

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE GOVERNMENT CENTER  
BUSINESS MEETING  
NOVEMBER 13, 2013  
8:00 P.M.**

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Mr. Pieper called the meeting to order at 8:07 P.M.

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS NOT PRESENT:**

Mrs. Linda Schaffer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**APPROVAL OF THE MINUTES:**

Mr. Pieper stated the Board members received copies of the minutes of the Florence Board of Adjustment meeting of July 10, 2013. He asked if there were any comments or corrections. There being no changes, Mr. Sparks moved to approve the minutes and Ms. Evans seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

**AGENDA ITEMS:**

- 1. Request of Dixie Pawn for a Change in Non-Conforming Use to allow a pawn shop to expand into adjoining tenant spaces in a commercial strip center in a Commercial Two/Planned Development (C-2/PD) zoning district. The approximate 1.867 acre site is located at 7009 Dixie Highway, Florence, Kentucky.**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report). He added that he received a letter from Joshua R. Wice, Development Director for the City of Florence, that contained several recommendations (see Exhibit 1).

Mrs. Heilman asked Mr. Morgan how many acres of the City of Florence were zoned Commercial Two (C-2) and Commercial Services (C-3)? Mr. Morgan responded that he would have to research that and get back with her.

Mrs. Heilman asked if storage or warehouse facilities were allowed in the C-2 district? Mr. Morgan replied that businesses are allowed to store goods and supplies as an accessory use to a permitted business in the C-2 zone. Mini-storage warehouses and warehousing facilities would not be permitted in the C-2 zone in the City of Florence.

Mrs. Heilman asked if there was signage on the sides or rear of the building now? Mr. Morgan said building mounted signage exists on the parking lot side of the building only.

Mrs. Heilman asked if the landscaping on site complied with code? Mr. Morgan responded that it did not. Perimeter landscaping and landscaping islands would be required in the parking lot if the property developed today. However, the Zoning Regulations do not require landscaping to be installed when a tenant moves into a tenant space. The Board could add a reasonable landscaping condition.

Ms. Evans asked if the applicant owned the building? Mr. Morgan replied they are tenants in the building. There is a possibility they may buy the property in the future. Ms. Evans asked if the property owner would be responsible to add any landscaping? Mr. Morgan said that would be for the owner and applicant to work out. He called the applicants once he received Mr. Wice's letter and asked if the property owner could be present this evening. The owner already had other commitments.

Mr. Morgan said the owner will need to provide some freestanding sign measurements to him if they go with Mr. Wice's signage recommendation. At this time, he has no idea how tall or how large the sign is. The freestanding sign may need to be altered if the Board imposes that condition.

Mrs. Heilman asked if Nado's TV still has a panel in the freestanding sign? Mr. Gary Anderson, with Dixie Pawn said they do. He said he could remove the two panels on the bottom of the sign because those businesses are no longer located in the strip center. Mr. Morgan said his only reservation with removing the panels is that another business, such as the karate school, may want a space on the sign. It is a multi-tenant strip center. He said the Board could add a condition prohibiting Dixie Pawn to occupy any more space on the sign. The maximum freestanding sign permitted in Florence is 20' tall and 150 square feet in area.

Mrs. Heilman asked if the parking lot is in compliance with current code? Mr. Morgan said the parking lot does not comply with code. The parking lot goes to the property line in some areas, there are no landscaping islands and the amount of handicapped parking would need to be checked. Some portions of the parking lot would need to be ripped out and landscaping buffers would need to be installed if the Board imposed that condition.

Ms. Evans asked how many pawn shops are operating in Florence? Mr. Morgan replied Dixie Pawn, Stringtown Pawn, and Quick Cash were all located in Florence.

Ms. Evans asked about the trailer that is parked in the lot. Mr. Anderson said the trailer will only be there temporarily. It is full of shelves and will be removed once their interior construction and renovation is complete. Mr. Morgan replied that the trailer would be allowed on site as long as there was construction occurring. Mr. Anderson said the trailer would be gone within a month.

Ms. Evans asked what their hours of operation were? Mr. Anderson replied 9:00 a.m. - 7:00 p.m. Monday through Friday and 9:00 a.m. - 6:00 p.m. on Saturday.

Mr. Pieper asked if the applicants would like to make a presentation? Mr. Anderson said he was joined by his wife, Michelle, and son, Chris, this evening and they own the pawn shop. He asked if the Board had any more questions for them?

Ms. Evans asked if they are proposing to add any more exterior lighting? Mr. Anderson indicated that they just fixed the lighting. The parking lot is now properly lit. He added that the parking lot lights are on a timer.

Mrs. Evans asked if there were any residential neighbors on the back side of the building? Mr. Morgan reviewed the PowerPoint slide and showed that two houses were located to the northeast of the building. The houses front on Banklick Street. Ms. Evans asked if the neighbors are impacted by the lights? Mr. Anderson said the lights shine towards the parking lot and away from the residential neighbors.

Mr. Pieper if asked if they will be modifying their entrance if the application is approved? Mr. Anderson said they will use the middle door for access.

Mr. Pieper asked how much space will be retail space versus storage if the application is approved? Mr. Anderson said the space will be approximately 25% retail and 75% storage.

Mr. Pieper asked if the Nado TV roof sign is located in area B or C on the submitted plan? Mr. Morgan said it is located above area C. Mr. Anderson added that Nado's just moved out about 3 months ago.

Mr. Pieper asked Mr. Anderson if he had any problems with the conditions? Mr. Anderson said he did not have any problems with removing the trailer or the signs or limiting sidewalk sales. Mr. Pieper said he does not want to see the parking lot upgraded if it requires portions of it to be ripped out for landscaping buffers.

