

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone [checked] Florence _____ Walton _____ Union _____
2. (Check One) _____ Conditional Use Permit _____ Variance _____ Appeal _____
[checked] Change in Non-Conforming Use
3. Applicant's Name BOB CARPENTER
Phone Number 513-381-7915 Fax No. 513-381-6915
Applicant's Address 2020 Vine St.
Crest OH 45202
City State Zip
4. Description of Request: Change in Non-Conforming Use to allow for altering existing Pylon.
5. Name of Development Florence Center / Antique Mall
6. Location of Development 8043-8133 and 81431 Connector Dr.
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property Florence Center Associates
Address of Property Owner 9349 Waterstone Phone No. 513-829-2440
10. Crest OH 45249
City State Zip
11. Proposed Use(s) on Site Free Standing Sign w/ Electronic Copy
12. Total Square Footage of Existing and/or Proposed Buildings Sign 4140/3910
13. Current Zoning on Property
14. Deed Book 332, 342 Page No. 222, 94 Group No. 2040A
15. Is the site subject to a zone change? No
If yes, give date of approval
16. Have you submitted a Site Plan with this request? N/A
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 9/17/10 Fee Received \$ 932⁰⁰ # 61501
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
Approved
Approved with Conditions (See #6)
10/13/10 Denial (See #7)
6. Conditions of Approval: SEE 10/13/10 FBOA
MEETING MINUTES
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Carpenter Sign Service for Florence Center Associates

LOCATION: The sign located immediately to the southwest of the Mall Road/Connector Drive/Heights Boulevard intersection, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: October 13, 2010

Proposal

The Applicant is requesting a Change in Non-Conforming Use to allow the Florence Center/Florence Antique Mall pylon sign to be modified and include an electronically changeable message board.

The submitted photo shows that the existing sign is 26 feet tall, 414 square feet in area (18' x 23'), and has 21 advertising spaces. The proposed sign is 26' tall, 391 square feet (17' x 23'), and has 9 fixed advertising spaces and a 4' x 12' electronically changeable copy message board. The message board will have the ability to advertise in multiple colors at the same time.

The Change in Non-Conforming Use is needed for the following reasons:

1. The existing sign is pre-existing non-conforming because it is greater than 200 square feet in area. Section 3440 of the Boone County Zoning Regulations states that shopping centers within the Mall Road Commercial Sign District are permitted to have an architectural freestanding which is up to 30' in height and 200 square feet in area.
2. The proposed sign is less square feet than the existing sign (414 versus 391) but creates a new non-conformity with the addition of the electronic message board. Section 3440 of the Boone County Zoning Regulations states that an electronically changeable message board is permitted on a shopping center architectural freestanding sign within the Mall Road Commercial District under the following conditions:
 - A. The sign, including the electronic message board may not exceed 200 square feet in area and 30 feet in height;
 - B. Fixed copy signs which identify individual establishments within a shopping center or development and are attached to a freestanding sign are not permitted if an electronic message board is requested, and must be removed from an existing sign if approval for such a message board is granted; and
 - C. Signs with electronic message boards shall not be located closer than 300 feet to another such sign with an electronic message board;

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for changes in non-conforming uses.

Article 2, Section 270 of the Boone County Zoning Regulations states that it is the intent of the regulations to keep non-conforming uses or structure from being "enlarged or extended beyond the scope and area of its operation at the time it became a legal non-conforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of non-conforming uses or structures."

Article 2, Section 274 of the Boone County Zoning Regulations states that "where a lawful structure exists at the effective date of adoption or amendment of this order that could not be built under the terms of this order by reason of restrictions on intensity or size or lot coverage or height or bulk or setback, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved as otherwise provided in Kentucky Revised Statutes, Section 100.253(2).

Article 34, Section 3403 of the Boone County Zoning Regulations states that the surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.

Site History

12/11/85 - The Florence Board of Adjustment approved a Variance allowing the area of the Florence Center/Swallen's freestanding sign to be increased from 250 square feet to 350 square feet.

