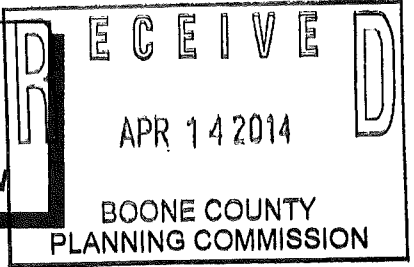


922.10

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)

(Check One)

1. Boone [X] Florence _____ Walton _____ Union _____

(Check One)

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

3. Applicant's Name Quality Sign MARK Stottma
Applicant's Address 1200 Proctor Ave
Burlington VA 41001
City State Zip

4. Phone Number 202-9966 Fax No. 202-2204 E-Mail qualitysign@esc.net
Description of Request: Requesting a large small sign

5. Name of Development Florence Square Pet Supplies Plus

6. Location of Development Holl Rd 7701
Florence VA 41043

7. Acreage Under Review _____

8. Lot Number and Name of Subdivision (if part of a subdivision) _____

9. Owner of Property [Redacted]
Address of Property Owner [Redacted]

10. [Redacted] [Redacted] [Redacted]
City State Zip

11. Phone Number 202-21-4270 Fax No. 202-21-3180 E-Mail _____
Proposed Use(s) on Site Retail Pet Supply Store

12. Total Square Footage of Existing and/or Proposed Buildings _____

13. Current Zoning on Property C-2/PD/MR

14. Deed Book 871 Page No. 412 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? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] 4/7/14
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] 4-11-14
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

New Plant Property Holdings Co.
PO Box 4900
Scottsdale, AZ 85261

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

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

1. Date Received 4-14-14 Fee Received 932.00 Receipt # 067594
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions (See #6)**
5/14/14 **Denial (See #7)**
6. Conditions of Approval: _____

7. Reasons for Denial: SEE 5/14/14 Meeting Minutes

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

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

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

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

STAFF REPORT

APPLICANT: Quality Signs for Pet Supplies Plus

LOCATION: 7701 Mall Road, Florence, Kentucky

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

DATE: May 14, 2014

PROPOSAL

The applicant has submitted a Variance application to allow Pet Supplies Plus to install a 104.63 square foot (36" x 34'-10½") building mounted sign on the front facade of their tenant space. The submitted drawing shows the Pet Supplies tenant space is 42 linear feet across and 84 square feet of building mounted signage would be permitted by right. The proposal is to increase the permitted building mounted signage on the front facade from 84 square feet to 104.63 square feet.

APPLICABLE REGULATIONS

Section 250 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 variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's requests as it relates to the criteria necessary for granting a variance as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The Mall Road Overlay Sign District is found in Section 3440 of the Zoning Regulations. It states that Sections 3402 and 3413 of the code shall be used in determining permitted locations and amount of building mounted signage that is permitted on a business. Permitted exceptions to Section 3413 are noted in Subsection 2 below.

- (1) The following standards shall apply to building mounted signage in the Mall Road (MR) Overlay Sign District
 - a. Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted.
 - b. Manually changeable copy, electronically changeable copy, board signs, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless they are replacing an existing sign of like kind that is the same size or smaller.
 - c. Building mounted signage shall not be permitted in residential developments. Exceptions are professional name plates, addresses, and building numbers.
- (2) Permitted Exceptions to the building mounted signage regulations found in Section 3413 of the Boone County Zoning Regulations are as follows:
 - a. Projecting, shingle, or blade signs shall be permitted when a main building entrance is in close proximity to a street, private access drive, or shared private development street. Projecting signs will not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on that given facade. The maximum size of a projecting sign shall not be more than 32 square feet in size. Projecting signs shall have a minimum clearance of 10 feet over sidewalks and shall not be permitted to project over vehicular ways.
 - b. Restaurants and entertainment uses (limited to night clubs and live performance venues) shall be allowed to have neon or L.E.D. accent banding along cornice lines and main entrances. The accent banding shall not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on a given facade. The neon or L.E.D. banding shall be limited to 2 inches in height.

Section 3413 (1) of the Boone County Zoning Regulations states that a business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage.

