

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: ACME-WILEY CORPORATION  Owner

Address: 9359 FERON STREET, RANCHO CUCAMONGA CA 91730-4516  Agent

Telephone: 1-800 854-8828

Location: 7937 DREAM STREET, WEST SIDE OF DREAM STREET, NORTH-WEST OF U.S. #42

Name of Property Owner: MOTEL 6, INC.

Address of Property Owner: 51 HITCHCOCK WAY, SANTA BARBARA CA 93105

Zoning District: D-2 Area in Acres: 2.8824

Deed Book: 265/312 Page Number: 255/104 Group Number: 2041 A

Description of Request: TO INSTALL 14' X 17' FREE STANDING POLE SIGN AT 65' OVERALL HEIGHT. TO INSTALL ONE (1) 6' X 7'4 5/8" FREESTANDING POLE SIGN AT 22' OVERALL HEIGHT.

Applicant's Signature: [Signature] AMCE WILEY CORPORATION

Property Owner's Signature: \_\_\_\_\_

Application Fee: 165.00 FOR PLANNING COMMISSION USE ONLY Date Received: 10/25/85 By: \_\_\_\_\_  
*submitted 250.00*

Referred To: \_\_\_\_\_ Meeting Date: 11/13/85 7:30

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

STAFF REPORT

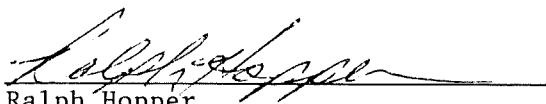
APPLICANT: Acme-Wiley Corporation  
DEVELOPMENT: Motel 6  
LOCATION: 7937 Dream Street  
ZONED: Office Two  
DATE: November 13, 1985

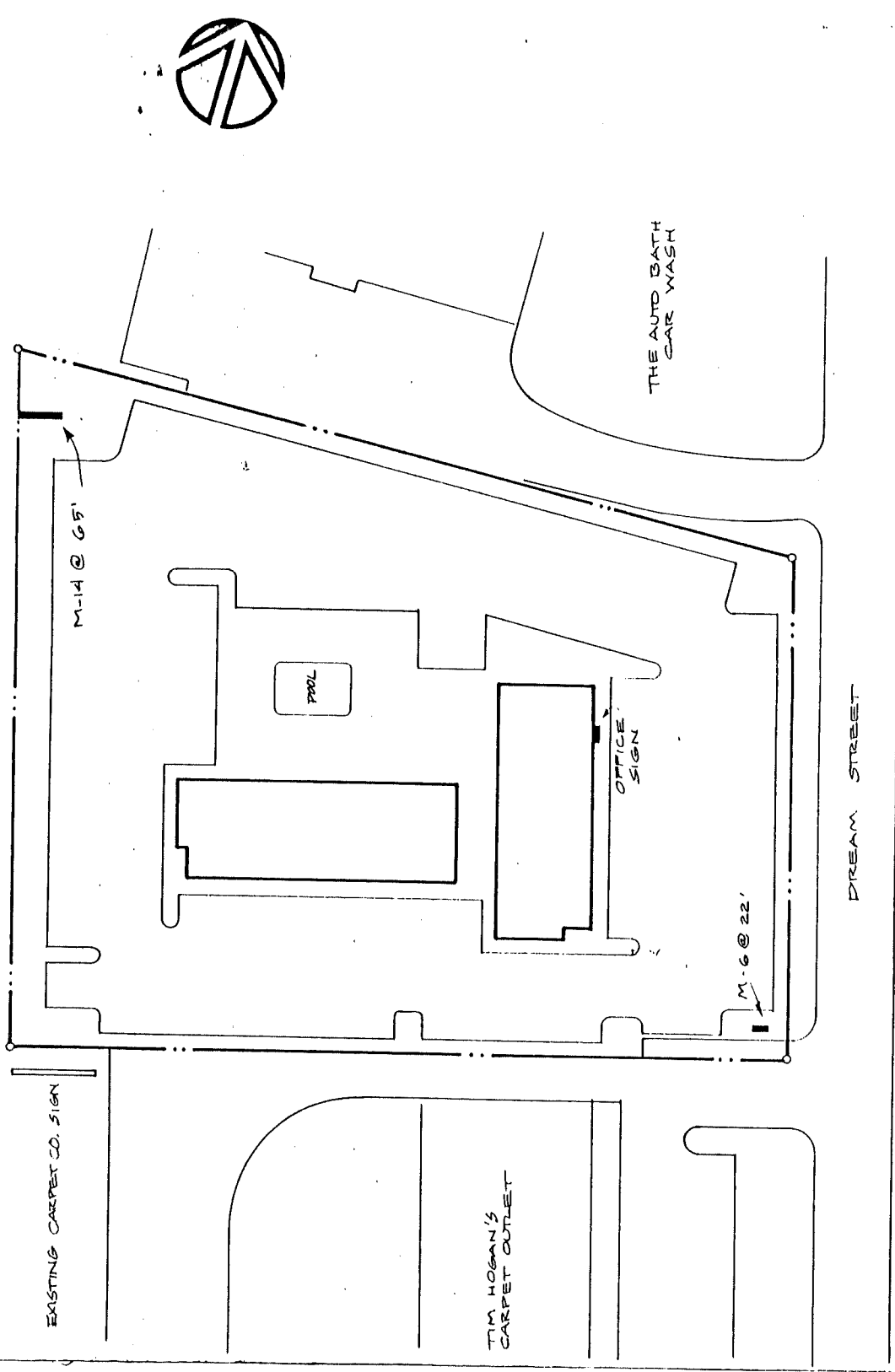
The applicant is requesting a Variance in the number of free-standing signs and the height of a free-standing sign permitted in the Office Two, 0-2 zoning district. Under Article 19, Section 1921 each business shall be permitted one free-standing sign or, in the case of multi-tenant structures, one free-standing sign per building.

