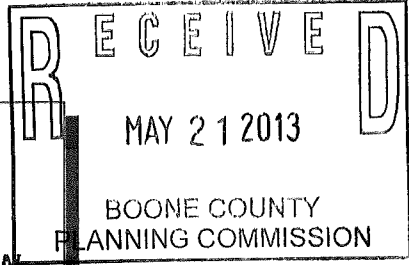


13-FBOA-005-A

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence _____ Walton _____ Union _____
- 2. (Check One) Conditional Use Permit _____ Variance _____ Appeal _____
- 3. Change in Non-Conforming Use
- 3. Applicant's Name Atlantic Sign Co. 2328 Florence Ave,
Applicant's Address _____
City Cinti State OH Zip 45206
- 4. Phone Number 859.466.2894 Fax No. _____ E-Mail preferred resources @ insightbb.com
- 4. Description of Request: Replace existing 5'x10' EMC with 6'x14'
- 5. Name of Development Florence Center B
- 6. Location of Development Houston Rd (8000 - 8100)
- 7. Acreage Under Review _____
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property Thomas Girgen c/o Miller Valencia Group
Address of Property Owner 9349 Waterstone Blvd.
- 10. City Cinti State OH Zip 45206
- 11. Phone Number 513.583.4759 Fax No. _____ E-Mail Tonya.Beckner @mvq.com
- 11. Proposed Use(s) on Site Existing Commercial site with multi-tenants
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property C-2/PD/MR
- 14. Deed Book 332 Page No. 222 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? _____
- 17. Have you submitted a list of adjoining property owners with this request? _____
- 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: Tonya Beckner
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Mike Conedy for ASC
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

Parcel #: 062.00-25-005.09

SIGN PERMIT APPLICATION
PAGE 2

NOTE: Each applicant shall submit three (3) copies of the signage drawings.
The information on the drawings shall contain the following items:

- (a) location of proposed sign(s)
- (b) height of proposed sign(s)
- (c) dimensions of sign or signage area
- (d) type of illumination
- (e) type of construction material

See the Boone County Planning Commission Fee Schedule for Sign Permit Fees. One application form shall be submitted for each sign. An application consists of all fees paid in full, submitted drawings and a completed application form.

SECTION B (To be completed by the BCPC Staff)

1. Date Received 5/21/13 Review Fee \$932.00 Net #66917
2. Number of Copies Received** 3
3. Is application Complete Yes No
4. Staff Reviewer _____
5. Staff Action _____

_____ Approval

Permit Number: _____

6/12/13 Approved with Conditions

Conditions: SEE 6/12/13 FBOA Meeting Minutes
AND C.L.U.R.

_____ Denied

Reasons for Denial: _____

6. Date Copy Sent to Building Department _____

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-Mail
 www.boonecountyky.org - Web Page

STAFF REPORT

APPLICANT: Atlantic Sign Company for Florence Center/Florence Antique Mall

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

ZONING: Commercial Two/Planned Development/Mall Road Overlay District (C-2/PD/MR)

DATE: June 12, 2013

Proposal

The applicant is requesting a Change in Non-Conforming Use to allow the square footage of the electronic message center on the Florence Center/Florence Antique Mall pylon sign to be increased from 50 square feet (5' x 10') to 84 square feet (6' x 14').

Applicable Regulations

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.

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."

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).

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.

Section 3440 of the Boone County Zoning Regulations states that shopping centers or commercial subdivisions within the Mall Road Overlay Sign District are permitted a density of one (1) architectural freestanding in accordance with the following standards:

- A. The sign shall not exceed 20 feet in height.
- B. The maximum size of the sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No architectural freestanding sign shall exceed two hundred (200) square feet in area.
- C. The base of the sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. A second option is for the pole structure(s) to have sculptural or artistic characteristics. Lastly, a monument sign may be substituted as the permitted freestanding sign. The base of the monument sign shall be constructed with materials, colors, and design details which match or correlate to one of the principal buildings on site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
- D. Up to 50% of the area of any permitted architectural freestanding or monument sign may be used as manually changeable copy display. Proposed manually changeable copy display(s) shall be located beneath all fixed copy signs.
- E. One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the architectural freestanding or monument sign as a Conditional Use. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
 - 1) The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required in Section 3405 of this Article;
 - b. Identification of all thoroughfares from which the sign will be visible; and
 - 2) Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
 - a. Such message boards and screens will be considered a part of the architectural freestanding 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 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.
 - c. 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", "running", or "flashing" messages.

- d. The message displayed on the board shall not change more than three (3) times per day.
- e. Messages shall be displayed in one color on a black background.
- f. The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.
- g. Off-premise advertising shall be prohibited on the sign.

Pertinent 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.

10/13/10 - The Florence Board of Adjustment denies a Change in Non-Conforming Use application. At the time of the application, the subject sign was 26 feet tall, 414 square feet (18' x 23'), and had 21 advertising spaces. The proposed sign was 26 feet tall, 391 square feet (17' x 23') in area, and had 9 fixed advertising spaces and a 4' x 12' electronic message center.

The sign was non-conforming because the Mall Road Commercial Sign District (previous sign code before the Mall Road District Study was adopted) permitted shopping centers to have one architectural freestanding which was up to 30' in height and 200 square feet in area. This sign code allowed electronic message centers if there were no individual tenant panels displayed on the sign (see attachments).

1/26/12 - Boone County Planning Commission approves a Sign Permit allowing a 57.5 square foot (5' x 11'-6") electronic message center to replace the 168 square foot (8' x 21') multi-tenant sign cabinet.

3/13/12 - The Mall Road District Study is adopted by the City of Florence.

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 312 square feet (13' x 24') in area. The sign has a 144 square foot (6' x 24') cabinet at the top of the sign which advertises Florence Center and Florence Antique Mall and a 57.5 square foot (5' x 11'-6") electronic message center lower on the sign which advertises the various tenant spaces within Florence Center and the Antique Mall.

