

Development Review Committee

Staff Report

July 1, 2015



Case No:	15WAIVER1015
Request:	Waiver to allow an LED sign to be closer than 300' to a residential zoning district
Project Name:	Park Community Credit Union
Location:	13011 Factory Ln.
Owner:	Park Community Credit Union
Applicant:	K4 Architecture, LLC
Representative:	United-Maier Signs, Inc.
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	David B. Wagner – Planner II

REQUEST

- Waiver to allow an LED sign to be closer than 300' to a residential zoning district (LDC Section 8.2.1.D.6)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is to allow an LED sign to be closer than 300' to a residential zoning district since there are residentially zoned properties within that distance that are single family residences to the east of the sign. All other properties within 300' of the sign have office or commercial zonings or have a non-residential use located within a residential zoning district.

Existing Zoning District: C-1, Commercial
 Proposed Zoning District: N/A
 Form District: Neighborhood
 Existing Use: Credit Union
 Proposed Use: N/A

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Credit Union	C-1	N
Proposed	N/A	N/A	N/A
<i>Surrounding Properties</i>			
North	Vacant	C-1	N
South	Office	OR-1	SW
East	Vacant	C-1	N
West	Vacant	C-1	N

PREVIOUS CASES ON SITE

- 14VARIANCE1012: Variance to allow the building to exceed the maximum front yard setback of 80' on Lot 4 and Lot 7
- 13DEVPLAN1073: RDDDP and Amendment to Binding Elements to allow the café, deli, and retail uses on Lot 6
- 13VARIANCE1035: Variance to allow the building to exceed the maximum front yard setback of 80' on Lot 6
- 15931: RDDDP and Amendment to Binding Elements to allow the restaurant on Lot 6
- 8696: Re-zoning from R-4 to C-1 & C-2

INTERESTED PARTY COMMENTS

- Staff received comments from Mr. Robert Vail. He is opposed to the request because placing an illuminated sign closer to an adjoining property owner than what is normally allowed is not following the LDC or being a good neighbor.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to allow an LED sign to be closer than 300' to a residential zoning district (LDC Section 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 because the nearest residence is approximately 275' from the location of the sign and there are substantial plantings that lie between the residences and the sign.

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

STAFF: The waiver will not violate the Comprehensive Plan because the sign is located along a secondary collector level roadway within the Neighborhood Form District. It is surrounded by office and commercial uses and zoned parcels with the Suburban Workplace Form District to the south as well. The site is located within a high commercial activity center that has been developed for several years. Since there is such a great distance from the closest residences and ample landscaping is provided between the sign and residences, it is not in violation of the Comprehensive Plan.

- (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 because the relief being provided would allow the sign to be updated to the standard desired by the business.

- (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: Strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the sign cannot be seen due to the long distance to nearby residences and the significant tree plantings between the sign and the residents.

TECHNICAL REVIEW

- Although the sign would not meet the requirements of the LDC, the residentially zoned parcels are about 275' from the sign and there is dense vegetation which helps to buffer the sign from the residents' view.

STAFF CONCLUSIONS

Waivers

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver is justified.

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 for granting a Waiver established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the Waivers listed in the staff report.

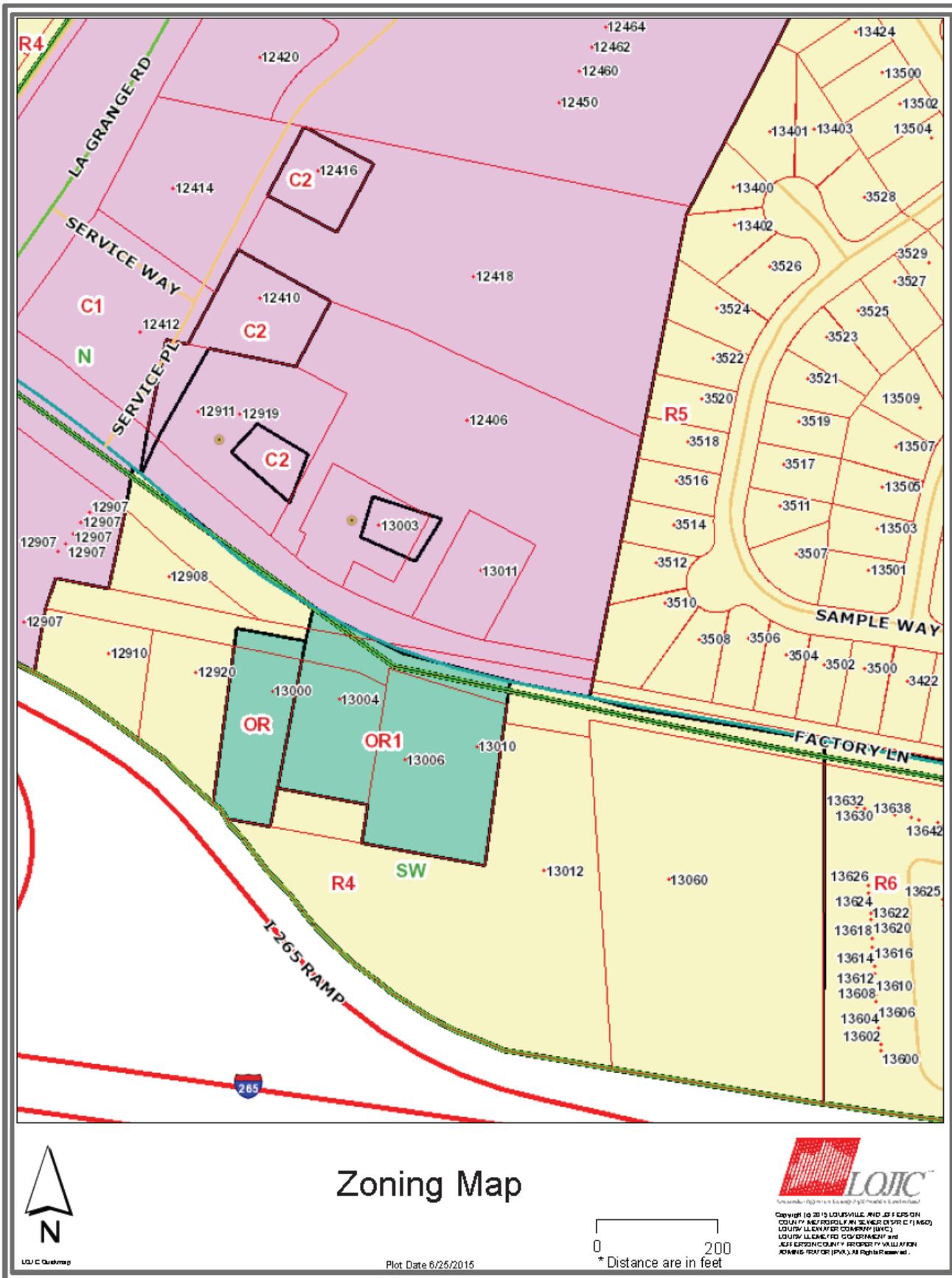
NOTIFICATION

Date	Purpose of Notice	Recipients
6/12/15	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 17 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

