

APPLICATION FORM

RECEIVED
JUN 22 1999
BOONE COUNTY
PLANNING COMMISSION

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

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

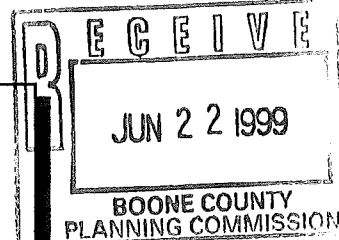
- (Check One)
1. Boone Florence Walton Union
- (Check One)
2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Trailer Marketing, Inc.
Phone Number 485-1051 Fax No. 485-1587
Applicant's Address 13220 Walton-Verona Rd.
Walton KY 41094
City State Zip
4. Description of Request: Increase in size, from code; from 200⁺
to 588⁺
5. Name of Development _____
6. Location of Development _____
7. Acreage Under Review 10.3006 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision) _____
9. Owner of Property TMI Properties, Inc.
Phone Number of Owner 485-1051 10.
Address of Property Owner 13220 Walton-Verona Rd. Walton, KY 41094
City State Zip
11. Proposed Use(s) on Site Trailer Sales
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property C-3
14. Deed Book 536 Page No. 309 Group No. 2079
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]

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 Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name Trailer Marketing, Inc.
Phone Number 485-1051 Fax No. 485-1587
Applicant's Address 13220 Walton-Verona Rd.
Walton KY 41094
City State Zip
- 4. Description of Request: Use of an Electronic Message Center
- 5. Name of Development _____
- 6. Location of Development _____
- 7. Acreage Under Review 10.3006 Acres
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property TMI Properties, Inc.
Phone Number of Owner 485-1051
Address of Property Owner 13220 Walton-Verona Rd. Walton, KY 41094
City State Zip
- 10. _____
- 11. Proposed Use(s) on Site Trailer Sales
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property C-3
- 14. Deed Book 536 Page No. 304 Group No. 2079
- 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 6-22-99 Fee Received \$720.00 # 20967
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: Message Board is limited to message at a 5 second minimum interval. The sign (including poles) must be removed if property is sold
7. Reasons for Denial: _____

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

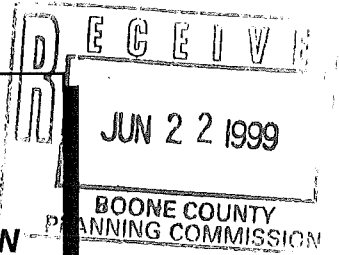
NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

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)

- (Check One)
1. Boone Florence Walton Union
 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
 3. Applicant's Name Trailer Marketing, Inc
Phone Number 485-1051 Fax No. 485-~~1051~~ 1587
Applicant's Address 13220 Walton-Verona Rd.
Walton KY 41094
City State Zip
 4. Description of Request: Increase in height, from code, from 30' to 90'.
 5. Name of Development _____
 6. Location of Development _____
 7. Acreage Under Review 10.3006 Acres
 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
 9. Owner of Property TMI Properties, Inc.
Phone Number of Owner 485-1051 10. _____
Address of Property Owner 13220 Walton-Verona Rd. Walton, KY 41094
City State Zip
 11. Proposed Use(s) on Site Trailer Sales
 12. Total Square Footage of Existing and/or Proposed Buildings _____
 13. Current Zoning on Property C-3
 14. Deed Book 536 Page No. 304 Group No. 2079
 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 6-22-99 / Fee Received H520.0 R# 20967
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
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: Trailer Marketing, Inc.
APPLICANT: Don Walters on behalf of Trailer Marketing, Inc.
LOCATION: 13220 Walton-Verona Road, Walton, Kentucky
ZONING: Commercial Services (C-3)
DATE: July 20, 1999

Proposal

The applicant is requesting a Variance to allow an increase in height and square footage of a free-standing sign, and a Conditional Use Permit for an Electronically Changeable Message Board on a 10.3 acre tract located on KY 14 and 16, south of the Flying J Truck Stop in Walton. The applicant's request is for a Variance that would permit a 588 square foot sign (for a Variance of 388 square feet above the allowable square footage of 200 square feet), at a height of 91 feet (for a variance of 61 feet above the allowable height of 30 feet).

