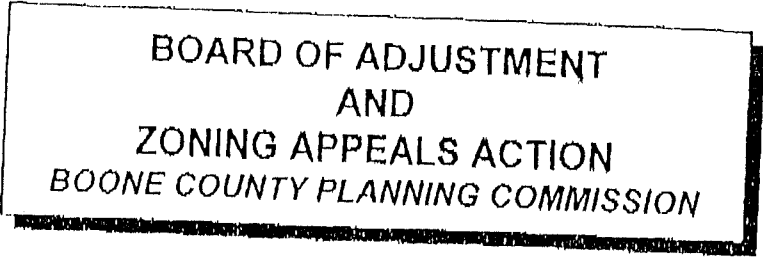
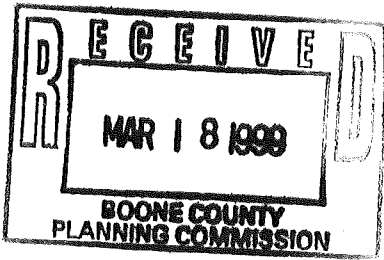


APPLICATION FORM



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

1. _____ Boone _____ Florence Walton _____ Union

(Check One)
2. _____ Conditional Use Permit Variance _____ Appeal
_____ Change in Non-Conforming Use

3. Applicant's Name Blue Beacon
Phone Number 785-825-2221 Fax No. 785-822-3761
Applicant's Address P.O. Box 856
Salina KS 67402-0856
City State Zip

4. Description of Request: Variance from the sign regulations to allow
one 55' hi-rise sign

5. Name of Development Blue Beacon of Walton

6. Location of Development 13085 Walton Verona Rd.

7. Acreage Under Review .1 Acres

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property Blue Beacon

Phone Number of Owner 785-825-2221

Address of Property Owner P.O. Box 856 Salina KS 67402-0856
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]

Property Owner's Signature: [Signature]

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

- 1. Date Received 3-18-99 Fee Received 538.00 R# 19781
- 2. Is application complete? Yes No
- 3. Staff Reviewer Mark Jordan
- 4. Scheduled Board Action Date 4/15/99 6:30 PM.
- 5. Board Action:
 - Approved
 - Approved with Conditions (See #6)
 - Denial (See #7)
- 6. Conditions of Approval: _____
- 7. Reasons for Denial: _____

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: April 15, 1999

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 320 square foot sign (for a Variance of 120 square feet above the allowable square footage of 200 square feet), at a height of 55 feet (for a Variance of 25 feet above the allowable height of 30 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, on the basis that the applicant did not prove the necessity for the granting of the Variance, nor would the denial cause a hardship. A copy of the minutes from this business meeting accompanies this report.

On July 9, 1997, Blue Beacon International, Inc., represented by Dana Morse, requested a Variance to allow a 400 square foot sign at a height of 70 feet. The Board denied the applicant's request, on the basis that the applicant is not caused a hardship by the denial, and would not be deprived of a reasonable use of the property. A copy of the minutes from this business meeting accompanies this report. In addition, this decision was appealed to the Boone County Circuit Court, and is subject to pending litigation.

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 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

Variances 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 land owners 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, the topography of the property, 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,



Mark E. Jordan
Planner

MEJ\pr

Attachments

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

Flying J

Site X

KY 14/16

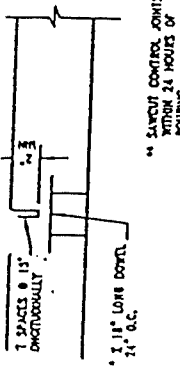
I-75

Blue Beacon Site Map

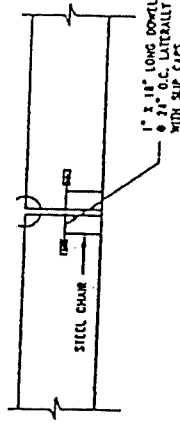
200 0 200 Feet

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





CONTROL JOINT FOR 8" CONCRETE
21 TO SCALE



EXPANSION JOINT FOR 8" CONCRETE
20 TO SCALE

44 SAWCUT CONTROL JOINTS WITHIN 24 HOURS OF POURING

HOW TO PARTICIPATE IN THE CONCRETE PROCESSING (M.P.A.)

2-1000 W 2" FIBRES BULKHEAD POLE BY OWNER INSTALLED & WELDED BY L.C. CONCRETE PIER BY C.C.

4-4000 P.S.I. FIBRES BULKHEAD POLE BY OWNER INSTALLED & WELDED BY L.C. CONCRETE PIER BY C.C.

2-1000 W 2" FIBRES BULKHEAD POLE BY OWNER INSTALLED & WELDED BY L.C. CONCRETE PIER BY C.C.

4 THIS POINT TO REFERENCE BASE SHALL BE CONCRETE ALTERNATE SHALL BE WITHIN 24 HOURS.

2-1000 W 2" FIBRES BULKHEAD POLE BY OWNER INSTALLED & WELDED BY L.C. CONCRETE PIER BY C.C.

BRASSERS 2" O.C. REFER TO DETAIL SHEET

SOURCE OF BEARINGS AND ELEVATIONS

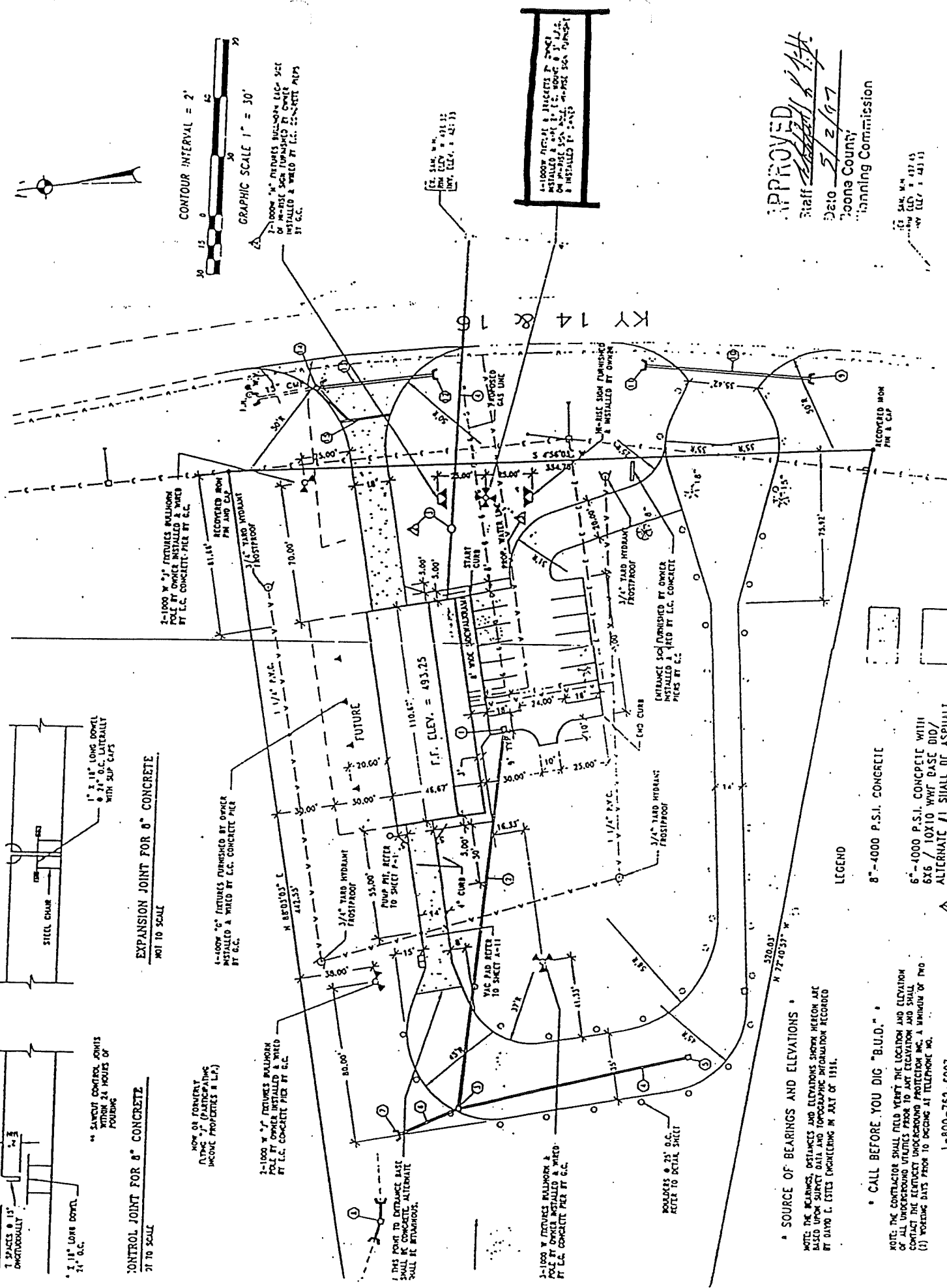
NOTE: THE BEARINGS, DISTANCES AND ELEVATIONS SHOWN HEREON ARE BASED UPON SURVEY DATA AND TOPOGRAPHIC INFORMATION RECORDED BY DAVID L. ESTES ENGINEERING IN MAY OF 1911.

