increase in traffic the sign would generate. A copy of the minutes from this business meeting accompanies this report.

On May 2, 1997, the Boone County Planning Commission Staff approved a Site Plan for the property to allow the construction of a 10,800 square foot Blue Beacon truck wash facility.

*Article 34, Section 3413* of the Boone County Zoning Regulations permits the following for signage in a Commercial Services (C-3) district:

Individual business establishments not located within a shopping center, mixed-use commercial, or Planned Development shall be permitted a density of one (1) on-premises, free-standing sign. There shall be only one (1) free-standing sign for each such individual business establishment, regardless of the number of business establishments conducted in the building and regardless of the number of road frontages.

In Commercial Services (C-3) zoning districts, the maximum size of a free-standing sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No free-standing sign in a Commercial Services (C-3) zoning district may exceed two-hundred (200) square feet in area.

In Commercial Services (C-3) zoning districts, the maximum height of a free-standing sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale:

<u>Road Frontage</u>	<u>Maximum Sign Height</u>
50 feet or less:	15 feet in height
51 to 100 feet:	20 feet in height
101 to 200 feet:	25 feet in height
201 feet or more:	30 feet in height

A Variance is defined as a departure from 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 K.R.S. 100.241 to 100.47.

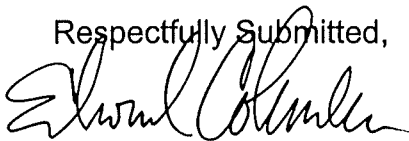
Variations are appropriate by reason of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of the site. The literal enforcement of the above dimensional terms of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs. Lot frontages, the size of yards, and open spaces refer to minimum yard dimensions such as building setbacks.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Variance, stated in Article 2, Section 251 of the Boone County Zoning Regulations.

#### Conclusion

K.R.S. 100.241 gives the Walton Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Variance for an increase in the height and size of a free-standing sign. It is Staff's opinion that the proposed 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. This opinion is based on the proposed use, the site's proximity with Interstate 75, and the applicant's use in relation to other surrounding land uses, specifically the Flying J Truck Stop, which has a 130 foot high free-standing sign that is 807 square feet in area.

Respectfully Submitted,

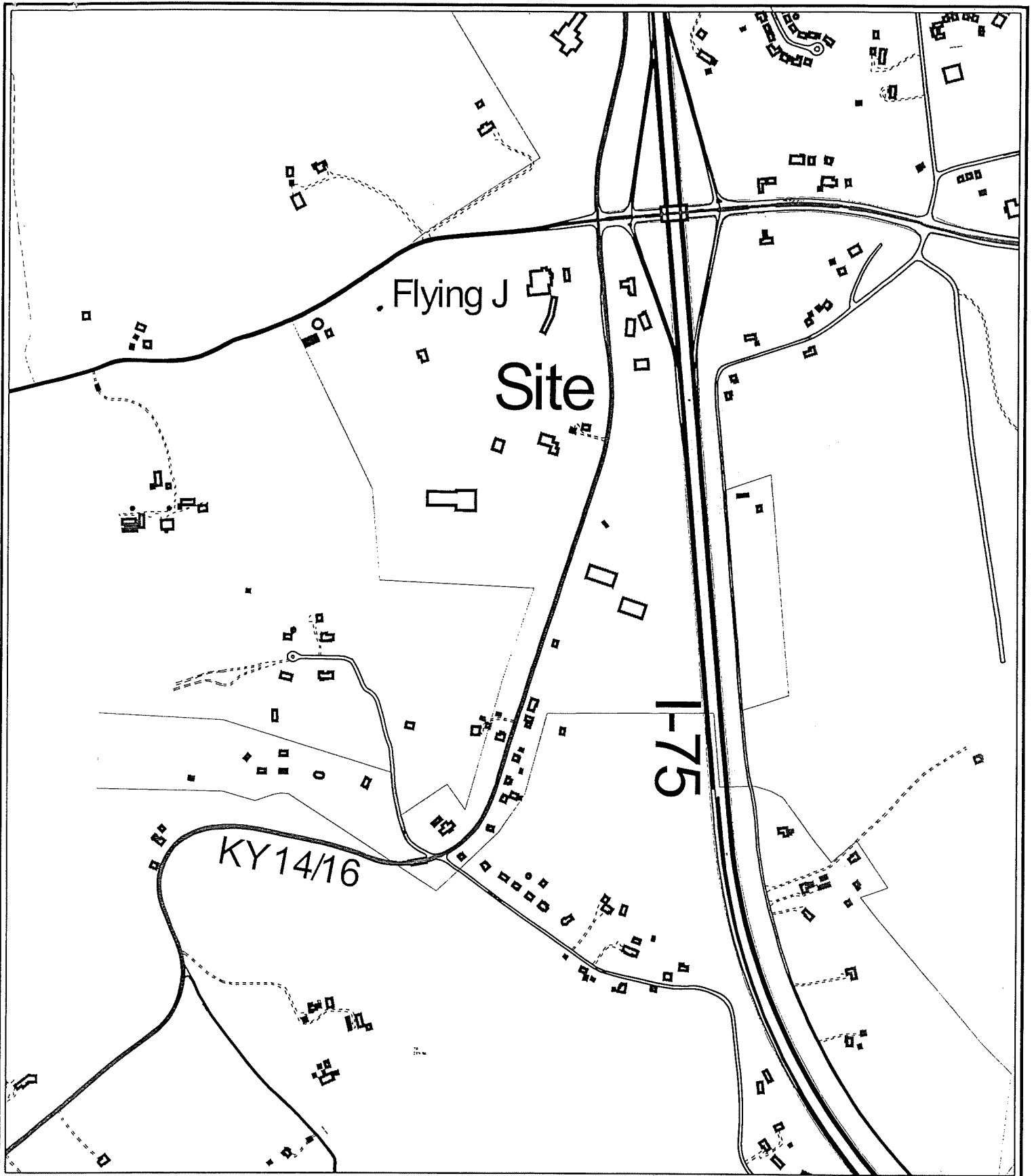


Edward Coleman  
Planner

EC\par

Attachments

- Location Map
- Site Map
- Approved Site Plan
- Zoning Map
- Proposed Sign
- Supporting Sign Documentation
- Property Plat
- May 1997 WBOA Business Meeting Minutes



# Blue Beacon Location Map

800 0 800 Feet

1 inch equals 800 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 15, 1997



Flying J

Site X

KY 1416

I-75

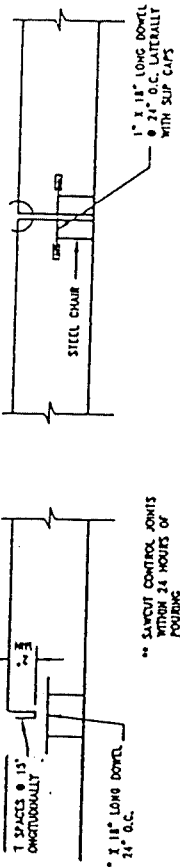
# Blue Beacon Site Map

200 0 200 Feet

1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
May 15, 1997



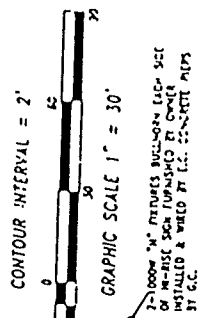




**CONTROL JOINT FOR 8" CONCRETE**  
3/1 TO SCALE

**EXPANSION JOINT FOR 8" CONCRETE**  
NOT TO SCALE

NOTE: FOR CONCRETE PLACING "C" PARTICIPATING INCLUDE PROPERTIES & L.A.

