

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
NOVEMBER 14, 2018
7:00 P.M.**

Mrs. Evans called the meeting to order at 7:31 P.M.

BOARD MEMBERS PRESENT

Mr. Timothy Pieper, Chairman
Mrs. Lois Evans, Vice-Chairwoman
Mr. Charlie Reynolds
Mrs. Linda Schaffer

BOARD MEMBERS ABSENT

Mr. Louis Kelly

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 October 10, 2018. He asked if there were any comments or corrections? Mr. Reynolds made a motion to approve the minutes as written and Ms. Schaffer seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

AGENDA ITEMS

1. Request of Bob Carpenter on behalf of Kentucky Federal Savings and Loan Association for a Conditional Use Permit and a Variance. The Conditional Use Permit is to allow the installation of a monument sign with an electronic message board and the Variance is to reduce the spacing between electronic message boards from 660 feet to 564 feet. The approximate 0.47 acre site is located at 6890 Dixie Highway, Florence, Kentucky and is zoned Commercial Two (C-2).

Staff Member, Michael Schwartz, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Reynolds asked if the proposed sign meets the requirements of the zoning regulations. Mr. Schwartz stated that the proposed sign, with the exception of the electronic message screen and the spacing requirement, meets the minimum requirements of the zoning regulations.

Mr. Pieper asked if there was anyone present that wanted to address the Board.

Mr. Bob Carpenter, Carpenter Signs, stated that the proposed sign will be placed six (6) feet above street level. He stated that if the proposed sign was placed at street level, it would still meet the maximum height requirements. He stated that he does not know what the Kentucky Transportation Cabinet requirements are, but he is sure that they can be met. He passed out an exhibit which shows the prior 112 square foot free standing sign, which

included an electronic reader board. He stated that this sign was removed by the state as part of the Dixie Highway widening project.

Mr. Pieper asked if there are any existing signs. Mr. Carpenter replied that there are only building mounted signs.

Mr. Carpenter stated that the proposed monument sign is needed for business identification.

Mr. Pieper asked if the owner would object to a prohibition on scrolling/animated messages. Mr. Carpenter stated that there would be no objection to that requirement.

Ms. Schaffer asked if Kentucky Federal had been bought out. Mr. Greg Meyers, Cincinnati Federal, stated that Cincinnati Federal and Kentucky Federal had merged.

Mr. Meyers stated that deposits at Kentucky Federal have declined due to poor visibility and access and that they need the proposed sign to make the bank viable again.

Ms. Schaffer stated that she is concerned about the electronic message board being full color and its proximity to CVS.

Mr. Reynolds asked what colors are permitted. Mr. Schwartz replied that the zoning regulations do not have a requirement limiting the colors on an electronic message board, but the Florence Board of Adjustment has historically limited the color to red.

Mr. Reynolds asked if the owner had any thoughts about moving the sign to the driveway entrance. Mr. Meyers stated that the proposed sign is to be located where the previous sign was and that it was successful at that location.

Mr. Joe Bunke, Kentucky Federal, showed a picture of the previous free standing sign. He stated that the sign is needed for business visibility and for increased customers. He stated that since the previous free standing was removed by the state, the bank's deposits have gone down by 2.8 million dollars, approximately 20%. He stated that with the height of the sign, coupled with its location above the roadway, the proposed sign will not be a distraction to drivers.

Ms. Evans asked what messages will be on the sign. Mr. Bunke replied that their intention is to display interest rates, CD rates, car loans, and other bank information.

There was a general discussion regarding the previous free standing sign, with the electronic message reader board, and if it was grandfathered/nonconforming. Mr. Wilson stated that any nonconforming status was lost when the sign was removed.

Mr. Carpenter stated that while there are existing electronic signs within the vicinity of the site, they are located on the other side of Dixie Highway and do not appear to show a row of electronic signs. He stated that a monochrome, or single color, electronic message board has a 22 mm pixel pitch., which would not meet the minimum requirements of the

zoning regulation.

Ms. Evans asked if the background color of the electronic message board could be black. Mr. Carpenter replied that the cabinet would be black, but the background of the sign could be any color, depending on the image.

Ms. Evans asked if a black background color would be acceptable to the property owner. Mr. Carpenter replied that it could be done.

Ms. Schaffer asked what are the dimensions of the proposed sign. Mr. Schwartz stated that there was a detail drawing, showing the dimensions, in the staff report.

Ms. Schaffer asked how many lines of text/copy could be displayed. Mr. Carpenter replied that it was dependent on the message, but the size of the lettering is a minimum of four (4) inches in height.