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 ELECTRIC UTILITY INSPECTION PROTECTION INC. A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO BEGINNING TELEPHONE NO. 1-800-752-6007

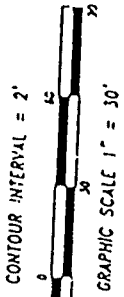
LEGEND

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



1-18000 APPROX. 2" BRIGGETTS IN 2" DIA. ON 18" DIA. SCA. INSTALLED & WELDED BY L.C. CONCRETE PIER BY C.C.

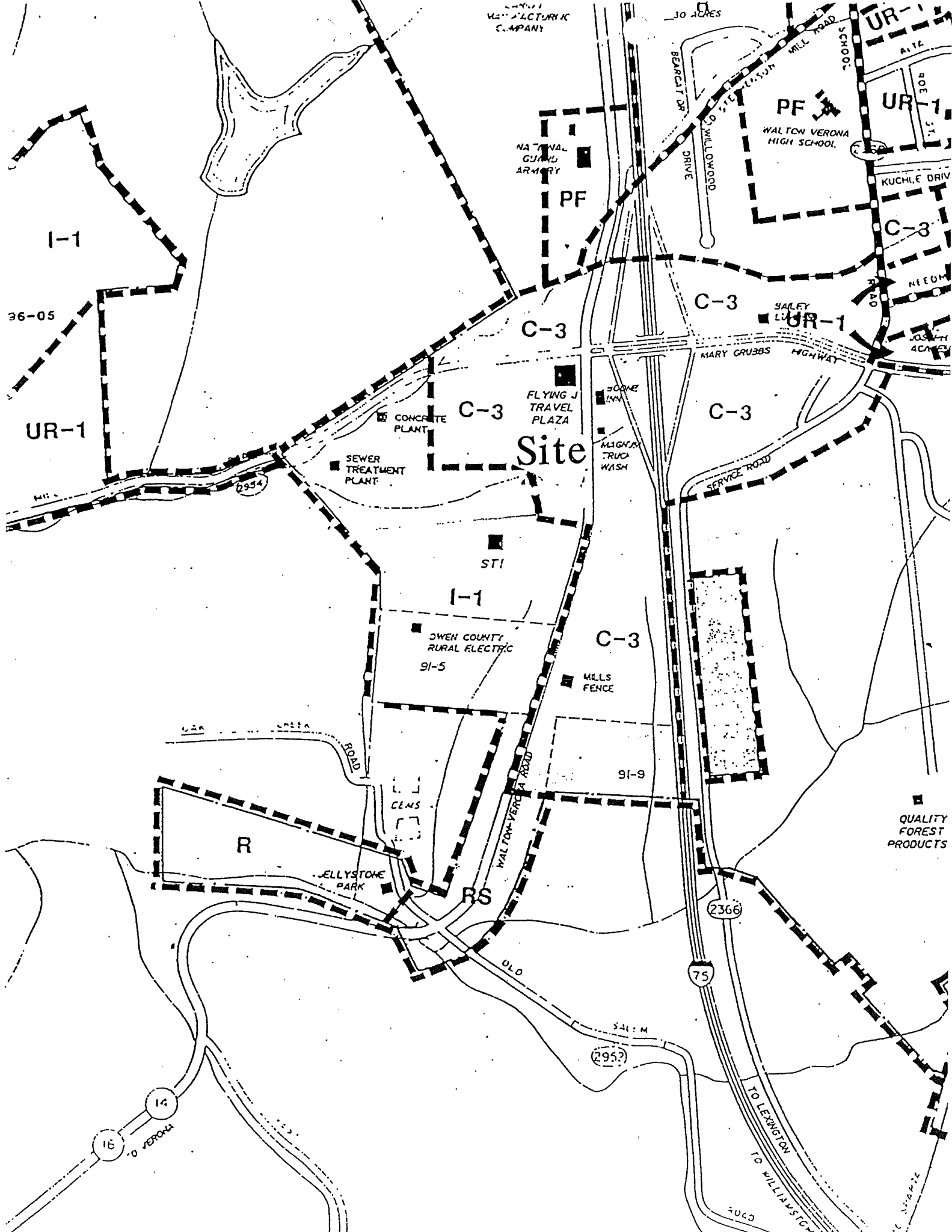
CE. 34M. W.M. 10/11/11 10/11/11 10/11/11



2-1000 W 2" FIBRES BULKHEAD POLE BY OWNER INSTALLED & WELDED BY L.C. CONCRETE PIER BY C.C.