SITE CHARACTERISTICS

The subject tenant space is located in Florence Square Subdivision and is currently unoccupied. It has 42 feet of store frontage and is approximately 5,000 square feet in area. The tenant space is located between Kroger Liquor Store and Justice Just For Girls.

STAFF COMMENTS

1. The Mall Road District Study was adopted by the City of Florence on March 13, 2012. The Study includes a new sign code and the pertinent sections are outlined in the Staff Report.
2. Pet Supplies Plus submitted a letter outlining why the request should be approved. One of the bullet points indicates that they have the right to take over the adjacent tenant space when lease expires. Staff asked the applicant to be prepared to address the following:
 - A. When does the Justice Just for Girls lease expire?
 - B. Has Pet Supplies Plus signed a lease to occupy the Justice Just for Girls tenant space?
 - C. Would Pet Supplies Plus add more building mounted signage if they lease the Justice tenant space?

A letter and email exchange has been attached to the report which provide answers to these questions.

3. Staff analyzed other tenants signage in the subject building for comparison purposes.

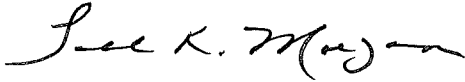
| TENANT | SIGN PERMIT DATE | LEASE SPACE FRONTAGE | BUILDING MOUNTED SIGNAGE ON FRONT FACADE |
|------------------------|------------------|----------------------|--|
| Kroger Liquor | * | * | Permit Not Found |
| Justice Just for Girls | 6/16/08 | 30½' | 47 SF |
| Old Navy | 5/28/10 | 150' | 125 SF |
| David's Bridal | 2/11/03 | 80' | 150 SF |
| President Tuxedo | 4/8/11 | 24' | 48 SF |
| T-Mobile | 10/30/13 | 30' | 54.38 SF |
| Golf Exchange | 2/26/07 | 30' | 50 SF |
| Dress Barn | 1/19/01 | 74' | 13.07 + 78.69 + 11.57 = 103.33 SF |
| Strut Boutique | 9/4/12 | 25' | 42.78 SF |
| Hallmark | 10/3/97 | 40' | 11.75 + 28.81 + 11.75 = 52.31 SF |
| Catherine's | 7/10/00 | 30' | 60 SF |

4. Staff has the following concerns regarding the request:
 - A. The proposed signage on the front facade exceeds code by 20.63 square feet (84 square feet of signage is permitted and 104.63 square feet of signage is proposed).
 - B. The Pet Supplies Plus letter indicates that their tenant space has a facade projection which will make the sign difficult to see. Other businesses (President Tuxedo, T-Mobile, Golf Exchange) in the building also have facade projections and their building mounted signage meets code.
 - C. Pet Supplies Plus letter indicates that they have the right to lease the Justice Just for Girls tenant space in the future. However, Justice's lease does not expire until 2018 and Pet Supplies Plus has not committed to leasing the space.
 - D. The following sign dimensions would meet code:
 - 30" letters - 30" x 33'-6" = 83.75 square feet
 - 36" letters - 36" x 28' = 84 square
5. The Board needs to analyze the Variance criteria before acting on the requests.

CONCLUSION

KRS 100.241 and Section 250 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

