

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
JULY 8, 2015
7:00 P.M.**

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

BOARD MEMBERS PRESENT

Mr. Timothy Pieper, Chairman
Ms. Lois Evans, Vice-Chairwoman
Mr. Larry Brown
Mr. Louis Kelly
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 June 10, 2015. He asked if there were any comments or corrections? Mr. Brown made a motion to approve the minutes as written and Ms. Evans seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

AGENDA ITEMS

- 1. Request of ABC Signs for McDonald's for a Conditional Use Permit and two (2) Variances. The Conditional Use Permit is to allow an existing freestanding sign to be replaced with a monument sign that contains an electronically changeable message board. The first Variance is to reduce the 660 foot spacing requirement between electronic signs. The second Variance is to increase the permitted building mounted signage on the front façade of the building in a Commercial Services/Planned Development/Parkway Corridor Study Overlay (C-3/PD/PO) zoning district. The approximate 1.1 acre site is located at 7909 Dream Street, Florence, Kentucky.**

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

Mr. Pieper asked if the Concord Inn & Suites (former Super 8) electronic sign changes frequently? Mr. Morgan said the Board approved the electronic sign on 10/11/06. There were no conditions limiting the time that a message had to be held on screen so a new message can be displayed every 5 seconds per code.

Mrs. Schaffer said the sign rendering shows the monument sign will have an electronic message board and two other cabinets. One cabinet shows the McDonald's logo and the other shows "McCafe". She asked if the those two cabinets were lit and if the messages could change. Mr. Morgan said those cabinets are internally illuminated and would have fixed panels.

Mrs. Schaffer asked if there were any other electronic message boards in the county that displayed fixed pictures in multiple colors. Mr. Morgan replied that St. Paul's on Dixie Highway has an electronic message board with those capabilities. Mrs. Schaffer asked Mr. Morgan if he knew what conditions were imposed on that sign? Mr. Morgan said that sign went through the Special Sign District approval process and was approved by City Council. He does not recall the conditions of approval.

Mrs. Schaffer asked if any other McDonald's restaurants in Boone County have an electronic message board? Mr. Morgan said he was not aware of any.

Mr. Kelly asked if McDonald's ever pursued such a sign at their other Boone County locations? Mr. Morgan said this is the first electronic sign that McDonald's has proposed in Boone County.

Ms. Evans asked if this was a brand new marketing strategy for McDonald's? Mr. Matt Bodner, with ABC Signs, said McDonald's has been going through corporate rebranding for years and the restaurant located on Centennial Circle is an example. A lot of McDonald's restaurants are going to electronic message boards. Mr. Gust Mecera informed the Board that he is a Construction Manager with McDonald's and his area goes from Lake Erie to the Tennessee border. The use of the electronic message boards is a newer innovation for McDonald's. Their new restaurants have a contemporary look and the electronic message board complements it. The electronic message center will allow them to display full color images to their customers. They do not use electronic message boards at all of their stores because they are very expensive. It is an option that a licensee can choose but they are not widely used because of the expense. They believe the sign is an upgrade for the restaurant and the community. He does not know what percentage of McDonald's restaurants use them. He knows they have been installed in Corbin, KY and Columbus, OH.

Ms. Evans asked if the site's proximity to the interstate was a factor for them wanting an electronic sign. Mr. Mecera said the electronic sign would not be visible from the Interstate. They want to keep their Interstate sign at 50' in height. They have a new pole that is currently being engineered for that sign.

Mr. Kelly said Staff asked how long each message would be held on screen and if there would be any running, scrolling, or other movement in the messages. He asked for the applicant to address those questions. Mr. Mecera said the sign has a lot of capabilities but they can program it as needed. Ms. Nikki Duckworth, with ABC Signs, said they are proposing that each message be held for 10 seconds before another one is displayed. She reviewed that messages that McDonald's would use on the board. She said more messages could be added in the future as menu items are added. She said the first 6 messages show scrolling messages but they will not be used on this board because code doesn't allow it. Mr. Morgan said the Boone County Zoning Regulations do not allow flashing, running, scrolling, or messages with any apparent visual motion.

Mr. Pieper asked how many different pictures or slides could be saved and displayed? Mr. Bodner said they will be using a WatchFire message board and it will have the ability to put up an unlimited number of slides. The message board could even display live video but they will not be using that function at this location.