The plans submitted indicated a free-standing sign 22 feet high and 43.8 square feet in area located near Dream Street. A second free-standing sign 65 feet high and 238 square feet in area is shown on the plan in the northwest corner of the property near I-75.

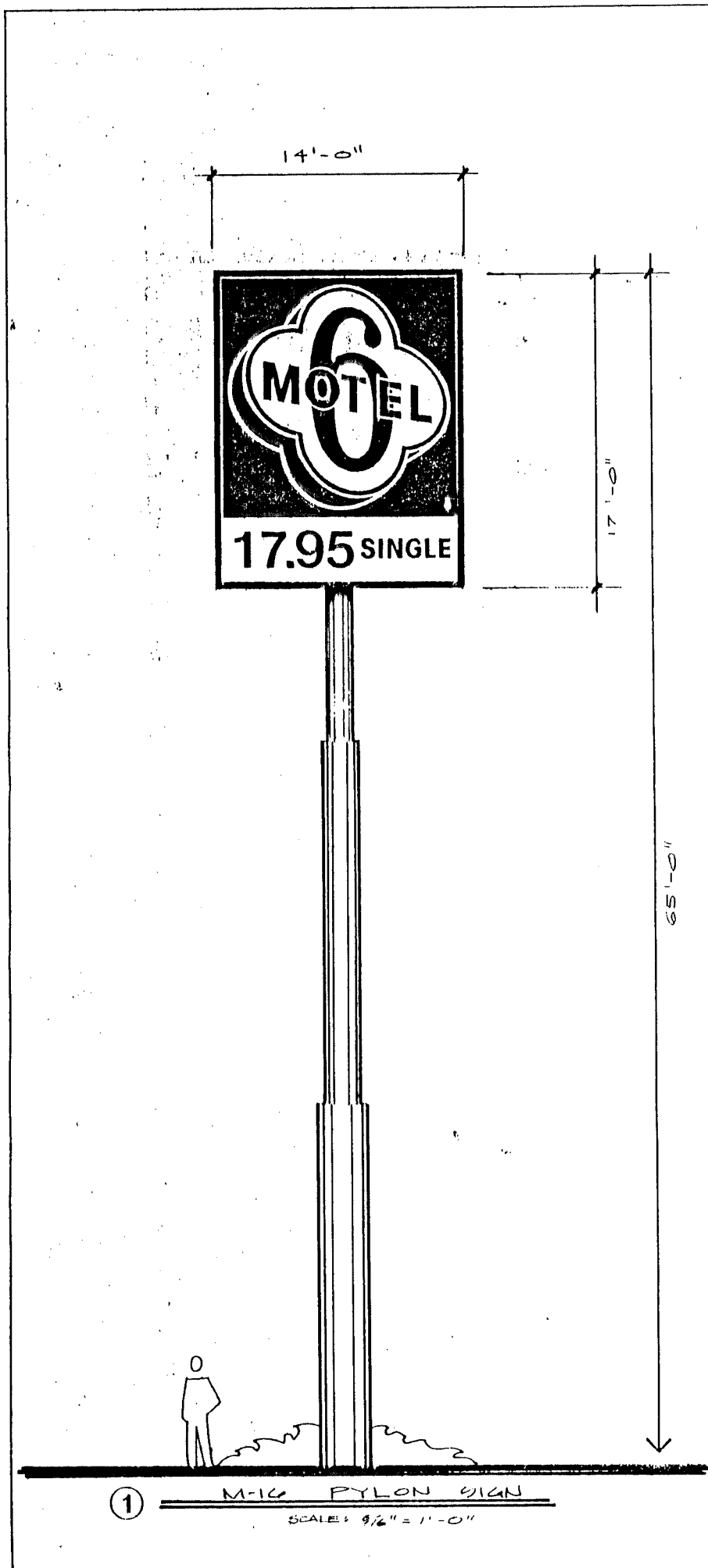
The following addresses the findings necessary for a Variance under Article 2, Section 244 of the regulations.

1. I can find no conditions which could be considered unique on the applicants property.
2. Strict application of the regulations would not deprive the applicant of a reasonable use of the land permitted other landowners in the same zone since this property lies in the Office Two, 0-2 zoning district and not the Commercial Services, C-3 district associated with the southern portion of Dream Street.
3. Any conditions on the property would not be the result of actions by the applicant since the adoption of the current regulations.
4. I can find no reasons that this request would preserve or harm the public safety and welfare nor would it alter the essential character of the neighborhood.

  
Ralph Hopper  
Zoning Enforcement Officer  
Plans Examiner



SITE PLAN - SCALE 1" = 40'-0"



FLORENCE BOARD OF ADJUSTMENTS

NOVEMBER 13, 1985 7:30 P.M.

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Chairman Holland called the meeting to order. The roll call was taken by Staff Member Dee Ann Brewer. Four members present: Messrs. Bolton and Wilder, Mrs. Lanigan and Chairman Holland. Counselor Dale Wilson was also present.

The Board considered the Minutes of the Florence Board of Adjustment Meeting of October 9, 1985. Chairman Holland noted a misspelling of Mrs. Evelyn Kalb name in the Minutes.

Staff member Ralph Hopper stated there was a request by Mr. Barnett for clarification of the conditions attached to the Florence Auto Sales Conditional Use Permit. Mr. Hopper related the question for clarification was whether the Board wished the entire lot to be striped or rather only a portion of the property adjoining Al Roberts Tire to be striped.