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

CE. 34M. W.M. 10/11/11 10/11/11 10/11/11



30 ACRES

NATIONAL GUARD ARMORY

WALTON VERONA HIGH SCHOOL

FLYING J TRAVEL PLAZA

SEWER TREATMENT PLANT

OWEN COUNTY RURAL ELECTRIC

JELLYSTONE PARK

QUALITY FOREST PRODUCTS

Site

75

2366

2952

14
16

36-05

I-1

UR-1

C-3

C-3

C-3

C-3

91-9

I-1

C-3

91-5

RS

R

PF

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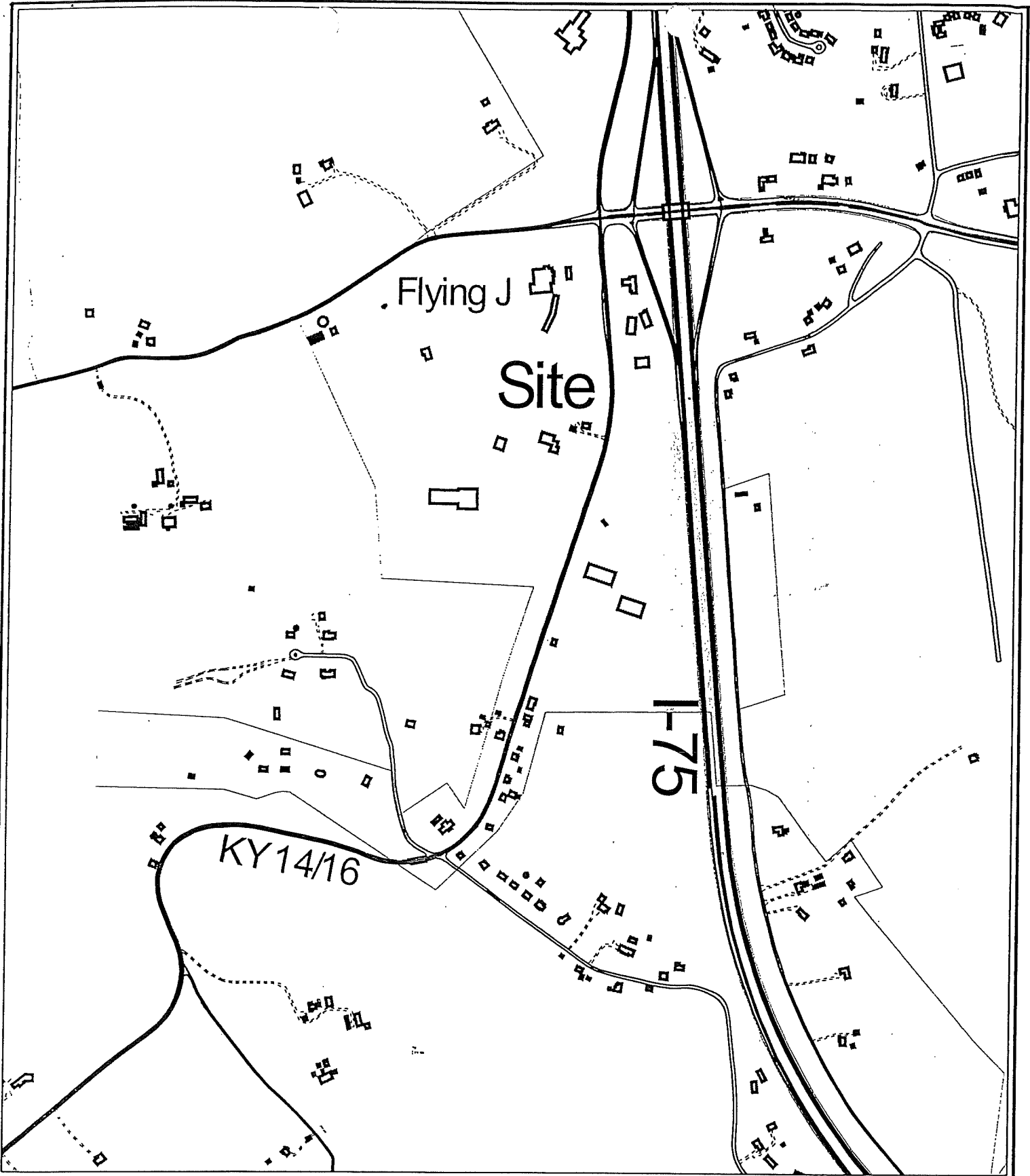
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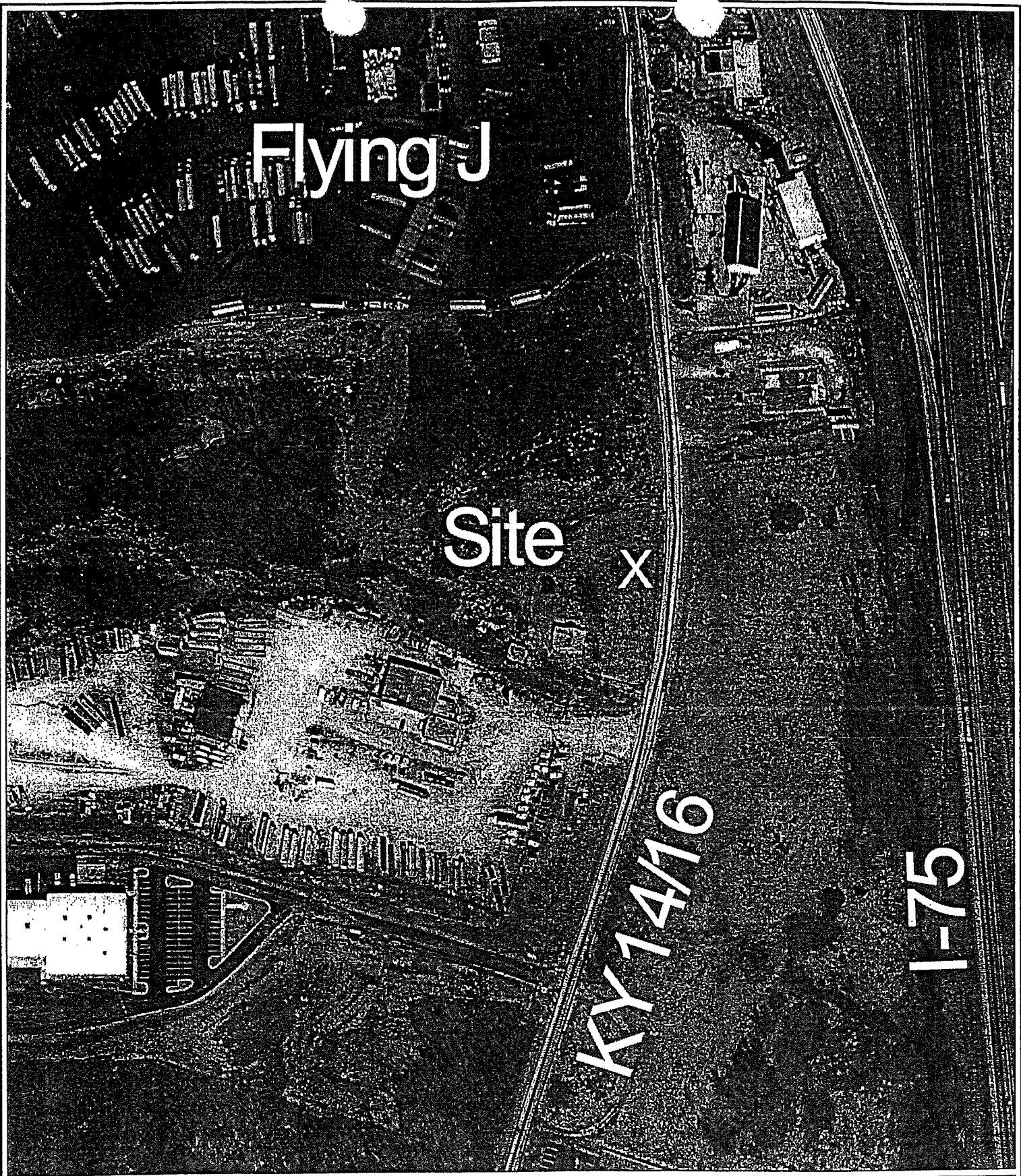


Blue Beacon Location Map

800 0 800 Feet

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



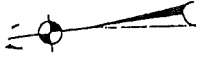


Blue Beacon Site Map

200 0 200 Feet

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





CONTOUR INTERVAL = 2'



GRAPHIC SCALE 1" = 30'