Article 34, Section 3413 of the Boone County Zoning Regulations permits the following 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 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

The Board of Adjustment and Zoning Appeals may permit an electronically changeable message board as a Conditional Use in a Commercial Services (C-3) zoning district. Such message signs must conform to Article 2, Sections 260-267, and shall be subject to the following minimum standards and requirements, as listed in Section 3430 of the Boone County Zoning Regulations:

- a. All of the information required in Section 3405 of the Boone County Zoning Regulations;
- b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
- c. Number of nearest milepost on interstate highway from which the sign will be visible or distance and direction from the nearest intersection on another thoroughfare;
- d. The location of the proposed sign on a U.S. Geological Survey, 1:24,000 scale, topographic map and the location of all existing electronically changeable message boards within one-half mile of the proposed location;
- e. A profile of the line through the center of the proposed sign at an angle of 0 to 75 degrees to the centerline of each thoroughfare from which the sign will be visible; and
- f. A photograph not less than eight (8) inches by ten (10) inches in size, taken of the proposed location of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked on each photograph.
- g. A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.

In addition, Section 3430 of the Boone County Zoning Regulations states that an electronically changeable message board, as a conditional use, shall conform, at a minimum, to the following requirements:

- a. Such message boards will be considered a part of a permitted sign free-standing or building mounted; up to fifty (50) % of the permitted sign area can be used for an electronically changeable message board.
- b. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

- c. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate of thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- e. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

Criteria Necessary for Variances and Conditional Uses

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 opens spaces refer to minimum yard dimensions such as building setbacks.

The Board may consider whether such proposal for a Conditional Use at this location:

- 1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
- 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
- 3. Will be hazardous to existing or future neighboring uses;

4. Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Conclusion

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, and the criteria necessary for granting a Conditional Use Permit, stated in Article 2, Section 262 of the Boone County Zoning Regulations.