Chairman Holland stated he felt the entire lot was to be striped. Mr. Wilder stated the entire lot striping was his understanding. Mr. Bolton added that was his intention as he was the maker of the motion. It was the general concensus of the Board that the Minutes were correct in their summation of the striping of the entire lot.

Chairman Holland moved the Board approve the Minutes as reviewed, and with the correction of the spelling of Evelyn Kalb's name. The motion was seconded by Mr. Wilder. After discussion, the motion carried unanimously.

Sign Variance

The request of Acme-Wiley Corporation (agent) for Motel 6 for a Variance in the number of free-standing signs and the height of a free-standing sign. This property is located at 7937 Dream Street and is currently zoned Office Two.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding area. Mr. Hopper presented the staff report which stated the applicant is requesting a variance in the number of free standing signs and the height of a free standing sign permitted in the O-2 zoning district. Mr. Hopper noted that under Article 19, Section 1921, each business is permitted one free standing sign. Mr. Hopper stated he could find no conditions which could be considered unique on the applicant's property. Mr. Hopper explained that strict application of the regulations would not deprive the applicant of a reasonable use of the land permitted other landowners in the same zone since this property lies in the Office Two, O-2 zoning district. Mr. Hopper stated that any conditions on the porperty would not be the result of actions by the applicant since the adoption of the

current regulations. Mr. Hopper closed by stating he could find no reasons that the request would preserve or harm the public safety and welfare nor would it alter the essential character of the neighborhood.

Mr. Bob Loreaux, Structural Engineer, who was accompanied by Mr. Bob Harriett of Acme-Wiley, presented an artist's rendering of the proposed signage. Mr. Larow inquired of the location of the dividing line between the Office Two zoning district and the Commercial Services zoning district.

Mr. Hopper responded that the zoning division line is by Tim Hogan's Carpet Outlet. Mr. Loreaux noted the sign at 50 feet would be lower than the Red Lobster sign which is approximately two blocks toward the Dixie Highway. Mr. Loreaux contended the proposed sign is really lower compared to other signs on Dream Street. Mr. Loreaux explained the purpose of the signage is to attract the transient highway traffic. Mr. Loreaux described the second sign proposed would be located at the front portion of the lot which he stated is imperative to the development for directional purposes.

Mr. Wilder inquired of the number of building mounted signs proposed. Mr. Harriett responded there would be one building mounted sign. Mr. Harriett indicated the proposed sign which would state "Office" (13" high by 54" wide). Mr. Wilder inquired of what the applicant is permitted according to the zoning regulations with regard to building mounted signs. Mr. Hopper responded the square footage would be determined by the width of the building which would be approximately 11½ square feet of sign area on the building.

Mr. Bolton inquired if the subject motel was the motel recently granted a Conditional Use Permit.

Mr. Wilder inquired if the staff concurred with the applicant's statement of 50 feet above the interstate. Mr. Hopper stated the net effect from the interstate would be approximately 35 feet and given the 15 ft. elevation change to the interstate. Mr. Wilder inquired of other area signs in terms of elevations. Discussion followed of other signs in the area.

Chairman Holland noted the applicant is requesting two free standing signs which they are only permitted one free standing signs. Chairman Holland suggested the signs be considered individually.

Mr. Loreaux noted conditions which he felt are unique to the property is the close proximity to the Commercial Services and suggested the mixed zoning creates somewhat of a property uniqueness. Mr. Harriett added that also the separation of-grades is a uniqueness of the site.

Chairman Holland suggested the Board address the issue of two free standing signs as opposed to one. Chairman Holland noted that in recent sign variances trade-offs of types of signage has occurred.

There was no audience support or opposition expressed.

Mr. Wilder noted that under Sect. 1921 and under the adjoining C-3 use the applicant would be permitted two free-standing signs for each building. Mr. Wilder inquired of the division of the zoning districts of Office Two and Commercial Services in one area. Mr. Hopper explained that initially when the zoning districts were established the Commercial Services district was proposed for the interchange area and the Office Two uses were more appropriate for the Tanners Lane area, and he noted that the areas have since been adjoined. Mr. Wilder noted that the area may be one that has "fallen through the slats" with the mixed area zoning. Counselor Wilson noted that if the area were zoned C-3 a motel would not be a permitted use.

Mr. Bolton expressed concern of other area business pursuing the signage permitted in the adjacent C-3 area if the Board were to grant the request and thus creating the dominoe effect. Chairman Holland concurred.

Chairman Holland inquired of the necessity of a second free-standing sign and more specifically the proposed signage for the front portion of the property. Mr. Harriet responded the second free standing sign is more for directional purposes for patrons once on Dream Street. Chairman Holland noted the building is three stories and would be somewhat hard to miss with regard to identification.

Mr. Wilder noted that under C-3 the hotel would be a principally permitted use. Counselor Wilson noted that he was thinking of the C-2 zoning district with regard to a previous comment. Discussion followed of the permitted uses in the zoning districts.

Mr. Wilder noted that he would consider the embankment difference of elevation as a unique condition, and Mr. Wilder stated he could see a reasoning in this as to why the proposed signage should be 65 feet. Mr. Wilder noted the total square footage of signage proposed is close to the permitted amount.

Accordingly, Mr. Wilder moved the Board grant the variances for the number of free-standing signs and height of one of the free standing signs.

Mr. Wilder noted the applicant is not proposing a building mounted signage, and suggested the applicant indicate the signage proposed to the Chairman. Mr. Harriett indicated the the proposed signage.

Chairman Holland noted that if the applicant places a big sign in the front of the building wherein lies the necessity for another free-standing sign.

Mr. Steve Gresham stated that he had taken some pictures of the area both from Dixie Highway and also pictures from the north of the subject property which might shed some light on the subject (taken through the aid of a crane). Mr. Gresham stated that even at the proposed 50 foot level there is difficulty in the visibility of the proposed signs. Mr. Gresham presented the photographs and indicated other signage in the area. Chairman Holland noted that going south on the interstate the property can be easily seen.

