

Board of Zoning Adjustment Staff Report

December 7, 2016



Case No.	16VARIANCE1075
Project Name	Axis Apartments
Location	1373 Lexington Road
Owner	Axis Louisville LLC
Applicant	Cityscape Residential
Representative	Cityscape Residential
Jurisdiction	Louisville Metro
Council District	9 – Bill Hollander
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Exceptional Signage Review Sign Authorization for two awning signs
- Variance to permit increase in area and height for freestanding sign

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting an Exceptional Signage Review and a Variance for proposed on-site signage. The Axis Apartments development, currently under construction, is located on Lexington Road, a Minor Arterial roadway. It is zoned R-8A Residential Multi-Family and is located within a Traditional Neighborhood form district. The site is associated with Plan Certain #14ZONE1001; there are no binding elements established in that case referring to permanent signage.

Exceptional Signage Review Sign Authorization: The applicant proposes to mount two signs on an awning-style design feature on one of its apartment buildings. An Exceptional Signage Review Sign Authorization is required for cases where a particular sign type, such as an awning sign, is not specifically authorized. LDC 8.4.1.C.3 defines this process: “Sign Authorization Reviews shall use the same set of design guidelines as listed under the Waiver Reviews. Emphasis...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.” LDC Appendix 8B lists the Waiver Review guidelines.

The awning signs consist of individual back-lit aluminum letters of up to 2’0” in height and 0.4” in depth. When installed, each sign will have a total area of 40.9 square feet. These letters are to be mounted along the front edge of an “awning” feature designed into the architecture of the building at the top of the first floor level. Both signs are will be located on the building directly to the east of the main signature entrance to the site, one on the street façade and one facing the interior access drive.

Area and Height Variance: The applicant is proposing a four-sided freestanding sign 12’3” in height and 144 square feet in area (36 square feet per side). Each side of the sign consists of four aluminum “blocks”, each 3’0” square, stacked on a pedestal base. Each “box” will contain one letter, creating the word AXIS when reading from top to bottom. The sign will be internally lit.

LAND USE / ZONING DISTRICT / FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	align="center">R-8A	align="center">Traditional Neighborhood
Proposed	Multi-Family Residential		
Surrounding Properties			
North	Vacant/Railroad/Industrial	EZ-1	align="center">Traditional Neighborhood
South	Office	EZ-1	
East	Vehicle Repair	M-3	
West	Vacant Industrial	M-3	

PREVIOUS CASES ON SITE

14ZONE1001: Approval of a change in zoning from M-3 Industrial to R-8A Residential Multi-Family to accommodate development currently underway.

16DEVPLAN1187: Staff approval of the installation of two signature entrances to the site

INTERESTED PARTY COMMENTS

No comments from the public have been received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR EXCEPTIONAL SIGNAGE REVIEW SIGN AUTHORIZATION**

- (a) The requested waiver will not adversely affect adjacent property owners.

STAFF: All adjacent properties are vacant or in use for non-residential purposes.

- (b) The requested waiver will not violate the Comprehensive Plan.

STAFF: Guideline 3 Policy 9 of Cornerstone 2020 requires protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. The proposed signage will not violate Cornerstone 2020 guidelines as it is not visible from single-family residential dwellings.

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

STAFF: The applicant is requesting two awning signs. LDC 8.3.2 requires that "All permanent on-premises residential signs shall conform to the standards listed in Table 8.3.1". According to LDC Table 8.3.1, which defines sign area, height and quantity requirements, this development is limited to one sign. Although the table does not specifically name awning signs, it is clear that the intent is to limit the overall number of signs on a site such as this to one.

The applicant has received staff approval (16DEVPLAN1187) to install a signature entrance at each of the development's two access points from Lexington Road. These were approved based on LDC 8.3.2, which states that "a signature entrance may be provided in lieu of the signs permitted in Table 8.3.1." This is further evidence of the intent of the regulations to strictly limit the overall number of signs.

The applicant states that the proposed signage is needed for "visual marketing and advertising of the development, and specifically the clubhouse and leasing office", which are located on the ground level of the building where the signs are proposed to be located. This building is directly adjacent to the primary signature entrance, which could be used for the stated purpose of marketing and advertising. Directing residents and visitors to the office and clubhouse could be accomplished through on-site incidental signage.

- (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 development as a whole is well-designed and meets or exceeds all regulatory requirements. Excessive signage in the public realm, however, could lessen its overall beneficial effect on the area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR HEIGHT AND TOTAL AREA VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The sign is to be located within the site and as such will not adversely affect the public health, safety or welfare.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The sign will not be immediately visible to passers-by and motorists.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: DPW has reviewed and approved the internal circulation plan for the development and the requested variance will not interfere with public vehicular, pedestrian or bicycle circulation.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The size of the proposed sign and its placement allow it to function as a focal point within the development, which is actively encouraged by the LDC in other development categories including Conservation Subdivisions, Planned Village Development and Traditional Neighborhood Centers.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The lower elevation of the sign location as compared to the public realm along Lexington Road makes its height less intrusive to passers-by and motorists.