Site Characteristics

The subject sign is located on the southwest corner of the Mall Road/Connector Drive/Heights Boulevard Intersection and is 26 feet tall and 414 square feet (18' x 23') in area. The sign has a 138 square foot cabinet at the top of the sign which advertises Florence Center and Florence Antique Mall and another 210 square foot cabinet lower on the sign which advertises various tenant spaces within Florence Center.

The strip center in Florence Center is an approximately 85,568 square feet in area. Four Outlots (Valvoline, Snuggly's Mattress, Undeveloped Lot, and Lazy Boy) are located in front of the strip center.

Florence Antique Mall is approximately 86,988 square feet in area and is currently divided into three tenant spaces. A Concept Development Plan was approved in 2009 which would allow a restaurant Outlot to develop in the southeastern portion of the parking lot.

Surrounding Buildings and Zoning

North: Armed Forces Recruiting Center, Retail Strip Center with Mattress Warehouse, Retail Strip Center with Hobby Lobby and Ollies (C-2)

South: Vacant Circuit City Building (C-3) and Bob Sumner Tire (C-2)

East: Mall Road, Heights Blvd., Pep Boys, Vacant Old Time Pottery, Vacant Lot, Berkshire Farm (C-2)

West: Preakness Drive, Paddock Club Apartments, and Single-Family Residential Dwelling (C-2)

Staff Comments

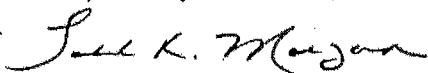
1. The applicant has informed Staff that the message board will advertise business names, special sales, and other information for the tenants of Florence Center and Florence Antique Mall. It should be noted that the request will also allow the existing Outlots (Valvoline, Snuggly's, and Lazy Boy) and future Outlots of Florence Center and Florence Antique Mall to advertise on the sign.
2. Staff has the following comments regarding the proposal:
 - A. The applicant would be permitted the electronically changeable message board as a matter of right if they removed the seven (7) tenant panels from the sign. The sign could be multiple colors and there would be no limitations on time intervals between messages, scrolling/flashing/running messages, pixel pitch, or sign brightness.
 - B. The existing sign contains 21 advertising spaces and is very difficult to read as you are traveling on Mall Road.
 - C. The proposed sign could also be distracting to motorists because of the changing electronic copy. The Future Land Use Development Guidelines (pages 140-142) found in the Land Use Element of the Boone County Comprehensive Plan state that "developments in Boone County should give consideration to the overall design of the area. 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).
3. The Walgreen's store located at the corner of Mall Road and US 42 is the only business that has an electronically changeable message board in the Mall Road Commercial Sign District. Walgreen's was issued a permit for a freestanding sign on June 16, 2000 because they replaced a pre-existing non-conforming sign with a smaller sign when they developed. In June 2008 they converted a manually changeable message board to a permitted electronic message board.

4. Staff is currently working on the first draft of the Mall Road Study. The draft may include recommended changes to the Mall Road Commercial Sign District.
5. The Board needs analyze the request in terms of Sections 270 and 274 of the Boone County Zoning Regulations. Other cases dealing with Changes in Non-Conforming Use have analyzed if the proposed change is more objectionable than the existing condition.
6. The Florence Mall Road Special Sign District does not contain any standards for electronic message boards. As a result, Staff recommends the following conditions if the request is approved:
 - A. The electronic message board shall display no more than two lines of graphics.
 - B. Messages shall be displayed in one color on a black background and shall not flash, scroll, or run.
 - C. Messages shall be displayed for a minimum of 15 seconds.
 - D. The maximum LED pitch shall not exceed 16 millimeters.
 - E. The ambient light level change (sign turned off versus sign turned on) at 100' perpendicular to the sign shall not be more than 0.3 foot candles.
 - F. The sign shall be equipped with a dimmer and the messages shall dim as the sky gets darker.
 - G. Off-premise advertising shall be prohibited on the sign.