Chairman Holland reminded the Board members that recent correspondence had been received from the City of Florence requesting the Board control future signage within the city limits.

Mr. Wilder restated his motion that the Board grant the requests for the sign variances as previously stated based on Sect. 244 and the difference of grade elevations which he felt warranted the signage as proposed by the applicant.

Mr. Wilder noted that with regard to the signage proposed for the front of the property the applicant is permitted 120 sq. ft. of building mounted signage according to zoning regulations which the applicant has proposed only a 43.8 foot sign. Mr. Wilder noted that is a reduction in the amount of permitted building mounted signage.

Mr. Wilder's motion failed for lack of a second.

Mr. Bolton inquired if it would be appropriate for the Board to have a motion for one sign or two signs.

Mr. Bolton moved the Board establish that only one free standing sign should be permitted on the subject location. The motion was seconded by Chairman Holland.

Chairman Holland inquired of how high the Board wished the free standing sign to be.

Mr. Bolton added to his motion that based on the topography of the area, he would stipulate that the sign be permitted to be a maximum of 65 feet in height as opposed to 50 feet for the signage proposed on the rear portion of the property. Chairman Holland concurred with the stipulation to be added to the motion.

Mrs. Lanigan inquired if the building signage could be enlarged in the alternative. Chairman Holland responded affirmatively and noted the applicant could enlarge the signage proposed for the front portion of the property to 120 sq. ft.

Mr. Harriett inquired of the procedure on such alternative signage. Chairman Holland noted that as long as the applicant stayed within the permitted building mounted square footage limitations the applicant would not need to reapply to the Board of Adjustments. Mr. Hopper added they would need to apply for sign permits through the normal signage procedure.

A roll call vote was taken on the motion.

Ayes: Messrs. Bolton and Wilder, Mrs. Lanigan, and Chairman Holland.

After discussion, the motion carried.

### Sign Variance

The request of Cross Country Inns for a Variance in the height of a free-standing sign. This property is located at 7810 Commerce Drive and is currently zoned Commercial Services, C-3.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding area. Mr. Hopper presented the staff report which stated the applicant is requesting a variance in the height of a free-standing sign from a permitted 50 feet to 97 feet. Mr. Hopper explained that under Article 19, Section 1921 businesses in the C-3 zoning district are permitted two free-standing signs for each building subject to the height standard of 50 feet. Mr. Hopper stated that one free-standing sign will be located at the entrance to the property off Commerce Drive which will be 20 feet in height and 58.3 sq. ft. in area while a second proposed sign (the basis of the request) will be located in the southwest corner of the lot near the Shoney's property and the northbound ramp of I-75. Mr. Hopper related: he could find no unique conditions on the property; that strict application of the provisions of the regulations may deprive the applicant of a reasonable use of the land in comparison to the landowners in the same zone since other free-standing signs exceeding 50 ft. do exist in the general area; that the conditions of the property are the result of grading and ground preparation which has occurred within the last year; and that he could find no reasons why the request would preserve or harm the public safety and welfare nor would it change the essential character of the neighborhood.

Mr. Bernard Kenney, Construction Manager of Cross Country Inns, related that on the site a 112-unit limited service motel facility is being built.

Mr. Eric Grimwall, of Plastic Designs for Cross Country Inns, related that direct studies have determined a 97-foot sign is needed. Mr. Grimwall stated the main problem seems to be tree blockage from southbound I-75 with northbound visibility being

adequate. Mr. Grimwall cited other similar height or greater in height signs in the general area. Mr. Grimwall stated the hotel has a drive-through check in area which will require a wall sign for directional purposes. Mr. Grimwall stated the property has over 400 feet of frontage which translates into a total of 600 feet of sign area. Mr. Grimwall presented target studies at 80 feet and stated the proposed free standing site is proposed to be 263-1/2 sq. ft. (300 ft. is permitted). Mr. Grimwall related that at 80 feet the tree line impairs visibility.

Mr. Hopper noted the request on the application was for 80 feet measured from the bottom of the sign and 97 ft. to the top of the sign.

Mr. Wilder inquired if the sign 20 feet in height 58.3 feet wide would be illuminated. Mr. Grimwall responded it would be illuminated. Mr. Grimwall related the front directional signage would also be illuminated.

Chairman Holland inquired of the height of the Shoney's sign. Mr. Hoper stated the Shoney's sign was previously the Bonded Oil sign and that he was uncertain of the height. Mr. Kenney related the Construction Manager of Shoney's property had stated to him the sign was 100 feet.

Mr. Grimwall presented artists' renderings of the proposed signage and stated the total sign area is well within the sign limits.

There was no other audience support or opposition expressed.

Mr. Wilder moved the Board grant the variance in the height of a free-standing sign from 50 feet to 97 feet (maximum) for property located at 7810 Commerce Drive based on the fact of the uniqueness of the topography of the site and the impairment of the tall treetops. The motion was seconded by Mrs. Lanigan.

A roll call vote was taken on the motion.

Ayes: Messrs. Bolton & Wilder, Mrs. Lanigan, and Chairman Holland.

Mr. Grimwall inquired if the Board would consider approval of the wall signage as proposed. Mr. Hopper explained that the wall signage matter was not included in the report. Mr. Hopper stated that in-house staff discussions had determined the proposed wall sign is appropriate. Counselor Wilson inquired if the Board's review were necessary. Mr. Hopper stated he did not believe so.

Chairman Holland stated he did not believe the location would be a good location. Mr. Kenney related that more importantly the sign is a company logo and registered trademark. Mr. Hopper explained the on-site traffic flow. Mr. Kenney thanked the Board for their consideration.

