

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
SPECIAL BUSINESS MEETING
June 24, 2013
6:30 P.M.**

Mr. Pieper called the meeting to order at 6:37 P.M.

BOARD MEMBERS PRESENT:

Mr. Timothy Pieper, Chairman
Ms. Lois Evans, Vice-Chairwoman
Mrs. Lori Heilman
Mrs. Linda Schaffer
Mr. Ritsel Sparks

LEGAL COUNSEL PRESENT:

Mr. Hugh Skees

APPROVAL OF THE MINUTES:

Mr. Pieper stated the Board members received copies of the minutes of the Florence Board of Adjustment Meeting of June 12, 2013. He asked if there were any comments or corrections. There being no changes, Mr. Sparks moved to approve the minutes and Mrs. Heilman seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

AGENDA ITEMS:

1. Request of Greenberg Farrow Architecture, Inc. for Murphy Express for two (2) Variances. The first Variance is to allow additional building mounted signage on the front facade of a convenience store. The second Variance is to allow additional signage on the front face of a gasoline canopy. The approximate 1.2 acre site is located at 8228 US 42, 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).

Mrs. Heilman asked if the existing gasoline canopy faces would be considered signs? Mr. Morgan responded that the front and side faces are solid yellow and are not internally illuminated. As a result, they would not be considered signs. The rear face is yellow and contains a red stripe. The red stripe would be considered a sign by the current sign code.

Mrs. Heilman asked if the Speedway canopy that was shown in the PowerPoint slides would meet code? Mr. Morgan responded the side facades would not meet code because they would draw a single rectangle around the word Speedway and the red stripes. Each fascia would have more than 25% signage. Mrs. Heilman asked when those signs were constructed? Mr. Morgan said he didn't know the date.

Mrs. Schaffer asked when the Zoning Regulations were last updated? Mr. Morgan said the current regulations were adopted by the City of Florence in 2008. The Planning Commission is currently working on the Zoning Update and the City of Florence should adopt the new regulations later this year or early next year. He added that the sign regulations for building mounted and gas canopy signs have not changed since 1996.

Mrs. Schaffer asked if any of the building or gas canopy signs are internally illuminated? Mr. Morgan responded they are all non-illuminated decals.

Mrs. Schaffer asked if the Staff recommendation was to prohibit gasoline prices on the fuel canopy? Mr. Morgan said it was. He added that he wrote that draft condition to compensate for the additional signage that would be permitted on the front of the building and the front face of the fuel canopy. He also believes that the freestanding sign will adequately advertise the fuel prices to motorists.

Mrs. Heilman said the Site Plan in the Staff Report was difficult to read. She asked if a quick overview of the landscaping plan could be given? Ms. Yezenia Ortiz, with Greenberg Farrow Architecture, said they are enhancing the landscaping around the dumpster area.

Mr. Wayne Gibson, with Murphy Oil, said they are looking forward to doing business in the City of Florence and are going to make a substantial investment in the property. He believes the property has been an eye sore for the last couple of years.

Mr. Pieper asked if the facility will remain a gasoline station and convenience store? Mr. Gibson and Mrs. Ortiz answered it would. Mr. Gibson added that they are modifying what exists on site. Their stores are typically not this large. Ms. Ortiz said they are redoing the front of the convenience store and are demolishing the car wash. She added that they decided to make some revisions to the sign package after having discussions with Mr. Morgan. She presented a new rendering to the Board for review (see Exhibit 1). Based on Mr. Morgan's suggestion, they have removed the front canopy price sign. They have also decreased the square footage of the Murphy's Express letters on the front of the building and the gasoline canopy.

Ms. Evans asked what the proposed hours of operation will be? Ms. Ortiz answered that the facility would be open 24 hours a day. Mr. Gibson said that could change based on operations.

Mrs. Heilman asked if a more thorough overview of the landscaping plan could be given? Mrs. Ortiz reviewed a full size Site Plan for the Board. She said the car wash is being demolished and a dumpster is being added on the western side of the site. Additional shrubbery will be added in the parking lot and along the eastern and western property lines.

Ms. Evans asked where the dumpster was currently located? Ms. Ortiz said the site didn't have one. The dumpster is proposed where the car wash is located now. It will be buffered by existing and proposed landscaping.

Mrs. Schaffer asked how the new rendering affects the requests. Mr. Morgan said the proposal to reduce the letter heights on the Variance would not affect the gasoline canopy Variance. The front fascia still has 100% signage. The proposal to reduce the letters on the building has reduced the building mounted signage Variance. The new rendering shows that sign area 1 is 49.97 square feet, while the old rendering shows that it is 89.38 square feet.