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/PD/MR)

South: Phantom Fireworks (C-3/PD/MR) and Former Bob Sumerel Tire Building (C-2/PD/MR)

East: Mall Road, Heights Boulevard, Pep Boys, Crossroads Church, Vacant Lot, Berkshire Farm (C-2/PD/MR)

West: Preakness Drive, Paddock Club Apartments (UR-1), and Single-Family Residential Dwelling (C-2)

Staff Comments

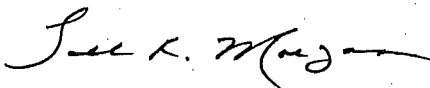
1. Staff would like the applicant to explain why the application has been submitted.
2. On January 26, 2012, Boone County Planning Commission issued a Sign Permit for the electronic message center. The permit shows a 168 square foot (8' x 21') multi-tenant sign cabinet would be removed and a 57.5 square foot (5' x 11'-6") electronic message center would be added to the sign. The electronic message center was approved because the Mall Road Commercial Sign District (former sign code) was still in effect at the time. These regulations allowed electronic message centers if there were no individual tenant panels on a shopping center sign. The regulations did not contain any electronic message standards, such as time intervals between messages, pixel pitch, or prohibition of flashing, scrolling, running, or moving messages.
3. The January 26, 2012 Sign Permit shows that the electronic message center would be 57.5 square feet (5' x 11'-6"). The Permit was later revised and the electronic message center is 50 square feet (5' x 10').
4. Staff observed the electronic message center in the field. Some messages are shown with animation (moving patterns of light) and others change in rapid succession.
5. Staff believes the existing sign could be distracting to motorists because of the rapidly changing copy. The Future Land Use Development Guidelines (pages 161-164) 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).
6. The Board needs to 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.

7. Staff believes the proposal will be no more objectionable if the following conditions are agreed to:
- A. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.).
 - B. Any message displayed on the electronic message center shall be displayed for a minimum of five (5) seconds.
 - C. The electronic message center shall have a 19 millimeter pixel pitch or better resolution.
 - D. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.
 - E. Businesses not located in Florence Center or the Antique Mall shall not advertise on the sign.
 - F. The open area between the Florence Center/Florence Antique Mall cabinet and the electronic message center shall not be filled in with additional signage.

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/dw

Attachments

- *2012 Aerial Map
- *Picture of Sign From 10/13/10
- *10/13/10 Proposal Denied by Florence Board of Adjustment
- *1/26/12 Sign Permit
- *Proposed Sign, Current Sign, Original Sign
- *Zoning Map
- *Mall Road Commercial Sign District Regulations (Previous Sign Code)
- *10/13/10 Florence Board of Adjustment Meeting Minutes
- *Application

2009 AERIAL MAP

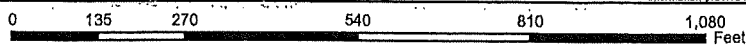
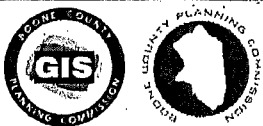
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BOONE COUNTY GIS

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1 inch = 300 feet

Boone County GIS

"Putting Northern Kentucky on the Map"



Map File Local 102910 902

10/13/10

26' TALL

414 SQUARE FEET

23'

FLORENCE CENTER
FLORENCE ANTIQUE MALL

71 SOUTHWESTERN COLLEGE		SKY NAILS	RED WING SHOES	RIP-N-STITCH	COINS & ROY	employment plus	RC Hobbies
COINS +	MEVIAN RESTAURANT	JACKSON HEVILLI	HER BLOCK	friday	HALLOWEEN EXPRESS	friday	friday
UNATIONAL GUARD	taff company	friday	friday	friday	friday	friday	friday

NOVEMBER ROLLING
 Your Future is Now 282-9988
 Come In 2009

18'



10/13/10 FLORENCE BOARD OF ADJUSTMENT EXHIBIT – PROPOSED SIGN

23 11

FLORENCE CENTER

Florence ANTIQUE MALL

6 ft

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

2 ft

2ft x 2ft internally illuminated sign cabinet
24 SQ. FT.

0 in

4 ft

4ft x 2ft LED message center
48 SQ. FT.

5 ft

5ft x 3ft internally illuminated sign cabinet with 6 tenant panels
65 SQ. FT.
275 SQ. FT. TOTAL

348 SQ. FT. TOTAL

138 SQ. FT.

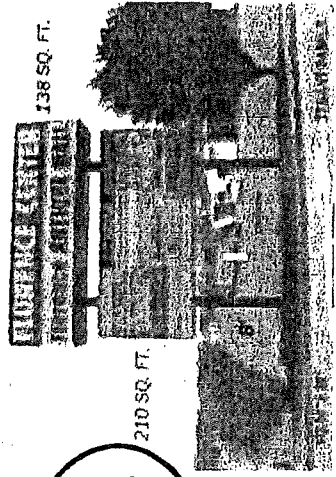
13 ft

9' ABOVE GRADE

PROPOSED SIGN
26' TALL
17' X 23' = 391 SQ. FT.

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

210 SQ. FT.



**BOONE COUNTY PLANNING COMMISSION
SIGN PERMIT**

****NOTE:** Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements

A Sign Permit is hereby granted to Mike Cassedy for Florence Center for property located at 8047-8133 Connector Drive, Florence, Kentucky and zoned C-2, for the purpose of erecting signage in accordance with Article 34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the following special conditions/descriptions:

- Remove the existing 168 s.f. (8' x 21') multi-tenant sign sign cabinet and replace with a new 57.5 s.f. (5'-0" x 11'6") electronic message center on the existing 26' high Florence Center development sign.
- The overall square footage is decreasing with the elimination of the tenant panels thereby becoming less non-conforming and allowing the electronic message center as part of the Mall Road Commercial Sign District in Article 34 of the Boone County Zoning Regulations.

Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

1/26/12
DATE



Mitchell A. Light
Assistant Zoning Administrator

Job Name:
FLORENCE CENTER

Job Location:
FLORENCE, KY

Design No.:
FloCe-115

Date:
12 19 11

Scale:
See Dwg. for Dimensions

Notes

DESIGN INTENT DRAWING
These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contracted sign fabricator and installer shall accept and final responsibility for all final materials selection, engineering details, fabrication details, permits and installation. The contracted sign fabricator shall produce his own detailed shop drawings and installation drawings for all signs represented in these design intent drawings.

This drawing and the designs herein are provided under U.S. Copyright Law and shall remain the property of Preferred Resources of the Rosebud and may not be reproduced or used in any manner without the expressed written consent of Preferred Resources of the Rosebud.

preferred resources
P.O. Box 381
5765 Vires Lane
Burlington, KY 41005
(859) 466-2894

Sheet No. **115**

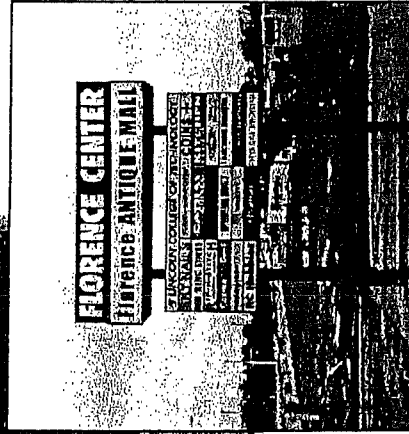
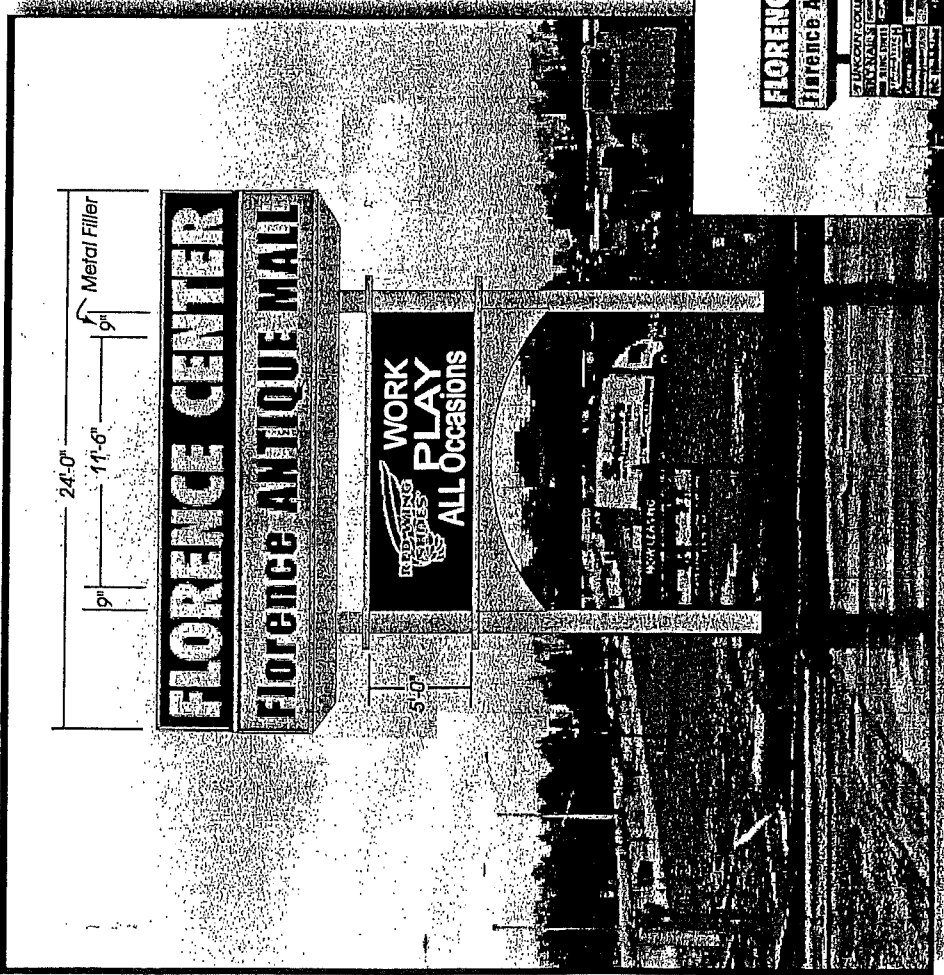
DESIGN # 115 5'-0" x 11'-6" DISPLAY

Remove and junk the existing 8' x 21' double faced multi-tenant sign.

Prep and paint the existing vertical supports 12" x 12" steel square tube supports. Add an "arch" detail along with "separation bars" as shown above and below the electronic display.

5'-0"x1'-6" Double Faced Digital Display. Full color unit. 16mm pitch with 10mm virtual full color affect.

Provide and install (2) fabricated aluminum "filler" pieces to fill in the gap between the EMC and the vertical supports.



REV 12 20 11
REV 12 27 11
REV 12 26 11

DESIGN # 1304

6'-0" x 14'-0" DISPLAY

Remove Leading Edge Displays (2) 5x10' single faced displays.

Provide and install (2) 6'x14' single faced Watchfire Displays.

6' x 14' Double Faced Digital Display.
Full color unit. 19mm pitch.