### Sign Variance

The request of LRX Associates (agent) for Swallen's and the Florence Center for a Variance in the square footage permitted for a free-standing sign. This property is located on Mall Road and is currently zoned Commercial Two.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding slide presentation on the subject area. Mr. Hopper presented the staff report which stated the applicant is requesting a variance in the square footage permitted for a free-standing sign in a C-2 zoning district. Mr. Hopper related that under Article 19, Sect. 1921 one free-standing sign 250 square feet in area is permitted. Mr. Hopper stated the request is for a total of 350 sq. ft. Mr. Hopper explained the sign will be designed to advertise the Swallen's store at the top (161 sq. ft.) and the remaining separate panel (189 sq. ft.) to provide signage for the retail strip center in the development. Mr. Hopper stated the sign will be located near the principal entrance to the project off Mall Road. Mr. Hopper stated: that in terms of unique conditions, the Board may wish to consider that this sign would service the Swallen's store and multi-tenant building to be constructed on the site; that strict application of the regulations would not deprive the applicant of the reasonable use of the property since other free-standing signs would be permitted with less square footage; that any conditions on the property are the result of the applicant; and the request could be considered as a means of preserving the public safety and welfare since it would provide a more defined location of the project entrance. Mr. Hopper added that should the Board decide to approve the request he would recommend conditions as defined in the staff report.

Mr. Walter Loreaux of LRX associates representing Mr. Thomas Green (developer) noted his presence and availability for questions.

Mr. Bolton inquired if Mr. Hopper was proposing one sign for all lots on the site. Mr. Hopper responded affirmatively. Mr. Bolton inquired that if the condition #1 of the staff report were not added then the outlots (3) could each have their own individual free-standing signs. Mr. Hopper responded affirmatively. Mr. Hopper further explained that each building in the C-2 zoning district would be permitted on free-standing sign.

Mr. Loreaux responded that he had approached Mr. Green of the staff's condition for recommendation which Mr. Green did not agree with as the outlots as well as the restaurant would be individually owned and separate properties which Mr. Green did not feel he had the right to impair their right in regard to signage.

Mr. Loreaux explained it is the intention of Mr. Green to combine the Swallen's store sign and the strip center into one. Mr. Loreaux stated that the outlets should have their own as the owners are yet undetermined.

Staff member Ralph Hopper indicated the area and the proposed sign area for the Board.

Counselor Wilson inquired if the three outlots would be serviced by the same drive. Mr. Hopper responded affirmatively. Mr. Hopper stated that the three outlots were part of the entire tract and that as advertised the tract rather than the applicant coming back later to present three possibly four individual free standing signs at a later date.

Chairman Holland stated that personally he did not want additional signs on Mall Road and expressed concern of this.

Mr. Hopper further noted that the Board had a similar request in the matter of the Florence Plaza.

- - - - - Mr. Bolton departed the meeting. - - - - -

Mr. Wilder noted there will be building mounted signs on each of the tenants of the retail center.

Mr. Loreaux explained that he did not know what to say as it was the intention of the developer to provide signage for those outlots for future sales, and that Mr. Green would not want to impair the future landowner's rights as the outlots are separate and distinct parcels of property. Mr. Loreaux proposed the one large sign be reduced to 250 feet and the outlots not be restricted.

- - - - - Mr. Bolton returned to the meeting. - - - - -

Chairman Hollands stated he understood but that the Board was hoping that all the signs could be on one sign. Chairman Holland stated an alternative of the applicant being permitted 350 feet of sign area to allow all parcels on the subject tract combined signage.

Mr. Loreaux noted the permitted area amount of signage would be approximately 500 sq. feet whereas the application is actually for 350 sq. feet of sign area.

Mr. Bolton recollected that there was a similar request before the Planning Commission. Counselor Wilson stated he could not recall the instance Mr. Bolton was referring to. Mr. Wilson noted the Board could grant the variance and suggested reasonable conditions could be attached in the alternative.

There was no audience support or opposition expressed.

Mr. Bolton addressed Mr. Loreaux and inquired if Mr. Loreaux could speak for the developers of the site. Mr. Loreaux stated that was correct and he could only share with Mr. Green had expressed to him as he would not want to misrepresent Mr. Green.

Chairman Holland moved that the Board grant the sign variance for the 350 sq. ft. sign which would advertise all stores on the subject 26 acre tract with the understanding that no other free-standing signs would be permitted for the "lot".

Mr. Loreaux inquired of what the meaning of "lot" was. Chairman Holland responded lot meaning the project.

Mr. Wilder posed the question of whether or not the 350 sq. ft. figure would accommodate the additional signage that may be needed for the other four outlots.

Mr. Loreaux responded that would be a problem. Mr. Loreaux inquired if the number of stores would increase the applicant may have to come back and petition the Board for additional sign area.

Counselor Wilson suggested the Board could defer action on the request to allow discussion of the Board's wishes and the applicants needs.

Mr. Loreaux stated there is an urgency for the signage as Swallens will be opening in the not too distant future. Mr. Loreaux suggested the Board grand the variance with the understanding that should additional signage be required the Board would remain amendable to same.

Chairman Holland expresses concern of working on the "what if".

Mr. Don Swallen, President of Swallen's, urged the Board to defer as he was certain that Mr. Green would not wish the application to proceed with the proposed conditions by the Chairman.

Chairman Holland inquired if the applicant would like to withdraw the application.

Mr. Swallen that the applicants would like to have the Board defer action.

Chairman Holland inquired of the time limitations of the application. Counselor Wilson noted that if the applicant is requesting the deferral the time limitation requirements would be waived.

Chairman Holland stated he would withdraw his motion.