Mrs. Schaffer said her only concern is the gas prices on the canopy. Ms. Evans asked if the gasoline prices were taken off the canopy in the new proposal? Ms. Ortiz said the fuel price has been removed on the front face. A fuel price placard is still shown on the west side (facing Airview Drive). She added that this fuel price sign is permitted by right because it is less than 25% of the overall fascia area. Mr. Morgan stated that this fuel price placard on the western face could be permitted by right. However, his Staff recommendation is that no fuel prices should be displayed on any face of the canopy. He believes this would be a tradeoff for the Variances that are being sought on the front of the building and front of the gas canopy.

Ms. Heilman asked for the PowerPoint slide of the freestanding sign to be displayed. She asked if the proposal was to display fuel prices on the freestanding sign and the western face of the gas canopy? Ms. Ortiz said that was correct.

Mrs. Schaffer asked if you can see the freestanding sign when you are traveling east on US 42?

Ms. Evans asked what is the height of the proposed freestanding sign? Ms. Ortiz said the sign will remain 34 feet tall. Mr. Morgan added that they are removing some cabinets from the bottom of the sign. The height is remaining the same and the square footage is decreasing.

Mrs. Schaffer said she does not think anything will obstruct the freestanding sign when motorists are traveling east on US 42. Ms. Ortiz said they want to capture the motorists that are traveling east. They are worried that motorists traveling east will already be past the station by the time they notice the freestanding sign. Mr. Gibson and Ms. Ortiz added that the site sits in a gradual curve in US 42.

Ms. Evans said that this portion of US 42 is normally pretty congested. Most people sit in traffic for a long time and there shouldn't be a problem noticing the freestanding sign. Ms. Heilman said the aerial map shows the traffic backing up in front of the site from Mall Road.

Mrs. Schaffer asked if the fuel price on the canopy would be internally illuminated? Ms. Ortiz said the gas prices are changed by Murphy Oil from Arkansas.

Mr. Gibson said another reason Murphy Oil wants two fuel price signs is just in case one of them becomes non-operational.

Ms. Evans asked how the prices are changed? Mr. Gibson said the numbers are on a spool. They can be changed from inside the store or from the corporate office in Arkansas.

Mr. Morgan asked if the fuel prices were displayed in LED? Ms. Ortiz said they are not LED and will not flash or scroll.

Mr. Sparks asked if the 34 foot tall freestanding sign will be illuminated? Ms. Ortiz said it would not. It will be illuminated by the parking lot lights located on site.

Mr. Morgan said he would like to see the applicant furnish more documentation to him regarding the fuel price displays. He wants to verify if they should be treated as electronic signs under the current code. Electronic signs are permitted as Conditional Uses in Commercial Two (C-2) and Commercial Services (C-3) zoning districts. He doesn't believe these signs are electronic signs but would like to consult with other Staff members. Ms. Ortiz said she had some close ups of a fuel price sign on a gasoline canopy (see Exhibit 2). Mr. Morgan said he believes these type of signs were constructed at the Thornton's on Industrial Road and were later replaced. He doesn't think Staff considered this type of sign as an electronic sign.

Mrs. Schaffer asked for the dimensions of the gas price sign on the canopy. Ms. Ortiz said the digits are 4 feet tall and the overall sign is 42 square feet in area.

Ms. Evans asked if the changes that were made by the applicant could be reviewed again? Mr. Morgan said the following changes were made: (1) the fuel price sign on the front face of the gas canopy was eliminated; (2) the Murphy's Express letters on the front face of the gas canopy were made smaller; and (3) the Murphy's Express letters on the front of the building were made smaller. Ms. Ortiz agreed.

Ms. Evans made a motion to approve the requests based on the new exhibit. Mr. Sparks seconded the motion.

Mrs. Schaffer asked if the conditions were part of the motion? Mr. Morgan recommended that the Board should impose another condition indicating that the signs should be installed as presented. This would eliminate any discussion whether additional signs could be added in the sign areas. Mr. Pieper agreed.

Ms. Evans said she would be agreeable to amend her motion. Mrs. Schaffer made a motion to add the following conditions as an amendment to the original motion:

1. **The approval is based on Exhibit 1.**
2. **Additional signage is not permitted.**

Mr. Sparks seconded the amended motion.

Mr. Pieper asked for a roll call vote and Mr. Pieper, Ms. Evans, Mrs. Heilman, Mrs. Schaffer, and Mr. Sparks were all in favor. The motion carried 5 to 0.

Mr. Morgan said he would like Ms. Ortiz to furnish more information to him regarding the fuel price signs so Staff can determine if these are electronic signs and subject to Conditional Use Permits. Ms. Ortiz said she would provide more information via email.

OTHER

No other business was discussed.

ADJOURNMENT

Mr. Pieper asked for a motion to adjourn. Mrs. Schaffer so moved and Mr. Sparks seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 7:30 PM

APPROVED

Timothy L. Pieper, Chairman

Attest:

**Todd K. Morgan, AICP
Senior Planner, Zoning Services**

Exhibit

1. New Sign Renderings
2. Pictures of Fuel Price Signs on a Gasoline Canopy