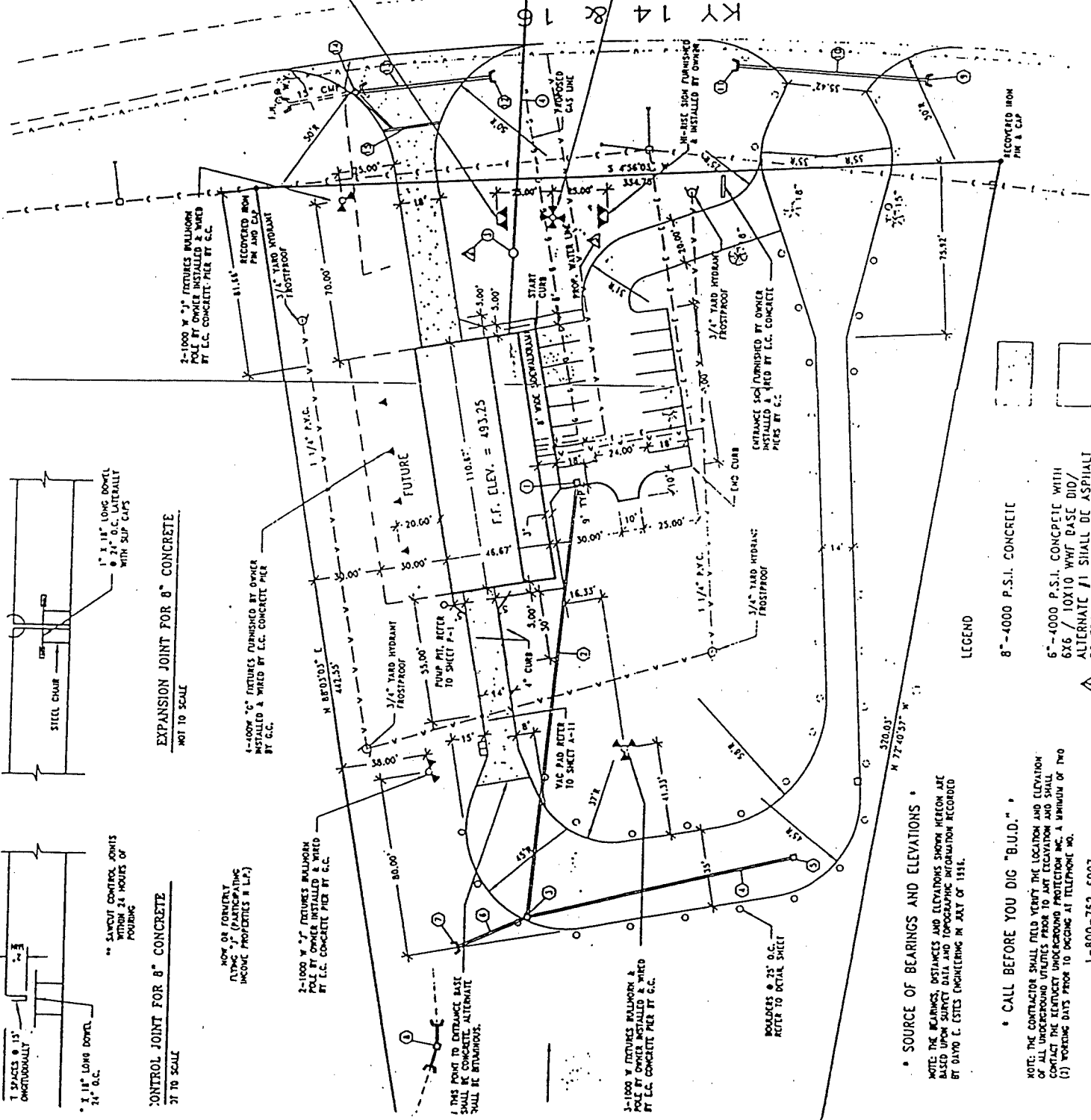


CONTOUR INTERVAL = 2'  
GRAPHIC SCALE 1" = 30'

2-1000 W 3/4" FEATURES BULLHORN POLE BY OWNER INSTALLED & WIRED BY E.C. CONCRETE PIERS BY C.C.  
RECOVERED IRON P.M. AND C.A.P.  
3/4" TARD HYDRANT FROSTPROOF  
10.00'

CE. 314, W.M.  
FROM ELEV. = 431.11  
WPT. ELEV. = 431.13

1-1000 W 3/4" FEATURES BULLHORN POLE BY OWNER INSTALLED & WIRED BY E.C. CONCRETE PIERS BY C.C.



**LEGEND**

- 8"-4000 P.S.I. CONCRETE
- 6"-4000 P.S.I. CONCRETE WITH 6X6 / 10X10 WPT BASE DIO/ ALTERNATE #1 SHALL BE ASPHALT
- CONTROL JTS @ 15.00' EACH WAY

**SOURCE OF BEARINGS AND ELEVATIONS**

NOTE: THE BEARINGS, DISTANCES AND ELEVATIONS SHOWN HEREON ARE BASED UPON SURVEY DATA AND TOPOGRAPHIC INFORMATION RECORDED BY DAVID C. ESTES ENGINEERING IN JULY OF 1991.

CALL BEFORE YOU DIG "B.U.D."

NOTE: THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION AND SHALL CONTACT THE UTILITY OWNERS PRIOR TO ANY EXCAVATION. A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO BEGING AT TELEPHONE NO.

1-800-752-6007

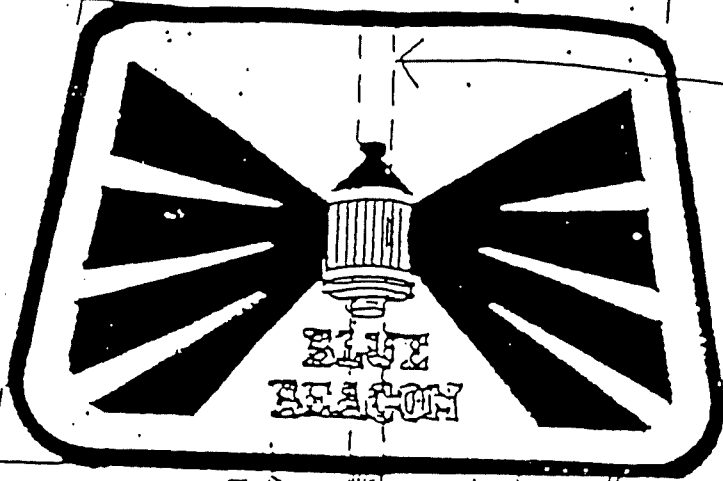
**APPROVED**  
Staff [Signature]  
Date 5/2/97  
Boone County Planning Commission

CE. 314, W.M.  
FROM ELEV. = 431.11  
WPT. ELEV. = 431.13

ATTACHMENT 1

13'-0" - 1.5"

8' 9" =



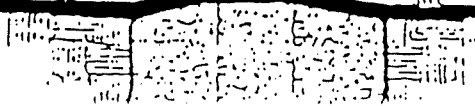
TRUCK WASH



A  
A12

B  
B12

6'-0" - 6"



A) The requested variance arises from special circumstances which does not generally apply to land in the general vicinity or in the same zone:

This request is for a 70' sign with 400 sq. ft. of sign face. The photos show the need for the 70' sign to allow visibility of both cabinets. As can be seen from the elevation of the Blue Beacon sign, the top of the logo would be at 70', the bottom of the truck wash cabinet will be at 53'.

The 400 sq. ft. is based on K. L. Claus' recommendations for lettering. I have attached a copy of a portion of those standards that justify this request. As you can see, the reaction distance at 55 mph is 825'. The speed limit in this section of the interstate is 65 mph. This is an important piece of data as one of the items the commission must consider is safety on the interstate. This is based on the need to allow drivers to safely maneuver into the proper lanes to exit. Using the formula under K. L. Claus, the sq. ft. for this sign should be 570 sq. ft.

The tract of land that Blue Beacon needs to erect a sign that is visible from the interstate is unique in that this tract is on the second business to locate on the west side of KY 14-16. The other business is Flying "J", they have a 130' sign with 800 sq. ft. of sign face.

Due to the location of the west side of the highway, the visibility from I-75 is more difficult. Blue Beacon is requesting the same consideration for signs as the other businesses in the immediate area.

The safety issue for the small amount of additional traffic can best be addressed by reviewing the 1996 state accident reports for this area. This report shows that 5 non-injury accidents occurred at the intersection of Stephenson Mill Rd. and KY 14. While during the same period, 3 accidents occurred at the intersection of KY 14 and KY 25 that caused two injuries. The small number of non-injury accidents is no doubt due to the 35 mph speed limit on this section of KY 14.

Based on information from Kentucky Department of Transportation, KY 14 has 40' of right-of-way in this area and two 12' driving lanes. The traffic count on this section of road was 11,600 per two day count for traffic both directions. KDOT uses the Transportation Review Board Manual 209 to determine the classification of roads. These classifications are utilized to determine the need to upgrade roads. Based on the information provided by KDOT, I requested a professional engineer classify KY 14 in the area of the Blue Beacon request. The classification range from A- Best, B- Good, C-Average, D- Below Average, E- Needing upgrading. This section of road fell in the B to C range. Based on this

classification, this road is considered to be designed for the traffic on the road. Before the road would be reclassified due to traffic volume, an additional 30-40 vehicles per hour could be added to the road. With the erection of the sign, Blue Beacon will add approximately one vehicle per hour. This would mean that a commuter using KY 14 during peak hour traffic would have a 1 in 15 chance of meeting the one additional truck generated by Blue Beacon.

B) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant:

Compared to the other highway service businesses in this area, Blue Beacon is the second business on the west side of KY 14. Other highway service businesses in this area are located on the east side of KY 14 and have interstate visibility. The regulations do allow the businesses on the east side of KY 14 to have a 30' sign. With the interstate visibility this height of sign does appear adequate. However, those on the west side of KY 14 require higher signs to allow reasonable use of the land.

High rise signs are the only feasible alternative for businesses in this area. According to KDOT, Blue Beacon does not qualify for placement on the state exit signs. If a business does not provide sleeping accommodations, sell fuel or serve food, they do not qualify.

In this area there are very few billboards. Those billboards in the area are rented and the state does not plan to add to the inventory of the billboards visible from the interstate system.

If Blue Beacon is not granted a variance they will be denied the same privileges other business in the immediate area currently enjoy.

- Based on the information provided by KDOT the road is designed to handle additional traffic safely.
- Based on the accident data for this area it is as safe as the intersection into the City of Walton.
- Other business in the immediate area, have signs that are visible from the interstate.

C) The circumstances are the results of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought:

The City of Walton has designated this area for commercial/industrial development. As a part of this designation, the city must allow the businesses locating in this area to have interstate visibility in some form. Blue Beacon did not create the size of this tract in an effort to cause a self-imposed hardship. This tract is one of the few tracts left in an area designed by the city to service traffic from the interstate. As interchanges develop, it is the responsibility of the local governments to provide regulations to allow businesses not visible from the interstate the same opportunities as others in the area.

### Reaction Distance

Reaction distance is always a complex subject and becomes even more difficult when applied to commercial signage. Reaction distance is a measure of the amount of time it takes a viewer to react to a situation. If a substantial number of people who view a sign are new to a trade area, either as vacationers or business travelers, the amount of time needed to react will probably be greater than that of people familiar with the area. Their reaction distance cannot realistically be compared to the time needed by a local resident who is on the street, say, 30 times a month and who knows the business establishments. The local resident may read only the changeable part or display section of the sign, because the other sections are familiar and have been read many times before.

Any system of measurement has to allow for these differences. It follows that estimates of the necessary or adequate sizes of signs should also include these considerations. The local resident may use the on-premise sign only incidentally and may actually react to a landmark or a configuration of streets in terms of direction. The out-of-towner, by comparison, would rely entirely on the sign. The reaction distance required for each type of viewer, then, is different.

Traffic engineers utilize two types of tables when considering reaction distance. The first lists simple reaction distance and usually includes the time needed for seeing, braking and stopping. The second allows for anticipatory reaction distance. When anticipatory time is added (the time it takes for a person to prepare to stop), more time and distance are needed to react. Tables 3 and 4 illustrate the two types of traffic engineering tables. Designers of highway directional signs know how to utilize this type of information. A standard procedure is to make the keyword larger. Commercial sign designers, on the other hand, have not always understood these requirements. The size of a sign and its elements require balancing between anticipatory and simple reaction distances.

**TABLE 3**  
**Simple Reaction Distance**

Speed (mph)	Reaction distance (ft.)
30	470
45	700
55	825

Recommended height to distance ratio for letter  
1" to 25 feet. (Optimum viewing conditions)

**TABLE 4**  
**Anticipatory Sight Distances**  
**For Standard Traffic Speeds**

Anticipatory sight distance (ft.)	Highway Design Speed (mph)					
	30	40	50	60	70	80
	600	800	1100	1500	2000	3000

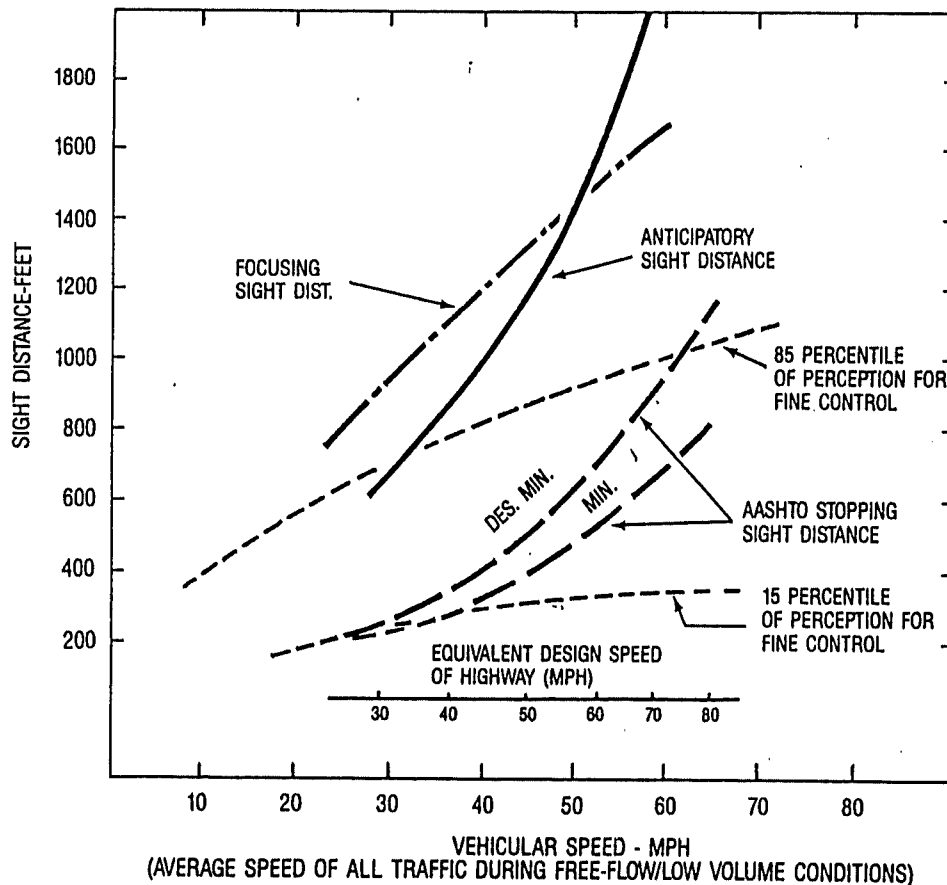
Source: Miller, David B., "Traffic Engineering Principles Applied to On-Premise Signage," Jack E. Laisch and Associates, Transportation Engineering, Evanston, Illinois, 1977.

### Anticipatory Sight Distance

Anticipatory sight distance is a relatively new concept in traffic control. The driver must have time to judge a situation before encountering it and take any necessary precautionary action. This is particularly important at areas of potential hazard and at points requiring complex driver decisions, such as at intersections, interchange exits, lane drops, railroad crossings, drawbridges, toll collection booths, speed reduction zones, etc. In a complex situation, where the driver is presented with difficult choices, ordinary reaction distance may be totally inadequate and unsafe.

The various factors relating to visual perception for operation on a highway, expressed as a sight/distance/speed relation, are shown in Figure 4. The minimum and desirable minimum stopping distances are shown as they relate to the normal range of distances required for driving control. The driver recognizes elements in the visual field which serve as primary cues for the fine control task of his vehicle. Also to be considered is the "focusing distance," the point ahead upon which the driver generally focuses his sight at various speeds. The driver constantly looks beyond the limits of the visual field used for fine control, concentrating toward or beyond his ability to focus. He does so to receive guidance and/or navigational information. Research and physiological studies indicate that this could be on the order of several thousand feet or even more and bears some relationship to anticipatory sight distance. Table 4 gives anticipatory sight distances for different speeds of traffic.

**FIGURE 4**  
Sight-Distance/Speed Relationships



### Calculating the Correct Sign Size

It is possible to calculate the optimal size for a free-standing sign if the average speed of traffic on the street is known. We have developed a standard formula, based on reaction distance, which can be used to provide an initial estimate of the minimum size required for the area of a sign.

### The Claus Minimum Required Sign Area Formula (M RSA)

A basic formula may be applied to determine the minimum size necessary for safe sign viewing. This formula was developed by R.J. Claus initially to aid planners in determining the average allowable sizes for signs within various commercial zones (Claus, K.E. and Claus, R.J. **Street Graphics: A Perspective**. Cincinnati, Ohio: Signs of the Times Publishing Co., 1975). The formula can aid the sign user in determining the basic minimum requirements for a sign in order to be an effective advertising communication medium. Three important numbers are needed in order to calculate the minimum optimal copy area for a free-standing sign to be viewed by vehicular traffic. These basic figures are:

A = Reaction Distance (simple or anticipatory, depending on characteristics of the site location);

B = Optimal Letter Height (the height-to-distance ratio will change with the letter style and color); and

C = Number of Letters in the Message

Reaction distance tables presented earlier can be used to select the most appropriate estimate. An average figure of seven letters per word can be used if the exact number of letters in the message is unknown.

