

## Taylor Mill Board of Adjustments Agenda

Thursday, March 2, 2017

1. Roll Call
2. Confirmation of Quorum
3. Adoption of Minutes
4. Public Hearing BOA 1702-0001
  - a. Confirmation of Notification
  - b. Declaration of Conflicts
  - c. Declaration of Site Visit
  - d. NKAPC Staff Report
  - e. Comments from Applicant
  - f. Comments from Proponents
  - g. Comments from Opponents
  - h. Discussion by Board Members
  - i. Motion/Second Regarding Finding of Facts
  - j. Vote
5. Adjournment

**Taylor Mill Board of Adjustments  
Regular Meeting  
March 2, 2017**

Vice Chairmen Osterhage called the meeting to order at 7:00 p.m. The City Clerk called the roll.

Chairman Lucas	Absent
Mr. Fuller	Here
Mr. Meyer	Absent
Vice Chairman Osterhage	Here
Mr. Singleton	Here

Vice Chairman Osterhage stated that a quorum was present.

Mr. Fuller made a motion to accept the minutes from the June 9, 2016 Board of Adjustments meeting as submitted. Mr. Singleton made a second. The City Clerk called roll.

Mr. Fuller	Yes
Mr. Singleton	Yes
Chairman Lucas	Absent
Mr. Meyer	Absent
Vice Chairman Osterhage	Yes

**MOTION CARRIED**

**PUBLIC HEARING**

Vice Chairman Osterhage stated the purpose of the meeting and reviewed the procedure process for the applicant.

APPLICANT: Atlantic Signs per Tommy Reed on behalf of the Taylor Mill Shopping Center, LP

LOCATION: 5113 Taylor Mill Road

REQUEST: To appeal the zoning administrator's decision denying the applicants' request to install four wall signs where one wall sign is the maximum allowable within the DTM-1 (Downtown Taylor Mill – One).

**CONFIRMATION OF NOTIFICATION:** Mr. Mike Ionna of PDS stated that all interested parties had been notified of the meeting and packets sent out.

**DECLARATION OF CONFLICTS:** None.

**DECLARATION OF SITE VISITS:** Board of Adjustment Members are familiar with the site.

Vice Chairman Osterhage gave a brief explanation of the hearing process for everyone present.

**STAFF REPORT AND REVIEW:** Planning Development Services Principal Planner, Mike Ionna, presented and read aloud the professional staff report, which had been previously distributed to all board members. He went over in depth the site description and zoning requirements (see attached report).

**STAFF RECOMMENDATION:** To uphold the zoning administrator's decision denying the applicants' request to install four wall signs where one sign is the maximum allowable within the DTM-1 (Downtown Taylor Mill – One).

**SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:**

1. Section 12.12, A., 1., states that one wall sign is permitted per street frontage within the DTM-1 Zone. Staff's decision to deny the permit is based upon the literal interpretation of the zoning ordinance.

The site in question contains four nonconforming wall signs. The applicant is allowed to continue and maintain those signs, which also includes changing the face of the sign as long as it does not increase the nonconformity. However, once the applicant removes a sign, that particular sign loses its nonconformity status and any new sign must be in compliance with the current regulations.

Allowing the applicant to construct the proposed wall sign is inconsistent with Section 14.12, A., 1., of the Taylor Mill Zoning Ordinance which states that all commercial uses located within the DTM-1 Zone shall be allowed one wall sign per street frontage.

**PRESENTATION/COMMENTS BY APPLICANT:**

Mr. Mike Cassedy of Atlantic Sign Company, representing Remke Markets, addressed the Board of Adjustments. Mr. Cassedy provided the Board a handout regarding the square footage of signage. Mr. Cassedy stated there are four signs, not five. Mr. Cassedy stated U.S. Bank leases tenant space from Remke and is entitled to one sign. Mr. Cassedy stated the total amount of square footage is three hundred and eighteen square feet. Mr. Cassedy stated the sign facing Taylor Mill Road is one hundred and thirty-five square feet. Mr. Cassedy stated the existing sign on the front entry is also one hundred and

thirty-five square feet. Mr. Cassidy stated the signage is original from the store opening in nineteen eighty five. Mr. Cassidy stated Remke also promoted the deli and bakery with signs. Mr. Cassidy stated a second Remke sign is on the far end of the building to have a presence. Mr. Cassidy stated a pharmacy sign was installed on the storefront but taken down a few years ago when the pharmacy closed. Mr. Cassidy stated upgrading the pole sign with the electronic message center. Mr. Cassidy stated the electronic message center used to hit approximately thirty thousand views per day. Mr. Cassidy stated the competition has become greater and bigger. Mr. Cassidy stated no changes are intended in regards to the recent purchase of Remke Markets. Mr. Cassidy stated the company that purchased Remke Markets own other groceries and have maintained those. Mr. Cassidy stated the change in traffic pattern have been drastic. Mr. Cassidy stated Highland Avenue, Mason, and Western Hills stores have closed. Mr. Cassidy stated the sign in storage from the Highland Avenue store would be used at the Taylor Mill location. Mr. Cassidy stated it is consistent with the Remke branding and corporate logo. Mr. Cassidy stated the location is not being helped by the sign code. Mr. Cassidy stated Remke is allowed over nine hundred square feet of signage on the frontage and is only asking for three hundred and eighteen feet. Mr. Cassidy stated local businesses are drawing a market providing an opportunity for people to see the storefront. Mr. Cassidy stated Remke Market does not survive and grow based on its existing market. Mr. Cassidy stated he is asking to take one sign down and put up a more modern sign.

