

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
APRIL 10, 2014
7:00 P.M.**

Mr. Pieper called the meeting to order at 7:03 P.M.

BOARD MEMBERS PRESENT:

Mr. Timothy Pieper, Chairman
Ms. Lois Evans, Vice-Chairwoman
Mrs. Lori Heilman
Mr. Ritsel Sparks
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 November 13, 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 Paul Koehneke for Signarama for a Conditional Use Permit to allow Car-X to construct a new freestanding sign which contains an electronic message board and a Variance to reduce the 660 foot spacing requirement between electronic signs in a Commercial Services (C-3) zoning district. The .4958 acre site is located at 8225 US 42, Florence, Kentucky.

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

Mrs. Schaffer stated that Car-X currently did not have any freestanding signage. She asked how many building mounted signs they had? Mr. Morgan reviewed the PowerPoint slides of the front and sides of the building. He indicated that the building mounted sign on the front of the building seems to comply with code and the building mounted signs on the sides of the building probably exceeds code. He added that the sign code allows building mounted signage on three building facades and a freestanding sign.

Mrs. Schaffer said the proposed sign location is very close to the road work that is currently taking place on US 42. She asked how the improvements will affect the area? Mr. Morgan replied that the work is a major pavement rehabilitation project and he does not believe any additional right-of-way is being taken. As far as he knows, the proposed Car-X sign would not be affected by the road work. He or the applicant could check with Kentucky Transportation Cabinet and verify if that were the case.

Mrs. Schaffer asked how far away the sign would be from the property line or sidewalk? Mr. Morgan said he would let the applicant address that because the sign location is shown on a rough conceptual drawing.

Ms. Evans asked if the picture of the curb cut and proposed sign location could be shown on screen again so she could make a determination if the sign would obstruct views.

Mrs. Heilman asked if there are regulations dealing with where a monument or freestanding sign can be placed in relationship to a sidewalk or road? Mr. Morgan replied that the Zoning Regulations require freestanding signs to be located on the subject property. Signs cannot impede sight distance from curb cuts and cannot be located in utility easements, without the written consent of the easement holder. Ms. Evans asked who confirms that? Mr. Morgan replied that is analyzed by Boone County Planning Commission Staff when Sign Permit applications are submitted for review.

Mrs. Schaffer asked if the sign location and property lines could be better explained. Mr. Morgan reviewed some Boone County GIS exhibits from his PowerPoint presentation, which show approximate property lines.

Mrs. Heilman asked what type of freestanding sign could Car-X construct by right if an electronic message board was not being proposed? Mr. Morgan replied they could construct up to a 20' tall, 150 square foot freestanding sign with a manually changeable reader board.

Mr. Paul Koehneke said he is the owner of Signarama Tri-County in Cincinnati, Ohio. He is the applicant and sign provider for Car-X. He said he would start by addressing the Staff questions found in the Staff Report:

- A. How often will messages be displayed and will they comply with the zoning regulations (no running, scrolling, moving, animated messages, etc.).
- B. Approximately how many different messages will Car-X cycle at any given time?

He said his client will be cycling 2 to 10 different messages throughout a day. The number of messages will be based on the season and if a holiday is coming up. For example, there could be additional promotions run right before Father's Day. He would expect Car-X to cycle closer to two messages most of the time. He asked if the intent of the question could be explained a little more thoroughly? Mr. Morgan said the question was asked for informational purposes. When QuikStop proposed their electronic sign they volunteered that they would display very few messages and imposed a 60 second time interval on themselves. Mr. Koehneke said Car-X would also be willing to accept a 60 second time interval between messages. Most of the electronic message boards he has put up in the Cincinnati area display messages for 7 to 9 seconds before they change to the next message.

Mr. Pieper asked how the messages would be displayed? Mr. Koehneke said most companies will set up a message cycle and the sign will display each message for a given time interval. In this case, Car-X would agree to hold each message for a minimum of 60 seconds.

Mrs. Heilman asked if Car-X was agreeable that there would be no running, flashing, scrolling, or animated messages? Mr. Koehneke said they were agreeable. He added that monochrome message boards are not suited for moving messages.

Ms. Evans asked if Car-X would consider changing the color from amber to something else? Mr. Koehneke said the only other color that would be available on a monochrome message board would be red. He said red message boards have been phasing out over the last 3 to 4 years. Amber messages have a way of jumping out on a black background and are much more visible than red messages when there is sunlight glare.

Ms. Evans asked if most of the Board approvals have limited the messages to be displayed in red? Mr. Morgan replied that some approvals have called out a specific color and some have limited them to one color. Mr. Sparks said he thinks BP has that only signs that are not red. Mr. Morgan said some of the BP signs were initially approved with red text and they had to come back before the Board to change the color to green. He referred to the electronic sign request chart found in the Staff Report.

Mr. Koehneke said that Mr. Wice's letter includes a recommendation that the electronic message board shall be limited to two lines of text. He said the message board that is being proposed is capable of displaying five lines of text. Car-X is agreeable to displaying three lines of text, with the understanding that bottom line will always display their phone number. Mr. Pieper asked how tall that would make the letters? Mr. Koehneke responded that the characters would be just over 7 inches tall with a 3 line layout. He believes they would be able to display 12 characters per line at that height.

Mr. Sparks said you cannot read the electronic signs when the characters get too small. Mr. Koehneke replied that the best viewing range of a 7 inch letter would be from 75 to 85 feet away. The maximum readable distance on a 7 inch letter is just short of a football field or 275'.

Mrs. Heilman asked how large the letters/characters are on the other electronic message boards in the area? Mr. Morgan said the chart shows that Ace Hardware's electronic message board was 26 inches tall and 108 inches wide and the characters were 9 inches tall. He reviewed the PowerPoint slide of the Ace Hardware sign with the Board.

