

Development Review Committee
Staff Report
March 2, 2022



Case No.	21-WAIVER-0078
Project Name	Freestanding Sign Placement
Location	4500 Dixie Hwy
Owner/Applicant	Haq LLC
Jurisdiction	City of Shively
Council District	3 – Keisha Dorsey
Case Manager	Beth Jones, AICP, Planner II

REQUEST

WAIVER from the City of Shively to permit a freestanding sign to be located on a street frontage where the building is not located at least 15 feet from the street right-of-way line (LDC 8.3.3.F.)

CASE SUMMARY / BACKGROUND

The City of Shively Land Development Code states that “No lot frontage shall have a freestanding sign unless the building situated on that lot is set back at least fifteen (15) feet from the street right-of-way line. Corner lots may have a freestanding sign for the frontage on which the building is setback at least fifteen (15) feet from the street right-of-way line.” The existing structure on the site is located approximately 5 feet from the Dixie Highway right-of-way, meaning no freestanding sign can be permitted on that property frontage without a waiver.

The applicant was issued a sign permit (SI1088189) on 2/5/2019. The permit case file does not include a site plan showing the approved placement of the sign. The applicant, however, has submitted several sketches (source unknown) that show the sign to be placed parallel to Kendall Lane (see Legistar file). The sign placement shown in these documents does not coincide with the current sign location.

The freestanding sign currently in place on the site was not installed on the Kendall Lane frontage, which would have been acceptable, but instead at the corner of the site, addressing Dixie Highway.

Transportation Planning staff completed a site visit in June 2020 and determined that the sign post nearest Dixie Hwy prevents northbound traffic from being viewed for the required 6 seconds. LOJIC mapping appears to show that the sign may also encroach into the right-of-way (see Attachment 7).

STAFF FINDINGS

Based upon the information in the staff report, the applicant’s written justification statement and the testimony and evidence provided at the public hearing, DRC must determine whether the waiver request is justified. Staff does not support the request as there is adequate room to place the sign in a

manner which fulfills the requirement. In addition, although there is no sign plan included in the permit case file, documentation submitted by the applicant shows a placement different from where the sign was finally installed.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to permit a freestanding sign to be located on a street frontage where the building is not located at least 15 feet from the street right-of-way line (LDC 8.3.3.F.)

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will adversely affect adjacent property owners in that the current location interferes with sight lines for drivers on Kendall Lane as they approach Dixie Hwy, a six-lane Major Arterial roadway.

(b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver violates guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant in that the sign as exists meets all other standards and requirements.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant's addition of a decorative sleeve over the sign's posts infringes on sight lines for vehicles at the intersection of Kendall Lane and Dixie Hwy. Application of the regulation would not create an unnecessary hardship on the applicant as options for placement of the sign on the site are available.

REQUIRED ACTION

Recommendation to the City of Shively to APPROVE or DENY the waiver request.

NOTIFICATION

Date	Purpose of Notice	Recipients
2/16/22	DRC	1st tier adjoining property owners Registered Neighborhood Groups in Council District 3

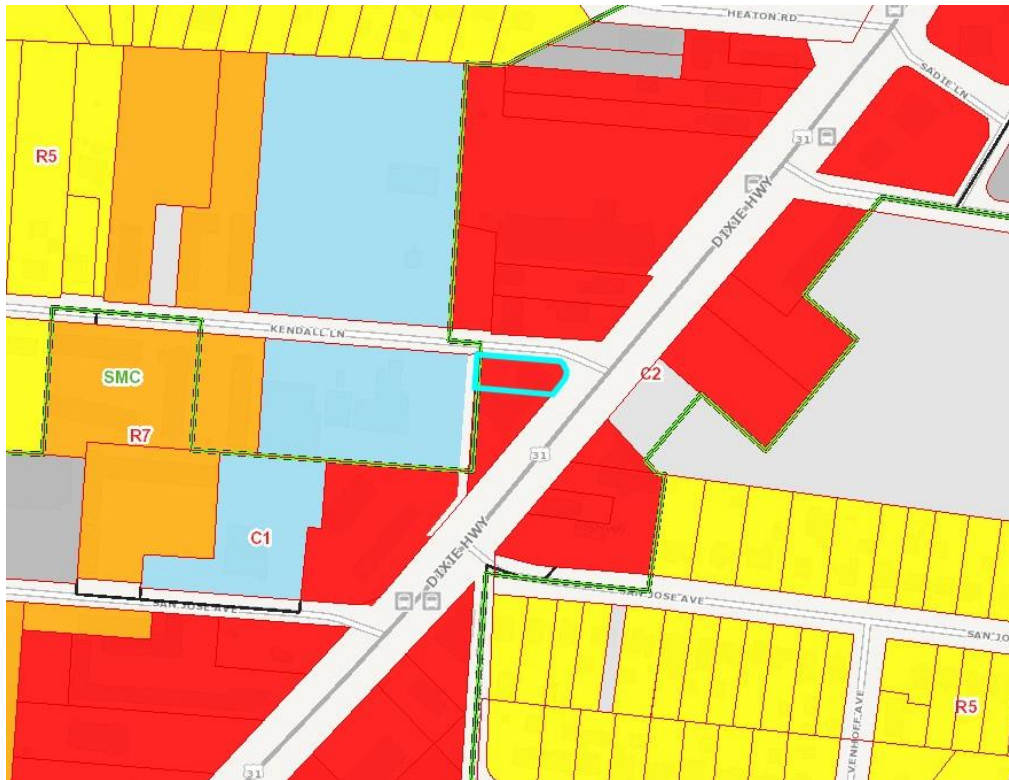
ATTACHMENTS

1. Aerial View
2. Land Use
3. Street View of Site
4. Street View from North
5. Street View from South
6. Street View from West
7. Aerial View of Sign Location
8. Approved Sign
9. Existing Sign

1. Aerial View



2. Land Use



3. Street View of Site



4. Street View from North



5. Street View from South



6. Street View from West



7. Aerial View of Sign Location



8. Approved Sign



9. Existing Sign