Ms. Evans asked if the parking lot, landscaping, and freestanding sign conditions should be addressed to the owner and not the applicant? Mr. Pieper said he recommendation would be to leave those conditions out of any approval.

Mr. Anderson said there is some gravel in the driveway connection to Aspen Community Center but that driveway is not located on the subject site.

Mrs. Heilman asked if the retail/storage breakdown would be closer to 50/50 split if they occupy tenant space B? Mr. Anderson said their store will be 60' x 36' if they occupy tenant space B. 720 square feet (20' x 36') will be retail and 1,440 square feet (40' x 36') will be storage. Their space would be 33.33% retail and 66.66% storage.

Mr. Pieper asked if the applicant would be willing to accept a condition that limited their expansion to tenant space B only? Mrs. Michelle Anderson said that would take care of their existing space problem. It would increase their overall space to 60' x 36'. Mr. Anderson asked if they would need to come back before the Board if they ever wanted to go in tenant space C. Mr. Morgan said they would if the Board imposes that condition. Mr. Anderson indicated that he would be agreeable to the condition.

Mrs. Heilman asked when the City of Florence removed pawn shops as a principally permitted use from the C-2 district? Mr. Morgan said that occurred in 2003 as part of a Zoning Update.

Mrs. Heilman asked if any other businesses were operating out of the subject tenant spaces. Mr. Anderson answered there were not.

Mrs. Heilman asked if the merchandise being displayed in the parking lot was Dixie Pawn's? Mr. Anderson said it was, but was willing to accept a condition indicating it would no longer be stored there.

Mrs. Heilman asked if sidewalk sales are permitted? Mr. Morgan replied that sidewalks sales are permitted in some cases. The activity cannot occur in the front yard and cannot block the sidewalk. There should be a minimum of 4' of clearance on the sidewalk for pedestrian access.

Mr. Sparks if the applicant deals with cars? Mr. Anderson said they do not. Mr. Pieper said they could look at a condition which prohibits them from storing cars on the premises. Mr. Morgan asked if it's possible to pawn a car? He asked if the pawn shop would need a dealers license to sell the car? Mr. Anderson said he knows it is done in Covington. He has no interest in pawning or selling cars. Mr. Pieper said he believes the issue would be addressed if they impose a condition stating there will be no outside storage of vehicles.

Mrs. Heilman asked if most of their customers are City of Florence residents? Mr. Anderson he knows most of them are Boone County residents.

Mr. Anderson said he knows that pawn shops have a bad reputation. However, one-third of the adult population in the United States does not have a credit card or checking account. He said that pawn shops serve as banks for these people.

Mr. Sparks asked how often they turn people away because they suspect they are dealing with stolen property? Mr. Anderson said they tell people to be honest with them because they report everything they receive to the police and it is not worth going to jail for. Mr. Sparks said pawn shops loose money when things are found to be stolen. Mr. Anderson replied that was correct. Mr. Anderson said they have had cases where children have stolen from their parents and they allow the parents to come get their stuff back. He said they do not like thieves and cooperate with the police 100%.

Mr. Pieper asked for a motion. Ms Evans made a motion to approve the application with the following conditions:

1. The business expansion shall be limited to a 60' x 20' area (Tenant Space B on the submitted plan).
2. Dixie Pawn shall not have any sidewalk sales or display merchandise outside the store. This condition includes vehicles and trailers.
3. The sign cabinet located on the roof of the building (currently advertises Nado TV) shall be removed.
4. Dixie Pawn shall not be permitted Temporary Advertising Display or Temporary Commercial Display Permits.
5. Vending machines or similar items (DVD rental machines, etc.) shall not be permitted outside the building.
6. No other businesses shall be operated out of Dixie Pawn's tenant space.

7. No changes to the exterior lighting shall be permitted.
8. Dixie Pawn shall not be permitted building mounted signage on the front or rear facade of the building.
9. Dixie Pawn's overall tenant space shall be approximately one-third retail space and two-thirds storage. A drawing shall be submitted to Boone County Planning Commission Staff verifying this condition will be met before the 60' x 20' tenant space is occupied.

**Mr. Sparks seconded the motion. Mr. Piper called for a roll call vote. Mr. Pieper, Ms. Evans, and Mr. Sparks voted in favor and Mrs. Heilman was opposed. The motion carried 3-1.**

#### **OTHER**

Ms. Evans stated that Murphy's Oil has set up an A-frame diesel sign on their property. Mrs. Heilman said she has already reported that violation to the City. They are looking into it. The sign is located right next to the sidewalk on U.S. 42. Mr. Morgan said such a sign could be permitted with a Temporary Advertising Display (TAD) permit.

Mrs. Heilman said the Board approved a Variance application for Riegler Blacktop earlier this year and there was a condition dealing with landscaping in the Pleasant Valley Road right-of-way. Mr. Morgan responded the condition required landscaping only if the Kentucky Transportation Cabinet and the utility company allowed it. The utility company sent Staff a letter indicating they did not want any landscaping in their easement. As a result, the condition became null and void.

Mr. Pieper asked if the pawn shop on Lloyd Avenue had a no sidewalk sale condition? Mr. Morgan said the meeting minutes that were attached to the Staff Report would have shown that condition if it existed. Mrs. Heilman said they still shouldn't be obstructing the sidewalk. Mr. Morgan agreed.

#### **ADJOURNMENT**

Mr. Pieper asked for a motion to adjourn. Ms. Evans so moved and Mr. Sparks seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 9:22 PM.

**APPROVED**

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**Timothy L. Pieper, Chairman**

**Attest:**

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

Exhibits

1. 11/13/13 Letter From Joshua R. Wice