

**Board of Zoning Adjustment**  
**Staff Report**  
November 20, 2019



<b>Case No.</b>	19-SIGNAUTH-0002
<b>Project Name</b>	Upton Oxmoor Apartments
<b>Location</b>	7733 Upton Oxmoor Lane
<b>Owner</b>	Upton Oxmoor LLC
<b>Applicant</b>	Wilson Permit Services
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	18 – Marilyn Parker
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

An Exceptional Sign Review to permit one monument sign for a residential use in a Campus Form District and one attached sign for a residential use in a Campus Form District.

**CASE SUMMARY/BACKGROUND**

The applicant is developing a multi-residential apartment complex (17DEVPLAN1215). The site consists of a single parcel, zoned C-1 Commercial on the western portion of the site and R-4 Single Family Residential on the eastern portion. The entire site is within a Campus form district.

LDC signage standards for Campus form districts are only applicable to institutional, office, commercial and industrial uses, while standards for residential uses are only applicable in Neighborhood, Traditional Neighborhood and Town Center form districts. Since this proposal is a residential use within a Campus form district, neither set of standards directly apply to the site and a Sign Authorization is required.

The development is largely confined to the C-1 portion of the site. The remainder is left as open space with the exception of an internal circulation road, which provides one-way access into the site at its northern end, and a small amount of parking. The primary entrance, located further south on Oxmoor Lane, is the proposed location of the monument sign. The proposed attached sign is to be mounted on the clubhouse structure facing Oxmoor Lane.

Adjoining properties to the north, south and east of the site are zoned R-4 Single-Family Residential and are currently undeveloped. The property to the west is zoned R-7 Multi-Family Residential and is currently developed with multi-family housing.

The proposed attached sign (110 sq ft) will be mounted on the façade of the structure housing the pool/clubhouse/ leasing office (2340 sf). LDC standards for residential uses set a maximum of one sign and a maximum area of 12sf. Campus form district standards permit up to three attached signs and up to 242 sf; no standards for residential uses are included in the regulations.

The proposed monument sign (25 sf) will be located at the main entrance to the site. LDC standards for residential uses set a maximum of one monument sign up to 12 sf in area and 6 ft high. Campus form district standards would permit one monument sign up to 40 sf in area and 6 ft high.

The development falls within the boundary of a Strategic Concept Plan for Oxmoor Farms, issued on behalf of the Bullitt Family Trusts in February 2002. The Plan calls for review of signage by an Oxmoor Architectural Review Committee which has not been established. The proposed monument sign does not meet Oxmoor Farm design guidelines in that it is larger than the permitted size of 60 sq ft, higher than the maximum of 6 ft and is not externally lit.

### **STAFF FINDING**

LDC standards do not specifically regulate signage for residential uses in a Campus form district. Staff finds the proposed signage appropriate for the site and the use.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Sign Authorization as established by the Land Development Code.

### **TECHNICAL REVIEW**

No outstanding technical issues remain. Transportation Planning has reviewed and approved the proposed sign location.

### **INTERESTED PARTY COMMENTS**

No comments have been received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1 to permit a monument sign for a residential use in a Campus form district (LDC Table 8.3.2)**

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

STAFF: Adjoining properties are to the north and south are currently undeveloped, the property to the east is a retail mall and the property to the west is a multi-family residential use similar to the proposed use for the subject site, making it unlikely that future development will be incompatible. The sign meets LDC design guidelines in that it is visually consistent with the architecture, materials, colors and overall design of the apartment complex, it has individual character tied to the development it serves and is appropriate in size and scale.

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

STAFF: The proposed signage will not conflict with compatibility standards as set by Plan 2040 as it is appropriate to the type of neighborhood, the use of the site and the character of the area.

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

STAFF: The request for the monument sign is reasonable in that it would be permitted under the current zoning of its location and is below both the maximum area and height that would be permitted in the site's form district if it were a non-residential use.

(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 proposed monument sign is smaller in area and lower in height than would be permitted for a commercial use within the Campus form district. It was specifically created to coordinate with the design of the buildings and the development as a whole and will make a positive contribution to the general appearance of the streetscape.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2 to permit an attached sign for a residential use in a Campus form district (LDC Table 8.3.2)**

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

STAFF: Adjoining properties are to the north and south are currently undeveloped, the property to the east is a retail mall and the property to the west is a multi-family residential use similar to the proposed use for the subject site, making it unlikely that future development will be incompatible. The sign meets LDC design guidelines in that it is visually consistent with the architecture, materials, colors and overall design of the apartment complex, it has individual character tied to the development it serves and is appropriate in size and scale.