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

STAFF: The strict application of the regulation would not deprive the applicant of reasonable use of the land or create an unnecessary hardship.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The natural topography of the site, not a result of the applicant's actions, contributes to the need for a larger sign.

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.

STAFF CONCLUSIONS

- Based on staff analysis, while the inclusion of an awning sign on this site appears to be adequately justified, the applicant has not provided enough evidence/justification to warrant two such signs.
- Based on staff analysis, the height and area waiver is adequately justified and meets the standard of review.

Based upon the information in the staff report and 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 exceptional signs and, separately, for granting the height and area waiver.

REQUIRED ACTIONS

- APPROVE or DENY the authorization of exceptional signage for two awning signs.
- APPROVE or DENY a waiver to permit an increase in the height and area of a freestanding sign.

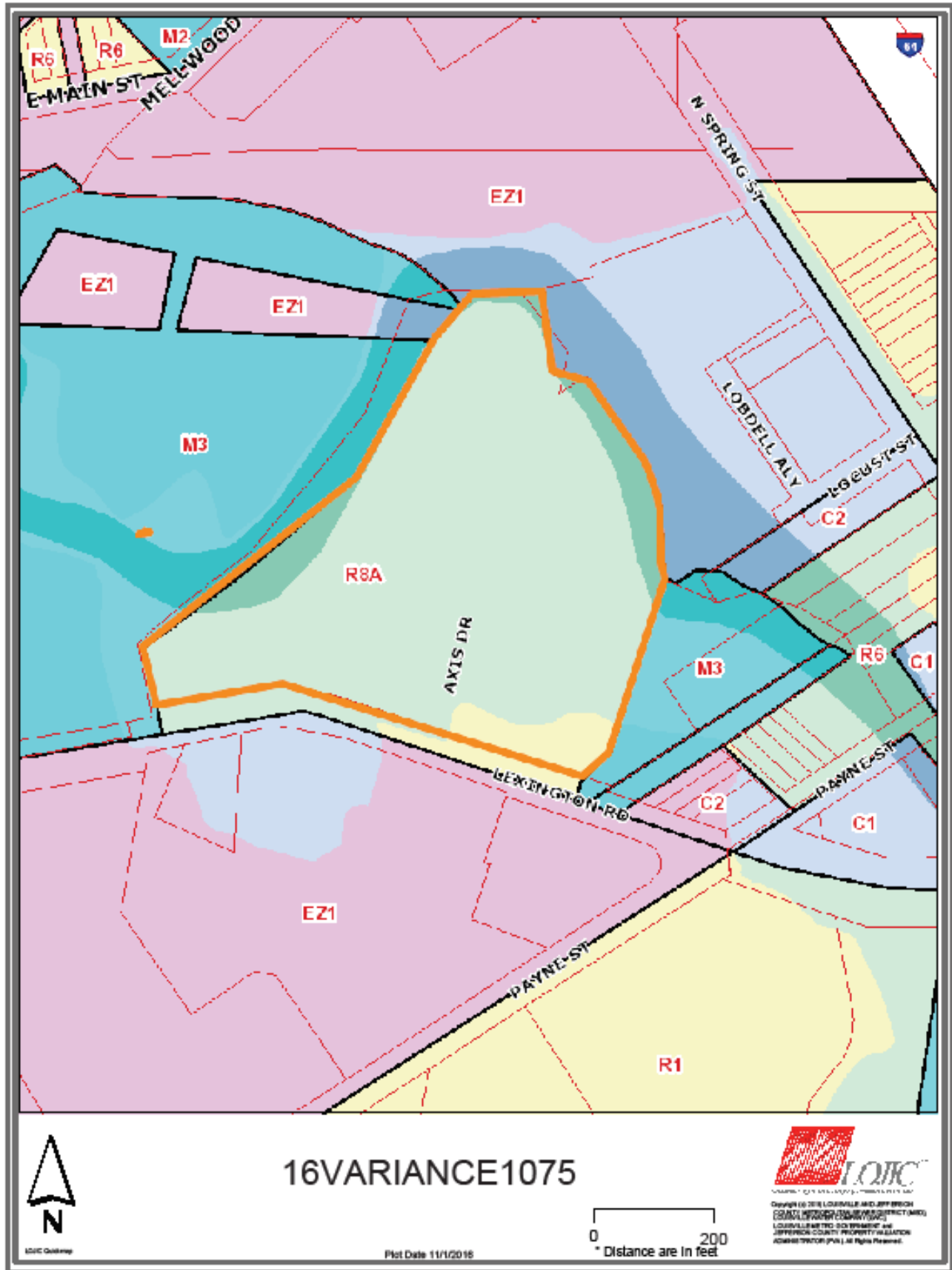
NOTIFICATION

Date	Purpose of Notice	Recipients
12/5/2016	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups, Council District 9

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

