

Development Review Committee
Staff Report
December 4, 2019



Case No.	19-WAIVER-0093
Project Name	Sign Waiver
Location	2137 Dixie Highway
Applicant	Smart LED Signs & Lighting
Jurisdiction	Louisville Metro
Council District	3 – Keisha Dorsey
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

WAIVER 1 to permit non-opaque backgrounds on an internally illuminated sign within a Traditional Neighborhood transition zone (LDC 8.2.1.A.)

WAIVER 2 to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (LDC 8.2.1.D.6)

CASE SUMMARY / BACKGROUND

The applicant proposes to install a freestanding sign on a commercial property zoned C-1 in a Traditional Marketplace Corridor form district. The site is located on Dixie Highway, a four-lane major arterial, at its intersection of Wilart Drive. It lies along a form district boundary and is adjoined on the south, east and west by a Traditional Neighborhood form district. Adjoining properties to the south and east are in single-family residential use; properties to the west are institutional; properties to the north are in single-family, multi-family and commercial uses.

The applicant is proposing a freestanding monument style sign to be placed at the northwest corner of the site at the Wilart/Dixie intersection. It appears to serve four tenants with individual cabinet-style signs. The 10 ft high sign has a total sign area of 59 sq ft, including a 27 sq ft changing image sign. This proposal meets LDC requirements.

Waiver 1: LDC regulations require any sign within a form district transition zone (200 ft) where the sign is visible from a Traditional Neighborhood form district to have opaque backgrounds. The applicant is requesting a waiver to permit the signs to be fully translucent. (See Attachment 5.)

Waiver 2: LDC regulations require changing image signs to be at least 300 ft from residentially zoned districts except for (1) properties used for non-residential purposes or where the sign is not visible to residentially zoned properties. This would exclude the institutional uses located directly to the west and to the southwest of the site, which are zoned but not used for residential purposes. There are, however, multiple single- and multi-family residentially zoned properties to the south, east and west of the site that are also in residential use. (See Attachment 6.)

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, the Development Review Committee must determine if the requested waivers are justified.

Waiver 1: Staff does not support the waiver request as the subject signs could be designed as required by the LDC -- with an opaque background and translucent letters, symbols and logos -- with little or no negative impact on their legibility or usefulness to the businesses due to the proposed placement of the subject sign. There are no existing conditions on the site that support a need for the additional visibility provided by a fully translucent cabinet sign.

Waiver 2: Staff does not support the waiver request as there are approximately 20 residentially zoned properties in residential use wholly or partially within 300 ft of the proposed sign location. The facts that (1) there is an existing changing image sign on a nearby site, and that (2) the proposed sign is located along a minor arterial with heavy vehicle traffic are not sufficient justification for adding to existing negative lighting conditions by waiving an LDC standard designed to protect residential uses.

TECHNICAL REVIEW

No technical issues remain to be resolved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1 (LDC 8.2.1.A.) regarding non-opaque backgrounds on an internally illuminated sign within a Traditional Neighborhood transition zone

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

STAFF: The waiver will adversely affect adjacent property owners in that the proposed sign would increase the amount of light emanating onto residentially zoned properties in the vicinity in residential use.

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

STAFF: The waiver violates 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 as the proposed cabinet signs meet all other LDC requirements.

(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 not incorporated design measures that compensate for non-compliance with requirements, and strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship. LDC standards and requirements permit a sign of size and design appropriate for permitted uses of the site that would not have the negative impacts of the applicant's proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2 (LDC 8.2.1.D.6) to permit a changing image sign to be located closer than 300 ft to a residentially zoned district

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

STAFF: The waiver will adversely affect adjacent property owners in that the proposed sign would increase the amount of light emanating onto adjoining residentially zoned properties in residential use.

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

STAFF: The waiver violates 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. The applicant is proposing a 27 sq ft changing image sign, smaller than the 35 sq ft that would be permitted if not for the proximity of a residential zone.

(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 design measures that compensate for non-compliance with requirements by proposing a changing image sign that is smaller than what would be permitted in the form district for a site not located in a transition zone if not for its proximity to a residential zone. Strict application of the provisions of the regulation would not, however, deprive the applicant of the reasonable use of the land or create an unnecessary hardship. LDC

standards and requirements permit a sign of size and design appropriate for the use of the site that would not have the negative impacts of the applicant's proposal.