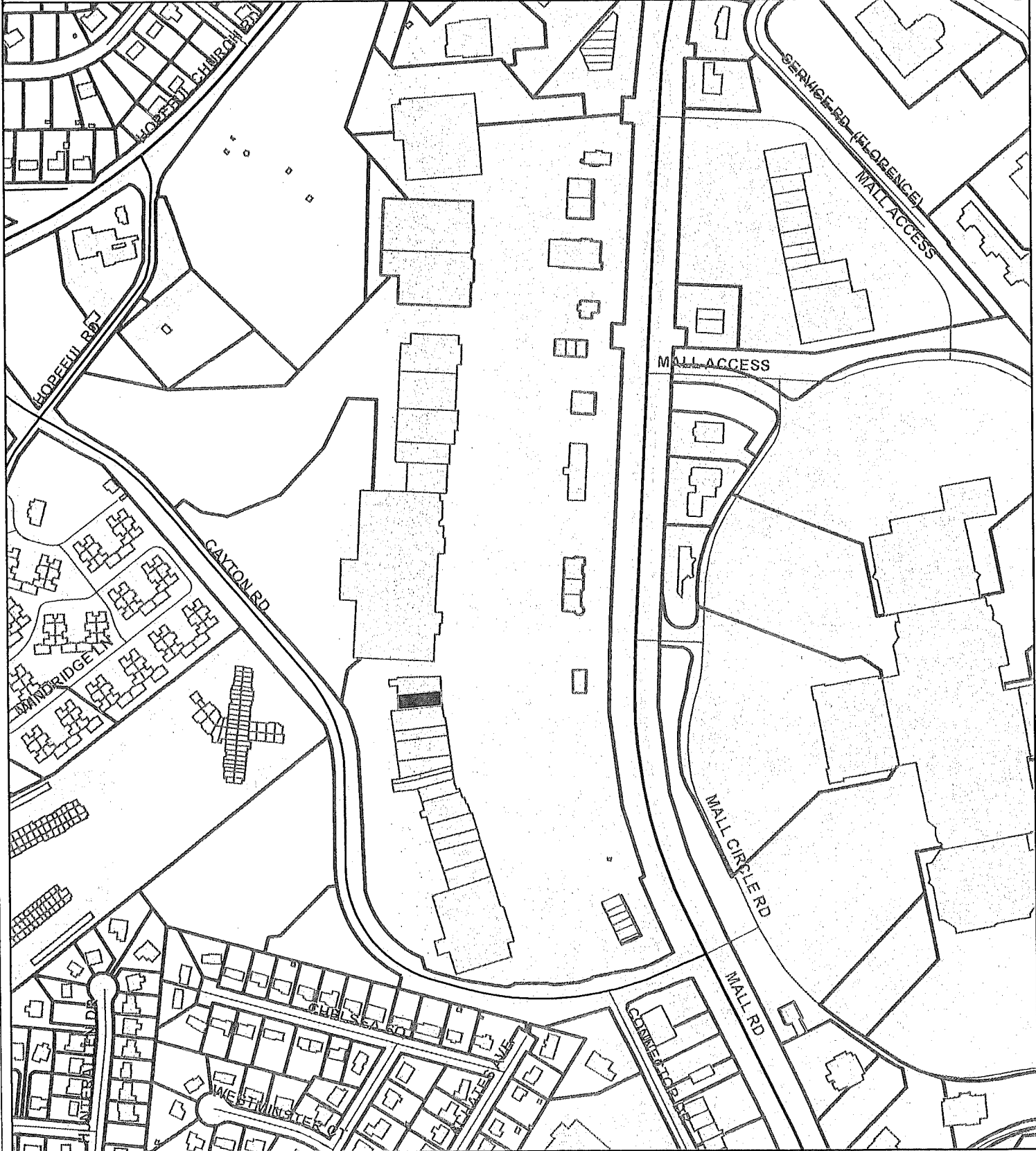
TKM/tlb

Attachments:

- *Site Vicinity Map
- *Sign Drawing
- *4/9/14 Letter From Pet Supplies Plus
- *4/25/14 Letter From Pet Supplies Plus Regarding Adjoining Tenant Space
- *Email Exchange Regarding Adjoining Tenant Space
- *Zoning Map
- *Application

SITE VICINITY MAP

www.boonecountygis.com



Copyright 2013 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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

0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2013



File Path: F:\work\2013\01\01\013.mxd
ArcMap Document: *.mxd



LED Illuminated, Flat Pigmented Acrylic Faces with 3/4" Green Trim Caps & 5" Dark Bronze Aluminum Returns



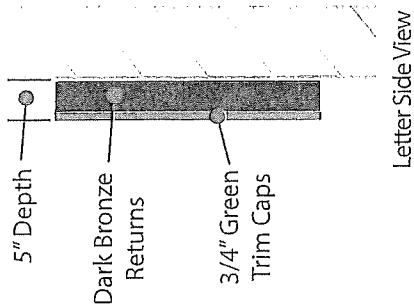
Fascia changes angle at this point



R E C E I V E D

APR 14 2014

BOONE COUNTY
PLANNING COMMISSION



Disclaimer: Renderings are for graphic purposes only and not intended for actual construction dimensions. For indicated requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.

