

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
COUNCIL CHAMBERS
BUSINESS MEETING
SEPTEMBER 8, 2021
6:30 P.M.**

Chairwoman Begley called the meeting to order at 6:45 P.M.

BOARD MEMBERS PRESENT:

Mrs. Dee Begley
Mr. Duane Froelicher
Mrs. Linda Schaffer

BOARD MEMBERS NOT PRESENT:

Ms. Lois Evans

STAFF MEMBERS PRESENT:

Mr. Todd K. Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mrs. Begley stated the Board received copies of the minutes of the Florence Board of Adjustment meeting of August 19, 2021. She asked if there were any other comments or corrections. Mrs. Schaffer moved to approve the minutes and Mr. Froelicher seconded the motion. Mrs. Begley called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of C&B Sign Services for a Conditional Use Permit. The Conditional Use Permit is to allow an LED fuel price panel to be installed on BP's freestanding sign. The approximate 1.28 acre lot is located at 8039 Burlington Pike, Florence, Kentucky and is zoned Commercial Services/Planned Development/Mall Road Overlay District (C-3/PD/MR).

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

Mr. Tyler Sikkema, with C&B Sign Services, said BP wants to put a new LED fuel price face in their freestanding sign. The sign is proposed in a commercial area so it will not impact residential areas. Guardian Savings Bank also has an electronic sign to the south

on Mall Road so the sign will not be out of character with the area. The sign will be safer for employees because they will be able to change the fuel price from inside the store.

Mrs. Schaffer said the Board used to worry about the signs dimming. Mr. Morgan replied the dimming is a code requirement so the Board does not need to worry about it as a condition. He will make sure the sign has a photocell or other dimming feature if a Sign Permit application is submitted. Mr. Sikkema said the LED price panel will be equipped with a photocell.

Mrs. Begley asked about the proposed color. Mr. Sikkema said this is a BP station so they are proposing green LED. Mrs. Schaffer asked if the Board wanted to limit the color to red, green, or white. Mr. Morgan said the Board can make the final call on that but he would be comfortable just limiting the price display to one color. Mrs. Schaffer and Mrs. Begley said limiting the LED price to one color is fine.

Mrs. Begley asked if anybody had any last questions or comments. There was no response. She asked for a motion.

Mrs. Schaffer made a motion to approve the application based on the Conditional Use Permit criteria and with the following conditions:

1. The sign shall be constructed as presented and only display an unleaded fuel price in one color.
2. The fuel price shall not have any apparent motion (flashing, scrolling, running, etc.).

Mr. Froelicher seconded the motion. Mrs. Begley called for the vote and it passed unanimously.

2. Request of Design Team Sign Company for two (2) Variances. The Variances are to increase the permitted height and area of a monument sign. The approximate 1.50 acre lot is located at 4931 Houston Road, Florence, Kentucky and is zoned Commercial Two/Planned Development/Houston-Donaldson Study Overlay (C-2/PD/HDO).

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

Mrs. Begley asked if the continuous hedge can be trimmed down. Mr. Morgan replied they could manicure the shrubs. He added that the landscaping on site does not comply with the approved Chili's restaurant plan from the 1990s. A lot of trees have died or were never installed. He doesn't believe the trees could be installed per the plan because of the overhead utility lines and easements. Mrs. Begley asked if columnar trees could be installed. Mr. Morgan replied they could if everybody is agreeable. He is treating the landscaping like a nonconformity. It could be maintained as it currently exists or additional trees and shrubs could be added.

Mrs. Begley asked if McAlister's was keeping their location in Crestview Hills. Mr. Morgan said he didn't know the answer to that question but thinks this will be an additional location. She indicated that Famous Dave's didn't have a monument sign and everybody knew where they were. She asked if the sign height and square footage that was proposed was needed. This is an ideal location at the Houston Road/Turfway Road intersection. Mr. Morgan said he knows that they want to have a sign visible from Turfway Road. McAlister's cannot have a building mounted sign facing Turfway Road because it isn't their tenant space. Mrs. Begley asked if the building address is required. Mr. Morgan replied the address number is required on the freestanding sign and is shown on the base.