Mr. Wilder moved the Board defer action on the request of Swallen's and the Florence Center until a later variance. The motion was seconded by Mr. Bolton. After discussion, the motion carried unanimously.

### Sign Variance

The request of Architects Team Associates (agent) for Action Nissan for a Variance in the number of free standing signs and the height of a free-standing sign. This property is located at 8025 Action Boulevard and is currently zoned Commercial Services, C-3.

Staff member Ralph Hopper presented a slide presentation on the subject and surrounding area. Staff member Ralph Hopper presented a staff report on the request which described the purpose of the request. Mr. Hopper stated that under Article 19, Section 1921 businesses are permitted two free-standing signs per building with a 50 foot limitation, a 250 foot limit on one sign and a 300 sq. ft. limit on the second sign. Mr. Hopper related that one building mounted sign with 80 sq. feet and one free-standing sign with 58.5 square feet and 22 feet in height have been approved. Mr. Hopper stated the submitted plan indicates a second free-standing sign with 58.5 sq. ft. in area and 22 ft. in height to be placed north of the building and close to Action Boulevard. Mr. Hopper described the third sign is located in the southeast corner of the property which is to be 200 sq. ft. in area and 70 ft. above grade. Mr. Hopper's report noted that there is a statement attached of the applicant's comments which states that considerable contouring of the land has occurred on the site. Mr. Hopper noted that the effect of the 70 foot sign in relation to I-75 would be 57 feet of height while the effect to Mall Road and Burlington Pike will be 70 feet. Mr. Hopper stated that: he could find no conditions considered unique to the applicant's land; that strict application of the regulations may deprive the applicant of a reasonable use of land permitted other landowners in the same zone since many free standing signs in the Commercial Services, C-3 district, do exceed 50 feet in height; that any conditions on the property would be the result of ground preparation which has occurred on the site; and that he could find no reasons that the request would preserve or harm the

public safety and welfare but it may change the essential character of the neighborhood since the business is more closely associated with the Mall.

Mr. Dale Beehler, Architects Team Associates as Agent, stated the reasons for the application and noted the applicant had dug a 13 foot hole for the placement of the sign post which was an error on the applicant's part in planning for the sign. Mr. Beehler related that a vast amount of earth was moved (approximately 27,000 cubic yards of earth) and down to bedrock and where the applicant decided to set the sign at the bottom of the retaining wall which is 12 feet high. Mr. Beehler explained the applicant could set the sign on top of the retaining wall to achieve the 50 foot exposure level but would rather not have to resort to this alternative. Mr. Beehler presented photographs at the 70 feet level. Mr. Beehler stated the additional proposed 7 feet of the sign height would allow visibility over the overpass.

Mr. Wilder noted the business is not striving to attract the transient traffic. Mr. Beehler agreed.

Mr. Beehler explained the second portion of the appeal is for the smaller highway sign. Chairman Holland suggested the Board review the signs individually.

Discussion followed of the sign visibility, and the close proximity to the Florence water tower and the proposed sign being approximately 68 ft. lower than the tower.

Mr. Wilder inquired if the staff had a photograph going southbound on I-75 of the subject area at the Kentucky 18 overpass. Mr. Hopper stated he did not have such a view available.

Mr. Shellie Lequire, representing Action Nissan, stated the applicant is planning on advertising statewide and would he urged the Board to take this into consideration in their review of the sign variance requests.

There was no audience support and opposition.

Mr. Bolton stated he would be willing to get the sign out of the hole but as far as granting the additional 7 ft. area he had some concern due to the location's close proximity to the Mall.

Mr. Bolton moved that the Board grant the variance from 50 feet to 63 feet above grade for Action Nissan of 8025 Action Boulevard with regard to the "expressway sign". The motion was seconded by Chairman Holland.

After discussion, the motion carried unanimously.

Mr. Beehler stated the second portion of the application is in reference to a 22 ft. "pile on" sign similar to a sign that had previously been approved which was proposed to be located at the second curbcut.

Chairman Holland inquired of the need for the placement of the second sign. Mr. Beehler responded the applicant wished to have a sign located at that particular curbcut as it is not perceived to be the major entrance but more for directional purposes to direct patrons from Action Blvd. Mr. Beehler stated purposes to direct patrons from Action Blvd. Mr. Beehler stated the applicant has a reduction (80 sq. ft.) in their building mounted sign allowance (450 sq. ft.) Mr. Beehler responded the applicant is willing to trade the amount of building mounted signage for the greater emphasis to be on free-standing signage which is more appropriate with the signage package of the dealership.

Mr. Lequire noted the truck sign or the "pile on" sign represents a good portion of the Action Nissan's business (approximately 35%) and urged the approval of the requested signage.

Mr. Hopper noted that as an option the Board may wish to consider if the applicant could put both the used car sign and the truck sign. Mr. Lequire explained the areas are in different portions of the property. Mr. Lequire noted that he has no control as the signs are provided by the Nissan dealership. Mr. Beehler noted the site has an unusual configuration as there is a 15 ft. of elevation change across the site. Mr. Beehler stated the applicant feels pretty strongly as the lot is rather large and the placement of signs is strategic.

Mr. Wilder stated that if he was understanding correctly the applicant was stating the signs are directional signs as well as advertisement signs. Mr. Lequire responded affirmatively.

Chairman Holland noted the applicant is actually requesting a total of five signs. Mr. Heehler responded the total would be for four signs. Mr. Hopper noted that two signs had previously been approved.

Discussion followed of the proposed signs.

Mr. Wilder stated that his opinion is that the third pole sign actually serves as a directional sign and would be in the public interest of the general public. Mr. Wilder stated the grade change also is a consideration of the site.