Customer Approval: Graphics and colors on file will be used unless otherwise specified by customer. Please review drawing carefully. By signing below, you agree to graphics as shown above, and to location of sign as shown. Please return signed copy back to Everbrite.

| | |
|---------------------------------|--|
| Customer: PS: Pet Supplies Plus | Description: 36" LED Channel Letter Set, Flush Mount |
| Project No: 310275-1 | Scale: NTS |
| Date: 3/25/14 | Drawn By: KW |
| Location: Florence, KY | Site No: PS7665ADR |
| Revised: | Revised: 3/27/14 |
| CUSTOMER SIGNATURE | DATE |
| LANDLORD SIGNATURE | DATE |

April 9, 2014

City of Boone County
Boone County Planning Commission
2950 Washington Street, Room 317
PO BOX 958
Burlington, KY 41005

RE: Sign petition for Pet Supplies Plus
Boone County Planning Commission

Pet Supplies Plus will be moving into the Florence Square Shopping Center located at 7665 Mall Road, Florence, Kentucky 41042. The building is located on the west side of Mall road north of Exchange Road.

The practical difficulty for the location is as follows:

- We want to ensure the visibility of the signage for our business from the main thoroughfares that our customers will be coming from. As can be seen from the sign illustration there is a soffit projection south of our space that will block a portion of our sign when traveling north bound on Mall Road.
- There is also an angle in the sign band that limits the positioning of our sign. In the illustration we have shifted the sign as far to the north as possible, but we are physically limited by the existing construction.
- Between the projected soffit and angle in the sign band it limits our visibility and positioning. Along with these conditions and the allowable sign square footage per code we are adversely impacted compared to other tenants within the shopping center.
- A 36" inch sign is our prototypical size and will help overcome the existing physical hardship that currently exists at this location. The landlord has also agreed to the 36" inch sign that is currently proposed.
- Our stores are typically 8,000 to 10,000 square feet. Due to the space available at this location our store is only 5,000 square feet. Pet Supplies Plus has the right to expand into the adjacent tenant suite when its term runs out. This is agreed upon by the landlord and tenant.

We respectfully request a Sign Variance to erect 36" inch wall-mounted internally illuminated building signs. Also enclosed are the sign illustrations showing the proposed Pet Supplies Plus signage.

There would be no impact to the public health, safety, morals and general welfare of the community. Adjacent properties would also not be affected in a substantially adverse manner. .

We ask if we can be placed on the May 14th, 2014 Board of Zoning Appeals meeting. We greatly appreciate your consideration for the above variance requests. If there are any additional questions please contact me at your earliest convenience.

Best Regards,

Joseph Hochendoner

PET SUPPLIES PLUS
GREAT PRICES, NO BIDDING.

17197 N. Laurel Park Drive, Suite 402
Livonia, MI 48152
Phone: 734-793-6671
Fax: 734-793-6700
Cell: 734-634-1112
Email: jhochendoner@petsuppliesplus.com

April 25, 2014

Everbrite, LLC.
John Porter
4949 S 110th St
Greenfield, WI 53228

Re: Pet Supplies Plus
Florence, KY.

John,

Per our discussion there are some questions regarding the adjacent tenant space for which we have the first right of refusal. The space is roughly 3,600 square feet with approximately 28'-0" linear feet of storefront presence. Per the landlord, the space would come available in 2018.

It is hard to determine at this time if the sign would be relocated. It would depend on the final store layout which would be determined at a later date.

If you require further information, please give me a call to discuss.

Best Regards,

Joseph Hochendoner

PET SUPPLIES PLUS
GREAT PRICES. NO HIDDEN FEES.

17197 N. Laurel Park Drive, Suite 402

Livonia, MI 48152

Phone: 734-793-6671

Fax: 734-793-6700

Cell: 734-634-1112

Email: jhochendoner@petsuppliesplus.com

Todd Morgan

From: Quality Signs and Service <qualitysign@fuse.net>
Sent: Wednesday, April 30, 2014 8:59 AM
To: Todd Morgan
Subject: Fw: Florence, KY

Todd,
See below.