Conclusion

KRS 100.253 and Section 220 of the Boone County Zoning Regulations gives the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

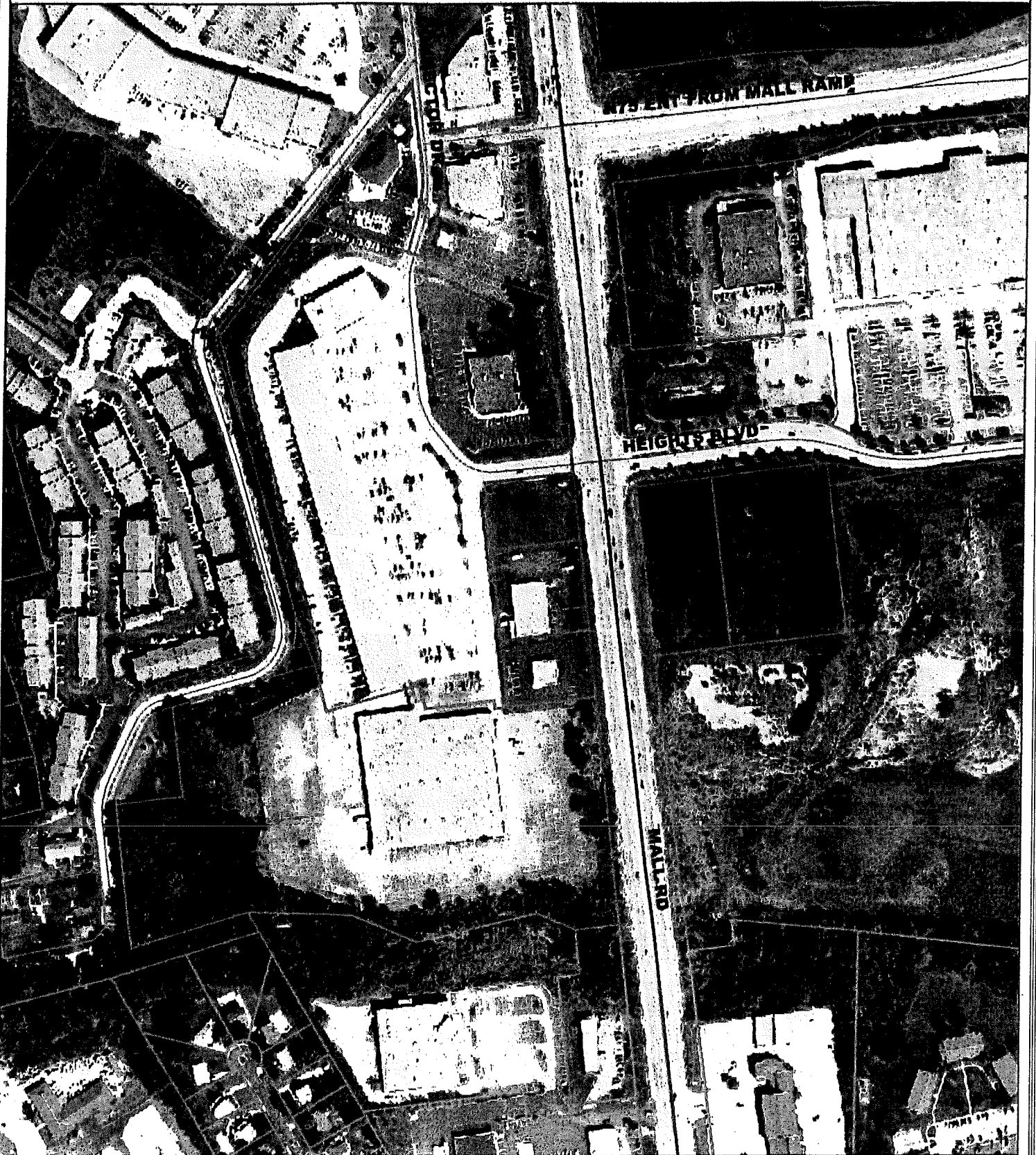
TKM/pr

Attachments

- *2009 Aerial Map
- *Existing and Proposed Sign with Dimensions
- *Zoning Map
- *Mall Road Commercial Sign District Regulations
- *Application