Mr. Koehneke said he spoke with the owner of the property, Mr. David Helmer, and he has no issues with the proposed sign. Mr. Helmer wanted to let the Board know that he tried to talk them into this type of sign when they first moved in.

Mrs. Schaffer asked if he could address the Staff question regarding pixel pitch?

- C. The proposed sign has a 20 millimeter pixel pitch and the draft zoning regulations would require a 19 millimeter pixel pitch. Explain the differences.

Mr. Koehneke said he brought 19 mm and 20 mm message boards with him and would review the differences. The lower you go in millimeter size, the sharper the image becomes on the board. So a 25 millimeter board is not going to be as crisp as a 20 millimeter board from the same distance. It is based on the number of light emitting diodes (LEDs) in a certain square area. The pitch is the distance between one set of LEDs and the next set of LEDs. The images are sharper when the LEDs are closer together. The difference between a 19 mm board and a 20 mm board are very minor in terms of viewing quality. But

the difference from a cost perspective would add about \$2,500 to the sign. He said that technology is changing and the manually changeable boards are going away. The energy efficiency of these signs has also gotten better, they use between 12 and 18 cents of energy a day. He said these signs are comparable to high definition televisions because as the price came down more people could afford them. LED signs are starting to trend in this direction. Car-X has an objective and he was able to get them to a 20 mm board.

Mr. Koehneke said he would like to address Mr. Wice's suggested condition regarding the sign type. He said Car-X will not consider a monument sign because they want parity and equality with the other businesses on this part of US 42. He feels that the electronic message board would be blocked or obstructed from view by traffic if the sign was limited to an 8' tall monument sign, especially when considering that the message board would be at the bottom of the sign. The reader board will be approximately 4' up in the air if an 8' tall monument sign is constructed and 17' up in the air if a 20' tall architectural freestanding sign is constructed.

Mrs. Heilman said Culver's and QuikStop were both limited to two lines of text and Ace Hardware voluntarily submitted for two lines of text. She asked if Car-X would be agreeable to two lines of text to keep the sign in conformance with the other electronic signs in the area? Mr. Koehneke asked if all the electronic signs in the area had been limited to two lines of text? Mrs. Heilman said the Walgreens sign was not limited but that sign was permitted by right. Mr. Morgan agreed.

Mr. Morgan asked Mr. Koehneke if the phone number could be put on the fixed panel and not the electronic message board? He replied that it certainly a possibility.

Mrs. Heilman said she also has a concern regarding parity with other electronic signs. She feels that the 7 inch letters that are proposed on the Car-X sign are too small and would cause a hazard on the road. She said the chart shows that the Ace Hardware letters are 9 inches tall and the Culver's letters are 10 inches tall. Mr. Koehneke said the letters that are shown in the PowerPoint slide are not 9 inches tall. He believes the Car-X proposal is attractive and pleasing to the eye. The overall sign looks uniform, while the QuikStop sign looks like two distinct panels sandwiched back to back. He feels that adding another panel onto the bottom of the sign, to add the phone number, would look like an afterthought. He feels that adding a third line to the electronic message board for the phone number only will achieve the same thing and keep the sign design intact. He feels that the 7 inch letters are adequate because they will be viewable from a football field away. Ms. Evans said none of the other businesses mentioned are displaying their phone number on their electronic message board. Mr. Koehneke agreed.

Mrs. Schaffer said the Board also needs to look at the spacing requirement between the signs and determine if they are distracting and confusing and have a negative impact. She feels that three signs (Walgreens, Car-X, and QuikStop) all the same height and changing will create a negative impact and be distracting to drivers in an already congested area. She does not feel that a 20' tall manually changeable copy sign is nearly as distracting because you know it is not going to change. She said she has a bad habit of watching electronic signs longer because she knows that the message will change and she wants to see what will be displayed next. She feels a 20' tall freestanding sign with a

manually changeable sign or an 8' tall monument sign with electronic copy would be acceptable. The 8' tall monument sign would keep the electronic messages on the three signs at different heights.

Ms. Evans asked when the sign would be constructed if the Conditional Use Permit is approved? Mr. Koehneke said probably within 60 days. Ms. Evans said she was concerned because the road construction is supposed to last until November. Mr. Morgan said the Board could impose a condition which required the applicant to contact Kentucky Transportation Cabinet before constructing the sign. This would guarantee there were no issues with the sign placement or construction. Mr. Koehneke agreed.

Ms. Evans said the area is a mess right now. There is a lot of traffic and the traffic patterns are changing. She does not want to add any more distractions.

Mr. Pieper asked if anyone on the Board had more questions or would like to make a motion? Mrs. Schaffer asked Mr. Koehneke to verify that Car-X was not agreeable to doing a monument style sign with an electronic message board, similar to Ace Hardware? He replied they would not be agreeable to that condition.

Mrs. Schaffer made a motion to deny the applications based on the Staff Report and applicable regulations. The Variance will cause a hazard and nuisance to the public, will alter the essential character of the general vicinity, and no special circumstances which apply to the land have been identified. The Conditional Use Permit is not harmonious with the general objectives of the Boone County Comprehensive Plan. Specifically, the Future Land Use Development Guidelines found in the Land Use Element state that "developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation, pg. 164). Mr. Pieper seconded the 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 of the motion. The motion carried 5-0.

OTHER

Mr. Pieper asked if they had anything additional to discuss? There was no response.

ADJOURNMENT

Mr. Pieper asked for a motion to adjourn. Mrs. Schaffer so moved and Ms. Evans seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 8:03 P.M.

APPROVED

Timothy L. Pieper, Chairman

Attest:

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