Vice Chairman Osterhage asked Mr. Cassidy if he feels the Taylor Mill sign being different is a distraction to potential customers.

Mr. Cassidy stated he is willing to say if a survey was given, approximately sixty-seven percent of people may not have that direct association. Mr. Cassidy stated a similar experience with McHale's.

Vice Chairman Osterhage asked if there will be any other changes to signs.

Mr. Cassidy stated no.

Mr. Singleton asked how long existing ownership kept brand names from other purchases.

Mr. Cassidy stated it was reported to Remke that they own other chains and operate as separate companies. Mr. Cassidy stated Remke has a great reputation but competition is stifling.

Vice Chairman Osterhage asked if receiving the appeal successfully would help with the competition of Remke Markets.

Mr. Cassidy stated yes.

Mr. Fuller asked if the digital sign had the modern logo on it.

Mr. Cassedy stated no. Mr. Cassedy stated it may be changed out if permitted in full color.

Mr. Rick Glazer, facilities manager of Remke Markets, addressed the Board. Mr. Glazer stated the store has done some remodeling and part of the refresh program is signage. Mr. Glazer stated the sign is in storage and not a newly constructed sign.

#### COMMENTS FROM PROPONENTS:

Ms. Jill Bailey, Taylor Mill City Administrator, addressed the Board. Ms. Bailey stated representing the Taylor Mill City Commission. Ms. Bailey stated the Commission does not consider this issue an expansion of a nonconforming use, but that Remke is trying to replace a pre-existing, pre-approved sign. Ms. Bailey stated the sign will be in the same location and the use of the business is not changing. Ms. Bailey stated size is increasing slightly but still under the allowable amount of signage permitted in that zone. Ms. Bailey stated the Commission would like to see the application approved. Ms. Bailey stated the City Commission particularly felt that it is a wall sign and would help with recognizing the brand in the community.

Ms. Jane Frantz of 727 Red Bud Drive addressed the Board. Ms. Frantz stated being for the sign change. Ms. Frantz stated any discussion of signage in Taylor Mill needs to take into consideration how bright the sign is, the size of it, and the proximity and direction facing residential. Ms. Frantz stated the discussed concerns do not affect the Remke sign, but for future hearings, would like those questions asked.

Commissioner Frietch of 737 Lakewood Drive addressed the Board. Commissioner Frietch stated addressing the Board as a long term Taylor Mill resident who frequents Remke. Commissioner Frietch stated speaking with neighbors who do not have a problem with the sign change. Commissioner Frietch agreed with Mr. Cassedy that signage brings a new look and stays consistent across all the stores. Commissioner Frietch stated the construction of the new road has taken traffic from visually seeing Remke on a daily basis. Commissioner Frietch stated the City needs to take a closer look at respect and understanding business relationships. Commissioner Frietch stated not wanting good companies moving out of the City. Commissioner Frietch stated the last sentence of Section 14.12, A., 1., states that Staff's decision to deny the permit is based upon the literal interpretation of the zoning ordinance. Commissioner Frietch stated the decision was on the literal interpretation so there is room. Commissioner Frietch stated it is an attractive sign and will hopefully draw people.

Mr. Cassedy stated the sign does not face residential. Mr. Cassedy stated the letters are internally illuminated. Mr. Cassedy stated the red has lower lumens than the yellow. Mr. Cassedy stated the illumination produced by signage is less than fifteen percent by the lighting produced by parking lot lights.

#### COMMENTS FROM OPPONENTS:

No comments from opponents.

CLOSED PUBLIC HEARING: Vice Chairman Osterhage thanked those who have shown up to voice their opinion and the public hearing portion closed at 7:51 p.m.

The Board members discussed the request.

Mr. Singleton stated it is difficult to see the existing sign and can see there is a loss of signage and visibility with the existing road.

Mr. Fuller made a motion to approve the appeal for signage as the applicant brought before the Board based on the following findings:

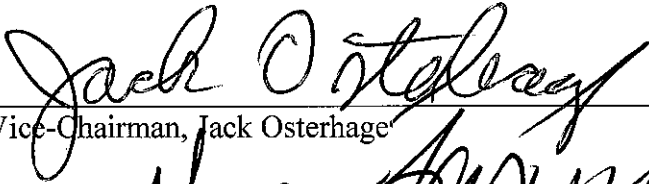
1. The ordinance does not account for this type of use.
2. The strict interpretation of the zoning ordinance would create a hardship on the applicant.
3. Based on the provided testimony, the technical testimony, and the testimony provided by the audience.

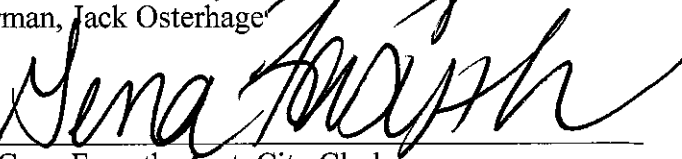
Mr. Singleton made a second. The Clerk called role.

Mr. Fuller	Yes
Mr. Singleton	Yes
Chairman Lucas	Absent
Mr. Meyer	Absent
Vice Chairman Osterhage	Yes

**MOTION CARRIED**

There being no further business to come before the Board, Mr. Fuller made a motion to adjourn at 7:54 p.m. Mr. Singleton made a second. All Board Members present were in favor. The meeting is now adjourned.

  
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Vice-Chairman, Jack Osterhage

ATTEST:   
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Gena Forsyth, Asst. City Clerk

DATE: May 4, 2017