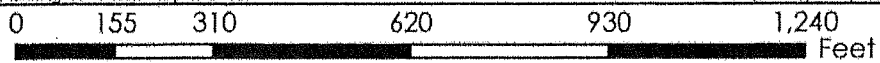
2009 AERIAL MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS makes no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/31/2008

Boone County GIS
AerialMap Document * nxd

FLORENCE CENTER

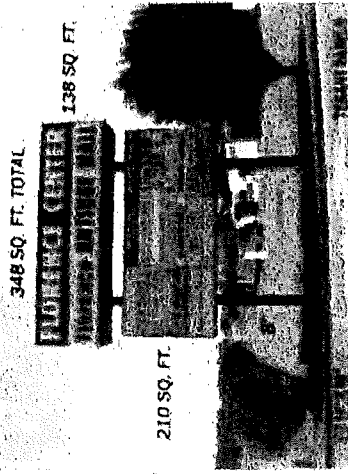
Florence ANTIQUE MALL

Existing 6ft x 23ft cabinets
138 SQ. FT.

2ft x 12ft internally illuminated sign cabinets
24 SQ. FT.

4ft x 12 ft LED message center
48 SQ. FT.

5ft x 13ft internally illuminated sign cabinets
with 6 tenant panels
65 SQ. FT.
275 SQ. FT. TOTAL



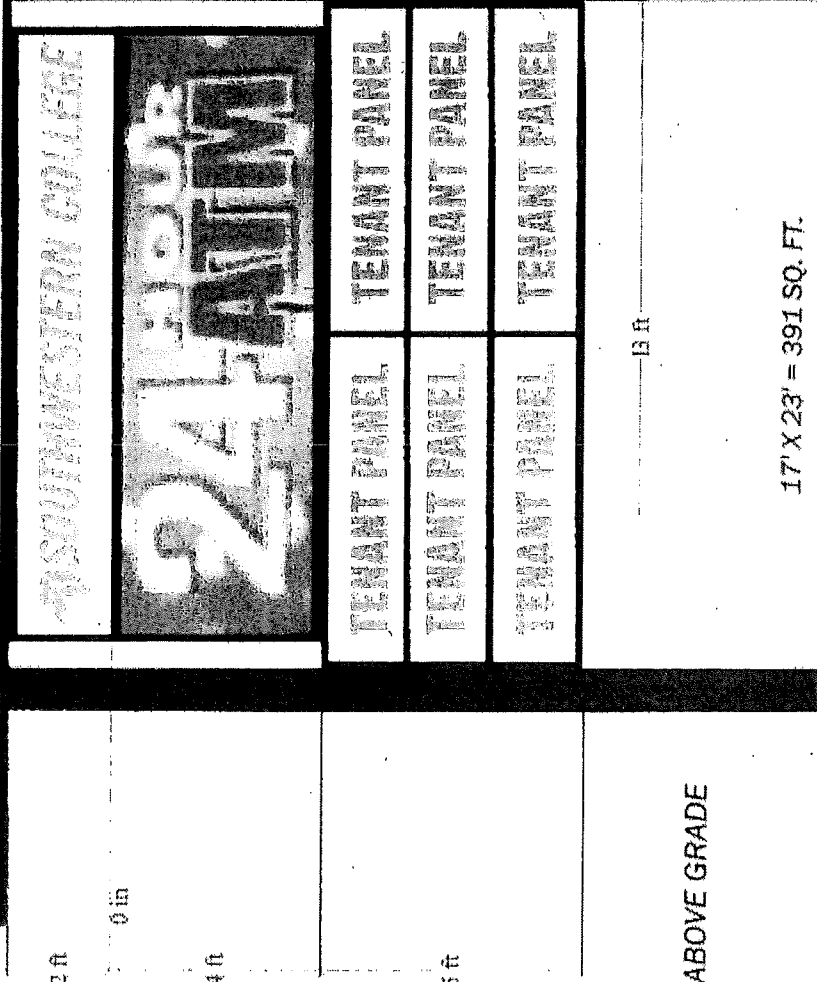
348 SQ. FT. TOTAL
138 SQ. FT.

