

08-12MA-003-0

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project: MI SALON SPA
2. Location of Project: 7535 BURLINGTON PIKE, FLORENCE, KY 41042
3. Total Acreage of Site: 2.79 ACRE
4. Current Zoning of Site: O-2 PF/PD
5. Proposed Zoning (Classification being requested): SPECIAL SIGN DISTRICT
6. Proposed Uses (please specify each use): REQUESTING MODIFICATION OF CURRENT MONUMENT SIGNAGE RESTRICTIONS TO ALLOW CHANGABLE COPY BY MEANS OF AN ELECTRONICS PACKAGE.
7. Names of Applicant(s): JAMES ADKINS
8. Address of Applicant(s): 7535 BURLINGTON PIKE, FLORENCE, KY 41042
9. Name of Property Owner(s): L. MICHAEL MOORE / MICHAEL'S LLC
10. Address of Property Owner(s): 10095 POND CREEK ROAD, ALEXANDRIA, KY 41001
11. Proposed Building Intensities (please specify): DNA
12. Are there any existing buildings on the site? YES
13. Deed Book: 787 Page No.: 28 Group No.: 2041-B
14. Are you also applying for: No Conditional Use Permit, No Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **James Adkins (applicant)** for **L. Michael Moore/Michael's LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.79 acre site located at 7535 Burlington Pike, Florence, Kentucky. The request is for a Special Sign District to allow a monument sign with electronically changeable copy in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone.

December 5, 2007

REQUEST

The applicant is requesting this Zoning Map Amendment for a Special Sign District to allow a monument sign with electronically changeable copy in the Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone. The proposed monument style sign measures 48 square feet (21 square feet of that is the electronic message center) with a height of 7'-5.5". The conceptual drawings have been attached to this staff report.

Section 3413 of the Boone County Zoning Regulations would allow Mi Salon to have a 100 square foot monument style sign with an overall height of 10 feet.

ADJACENT ZONING AND LAND USES

- North: Property across KY 18 including Healthy Alternatives, Fillmore's and used car lot zoned Commercial Two/Planned Development (C-2/PD).
- East: Northern Kentucky Health Center zoned Office Two/Public Facilities/Planned Development (O-2/PF/PD).
- South: Existing residences within the Center Park Addition subdivision zoned Suburban Residential One (SR-1).
- West: Property owned by the City of Florence zoned Public Facilities (PF).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Public/Institutional (P). This classification is defined in the adopted Comprehensive Plan as:

"Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc."

The Land Use Element within the 2005 Boone County Comprehensive Plan only refers to this general area by stating:

"The Parkway Corridor Study, prepared in the 1980's is currently being updated (Central Florence Strategic Plan). The Study should address the future of the truck stop area and recommend improvements to improve the traffic circulation of that area along KY 18."

The Parkway Corridor Study refers to this general area (5E: PF/O2/PD) stating:

"Throughout the parcel and along its narrower stages in particular, careful design and attention is needed in order to locate appropriate buffer areas between development in the parcel and the nearby residential areas. The parcel can be easily accessed by pedestrians and offers a very good opportunity to enhance the pedestrian network of the study area."

The adopted 2005 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through specific land use regulation tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).

- H. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).

STAFF CONCERNS/COMMENTS

1. Section 3413 of the Boone County Zoning Regulations would allow Mi Salon to have a 100 square foot monument style sign with an overall height of 10 feet. The proposed monument style sign measures 48 square feet (21 square feet of that is the electronic message center) with a height of 7'-5.5". The overall height with the "cap" was not noted on the plans, but the sign appears to be less than 10 feet.
2. Comments from the City of Florence are attached which states that, if approved, the sign should have a brick base, the message should "display high resolution high quality white print only," and the location should take the existing street trees into consideration.
3. The conceptual sign designs are attached to this staff report.
4. If this electronic message center is approved, there will be no need for banners (Temporary Advertising Displays) that are now used to advertising promotional specials/deals or window advertising.

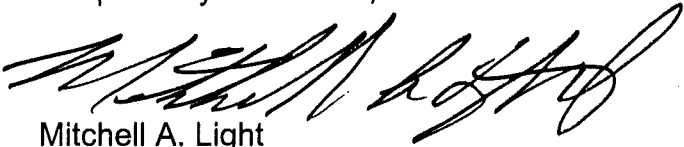
CONCLUSION

The Boone County Planning Commission and the City of Florence must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,