Job Name:
FLORENCE CENTER

Job Location:
FLORENCE, KY

Design No.:
FloCe-1304

Date:
03 07 13

Scale:
See Drawg. for Dimensions

Notes

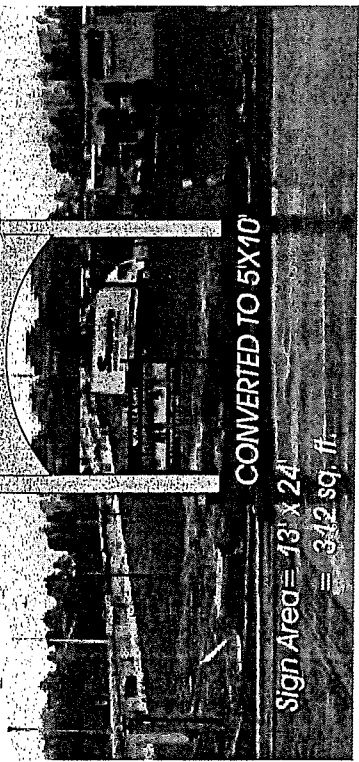
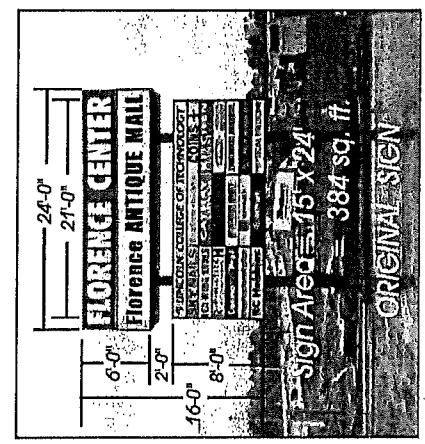
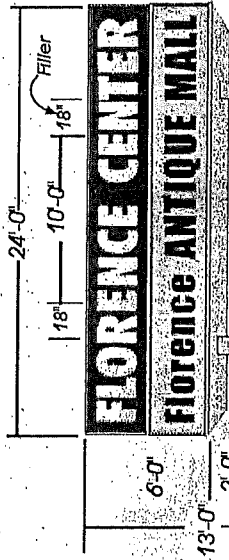
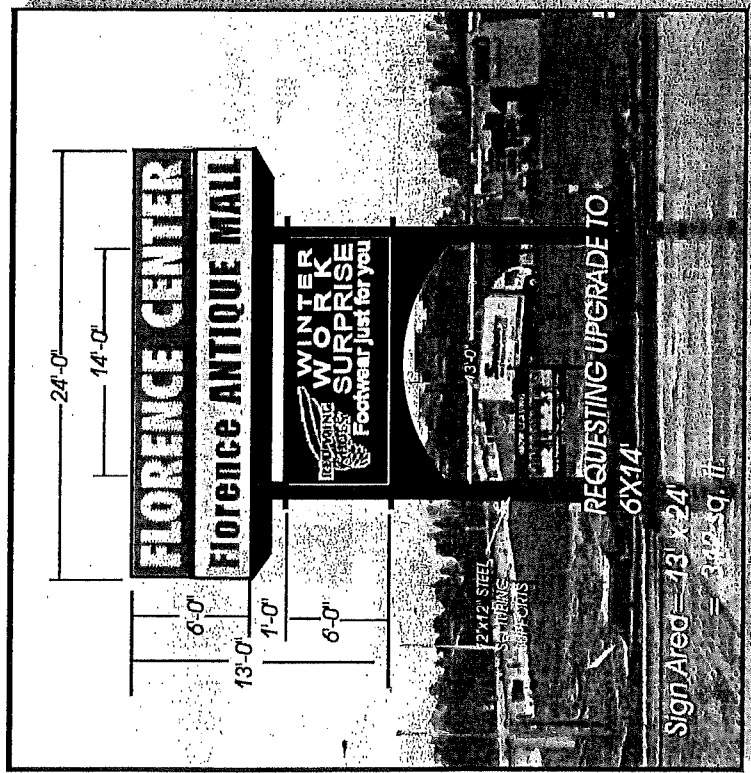
DESIGN INTENT DRAWING
These drawings are for the sole purpose of expressing design intent only and are not intended for actual fabrication purposes. The contracted sign fabricator and installer shall accept sole and final responsibility for all final materials selection, engineering details, fabrication details, permits and installation. The contracted sign fabricator shall produce his own detailed shop drawings and installation drawings for all signs represented in these design intent drawings.

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preferred resources
P.O. Box 381
3769 Vice Lane
Burlington KY 41005
(859) 466-2894

