

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
June 9, 2010
7:00 P.M.**

Mr. Sparks called the meeting to order at 7:00 P.M.

BOARD MEMBERS PRESENT:

Mr. Ritsel Sparks
Mrs. Linda Schaffer
Mr. David Schneider, Jr.

BOARD MEMBERS NOT PRESENT:

Mr. Timothy Pieper - Chairman
Ms. Lois Evans - Vice-Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Mr. Sparks stated that the Board members received copies of the minutes of the Florence Board of Adjustment Meeting of May 12, 2010. He asked if there were any comments or corrections. There being no changes, Mrs. Schaffer moved to approve the minutes and Mr. Schneider seconded the motion. Mr. Sparks called for the vote and it carried unanimously.

Agenda Items:

- 1. Request of Atlantic Sign Company for Rave Motion Pictures for a Variance to allow modifications to permitted building signage. On 6/11/08, a Variance was approved which allowed additional building signage on the northern façade. A condition prohibits changes to this signage without approval from the Florence Board of Adjustment. The property is located at 7860 Mall Road, Florence, Kentucky and is currently zoned Commercial Two (C-2).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Jesse Cassidy, with Atlantic Sign Company, handed out revised sign drawings (see Exhibit 1). These drawings show that the future signs on the northeast and southeast facades would be reduced to 263.62 square feet each. Mr. Cassidy said the revision was made so they wouldn't have to come back for another Variance.

Mr. Cassidy said the signage on the front facade was being reduced significantly because the "Chatters" sign was being removed. They are also removing the sign on the southwest facade.

Mrs. Schaffer asked Staff to clarify the recommended condition. Mr. Morgan said the condition reads that future changes to the building mounted sign package on the northwest facade would come back to the Florence Board in the following cases: (1) If additional signage was proposed in the 825 square foot sign area or (2) If the 825 square foot sign area was being enlarged. She asked if Board of Adjustment approval would be required if they reduced the sign area? Mr. Morgan said they wouldn't have to come back to the Board in that case.

Mrs. Schaffer said she understands how the 825 square foot sign area was calculated but wants to know if they could enlarge the signs within this sign area. Mr. Morgan responded that enlarging the signs would be considered additional signage and they would have to come back to the Board based on his recommended condition. She asked if the dimensions of the "rave motion pictures" sign could be enlarged. Mr. Morgan replied that his condition would cover it because an enlargement would be additional signage. He added that the Board could add a third part to the recommended condition. Mr. Cassidy said he had no objection to a condition that would limit the signage to the dimensions that have been presented. Mrs. Schaffer asked how that the condition should be worded. Mr. Morgan responded that the condition could read that the dimensions of the individual signs in the 825 square foot sign area shall not be enlarged.

Mr. Sparks asked for a motion. Mrs. Schaffer made a motion to approve the request based on the Staff Report and the Zoning Regulations. The approval includes the following conditions:

1. **The dimensions of the individual signs in the 825 square foot sign area shall not be enlarged.**
2. **The 825 square foot sign area shall not be enlarged.**

Mr. Schneider seconded the motion. Mr. Sparks called for the vote and it carried unanimously.

2. **Request of ABC Signs for Taco Bell for two (2) Variances to increase the height and square foot of a menu board on property located at 6724 Dixie Highway, Florence, Kentucky. The property is currently zoned Commercial Two (C-2).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Ms. Teri Cantor, with ABC Signs, said she took some pictures of other menu boards in the area and dimensioned them (see Exhibit 2). She said Taco Bell is changing the decor on all their stores by the year 2011 and this includes the menu boards. They are asking for a little more height so they can have the logo at the top of the menu board. They are also asking for more square footage but the sign will have a better look because it would be only one panel instead of three.

Mrs. Schaffer asked if the proposed panels were 70 inches tall? Ms. Cantor replied "yes". Mrs. Schaffer asked what was holding the arch and bell up? Ms. Cantor replied that they were mounted to the menu board by two poles. Mr. Schneider asked if the area behind the menu board was the building? Ms. Cantor replied "that's correct".

Mrs. Schaffer asked how much the sign was increasing? Mr. Morgan replied the existing sign is approximately 9' tall and 48.66 square feet in area and the proposed sign is 8.7 feet tall and 68.39 square feet in area.

Mr. Morgan said the height Variance was still required because there was no evidence that the top and side panels went through Sign Permit review. He doesn't know how long these three panels have existed and no claim of pre-existing non-conforming status has been made by the owner or the applicant. Ms. Cantor stated the owner did not know when the extra panels were installed. Mr. Wilson informed the Board that the menu board would be considered a legal violation if it has existed for 10 years or more without enforcement action.

Mrs. Schaffer said she wanted to understand the differences between the existing and proposed signs. Ms. Cantor said the requirement of including the arch in the height and square footage calculations is what is making the proposed sign larger. Mrs. Schaffer asked how the height and square footage would compare if the arch was removed from the top of the proposed sign. Mr. Morgan replied the area of the proposed sign, without the arch, would be 54.065 square feet, the proposed sign, with the arch, is 68.39 square feet, and the existing sign is approximately 48.66 square feet. Ms. Cantor indicated the proposed panels are 19 inches wider and 12 inches shorter than what is existing. Mr. Schneider said the overall footprint is increasing slightly but the overall appearance is nicer. Mrs. Schaffer indicated that the existing and proposed signs were comparable.