Mr. Wilder moved that the Board grant the variance for the 22-foot pile on sign for Action Nissan at 8025 Action Boulevard. The motion was seconded by Mrs. Lanigan.

After discussion, a roll call vote was taken on the motion.

Ayes: Mr. Wilder and Mrs. Lanigan  
Nays: Mr. Bolton and Chairman Holland.

Chairman Holland noted the motion did not attain a majority vote.

Chairman Holland moved the Board deny the variance for the 22-foot pile on sign.

Mr. Bolton inquired that if the request was to be denied if the Board could defer action on the request. Counselor Wilson responded affirmatively.

The motion was seconded by Mr. Bolton.

Mr. Beehler stated that if the Board were so inclined to not grant the variance then perhaps the applicant should ask for a deferral to reassess the area. Mr. Beehler related that the signage is critical and that in essence the previous request did not need Board approval and the Board gave the applicant "essentially nothing they did not already have". Mr. Beehler stressed the applicant is trading a vast amount of building mounted signage in lieu of the directional free-standing signs. Mr. Beehler stated there appears to be no consistency in the logic of the Board.

A roll call vote was taken on the motion.

Ayes: Chairman Holland and Mr. Bolton  
Nays: Mr. Wilder and Mrs. Lanigan.

Mr. Wilder moved that the Board defer action until a fifth member of the Board could be present and to allow additional discussion on the proposed signage.

Mr. Lequire urged the Board to reconsider the dealership requirements for signage and he also noted the time restrictions on the proposed opening of the dealership. Mr. Lequire stated and he urged the cooperation of the Board.

Chairman Holland noted that by the applicant's own admission the only traffic on Action Boulevard would be to the Action Nissan.

Mr. Beehler expressed disenchantment with the Board's decision.

### Zoning Appeal

The request of Waco Oil Company for an Appeal of the Zoning Enforcement Officer's decision regarding both free standing and building mounted signs. This property is located in the Turfway Road and is currently zoned Commercial Two.

Staff member Ralph Hopper presented the staff report which stated the applicant is requesting an appeal of the Zoning Enforcement Officer's decision regarding signage in the Commercial Two zoning district. Mr. Hopper related the regulations under Article 19, Sections 1912 and 1921, state that one free-standing sign 50 feet high and 250 sq. ft. in area and one building mounted sign with 1.5 square feet per lineal foot of building width is permitted. Mr. Hopper explained the signs in question were constructed in early October of '85; whereupon the applicant was notified October 14th that they had failed to obtain sign permits for both free-standing and building mounted signs. Mr. Hopper stated the applicant did make application on October 15th. Mr. Hopper stated he after reviewing the application and the site issued a permit for the free-standing sign and he stated he could not issue permits for the building mounted signs since in his opinion they did not conform to the regulations. Mr. Hopper stated he did inform the applicant regarding the lack of conformance on the building mounted signs and that on October 15th Mr. Ray Beil acting as agent applied for a variance in the number of building mounted and free-standing signs. Mr. Hopper related that a review of the site revealed signage on a canopy which constituted additional free-standing signage. Mr. Hopper related the meeting of himself, Mr. Ray Beil and Don Conrad (owner) who requested an interpretation of the regulations which has led us to the subject appeal request. Mr. Hopper related that on October 31st Mr. Conrad return to the office and stated he did not want an appeal but rather a variance. Mr. Hopper then advised Mr. Conrad that the request had been advertised as an appeal which would have to proceed as such.

Counselor Wilson inquired if the applicant wished to proceed with the request as on appeal or if the applicant desired a variance.

Attory. Jack LaVelle, representing Waco Oil, stated that quite honestly he did not know how the applicant wished to proceed. Mr. LaVelle contended that as all panels are controlled by one seitch the applicant was considering all panels as one sign which Mr. Hopper contented is five signs.

Mr. Ray Biel, El Grande Corporation (constructor of the remodeling project), stated the procedure of the sign permit application and the series of event leading up to the subject appeal. Mr. Biel inquired of what constitutes a "sign". Mr. Biel stated the applicant knows they are in violation but they do not know what section they are in violation of.

Chairman Holland inquired of the maximum signage permitted by the applicant. Mr. Hopper responded the applicant is entitled to one building mounted sign which is measured according to frontage calculations of the building which also needs some clarifications as to what constitutes the actual building frontage.

Chairman Holland inquired if Mr. Hopper was saying the applicant is permitted 48 sq. ft. of sign area. Mr. Hopper stated that would be correct if the Board were considering the front section of the building of 32 ft.

Chairman Holland inquired of the amount of sign area the applicant had at present. Mr. Hopper stated he would have to check with the applicant. Mr. Biel stated he would have to guess that the height of the sign is actually 18".

Mr. Hopper expressed concern of the individual panels to be considered one sign. Mr. Hopper calculated the panels to be 112' x 18' of signage.

Counselor Wilson clarified so the issue is the number of signs or the total square footage. Mr. Hopper stated that perhaps he could clarify by indicating the paneled areas of the slides and he did so indicate. Mr. Hopper calculated the total amount of sign area from all five panels is 228' of sign area.

Mr. Biel commented that if his recollection was correct that Mr. Hopper had stated the applicant was allowed 134' of sign area.

Mr. Hopper explained that in the subject instance there are two ways to measure the foot frontage of the building: one either by the consideration of the main building portion or secondly, including with the main building portion two diagonal sections of 20' each.

Chairman Holland noted that since access cannot be gained from the side diagonal portions he would consider the diagonal portions to be part of the sign. Mr. Hopper noted that then the diagonal portions should be considered as part of the frontage according to the Chairman's reference.

Chairman Holland stated then the figure would be calculated with a 72 foot frontage.

Discussion on the foot frontage determination.