3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

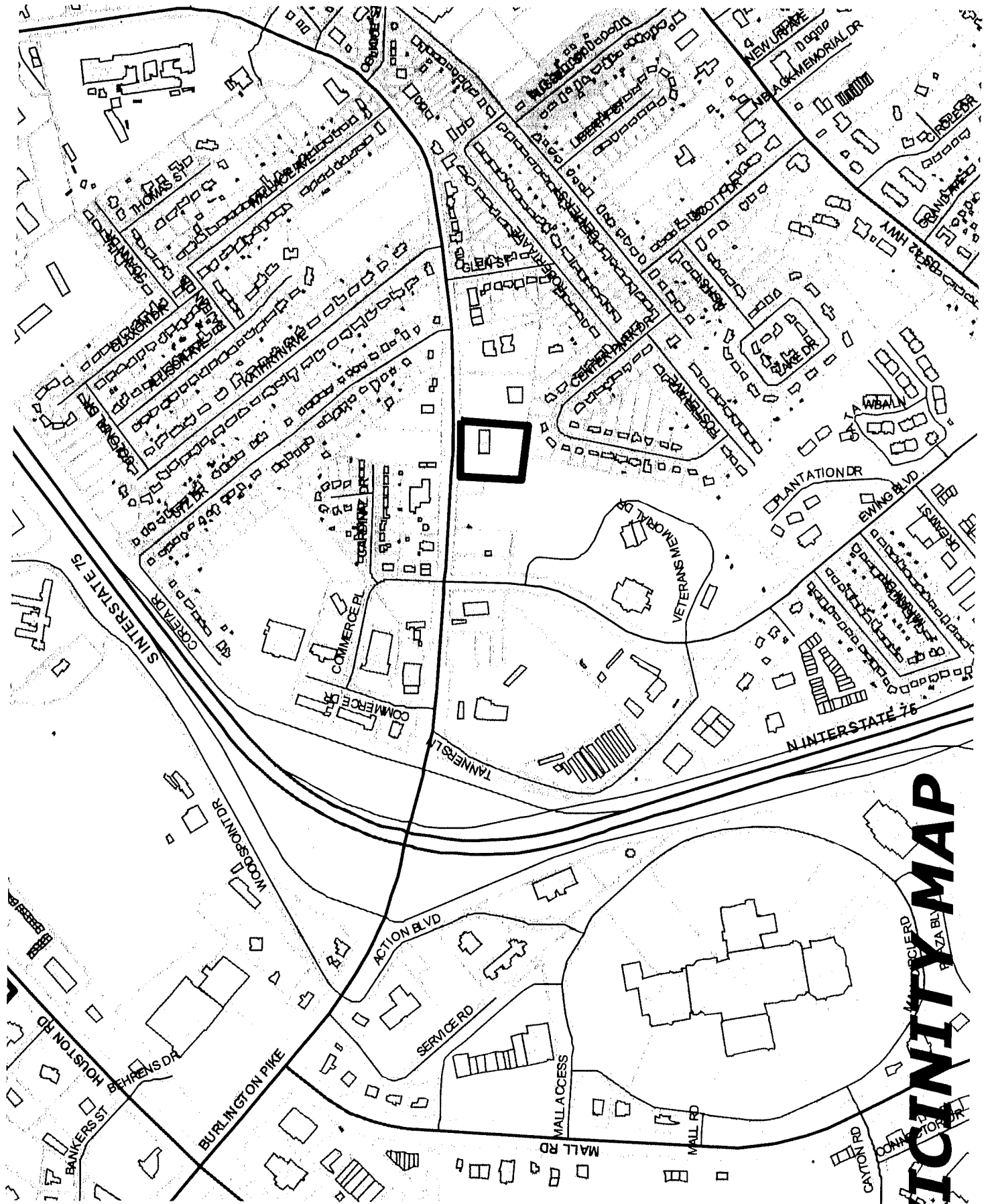


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

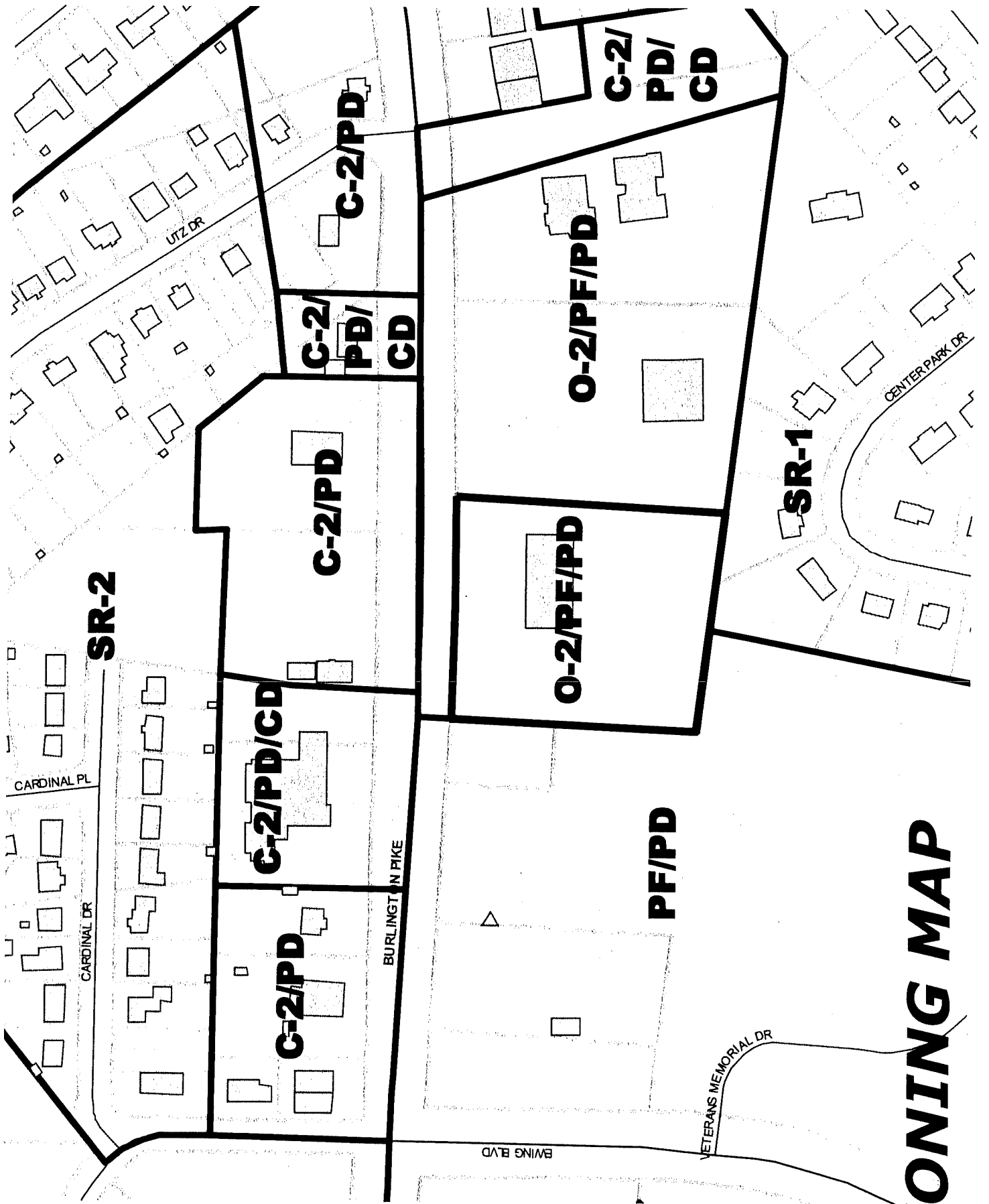
MAL/pr

Attachments:

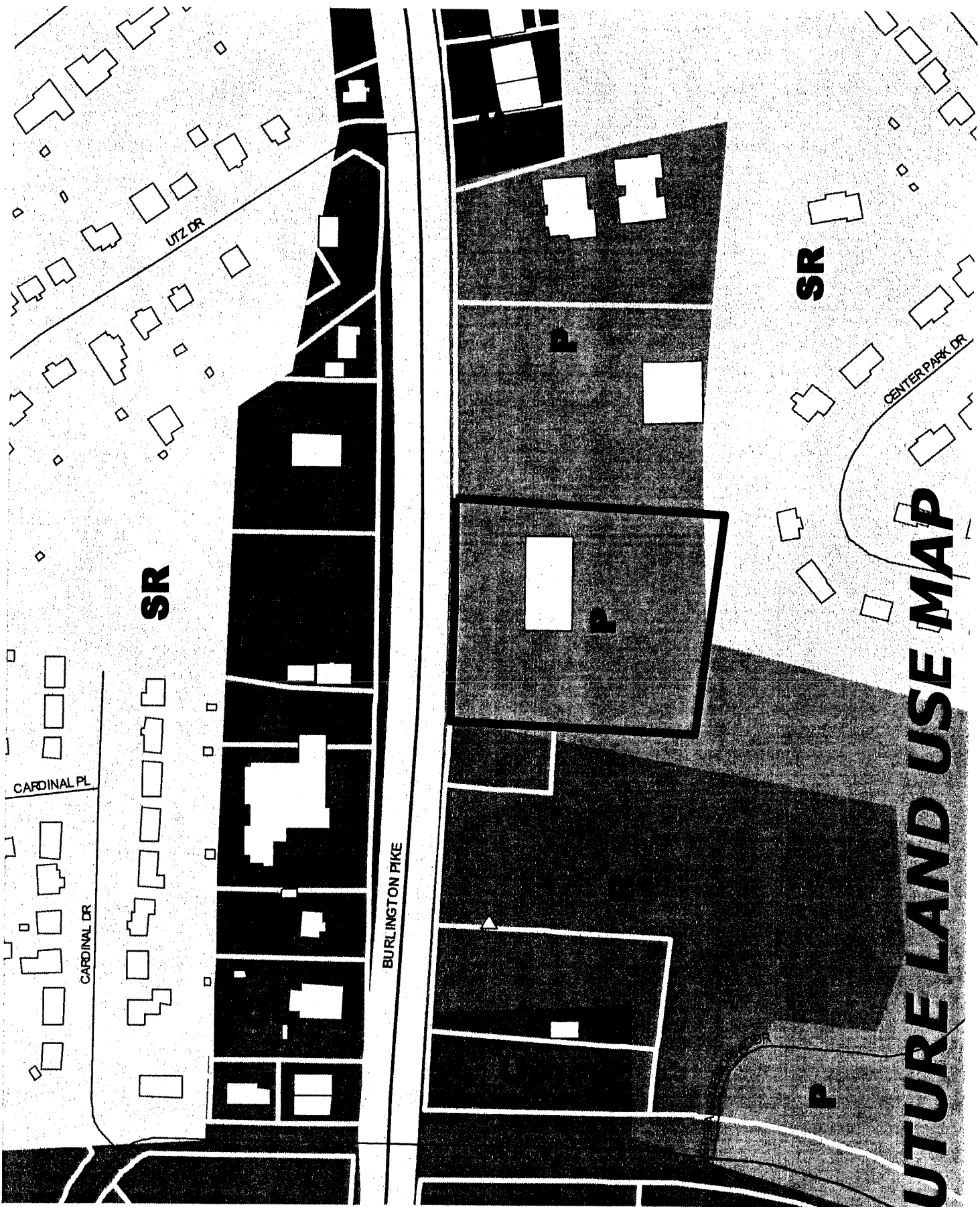
- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2004 Aerial Photography
- Comments from the City of Florence
- Section 3430 of the Zoning Regulations (Electronically Changeable Message Boards)
- Conceptual Drawings
- Application