Mr. Sparks asked for a motion. Mrs. Schaffer asked if there were any illumination concerns. Mr. Morgan replied that there are usually no concerns with menu board lighting. Mr. Schneider asked if the menu board would come back to the Board if it were made larger. Mr. Morgan replied it would come back in that case.

Mr. Schneider made a motion to approve the requests based on the Staff Report and applicable regulations. Mr. Morgan asked if the arch on top of the sign was being included in the motion. Mr. Schneider responded "yes". Mrs. Schaffer said she would like to see a condition added which required the sign to be constructed as presented so the arch and bell couldn't be removed for additional signage. Mr. Schneider said he was willing to amend his motion with the condition that the sign shall be constructed as presented. Mrs. Schaffer seconded the motion. Mr. Sparks called for a vote and it carried unanimously.

3. **Request of CT Chang & Associates for Chuck E. Cheese for two (2) Variances to allow- (1) modifications to permitted building signage. On 2/13/08, two Changes in Non-Conforming use were approved which allowed additional building signage on the front and rear facades. A condition prohibits changes to this signage without approval from the Florence Board of Adjustment; and (2) reduce the 10 foot perimeter landscaping requirements along the side and rear property lines. The subject property is located at 7635 Mall Road, Florence, Kentucky and the property is currently zoned Commercial Two (C-2).**

Staff Member Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Ms. Dana Wenzel, with C.T. Chang and Associates, and Debbie Stellar, with Starlite Sign Company, said they were here representing Chuck E. Cheese. Ms. Wenzel said the building is 30 years old and was owned by a franchisee. In 2008, he planned on doing the remodel that was approved by the Florence Board of Adjustment but, before he did the work Chuck E. Cheese bought the building from him. Chuck E. Cheese wanted to understand the market before they did the work. They found they needed to expand and improve this building to better serve the community. The building addition is going in an area that is currently under utilized and the entire building will be wrapped in their new corporate image. In addition, a complete remodel is being done on

the inside, including sprinklers, carpet, ceilings, lighting, furniture, and games. The seating and parking demand will be reduced. She said they were very anxious to make the improvements because the store is very outdated.

Ms. Stellar said she was present to answer questions about the proposed sign package. Chuck E. Cheese recently changed their colors and logo and are in the process of changing out about 500 locations. She reviewed a slide of a store in Alexandria, Virginia. She noted the store has the large logo, purple and red awnings, L.E.D. borders, and non-illuminated stripes above the knee walls. She next reviewed a daytime slide from Rogers, Arkansas. She called out the non-illuminated stripes on the building and noted that they were like pinstripes on a car. The striping pattern uses a 2" band of August Moon tan, a 2" band of Holly Berry red, and a 2" band of August Moon tan. This striping pattern is on three spots of the building. The first place is at the very top of the building beneath the L.E.D. border. The stripes are also right above the knee walls and the illuminated awnings. She presented a couple of photo simulations of some existing buildings.

Mr. Schneider asked if the L.E.D. lighting at the top of the building was a constant light. He asked Ms. Stellar to verify that this lighting would not flash or blink. Ms. Stellar verified that it was a constant light that would be on only in the evenings. She stated the border would be red because the L.E.D. is encased.

Ms. Stellar said the request for additional L.E.D. borders and non-illuminated stripes are the result of this being a corporate owned store. The store was owned by a franchisee when it went through the Board of Adjustment process in 2008. Chuck E. Cheese corporate is wanting to use their standard signage package. The franchisee probably didn't want to do the full L.E.D. borders because they cost about \$20,000.

Mrs. Schaffer asked Ms. Stellar to clarify where the L.E.D. would be. Ms. Stellar said the L.E.D. will only be at the top of the building. The other two striping patterns located above the awnings and knee walls do not have L.E.D.

Mr. Schneider asked if the awnings used L.E.D. Mr. Stellar replied that the awnings were illuminated with fluorescent lighting. Mrs. Schaffer asked how the zoning code treats illuminated awnings. Mr. Morgan replied that they are treated as signs because they are illuminated. Mrs. Schaffer asked if the last proposal included illuminated awnings. Mr. Morgan replied that illuminated awnings were part of the last approval. Ms. Stellar stated that changes are being proposed to the L.E.D. border and the overall building but the rest of the signage is the same from the 2008 approval.

Mr. Schneider said he thinks the timing of the new sign package is perfect because the improvements to Mall Road have begun. Mrs. Schaffer said she agreed.

Mrs. Schaffer asked if the existing building had 10 foot wide buffer yards. Mr. Morgan replied that the building is more than 30 years old and the buffers are legal non-conforming. The side and rear lease lines do not have 10 foot wide landscaping buffers. Ms. Wenzel said there are small grass strips along the side lease lines that separate the parking lots. She said the property has so little width that they cannot put in wider sidewalks along the sides of the building. They would need more real estate from the landlord to make improvements to the landscaping, sidewalks, and buffers.