Respectfully Submitted,

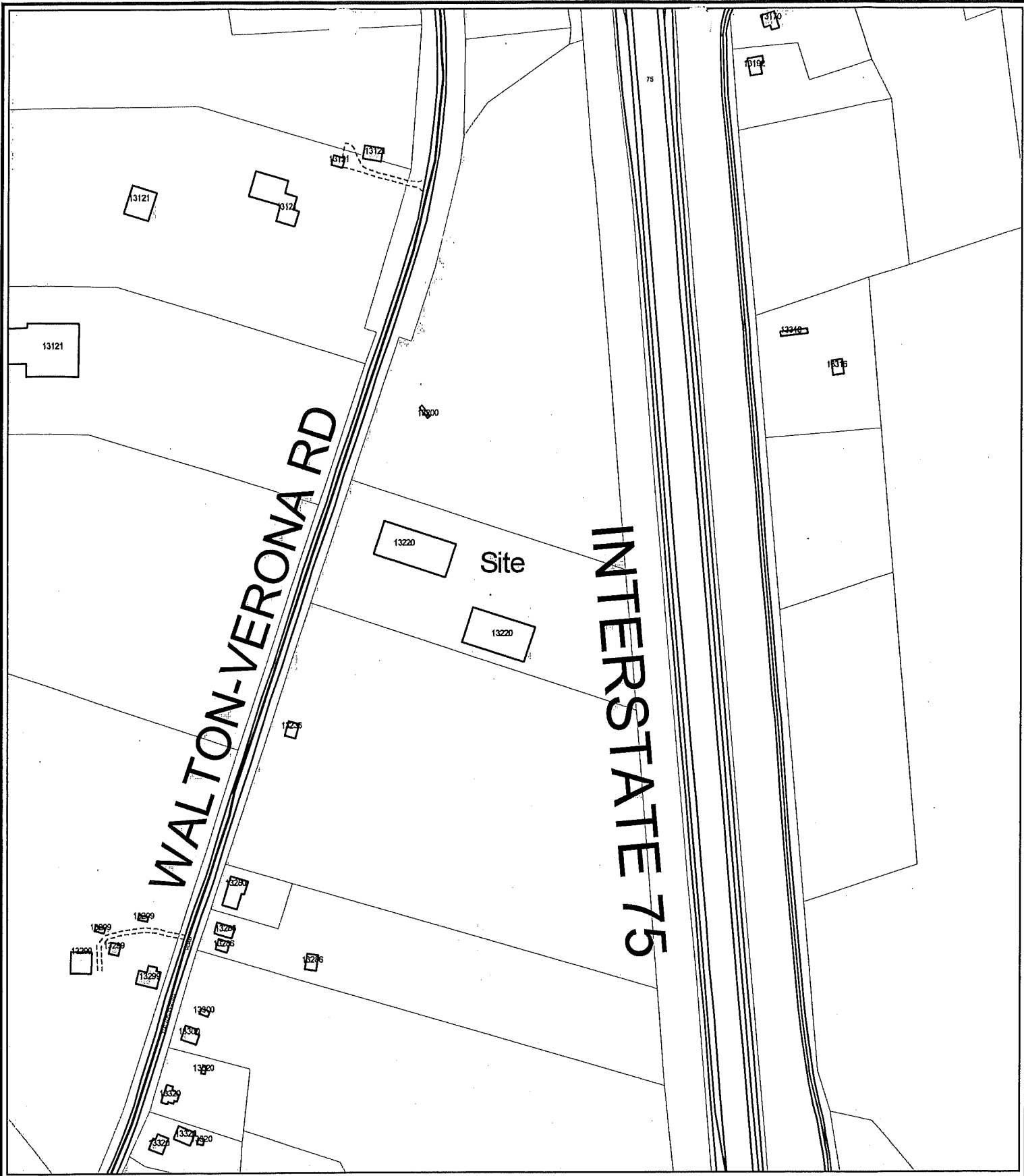


Mark E. Jordan
Planner

MEJ\pr

Attachments

- Site Vicinity Map
- Zoning Map
- Site Plan detailing the location of proposed sign
- Architectural drawing depicting proposed height and proposed square footage of sign