EXISTING SIGN IS
18' X 23' = 414 SQ. FT.

210 SQ. FT.

17' X 23' = 391 SQ. FT.

9' ABOVE GRADE



Proposed Changes to Existing Sign for
 Florence Center
 Connector Drive
 Florence, KY 41042

NOTES: All Components
 UL Listed and Labeled

FILE: Florence Center

DATE: 8/5/10

Approved By: [Signature]

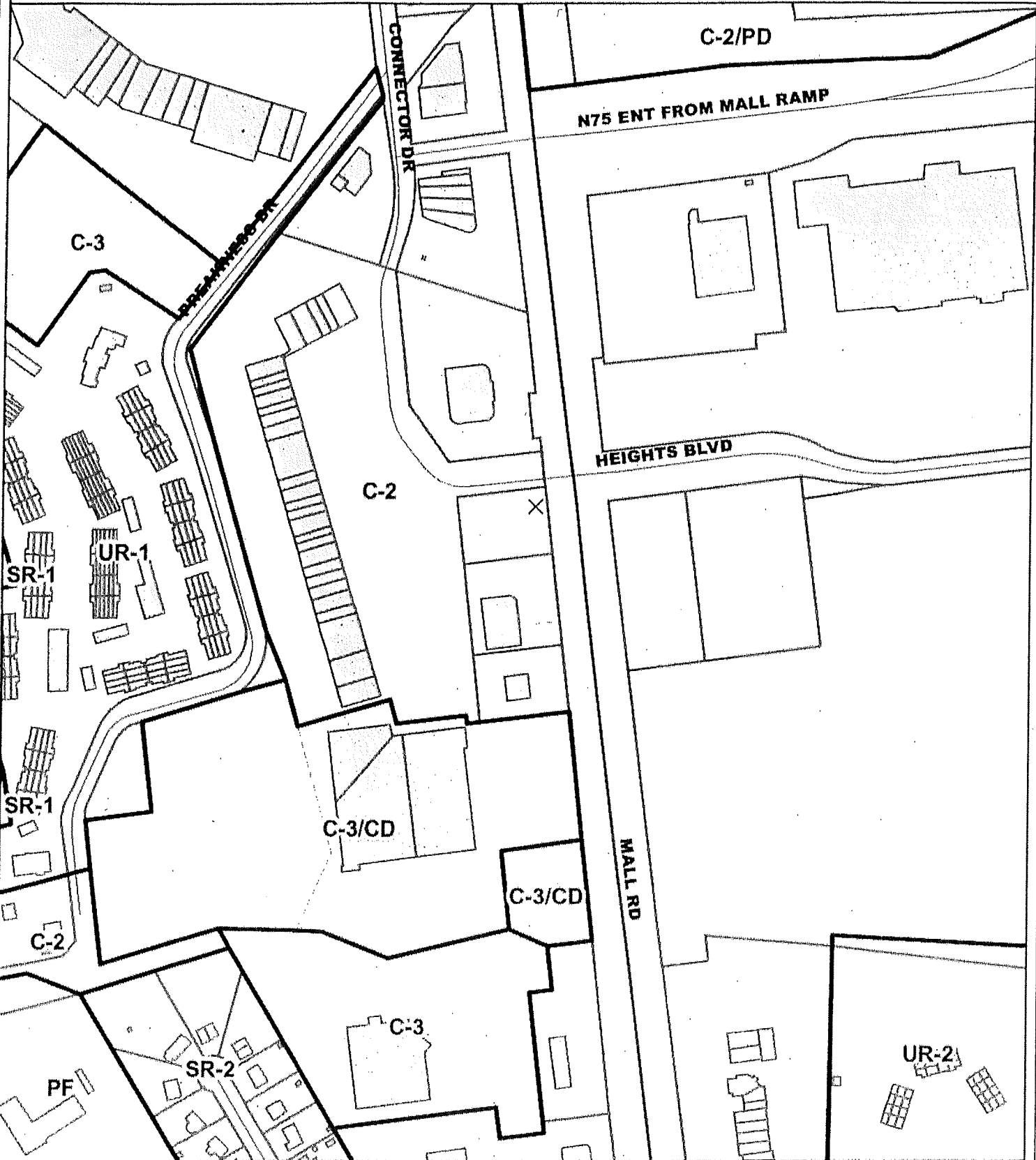
Created/Approved: [Signature]