Mr. Hopper noted the canopy is yet another sign.

Chairman Holland related that a view of the site had revealed to him that you cannot see Waco on the sign while proceeding down Turfway Road.

Chairman Holland inquired if the applicant wished to proceed on appeal or as a variance.

Counselor Wilson reminded the Board members the request was advertised as an appeal which requires it be treated accordingly.

Counselor Wilson clarified that even if the amount of signage were calculated in a manner most favorable to the property owner the applicant still exceeds the permitted signage amount. Mr. Hopper stated his concurrence.

Discussion followed of the signage amount calculations. Which determined the applicatn was in excess of the permitted amount of signage using the largest amount of building frontage to calculate by an excess of approximately 90 feet.

Mr. Behl suggested the inclusion of another section of the property to increase the amount of building frontage.

Mr. Hopper stated he felt there are five building mounted signs.

Chairman Holland stated he did not consider the car wish as part of the building.

Mr. LaVelle suggested the exclusion of two of the sections are inquired if the applicant would then be within the permitted amount of signage. Mr. Hopper responded affirmatively.

Chairman Holland noted that the building would still even with the exclusion of the two panels have three building-mounted signs whereby they are only permitted two.

Mr. Behl suggested the regulations be researched to determine what constitutes a "sign". Mr. Hopper responded the sign is defined under the definition section of the regulations as "any device used to attract the attention of people not on the premises".

Mr. Behl referred the Board to Section 1904 of the zoning regulations. Mr. Hopper stated the referenced sections refers to actual measurement of the signs panels or if placed on a building or apparatus where only letters are put up you would measure the letter (actual) sizes individually.

Chairman Holland inquired of counsel if the determination of the appeal may determine the applicant must come back with a variance request. Counselor Wilson clarified that what is present now exceeds the number of signs permitted as well as the square footage of signage allowed. Mr. Wilson related that upon the determination by the Board then the issue of seeking a variance does surface to bring the applicant into compliance.

Chairman Holland inquired if fellow Board members perceive the signs to be five building mounted signs. It was the general concensus of the Board members present that the signage should be consider as five building mounted signs.

Discussion followed of the excessive amount of signage.

Mr. Wilder indicated he perceives the red, white and blue area to be signage also.

Discussion followed of the sign panels.

Mr. Hopper related the applicant has posed the question of removal of two panels of the building mounted signs which would amount to the removal of 90 sq. ft. of sign area and base don the frontage and the inclusion of the diagonal adjacent sections being considered as part of the frontage (72 ft. total) which would permit or allow 108' of total sign area.

Chairman Holland moved the Board uphold the determination of the Zoning Enforcement Officer adn request the applicant to remove the sign on the 40-foot section of the "browband" with the understanding tha the remaining 108' of sign be allowed to remain (whereby the applicant obtains a variance for same) which would bring the applicant into compliance with Sect. 1912 of the zoning regulations.

Mr. LaVelle inquired if the applicant must also remove the stripes on the panels or could they merely remove the Waco Oil.

Discussion followed of the striped area on the signs.

Mr. Hopper contended that the stripes too would have to be considered a part of the sign. Mr. Wilder inquired if in the definition of a sign the sign had to contain words. Mr. Hopper responded no.

The motion was seconded by Mr. Wilder.

Mr. Wilder clarified that then the signage would be Waco Mart on the front portion and on the two angulared sections. Mr. Wilder noted that he still perceives the panels to be three signs.

Counselor Wilson noted there is a determination as to whether the geometric designs make it a sign. Discussion followed in this regard.

After discussion, the motion carried unanimously.

----- Mrs. Lanigan departed the meeting. -----

Discussion followed of the signage on the canopy area.

Mr. Wilder moved that the Board defer action on the consideration of the second free standing sign on the canopy area of Waco Oil until the December 11th Florence Board of Adjustment meeting. The motion was seconded by Chairman Holland.

After discussion, the motion carried unanimously.

Ayes: Messrs. Bolton and Wilder, and Chairman Holland.

#### Administration

Chairman Holland moved that the staff be directed to send a letter to the applicant of the Florence Auto Sales request at Hwy. 42 and Main Street with regard to the striping of the entire lot. The motion was seconded by Mr. Bolton. After discussion, the motion carried unanimously.

Chairman Holland stated corresponsce had been received from Mayor Rolfes which stated that at the suggestion of Council, he fully convurs with the suggestion that a porcess by created of notifying adjoining property owners when an application has been made for a variance. Chairman Holland stated he had prepared a response to the letter on behalf of the Board which he had inadvertently left at his home.

Chairman Holland accordingly moved that the Baord defer action on the correspondence.

Mr. Wilder inquired if the Chairman had discussed the matter with Mr. Hopper and the need for deferral would not be needed.

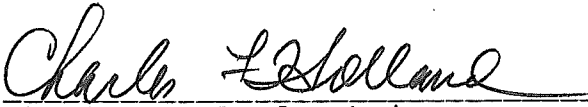
Mr. Wilder related that he had a recent conversation wherein Mr. Hopper stated the matter needed to be researched as there are inherent costs with such a notification procedure.

Chairman Holland stated the Mayor has stated that he would pay the expense.

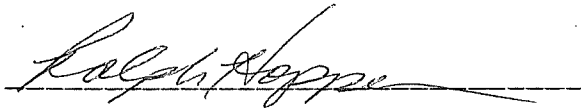
Mr. Wilder moved that the Board direct the staff to investigate the Mayor's letter of request and to reply back to the Board at the next Florence Board of Adjustment meeting of December 11th, 1985. The motion was seconded by Chairman Holland.

After discussion, the motion carried unanimously.

Chairman Holland moved for adjournment.

  
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Charles Holland, Chairman

Attest:

  
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