Mr. Schneider asked if a slide could be shown showing the main entrance of the building. He said the current layout has a lot of open space which would encourage kids to run and the proposed layout would create some barriers. His thought is granting the buffer variance would make the site safer. Mrs. Schaffer asked where the proposed landscaping was being installed. Ms. Wenzel said the building addition and landscaping is being

proposed towards the service drive. Ms. Wenzel said the landscaping area that exists in front of the building will be replaced by landscaping that stretches along the service drive. She said she was unsure if a large tree could be planted in the landscaping island because there were underground utilities. Mr. Morgan said that could be addressed as a condition.

Mrs. Schaffer asked what is happening to the existing dumpster enclosure. Ms. Wenzel said they were tearing it down, replacing it, and installing some landscaping. Mr. Sparks indicated that Staff has recommended shrubs that stay green year around. Ms. Wenzel said Chuck E. Cheese wants to be careful not to select something that would grow so tall that it would obstruct views of traffic. Mr. Morgan said he would recommend something like a holly or a yew that could be trimmed back.

Mrs. Schaffer asked if the subject site would be lower than Mall Road after the road work was completed. Ms. Wenzel replied that the parking lot and building are lower than Mall Road. Mrs. Schaffer asked if the dumpster should be moved to the back of the building (facing Mall Road). Mr. Morgan replied that he would rather see the dumpster stay in its current location than be moved towards Mall Road. Mrs. Schaffer asked how high Mall Road would be than the parking lot after the work was done. Mr. Morgan responded he didn't know. Mrs. Schaffer said the current dumpster is unsightly from the service road. Ms. Wenzel said the new enclosure and landscaping would soften the impact. Mrs. Schaffer asked where the gates were on the existing dumpster. A PowerPoint slide was reviewed and it showed that the gates were angled towards the service drive. Ms. Wenzel said the gates are always kept shut because of the proximity of the dumpster to the entrance. She also indicated that children are their primary customers and Chuck E. Cheese will not install sharp, pointy, or berried landscaping. As a result, they wouldn't install hollies but would be agreeable to some other type of evergreen landscaping around the dumpster. Mrs. Schaffer asked if Staff's preference would be to keep the dumpster along the service road. Mr. Morgan said it was his preference because the building and parking lot are highly visible from Mall Road and he doesn't know how much landscaping will be installed with the road project. Mrs. Schaffer said she was concerned that the dumpster doors could be left open and impact the service drive. Ms. Wenzel said she has never seen the dumpster doors left open and the company wouldn't want the liability.

Mrs. Schaffer asked if anything else could be done with the knee walls. Ms. Wenzel said they can extend the thin brick on the knee walls but it will require them to reduce the width of the sidewalks. Mr. Morgan asked if the Boone County Building Department had reviewed the width of the proposed sidewalks to verify that they meet building code. Ms. Wenzel said 5 feet is the minimum sidewalk width in practice. They have redesigned the building so there are no exits coming out on the narrow sidewalk. Mr. Morgan asked if extending the knee walls would cause them problems with meeting building code. Ms. Wenzel said the sidewalks barely meet code for ADA compliance.

Mrs. Schaffer asked if the dumpster was included in the previous conditions. Mr. Morgan responded that the Board should come up with a dumpster condition if they decide to approve the project. Mrs. Schaffer asked if they could do the signs and not the new dumpster. Mr. Morgan said there would need to be a condition. Ms. Wenzel said the dumpster enclosure will be replaced because they are doing utility work underneath it.

Mr. Sparks asked for asked for a motion.

Mrs. Schaffer moved to approve the request based on the Staff Report and applicable criteria and with the following conditions:

1. The signage and facade improvements shall be consistent with the submitted elevation drawings;
2. The new signage package shall not be installed unless the other facade improvements are made to the building.
3. The dumpster enclosure shall be replaced and meet the applicable Zoning Regulations.
4. The landscaping areas shall be installed as submitted. The following plantings are required:
 - A. One large tree from Plant List A shall be installed in the proposed landscaping island unless there is written documentation from the applicable utility companies saying otherwise. Alternative plantings shall be installed in the island in the event that a large tree cannot be planted.
 - B. The area around the dumpster enclosure shall be screened with large evergreen shrubs from Plant List C.

Mr. Schneider seconded the motion. Mr. Sparks called for the vote and it carried unanimously.

Other

Mr. Sparks asked if there was anything else the Board wanted to discuss. There was no response.

Adjournment

Mr. Sparks asked for a motion to adjourn. Mrs. Schaffer so moved and Mr. Schneider seconded the motion. Mr. Sparks called for the vote and the meeting adjourned by unanimous consent at 9:05 p.m.

APPROVED

Ritsel Sparks

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services

Exhibits

1. Rave Motion Pictures Sign Packet
2. Taco Bell - Pictures of other Menu Boards in the general area