When the above figures are known, the following formula can be applied: Minimum Required Sign Area (M RSA) =  $\frac{B^2C}{144} + \frac{.40 B^2C}{144}$  where: B = Reaction distance in feet divided by viewing distance for one inch of letter height; and C = Number of letters in the message.

### Examples

Examples can be calculated using the simple speed/reaction distances listed below. The following calculations will illustrate how the M RSA can be determined for an average city street and for a normal highway.

### Sign Size for a City Street

The minimum size for a free-standing sign to be located on an average urban street, using a standard sans serif letter and displaying a message of about 70 letters, is approximately 241 sq. ft. (This is only an approximation used as an example and should not be used as a standard. Each situation requires its own M RSA calculation.) This estimate is derived in the following manner:

1) A = Reaction Distance = 470 ft. at 30 mph

(See Table 3)

2) B = Optimal Letter Height = 18.8 in. (using height-to-distance ratio of one inch to 25 feet; 470 divided by 25 = 18.8 in.)

3) C = Number of Letters in the Message = 70 (10 words x 7 letter average)

4) Copy Area = 18.8' x 18.8 x 70 = 24,740.8 sq. in.

24,740.8 divided by 144 = 171.81 sq. ft.

5) Borders and Margins = 40% of copy area

= 68.72 sq. ft.

6) Minimum Required Sign Area = 171.81 + 68.72

= M RSA = 240.53 sq. ft.

### Sign Size for a Highway

The minimum size for a free-standing sign located on a highway, using a standard sans serif letter and displaying a message of 10 words (averaging seven letters per word) is approximately 741 sq. ft. The estimate is calculated in the following way:

$$1) A = \text{Reaction Distance} = 825 \text{ ft. at } 55 \text{ mph}$$

(See Table 5)

$$2) B = \text{Optimal Letter Height} = 33 \text{ in. (using height-to-distance ratio of one inch to 25 feet; } 825 \text{ divided by } 25 = 33 \text{ in.)}$$

$$3) C = \text{Number of Letters in Message} = 70 \text{ (10 words } \times 7 \text{ letters average)}$$

$$4) \text{Copy Area} = 33 \times 33 \times 70 = 76,280 \text{ sq. in.}$$

$$76,280 \text{ divided by } 144 = 529,375 \text{ sq. ft.}$$

$$5) \text{Borders and Margins} = 40\% \text{ of copy area} = 211.75 \text{ sq. ft.}$$

$$6) \text{Minimum Required Sign Area} = 529,375 + 211.75 \\ = \text{M RSA} = 741,125 \text{ sq. ft.}$$

### Measuring the Copy Area

This method is to be properly applied only to the actual copy area of the sign. This is not to be confused with the area of the total structure. In other words, a line drawn around just the minimum area needed for readable copy (including design "white space" for readability) encloses the area we are measuring. This is what is normally regulated in sign codes. Pole covers, supporting structures, embellishments and other features are not part of what we call the copy area of the sign.

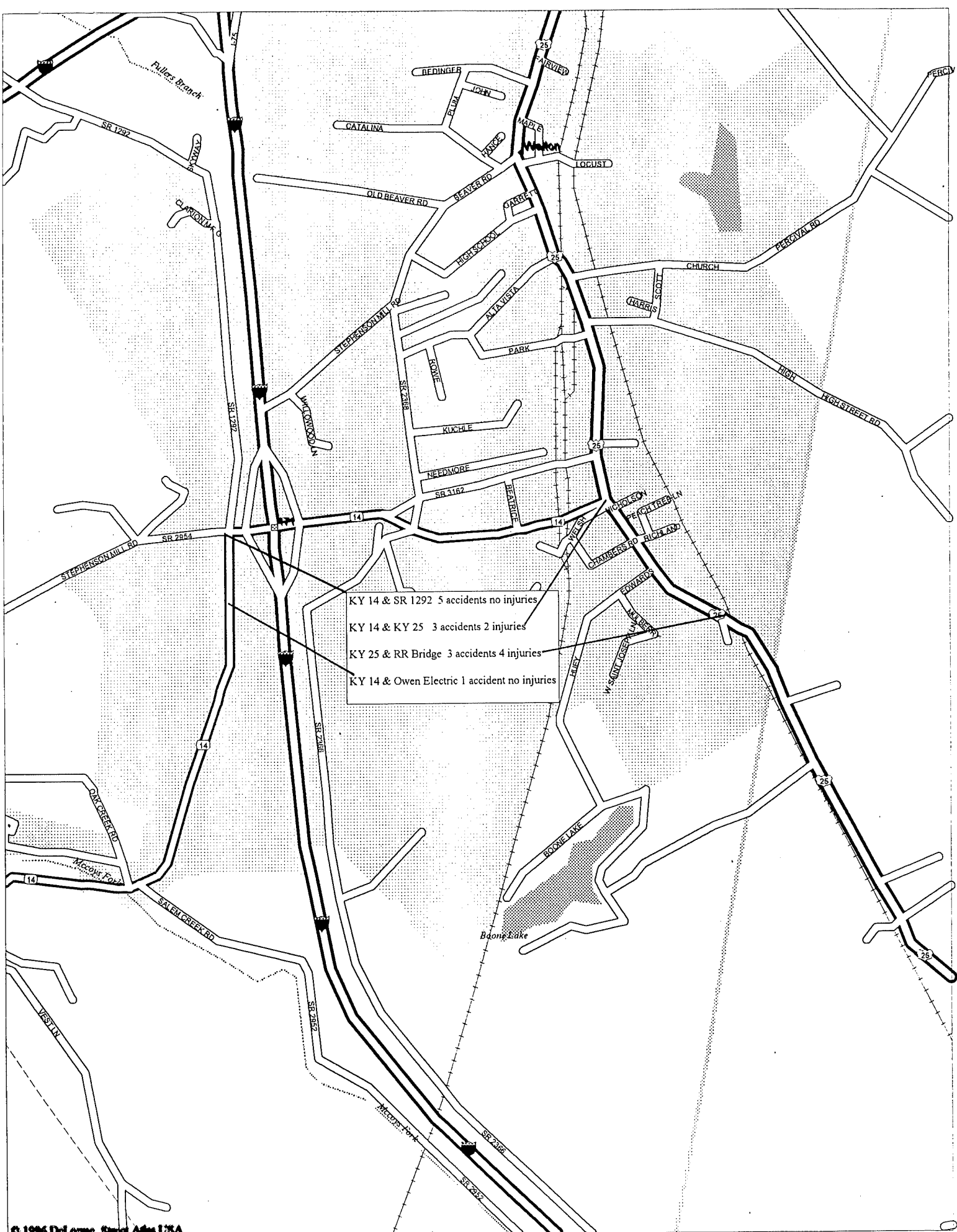
### Applying the MRSA Formula in the Landscape

Although we present a "formula," it is not meant to be a strict and unvarying means of calculating an ideal sign size for all businesses. Rather, it must be adjusted, taking into consideration the type of sign used, the amount of copy, the type of business, and the lettering, colors and other graphic considerations. Like many models derived from research, this formula usually undergoes some adjustments when it is actually applied in the landscape. It is meant as a guide, not a strict formula.

In some situations, the sign this formula requires might be too large. It might be so big that a municipality's sign code would outlaw it; or it might prove too expensive for a small merchant to erect; or it might be too large for the building.

In cases such as these, modifications can be made. In most instances, not all of the words on a sign are of equal importance. Often, one or more keywords on the sign can be made large enough to be read from the required distance. The passing motorist who is seeking a service is then alerted to the presence of the business and can secondarily attend to the rest of the advertising on the sign, including information about prices and available specials, etc.

The MRSA formula is most useful for businesses which are oriented towards motorists who are unfamiliar with the area and who will be stopping immediately, probably pulling into a parking lot on the premises. While this is true for some businesses, it certainly is not applicable to all commercial establishments. Many types of businesses, particularly those which have a fairly small trade area or are engaged in a relatively rare specialty, do not rely on their signs to draw new customers into their establishment from the street. Rather, their signs act as continued reinforcements, reminding their customers and potential customers that they are there. When customers need the service offered, the sign will have been effective enough as advertising for the customer to recall the business location.