Sheet No.
1304

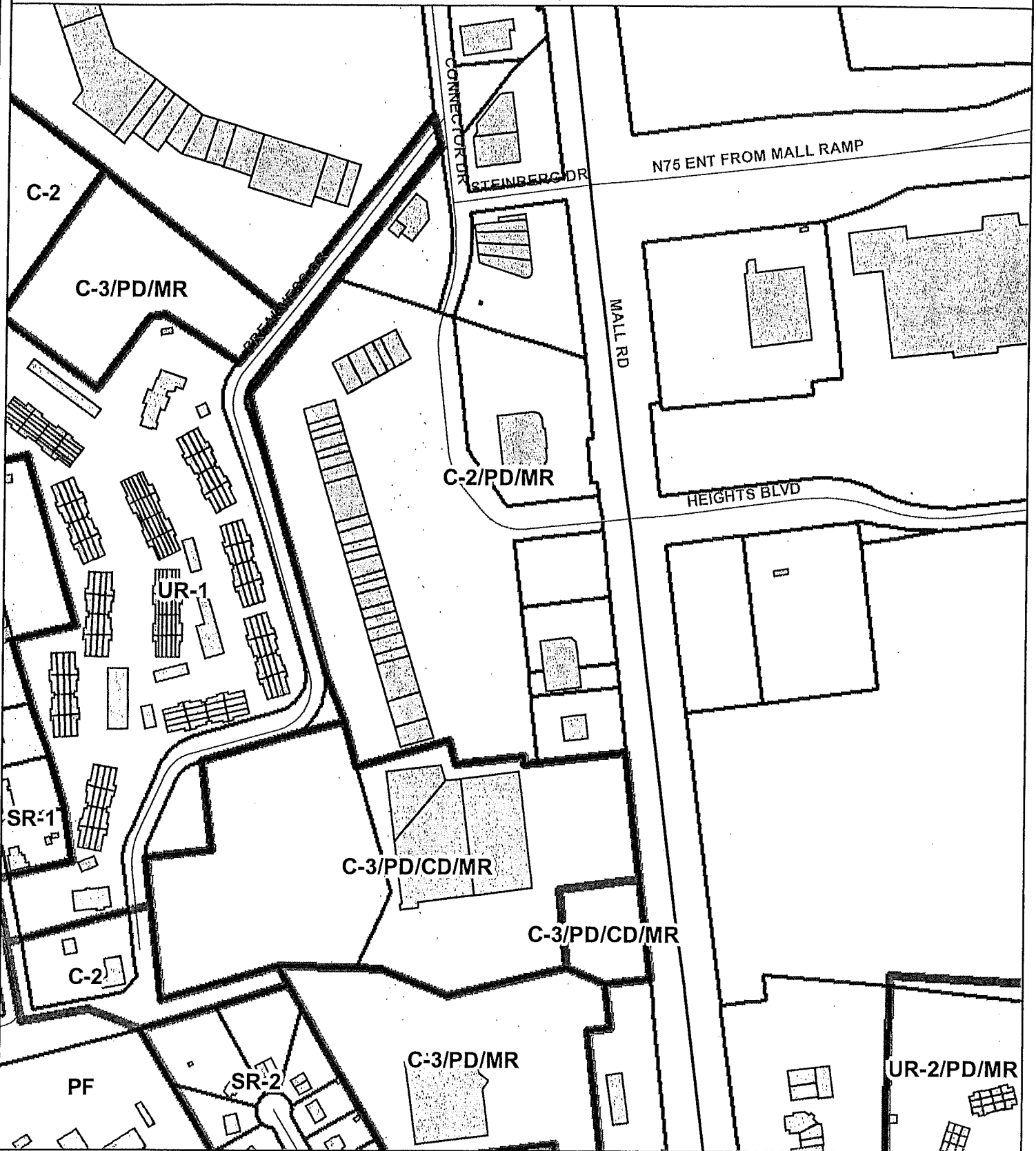
REV 06 07 13



CONVERTED TO 5X10
Sign Area = 13' x 24'
= 312 sq. ft.

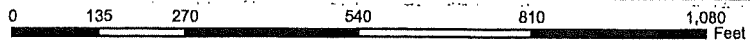
ZONING MAP

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1 inch = 300 feet

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SECTION 3441

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.

SECTION 3442

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.

SECTION 3443

Commonwealth Park Special Sign District

A 16 acre site bounded by Turfway Road on the north, Houston Road on the west, the south-bound I-75/Turfway Road exit ramp on the south, and I-75 on the east is within the Commonwealth Hilton

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
BUSINESS MEETING
October 13, 2010
7:30 P.M.**

Mr. Pieper called the meeting to order at 7:37 P.M.

BOARD MEMBERS PRESENT:

Mr. Timothy Pieper - Chairman
Ms. Lois Evans - Vice-Chairwoman
Mr. Ritsel Sparks

BOARD MEMBERS NOT PRESENT:

Mrs. Linda Schaffer
Mr. David Schneider, Jr.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Mr. Pieper stated that the Board members received copies of the minutes of the Florence Board of Adjustment Meeting of August 11, 2010. He asked if there were any comments or corrections. There being no changes, Ms. Evans moved to approve the minutes and Mr. Sparks seconded the motion. Mr. Pieper called for a vote and it carried unanimously.

Agenda Items:

1. **Request of Carpenter Sign Service for 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 sign is located immediately to the southwest of the Mall Road/Connector Drive/Heights Blvd. intersection. The property is currently zoned Commercial Two (C-2).**

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

Mr. Bob Carpenter, with Carpenter Sign Service, said his understanding is the electronic sign would be permitted by right if all the tenant panels were removed from the sign. In addition, they could run the electronic sign anyway they wanted, including flashing or scrolling messages. He does not understand why the current code requires all the tenant panels to be removed in order for the shopping center to have an electronic sign. The intent of the message center is to get messages across and not to list individual tenants. The tenant panels are needed because the shopping center is located so far off the road. Listing the seven major tenants will be helpful because the other tenants could say who they are located near. He reviewed his PowerPoint presentation (see slides at the end of the Staff PowerPoint presentation), which showed slides of other electronic signs in the Greater Cincinnati Metropolitan area.

Mr. Carpenter noted that several of the signs he was showing have electronic message boards and individual tenant panels. He reviewed a slide showing which outlots would be eligible to advertise on the electronic sign. Mr. Morgan indicated that more outlots could develop in the future and they would be able to advertise on the electronic sign. He noted that the City of Florence approved a restaurant outlot in front of the Florence Antique Mall last year. To date, this outlot has not developed. Mr. Carpenter indicated that the electronic sign would also eliminate or greatly reduce the number of banner permits that were sought by the tenants of the shopping center.

Ms. Evans asked Mr. Carpenter if the fixed tenant panels would be advertising tenants in the shopping center or the outlots. Mr. Carpenter replied the panels are for shopping center tenants. Some of the tenants have clauses in their lease which guarantee them a tenant panel on the freestanding sign. Ms. Evans asked for confirmation that the tenant panels would only advertise tenants of Florence Center. Mr. Carpenter agreed. Ms. Evans asked how many tenants are in the strip mall. Mr. Gail Yung, with Florence Center Associates, stated there are 27 tenants. Mr. Carpenter said the other tenants will advertise on the message center and are content with that.

Mr. Carpenter explained that they are proposing a full color electronic sign because it does a much better job of displaying logos and advertisements. Many logos would be meaningless in a monochrome display. He questioned why the Board wouldn't allow a full color sign when it would be allowed if they were to remove all the tenant panels from the sign. He also questioned the need for a 16 millimeter pitch if the sign was limited to a monochrome display. A 16 millimeter pitch is a high definition display. The proposed condition dealing with sign brightness is also a mute point because these types of signs are equipped with light sensors.

Mr. Sparks asked if the seven tenant panels would be lettered the same and if they would be lit? Mr. Carpenter explained that the tenant panels would be internally illuminated.

Ms. Evans asked if all the tenant panels have been assigned or if any of them would be blank. Mr. Carpenter said all the panels would be used because these are the tenants that have clauses in their lease.

Mr. Pieper asked Mr. Morgan what prohibits the shopping center sign from having an electronic message center and the individual tenant panels? Mr. Morgan replied the Mall Road Commercial Sign District. He indicated that it is outlined on the first page of the Staff Report. It states that "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." This passage is why the applicant had to seek a Change in Non-Conforming Use.

