

# Development Review Committee

## Staff Report

June 30, 2021



<b>Case No.</b>	21-WAIVER-0066
<b>Project Name</b>	Changing Image Sign Waiver
<b>Location</b>	2815 Bardstown Road
<b>Owner</b>	Strathmoor Family Dentistry
<b>Applicant</b>	Commonwealth Sign Co.
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	8 – Cassie Chambers Armstrong
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

**WAIVER** to permit a changing image sign to be within 300ft of a residential zone (LDC 8.2.1.D.6)

**CASE SUMMARY / BACKGROUND**

The applicant proposes to modify an existing freestanding sign to include a 3’5” x 8’0” internally illuminated cabinet and a 2’5” x 8’0” changing image panel.

The site is located in a Neighborhood form district on a four-lane arterial roadway. A freestanding sign on this site may be up to 80sf in area and 10ft in overall height, with a maximum area for the changing image panel of 24sf. In addition, the internally illuminated cabinet must have an opaque background and the base must be monument or columnar style.

The two similar signs mentioned by the applicant in the Justification Statement are located approximately 405ft and 1290ft southeast of the subject sign.

The applicant agrees to a Condition of Approval to turn off the changing image portion of the sign between the hours of 9:00pm and 7:00am. As per LDC 8.1.4.B., the applicant is also required to modify the base style and the height as needed in order bring the existing sign in compliance with current standards.

**REQUIREMENTS**

<b>Freestanding Sign Neighborhood Form District</b>	<b>Permitted</b>	<b>Proposed</b>
Total Area	Maximum 80sf ft	46.4sf
Changing Image Area	Maximum 24sf (30% of total)	19.2sf
Overall Height	Maximum 10 ft	To be brought into compliance
Cabinet Panel Background	Opaque	Opaque
Base	Monument or Columnar Style	To be brought into compliance

## **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, BOZA must determine whether the waiver request is justified. The applicant agrees to make all necessary design alterations to bring the sign into compliance with current regulations; compliance can be confirmed through the Sign Permit review process. The applicant further agrees to a Condition of Approval requiring the changing image portion of the sign to be turned off between 9:00pm and 7:00am.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER** to permit a changing image sign to be within 300ft of a residential zone (LDC 8.2.1.D.6)

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

STAFF: The waiver will not adversely affect adjacent property owners in that the sign is consistent with others in the vicinity and neighboring properties to the northwest and southeast are in commercial use. Negative effects on the nearest residential uses, across Bardstown Road, will be mitigated by the applicant's agreement to turn off the changing image portion of the sign during nighttime hours.

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

STAFF: The waiver does not violate 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 applicant is requesting less changing image sign area than would normally be permitted.

(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 agreed to limit the hours of operation of the changing image sign. As Conditions of Approval, the proposed design changes to the existing sign would bring the sign into design compliance with current regulations.

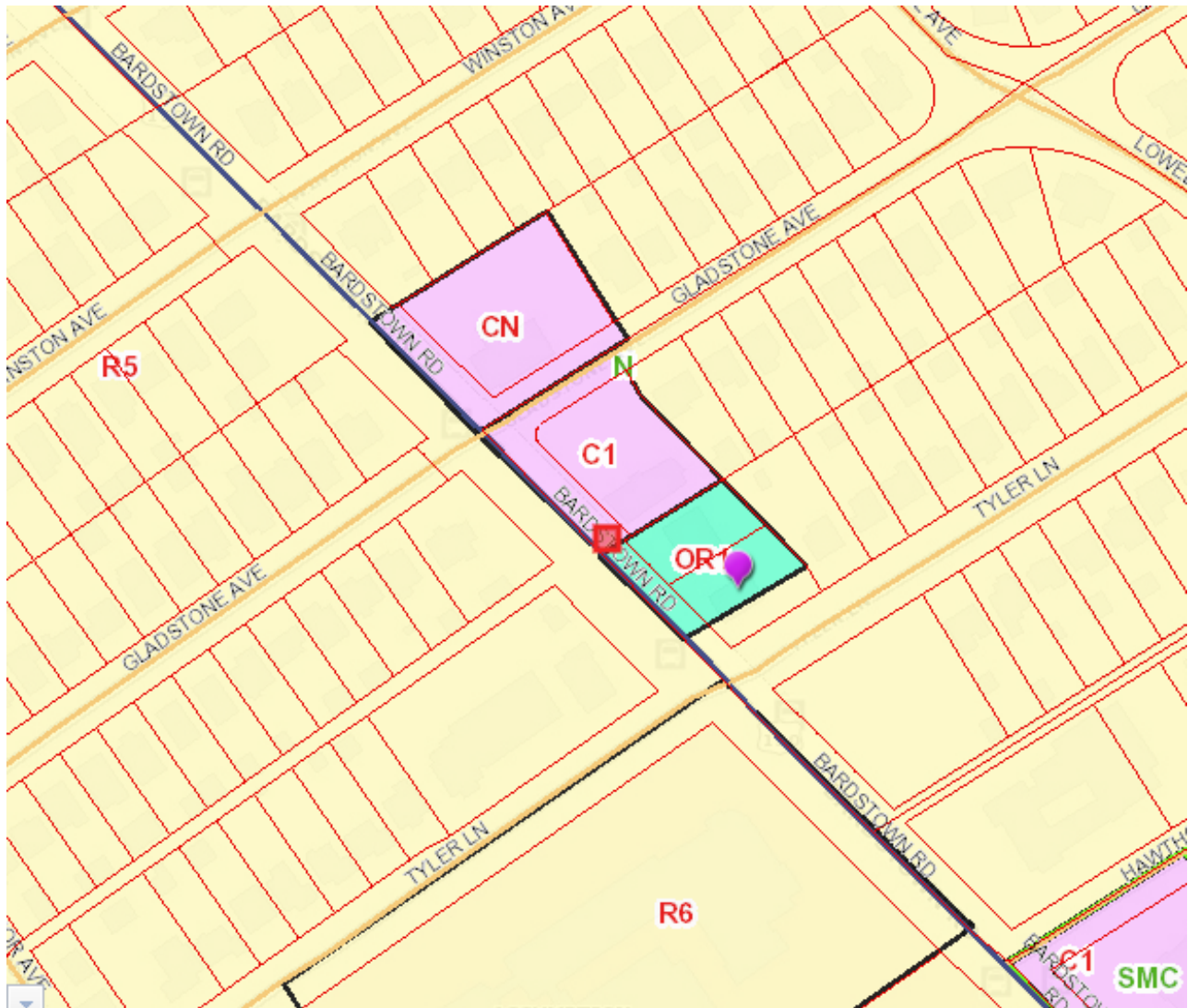
## **NOTIFICATIONS**

Date	Purpose of Notice	Recipients
6/18/2021	DRC	1st tier adjoining property owners Registered Neighborhood Groups in Council District 8

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Street View of Site
4. Street View Across Street
5. Existing and Proposed Signs
6. 300ft Radius
7. Condition of Approval

### **1. Zoning Map**



2. Aerial Photograph



3. Street View of Site



4. Street View Across Street



5. Existing and Proposed Signs



6. 300ft Radius



7. Condition of Approval

1. Applicant will program the changing image portion of the sign to turn off daily between 9:00pm and 7:00am.