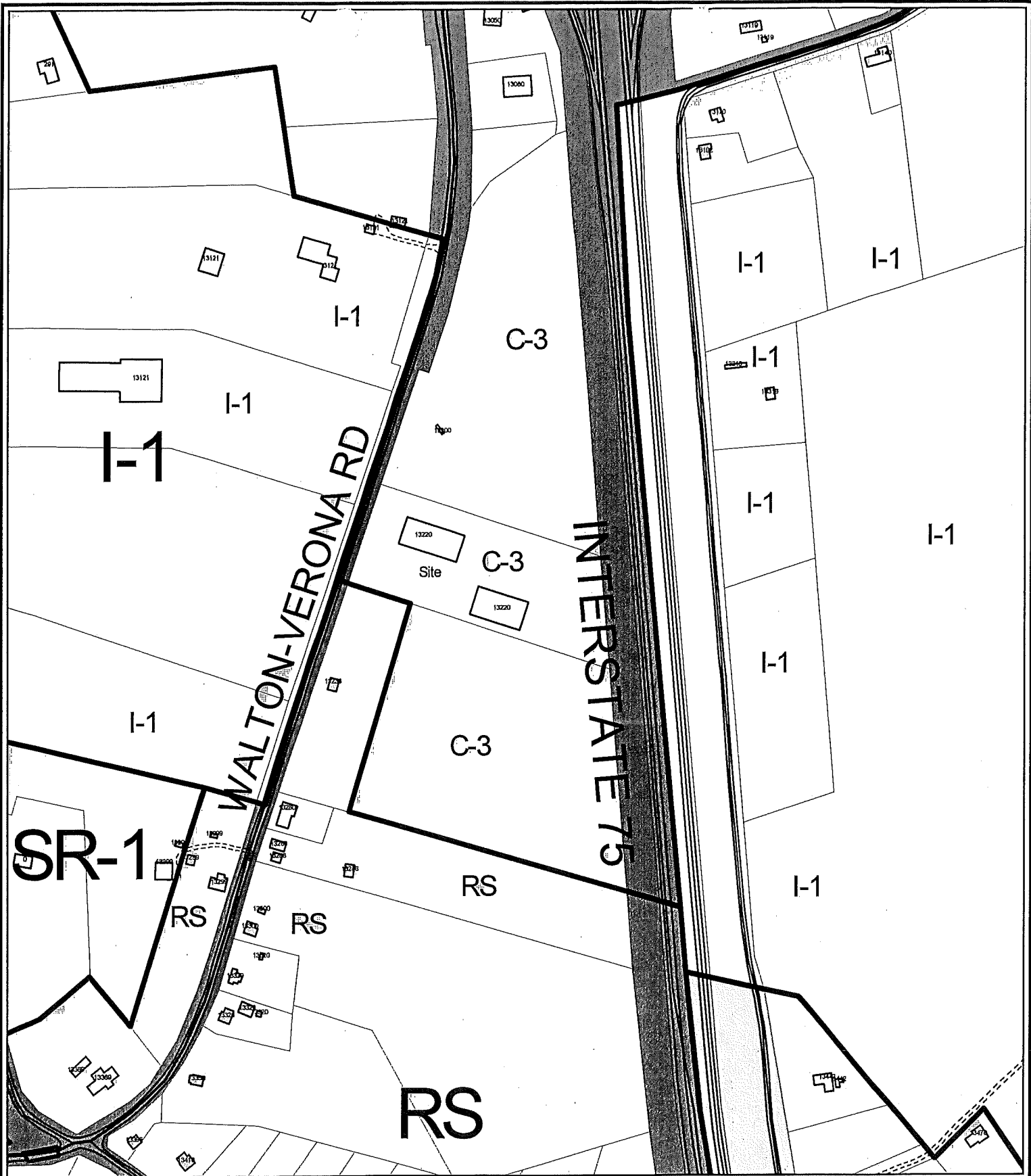


Site Vicinity Map
13220 Walton-Verona Road

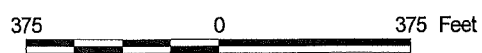


1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 13, 1999



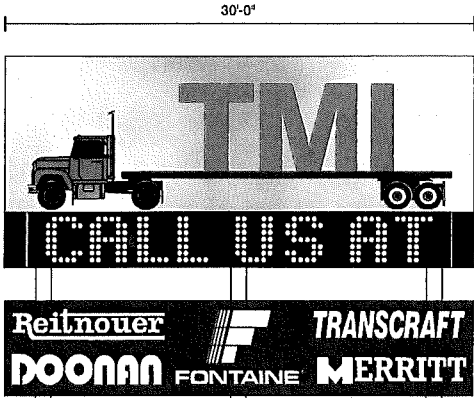


Zoning Map
13220 Walton-Verona Road



1 inch equals 375 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 13, 1999





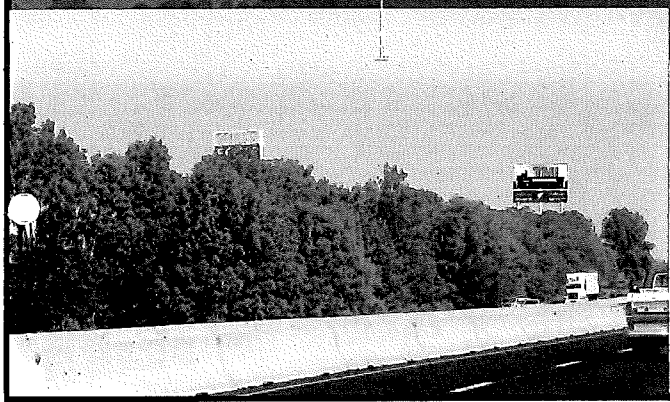
3'-7"
 (1) LINE EMC
 35" CHARACTERS
 7 X 64 MATRIX