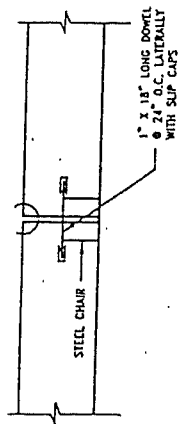
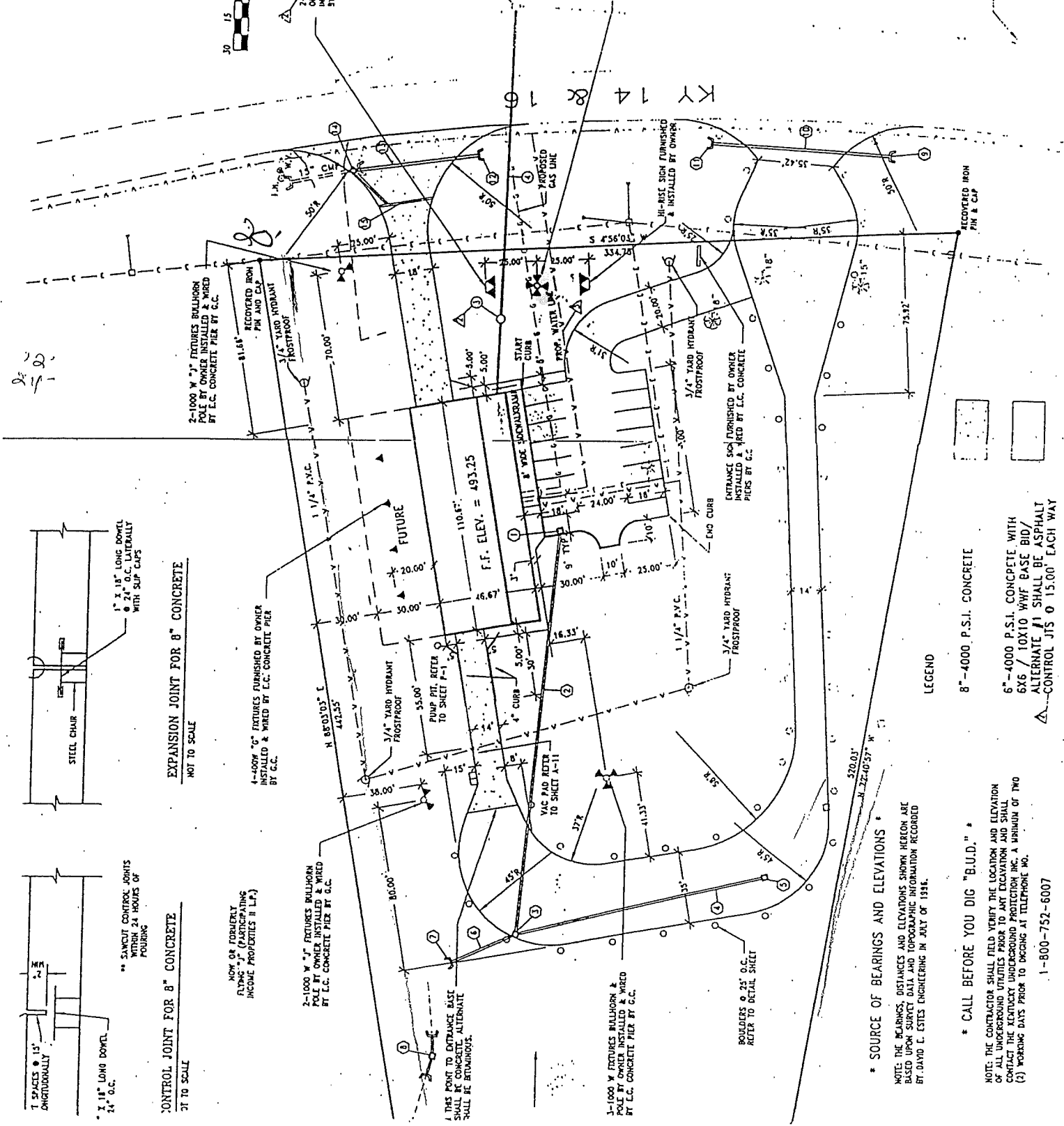
2-1000 W "J" FIXTURES BULLHORN POLE BY OWNER INSTALLED & WIRED BY E.C. CONCRETE PIERS BY C.C.

2-1000 W "J" FIXTURES BULLHORN POLE BY OWNER INSTALLED & WIRED BY E.C. CONCRETE PIERS BY C.C.

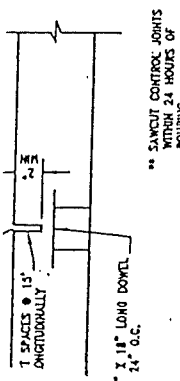
APPROVED
Staff [Signature]
Date 2/2/97
Boone County Planning Commission

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

ICE SH. W.H.
ELEV. = 437.45
NOV. ELEV. = 431.43



EXPANSION JOINT FOR 8" CONCRETE
NOT TO SCALE



CONTROL JOINT FOR 8" CONCRETE
3/4" TO SCALE

HOW TO FORMERLY FORMING JOINTS (PARTICIPATING INCOME PROPERTIES II L.A.)

2-1000 W "J" FIXTURES BULLHORN POLE BY OWNER INSTALLED & WIRED BY E.C. CONCRETE PIERS BY C.C.

1 THIS POINT TO ENTRANCE BASE SHALL BE CONCRETE ALTERNATE SHALL BE BITUMINOUS.

3-1000 W FIXTURES BULLHORN & POLE BY OWNER INSTALLED & WIRED BY E.C. CONCRETE PIERS BY C.C.

ROULERS @ 25' O.C. REFER TO DETAIL SHEET

LEGEND

- 8" - 4000 P.S.I. CONCRETE
- 6" - 4000 P.S.I. CONCRETE WITH 6X6 / 10X10 WWF BASE BID/ 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 SOURCE DATA AND TOPOGRAPHIC INFORMATION RECORDED BY DAVID L. ESTES ENGINEERING IN JULY OF 1996.

* 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 KENTUCKY UNDERGROUND PROTECTION INC. A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO DIGGING AT TELEPHONE NO.

1-800-752-6007

Walton, Kentucky Sign Variance Narrative

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

Most individuals not associated with the trucking industry remember the local career drivers who knew their area and had regular stops. In today's trucking industry, drivers are constantly assigned to drive to new areas. In addition, the American Trucking Association estimates that truck driver turnover and attrition is in excess of 50%. This means that truck drivers depend more today than any time in history on highway advertising. Couple this with the fact that most of the major interstates are fully developed, thus requiring new businesses to locate in areas not directly at the interchanges and you have a greater need to advertise.

The safety issue is as important as the granting of the same rights to all uses in the same district. With the turnover in the trucking industry, drivers are not as experienced. Add in the fact that they are many times in an area very few times and you have created a great reliance on advertising signs. Drivers need to be able to see signs that provide the service they need. These signs must be visible from a distance that allows drivers time to safely maneuver into the proper lanes to exit. The sign heights requested in this application are designed to accomplish safe maneuvering of the trucks.

Compared to 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. These regulations do allow a business on the east side of KY 14 to have a 30' which is adequate for interstate visibility. Those businesses on the west side of KY14 require higher signs to utilize the property as it is zoned.

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

Without interstate visibility, this tract of land that is located away from the interstate cannot notify its customers of the service available. After being on this site for over a year, we find that in order for our business to safely notify truckers of our location, a 55' sign with 320 sq. ft. is required. This size and height are based on research and experience in constructing signs at other locations. Signs must be at a size and height that are easily within the trucker's view. At the same time they must give the trucker adequate notice to enable them to make a safe lane change if required. The construction of signs is costly. A sign too tall adds cost to the project and does not function as well as one constructed at the optimum height.

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

Beacon realizes the regulations for the county were adopted prior to the purchase of this property. The purpose of this request is to allow Blue Beacon to enjoy the same sign height as other truck related businesses in the area.

ATTACHMENT 4

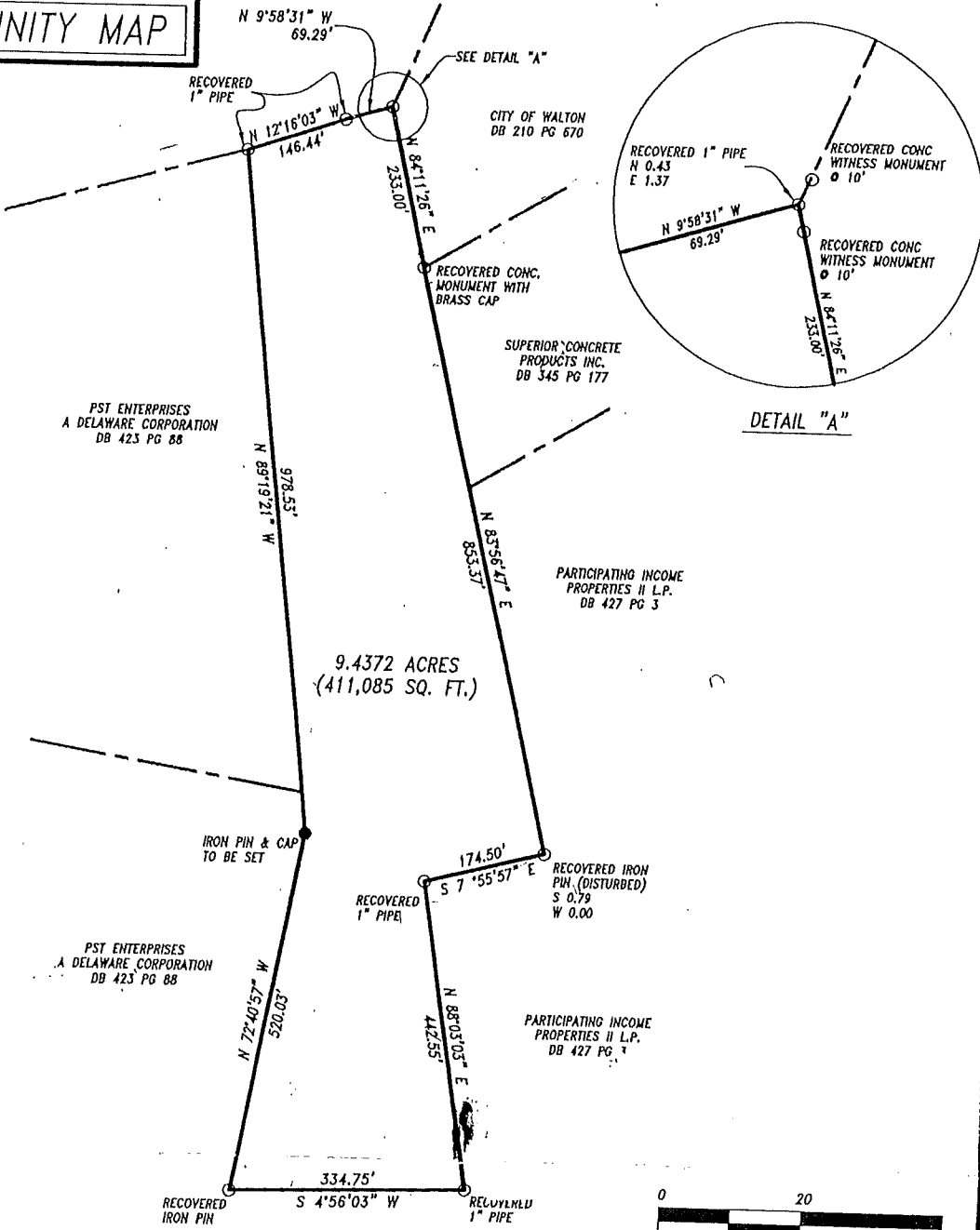
I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS.