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

STAFF: The proposed signage will not conflict with compatibility standards as set by Plan 2040 as it is appropriate to the type of neighborhood, the use of the site and the character of the area.

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

STAFF: The request for the attached sign is reasonable in that it would be permitted under the current zoning of its location and is below the maximum area that would be permitted in the site's form district. In a multi-building development, it will identify the clubhouse structure for guests and residents.

- (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 proposed attached sign is smaller in area than would be permitted for a commercial use within the Campus form district. It will identify the site from a distance while still coordinating with the design of the buildings and the development as a whole.

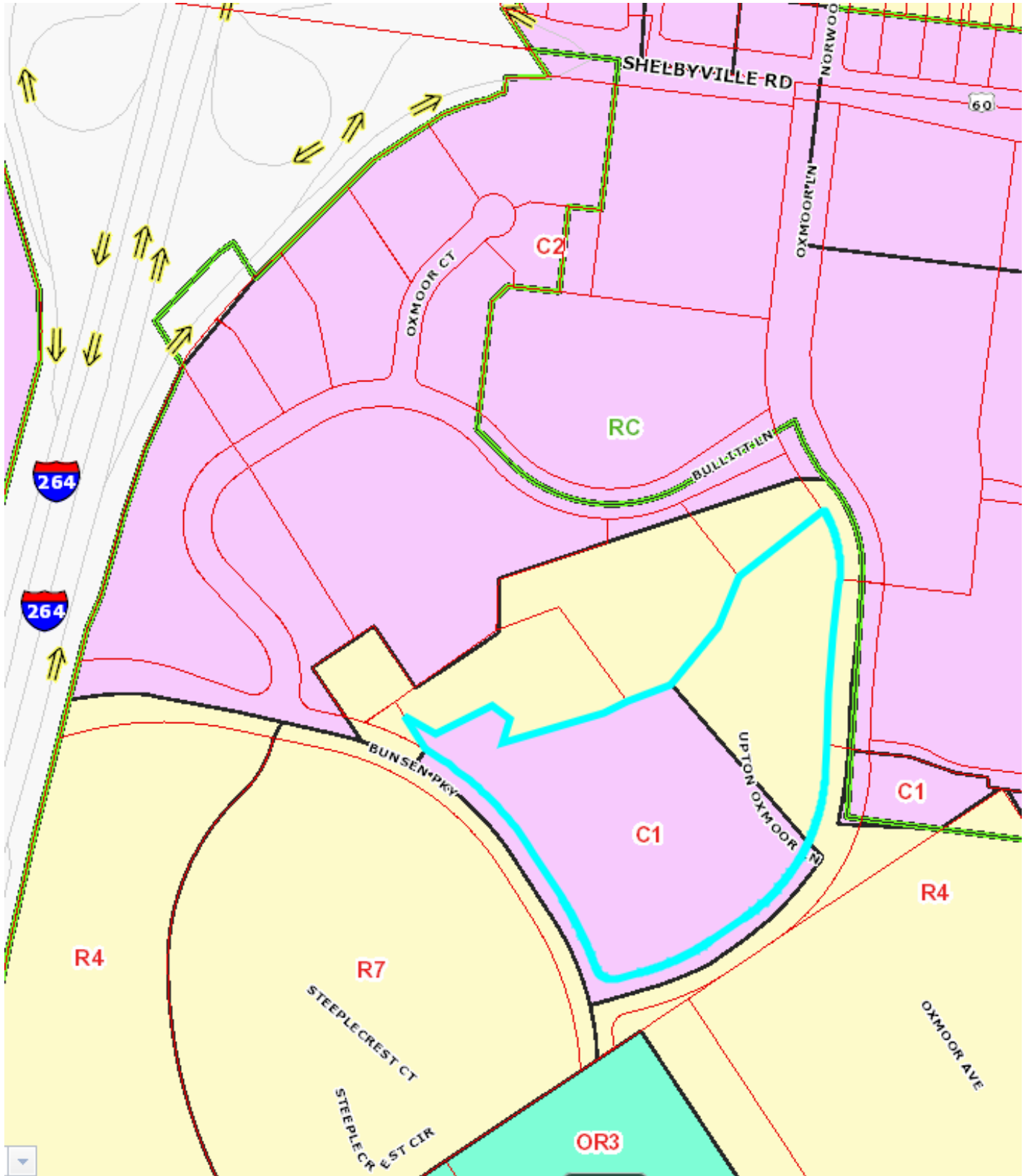
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/29/2019	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
		Sign Posting