# TRUCK WASHES

**OVER 70  
24 HOUR LOCATIONS**

**For fleet account information call 913-825-2221**

AR Little Rock	I-40, Exit 161	At Pilot	501-945-7023	NV Fernley	I-80, Exit 46	At Pilot	702-575-4446
AR Memphis	I-40/55, Exit 280	At Petro	501-732-6170	NY Montgomery	I-84, Exit 5	By Travel Pt	914-457-3991
AR West Memphis	I-40/55, Exit 278	By Union 76	501-732-6741	OH Girard	I-80, Exit 226	At Petro	216-544-1101
AZ Casa Grande	I-10, Exit 200	At Petro	520-426-9362	OH Hubbard	I-80, Exit 234	At Truck Wld	216-534-4419
AZ Eloy	I-10, Exit 203	By Union 76	520-466-9200	OH Lodi	I-71/76 & US 224	By TSA	216-769-4331
AZ Kingman	I-40, Exit 66	At Petro	520-757-9898	OH North Baltimore	I-75, Exit 167	At Union 76	419-257-3949
CA Corning	I-5 & South Ave	By Petro	916-824-0474	OH Richmond	I-70, Exit 156A/B	At Petro	513-437-5533
CA Wheeler Ridge	I-5, Laval Rd Exit	By TSA	805-858-2090	OH Stony Ridge	I-80, Exit 5	At Petro	419-837-9336
CO Denver	I-70, Exit 276A	At Pilot	303-282-6336	OH Youngstown	I-80, Exit 223A	By Union 76	216-793-6677
GA Atlanta	I-285, Exit 39	By TSA	404-361-6424	OK Ok. City	I-35, Exit 143	By ProAm	405-478-0833
GA Atlanta West	I-285, Exit 8	At Petro	404-794-9870	OK Ok. City South	I-35/40, Exit 127	At Petro	405-235-1709
GA Brunswick	I-95, Exit 6	At Pilot	Summer '97	OR Portland	I-5, Exit 307	At Jubitz	503-283-3270
GA Carnesville	I-85, Exit 55	At Petro	706-677-2600	PA Bentleysville	I-70, Exit 12B	At Pilot	412-239-5090
GA Jackson	I-75, Exit 66	By Union 76	770-775-4901	PA Carlisle	I-81/I-76	At All-Amer	717-845-8914
IA Council Bluffs	I-80/29, Exit 1B	At Sapp Bros	712-322-7484	SC Florence	I-95, Exit 169	At Petro	803-679-9573
IA Des Moines	I-80, Exit 142	At Bosslmsns	515-967-0141	SD Sioux Falls	I-90, Exit 399	At Pilot	605-335-0934
ID Twin Falls	I-84, Exit 173	At Petro:2	208-324-1310	TN Knoxville	I-40/75, Exit 369	At Petro	423-690-3727
IL Bloomington	I-55, Exit 160A	By Pilot	309-828-2272	TX Amarillo	I-40, Exit 74	At Petro	806-372-9592
IL Effingham	I-70/57, Exit 160	By Bobber	217-342-4303	TX Amarillo East	I-40, Exit 75	By Union 76	806-374-3309
IL Effingham West	I-70/57, Exit 159	At Petro	217-347-8930	TX Beaumont	I-10, Exit 848	At Petro	409-842-0927
IL Monee	I-57, Exit 335	By Union 76	708-534-2900	TX El Paso	I-10, Exit 37	By Petro	915-859-5596
IL Rochelle	I-39/Rt 38, Exit 99	At Petro	815-562-3496	TX Ennis	I-45, Exit 249	By Total	214-875-6732
IN Lake Station	I-80/90, Rt. 51 N	At Petro	219-962-6041	TX Laredo	I-35, Exit 13	At Pilot	210-725-1060
IN Porter	I-94, Exit 22B	At Travel Pt	219-926-4602	TX San Antonio	I-10, Exit 582	At Petro	210-661-5897
KS Oakley	I-70, Exit 70	By Kerr-McG	913-672-3328	TX Weatherford	I-20, Exit 409	By Petro	817-594-4601
KS Salina	I-70, Exit 252	At Petro:2	913-827-1009	UT Salt Lake City	Hwy 201, Exit 17	By Flying J	801-975-1400
KY Corbin	I-75, Exit 29	At Union 76	606-528-4461	VA Fort Chiswell	I-81/77, Exit 80	At Petro	703-637-3468
KY Sonora	I-65, Exit 81	At Union 76	502-369-8290	VA Fredericksburg	I-95, Exit 133	By Svctown	540-371-3786
LA Hammond	I-12/55, Exit 40	At Petro	504-542-7853	VA Ruther Glen	I-95, Exit 104	At Petro	804-448-4899
LA Shreveport	I-20, Exit 8	At Petro	318-686-7560	WI Milwaukee	I-94, Exit 322	By Union 76	414-761-1099
MD Elkton	I-95, Exit 109A	By Petro	410-398-9351	WI Portage	I-90/94, Exit 108	At Petro	608-742-8854
MI Benton Harbor	I-94, Exit 30	At Petro:2	616-925-9555	WY Laramie	I-80, Exit 310	At Petro	307-745-5253
MI Dexter	I-94, Exit 167	By Union 76	313-426-5859				
MO Oak Grove	I-70, Exit 28	By Union 76	816-690-7344				
NC Kenly	I-95, Exit 106	At TA	Summer '97	<b>Canada</b>			
ND Fargo	I-94/29	At Petro	701-277-7123	ON Cornwall	Hwy 401, McConnel Ave	5 <sup>th</sup> Wheel Stop	613-938-3868
NE York	I-80, Exit 353	At Petro	402-362-1655	ON Dorchester	Hwy 401, Dorch. Blvd	5 <sup>th</sup> Wheel Stop	519-268-6814
NM Gallup	I-40, Exit 16	By TSA	505-722-2357	ON Grimsby	QEW, Casablanca	5 <sup>th</sup> Wheel Stop	416-945-6411
				ON Milton	Hwy 401, Exit 365	5 <sup>th</sup> Wheel Stop	416-876-3060

***Working hard to be your truck wash!***

The standard visual acuity for a "normal" eye is considered to be 20/20. The standard frequently used as a vision requirement for drivers is 20/40. But the 20/40 standard is a visual acuity level to be attained at the time of licensure. During the four-year period between drivers license visual acuity measurements, the visual acuity of drivers frequently drops to lower levels. For that reason, it may be wise to set signage standards that are based on visual acuities lower than 20/40. (Weschler, unpublished manuscript.)

Visual acuity is usually measured under optimal conditions in a doctor's office, where the viewer is not required to attend to any other tasks. Two important influences, the fact of motion and the influence of color, are not taken into account in tables of normal visual acuity. This implies that the letter sizes suggested by the statistics on visual acuity may not be adequate for a sign in the environment. One other factor needs to be considered: letters on a sign form words, and words are more immediately recognizable than separate, unrelated letters. Words are easier for the brain to process than letters, because they are meaningful chunks of information.

Even if we assume normal visual acuity to be a constant factor, we still must make adjustments for changes in the sign and the angle of the sign in relation to traffic. Roughly speaking, one inch of letter size to 25 feet of viewing distance has been considered about average. No one would argue that the ratios given in Table 2, which describe viewing requirements in a doctor's office, can be directly applied to the motorist attending to the driving task and extracting information from a diverse visual environment. The Table 2 figures are meant to show that there is not a universal norm for visual acuity, and that sign size must be related to the actual visual capacities of the sign viewing public at large.

In highway design, the standard usually used for visual acuity is one inch of letter height to 40 feet of viewing distance. Highway signs have two distinct advantages which on-premise business signs do not have. They are usually directly facing traffic and/or are immediately adjacent to the freeway. In addition, they are almost always easy-to-read white lettering on a green or blue background. Motorists, familiar with the standardized style of lettering and the colors, immediately recognize that they are receiving directional information.

For the on-premise business sign, the situation is usually quite different. Business signs are communicating information which the motorist may not be specifically looking for. In addition, unless the business is part of a national chain, backed up by extensive advertising in other forms of media, the sign itself is not standardized and therefore is not immediately recognizable as offering a certain type of information. When calculating the size of letters necessary for an on-premise sign, therefore, it would be wise to use lower measures of visual acuity.