VICINITY MAP



ZONING MAP



SR

SR

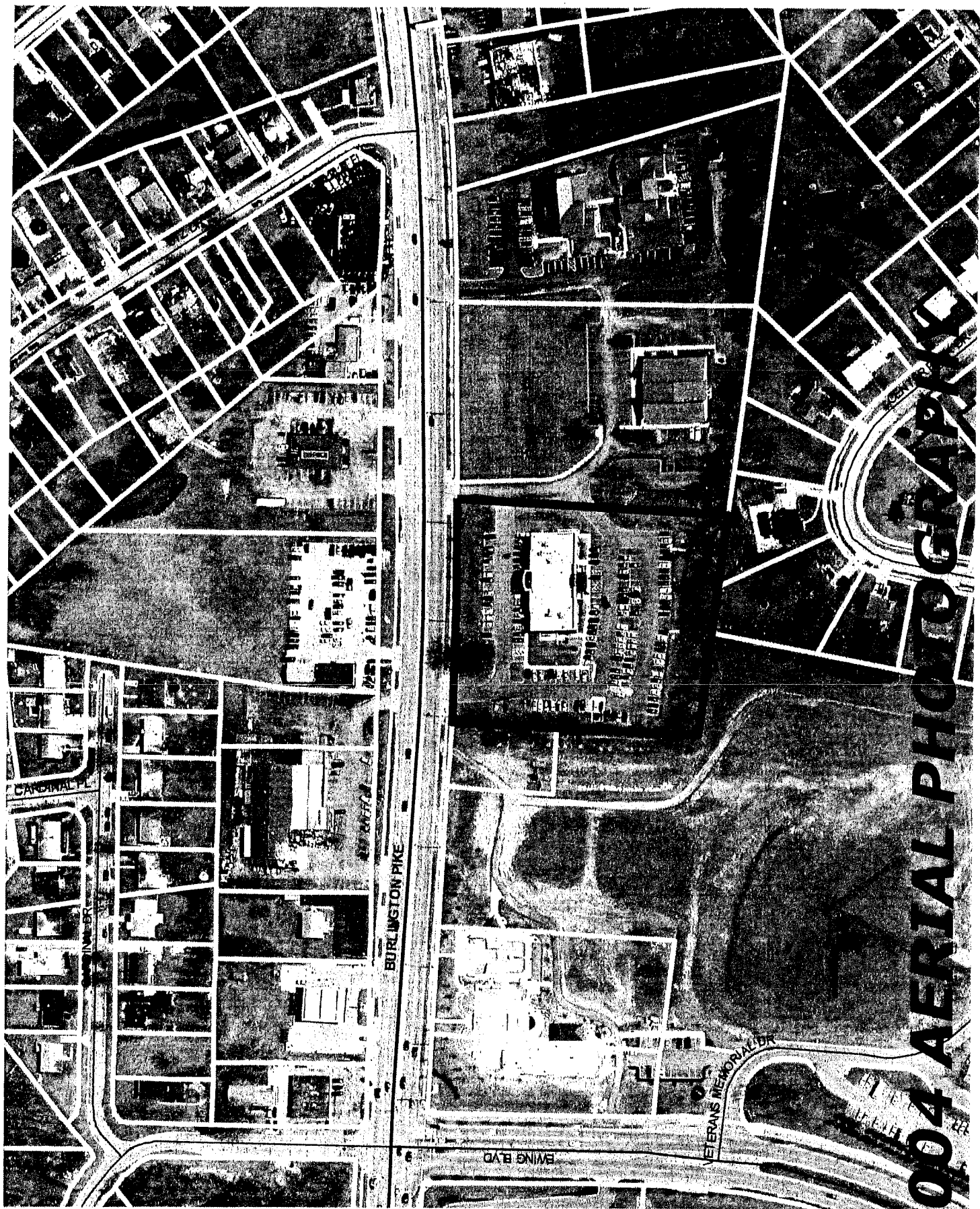
CARDINAL PL

CARDINAL DR

BURLINGTON PIKE

CENTER PARK DR

FUTURE LAND USE MAP



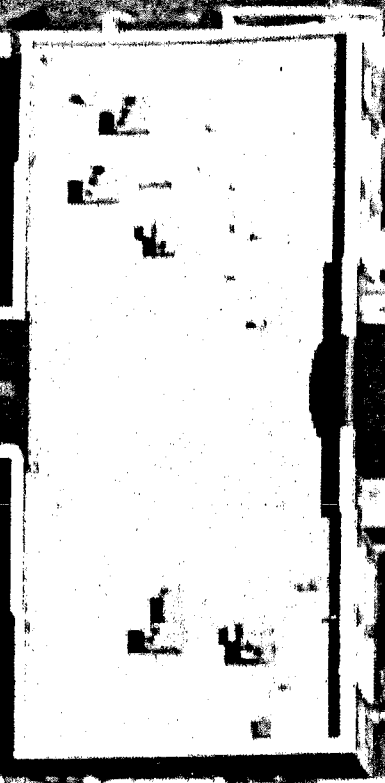
2004 AERIAL PHOTOGRAPH

BURLINGTON PIKE

PEROX
LOCATION

PEROX
LOCATION

PEROX
LOCATION



2004 AERIAL PHOTOGRAPHY

Mitch Light

From: Richard Lunnemann [Richard.Lunnemann@Florence-KY.gov]
Sent: Friday, November 16, 2007 4:25 PM
To: Mitch Light
Cc: Bob Townsend; Patricia Wingo
Subject: Mi Salon Electronic Changeable Message Sign

Mitch,

This email is written in reference to your request for comment from the City of Florence regarding the Mi Salon Special Sign District request. The City of Florence's comments are as follows:

1. The sign should be prohibited from displaying messages in red or orange print. The sign should display high resolution high quality white print only.
2. The applicant should be reminded of all requirements contained in Section 3430 of the Boone County Zoning Regulations. Any approved sign should at all times meet these requirements.
3. The sign base shall be constructed of brick to match the brick on the Mi Salon building.
4. The sight lines for the sign location should be carefully considered with the existing city street trees as they exist adjacent to Burlington Pike (KY 18). The City does not intend to remove street tree(s) due to the sign placement.

If you have any questions please let me know.

