

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
MAY 14, 2014
7:00 P.M.**

Mr. Pieper called the meeting to order at 7:05 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 April 10, 2014. 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 Quality Signs for a Variance to allow Pet Supplies Plus to increase the size of a building mounted sign from 84 square feet to 104.63 square feet in a Commercial Two/Planned Development/Mall Road Overlay District (C-2/PD/MR) zoning district. The approximate 48.8 acre site is located at 7701 Mall Road, Florence, Kentucky.**

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

Mrs. Schaffer asked how tall the "Catherines" letters were on one of the other tenant spaces? The chart on Page 4 of the Staff Report indicates they have 30 feet of lease frontage and 60 square feet of building mounted signage. Mr. Morgan said he didn't know the height of the letters but could review the PowerPoint slide of that tenant space.

Mrs. Schaffer asked if he could show the other tenant spaces in the building which have facade projections. Mr. Morgan reviewed the appropriate slides from the PowerPoint presentation.

Mr. Pieper asked how the sign is area is calculated? Mr. Morgan explained that the Pet Supplies Plus tenant space has 42 feet of frontage so they are permitted 84 square feet of building mounted signage. The square footage of the signs is computed by drawing a rectangle around the highest and widest portion of the sign.

Mrs. Schaffer said there was a Staff comment indicating that a 3' x 28' building mounted sign would meet code. She asked if that sign would fit on their tenant space? Mr. Morgan said it would. He said they applicant wanted to use 3' tall letters and get them away from the facade projection so the sign would be more visible.

Mrs. Heilman asked if there was a requirement stating that the sign has to be centered on the tenant space? Mr. Morgan replied that was not a requirement and the sign could be moved. Mr. Mark Stottman, with Quality Signs, said the sign cannot be moved to the right because the tenant space has an offset in it. "Pet Supplies" is on one side of the offset and "Plus" is on the other. The offset is represented by the dotted line on the sign drawing. He said they cannot alter the length of the sign without changing the height.

Mr. Ryan Johnson, with Pet Supplies Plus, indicated that he was present to answer questions. Mrs. Heilman asked if there were any reasons why the letter heights could not be made smaller? He said there typical store is 8,000 to 10,000 square feet in area. This store is 5,000 square feet in area. He said with bigger stores they typically have more frontage and can comply with zoning codes. He said their concern with this store is the setback from the main road and the facade projection in the tenant space. Visibility of the sign for their customers is their key concern. Mrs. Heilman asked if the sign will be visible if they use 33 or 30 inch letters? Mr. Johnson said he is sure that people will see 30 inch tall letters but 36 inches is typically what they use. They like all their stores to have consistent signage to stay within their marketing strategy.

Mr. Sparks asked how tall the letters would have to be to stay within code? Mr. Morgan said he provided two different examples in the Staff Report. With 30" tall letters a single sign could be 33'-6" long and with 36" tall letters a single sign could be 28' long. He added the Mall Road Overlay Sign District allows them the flexibility to break the signage up into three distinct sign areas. They could draw a rectangle around each individual word. However, they will still need a Variance if they want to use 36" tall letters. Mr. Stottman said he believes they will still need a Variance if they break the sign into three sign areas but the request will be reduced by about 12 square feet.

Mrs. Schaffer said she is concerned about the request because all the other tenants met code and she is not seeing any special circumstances that apply to this tenant space. Mr. Johnson said that Pet Supplies Plus is a long business name and they do have a lot of dead space in the sign. He said that other businesses with shorter names can do more effective signs. He believes the proposed sign fits into the facade nicely. Mr. Pieper asked what they need to do? Mr. Morgan said they can break the sign into two or three sign areas administratively under the current sign code. The issue is that they will still exceed the square footage that is permitted if they use 36" letters.

Mrs. Heilman asked if the picture of the subject tenant space and adjoining tenant spaces could be shown again? Mr. Morgan reviewed the slide. Mrs. Heilman said her concern is the proposed sign goes nearly to the end of the tenant space and looks large. Its possible that Kroger Liquor could move out someday. The future tenant may want equal treatment and ask for a Variance for a larger sign. That would put two business signs right up against each other. Mr. Stottman said the current proposal shows that there is 7' of clearance between the end of the sign and the lease line. Mr. Johnson added that they will be moving their front door to the right.

Mrs. Schaffer said she believes the 36" letters take up to much space.

Mrs. Heilman asked if they would be willing to consider a reduction in the letter heights? Mr. Johnson said they brought drawings of 33" letters. Mr. Stottman said the dimensions are 33" x 31'-11⁵/₈" (87.91 square feet). Mr. Morgan said the 33" tall letters will probably meet code if they break the sign up into two or three sign areas. Mr. Stottman agreed.

Mrs. Schaffer said she considers this one sign. Mr. Morgan said the regulations gives the applicant the right to break their signage up into three sign areas on the front facade.

Mr. Wilson said this Board doesn't need to take any action if the revised proposal meets code. Mr. Stottman said they would still like the Board to consider the 36" tall letters that were shown in the original proposal. Mr. Stottman said they will need an approximate 8 square foot Variance if they break the sign into three separate sign areas. Ms. Evans said she thought only the 33" letters would meet code. Mr. Morgan said that was correct. However, the applicant wants them to consider approving a Variance for the 36" tall letters.

Mr. Stottman said he was confused because the Mall Road Sign District only used to allow one sign area on the front facade of a multi-tenant building. Mr. Morgan responded that the Mall Road District Study was adopted by the City of Florence in 2012. The Study included new sign regulations. The new regulations allow businesses and/or tenants to break their building mounted signage up into three sign areas on a primary facade and two secondary facades. He said the regulations were changed because businesses like Chuck E. Cheese and Rave Cinemas were only permitted one sign area on a given facade. The Board acted on Variances for both buildings.

Mrs. Schaffer said she is still concerned by the request because all the other tenants met code and she does not see any special circumstances that would allow the Variance to be granted. She also doesn't believe the applicant and tenant will be deprived reasonable use of the land if they have to use 33" letters. She believes the Variance should be denied.

Mr. Stottman said they were hoping to get a little relief. They are only over code by about 8 square feet if they break the sign into three separate sign areas. Mr. Johnson said they would like to stay with their prototype if at all possible.

Mr. Pieper asked if the Board had any more questions for the applicant? There was no response. He asked for a motion.

Mrs. Heilman made a motion to deny the application as presented because the proposal:

- 1. Would alter the essential character of the area;**
- 2. Would allow an unreasonable circumvention of the regulations contained in the zoning regulations; and**
- 3. Does not arise from special circumstances because other tenant spaces in this strip center have facade projections and meet the sign code.**

Mrs. Schaffer 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? Mrs. Schaffer asked about the Kroger Liquor Sign Permit. She indicated that they just moved. Mr. Morgan said he would get with Mr. Light in his office and explore the matter further.

Mr. Sparks asked why Kroger Liquor could not be located inside Kroger Marketplace? He asked if this was unique to Mall Road. Mr. Morgan said he believe this in an ABC licencing issue. All of the Kroger Liquor Stores (Burlington, Florence, Hebron, Union, Walton) are located in a separate tenant space. Mr. Sparks said the Meijer liquor store is located inside the Meijer building. Mrs. Heilman said its enclosed separately and has a separate door.

ADJOURNMENT

Mr. Pieper asked for a motion to adjourn. Mr. Sparks so moved and Ms. Evans seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 7:46 P.M.

APPROVED

Timothy L. Pieper, Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services