DAVID E. ESTES

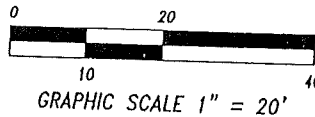
DATE

WILLIAM S. GIBSON JR.
& NORMA S. GIBSON
DB 250 PG 118

VICINITY MAP



DETAIL "A"



Drawn By:
TMS

Date:
7-23-96

Scale:
1" = 200'

File No.
300-336

BLUE BEACON
STATE ROUTE 14 & 16,
BOONE COUNTY, KENTUCKY



David E. Estes
Engineering, Inc.

CIVIL & ENVIRONMENTAL ENGINEERING
HYDROGEOLOGY - LAND SURVEYING
7075 INDUSTRIAL ROAD, FLORENCE, KENTUCKY 41042
TELEPHONE (606) 342-6100

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

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 does 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.

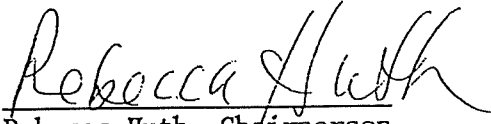
Mr. Bridges, taking note of Mr. Wireman's comment, moved to elect Mrs. Huth as Chairperson. Mr. Wethington seconded the motion and it carried unanimously.

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

WALTON BOARD OF ADJUSTMENT
WALTON CITY BUILDING
BUSINESS MEETING
July 9, 1997
7 P.M.

BOARD MEMBERS PRESENT:

Mrs. Rebecca Huth, Chairwoman
Mr. David Wethington, Secretary
Mr. Wally Wireman

BOARD MEMBERS NOT PRESENT:

Mr. James Bridges, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mrs. Rebecca Huth, Chairwoman, called the meeting to order at 7:10 P.M.

Approval of the Minutes:

Mrs. Huth stated that the Board members had received copies of the Minutes of the Walton Board of Adjustment Meeting of May 10, 1997. There being no changes or corrections to the Minutes, Mr. Wethington moved that they be approved as mailed. Mr. Wireman seconded the motion and it carried unanimously.

Agenda Items:

Staff Member Ed Coleman advised that Agenda Item #2 would be heard first:

2. The request of Saint Joseph Academy/Sister Patricia Jean Cushing for a Conditional Use Permit to allow the use of the basement level of an existing office building for elementary school classrooms. The building, Waller Hall, is located at 1 Beatrice Avenue, Walton, Kentucky. The property is zoned Office Two (O-2).

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

Mrs. Huth asked for the applicant's presentation.

Sister Patricia Jean Cushing distributed a 4-page handout to the Board members. She stated that the school began in 1976 with 55 students and they now have 236. They have had steady growth, which they feel will continue due to the growth of Boone County. They are a Catholic School that welcomes non-Catholic students. They serve seven counties.

Sister Patricia Jean explained that they have used all possible space in their present building for classrooms, and last year they had to turn the cafeteria into two classrooms. They have agreed with Dr. Waller to use a portion of the lower part of his building for three years for classrooms, which will allow them time to do the expansion shown on the drawing included in the handout. Recess, lunch, physical education, and possibly music for these classrooms will be on the church grounds or in the present building. The classrooms in Dr. Waller's building will be for the older students (Grades 6 and 7) as they will be crossing the street.

Mr. Wireman questioned marking the street for a crosswalk. Sister Patricia Jean advised that she has spoken with Mayor Trzop and he feels that this will be allowed. The crosswalk would be between the rectory and Dr. Waller's property. Mayor Trzop advised that it would be a painted crosswalk with pedestrian signs on both sides so that people are aware of it. It is a short, narrow street and there should not be a traffic problem. He does not feel that City Council will have a problem with a crosswalk there.

Sister Patricia Jean explained that the children will be in the classrooms for a couple of hours and then in their original building for a couple of hours before going back. They will not be constantly going back and forth.

Mr. Wethington questioned school caution lights. Mr. Trzop advised that there will not be school caution lights because the speed limit is 20 MPH. There will be signs saying pedestrian crosswalk with "School" over it, like what was done at the park. Sister Patricia Jean added that the students will not be unsupervised. Mayor Trzop advised that the school speed limit will be posted at 20 MPH. Mr. Wethington stated that his only concern would be safety. Sister Patricia Jean advised that that is why they will put the older children in Dr. Waller's building.

City Councilman Don Bowman stated that he is also concerned about safety. He asked if there is more than one entrance and exit out of the lower level of the building. Mayor Trzop advised that it will be sprinklered and they will have to meet the state building code.

Sister Patricia Jean advised that they have asked for the extra classrooms for three years because the parish is going to build a church.

Mr. Wethington asked if the children would be crossing the road at an angle or going straight across to the rectory. Mayor Trzop advised that at first the crosswalk may just be to get them across the street -- a decision cannot be made until the Council meets. If they bring the

children across at the rectory side, they can put in a blacktop sidewalk with a white line and they can go up to the church parking lot. He thinks the city could go the extra four feet and blacktop it. He stated that they talked about coming in front of Dr. Waller's, but it is straight up a hill.

Dr. William Waller asked for clarification about the sprinkler system. Sister Patricia Jean stated that they were told they did not have to have a sprinkler system, but they do have to have a fire alarm. She referred to the diagram of the classrooms in the packet in regard to the location of the alarms. The state fire marshall has advised them of what they have to do.

Mrs. Huth questioned restroom facilities. Sister Patricia Jean advised that the restrooms are in and everything is finished. Another sister present advised that there will be eight classrooms.

There being no further comments, Mr. Wethington moved to grant the request. Mr. Wireman seconded the motion and it carried unanimously.

1. The request of Blue Beacon for a Variance to allow an increase in the height and square footage of a free-standing pole sign on KY 14 & KY 16, Walton, Kentucky. The property is zoned Commercial Services (C-3).

Staff Member Ed Coleman presented the Staff Report. As this site was before the Board at the last meeting, Mr. Coleman did not present the slides again. (See Staff report).

Mrs. Huth asked for the applicant's presentation.

Mr. Dana Morse with Blue Beacon International, Inc. stated that their request for an 80-foot sign was denied at the last meeting. Due to that denial, they raised another target and are now requesting a 70-foot sign with 40 square feet. He showed a rendering of a typical Blue Beacon sign, which contains two signs, and stated that the total of the two signs is 400 square feet. They use K. L. Claus in regard to their signs and their tables for reaction/sight distance were submitted with their application.