**TABLE 2**  
**Minimum resolvable Snellen**  
**letter size of eyes with 20/20, 20/40,**  
**and 20/60 visual acuity at distances**  
**between 100 feet and ¼ mile**

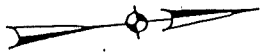
DISTANCE (Feet)	LETTER SIZE MINIMUM RESOLVABLE (inches)		
	20/20	20/40	20/60
100	1.8	3.5	5.2
200	3.5	7.0	10.5
400	7.0	14.0	20.9
600	10.5	21.0	31.4
800	14.0	28.0	41.9
1000	17.5	35.0	52.4
1320	23.1	46.1	69.1

# ATTACHMENT 4

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS.

DAVID E. ESTES

DATE



VICINITY MAP

WILLIAM S. GIBSON JR.  
& NORMA S. GIBSON  
DB 250 PG 116

N 9°58'31" W  
69.29'

SEE DETAIL "A"

CITY OF WALTON  
DB 210 PG 670

RECOVERED  
1" PIPE

N 12°16'03" W  
146.44'

N 84°11'26" E  
233.00'

RECOVERED CONC.  
MONUMENT WITH  
BRASS CAP

SUPERIOR CONCRETE  
PRODUCTS INC.  
DB 345 PG 177

PST ENTERPRISES  
A DELAWARE CORPORATION  
DB 423 PG 85

N 89°19'21" W  
978.53'

N 85°56'47" E  
853.37'

PARTICIPATING INCOME  
PROPERTIES II L.P.  
DB 427 PG 3

9.4372 ACRES  
(411,085 SQ. FT.)

IRON PIN & CAP  
TO BE SET

174.50'

RECOVERED  
1" PIPE

S 7°55'57" E

RECOVERED IRON  
PIN (DISTURBED)  
S 0.79  
W 0.00

PST ENTERPRISES  
A DELAWARE CORPORATION  
DB 423 PG 88

N 72°40'57" W  
520.03'

N 88°03'03" E  
412.55'

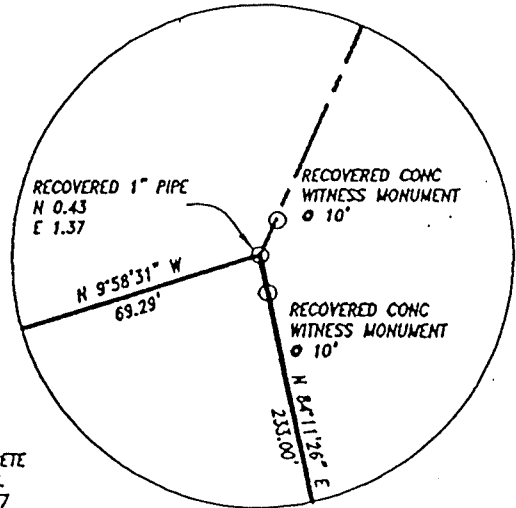
PARTICIPATING INCOME  
PROPERTIES II L.P.  
DB 427 PG 3

334.75'

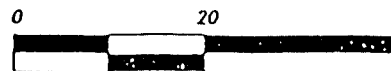
RECOVERED  
IRON PIN

S 4°56'03" W

RECOVERED  
1" PIPE



DETAIL "A"



WALTON BOARD OF ADJUSTMENT  
WALTON CITY BUILDING  
BUSINESS MEETING  
May 19, 1997  
6:30 P.M.

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BOARD MEMBERS PRESENT:

Mr. Wally Wireman, Chairman  
Mr. Bridges  
Mrs. Huth  
Mr. Wethington

All members were present

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Wally Wireman, Chairman, called the meeting to order at 6:35 P.M.. There were no Minutes to be approved.

The Chairman introduced the item on the Agenda:

1. The request of Blue Beacon International, Inc. for a Variance to allow an increase in the height and square footage of a free-standing pole sign on a 9.44-acre tract located on KY 14/16, south of the Flying J. Truck Stop, Walton, Kentucky. The request is for a Variance to allow a 400 square foot sign at a height of 80 feet.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

In response to a question from the Chairman, Mr. Coleman advised that the requested sign would be about half the square footage and two-thirds the height of the Flying J sign. Counselor Wilson stated that the Flying J sign is 130 feet high and the proposed sign would be 80 feet high. The Flying J sign is 800 square feet and the proposed sign would be 400 square feet.

Mr. Coleman presented the Conclusion of the Staff Report and offered to answer any questions.

Mr. Bridges questioned who would have jurisdiction to plan and install traffic lights at Old Beaver Road four-way intersection. Mr. Coleman advised that the state would have jurisdiction. Mr. Bridges stated that they are long overdue and there should not be another business there without traffic lights. Mr. Coleman stated that the Board's decision should not be based on a traffic signal problem. Mr. Bridges stated that it should, since it is an issue of public safety.

Mayor Phil Trzop advised that there have been meetings with District 6 and Governor Patton, and Walton will have a two-lane ramp off the expressway with the hope of eliminating the traffic at the intersection there.

Mr. Wethington stated that he was on the Board of Adjustment when Flying J went in and one of the concerns was the traffic. The Board felt that there would be school buses and all of the traffic, and Flying J said that they would take care of it.

Mr. Coleman stated that he <sup>does</sup> not feel that granting the Variance will impact the traffic out there whether there is or is not a stop light. Chairman Wireman stated that the use will bring in more trucks. Mr. Coleman stated that it is a Permitted Use and they have already been granted Site Plan approval. They are allowed to have a sign, which would currently be 200 square feet and a height of 30 feet. Counselor Wilson advised that the Board is not here to consider the appropriateness of the use, but only to consider whether a dimensional Variance is appropriate for the sign.

Chairman Wireman stated that the Board has allowed an increase in the height of just about every sign out there. Mr. Coleman advised that all of the signs out there are pre-existing under the current zoning regulations and all exceed the current regulations in regard to height and size.

Mr. Bridges asked if the flow rates into the sewer system have been considered. He asked if the sewer system can handle the flow. Mr. Coleman advised that this would be a Site Plan issue. The Planning Commission will not approve a Site Plan that will cause problems to the sewer.

Mr. Wethington stated that he disagrees with the Staff Report. He stated that an 80-foot high sign is designed to attract more traffic than a 30-foot sign and, therefore, traffic is a consideration in regard to the Variance.

Chairman Wireman asked for the applicant's presentation.

Mr. Dana Morse with Blue Beacon International, Inc. stated that this is an odd-shaped piece of property. He indicated the boundaries of Flying J and stated that they are not bordering Flying J as it currently exists. He indicated the undeveloped area of Flying J. He stated that they are proposing a truck wash that will start with a single bay and an office --

and, if the traffic volume is good, then they are showing a future bay. He indicated the high area of the site, which they will make level. They will be able to stack 11 or 13 trucks. He stated that the truck wash is not automated and about six people will be in the bay washing trucks with high pressure hoses. The trucks will then pull out on a concrete pad and exit the site about every 15 minutes if they are really doing well. It could be that the trucks will only exit every 20 or 25 minutes.

Chairman Wireman asked if there will be any congestion caused by the entrance/exit in relation to the other truck wash. Mr. Morse indicated the other truck wash. He stated that there is nothing across from the Blue Beacon entrance or exit. He indicated the location of the proposed sign and stated that there is no readerboard and nothing flashing. The sign is ground-mounted. He noted that there is an elevation of the sign in the packets. He stated that the sign will look like a business card and is actually 389 square feet.

Mr. Wethington questioned the stacking distance for the trucks. He stated that there is a problem now with trucks stacking and cars not being able to get down the road. He stated that before granting a Variance for a bigger sign to bring in more trucks, he wants to know that the traffic can be handled. Chairman Wire stated that he does not think the Board can address those issues now. He stated that the Board should have been in on the original approval. Counselor Wilson explained that if it is not a Conditional Use, it does not come before the Board of Adjustment. This use is allowed in the zone -- it has already been decreed an allowed use.

Chairman Wireman questioned what they use for cleaning and polishing. Mr. Morse advised that they use a brightener. Chairman Wireman stated that a brightener is a form of acid. Mayor Trzop advised that everything they use must be EPA approved. The material cannot enter the sewer system unless it is EPA approved. He advised that there are monitoring stations.

Mr. Wethington asked the applicant why they need a larger sign.

Mr. Morse stated that they have 73 truck washes. They try to build on a truck stop lot and, in this case, they would like to have been a mile to the north. He stated that when a trucker pulls off to wash his truck, he generally also fuels and eats. Truckers generally fuel first and then wash. Truckers are going to find out if the stacking lane is full before they leave Flying J. He does not see Blue Beacon creating a major traffic flow. He stated that some truckers will pull off to wash just to look good to get through a weigh station -- but in most cases they will fuel when they pull off -- unless they are so close to their weight limit that they do not want to fuel. There are a lot of variables.