"TRUCK" AND "TMI" TO BE
 PAINTED WITH TRANS.
 COLORS ON
 BACKGROUND (RANDOM
 SOFT CLOUD PATTERN).
 COLORS USED:
 PMS#485 RED
 PMS REFLEX BLUE
 PMS#COOL GRAY#8
 BLACK
 WHITE

D/F SIGN WITH FLEX
 FACES (INTERNALLY
 ILLUMINATED) ARTWORK
 TO BE WHITE ON A
 REFLEX BLUE
 BACKGROUND (OPAQUE)

FABRICATE AND INSTALL:
 (1) D/F INTERNALLY ILLUMINATED CABINET.
 FACES TO BE FLEXIBLE WITH PAINTED GRAPHICS.
 EMC (2 S/F UNITS MOUNTED BACK TO
 BACK) INSTALLED DIRECTLY BELOW SIGN.
 TO BE INSTALLED 70' ABOVE GRADE.
 ALL SUPPORT STEEL TO BE PAINTED WHITE.

70'-0"



REV. 6-8-99
 REV. 12-15-98
 REV. 12-2-98
 REV. 10-30-98



United Signs, Inc.
 1030 Straight Street Cincinnati, Ohio 46214
 513-681-6600
 FAX 681-0818

THIS DESIGN PROPOSAL IS THE EXCLUSIVE
 PROPERTY OF THIS COMPANY, WITH
 REPRODUCTION RIGHTS RESERVED.
 COPYRIGHT JAN, 1996

CUSTOMER	TMI		
LOCATION	WALTON, KY		
SALESMAN	DON WALTERS	DATE	9-25-98(2)
DRAWN BY	GREG ESSERT	SCALE	1/8 DRAWING NO 27078

COPY

CLUR # 99-WBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

TMI Properties, Inc.
13220 Walton-Verona Road
Walton, Kentucky 41094

2. ADDRESS OF PROPERTY

13220 Walton-Verona Rd.
Walton, Kentucky 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Trailer Marketing, Inc.

3. DEED Bk# 536

PAGE # 304

GROUP # 2079

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: Site Plan Review

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

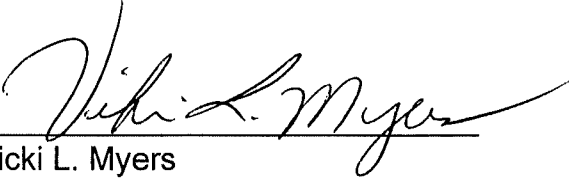

SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

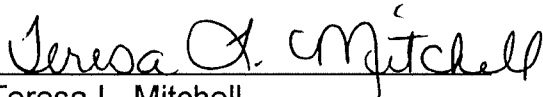
Subscribed, sworn to, and acknowledge before me by Mark Jordan, on behalf of the
Boone County Planning Commission this 31st day of August 1999.



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 Condition Use Permit and Variances approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of July 20, 1999 Certificate of Land Use Restriction (# 99-WBOA-003-A), for TMI Properties, Inc., Property Owners.

The following conditions will apply: (1): The sign does not flash or scroll, and (2) the poles will be taken with the business if it moves or will be taken down if the sign is not functional for the business.

The approved Conditional Use Permit and Variances as well as the preceding conditions apply to the property

described in: DEED BOOK 536

PAGE NO. 304

Group No. 2079