

**FLORENCE BOARD OF ADJUSTMENT  
FLORENCE GOVERNMENT CENTER  
BUSINESS MEETING  
OCTOBER 16, 2019  
7:00 P.M.**

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Mr. Pieper called the meeting to order at 7:06 P.M.

**BOARD MEMBERS PRESENT**

Mr. Timothy Pieper, Chairman  
Ms. Dee Begley  
Mrs. Linda Schaffer

**BOARD MEMBERS NOT PRESENT:**

Ms. Lois Evans, Vice-Chairwoman  
Mr. Kenny Vaught

**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 September 11, 2019. He asked if there were any comments or corrections? Ms. Begley made a motion to approve the minutes as written and Mrs. Schaffer seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

**AGENDA ITEMS**

1. Request of Springfield Sign, per Lora Martinson, on behalf of Culver's for a Conditional Use Permit. The Conditional Use Permit is to allow a monument sign with a full color electronic monument display. The approximate 1.57 acre site is located at 8554 US 42, Florence, Kentucky and is zoned Commercial Two/Planned Development (C-2/PD).

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report). He submitted two items into the record. The first was an email that he received today from Josh Hunt, with the City of Florence, and the second was a chart showing all Florence Board of Adjustment actions on electronic message boards since 2003 (see Exhibits 1 and 2).

Mr. Wilson asked if the applicant had been given a copy of the two exhibits? Mr. Morgan replied that he gave copies to the applicant.

Mr. Craig Przanowski said he was the owner of Culver's. He wished a picture of the McDonald's on Dream Street would have been shown because they have a full color message board and it's similar to what they are trying to accomplish. Having a picture is worth a thousand words. He believes the proposed sign will be easier to read than the red pixels. As a result, people will be able to read the sign quicker and pay more attention to the road. They do not want any flashing, scrolling, or movement. He said he originally looked at having the current sign fixed but you cannot buy parts for it anymore. The proposed sign will be much clearer and have consistent brightness.

Mr. Pieper asked if the background and lettering would change colors? Mr. Przanowski said the entire message would change every 15 seconds. He normally display three different messages in a day. One could be the turtle sundae (shown in the Sign Exhibit), another could be the soup of the day, and another could be now hiring. Mr. Pieper asked if the background colors and text colors would change between the messages? If so, he believes that could be distracting.

Ms. Begley asked if he had read over Mr. Hunt's email and had a response? Mr. Przanowski said he doesn't believe they are trying to compete for motorists attention. They already have a red LED sign and he believes it is much harder to read than the proposed sign. He believes it will promote safety and reduce accidents. Ms. Begley said one of Mr. Hunt's concern is the sign is a departure from what is on US 42 now. Another concern is that the sign is being used to draw in customers. The electronic signs that were approved by City Council through the Special Sign District process for St. Paul's, Crossroads, and HealthPoint are used to display important community information, such as school/church events and community services. She is worried that this sign could set a precedent for other business like Ace Hardware or Speedway. Mr. Przanowski said the technology continues to change and this is the way of the future.

Mrs. Schaffer said that Culver's has always complied with their 15 second hold time on their messages. She would like to point out that Culver's also received a Variance to reduce the 660' spacing requirement between electronic sign when their application was approved in 2009. She believes the proposed request to go to a full color electronic message center is a substantial change. She believes the request should go through the Special Sign District procedure. Mr. Przanowski replied that Special Sign Districts are for new developments. Mr. Morgan said the purpose of a Special Sign District is to allow an applicant to create their own special sign code for a given property or subdivision when there are special circumstances. HealthPoint, Crossroad, and St. Paul's asked for a Special Sign District because the Zoning Regulations didn't allow the electronic signs they were asking for. Special Sign Districts are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body.

Mrs. Schaffer asked if this sign should be reviewed through the Special Sign District application process? Mr. Morgan said that Culver's has the right to ask for a Conditional Use Permit because the City of Florence allows electronic message boards (monochrome or full color) as a Conditional Use in the C-2 zoning district. The applicant could also submit a Special Sign District application. Culver's probably chose the Conditional Use Permit process because it is a one month process versus a five month process. Mrs. Schaffer said the full color message boards that have been approved have been for churches, schools, and healthcare facilities. Mr. Morgan said the McDonald's electronic message board on Dream Street is an exception that the applicant brought up. It was approved by the Florence Board of Adjustment on 7/8/15. The Board approved the sign because some non-conformities were eliminated in exchange for the 18 square foot full color message board. Mr. Morgan said some information regarding the proposal and approval is provided in exhibit 2. He would have to go back and review the file to provide more information.