Mr. Brown asked if they had any information or studies regarding a 10 second message hold time and the safety impact? The Staff recommendation is a 60 second hold time. He

believes more businesses will try to utilize this type of sign in the future as prices come down. He knows he gets distracted when he goes into a sports bar and fourteen different televisions are playing. The Board is concerned about safety because there are a half dozen restaurants and several motels on Dream Street and motorists will be distracted if they are all displaying electronic messages. He asked if they have anything showing the effectiveness of a 10 second hold time versus a 20 or 30 second hold time? Mr. Bodner said they do not have a study but knows that WatchFire has studied the issue. He said they recently put up in a new electronic message board in West Chester. He and the business owner drove back and forth in front of the sign to see how many slides they could see with the 45 mph speed limit. They were only able to see three slides and the messages were changing every two to four seconds. With the 10 second time interval they are proposing, he believes a motorist would see one or two messages as drive on Dream Street, between Frisch's and McDonald's. Mr. Brown said they need to consider if the sign will be effective if they impose a 30 or 60 second time limit between messages. At some point, the condition could make it like a stationary sign. Mr. Bodner said some people drive on Dream Street frequently and it is likely they will not see the same message each time. He added that the messages will change seasonally as well. Ms. Duckworth said she discussed this issue with McDonald's and they would still install the sign if the Board imposed a 60 second time interval between messages. However, they are hoping that the Board will approve a shorter time duration.

Mr. Morgan asked how many of the 40 messages would be shown at any given time? Mr. Bodner said at most times he would anticipate McDonald's to display 10 to 12 messages before they loop back around.

Mr. Brown asked how close to the sidewalk the sign will be installed? He is interested in seeing the sight line for motorists coming in and out. Mr. Morgan said he did not have an exact measurement. He knows the sign will be more than 10' back from the property line because of the landscaping requirements. He also believes that there is a 20' wide utility easement along the front property line, which the sign could not be installed in. Ms. Duckworth said she bought renderings and they shows what the sign will look like from the street. She also brought building elevation drawings so the Board could see all the building mounted signage that is being proposed. She submitted the drawings into the record (see Exhibits 1 and 2).

Mr. Brown asked if Mr. Morgan could explain his building mounted signage recommendation? Mr. Morgan said code allows up to three sign areas on the front facade of the building. One of the sign areas includes two signs and the dead space between the signs. The condition would prevent additional signage from being installed in the dead space. Mr. Mecera said McDonald's would not allow that because the signage is a trademark.

Mr. Pieper asked if the applicant had any other comments? Ms. Duckworth said they believe the rebuild of the restaurant will bring more customers to the area. They hope their project will lead to other properties being renovated. They believe the proposed building mounted signage is an improvement because the existing store contains a lot of nonconforming signage.

Mr. Kelly asked if the applicant had any objections to the Staff recommendations? Ms. Duckworth and Mr. Mecera said they did not.

Mr. Pieper asked Mr. Morgan if the recommended conditions would require all building mounted signs to be flush mounted on the building? Mr. Morgan responded the condition requiring all building mounted signs to be in compliance with the Zoning Regulations would address that issue.

Mr. Brown asked if they needed a condition which would limit the Interstate pole sign to 50' in height? Mr. Morgan responded that the sign is currently 50' tall but a Variance from 1988 would allow it to be 65' tall. The recommended condition would prevent to the sign from being made any taller in the future.

Mrs. Schaffer asked if the recommendation regarding the menu board signs would only apply to new board signs? Mr. Morgan responded that was correct.

Mr. Pieper asked if the new store would have a flagpole? Mr. Mecera said it would not. Mr. Pieper said he likes to limit flagpoles to official flags. Mr. Morgan said that is a requirement of the Zoning Regulations. McDonald's or any other business cannot display advertisements on flag poles without the issuance of a Temporary Advertising Display Permit.

Mr. Kelly asked if the applicant was still proposing a 10 second time interval between messages? Ms. Duckworth said that is their proposal. Mr. Morgan said the Board can go with that if they choose but it would change his recommendation of 60 seconds. Mr. Kelly asked if they were okay with the Staff recommendation? Ms. Duckworth said they understand a 60 second hold time could be a condition and would be okay with it. Mr. Mecera agreed.

Mrs. Schaffer asked if the electronic message board used an LED display? Mr. Bodner said that was correct. Mrs. Schaffer said they had a training session one time regarding electronic signs and the gentleman recommended a condition requiring the signs to be in good operating condition. Mr. Morgan said that condition could be added if the Board grants approval. Mr. Bodner said that WatchFire is American made and their message boards use the best LEDs on the market and have the best warranty.

Mrs. Schaffer said her concern with the request is that it is for a full color message board that displays pictures. To date, the only time the Board approved a Variance to reduce the 660' spacing requirement between non fuel price electronic signs was for the QuikStop on US 42. That sign was limited to two lines of red text and a minimum 60 second display time between messages. The Board's history is that they have not approved full color message boards.

Mr. Kelly said Mrs. Schaffer's concerns are valid. However, he believes a 60 hold time between messages will give the sign the appearance of a static sign. Most motorists would only see one message.