Mr. Morse provided photographs and renderings in regard to the sign. He stated that they used a 55 MPH speed limit. He stated that 570 square feet would be recommended for good readability. Flying J is on the west side and has a 130 foot high sign with 800 square feet. He stated that the visibility of their sign is more difficult than those on the east side who are closer to the interstate.

Mr. Morse stated that safety and accidents were discussed at the last meeting. He called KDOT in regard to accidents in the area in 1996 and that information is included in the packet. He stated that in 1996 there were five non-injury accidents at KY 14 and SR 492. In front of Owen Electric there was one non-injury accident. There were three accidents and two injuries in Walton during that period. At the railroad track and KY 25, there were three accidents and four injuries. He stated that it is an

intersection that has few accidents and they are non-injury -- which relates to the 35 MPH speed limit.

Mr. Wireman advised that the traffic there is so slow that people cannot move fast enough to have accidents.

Mr. Morse advised that the speed is posted at 35 MPH and there are no injury accidents there. He stated that he has talked to KDOT about the road. It is two 12-foot driving lanes and 11,000+ vehicles. The road is in the B - C range (B=good, C=Average). Before the road would go into the C range, there would need to be 30 - 40 more vehicles per hour on the road. Blue Beacon will add one vehicle an hour. If they are doing their maximum amount of volume, there would be one truck per 15 minutes, which is insignificant. The road can handle 30 - 40 more vehicles before it is classified downward. He stated that the other truck wash and the fence company are on the other side of the road abutting the interstate and have decent visibility. He noted that there was talk at the last meeting about being on the KDOT signs. He has talked to KDOT and that is not possible for them since you have to provide rooms, food, or gas to be on those signs. Billboards were also discussed at the last meeting, but there are very few in the area and none are for rent. KDOT does not plan to allow any more to come in. He stated that based on the traffic history information, the few injury accidents there, and other businesses in the immediate area having taller and larger signs, they feel that their application is justified. He stated that they did not need to rezone the property because it was already Commercial -- and they want to develop the property as commercial. In order for it to be a viable commercial location, they need to be able to notify truckers on the interstate that they are there. He stated that when a tract is designated for commercial development, there is some responsibility to make sure it is a viable tract. It is an interstate commercial tract that needs to advertise to the interstate. He stated that they did not impose the hardship -- it was there when the zoning was put on the property.

Mr. Morse stated that they raised the target to 70 feet. Construction is underway and there has been a lot of cut and fill there, but they are asking for 70 feet from what the ground level was before the construction started. He stated that Rob Rice was with him when they took the pictures.

Mr. Rob Rice with United Signs in Cincinnati advised that their company was hired to do a mock-up. They took a 10 x 10 board and raised it to different heights. They took photographs (which were available to the Board) at 30 feet, 60 feet, and 70 feet. He referred to the pictures and noted the Flying J sign in relation to their target. He stated that the target is not visible at 30 feet due to the trees. He stated that the investment for this sign could be \$35,000 to \$50,000 which is money down the drain if it is not at the proper height. He stated that the proposed sign is sufficient in square footage and height in relation to the interstate and the trees.

Mr. Morse referred to the enlargement of the target at 60 feet. He stated that if the top of the sign is at 70 feet, the bottom would be at 53 feet. At 60 feet, the bottom of the sign would be blocked. Mr. Coleman stated

that at 60 feet, the sign would not be visible due to the trees. Mr. Morse stated that they did not just come up with 70 feet. When 80 feet was denied last month, he ballparked 65 feet but that would not be a visible sign. He stated that the Board was thinking more like 55 feet, but he said that was not feasible and the issue was dropped. He stated that one of the issues last time were safety -- and he feels that the KDOT information on accidents shows that it is not a dangerous road. KDOT sees no reason, with the current volume of traffic, to upgrade the road. The impact of their traffic at maximum is one vehicle every 15 minutes, which is not a major impact on the road or on safety. He stated that a trucker needs to have notice that there is a truck wash and a truck stop there and safely pull off the interstate. It is important to have the sign at 70 feet. He asked the Board to review the photographs.

Mr. Wireman stated that he cannot see that the height is not ample at 60 feet. He stated that you can pick out certain places on the interstate and not even see the Flying J sign. Mr. Morse asked him to look at the pictures going north in regard to the difference between a sign at 60 feet and at 70 feet. He stated that the bottom of the sign would be in the trees.

Mrs. Huth stated that Walton is an old city, but it is just starting to grow and they are not doing highway get-offs like this any more. She stated that when she travels, she looks at KDOT signs for restaurants and motels. She stated that it was agreed at the last meeting that this is a feeder business. She finds it hard to believe that they are only going to add one truck an hour. She stated that CB radios will tell truckers where they are located. She does not want to see this sign in Walton. She noted the pictures showing what Walton looks like coming south with all of the old signs. She questioned taking down the old signs. Mayor Trzop advised that once the signs are up, they are up. Mrs. Huth stated that it looks like a ghost town. She stated that we have the right to make Walton the best city there is and to do it right the first time. She stated that big signs are not needed. She noted that the Board spent an hour and a half on this issue last month and when she saw it on the Agenda again she questioned if they thought we were stupid. She does not recall Mr. Morse coming down 15 feet at the last meeting.

Mr. Coleman advised that at the last meeting Mr. Bridges questioned if the Board could approve something lesser than what was advertised. He stated that Mr. Morse mentioned 65 feet, but Mr. Bridges said that he did not think he had the ability to determine what the correct height should be -- and the sign should be the 80 feet requested or what the zoning regulations say, which is 30 feet. He noted that Mr. Morse did indicate that 50 feet would be too low.

Mrs. Huth stated that she does not feel that ten feet less is acceptable. She noted that there was talk about when McDonald's comes in. She stated that they do not need big signs because they have the KDOT signs -- and even though Blue Beacon cannot get one, they have a feeder business. She stated that they have better advertising by word of mouth than by any sign.

Mr. Morse disagreed. He stated that he drove to the Upper Peninsula of Michigan, a distance of 1,100+ miles, with the CB radio on and did not hear any mention of Blue Beacon. He stated that the CB radio is not an advertisement for them. If there is an advertisement on the CB radio for a truck wash, it is an unconventional truck wash. He stated that truckers do not advertise for one another.

Mrs. Huth stated that if a trucker needs a truck wash, he can get on the radio and ask where one is. Mr. Morse stated that this is not frequently done. He stated that they cannot get on the KDOT sign. Mrs. Huth stated that she does not think they should be on the KDOT sign -- if everyone gets on them they will be huge.

Mr. Wireman stated that not being able to see the sign in the pictures is based on where they were when they took the pictures. He stated that there are instances where the Flying J sign cannot be seen. He agreed with Mrs. Huth. He noted that Planning and Zoning puts out the proposed limitations on signs.

Mr. Coleman stated that this is a C-3 (Commercial Services) area. Throughout the county, that zoning is located along the interstate where there is a high volume of regional traffic. He stated that the purpose of Variances is that if there is a situation where the height that is permitted does not meet the need of a certain area, they can come to the Board of Adjustment. Mr. Wethington questioned why the 30-foot height restriction was put in the regulations. Mr. Coleman explained that there are commercial services areas on roads like U.S. 42 where the speed is a little slower and the businesses are not quite as far off the road and the signs can come down. He stated that the reason for Boards of Adjustment is to recognize that there are certain cases where someone is deprived of the use of his property.

Mr. Wethington stated that he has given that issue a lot of thought. He does not think they are being deprived of doing business in a legitimate manner. He believes the business will flourish without the sign. He stated that in looking at the pictures, it is obvious that the Magnum Truck Wash sign is more of a benchmark for this sign than the Flying J sign. He stated that this exit has become a truck center and it is known that this is a truck location -- which is probably why Blue Beacon located there. He stated that when they looked at the land, they knew there was a 30-foot sign regulation. He stated that the Magnum sign cannot be seen coming from the south until you get to the exit. When you see the sign, you are too far past the exit to get off. The only way Magnum advertises is that people see them when they get off the interstate to go to the truck stop. Magnum is successful without any signage. Giving Blue Beacon a 70-foot or 80-foot sign is not fair to Magnum and they will want a sign the same size. The town does not want a bunch of signs there. He feels that the city regrets the height of the Flying J sign and the situation out there. In his opinion, the Blue Beacon sign does not need to be the height requested.