Mr. Wilson said if the existing sign were not there they could not seek the proposed sign because it combines electronic copy and fixed tenant panels. The property owner can keep the existing non-conforming sign forever or attempt to change the non-conforming sign with another as long as it follows the criteria outlined in the Staff Report. The criteria basically states that the Board shall not allow a non-conformity to be enlarged or become more objectionable than what is there now.

Mr. Morgan asked Mr. Carpenter if the electronic message center would show fixed images or video? Mr. Carpenter replied that the sign would only show fixed images but has the potential to do videos. He also added that Public Service messages, such as Amber alerts, could be displayed on the message board.

Mr. Pieper asked what type of images would be shown on the electronic sign? Mr. Carpenter replied the businesses could show their names and advertise special promotions they have going on. The sign would largely eliminate banner permits being sought by tenants.

Mr. Sparks asked if the image would change every time a new tenant advertised? Mr. Carpenter replied "yes".

Mr. Pieper asked if the electronic sign would advertise 24 hours a day and 7 days per week? Mr. Carpenter replied "preferably". Mr. Carpenter added the sign could be setup to display time and temperature.

Mr. Pieper said his main concern is safety because an electronic sign will grab your attention more than a static sign. Mr. Carpenter said it is recommended that electronic messages should stay on for a minimum of 8 seconds to prevent people from being bombarded with messages. Staff's recommendation is that each electronic message should stay on the screen for a minimum of 15 seconds.

Ms. Evans said the one of the Staff comments notes that the Planning Commission is working on the first draft of the Mall Road Study and changes could be made to the Mall Road Commercial Sign District. She asked Mr. Morgan if he knew when the final document would be completed? Mr. Morgan responded that the Planning Commission just held the first round of public workshops and the only information that was presented were the existing conditions. The next steps will be to draft some new regulations, meet with the City of Florence, and hold some more public workshops to solicit input. He said he is unsure what changes will be made to the Mall Road Commercial Sign District and how quickly any changes will be adopted by the City of Florence. Mr. Wilson added that at the least the update is several months away. After the workshops, the Planning Commission will hold a Public Hearing, schedule a Committee Meeting, and make a final recommendation to Florence City Council.

Ms. Evans said the Florence Board of Adjustment has been fairly conservative with the electronic signs that they have allowed, in terms of color. She believes many of the billboards and electronic signs fronting on I-71 and I-75 are distracting. She is concerned for the safety of citizens and motorists on Mall Road because it is one of the most highly traveled retail areas in Northern Kentucky. She hesitates to allow an electronic board with a full color display and video quality snapshots. She believes the request is premature because the Mall Road Commercial Sign District is being updated and it currently does not have specific guidelines for these types of signs. Mr. Morgan said his recommendations are based on previous Conditional Use Permit approvals for electronic message boards. Electronic message boards are Conditional Uses in C-2 and C-3 zones when the subject property isn't located within the limits of the Mall Road Commercial Sign District.

Mr. Carpenter said that full color electronic signs are currently allowed in the Mall Road Commercial Sign District. Mr. Morgan agreed. Ms. Evans said the City of Florence doesn't have any signs like the one that is proposed. Mr. Morgan said the proposed sign would be permitted if they eliminated the 7 fixed tenant panels. He indicated that the only other electronic sign in the Mall Road Commercial Sign District is the Walgreen's sign. That sign is monochrome and displays messages in red.

Mr. Carpenter asked if the Walgreen's sign could flash or scroll? Mr. Morgan replied it could because there are no regulations or conditions saying otherwise. Mr. Carpenter said flashing or scrolling signs are what distracts motorists. An electronic sign with an 8 second interval between messages is no more distracting than a fixed message sign. Most drivers pass a sign within 8 seconds are not distracted by the change.

Ms. Evans said she would like to get back to the video quality pictures that will be displayed on the message center. She said the pictures would be allowed if the 7 fixed tenant panels were not there. Mr. Carpenter said they are really asking to keep the 7 fixed tenant panels because the code allows the shopping center to have an electronic message center. Ms. Evans indicated that the City of Florence doesn't have any message centers that display video quality pictures.

Mr. Pieper asked if there was anybody in the audience that would like to speak for or against the request.

Mr. Gary Munafo said he owns the property at 8011 Mall Road (Snuggy's). He is concerned because the sign owner has had no conversation with the owners of the outlots regarding the usage of the sign. He questioned if approval of the sign would allow the outlots to have electronic signs in their yards or mounted on their buildings? Mr. Morgan replied that the current regulations do not allow the outlots to have freestanding signs or building mounted signs with electronic copy. Mr. Munafo stated that is what he wants because he would like the ability to utilize his own sign.

Ms. Evans replied that Mr. Carpenter's presentation said the outlots would have access to the electronic sign. Mr. Munafo said that information is coming from Mr. Carpenter and not the owners of the sign. Florence Center and Southwestern College have not presented anything in writing. He is not sure if they could advertise or how much time they would be allotted. None of the outlot owners have been approached.

Ms. Evans asked what types of signage the outlots are permitted? Mr. Morgan responded that outlots are not permitted to have their own freestanding signs. Ms. Evans asked if Snuggy's currently advertised on the shopping center's freestanding sign. Mr. Munafo responded no.

Mr. Pieper asked Mr. Morgan for his thoughts regarding the changes that will be proposed in the Mall Road Study. Mr. Morgan replied the Study will look at permitted land uses and the zoning process, architectural/design requirements, signage, etc. Mr. Pieper said he is concerned because the sign regulations could change and the proposed sign could be out of place with the rest of the district. Mr. Morgan said he brought the point up in the Staff Report because the sign regulations could be completely different in the near future.