## **ATTACHMENTS**

1. Zoning Map
2. Aerial View
3. Site Plan
4. Monument Sign
5. Attached Sign

1. Zoning Map



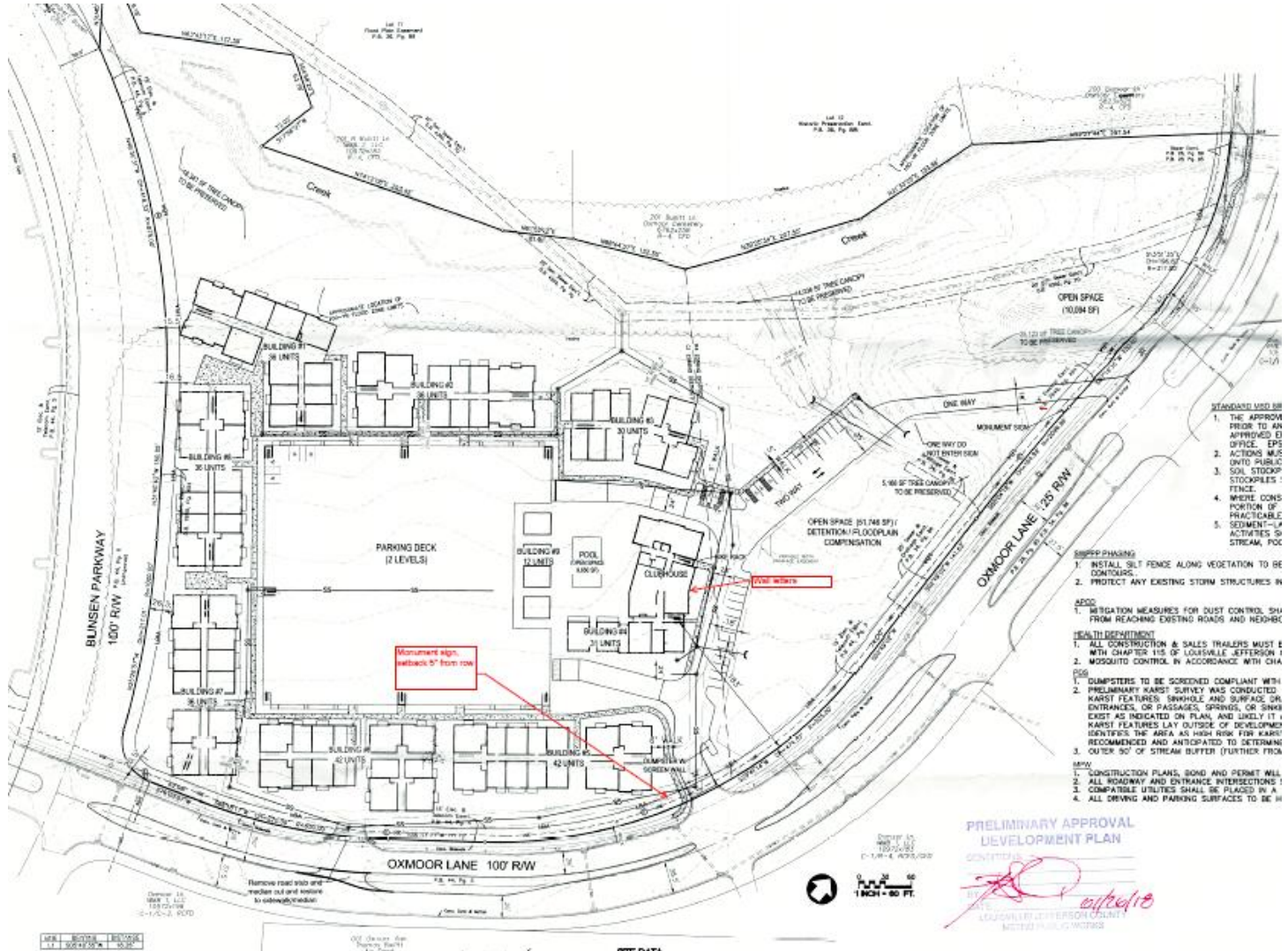


2. Aerial Photograph





### 3. Site Plan



- STANDARD AND SPECIFICATIONS**
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  2. ACTIONS MUST BE ONTO PUBLIC
  3. SOIL STOCK STOCKPILES:
  4. WHERE CONS PORTION OF PRACTICABLE
  5. SEDIMENT-A ACTIVITIES SO STREAM, POC
- STORM PHASING**
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  2. PROTECT ANY EXISTING STORM STRUCTURES IN
- ASDC**
1. MITIGATION MEASURES FOR DUST CONTROL, SHU FROM REACHING EXISTING ROADS AND NEIGHB
- HEALTH DEPARTMENT**
1. ALL CONSTRUCTION & SALES TRAILERS MUST E WITH CHAPTER 115 OF LOUISVILLE, EXTENSION I
  2. MOSQUITO CONTROL IN ACCORDANCE WITH CHA