Thanks,

Woody Fellingner
Graphic Design
Quality Signs and Service
859-525-9966 (o)
859-5250304 (f)
wfellingner.qualitysign@fuse.net
www.qualitysignsandservice.com

From: John Porter
Sent: Tuesday, April 29, 2014 2:32 PM
To: 'Quality Signs and Service'
Subject: RE: Florence, KY

Mark,
See note/response from Pet Supplies Plus...

John,
We cannot commit to the space until it is officially offer to us by the landlord.

Thanks,

PET SUPPLIES PLUS.
GREAT PRICES. NO BARGAINING.

Joseph Hochendoner
17197 N. Laurel Park Drive, Suite 402
Livonia, MI. 48152
Phone: 1-734-793-6671
Fax: 1-734-793-6700
Cell: 1-734-634-1112
Email: jhochendoner@petsuppliesplus.com

 Everbrite


ALL AMERICAN
EST. 1988

John Porter
Account Manager
Everbrite, LLC
4949 S 110th St
Greenfield, WI 53228
414-529-7163

CONFIDENTIALITY NOTICE: The information contained in this communication may be confidential, and is intended only for the use of the recipient(s) named above. You are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, to any other party, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

From: Quality Signs and Service [<mailto:qualitysign@fuse.net>]
Sent: Tuesday, April 29, 2014 11:56 AM
To: John Porter
Subject: Fw: Florence, KY

John,

See questions below regarding letter you sent us for Pet Supplies Plus.
Todd @ Boone County needs the below answered.

Thanks,

Woody Fellingner
Graphic Design
Quality Signs and Service
859-525-9966 (o)
859-5250304 (f)
wfellingner.qualitysign@fuse.net
www.qualitysignsandservice.com

From: Todd Morgan
Sent: Tuesday, April 29, 2014 9:34 AM
To: Quality Signs and Service
Subject: RE: Florence, KY

Woody:

I read the letter and have some follow up questions:

1. Has Pet Supplies Plus committed to leasing the adjacent tenant space in 2018?
2. Is there a lease agreement that could be submitted into the record?

Thanks,

Todd

From: Quality Signs and Service [<mailto:qualitysign@fuse.net>]
Sent: Tuesday, April 29, 2014 8:32 AM

To: Todd Morgan
Subject: Fw: Florence, KY

Todd,

Please see the attached.