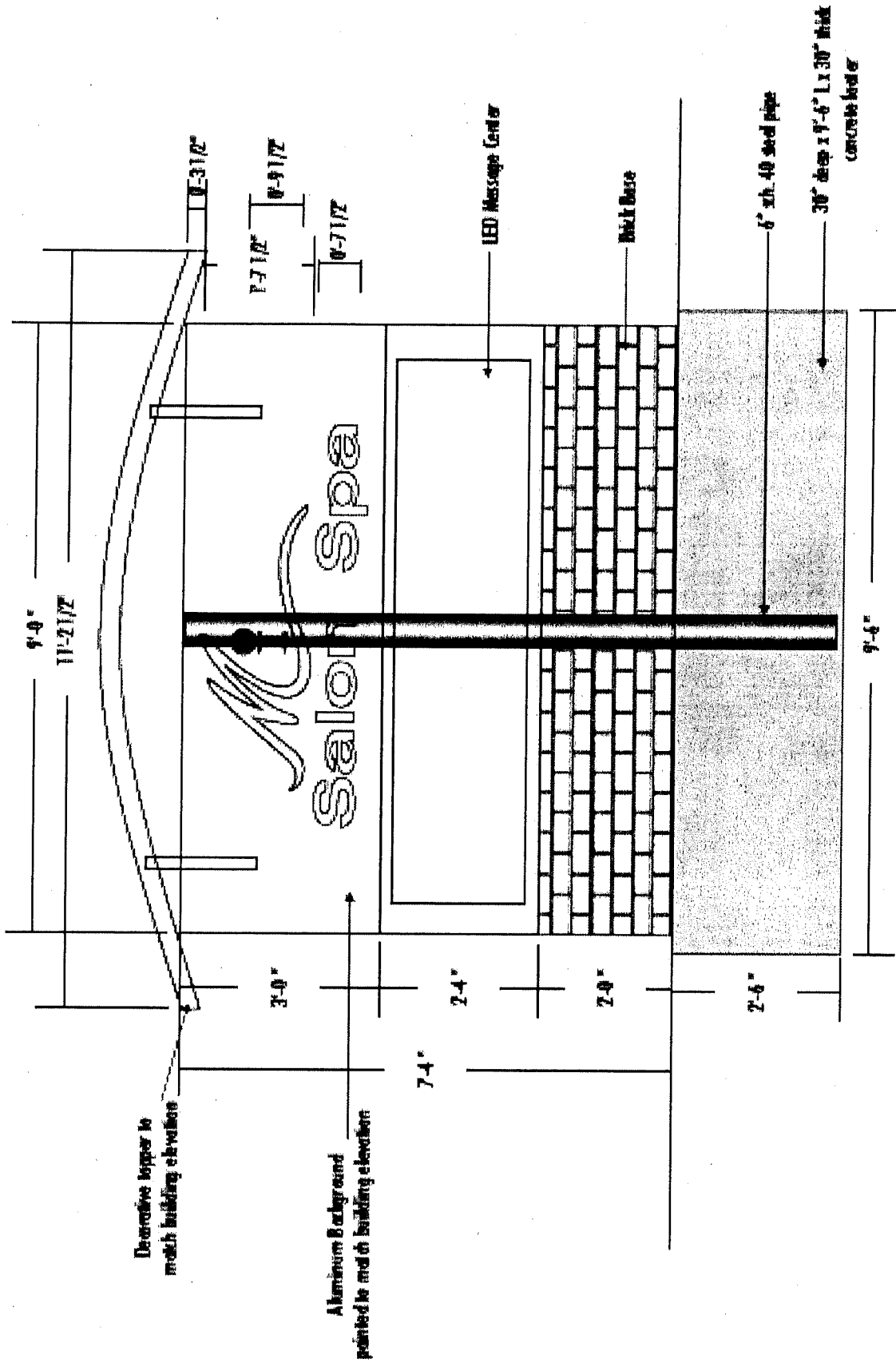
Rick Lunnemann
Assistant City Coordinator/Community Development Director
City of Florence
859-647-8177 (Phone)
859-647-5411 (Fax)

SECTION 3430

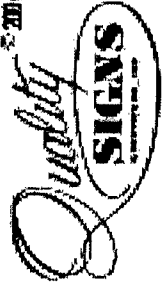
Electronically Changeable Message Boards

The Board of Adjustment and Zoning Appeals may permit an electronically changeable message board as a Conditional Use in C-2 and C-3, zoning districts. 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 interstate highways or other thoroughfares from which the sign will be visible;
 - c. Number of nearest milepost on interstate highway from which the sign will be visible or distance and direction from the nearest intersection on another thoroughfare;
 - d. The location of the proposed sign on a U.S. Geological Survey, 1:24,000 scale, topographic map and the location of all existing electronically changeable message boards within one-half mile of the proposed location;
 - e. A profile of the line through the center of the proposed sign at an angle of 0 to 75 degrees to the centerline of each thoroughfare from which the sign will be visible; and
 - f. A photograph not less than eight (8) inches by ten (10) inches in size, taken of the proposed location of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked on each photograph.
 - g. A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.
2. An electronically changeable message board, as a conditional use, shall conform, at minimum to the following requirements:
 - a. Such message boards will be considered a part of a permitted sign free-standing or building mounted; up to fifty percent (50)% of the permitted sign area can be used for an electronically changeable message board.
 - b. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
 - c. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
 - d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
 - e. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.



