

**Development Review Committee**  
**Staff Report**  
July 17, 2019



<b>Case No:</b>	19WAIVER1030
<b>Project Name:</b>	Sign Waiver
<b>Location:</b>	6408 Preston Hwy
<b>Owner(s):</b>	Ed Neeley, Commonwealth Dodge
<b>Applicant:</b>	Ed Neeley, Commonwealth Dodge
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Nicole George
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

**REQUEST**

- **Waiver** from Land Development Code section 8.2.1.D.4 to allow a changing image sign to compose 100% of the area of a sign in a Suburban form district

**CASE SUMMARY/BACKGROUND**

The subject property is zoned C-2 in the Suburban Marketplace Corridor form district and is located on the west side of Preston Highway, just north of the Ulrich Avenue intersection. The applicant is seeking a waiver for an existing changing image (LED) sign that was installed without a sign permit. There is currently an open code enforcement case on this property for the sign.

Preston Highway is a Minor Arterial, so in this form district freestanding signs are permitted to be up to 100 square feet in area and 24 feet high. The existing sign is 32.6 square feet and is composed entirely of changing image sign. Land Development Code section 8.2.1.D.4 restricts changing image signs to 60% of the total area of the sign in the suburban form districts. The applicant is seeking a waiver of this section.

**STAFF FINDING**

Staff finds that the requested waiver is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

- No technical review was undertaken.

**INTERESTED PARTY COMMENTS**

No interested party comments were received by staff.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 8.2.1.D.4 TO ALLOW A CHANGING IMAGE SIGN TO COMPOSE 100% OF THE AREA OF A SIGN IN A SUBURBAN FORM DISTRICT**

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

STAFF: The waiver will not adversely affect adjacent property owners as the sign must comply with Land Development Code regulations for auto-dimming and rate of change. Additionally, the subject site is located in a commercial corridor (Preston Highway). There are many signs along this portion of Preston Highway, and the changing image panel is relatively small compared to many of them.

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

STAFF: Plan 2040 Land Use & Development Goal 1, Policy 14 ensures that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern.

These guidelines are not violated because the proposed sign is compatible with the Form District pattern in that it is smaller in size than the 100 square feet permitted in the Suburban Marketplace Corridor.

- (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 sign would be in compliance with LDC sign regulations if the total sign area were greater and the changing image portion made up a smaller percentage of the total sign.

- (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 incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived, because if the sign were 100 square feet (the maximum permitted by the LDC), the changing image portion could be 60 square feet. The existing changing image sign is 32.6 square feet.

