

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
June 12, 2013
7:00 P.M.**

Mr. Pieper called the meeting to order at 7:11 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. 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 May 9, 2013. He asked if there were any comments or corrections. There being no changes, Ms. Evans moved to approve the minutes and Mr. Sparks seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

AGENDA ITEMS:

- 1. Request of Atlantic Sign Co. for a Change in Non-Conforming Use to allow the area of the electronic message center located on the Florence Center/Florence Antique Mall freestanding sign to be enlarged from 50 square feet to 84 square feet. The sign is located immediately to the southwest of the Mall Road/Connector Drive/Heights Blvd. intersection, Florence, Kentucky and is currently zoned Commercial Two/Planned Development/Mall Road Overlay District (C-2/PD/MR).**

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

Mr. Mike Cassidy said he was present on behalf of Atlantic Sign Company and was joined this evening by Mr. Jim Fenwick, with Miller Valentine Group. Mr. Cassidy went over the site history and showed slides of the original, existing, and proposed sign from a PowerPoint presentation. He said they are here tonight because Miller Valentine made a bad decision when they constructed the 50 square foot message center back in 2010. They went with a 5' x 10' electronic message center because that is what the original vendor told them to do. The original 5' x 10' sign was okay when it was first installed but conditions on Mall Road changed when the road work was completed. The new street trees in the center island block visibility of the sign for motorists that are traveling northbound on Mall Road. The sign used to be visible all the way from the US 42/Mall

Road intersection. They also are experiencing problems because the sign manufacturer has gone out of business. Replacement parts are hard to come by. The new sign is manufactured by Watchfire and they are one of the leading companies in the industry. They realize they should have done a larger electronic sign when they got the sign permit approved in 2010. They chose not to do it because of the added expense and it was the wrong decision. They see this as an opportunity to fix the sign. He displayed two short videos. One video was traveling northbound on Mall Road and the other was traveling southbound on Mall Road. He pointed out how the new street trees in the boulevard aisle blocked views of the sign.

Mr. Jim Fenwick, with Miller Valentine Group, said he was the person that made the decision to purchase the 5' x 10' sign. He relied on the sign vendor for his expertise and he gave him bad information. They are now faced with the expense of replacing the sign. He added that seven tenants in the shopping center have clauses in their lease which guarantee them advertising on the freestanding sign. They are not aware of any complaints regarding the existing sign. They would like the new sign to do all the things the current sign does. The only difference is that it would be made larger so motorists can read it as they are traveling Mall Road.

Mrs. Heilman indicated that she went out to observe the sign today and found it to be very distracting. She found herself looking at the sign and not the road.

Mr. Sparks indicated that he went out and observed the sign this afternoon and found it to be distracting. He said the sign reminds him of Las Vegas because it is constantly changing and doing something. It has constant background animation and there are moving objects. It is the only sign of its kind on Mall Road and Boone County.

Mrs. Schaffer referred back to the October 13, 2010 meeting minutes. The applicant indicated that electronic messages should stay on for a minimum of 8 seconds to prevent people from being bombarded with messages. An electronic sign with an 8 second interval between messages is no more distracting than a fixed message sign.

Mr. Fenwick stated they are trying to keep their tenants happy. Some tenants would like the sign to use more of its capabilities. Lincoln College offered to help with the purchase price of the new sign if they could have more control of what it does. They would like to display commercials. They declined this offer because they do not want this appearance and want to be a good neighbor. Mr. Cassidy showed another video. It was a close up of the sign and showed the messages and animation that were currently being displayed.

Mr. Fenwick indicated that Rick Lunnemann, with the City of Florence, approached the Miller Valentine Group, about making improvements to Connector Drive and extending it through the Antique Mall parking lot. Miller Valentine Group has agreed to allow the City of Florence to make these improvements. Their only concern is that an upgraded Connector Road could create another visual barrier between Mall Road and the shopping center, especially if sidewalks and street trees are added. The tenants in the shopping center like the fact that they have a Mall Road address. The larger sign that is being proposed will help Florence Center and the Antique Mall be identified with Mall Road.

Mr. Morgan stated that the existing sign does not have a time interval between messages because the sign always has background animation running. Lincoln College also displays courses or programs for approximately one second before the next course or program is displayed. The Board needs to carefully consider the wording of any condition. A five second rule condition would mean that a message would have to stay static for 5 seconds.

Mr. Cassedy and Mr. Fenwick asked if the Board would consider a four second interval between messages? They also asked if it would be possible to allow one sub message to be displayed during the four second time interval? An example would be Lincoln College being displayed for a total of four seconds. During this four seconds Lincoln College could advertise one sub message. Mr. Cassedy said there is a big difference between a 4 and 5 second time interval between messages. If a driver views the sign for 12 seconds they could see 3 messages with a 4 second time interval and 2 messages with a 5 second time interval. Mr. Fenwick said they will have to make a decision if they want to purchase a new sign based on the conditions. They will need to talk with their tenants.

Ms. Evans indicated that she was okay with a four second time interval and one sub message being displayed during the four second time interval. She said they need to come up with a compromise. The existing sign does not have any limitations.

Ms. Evans made a motion to approve the request based on the Staff Report and the applicable regulations. She included the following conditions:

- 1. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).**
- 2. Any primary message shall be displayed on the electronic message center for a minimum of four (4) seconds. One sub message can be displayed during the four (4) second time interval.**
- 3. The electronic message center shall have a 19 millimeter pixel pitch or better resolution.**
- 4. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.**
- 5. Businesses located in Florence Center or the Antique Mall and their associated outlots shall be able to advertise on the sign.**
- 6. The open area between the Florence Center/Florence Antique Mall cabinet and the electronic message center shall not be filled in with additional signage.**
- 7. The maximum area of the electronic message center shall be 67.5 square feet (5' x 13'-6").**

Mr. Pieper seconded the motion. Mr. Piper called for a roll call vote and Ms. Evans and Mr. Pieper were in favor and Mr. Sparks, Mrs. Heilman, and Mrs. Schaffer were opposed. The motion failed by a vote of 2 to 3.

Mr. Wilson said the vote to deny the motion does not mean the application is denied. The Board can have more discussion or somebody can make a new motion.

Ms. Heilman made a motion to approve the request based on the Staff Report and the applicable regulations. She included the following conditions:

- 1. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).**
- 2. Any primary message shall be displayed on the electronic message center for a minimum of five (5) seconds. One sub message can be displayed during the five (5) second time interval.**
- 3. The electronic message center shall have a 19 millimeter pixel pitch or better resolution.**
- 4. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.**
- 5. Businesses located in Florence Center or the Antique Mall and their associated outlots shall be able to advertise on the sign.**
- 6. The open area between the Florence Center/Florence Antique Mall cabinet and the electronic message center shall not be filled in with additional signage.**
- 7. The maximum area of the electronic message center shall be 67.5 square feet (5' x 13'-6").**

Mrs. Schaffer seconded the motion. Mr. Pieper called for a roll call vote and Mrs. Heilman, Mrs. Schaffer, and Mr. Pieper were in favor and Ms. Evans and Mr. Sparks were opposed. The motion carried by a vote of 3-2.

OTHER

No other business was discussed.

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 9:25 PM

APPROVED

Timothy L. Pieper, Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services