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Approved By

Sales Rep. John Dierising

DRAWN BY: W01YELL108

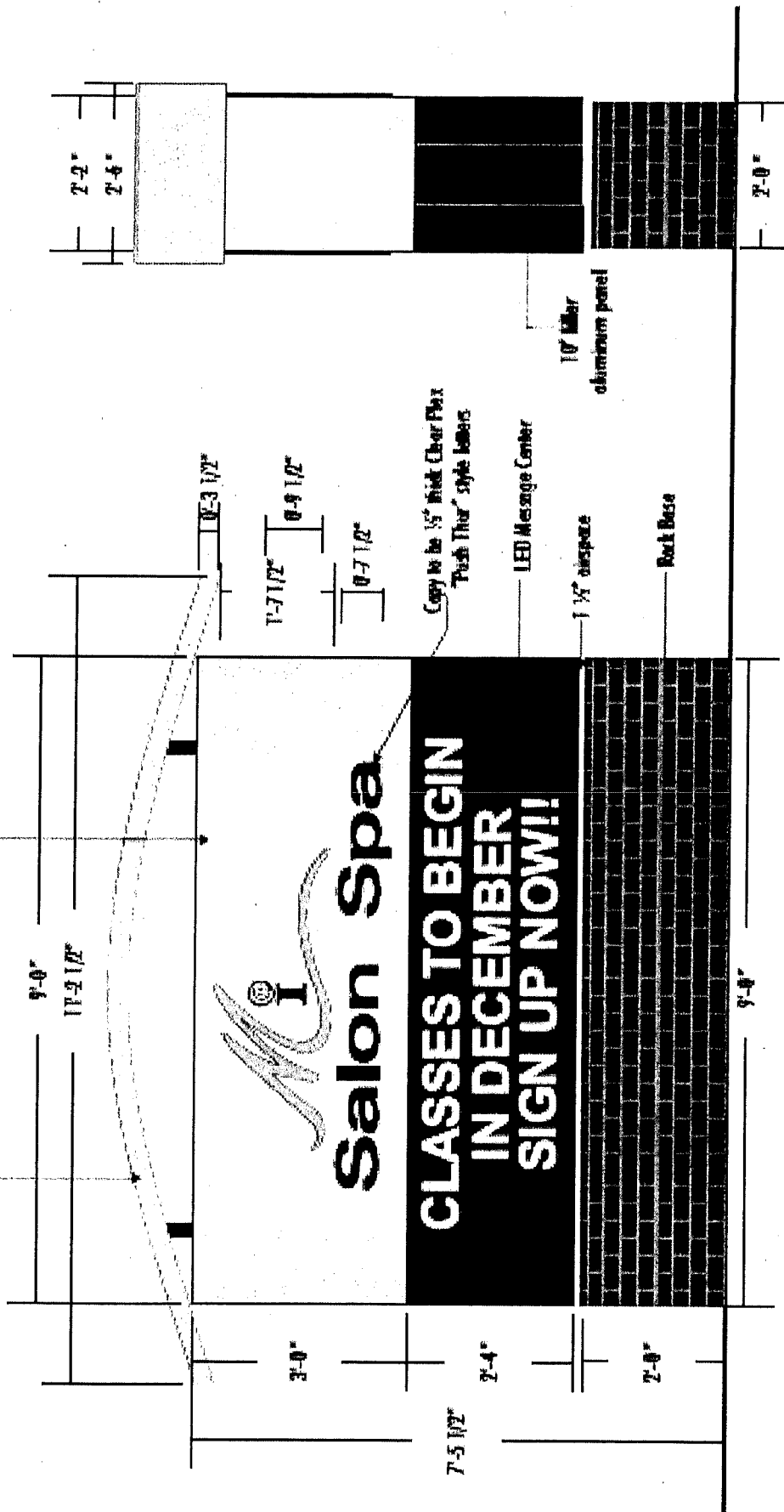
FILE: N3 Salon Mon-4 footer

DATE: 11-6-07

SCALE: 3/8" = 1'

Decorative upper 1/4
match building elevation

Minimum Background
painted to match building elevation



© 2016



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Approved By _____

Sales Rep. John Dierasing _____

DRAWN BY: WENDY FELLNER

FILE: MS Salon Main PT-1

DATE: 5-24-07

SCALE: 1/8" = 1'



Mi Salon Monument LED Sign

FILE: Mi Salon Mon PT Low r-1

DATE: 10-24-07

SCALE: 3/8" = 1'