Mr. Morse stated that he had a sign company come out and they raised a target at 40 feet and at 80 feet. They want truckers to be able to see the sign from the interstate and make the lane changes they need to make to get over and exit safely. He showed the Board pictures of the sign target. He stated that they do not ask for signs at the maximum height because they are expensive and if a trucker is looking up he is not concentrating. They want the sign right where a trucker looks at it. He

stated that the sign company raised the target and drove the interstate to see where it should be. He noted that the Flying J sign is a tall sign. He stated that Blue Beacon is on the angle and further back from the interstate than Flying J, but they believe that an 80-foot sign is sufficient.

Mr. Wethington asked if Blue Beacon normally operates with Flying J. Mr. Morse responded "no" and advised that they operate with Petro and Pilot.

Mr. Bridges stated that there is a safety problem there now. If the sign is another 50 feet high and brings in even one more vehicle -- it will be a bad situation that gets worse. If the Board can determine that the additional 50 feet will increase the traffic situation, then it would be a violation of Guideline #1 because it is a public safety situation.

Mr. Wethington questioned why they need a sign that tall. He noted that Mr. Morse indicated that they put their facilities next to truck stops. Mr. Wethington stated that this is a feeder business -- it feeds off the truck stop. He questioned what percentage of their business is feeder business off the fuel stop versus what they drawn in off the interstate.

Mr. Morse responded "80% to 90%". He stated that he pointed out in the application that there is about a 50% turnover in drivers. The truck drivers are looking for showers, fuel, and to make purchases. He stated that the truck stops want Blue Beacon associated with them because the truck washes draw traffic for the truck stops. Trucks will come to the truck stop because the truck wash is there.

Mr. Wethington questioned why they need a double Variance on the sign if 80% to 90% of their traffic will be what Flying J is already pulling in.

Mr. Morse stated that it is also a safety issue -- by not telling trucks where they are, they would have to exit at the last minute.

Mr. Bridges questioned the possibility of getting a sign installed by the state on one of the blue markers. Mr. Morse advised that they are not one of the services they list. They are in 31 states and have never had a state sign on a public right-of-way.

In response to a question from Chairman Wireman, Mr. Morse advised that the proposed sign is ground-mounted. The lights shine up on the sign.

The Chairman asked if anyone else present wished to speak in regard to this request.

Cindy Ash stated that she generally protests high-rise signs because she can see what has happened in Richwood, on Dream Street, and on Mall Road. She lives high on the hill and gets to look at the flashing Flying J sign -- which is a huge and obnoxious sign. She does not see why the whole community should suffer for the gain of one business.

Chairman Wireman stated that he travels a lot and when it is late at night there is nothing better than seeing a nice big sign when you are out on the interstate and need to pull in. Ms. Ash agreed, but added that the billboard signs on the interstate are a good idea and everyone should have the opportunity to be on them, instead of everyone having bigger and brighter signs.

Mr. Phil Gibson, with the concrete company, questioned where the water from this facility will go. Will it go through the sewer system? He has a working dairy farm and his cattle drink out of the creek. He is concerned about where all the water will go. Mayor Trzop advised that all water that goes through the truck wash will go through the sewer system, which includes an EPA approved grid system.

Mr. Wethington stated that he feels that the truck wash will do well whether it has a 30-foot sign or a 70-foot sign. He noted that there is another truck wash that has been there for years. He stated that he does not want to allow a 70-foot or 80-foot sign unless it is absolutely necessary. Mr. Bridges commented that the gate was opened with Flying J. Chairman Wireman stated that the Board is almost compelled to let them have the sign since it would be discrimination not to allow them when others have been allowed.

City Councilman Don Bowman stated that people should not be treated differently.

Mr. Wethington questioned where the Board stands now in relation to denying this sign in regard to what has been granted in the past. Counselor Wilson stated that the Board is the fact finder and can determine whether the applicant has presented enough facts for the Board to feel that he is entitled to a Variance. What is there now has some influence on the Board's decision. The Board can look at the character of the area in determining whether to grant a Variance. The Board does not have to automatically grant a Variance. He asked if the applicant has demonstrated that there is a need for the sign. Is this land so removed from where they will be drawing customers that they need a higher sign than the standard? An existing high-rise sign does not dictate the Board's decision -- it influences the Board's decision in that it shows what the character of the area is like -- but it does not mandate the granting of the Variance. He stated that Staff gives an opinion, but if the Board feels that the facts do not justify what Staff says, then the Board does not have to agree. The Board has to have factual reasons for its decision.

Ms. Ash stated that the signs there are higher than the regulations approved by the county. She questioned why the county set those guidelines and why they need to be changed. Counselor Wilson explained that the regulations were a legislative decision. The Board is only considering a Variance from the standard -- not amending the regulations. Granting this Variance does not mean that the Board has to grant others that may come in -- although someone could come in in the future and say that the granting of this sign changed the character of the area.

Mr. Wethington questioned the height of the Magnum Truck Wash sign. Mr. Coleman stated that he did not know the height of that sign, but that sign faces right on I-75. Mr. Wethington stated that he is not convinced that the height of the sign is a hardship on this business. He noted that the competition does not have a sign that high.

Mr. Morse stated that they are a little different than the other truck wash. He stated that Blue Beacon has national accounts with most of the large truckers and an excellent reputation with independent truckers. They hope to draw in more business than what is going in now. If truckers can identify the Blue Beacon sign from the interstate they will utilize Flying J. The businesses feed off of each other and they will draw some business into Flying J. He stated that he does not see the trucks coming over to the truck wash without checking at the fuel island to see how many trucks are stacked.

Mr. Bridges stated that if the trucks were coming in to fuel at Flying J. they could see a 30-foot sign once they were there. Mr. Morse agreed, but added that they want truckers to see the sign and say "I can shower, I can fuel, I can eat, and I can wash".

Mr. Wethington stated that if the Board says they cannot have this sign, then they can ask Flying J to hang a sign off of their sign. He noted that Magnum could say that the Board let Blue Beacon have the sign and Blue Beacon is taking business away from them. Mr. Bowman questioned if it would be the sign taking the business away from them or the quality of work and the price. Mr. Wethington stated that if Magnum thinks it is the sign, then they will also want a sign. Mr. Bowman stated that no one should be discriminated against -- if Flying J has a 130-foot sign and Blue Beacon wants a 90-foot sign, that is fine. Everyone should be treated the same. Mr. Wethington stated that if they are given the sign, then the next person will also have to be given a sign. Mr. Bowman stated that if it was given to Flying J, then so be it -- that is treating everyone fairly. Mr. Wethington stated that the law says they are allowed a 30-foot sign. Mr. Bowman stated that we want to treat everyone fairly. Chairman Wireman stated that he believes Planning and Zoning made the criteria in a way that would be ample and the Board should look at it that way -- unless there is a reason to give the height. The Board gave the higher sign to Flying J because there was another sign there that was higher and blocking the Flying J sign, but the other sign is gone now. The Board should stay with the criteria unless there is a good reason to raise the sign.

Mr. Wethington stated that if the Board allows a 70-foot sign for Blue Beacon, then the Board cannot say "no" to Magnum. Chairman Wireman responded, "We can if we have a good reason". Mr. Wethington stated that it is the same business -- it would be easier if it were a different business. Mr. Bowman questioned if Magnum has asked for a higher sign. Mr. Wethington stated that they asked for more square footage to get more exposure off the interstate. Chairman Wireman advised that the sign is on the building. Mr. Bowman stated that that is what they asked for and that is what they got. Mr. Bridges advised that there were conditions on the Magnum sign including a stipulation that the next time around it goes back to meeting the guidelines.

Mrs. Huth questioned what would happen to the Blue Beacon sign if the business goes under. Mr. Morse advised that they have been in business since 1975 and have only sold one facility and it is still in operation. He stated that they spend a lot of time and money selecting a site. There are enough truck stops here -- not just Flying J but the others up the road -- to warrant a Blue Beacon.

Mayor Trzop asked that they look at internally illuminated signs since there are not any signs in Walton now that have ground-mounted lights. He stated that all the new signs going up are internally illuminated and he would like them to consider this.

Mr. Morse stated that a 30-foot sign is very restrictive for interstate advertising. He stated that he cannot predict what Magnum will do. He stated that they are across the street from truck washes in other cities and feel that they do them good. They price by Blue Beacon, not by competition. They have an east coast rate and a mid-west rate. They do not try to price someone else out of business.