- PCB**
1. DUMPSTERS TO BE SCREENED COMPLIANT WITH PRELIMINARY KARST SURVEY WAS CONDUCTED. KARST FEATURES: SINKHOLE AND SURFACE OR ENTRANCES, OR PASSAGES, SPRINGS, OR SINKS EXIST AS INDICATED ON PLAN, AND LIKELY IT KARST FEATURES LAY OUTSIDE OF DEVELOPMENT IDENTIFIES THE AREA AS HIGH RISK FOR KARST. RECOMMENDED AND ANTICIPATED TO DETERMINE
  3. OUTER 50' OF STREAM BUFFER (FURTHER FROM
- MSW**
1. CONSTRUCTION PLANS, BOND AND PERMIT WILL
  2. ALL ROADWAY AND ENTRANCE INTERSECTIONS I
  3. COMPATIBLE UTILITIES SHALL BE PLACED IN A
  4. ALL DRIVING AND PARKING SURFACES TO BE H

**PRELIMINARY APPROVAL DEVELOPMENT PLAN**

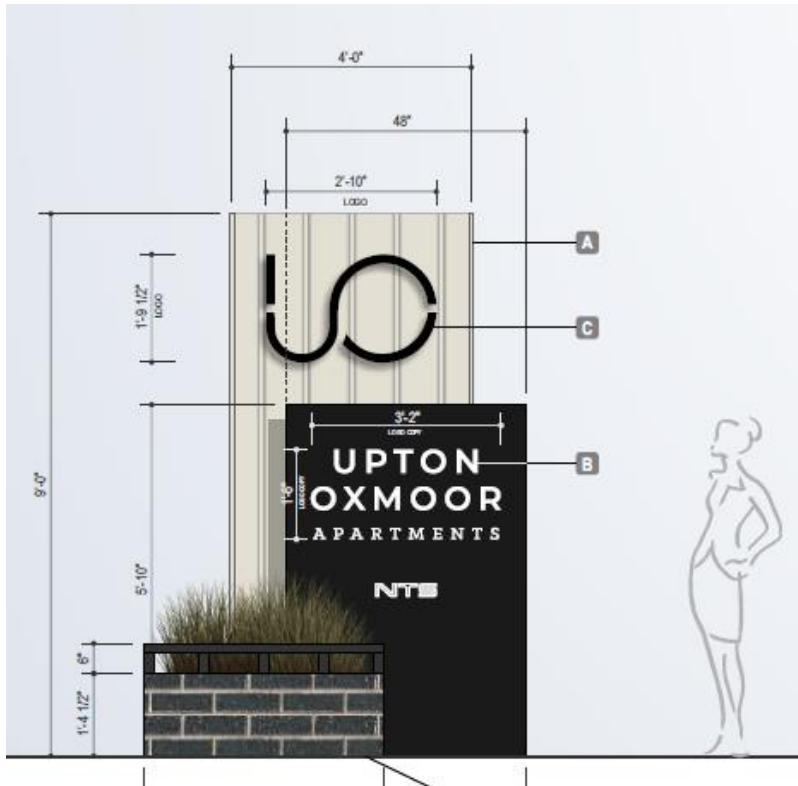
DATE: 11/20/19

BY: [Signature]

LOUISVILLE CITY PERSON COUNTY

NOTED PUBLIC WORKS

4. **Monument Sign**



5. **Attached Sign**

