

Development Review Committee Staff Report

December 14, 2016



Case No:	16WAIVER1050
Project Name:	Speedway – Poplar Level Road
Location:	4563 Poplar Level Road
Owners:	Speedway LLC
Applicant:	McBride Dale Clarion
Representative:	Robert Sweet
Zoning/Form District:	M1/Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Dante St. Germain – Planner I

REQUEST

- Waiver from the Land Development Code section 8.2.1.A to allow internally-illuminated on-premises signs within a transition zone adjacent to the Neighborhood form district to have backgrounds that are not opaque.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to place one freestanding business identification sign and two freestanding incidental signs on the property within the transition zone adjacent to the Neighborhood form district, each with a background that is not opaque. This property is located in the Suburban Workplace form district. LDC section 8.2.1.A states that, “Internally illuminated business signs within the Neighborhood, Traditional Neighborhood and Village Form Districts, and within transition zones adjacent to the aforementioned form districts where signs are visible from these form districts shall have opaque backgrounds with translucent letters, symbols and logos. Reader Boards/Changeable Copy Signs, Temporary On-premises Signs are exempt from the previous restriction. Opaque means that the material must not transmit light from an internal illumination source.” The applicant requests a waiver from this provision.

The signs are proposed along Poplar Level Road, which is classed as a major arterial with more than four lanes at this location. For the business identification sign, the applicant is allowed a sign up to 100 square feet in area and 24 feet in height from grade. Incidental signs are restricted to 5 square feet in area and 3 feet in height. The proposed signs are within these size limitations.

The property is currently vacant, with existing structures to be removed and replaced with a commercial truck fueling center. The transition zone extends 100 feet from the centerline of Poplar Level Road. The business identification sign is proposed to be 56.3’ from the road centerline. The incidental signs are proposed to be 62’ from the road centerline.

To minimize disruption to the single-family homes in the Neighborhood form district across Poplar Level Road, the applicant proposes to install dimmers on the signs equipped with photocells, to reduce illumination at night and during low-light conditions.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	M-1	Suburban Workplace
Proposed	Truck Fueling Center	M-1	Suburban Workplace
Surrounding Properties			
North	Commercial	C-1	Suburban Workplace
South	Commercial	C-1, M-1	Suburban Workplace
East	Commercial and Industrial	M-2	Suburban Workplace
West	Single-Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

None.

INTERESTED PARTY COMMENTS

No interested party comments were received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR WAIVER OF LDC 8.2.1.A**

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

STAFF: The waiver will not adversely affect adjacent property owners as the signs will be aligned in a perpendicular orientation to the residential properties, minimizing the amount of light from the signs that is visible to the residences. They will also be equipped with dimmers to reduce illumination at night and during low-light conditions.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as *Cornerstone 2020* describes the Suburban Workplace Form as characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. The proposed commercial truck fuel center and the signage associated with it are compatible with this form district.

Guideline 3. Compatibility requires land uses and transportation facilities to be compatible with nearby land uses and to minimize impacts to residential areas. *Guideline 3.A.28.Signs* requires signs to be compatible with the form district pattern and contribute to the visual quality of their surroundings, and to be of a size and height adequate for effective communication and conducive to motor vehicle safety. These guidelines are not violated because the signs are compatible with a major arterial road in the Suburban Workplace form district and visibility to the affected residential properties will be minimized.

(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 as the applicant needs adequate signage to separate commercial truck traffic from private automobile traffic and direct each type of traffic to the appropriate fuel center.

(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 has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by proposing a dimming mechanism on each sign linked to a photocell, which will reduce the illumination of the signs at night and during low-light conditions. This will minimize the amount of light that leaves the property.

TECHNICAL REVIEW

None.

STAFF CONCLUSIONS

- The proposed waiver appears to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the waiver.

REQUIRED ACTION

- **APPROVE** or **DENY** the requested waiver from LDC section 8.2.1.A.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/23/2016	DRC Public Meeting	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Proposed Plan