Approved By

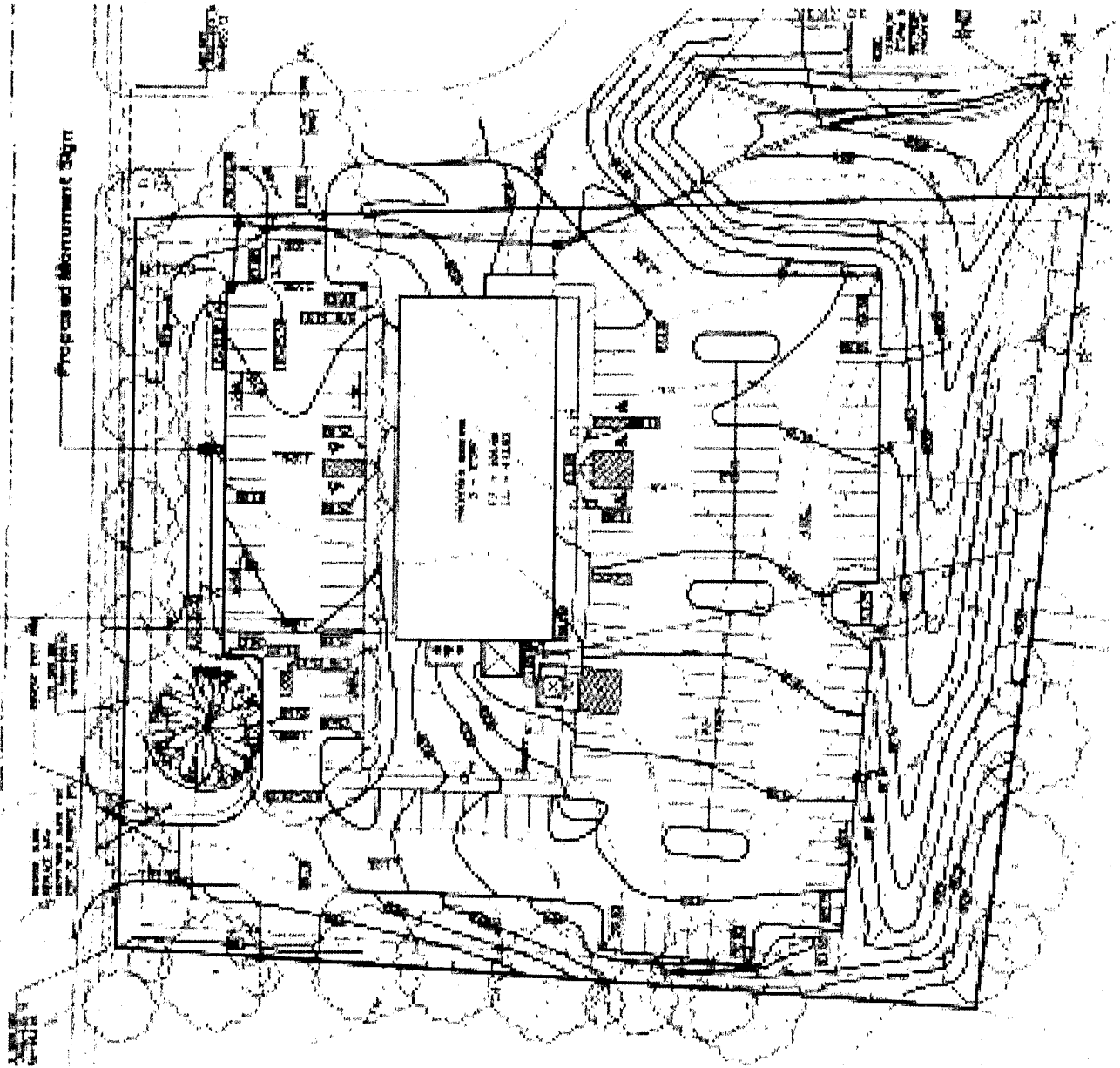
Sales Rep. John Dierising

DRAWN BY: WOODY RELLINGER

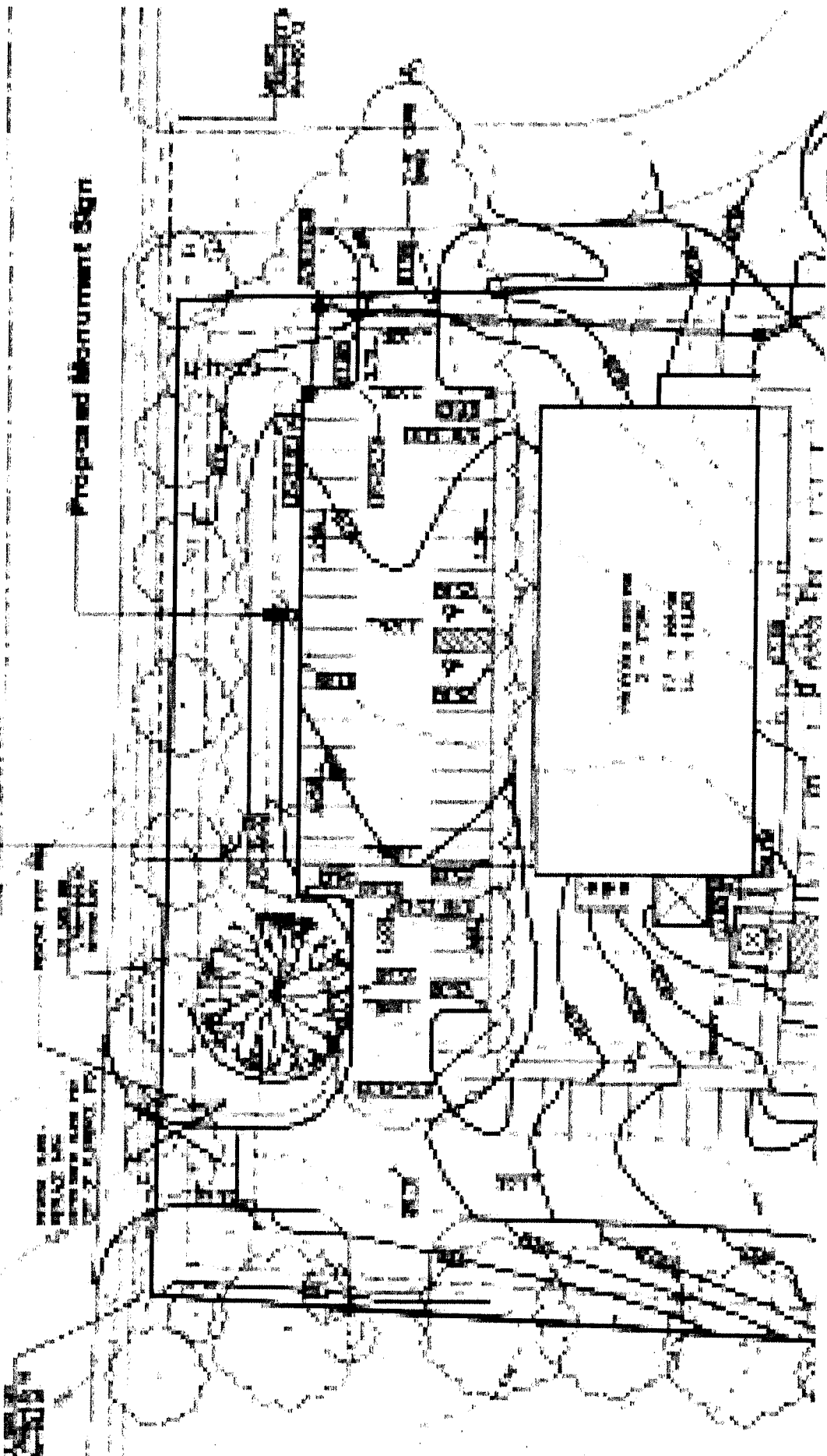
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KY 18 - BURLINGTON PIKE



KY 18 - BURLINGTON PIKE



Proposed Monument Sign

EXISTING SIGNAGE
REMOVED
REPLACE WITH
NEW SIGNAGE
AS SHOWN ON
PLAN

EXISTING SIGNAGE
REMOVED
REPLACE WITH
NEW SIGNAGE
AS SHOWN ON
PLAN

PROPOSED MONUMENT SIGN
3' x 12' x 12'
12' x 12' x 12'
12' x 12' x 12'

R E C E I V E D
NOV - 6 2007
BOONE COUNTY
PLANNING COMMISSION

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project MI SALON SPA
2. Location of Project 7535 BURLINGTON PIKE, FLORENCE, KY 41042
3. Total Acreage of Site 2.79 ACRE
4. Current Zoning of Site O-2 PF/PD
5. Proposed Zoning (Classification being requested) SPECIAL SIGN DISTRICT
6. Proposed Uses (please specify each use) REQUESTING MODIFICATION OF CURRENT MONUMENT SIGNAGE RESTRICTIONS TO ALLOW CHANGABLE COPY BY MEANS OF AN ELECTRONICS PACKAGE.
7. Names of Applicant(s) JAMES ADKINS
Phone Number (859) 647-2566 Fax No. (859) 282-6756
8. Address of Applicant(s) 7535 BURLINGTON PIKE
FLORENCE, KY 41042
City State Zip
9. Name of Property Owner(s) L. MICHAEL MOORE / MICHAEL'S LLC
Phone Number (859) 647-2566 Fax No. (859) 282-6756
10. Address of Property Owner(s) 10095 POND CREEK ROAD
ALEXANDRIA, KY 41001
City State Zip
11. Proposed Building Intensities (please specify) DNA
12. Are there any existing buildings on the site? YES
How many? ONE
13. Deed Book 787 Page No. 28 Group No. 2041-B
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

Public Hearing Item No. 3:

Commission Members Present: Mr. Breetz, Mr. Bunger, Mr. Caddell - Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Senior Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **James Adkins for**
L. Michael Moore/Michael's LLC (owner)

Request: **Zoning Map Amendment for Special Sign District**

The request of James Adkins (applicant) for L. Michael Moore/Michael's LLC (owner) for a Zoning Map Amendment for a Special Sign District for a 2.79 acre site located at 7535 Burlington Pike, Florence, Kentucky. The request is for a Special Sign District to allow a monument sign with electronically changeable copy in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. James Adkins stated that he is the applicant and an employee of Mi Salon. They are requesting a change to allow adding an electronic package to the monument sign that was approved when the original zone change was approved and the facility was built in 2000. Their representative was supposed to get the electronically changeable copy approved at the time of the initial approval. He stated that they started to put the electronically changeable copy sign up and were told by John at Quality Signs that they need to get this approval. He stated that they have temporary sign permits for 4' x 8' signs on their property to advertise special promotions and events. He stated that attracting new clients to their business has recently become a more important issue with some of their staff leaving and opening similar businesses. Clients have been more loyal to their stylists than to the facility. The electronically changeable copy will, hopefully,

attract new clients. They ask clients how they heard about the salon and 60% respond that they were driving by and saw the sign. He stated that the building sits back from the road and a 50-foot oak tree shields the building when driving west on KY 18. Vehicles come to the crest of the hill and go down the hill before they see the sign. The proposed sign will be positioned to be visible underneath the tree line. People will be able to see the sign on KY 18 and all the way down to Utz Drive, which will allow first-time -clients to locate them more easily. The electronically changeable copy sign will be visible from the high point on KY 18 by the gas station. This concluded the applicant's presentation.

Mrs. Poston asked if there are any other electronically changeable copy signs along the corridor other than Boone County High School. Mr. Light responded "no".

Mr. Patrick Reynolds stated that exiting the east driveway and making a left on KY 18 is a task. He asked if the sign will obstruct the view. Mr. Light responded that it should not affect the line of site if it sits back as far as the current sign. Mr. Patrick Reynolds stated that if the sign is located five feet closer to the road, there will be a line of sight issue. He stated that KY 18 is a high speed road.


Mr. Light stated that the City of Florence does not want the sign too close to the street trees. He stated that based on where the sign is shown, it is back far enough. He stated that he pulled out to turn left and the sign did not obstruct his view. Mr. Patrick Reynolds asked if the copy will change on a regular basis or if it is stationary at times. He does not want it to be a distraction. Mr. Light responded that the code requires five-second intervals. The sign is not permitted to flash per Section 3430.

The Chairman asked if there was anyone else present who wished to speak. There was no response.