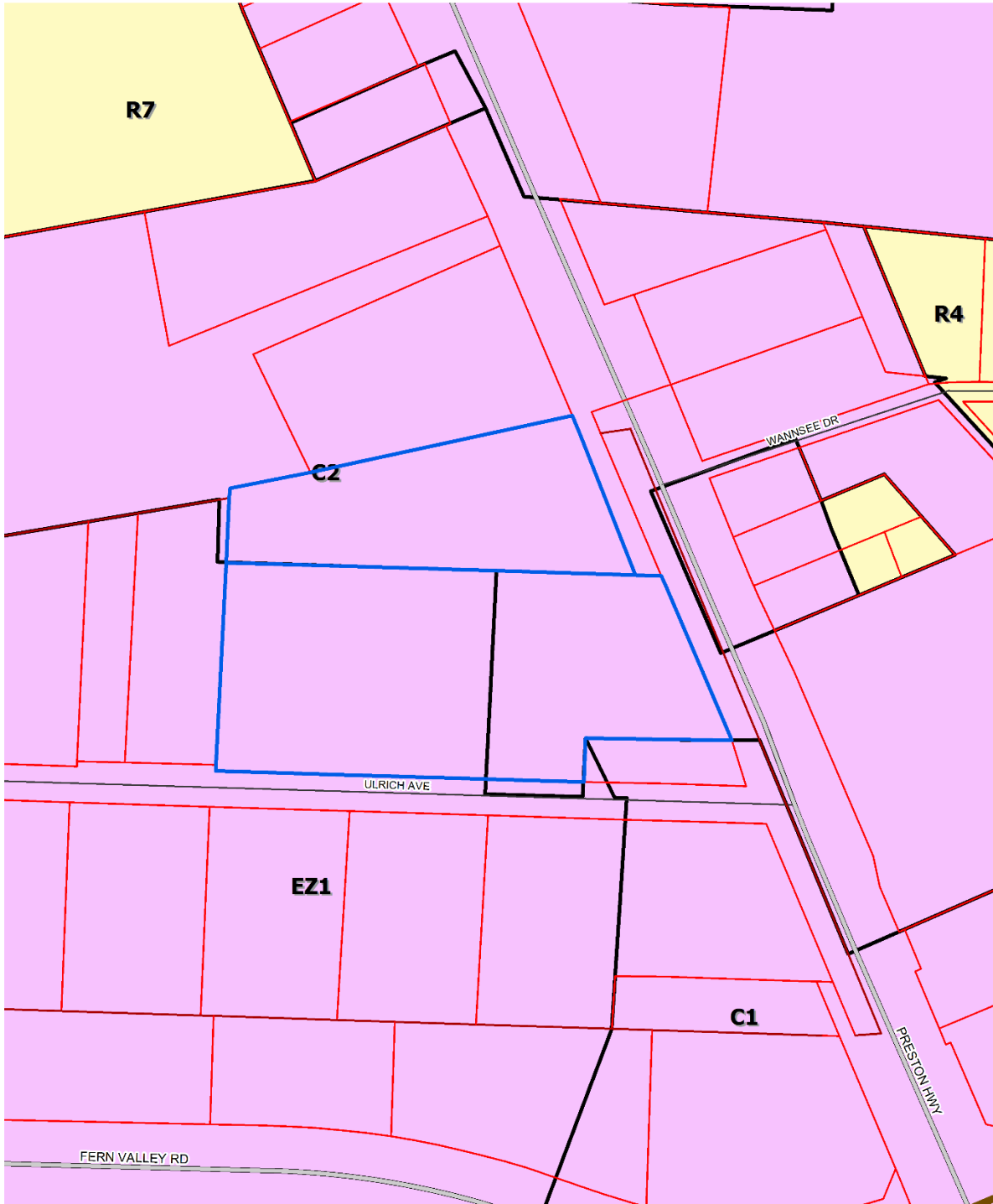
**NOTIFICATION**

Date	Purpose of Notice	Recipients
7-17-19	DRC Public Meeting	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 21

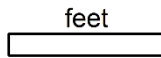
**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph

1. Zoning Map



6408 PRESTON HWY

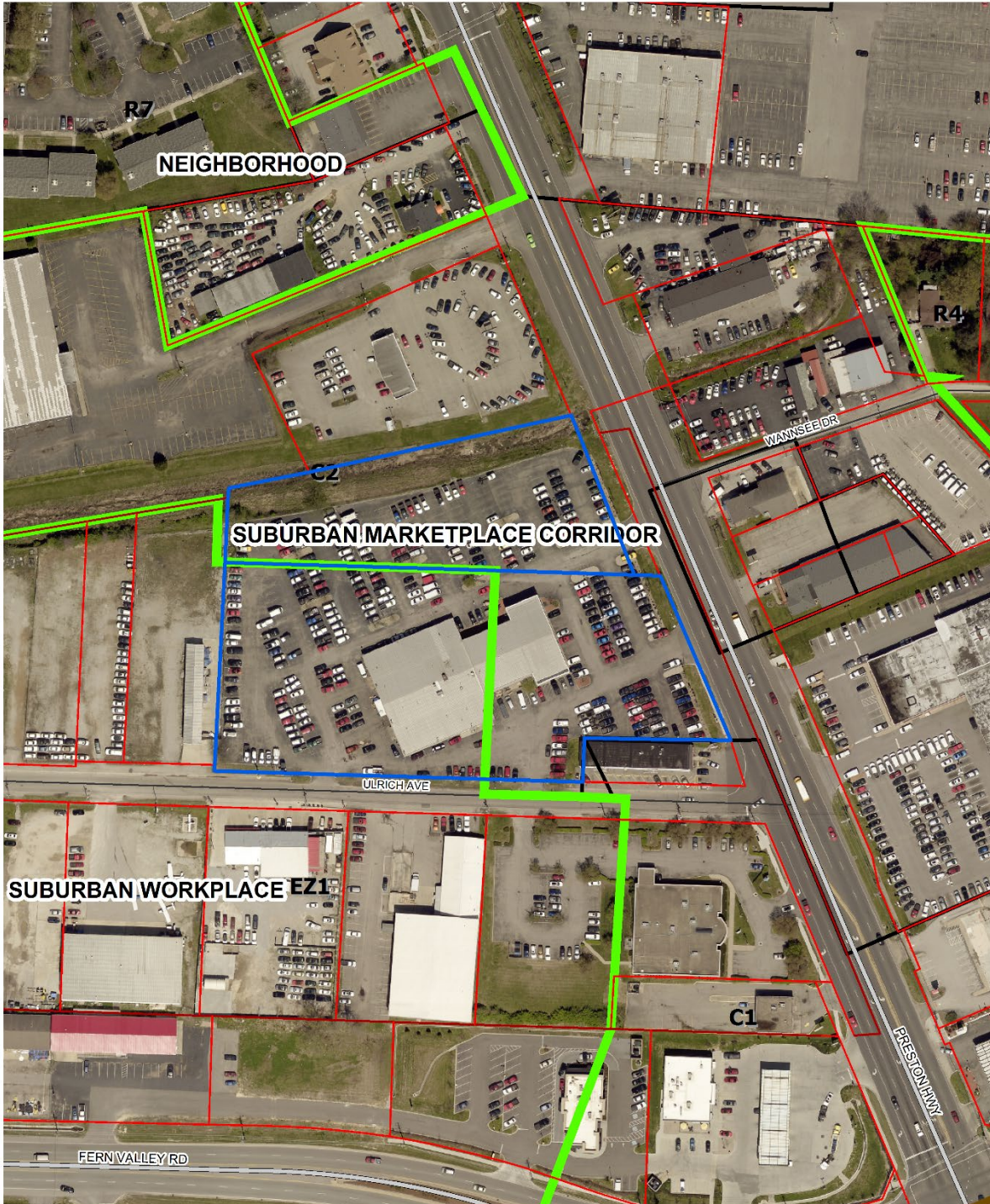


Map Created: 7/10/2019



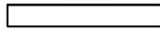
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2. Aerial Photograph



6408 PRESTON HWY

feet



160

Map Created: 7/10/2019



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