Ms. Gail Yung, said she is representing the owner of Florence Center. She apologized for not getting with the owners of the outlots but informed them that they could advertise on the electronic sign. She has been a leasing agent for 11 years and has noticed how difficult the last two years have been for small businesses. They are proposing the sign to help the businesses make it. They feel this sign will be a permanent fix. She said the sign will not show videos and it will not be distracting. She often drives down Route 4 and sees five or six signs like they one they are proposing. Some of these signs are located near churches and shopping centers and look very nice. She said the sign is very easy to program and can display business logos.

Mr. Pieper said he likes the proposed sign better than the existing sign but is struggling with the ground rules changing.

Ms. Yung said the existing sign looks very bad because of all the changes that have been made to the tenant panels. In some cases the tenant panels are flipped over when there is a vacancy. She hopes the Board considers the proposed sign because it will help the small businesses located in the shopping center.

Ms. Evans asked what would happen if one of the businesses with a fixed tenant panel were to close? Ms. Yung said several other tenants would be interested in the fixed panel. The tenant panel wouldn't be flipped to reflect a vacancy because the proposed sign only has 7 tenant panels and the existing sign has 27. Ms. Yung said she wouldn't object to a condition requiring the tenant panels to be uniform in color and a condition requiring a solid white background if any one of the fixed tenant panels was not being used.

Mr. Pieper asked if anybody else in the audience would like to speak?

Mr. Jerry Crowe said he was with Valvoline Instant Oil Change. The business is located at 8021 Mall Road. They believe the proposed sign is a great improvement over what is there now. They would like to see the sign ordinance changed so they could put an electronic sign on their lot. They have not had any discussions with Florence Center Associates to see how much advertising time they would be permitted. Each business will be able to advertise about 8 times an hour if the sign is limited to one change every 15 seconds. This really isn't much advertising time so they would like the opportunity to have their own sign.

Mr. Wilson said the current regulations do not allow outlots to have freestanding signs or building mounted signs with electronic copy. He indicated that Florence Center has the ability to ask for the sign because they have a legal non-conforming sign and are seeking to substitute it with the current proposal. The Board must find that the proposal is no more objectionable than what is there now. He said the Board and/or Planning Commission could not allow the outlots to have an electronically changeable sign based on the current regulations.

Mr. Morgan stated the outlots located within the limits of the Mall Road Commercial Sign District are not permitted to have their own freestanding signs. In addition, building mounted signs cannot have electronic copy. He said the owners of the outlots could attend the public workshops and make recommendations on the proposed sign code.

Mr. Wilson asked Mr. Crowe if they would be interested in advertising on the proposed sign if they were approached by Florence Center? Mr. Crowe said they are interested in getting their message out but remain concerned that the shopping center sign would not give them the exposure they want.

Ms. Evans asked if the message board would have two lines of text or graphics. Mr. Morgan responded that one of the Staff recommendations is the electronic message board shouldn't have more than two lines of graphics. This is based on the safety issue of motorists trying to read too much information and taking their eyes off the road. He added that he did not contemplate anything like the photo snapshots and/or business logos the applicant showed during his presentation. Mr. Morgan went back to the Walgreen's sign photo in his presentation and indicated that it displayed three lines of text. Mr. Sparks said that sign does not have any picture displays. Mr. Morgan said he was envisioning something similar to the Walgreen's sign when he wrote his recommendations.

Mr. Carpenter said he did not understand why colors keep being discussed because the current code allows full color message boards. The only reason they are here is because they want the message board and tenant panels. Mr. Morgan replied they are asking for a Change in Non-Conforming Use and the Board can impose conditions if they grant approval. He informed Mr. Carpenter they could do a full color electronic sign as a matter of right if they eliminated the tenant panels.

Mr. Wilson said if the Board is entertaining a motion to approve the application they must decide if there are conditions that should be imposed to make the sign no more objectionable than it is now. Mr. Carpenter said that a full color display is more aesthetically pleasing than a monochrome display. It would be self defeating to display a business logo in one color. Mr. Wilson said he thinks the Board is struggling with what will be displayed on the message board and for how long. Mr. Carpenter said the slides he presented showed similar examples of what would be displayed.

Ms. Evans asked if the seven tenant panels at the bottom of the sign could be one color? Ms. Yung said the tenants wouldn't have a choice. She indicated the panels could all have the same color font and white backgrounds. Ms. Evans said limiting the tenant panels to the same design and color may help the aesthetics of the sign.

Mr. Pieper questioned if the Board should limit to sign to two lines of text or allow the graphic snapshots and logos. Ms. Yung said that Florence Center probably wouldn't install the sign if were limited to two lines of text.

Ms. Evans asked Mr. Morgan about his recommendation regarding off-premise advertising being prohibited on the sign. Mr. Morgan responded that the electronic sign could advertise all the tenants of Florence Center and Florence Antique Mall and any of their outlots. He added the wording of the condition could be changed to off-premise businesses shall be prohibited to advertise on the sign.

Mr. Pieper asked what would happen if the Board were to approve the request and the Florence Mall Road Commercial Sign District regulations were to change at a later time? Mr. Wilson said the subject sign would still be permitted because the Board had approved the Change in Non-Conforming Use. Mr. Pieper expressed concern because this could be the only sign of this type on Mall Road.

Mr. Wilson said the Board should first look at the proposal with Staff's recommendations and determine if that is a suitable substitution. They should then look at the request as submitted and determine if that is a suitable substitution. The Board also has the option of letting them keep what they have now. Lastly, the Board could table the request if they feel they need more information.

Mr. Joe Berkshire said he is an adjoining property owner. He believes it would be a terrible mistake for the Board to approve a full color sign when the other property owners on Mall Road may not be able to do the same in the near future. He would hate to see this shopping center have an unfair advantage. He believes the decision should be delayed until the new code is adopted.

Mr. Sparks made a motion to postpone the decision until such time that the new sign code for Mall Road is adopted. Mr. Wilson said he understands the motion to be a motion for denial based on the information that has been presented. Mr. Sparks agreed and added the City of Florence does not have a sign like the one that is being proposed. He feels it would be premature for the Board to act on the request when there will be a new sign code in the near future. Mr. Piper agreed and said he does not feel that the Board has enough information to make a sound judgement on the request.