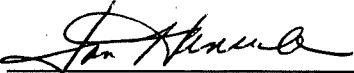
Chairman Caddell stated that there are no other changeable copy signs on KY 18 with the exception of Boone County High School and, if Boone County High School had been required to come to the Planning Commission for approval of that sign, he would have voted against it. He asked the Committee to look at the request carefully because granting it will make it difficult to turn down other requests for changeable copy signs. He finds changeable copy signs to be offensive and distracting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on December 19, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on January 2, 2008 at 7:00 PM. The Chairman closed this Public Hearing at 8:25 PM.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
January 16, 2008
7:00 P.M.**

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Jim Carmichael
Mrs. Linda Herald
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mrs. Susan Poston, Vice Chairwoman
Mr. Patrick Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Randy Poe
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO

Approval of the Minutes:

Mrs. Poston stated that the Commissioners received copies of the Minutes of the January 2, 2008 Business Meeting. She asked if there were any comments or corrections. Counselor Wilson advised that the Planning Commission takes final action on Variances and, therefore, the motion at the bottom of Page 3 should be amended as follows: **Mrs. Kegley moved ~~by resolution to Boone County Fiscal Court~~ that the Variance request be approved based on the Committee Report, with the condition.**

Mr. Rolfsen moved to approve the minutes as amended. Mr. Patrick Reynolds seconded the motion and it carried unanimously.

Mrs. Poston stated that the Commissioners received copies of the Minutes of the January 2, 2008 Public Hearing. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Rolfsen moved that they be approved as mailed. Mr. Patrick Reynolds seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment for Special Sign District

The request of James Adkins (applicant) for L. Michael Moore/Michael's LLC (owner) for a Zoning Map Amendment for a Special Sign District for a 2.79 acre site located at 7535 Burlington Pike, Florence, Kentucky. The request is for a Special Sign District to allow a monument sign with electronically changeable copy in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone.

Staff Member Mitch Light presented the Committee Report which recommended denial of the request based on the Findings of Fact (see Committee Report).

Mrs. Poston asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on this request.

Mr. James Adkins, the applicant and an employee of Mi Salon, stated that the original application submitted in 2000 included a monument sign and it was approved. The monument sign was to be constructed with an electronics package for the changeable copy but this was not specifically stated due to oversight on the part of their representative. He stated that they are asking for an adjustment to the Special Sign District and permission to include an electronics package. They have selected an attractive design that will compliment the architecture of the building. The sign will not inhibit the line of sight. He stated that the ability to advertise a cancelled appointment greatly increases the opportunity to fill the appointment and

recover the lost revenue. He stated that he had discussions with the City of Florence about this type of signage and the conditions imposed by the city were taken into consideration in the design phase of the sign. He stated that no one spoke in opposition to their request at the Public Hearing on December 5, 2007. He stated that there are several examples of electronic signs in the area – the closest is at the Speedway station at KY 18/I-75. The electronic message center at Boone County High School is larger than the sign they are proposing. There are also electronic signs at Wildwood Inn, Walgreen's on Dixie Highway and on KY 18, CVS on Dixie Highway, Super 8 Motel on Dream Street, and the new Boone County Public Library. He asked Mr. Dersing to address the comments made at the Public Hearing regarding the distracting nature of electronic signs and changeable copy. Mr. John Dersing with Quality Signs stated that not one study has proven that electronic message centers cause traffic accidents. In fact, electronic message centers may make high traffic areas safer by alerting drivers to their surroundings. Many states use electronic message centers on busy, construction-laden roads. He offered to show photographs of similar signs.

Counselor Wilson advised that this is not another Public Hearing and new items cannot be introduced at this time. He stated that Mr. Dersing may provide the photographs to Staff and they will be labeled to show that they were received after the Public Hearing. Mr. Dersing may be able to discuss the photographs with the City of Florence.

Mrs. Poston asked if there was anyone present who wished to make a summary statement on behalf of the opposition. There was no response.

There being no discussion, **Mr. Rolfsen moved that the request be denied based on the Committee Report. Mrs. Arnett seconded the motion and it carried unanimously.**

Counselor Wilson advised that the Planning Commission's action is a recommendation to the City of Florence. The City of Florence may take action to adopt the recommendation or to change it.

NEW BUSINESS:

Agenda Item
No.

- 2 Change in Concept Development Plan**
The request of Anne F. McBride, McBride Dale Clarion
(applicant) for Terra Firma Conner Crossing LLC (owner) for
a Change in Approved Concept Development Plan for a 5.812
acre area located on the southwest corner of the KY 20/KY 237
intersection, Boone County, Kentucky. The request is for a

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: January 16, 2008

RE: Request of **James Adkins (applicant)** for **L. Michael Moore/Michael's LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.79 acre site located at 7535 Burlington Pike, Florence, Kentucky. The request is for a Special Sign District to allow a monument sign with electronically changeable copy in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone.

REMARKS:

We, the Committee, recommend denial of this request based upon the following findings of fact:

Findings of Fact

1. The submitted Zoning Map Amendment request for a Special Sign District would allow the following alternative signage in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone:

-A proposed monument sign 8'-8" high and 48 square feet of sign area with 21 square feet of that being an electronic message center.

The Applicant has failed to demonstrate the necessity for the proposed electronic message center for a development consisting of 2.79 acres. Section 3413 of the Boone County Zoning Regulations would permit one (1) on-premises monument sign not to exceed one hundred (100) square feet in area and ten (10) feet in height with manually changeable copy up to 50% of the sign area.
2. The Zone Change Committee has concluded that the proposed electronic message center is not in agreement with the 2005 Boone County Comprehensive Plan. The Land Use Element in the 2005 Boone County Comprehensive Plan states "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, p.142). The Applicant has not adequately demonstrated how the proposal supports this text,

especially since a monument sign one hundred (100) square feet in area and ten (10) feet in height with manually changeable copy up to 50% of the sign area would be permitted. The proposed electronically changeable copy does not relate to the established smaller-scaled, individual commercial lot and institutional type developments in the vicinity. This sign would be the only electronically changeable copy sign in the Burlington Pike corridor in Florence, except for Boone County High School, which is exempt from zoning requirements.

3. The Committee has not identified any facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character nor has the Applicant provided any such facts.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

Public Hearing Item No. 3:

Commission Members Present: Mr. Breetz, Mr. Bunger, Mr. Caddell - Chairman, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Senior Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **James Adkins for**
L. Michael Moore/Michael's LLC (owner)

Request: **Zoning Map Amendment for Special Sign District**

The request of James Adkins (applicant) for L. Michael Moore/Michael's LLC (owner) for a Zoning Map Amendment for a Special Sign District for a 2.79 acre site located at 7535 Burlington Pike, Florence, Kentucky. The request is for a Special Sign District to allow a monument sign with electronically changeable copy in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. James Adkins stated that he is the applicant and an employee of Mi Salon. They are requesting a change to allow adding an electronic package to the monument sign that was approved when the original zone change was approved and the facility was built in 2000. Their representative was supposed to get the electronically changeable copy approved at the time of the initial approval. He stated that they started to put the electronically changeable copy sign up and were told by John at Quality Signs that they need to get this approval. He stated that they have temporary sign permits for 4' x 8' signs on their property to advertise special promotions and events. He stated that attracting new clients to their business has recently become a more important issue with some of their staff leaving and opening similar businesses. Clients have been more loyal to their stylists than to the facility. The electronically changeable copy will, hopefully,

attract new clients. They ask clients how they heard about the salon and 60% respond that they were driving by and saw the sign. He stated that the building sits back from the road and a 50-foot oak tree shields the building when driving west on KY 18. Vehicles come to the crest of the hill and go down the hill before they see the sign. The proposed sign will be positioned to be visible underneath the tree line. People will be able to see the sign on KY 18 and all the way down to Utz Drive, which will allow first-time -clients to locate them more easily. The electronically changeable copy sign will be visible from the high point on KY 18 by the gas station. This concluded the applicant's presentation.

Mrs. Poston asked if there are any other electronically changeable copy signs along the corridor other than Boone County High School. Mr. Light responded "no".