Mrs. Begley asked if they could just remove a shrub or two and install the sign. Mr. Morgan said he would allow that. He would just ask that any landscaping that is being removed be relocated elsewhere on site. His proposed conditions address that issue. He does not want to see the landscaping removed and not replaced.

Mrs. Schaffer asked if the blank cabinet on the monument sign drawing was for the future tenant. Mr. Morgan said it was. Mrs. Begley asked if the cabinets would be illuminated. Mr. Morgan said they would be internally illuminated at night.

Mrs. Schaffer asked if the hedge that is shown in the pictures is on site. Mr. Morgan said it is close to the property line but aerial photography indicates the hedge is on site.

Mrs. Begley asked if the monument sign, building mounted signage, and directional sign locations could be reviewed again. Mr. Morgan reviewed the PowerPoint slides.

Mr. Froelicher asked what the height of the shared O'Charley's/Wendy's sign is across the street. Mr. Morgan replied that the sign is probably 6' to 8' tall and was part of the Saratoga Square approval.

Mr. Froelicher asked how large directional signs are permitted to be in the Houston-Donaldson Study area. Mr. Morgan replied directional signs at a curb cut are permitted to be 5' tall and 6 square feet in area. Directional signs in an interior parking lot can be 5' tall and 10 square feet in area.

Mr. Froelicher asked if the request was to nearly double the monument sign. Mr. Morgan agreed. Code allows an 8' tall, 24 square foot monument sign and they are seeking a 15.5' tall, 42 square foot monument sign. Mr. Froelicher said the sign seems huge to him and believes it will stick out like a sore thumb. He believes the intersection area already seems cluttered with sign and utilities. He asked if the sign would obstruct visibility. Mr. Morgan said the sign would not obstruct visibility. He reviewed the PowerPoint slides. He added that he does not like the sign location because he does not think it will be all that effective. Mrs. Begley said they should make a small gap in the shrubs and install in the sign. Mr. Morgan said his recommended conditions would allow that.

Mr. Brent Colley, with Design Team Sign Company, passed out a packet of plans and photos (see Exhibit 1). He said the second sheet shows that they are proposing to move the sign so it's located in front of the fifth parking stall from the intersection. The third sheet shows how

tall the sign would be to the top of the base and top of the McAlister's sign cabinet if it were being viewed from the intersection. He agrees that removing 2 to 3 shrubs and installing the sign would be the best alternative because it would keep the sign out of the state right-of-way. One of the last sheets in the packet shows that the shrubs are 70" tall. He was not aware that the one tree they wanted to remove was in the right-of-way.

Mr. Morgan said he would need to confirm that the area in front of the fifth parking stall is located outside the utility easement. If not, the easement holder would need to sign off on the location. Mr. Colley agreed. Mr. Morgan said he will need to see a precise sign location when they submit the Sign Permit application.

Mrs. Schaffer asked if the applicant is wanting to increase the height to 15.5' because of the shrubs. Mr. Colley said that was correct. Mr. Morgan said he believes there are a lot of issues. There are issues with easements, overhead utilities, landscaping, grades, and sight lines. He was wanting the applicant to address the sight lines and if a 10' or 12' tall sign could be effective. Mr. Colley said he believes his company thought the shrubs were a little bit taller than they actually are. He believes they could make a 10' tall sign work. Mr. Froelicher said he believes the sign should meet the Houston-Donaldson Study requirements so everything is uniform. Mrs. Begley said she would be okay with a 10' sign height. Mr. Froelicher said he believes such a sign would stick out like a sore thumb. He is also worried it could cause a precedent for other businesses to ask for taller signs.

Mrs. Schaffer asked what landscaping the applicant is proposing to remove. Mr. Colley said he isn't exactly sure. He knows that they want to minimize tree and shrub removal as much as possible. Mr. Morgan said his recommended conditions could be used to address tree or shrub removal. The conditions would be analyzed once the Sign Permit was submitted for review.