Ms. Evans asked how many times will the message change. Mr. Bunke replied that the message would change once a week or once every two weeks. Mr. Bunke also stated that there could be up to four messages that rotate every fifteen (15) minutes.

Mr. Pieper asked if anyone else in the audience wanted to speak? There was no response.

Mr. Reynolds made a motion to approve the Conditional Use Permit on the basis that Kentucky Federal was a long standing business in the community and that their prior sign was larger than the one proposed and had an electronic reader board, subject to compliance with the following conditions:

1. That the dimensions of the proposed sign not change from what was submitted.
2. That the proposed electronic reader board be limited to a black background with red lettering.

Ms. Evans seconded the motion. Mr. Pieper called for a vote which found Mr. Reynolds, Ms. Evans, and Mr. Pieper voting yes and Ms. Schaffer voting no. The motion passed 3 to 1.

Mr. Reynolds made a motion to approve the Variance on the basis that the proposed sign will not be a distraction to drivers, that the reduction in distance from 660 feet to 564 feet is negligible, and that the curve of the road makes it appear that the electronic signs are not in a straight line. Ms. Evans seconded the motion. Mr. Pieper called for a vote which found Mr. Reynolds, Ms. Evans, and Mr. Pieper voting yes and Ms. Schaffer voting no. The motion passed 3 to 1.

2. Request of Worthington Sign, per Stanley W. Young, III, on behalf of Speedway Superamerica, LLC for a Conditional Use Permit and a Variance. The Conditional Use Permit is to allow the conversion of a manually changeable gas price sign to a 22.75 square foot electronic gas price sign on an existing monument sign and the Variance to reduce the spacing between electronic message boards from 660 feet to 142 feet. The approximate

1.17 acre site is located at 8699 US 42, Florence, Kentucky and is zoned Commercial Two/Planned development/Concept Development Plan (C-2/PD/CD).

Staff Member, Michael Schwartz, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Reynolds asked if there has been any previous variance requests to have two electronic signs so close to another. Mr. Schwartz replied that he did not know the answer to the question. Mr. Wilson stated that there are two electronic signs at Ace Hardware and Culvers that are very close to each other. Mr. Schwartz provided a history of the 660 foot separation requirement.

Mr. Reynolds asked if the Board could be open to litigation if they denied the Variance. Mr. Wilson stated that the Board cannot be arbitrary in the decision making.

Mr. Pieper asked if there was anyone present that wanted to address the Board.

Mr. Stanley W. Young, III, Worthington Signs, stated that Speedway was making these sign modifications to many of their stores in the Greater Cincinnati area. He stated that it is Speedway's preference to have the color green for diesel prices as a convenience to its customers. He stated that the other conditions outlined in the staff report could be met. He stated that the sign is UL approved and that the distance variance is needed so that Speedway can compete on an even playing field with other gasoline providers. He stated that having an electronic gas price sign was not only convenient for its customers, but was also convenient for its employees, especially during the winter months.

There was a general discussion pertaining to previous actions of the Board as it relates to the color of other gas price signs as well as separation distance. The Board was concerned that having a distance separation of 142 feet could set a precedent. The discussion also centered on the difference between electronic gas price signs and other electronic message boards.

Mr. Pieper asked if anyone else in the audience wanted to speak? There was no response.

Ms. Schaffer made a motion to approve the Conditional Use Permit on the basis that it is consistent with previous approval for similar businesses, that the proposed electronic gas price sign will not be any larger than the existing manually changeable gas price sign, and that the sign is not changing, only the medium of how the message is displayed is changing, subject to compliance with the following conditions:

1. That the proposed electronic message board/screen meet the minimum requirements of any controlling state or federal agency.
2. Electronic messages shall not flash, scroll, or run.
3. The electronically changeable copy shall only advertise fuel prices and shall change no more than once a day.

4. All electronic messages shall be displayed in red.
5. Photocells shall be provided in the sign and all electronic messages shall dim as the sky gets darker
6. That any future modification to the sign, including any change of message/copy, will require a new application to be submitted to this Board.

Ms. Evans seconded the motion. Mr. Pieper called for a vote which passed unanimously.

Ms. Schaffer made a motion to approve the Variance on the basis that the proposed electronic message will just be for fuel prices will not be a distraction to motorists. Ms. Evans seconded the motion. Mr. Pieper called for a vote which passed unanimously

OTHER

None.

ADJOURNMENT

Mr. Pieper asked for a motion to adjourn. Mr. Reynolds so moved and Mr. Pieper seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 8:59 P.M.

APPROVED

Mr. Timothy Pieper, Chairman

Attest:

**Michael D. Schwartz
Planner**

Exhibits:

1. Picture of previous freestanding sign
2. 2007 to 2018 deposit summary