Chairman Wireman stated that they do not have an entrance out of Flying J to the facility. Mr. Morse agreed and added that they do not want one. He stated that it is dangerous to allow truckers to cut through lines.

Mrs. Huth stated that she does not think the sign needs to be quite so large.

Mr. Wethington questioned how they arrived at 80 feet. Mr. Morse stated that they determined it by driving the interstate and raising the sign. They raised it to 40 feet and to 80 feet and took pictures. The pictures were shown to the Board. He stated that the sign is better at 80 feet high.

Mr. Bowman asked who did not agree with the Conclusion in the Staff Report. Mrs. Huth stated that all the members have questions on drawing in more truck traffic and concern about safety on KY 16. She noted that the Board cannot change the fact that Blue Beacon is going in there. Mr. Wethington asked if the Staff Conclusion was written with the idea that because Flying J has the higher and larger sign, they should get it too.

Counselor Wilson responded "no" and advised that Staff looks at the request -- but Staff did not hear the applicant's presentation. Staff is going by the Zoning Regulations and the application. Mr. Coleman added that Staff is also trying to come up with a decision based on what is out there. Staff looked at what is in the area and the proximity to I-75 and considered why they want a sign at that height. He stated that this use is specifically geared toward traffic on the interstate. He noted that, generally speaking, the heights in the regulations are set depending on the type of commercial zone they are in. C-3 is generally along the interstate. He stated that he considered where the site is from I-75 and whether a 30-foot sign would be effective. In Staff's opinion, it is not something that will be a safety issue. He looked at it from the standpoint of whether it is reasonable for them to ask for a Variance to permit a larger sign.

Chairman Wireman reviewed the pictures and stated that the sign is not big enough to be seen from the interstate and it is a legal size sign. Mr. Morse advised that the target they used is not the same size as the sign. Chairman Wireman stated that the sign would not be seen until they get off the interstate.

Mr. Wethington stated, in regard to changing lanes, that by the time a trucker knows where the sign is, he would not have time to get off -- but drivers know where the washes are. He stated that he feels that 30 feet is too small, but he does not know that they need 80 feet. He does not want to set a precedent of a gas station/fuel type sign because other businesses will want a similar sign in the future.

Ms. Ash stated that they planned the sign before locating here, but they had no guarantee of a Variance. She stated that the business feeds off the truck stop. Truckers need to be able to see their sign when deciding whether to go to Flying J or Magnum, and 30 feet is adequate. The trucks would already exit at this exit because of the other truck wash being located at this exit. She stated that they know they will have the business or they would not have chosen to locate here under these regulations.

There being no further comments, Mr. Wethington moved to deny the 80-foot sign. Mr. Bridges seconded the motion.

Counselor Wilson questioned the findings for the motion. Mr. Coleman advised that the Variance is two parts -- the square footage and the height.

Mr. Wethington moved to deny the request for a Variance of a larger than the current zoning allowed sign because he does not believe the applicant has proved the necessity or that it would cause his business a hardship. Counselor Wilson clarified that the motion is for denial of both Variances for the same reason. Mr. Wethington agreed. Mr. Bridges seconded the motion.

Mr. Bowman asked for clarification of the reasons behind the motion and the second.

Mr. Bridges stated that he disagrees with Staff's Conclusion because the request violates Variance criteria #1 and #3. He stated that it is a hazard and will adversely affect public safety. Mr. Wethington agreed and added that the traffic is the reason why he made the motion. He feels that the use will do well regardless of the height of the sign. It is a feeder business off the truck stop. It is more of an ego thing than necessity for the sign. It is not in conformance with what is wanted at that interchange -- we do not want it to be just fuel and bricks, even though it is zoned for that. Mr. Bowman stated that if there are two or three restaurants out there, some trucks will pull off and go into the restaurants. Mr. Wethington stated that they will want bigger than 70-foot signs. Mr. Bowman responded, "Then what will we do?"

Mr. Morse asked if the Board could approve something less than an 80-foot sign. Mr. Coleman advised that the Board has the ability to put conditions on it, or to approve something less than what was requested. Mr. Morse asked the Board to consider something lesser.

Chairman Wireman stated that when they bring the sign down, it will be gaudy if it is big.

Mr. Bridges stated that if requests for larger signs are going to continue, then Planning & Zoning needs to up the minimum. He stated that everything being discussed is beyond the Board's realm and he does not feel that the Board is in a position to agree to something in between -- the Board needs to decide on either a 30-foot sign or an 80-foot sign.

The Chairman asked for a vote on the motion made by Mr. Wethington to deny the request. The motion carried unanimously.

Counselor Wilson advised that the Board can consider a larger sign at this time, or the Board can adjourn. He advised that the applicant can appeal the Board's decision to the Circuit Court or make another application if he wishes.

Mayor Trzop stated that possibly the Board should send a letter to City Council asking them to look at the heights and sizes of signs over in the C-3 Zone because these requests are going to continue as more businesses come in.

Mr. Wethington stated that the Board has given enough sign Variances in this area. Variances have been given to Magnum and others out on that stretch of highway. He stated that he would like to know what they could consider for a minimum size of sign. He stated that this applicant should not be excluded because he is in the trucking business. The Chairman stated that they were excluded because the allowed sign meets what is needed. The 30-foot sign is adequate for a local sign. The site is back on the other side and there is no telling how high the sign would have to get to be seen down the road. He feels that truckers will know where the truck wash is.

Mr. Bridges stated that he would like City Council or Planning & Zoning to contact the state, or whoever controls the blue signs, to see why businesses cannot be placed on there.

Mr. Coleman stated that he is not sure that they limit a specific use, but gasoline is the first use and only six signs are allowed on the sign. There are six gas stations closest to the interchange and they are first to go on the sign. Next would come hotels and food. He stated that the applicant may want to check further into this.

Mr. Morse stated that he thought the reason for denial was economics -- that they could do as well with a 30-foot sign as with an 80-foot sign. He stated that they have a facility in Portland on a 20-acre lot to the back of a truckstop and they were allowed a 25-foot sign on the site. He stated that you can just barely see a 25-foot sign when there is a truck in front of it. He noted that 25 feet is the top of the sign and you have

to come down 10 feet for the logo. They felt that the Portland site should be a good producer because there was a 300 truck lot -- but it was one of their slowest. They went to the Court of Appeals and finally got a larger sign and now the site is seventh in their single bays. He stated that signs are important to them. Eighty feet would be the optimum sign and he does not know what lesser height would be adequate with the vegetation. He feels that the sign would be lost going northbound at less than 80 feet. Southbound the sign would probably be visible at 65 feet. He stated that their business and the truck stop are related and pull business for each other because they both advertise. They do not want to be the cause of accidents, but he does not think that a high rise sign there bringing in trucks to fuel and wash will cause a major impact on the road.

The Chairman advised that the problem is already there. Mr. Morse stated that the sign will not worsen the problem. The Chairman stated that he can see that 30 feet would not be sufficient -- but another 50 feet is too much. Mr. Morse advised that 80 feet looked to be the optimum height when they raised the target. He noted that there are other signs in the area and they should have the same privilege.

Mayor Trzop questioned if looking at the target and looking back from the railroad tressel if it was above Mills Fence. The Board, Mayor Trzop and the applicant reviewed the pictures. Mayor Trzop noted that the Mills Fence sign is barely above the treeline and they have a Variance for that sign. The Chairman noted that they are closer to the interstate.

Following review of the pictures, Mr. Morse stated that they would live or die on 65 feet.

Mr. Bridges moved to close the discussion. He stated that he was not trying to find a middle ground because he believes that it beyond the scope of the Board. He feels that 65 feet is too close to 80 feet and does not see the need to further the discussion. Mrs. Huth seconded the motion and it carried unanimously.

#### ELECTION OF OFFICERS:

Mr. Wireman commented in regard to the election and stated that it would probably be good for someone else to be Chairman.

Mr. Bridges, taking note of Mr. Wireman's comment, moved to elect Mrs. Huth as Chairperson. Mr. Wethington seconded the motion and it carried unanimously.

Mr. Wethington nominated Mr. Bridges for Vice Chairman. Mrs. Huth seconded the motion and it carried unanimously.

Mrs. Huth nominated Mr. Wethington for Secretary. Mr. Bridges seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Wethington moved to adjourn the meeting. Mrs. Huth seconded the motion. The meeting adjourned by unanimous consent at 8:30 P.M..

APPROVED:

Rebecca Huth, Chairperson

Attest:

Jan Hancock, Recording Clerk