Mr. Wethington moved to deny the request.

Mr. Wireman stated that he was on the Board when Flying J came in to put the truck stop there. They said they would come in Stephenson Mill Road and not go on Walton-Verona Road, and the motel on the end would have 127 parking spaces. The next time they came in, they said they were going to come in on Walton-Verona Road and they wanted 227 parking spaces. They said that the grade on Stephenson Mill Road was too much for the trucks -- but he has seen trucks in West Virginia negotiate a larger grade. Flying J then came back with the state and everyone else and said that they would put in a road. He stated that this applicant is flimflamming the Board the same way Flying J did. He stated that they took all of the pictures in a car or standing when they should have taken the pictures up where a truck driver is. A person in a truck sees a lot more than a person in a car. The pictures were purposely taken so that the sign can just barely be seen -- but a lot more can be seen from a truck. He stated that going south the Magnum sign cannot be seen at all. Blue Beacon will ruin Magnum's business.

Mr. Wethington stated that if this sign is approved, Magnum will want the same thing and there will be signs all over the place. Mr. Wireman stated that he does not like to be flimflammed and they should take the pictures from a truck -- not standing on the road. Mrs. Huth suggested that they go to Richwood at night and see how bad it looks -- Walton does not want that.

Mr. Wethington stated that he feels that the county is behind this. He stated that if Blue Beacon locates here within the existing sign regulations with a truck stop in place that has been here 5 or 6 years and is doing a good business, no one can say they are being deprived of doing business in this location. Magnum has less signage height than what Blue Beacon is allowed and they operate with it. He welcomes Blue Beacon as a business to the city, but he is against the sign.

Mr. Wireman seconded the motion made by Mr. Wethington.

Mr. Morse stated that the application does not require them to show economic justification, which is not normally an issue in a zoning matter. He spent 17 years in zoning and that is not an issue on which to base a decision. He stated that if they had Magnum's volume of business, they would be worried. He stated that advertising is important to Blue Beacon. He is sorry that the Board is offended that he is back a second time -- he had hoped the Board would see from their second request how important advertising is to them. He stated that Magnum sets next to the interstate, and if they want a 20-foot sign that should not be held against Blue Beacon. He would not want to see McDonald's denied a sign because another fast food restaurant in the area is doing a viable business. He stated that the pictures were taken from his standing height (about 5'8"), which would be about 3 feet shorter than what a trucker would see. There is no flimflamming in regard to the pictures, but if the Board feels that way he requests that the matter be tabled and he will take the pictures from a truck. He stated that the application is only to give them the same right as other businesses in the area. Citco has a 70-foot sign and Flying J has a 130-foot sign, and they are just asking for the same privilege.

Mrs. Huth asked if there was anyone else present who wished to speak.

City Councilman Don Bowman stated that at the last meeting one of the main issues for not putting up that size sign was safety and hazard -- but now that has disappeared and we are into this issue. He agreed that the pictures should have been a little better, but safety and hazard were not discussed at this meeting like they were at the last meeting. He would like to see further discussion and better pictures taken. He would like the matter tabled, better pictures taken, and better questions and suggestions given at the next meeting.

Mayor Trzop stated that he does not normally speak at a Board of Adjustment meeting. He asked the Board to consider what is on the right side of the road -- how many more signs can go there? Flying J takes the first 1500 feet and they will mount the hotel sign on their existing sign; then there would be Blue Beacon; then SDI (with no sign) -- he stated that we are looking at a maximum of two signs. On the other side -- aside from the old signs which cannot be removed -- how many signs can actually go up there?

Mrs. Huth stated that the town will grow -- it will grow down Mary Grubbs Highway and Service Road, it will grow beside Citco and beside the bank. If this sign is allowed, they will all want larger signs and Walton will be a city of signs. Mr. Wethington stated that it may be detrimental to residential zoning to have a bunch of signs there. Mrs. Huth stated that the older neighborhoods in Walton do not want to see these signs. She can see them from her home and she lives a mile away.

Mayor Trzop stated that, as Mayor, he needs to know where the Board stands on this issue. If the Board is taking a strong stand, he needs to know that. From a development standpoint, he needs to know if the Board cannot be swayed. He stated that everyone knows that development is coming.

Mr. Wethington stated that everyone needs to be treated fairly, but the Board has been put in a position by the county -- especially by the Staff Report -- where it would be easy to grant this request. He stated that City Council needs to get with the Board of Adjustment and get feedback before setting the criteria. If they are going to set a 30-foot sign criteria, they need to give the Board good reason to override it.

Mayor Trzop explained that City Council just approves the regulations and gives the Board of Adjustment the authority to override for good reason. City Council does not get involved with the Board of Adjustment and they are not supposed to do that. The Board is supposed to be a non-biased group looking at the facts.

Mr. Wethington stated that he does not feel the Board is being unreasonable in denying the sign. He believes Blue Beacon will do well regardless of the sign.

Mr. Morse asked that the request not be judged on economics.

Mr. Wethington stated that he does not see denying the request to be an unnecessary hardship, which is the basis for his motion.

Mr. Coleman stated that the property is zoned C-3 and oriented toward the interstate, and you are only going to find this type of use along the interstate -- but you cannot see a 30-foot sign from the interstate. He questioned if it would be a hardship that they do not have any visibility from I-75.

Mr. Wethington stated that if the applicant wants the request tabled, he can take the pictures at heights of 30', 35', 40', 45', etc.. He stated that the applicant indicated last month that 65 feet is the minimum he would accept. Mr. Wethington stated that he is not convinced that is the minimum. He reviewed the pictures of the Magnum sign and stated that when someone sees the Magnum sign, they are on the exit -- but if they go past the exit it is too late and they cannot use Magnum. He feels that the Blue Beacon sign could be seen over Magnum at 30 feet. Mrs. Huth agreed.

Mr. Morse stated that he does not see where Magnum is relevant. Mr. Wethington stated that it is relevant in consideration of unnecessary hardship. Mr. Morse reviewed the pictures with him. Mr. Wethington suggested that they make the logo higher and "truck wash" lower, with more space between them. He stated that the sign can be seen at 30 feet. Mrs. Huth questioned the sign having less square footage.

Mr. Morse stated that based on the studies, the sign should be 570 square feet to be visible. Mrs. Huth stated that the Board is not worried about the sign being visible from the interstate. She questioned where it would be seen from the interstate. Mr. Morse responded, "Three tenths of a mile from the exit northbound". Mrs. Huth stated that that is a hazard because of the trucks getting over.

Mr. Rice asked if Flying J got a permit when they erected their sign. Mr. Wireman advised that they did and they also got a Variance for the gasoline sign.

Mr. Wethington reviewed the pictures with the applicant and stated that three tenths of a mile is dangerous because it is not enough time for a truck to get over. He stated that the people who get off at Flying J know it is there before they see the sign -- which may not have been true the first few months they were in business, but it is true now.

Mr. Morse questioned if they would know there is a Blue Beacon there. Mrs. Huth responded "they will". She stated that the same truck drivers go through all the time. Mr. Morse stated that in his first application he indicated that there is a 50% turnover in truck drivers. Mr. Wethington stated that half of the truck drivers work for a company that sets up an account. They will be told that the account is set up and they should go to Flying J to fuel and wash at Blue Beacon.

Mr. Morse agreed that they have commercial accounts. He reviewed the list of Blue Beacon locations across the country and asked the gentleman with him, Mr. John Munson, if they have any Blue Beacon locations where the sign is not visible from the interstate. Mr. Munson responded "no". Mr. Wethington questioned the locations that are within municipal city limits. Mr. Morse reviewed the list with him in this regard. Mr. Munson stated

that 80% of their locations are within city limits. He stated that this would be the lowest sign they have in 72 locations.