Mr. Patrick Reynolds stated that exiting the east driveway and making a left on KY 18 is a task. He asked if the sign will obstruct the view. Mr. Light responded that it should not affect the line of site if it sits back as far as the current sign. Mr. Patrick Reynolds stated that if the sign is located five feet closer to the road, there will be a line of sight issue. He stated that KY 18 is a high speed road.


Mr. Light stated that the City of Florence does not want the sign too close to the street trees. He stated that based on where the sign is shown, it is back far enough. He stated that he pulled out to turn left and the sign did not obstruct his view. Mr. Patrick Reynolds asked if the copy will change on a regular basis or if it is stationary at times. He does not want it to be a distraction. Mr. Light responded that the code requires five-second intervals. The sign is not permitted to flash per Section 3430.

The Chairman asked if there was anyone else present who wished to speak. There was no response.


Chairman Caddell stated that there are no other changeable copy signs on KY 18 with the exception of Boone County High School and, if Boone County High School had been required to come to the Planning Commission for approval of that sign, he would have voted against it. He asked the Committee to look at the request carefully because granting it will make it difficult to turn down other requests for changeable copy signs. He finds changeable copy signs to be offensive and distracting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on December 19, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on January 2, 2008 at 7:00 PM. The Chairman closed this Public Hearing at 8:25 PM.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: December 19, 2007

RE: Request of **James Adkins (applicant)** for **L. Michael Moore/Michael's LLC (owner)** for a Zoning Map Amendment for a Special Sign District for a 2.79 acre site located at 7535 Burlington Pike, Florence, Kentucky. The request is for a Special Sign District to allow a monument sign with electronically changeable copy in an Office Two/Public Facilities/Planned Development (O-2/PF/PD) zone.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Adkins/Moore

December 19, 2007

Charlie Rolfsen
Charlie Rolfsen, Chairman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Judy Arnett
Judy Arnett

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Kim Bunger
Kim Bunger

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Janet Kegley
Janet Kegley

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Susan Poston
Susan Poston

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Jim Carmichael (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Charlie Reynolds (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Bob Schwenke (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

TOTAL: ___ DEFERRED ___ FOR PROJECT ___ ABSENT ___
5 AGAINST PROJECT ___ ABSTAIN ___

SUPPORTING INFORMATION

EXHIBIT "A"

Group Number: 2041-B

Lying in the City of Florence, Boone County, Kentucky, and being a 2.7889 acre parcel of land, being part of the lands conveyed to the Grantor's predecessor in title as recorded in Deed Book 220, Page 147 and being the Westerly remainder of said 7.0922 acre tract therein recorded and more fully described as follows:

Beginning at a set iron pin in the Southerly right-of-way line of Burlington Pike, Kentucky 18, and the common line of the Grantor herein with the lands of Boone County Public Properties Corporation as recorded in Deed Book 375, Page 200;

Thence from said point of beginning along the South line of Kentucky 18, Burlington Pike, on a curve to the North West a distance of 300.85 feet on a radius of 5779.57 feet the chord bears North 89 deg. 02'-00" West, a distance of 300.82 to a point in the East line of the lands of the City of Florence as recorded in Deed Book 355, Page 180;

Thence with the line of the City of Florence South 3 deg. 39'-00" West, a distance of 362.95 feet to a recovered iron pin;

Thence continuing with the City of Florence, South 81 deg. 48'-00" East, a distance of 154.30 feet to a recovered iron pin in the West line of Center Park Subdivision, Section 10;

Thence with the North line of said Center Park Subdivision South 83 deg. 04'-00" East, a distance of 183.92 feet to a set iron pin in the common line of lands of Boone County Public Properties Corporation as recorded in Deed Book 375, Page 200;

Thence with the common line of the lands of Boone County Public Properties Corporation as recorded in Deed Book 375, Page 200, North 1 deg. 37'-45" West, a distance of 401.51 feet to the point of beginning.

The herein described parcel contains 2.7889 acres of land and was field surveyed by Cardinal Engineering in March of 1994.

Subject to easements and restrictions of record and/or in existence.

54878V1/RDD/dw/081400

BOONE COUNTY
D787 Pg 32

DOCUMENT NO: 21063
RECORDED ON: AUGUST 18, 2000 01:01:17PM
TOTAL FEES: \$16.00
TRANSFER TAX: \$450.00
GROUP : 2041B
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: BEV

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**FLORENCE CITY COUNCIL
MINUTES – TUESDAY, MARCH 11, 2008
PAGE 3**

RESOLUTION NO. R-2-08:

A RESOLUTION APPROVING APPLICATION, IN PARTNERSHIP WITH THE BOONE COUNTY BOARD OF EDUCATION FOR A GRANT UNDER THE SAFE ROUTES TO SCHOOL (SR2S) PROGRAM FOR THE CONSTRUCTION OF SIDEWALKS ON CENTER STREET AND OBLIQUE STREET TO IMPROVE ACCESS TO FLORENCE ELEMENTARY SCHOOL.

Councilmember Osborne moved, with second from Vice Mayor Metzger Aubuchon, that Resolution R-2-08 be approved as reviewed. **Council approved by unanimous vote.**

Planning & Zoning Committee Report:

Denial of a Zoning Map Amendment for a Special Sign District for a 2.79 acre site (7535 Burlington Pike)

Councilmember Conrad, a member of the City's Planning and Zoning Committee (along with Vice Mayor Metzger Aubuchon), advised the City recently received a recommendation of denial from the Boone County Planning Commission regarding My Salon & Spa's request for a free-standing monument sign (including an electronic changeable message component) at 7535 Burlington Pike. She said the property's current zoning does not allow for an electronic changeable message component. She added based on the Planning Commission's recommendation, information, and public hearing record, the City's Planning and Zoning Committee recommends to City Council the request be denied.

Mayor Whalen advised because this was a recommendation of denial as well as an agreement with the Planning Commission's recommendation for denial, the City Council is not required to take formal action; therefore by doing nothing, City Council allows the Planning Commission's recommendation for denial to stand.

MAYOR'S REPORT:

Mayor Whalen advised of the work order cost summary regarding the Public Services Department and the recent snowstorm. She said the Department worked 419.25 regular hours, 568.08 overtime hours, spent \$10,792.38 in regular labor costs, spent \$23,210.53 in overtime labor costs, spent \$15,789.10 in material costs (including 359.38 tons of salt and 1,085 gallons of calcium chloride), and spent \$22,907.03 in equipment costs; all for a total of \$72,699.04. She and the Councilmembers thanked the Department for its effort during the snowstorm.

Mayor Whalen advised of the City's Youth in Government program, scheduled for March 18, 19 & 20 (Tuesday, March 18 being Youth in Government Night) at the Florence Government Center.

Mayor Whalen advised of the City's annual Easter Egg Hunt (in conjunction with the Florence Freedom), scheduled for Saturday, March 22 at 11 a.m. at Champion Window Field.

Mayor Whalen advised the City of Florence Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2007 qualified for a Certificate of Achievement For Excellence in Financial Reporting (highest form of recognition in governmental accounting and financial reporting). She thanked Finance Director Linda Chapman and her Department.

CITY COORDINATOR'S REPORT:

There was no report given by City Coordinator Patricia J. Wingo.

OTHER:

Mayor Whalen asked if any Councilmember desired recognition; Vice Mayor Metzger Aubuchon advised the members of City Council (after several meetings in Executive Session to discuss the matter) had chosen Gary B. Winn to fill the current vacant seat on City Council (due to the recent death of former councilmember Dale Stephens).

Mayor Whalen presented the following Resolution for consideration: