

Board of Zoning Adjustment Staff Report

August 15, 2016



Case No:	16WAIVER1027
Project Name:	Vue @ 3 rd Street
Location:	537 S. 3 rd Street
Owners:	Third Street Louisville Multifamily Partners, LLC
Applicant:	Sign-Tiques - Tracy O'Connor
Representative(s):	Sign-Tiques - Tracy O'Connor
Project Area/Size:	0.25 acres
Existing Zoning District:	C-3, Commercial
Existing Form District:	D, Downtown
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Exceptional Signage Review** for authorization of proposed attached signage.

CASE SUMMARY

The applicant proposes five attached signs for a proposed multi-family re-development of an existing structure in downtown Louisville. One attached awning sign will be provided above the entryways on Guthrie and S. 3rd Street. The “Kentucky’s Colonel” mural facing S. 2nd Street will be unaffected by this proposal as a 280 SF internally illuminated attached sign is being proposed above this mural. A projecting internally illuminated sign at the building corner of S. 3rd Street and Guthrie is also proposed. This sign will be located at the 9th story. Lastly, a fifth internally illuminated attached sign has been proposed on the elevator tower facing North towards the Ohio River. This sign is not permitted as it is located above the roof line of the structure and roof signs are strictly prohibited by Chapter 8 of the Land Development Code. A roof sign is determined to be any sign above or behind the fascia or parapet of a building.

The form district in which this site is located does not specifically prohibit or permit residential signage; therefore, the Board of Zoning Adjustment (BOZA) is authorized under the Louisville Metro Land Development Code (LDC), section 8.4.1 to authorize exceptional signs that do not meet definitions for sign types permitted by the sign regulations. The provisions of this section authorize a “Sign Review Board” to make a recommendation to the BOZA or Planning Commission (PC) concerning the appropriateness of exceptional signage. In the absence of such a committee, these cases are forwarded directly to the appropriate committee overseeing waivers (PC) or variances (BOZA). In this case, the applicable section of the code - LDC 8.4.1.D.3 - gives discretion to the BOZA, but requires notice and standard of review to be conducted as though this case was a waiver. The LDC states, “Sign Authorization Reviews shall use the same set of design guidelines as listed under the Waiver Reviews. Emphasis in sign authorizations shall be on the innovative design of signage and its potential impact on the property it relates to, surrounding properties and to the street or public realm.”

LAND USE/ZONING DISTRICT/FORM DISTRICT

The site is located in the C-3, Commercial zoning district, D, Downtown form district and is surrounded by a mixture of uses at varying intensities, scale, and design.

PREVIOUS AND ASSOCIATED CASES ON SITE

16DDRO1013: The Downtown Development Review Overlay approved the proposed signage on August 2, 2016.

INTERESTED PARTY COMMENTS

Staff has not received any formal inquiries or interested party comments at this time.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (April 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The sign authorization will not adversely affect adjacent property owners as the proposed signage will not create a nuisance from light trespass, noise, or flashing. Additionally, the signage will not create a hazard for pedestrians or motorists within the area of the property.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The sign authorization will not violate specific guidelines of Cornerstone 2020 as the proposed signage is not visible from single-family residential dwellings and is surrounded by a mixture of compatible uses with and without signage. The proposed signage appears to be compatible with the character and design of signs in the surrounding area.

- (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 LDC fails to regulate residential signage in the Downtown form district.

- (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 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 as the LDC does not prohibit or permit the proposed signage and authorization of the signage has been appropriately requested.

TECHNICAL REVIEW

The Board of Zoning Adjustment (BOZA) is authorized under the Louisville Metro Land Development Code (LDC), section 8.4.1 to authorize exceptional signs that do not meet definitions for sign types permitted by the sign regulations.

Roof signs are prohibited by LDC Chapter 8, part 9.1. A roof sign is defined in full below:

A sign erected and constructed wholly or in part upon, against, or above the roof of a building. For purposes of this Regulation, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

Staff determined that the proposed sign on the elevator tower/bulkhead is above and behind the roof line as the parapet wall is located along the exterior of the top of the main structural facades. Furthermore, an elevator bulkhead is exempt from height requirements and serves an accessory function to the principal building and facades; therefore, any façade associated with the elevator bulkhead cannot be used for the attachment of signage.

Prior to the release of a sign permit the signs shall meet all applicable regulations contained within the Land Development Code and Louisville Metro Code of Ordinances.

STAFF CONCLUSIONS

The sign authorization for exceptional signage appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Signs attached to the elevator bulkhead shall not be permitted.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for authorizing the proposed sign.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the exceptional signage request for four proposed attached signs, excluding the proposed elevator tower/bulkhead sign.
 - Projecting sign at building corner (S. 3rd Street and Guthrie Street) – 96.66 SF
 - Awning signs (S. 3rd Street) – 10.6 SF
 - Awning signs (Guthrie Street) – 10.6 SF
 - Attached sign (S. 2nd Street) – 280 SF

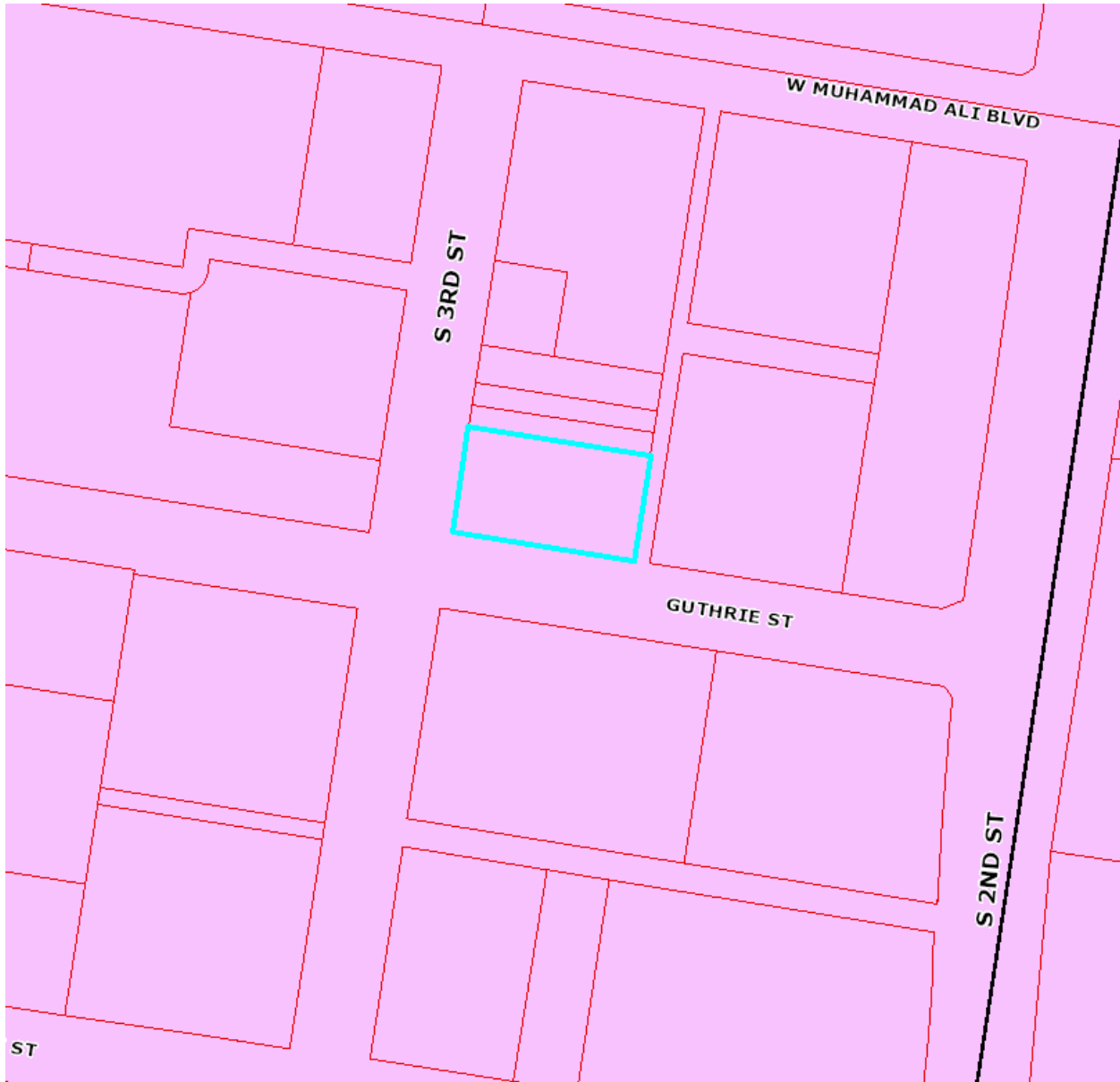
NOTIFICATION

Date	Purpose of Notice	Recipients
8/1/16	DRC	Adjoining property owners, applicant, & owner. Registered users of Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