Thanks,

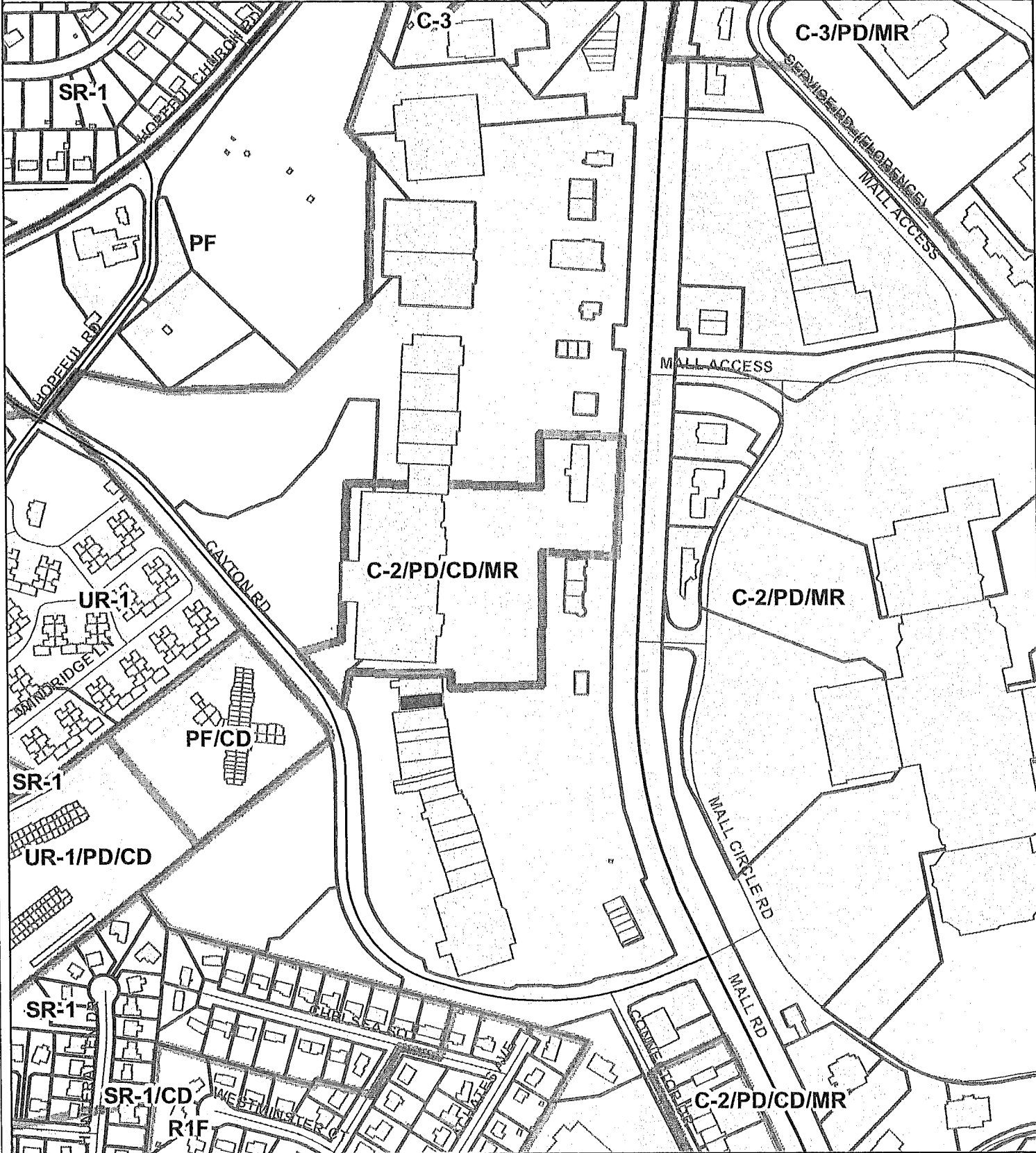
Woody Fellingner
Graphic Design
Quality Signs and Service
859-525-9966 (o)
859-5250304 (f)
wfellingner.qualitysign@fuse.net
www.qualitysignsandservice.com

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4570 / Virus Database: 3931/7413 - Release Date: 04/29/14

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4570 / Virus Database: 3931/7413 - Release Date: 04/29/14

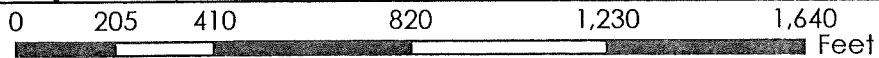
ZONING MAP

www.boonecountygis.com



Copyright 2013 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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



1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map



122.0

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

RECEIVED APR 14 2014 BOONE COUNTY PLANNING COMMISSION

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

See Boone County Zoning Regulations

New Plant Property Holdings Co. PO Box 4900 Scottsdale, AZ 85261

SECTION A (To be completed by applicant)

- 1. (Check One) Boone [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____
3. Applicant's Name Quality Sign Mark Stoffma
Applicant's Address LLC Production P...
4. Phone Number 91-9966 Fax No. 91-0204 E-Mail qualitysign@esc.net
5. Description of Request: Requesting a large well site
6. Name of Development Florence Square Pet Supplies Plus
7. Location of Development [redacted] Hall Rd 7701
8. Acreage Under Review
9. Lot Number and Name of Subdivision (if part of a subdivision)
10. Owner of Property [redacted]
Address of Property Owner [redacted]
11. City [redacted] State [redacted] Zip [redacted]
12. Phone Number 91-91-4270 Fax No. 91-22-318 E-Mail
13. Proposed Use(s) on Site Retail Pet Supplies Store
14. Total Square Footage of Existing and/or Proposed Buildings
15. Current Zoning on Property C-2/PD/MR
16. Deed Book 871 Page No. 412 Group No. 2040A
17. Is the site subject to a zone change? NO
18. Have you submitted a Site Plan with this request? YES
Have you submitted a list of adjoining property owners with this request? YES
I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: [Signature] 4/7/14 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] 4-11-14 (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)