2026 Vine Street
 Cincinnati, Ohio 45202
 (513) 381-7915
Sign Service Fax (513) 381-6915

The Sign Service is the sole property of Carpenter Sign Service
 and may not be reproduced without their written permission.

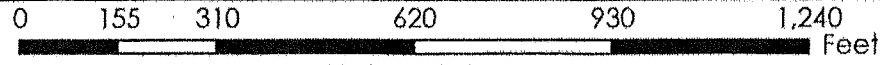
ZONING MAP

www.boonecountygis.com



Copyright 2010 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



Map Created 10/04/2010 at 11:47:32

Map Date Printed 04/28/2011
ArcMap Document Unsaved

- d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- e. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

(THE FOLLOWING DOES NOT APPLY TO THE CITY OF FLORENCE CITY LIMITS).

- 2. Electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - gas prices, hotel room rates, time and temperature, etc.) shall be permitted in the Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts subject to the following standards:
 - a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.
 - b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

SECTION 3440

Special Sign Districts

The legislative bodies, upon recommendation of the Planning Commission, may establish special sign districts to insure proper development of special areas of the County. Also, the majority of sign users within a district may petition the Planning Commission to establish standards and procedures for signs within their district for recommendations to the appropriate legislative unit. The creation of a special sign district shall be in conformance with Article 3 of this order. Applications for such Special Sign Districts shall include, at a minimum, the following criteria: objectives of the District; boundaries, sign types (height, materials, total sign area); sign locations; administration of District; illustrations and elevations; and, relationship to Comprehensive Plan. A map of all special sign districts shall be maintained in the Planning Commission offices.

The effect of a special sign district shall be to modify according to standards established by the Commission the requirements, regulations, and the procedures for signs in the area included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development. The special sign district regulations may provide for the creation of a sign review board to review and approve proposals for the construction or erection of signs in the district. Except where certain duties are assigned to a sign review board, the Zoning Administrator shall be responsible for enforcing the regulations and requirements established in the special sign district.

1. Special Sign Districts Proposed By the Planning Commission and Legislative Bodies

A. Mall Road Commercial Sign District

Signs have as significant of an impact upon the character of an area as the types of land uses allowed. An example is the Mall Road area. When this was originally developed, it was the intent of the Commission, the County, and the City, that a particular character be established and maintained for this commercial district. This desired character called for a boulevard area with low key and aesthetically pleasing signage identifying larger commercial developments located along it. The desired effect was to discourage the area from becoming cluttered with sign upon sign, with each one trying to be bigger and more visible than the next.