Mrs. Schaffer asked if the strip center and Culver's were on the same lot? Mr. Morgan replied that Culver's and the strip center are on two lots of record and have shared access.

Mrs. Schaffer asked if the letters and numbers on the electronic sign would all be the same color? Mr. Morgan said the application would allow the letters and numbers and backgrounds to be any color. However, the Board could impose conditions on an approval.

Mrs. Schaffer said she still had an issue because of the number of electronic message boards in the area. There is also a passage in the Comprehensive Plan stating the minimal use of sign is encouraged and signs shouldn't compete for motorists attention.

Mr. Przanowski said he doesn't feel that Culver's is competing for motorists attention. They already have a sign and are asking to replace it with a new color sign that will be easier to read. Mrs. Schaffer said she appreciates that but is trying to look down the road at future requests.

Mr. Pieper said he doesn't have an issue with the sign if they keep it the way it is being presented (same color background and letters used on all messages with a different static picture images). Mrs. Schaffer said she wants to keep the sign clean with no movement. Mr. Morgan replied that moving messages and animation is prohibited. Mrs. Schaffer agreed. Mr. Morgan said the Board could add a condition which only allowed one static picture image on an individual message. He asked the applicant if this was his intent? Mr. Przanowski said he wouldn't have a message with two pictures.

Mr. Morgan said another condition that has been imposed on other electronic message boards is prohibiting bright colored sign backgrounds, such as white or amber, to eliminate impacts on right-of-ways. Mrs. Schaffer said the sign that is shown in the exhibit looks nice because the background is using Culver's blue. Mr. Przanowski said most of the messages would use that color background and white lettering.

Mrs. Schaffer asked how the other Board members would feel if they imposed conditions requiring all messages to be displayed with no more than two lines of white text/numbers and one full color static picture on a Culver's blue colored background? Mr. Pieper and Ms. Begley said they would be fine with that. Ms. Begley added that she wanted to eliminate the possibility of any bright sign backgrounds at night and the suggested conditions would accomplish that. Mr. Przanowski indicated the sign would also contain a photocell.

**Mrs. Schaffer made a motion to approve the application based on the submitted sign drawing and with the following conditions:**

1. The electronic message board shall not be used to advertise off-premise businesses.
2. The electronic message board shall display no more than one picture image (still graphic) with a maximum of two lines of text.
3. The two lines of text or numbers displayed on the electronic message board shall be colored white and the entire sign background shall be Culver's blue for all messages. The still graphic can be multiple colors.
4. All electronic messages shall be displayed for at least 15 seconds

5. The sign shall be equipped with photocells and the electronic copy shall dim as the sky gets darker.
6. Culver's shall not be permitted to advertise on the subdivision identification monument sign.
7. Messages shall be prohibited from having any apparent visual motion (illusion of moving objects, moving patterns or boards of light, rotating shapes, expanding, contracting, running, or scrolling messages, etc.)
8. The electronic message center shall have a 16 mm pixel pitch or better resolution.

Mr. Przanowski asked if the 16 mm pixel pitch requirement could be changed to 19 mm? He received several bids and would like to buy the 19 mm pixel pitch option. Mr. Morgan said the Board can consider that because the 19 mm pixel pitch meets the requirements found in 3430 of the Zoning Regulations. The 16 mm pixel pitch board would provide a little better clarity.

Mr. Pieper asked if condition #8 could be reworded to require a 19 mm pixel pitch or better resolution? Mrs. Schaffer asked what the difference was? Mr. Morgan replied a lower pixel pitch means the pixels are closer together and there is increased sign clarity. Ms. Begley said she would okay with that change. Mrs. Schaffer said she was agreeable to amending her motion.

8. The electronic message center shall have a 19 mm pixel pitch or better resolution.

**Mr. Pieper seconded the motion. Mr. Pieper called for a vote and the motion carried unanimously.**

#### **OTHER**

No other matters were discussed.

#### **ADJOURNMENT**

Mr. Pieper asked for a motion to adjourn. Ms. Begley so moved and Mrs. Schaffer seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 7:41 P.M.

**APPROVED**

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**Timothy L. Pieper, Chairman**

**ATTEST:**

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

Exhibits

1. Letter from Josh Hunt
2. Electronic Message Board Chart