Mr. Carpenter asked if the request could be tabled so he could provide a better representation of what will be displayed on the sign? Mr. Wilson responded the Board is looking for the Mall Road Study to be completed. Mr. Pieper agreed. Mr. Carpenter said he still does not understand why the Board is worried about color. The full color message board is permitted, they are seeking to keep the seven tenant panels.

Mr. Wilson said the proposed sign is not a legal sign under the current regulations because it has an electronic message board and tenant panels. As a result, they have applied for a Change in Non-Conforming Use.

Mr. Pieper said there is a motion on the floor to deny.

Ms. Evans asked if the applicant would need to submit a new application if they came back at a later time. Mr. Morgan said if the Board denies the request it would be a new application because final action has been taken. Mr. Sparks asked what if they table it? Mr. Morgan said the problem with that is he does not know when the Mall Road Study will be adopted. He also added that the Mall Road Study could be prepared and then shelved. He doesn't see that happening but it's a possibility. Mr. Pieper said the applicant could come back later and the Board could review it in a different light.

Mr. Pieper seconded the motion to deny the request. He then asked if there was any further discussion? There was none.

Mr. Pieper asked for a roll call vote on the motion. Mr. Sparks - "yes"; Ms. Evans - "no"; Mr. Pieper - "yes". The motion carried 2 to 1 to deny the application.

Other

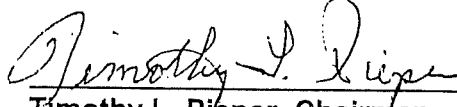
Ms. Evans inquired if Staff had any contact with the automotive repair facility representatives that were looking to move into the former Taxi Cab dispatch facility located at 6602 Dixie Highway. Mr. Morgan responded that he has not heard any word.

Ms. Evans asked for an update on the Carriage House Auto Spa. Mr. Morgan responded that they have fixed all their outstanding zoning code violations and are now eligible to submit a Site Plan to start the detailing improvements.

Adjournment

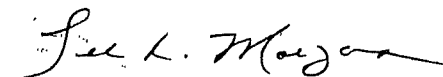
Mr. Pieper asked for a motion to adjourn. Ms. Evans so moved and Mr. Sparks seconded the motion. Mr. Pieper called for a vote and the meeting adjourned by unanimous consent at 9:01 P.M.

APPROVED



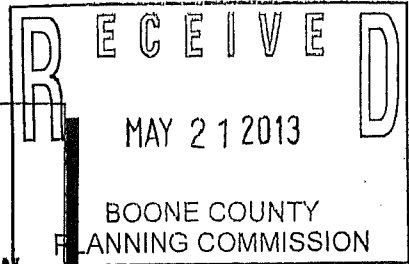
Timothy L. Pieper, Chairman

Attest:



Todd K. Morgan, AICP
Senior Planner, Zoning Services

APPLICATION FORM



BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

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 _____
3. Applicant's Name Atlantic Sign Co. 2328 Florence Ave, Cincinnati OH 45206
4. Description of Request: Replace existing 5'x10' EMC with 6'x14' Florence Center Houston Rd (8000 - 8100)
5. Name of Development
6. Location of Development
7. Acreage Under Review
8. Lot Number and Name of Subdivision
9. Owner of Property Thomas Gragan c/o Miller Valentine Group 9349 Waterstone Blvd. Cincinnati OH 45206
10. Phone Number 513-583-4759 E-Mail Tonya.Beckner@mvg.com
11. Proposed Use(s) on Site Existing Commercial Site with multi-tenants
12. Total Square Footage of Existing and/or Proposed Buildings
13. Current Zoning on Property C-2/PD/MR
14. Deed Book 332 Page No. 222 Group No.
15. Is the site subject to a zone change? No
16. Have you submitted a Site Plan with this request?
17. Have you submitted a list of adjoining property owners with this request?
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: Tonya Beckner (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Mike Conedy for ASC (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

Parcel #: 062.00-25-005.09

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Miller Valentine Group
9349 Waterstone Blvd
Cincinnati, OH 45206

2. ADDRESS OF PROPERTY

Connector Drive
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Florence Center/Florence Antique Mall

4. DEED BOOK 332 PAGE NO. 222 GROUP NO. 2040A

5. TYPE OF RESTRICTION(S) (Check all that apply)

- Zoning Map Amendment: From _____ To _____
- Conditional Use Permit
- Development Plan
- Conditional Zoning
- Subdivision Plat (Not Recorded)
- Other: Change in Non-Conforming
- Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, AICP, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

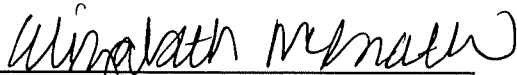
on behalf of the Boone County Planning Commission this 27th day of June, 2013.



Vicki L. Myers
Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Elizabeth McGrath
Elizabeth McGrath
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Change in Non-Conforming Use approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 12, 2013 Certificate of Land Use Restriction (#13-FBOA-005-A), for Miller Valentine Group, Property Owner(s).

The following conditions will apply:

1. The electronic message center shall only display still photos and alphanumeric messages. The messages shall not contain any apparent motion (video, flashing messages, scrolling messages, running messages, moving patterns or boards of light, illusion of moving objects, rotating shapes or similar animation effects, etc.)
2. Any primary message shall be displayed on the electronic message center for a minimum of five (5) seconds. One sub message can be displayed during the five (5) second time interval.
3. The electronic message center shall have a 19 millimeter pixel pitch of better resolution.
4. The electronic message center shall be equipped with a photocell or dimmer and the messages shall dim as the sky gets darker.
5. Businesses located in Florence Center or the Antique Mall and their associated outlots shall be able to advertise on the sign.
6. The open area between the Florence Center/Florence Antique Mall cabinet and the electronic message center shall not be filled in which additional signage
7. The maximum area of the electronic message center shall be 67.5 square feet (5'x13'-6")

The approved Change in Non-Conforming Use as well as the preceding conditions apply to the property described in:

DEED BOOK 332

PAGE NO. 222

GROUP NO. 2040A