Mr. Wireman stated that the height they are stating is the top of the sign. He questioned how far it is to the center of the sign where it says "Truck Wash". Mr. Morse stated that the top portion of the sign is 10'6" by 17' wide; there is then 1.5' and then the sign (Truck Wash) is 6' by 36'. It goes from 70 feet at the top to 53 feet at the bottom. Mr. Coleman stated that it is 17 feet. Mr. Wireman suggested putting "Truck Wash" on the top. Mr. Munson stated that they have signs at 72 locations and they are identical -- and that is what truckers are used to. He stated that if you saw a McDonald's sign upside down, you would not relate to it at 65 MPH. Mr. Wireman disagreed and stated that the McDonald's sign is known. He suggested that they put "Blue Beacon" underneath "Truck Wash". Mr. Morse disagreed. Mr. Wireman stated that if Blue Beacon is that well known, truckers will see the logo and know it is a truck wash.

Mr. Morse stated that if the Board does not feel that they have proven that they need a 70-foot sign, and that the pictures were not taken from a truck driver's vantage point, then he asks to be allowed to submit additional information. He stated that they can take the pictures with video camera from a truck. They will start out at 30 feet and go up in 5-foot or 10-foot increments if the Board wishes. Mr. Wethington stated that he feels the Board owes them that -- they are a national chain and they have invested a lot of money in the site. He stated that he is willing to look at the pictures at different heights, and might be persuaded to do something other than 30 feet -- but not 60 feet or anything also high.

Mrs. Huth stated that the applicant has already said that if the sign is lower than 70 feet it is not going to be seen. At 70 feet, it can be seen three-tenths of a mile from the exit and that is a hazard. She stated that the safest choice is a billboard and they can keep trying to get one. Mr. Morse stated that they have told the Board what they need based on their experience in operating 73 of these units. Mr. Wethington questioned billboards. Mr. Morse stated that he has checked on them, and they would probably have to reserve it ten years in advance. Mr. Rice advised that there is one in Crescent Springs for \$1500 a month. Mr. Wethington suggested that they rent a billboard and put it on another property. Mr. Rice stated that that would be off-premise advertising. Mr. Coleman stated that there is a section that allows off-premise signs, but it is difficult to meet the criteria for approval.

Mr. Morse stated that he would like to show the Board the video and have the Board judge from that -- if the Board does not already have a height in mind. Mr. Wethington stated that he does not have a height in mind, but it is not 60 feet. He stated that the pictures show the Magnum sign is visible. Mr. Morse stated that they are trying to show what a 30-foot sign on the other side of the road looks like. He does not care what Magnum looks like.

Mr. Wethington stated that Staff is saying that because the business is on the west side of KY 14, that should have bearing on the Board's decision to grant or deny the request. Mr. Coleman stated that the Conclusion is

the Staff's recommendation and it is based on the criteria necessary for granting a Variance and the reasons why someone would apply for a Variance. It is Staff's opinion that what they are asking for -- given the zoning classification and that it is a highway service oriented use, and the current height permitted in the zoning classification would not permit the sign to be seen from the interstate -- they are deprived of something that an adjacent property owner in the same zone is not deprived of. He stated that KRS 100 discusses what a Variance is and when it is appropriate.

Mr. Wethington stated that his motion is to deny the request on the basis that they are not caused a hardship by the denial. He stated that the Board has reviewed the pictures and in the pictures the sign is not visible. Mr. Morse stated that the 60-foot sign is visible going south. The sign is not visible at 30 feet. Mr. Wethington stated that you cannot see the sign going north. Mr. Morse stated that you can see it at 70 feet. Mr. Wethington stated that you cannot see it at 60 feet. Mr. Wireman stated that you could see it in a truck. Mr. Wethington stated that they will be in a better situation with a 30-foot sign than Magnum and he does not see that denying a 70-foot sign is a hardship. He does not see any cause to change the Board's original ruling.

Mr. Morse stated that he hears the Board saying that Walton has a Commercial zone and that Walton-Verona Road is developing as commercial business. It is known that there are truck stops and truck washes, and the property has been zoned to encourage those types of businesses -- but those businesses are being denied the right to advertise on the interstate. Mr. Wethington stated that they knew that it was 30-foot high signs when they applied. Mr. Morse stated that they knew there was the option for a Variance. He stated that the Board is saying that commercial/interstate businesses are wanted, but those businesses cannot advertise to the interstate.

Counselor Wilson advised that the Board is saying that they are not granting the Variance requested.

Mr. Morse asked that the request be tabled to allow them to submit additional information.

Mr. Wethington stated that he wants to be sure the Board is not causing them a hardship. He stated that they have failed to prove that with a 30-foot sign they will not be as visible as a similar business in the neighborhood. He restated this motion to deny the request. He stated that he does not see how tabling the matter would be productive. He stated that they will have as much exposure as a similar business.

Mr. Morse questioned judging a business by what the competition does. What if another business does not advertise?

Mr. Wethington stated that he is following the county guidelines. The county says a 30-foot sign and they can put up a 30-foot sign. Mr. Wireman stated that that is what the county has said is appropriate. Mr. Wethington stated that it has failed to be proved that a hardship is created.

Mr. Rice asked if this is the same code that was in effect when Flying J got their Variance. Counselor Wilson responded "no", but advised that the history of the zoning regulations is not going to be debated. He stated that the applicant has made his presentation and the Board has decided what to do. The applicant can contact Mr. Coleman to review the codes.

Mr. Wireman stated that if they had taken the pictures out of a truck and not from behind a bush, the sign would have been seen at 30 feet.

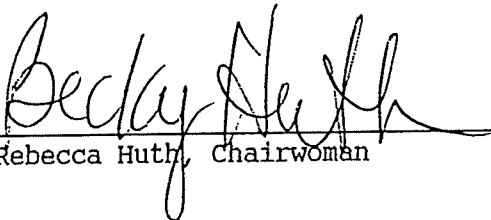
Mrs. Huth asked for a vote on the motion made by Mr. Wethington to deny the request and it carried unanimously.

OTHER:

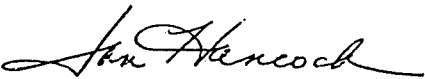
Mrs. Huth asked that Staff call the Board members prior to the next Board meeting. Mr. Coleman advised that it was an oversight that the members were not called in regard to tonight's meeting and they will be called in the future.

There being no further business to come before the Board, Mr. Wethington moved to adjourn. Mr. Wireman seconded the motion. The meeting was adjourned by unanimous consent at 8:45 P.M..

APPROVED:


Rebecca Huth, Chairwoman

Attest:


Jan Hancock, Recording Secretary

COPY

CLUR # 99-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Blue Beacon
P.O. Box 856
Salina, KS 67402-0856

2. ADDRESS OF PROPERTY

13085 Walton Verona Rd
Walton, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Blue Beacon Truck Wash

DEED BK.:421 PAGE NO.:172 GROUP NO.: 2077B

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

Zoning Map Amendment: From _____ To _____ Conditional Use Permit

Development Plan Conditional Zoning

Subdivision Plat (Not Recorded) Other:

Variance

5. 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

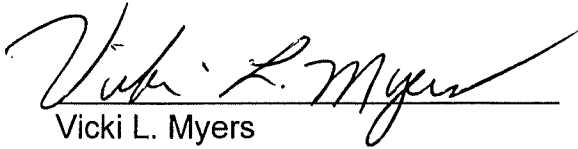

SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

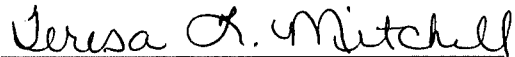
Subscribed, sworn to, and acknowledge before me by Mark Jordan on behalf of the
Boone County Planning Commission this 3rd day of May 1999.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell
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 Variance approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of April 15, 1999 Certificate of Land Use Restriction (# 99 WBOA-001-A), for Blue Beacon Truck Wash, Property Owners.

The following conditions will apply: 1). That the lawsuit be dropped immediately (2). There be no changes to the sign without coming before the Board of Adjustment, and (3) there be no additional lights or changes in lighting without coming before the Board.

The approved Variance as well as the preceding conditions apply to the property described in: DEED BOOK 421 PAGE NO. 172 Group No. 2077B