Mrs. Begley said each site has a set number of trees and shrubs it is supposed to have along street frontages. She asked if this site met those requirements. Mr. Morgan said this site has an approved landscaping plan that dates back to the 1990's (Chili's Site Plan). He doesn't believe the landscaping complies with that plan. There were a lot of large trees shown in the street frontage buffers. He does not know how they could be planted with all the easement and overhead utilities. He is considering the landscaping on site to be nonconforming. Mrs. Begley said she believes the shrubs should be manicured and a couple could be removed to accommodate the monument sign.

Mr. Colley asked if they could take the landscaping out and replace it. Mr. Morgan said he would be okay with that as long as the new landscaping came from the same plant list as the landscaping being removed. For example, large shrubs should be replaced with other large shrubs. Any shrubs that were being removed to accommodate the monument sign would need to be relocated elsewhere on site.

Mr. Froelicher said he believes the sign should meet code.

Mrs. Schaffer asked what the sign square footage should be if the Board allow a 10'. Mr. Morgan said the Board would need to discuss that. He said the McAlister's cabinet is shown

at 24 square feet and the future tenant space cabinet is shown at 18 square feet. Mrs. Begley asked if the future tenant can have it's own sign. Mr. Morgan replied that only one monument sign is permitted on the lot. McAlister's and the future tenant would need to share the sign or McAlister's can use the entire sign. Mrs. Schaffer said the tenant will be able to have a building mounted sign that faces Turfway Road and does not need a space on the monument.

Mrs. Begley said she feels like the sign needs to be raised a little bit to get it above the shrubbery. Three shrubs could be removed to accommodate the signs and the rest of the shrubs could be manicured. Mr. Froelicher said he would not agree to the sign being more than 8' tall and 24 square feet in area. Mr. Morgan indicated that would be denying both requests. They would still be able to construct an 8' tall, 24 square foot monument sign because that is permitted by standard code.

Mrs. Schaffer asked how tall the Houston Road street sign is on the telephone pole. Mr. Morgan replied his guess would be 12'.

Mr. Froelicher made a motion to deny the requests based on the size of the sign. The motion was not seconded and it failed.

Mrs. Schaffer said she would not have an issue with adding a foot to the sign base. This would allow a sign height of 9'. She believes this should be approved based on the change in grade. Mr. Morgan reviewed the topographical map. Mrs. Schaffer made a motion to approve the sign height request with conditions and to deny the sign square footage request based on Variance criteria. She included the following conditions:

A landscaping plan shall be prepared and address the following before a Sign Permit application is approved for the monument sign:

- A minimal amount of landscaping shall be removed to accommodate the location and visibility of the sign. This determination shall be made by Boone County Planning Commission staff after reviewing the landscaping plan provided by the applicant.
- All landscaping that is proposed to be disturbed or removed shall be documented to verify if it is on the subject site or in a state right-of-way.
- Landscaping that is proposed to be disturbed or removed from state right-of-ways must be approved by Kentucky Transportation Cabinet
- Landscaping that is proposed to be removed from the site must be relocated elsewhere on site. The final determination on the location shall be made by Boone County Planning Commission Staff. New landscaping can also be proposed as long as the new tree or shrub species comes from the same plant list as the species being removed and meets the minimum installation size requirements.

Mrs. Begley seconded the motion.

Mrs. Begley asked for a roll call vote. Mrs. Begley – “yes”, Mrs. Schaffer – “yes”, and Mr. Froelicher – “no”. The motion carried 2-1.

OTHER

Mrs. Begley asked if there was anything other to discuss. She mentioned that they were down two Board members tonight. Mr. Morgan stated that Ms. Evans has a retirement issue she needed to get resolved and Mr. Vaught resigned after he was appointed to the Planning Commission. Hopefully, five members will be present at the next meeting.

ADJOURNMENT

Mrs. Begley made a motion to adjourn the meeting and Mr. Froelicher seconded the motion. Mrs. Begley called for the vote and the meeting was adjourned by unanimous consent at 8:16 P.M.

APPROVED

Mrs. Dee Begley

ATTEST:

Todd K. Morgan, AICP
Senior Planner

Exhibit
#1 – Plan and Picture Packet Submitted by Brent Colley