Ms. Evans said she understands Mrs. Schaffer's concerns. However, she believes the McDonald's sign will be much more harmonious and appropriate in appearance with

intended character of the area than the Concord Inn & Suites (former Super 8) sign. The Concord Inn & Suites messages were not legible in the photos that were shown. Mrs. Schaffer said that was true but she is trying to look ahead. Electronic signs will eventually come down in price and other businesses may not have the same quality displays. Ms. Evans said they need to weigh each request when presented.

Mrs. Schaffer asked Mr. Wilson if he remembered another case where they limited the approval to a certain business? She thought they came up with a condition which limited the use of BJ's exterior murals. Mr. Wilson said he did not remember.

Mr. Brown said the difference is technology has changed. Prices have continued to come down and McDonald's sign is basically a high definition television. The question for him is how long should the message be held so it does not become a distraction to drivers as they are looking back and forth between McDonald's, Captain D's, Wendy's, Sub Station II, etc. He feels that a 30 to 60 second hold time would not be distracting because motorists could drive down the street from US 42 and the message may not change. He believes the multi colored pictures are the result of better technology. The previous signs were just basic red and green signs. He doesn't believe one type of sign will fit all needs.

Mr. Kelly said because of the 60 second hold time and the quality of the frame, he does not see this any different than a permanent sign cabinet. The message will change every 60 seconds but will not run, scroll, or flash. He thinks it is good to look into the future but he would be concerned if they did not allow a high end sign because it was located too close to another sign that was not as aesthetically pleasing. He believes the way to minimize the impact is the 60 second hold time.

Mr. Brown said he appreciates that the applicant is willing to accept a 60 second hold time. He added the Board needs to analyze these type of requests over time. The Board may be willing to accept a 30 second hold time in the future once they get more of these signs and learn the safety impacts. He added that Dream Street has a lower speed limit. He would feel differently if the sign was proposed on US 42, was in close proximity to other electronic signs, and had a 10 second hold time. Ms. Evans agreed. She said the sign location is a key consideration. They may allow something on Dream Street but not on US 42 because of the speed limit or volume of traffic on the road.

Ms. Evans said she agrees with the applicant that the rebranding of a restaurant can have a major impact on other businesses around it. She has seen this at 4th and Philadelphia in Covington.

Mr. Kelly made a motion to approve the requests based on the Staff Report and applicable Zoning Regulations. His motion included the following conditions:

- 1. The building mounted signage on the front facade shall be installed per the submitted sign and elevation drawings. Additional building mounted signage shall not be permitted in the three sign areas without Florence Board of Adjustment approval.**

2. All building mounted signage on the front and side facades of the new building shall comply with the Boone County Zoning Regulations.
3. The proposed monument sign shall be constructed per the submitted exhibit unless modified by the condition below.
4. The electronic message board shall comply with the following standards:
 - The visual opening of the sign shall be limited to 3' x 6'.
 - All electronic messages shall be displayed for a minimum of 60 seconds.
 - No more than 4 lines of text shall be displayed at any given time.
 - Messages shall not flash, scroll, run, or have any apparent visual motion.
 - Messages shall be displayed with a 19 mm pixel pitch or better resolution.
 - The sign shall be equipped with a photocell and the electronic copy shall dim as the sky gets darker.
 - The electronic message center shall not be used to advertise off-premise businesses.
 - The sign shall be maintained and be kept in an as new working condition.
5. All new menu boards signs shall comply with the Boone County Zoning Regulations.
6. The Interstate pole sign located on site shall be limited to 50' in height and 315.66 square feet in area.

Mr. Pieper asked if the electronic message board could recognize students or employees? Mr. Morgan said the sign could display McDonald's products, McDonald's employees, or freedom of speech type messages. Mr. Mecera asked if they could advertise things regarding the community or crew. Mr. Morgan said messages regarding McDonald's employees or community events could be displayed. The sign could not advertise off premise businesses.

Ms. Evans seconded the motion.

Mr. Pieper asked for a roll call vote and Mr. Pieper, Ms. Evans, Mr. Brown and Mr. Kelly were in favor and Mrs. Schaffer was opposed. The motion carried 4-1.

Mr. Morgan asked for the construction time line for the new building. Mr. Mecera said the last day of business in the current store would be August 1st and the new building would be under construction for 75 days.

OTHER

Ms. Evans said the Super 8 was one of their earlier electronic sign approvals and the sign did not look legible. She asked what could be done? Mr. Morgan said the sign looked like it was in better working order when he went out to the site for the second time. He can contact one of the Zoning Enforcement Officers to see if it working properly and if they can address it under the City's Property Maintenance Ordinance.

ADJOURNMENT

Mr. Pieper asked for a motion to adjourn. Ms. Evans so moved and Mrs. Schaffer seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 8:04 P.M.

APPROVED

Timothy L. Pieper, Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services

Exhibit 1 - Street View Renderings of Sign
Exhibit 2 - Building Elevation Drawings