For the purpose of the Mall Road Commercial Sign District, the following standards shall apply:

- 1. All sections of Article 34 not otherwise replaced below;

2. Architectural free-standing signs which identify a shopping center or development and its major access point may be permitted to also include a message board with electronically changeable copy. Such electronic message boards when a part of a free-standing sign shall be permitted only under the following conditions:
 - a. The sign, including the electronic message board may not exceed 200 square feet in area and 30 feet in height;
 - b. Fixed copy signs which identify individual establishments within a shopping center or development and are attached to a free-standing sign are not permitted if an electronic message board is requested, and must be removed from an existing sign if approval for such a message board is granted;
 - c. Signs with electronic message boards shall not be located closer than 300 feet to another such sign with an electronic message board;
3. Independent building or individual establishments with direct frontage on, or unobstructed visibly from, Mall Road shall not be permitted individual free-standing signs but shall be permitted one (1) building mounted sign, with a maximum size of 2 square feet per lineal foot of building width, for each wall with direct visibility from Mall Road, a secondary access road, or areas of major internal traffic circulation. Under no circumstances shall an establishment be allowed more than four (4) building mounted signs.

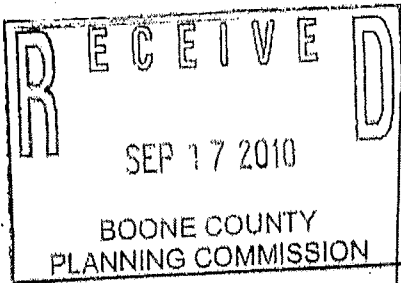
B. Special Sign Regulations, Houston-Donaldson Study Area

The Houston-Donaldson Study is a detailed, comprehensive land use plan for the Houston, Donaldson, and Turfway Road area. This Study sets specific regulations and procedures for signage within this area. Refer to the Houston-Donaldson Study for specific details, including the geographic boundaries of the Study area.

C. Florence Main Street Special Sign District

The Florence Main Street Zoning Study generally affects property fronting on both sides of Main Street in Florence from the intersection of U.S. 42/Dixie Highway to Turfway Road. The study sets specific regulations and procedures for signage in the area. Signs located within the Florence Main Street Study area shall conform to the requirements in Article 34 of this order that are not replaced by sections below, the Design Review Guidelines and those listed below. (See Boone County Planning Commission Resolution R-94-036-A and City of Florence Ordinance 0-29-94)

1. The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width. Building mounted signs shall not exceed 32 square feet in size.
2. Signs cannot project more than four (4) feet into the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs will be 16 square feet.
3. No sign shall be permitted to be located above the roof line.
4. A density of one (1) sign per building frontage will be permitted for a maximum of three (3) building mounted signs.
5. Window signage will be permitted, but shall not become cluttered to the point where visibility into the store front is prevented.
6. Canopy signs will be permitted on all three (3) sides of the canopy. The size of each sign shall be determined by the width of the canopy upon which the sign is mounted and not the building width. No sign will be permitted on the building facade where a canopy sign is located.



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

- 1. Boone [checked] Florence _____ Walton _____ Union _____

(Check One)

- 2. _____ Conditional Use Permit _____ Variance _____ Appeal _____ [checked] Change in Non-Conforming Use

- 3. Applicant's Name BOB CARPENTER
Phone Number 513-381-7915 Fax No. 513-381-6915
Applicant's Address 2026 Vine St, Cincinnati OH 45202

- 4. Description of Request: Change in Non-Conforming Use to allow for altering existing Pylon.

- 5. Name of Development Florence Center / Antiques Mall
6. Location of Development 8043-8133 and 8143 Connector Dr.

- 7. Acreage Under Review _____
8. Lot Number and Name of Subdivision (if part of a subdivision) _____

- 9. Owner of Property Florence Center Associates
Address of Property Owner 9349 Waterstone Blvd, Cincinnati OH 45249

- 11. Proposed Use(s) on Site Free Standing Sign w/ Electronic Copy

- 12. Total Square Footage of Existing and/or Proposed Buildings 5 sqm 4140 / 3110
13. Current Zoning on Property _____

- 14. Deed Book 332, 342 Page No. 222, 94 Group No. 2040A
15. Is the site subject to a zone change? No

- 16. Have you submitted a Site Plan with this request? N/A

- 17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)