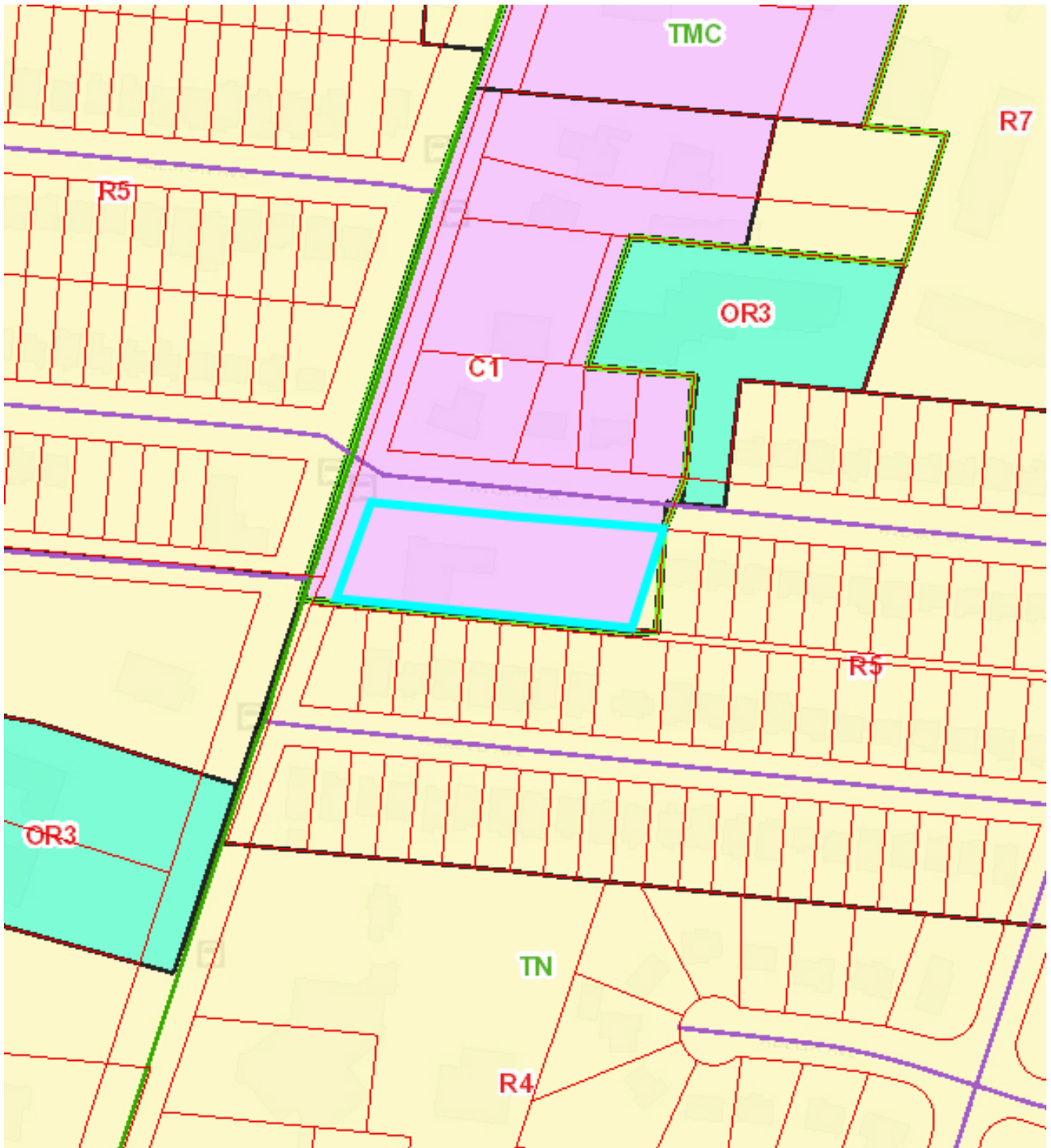
NOTIFICATIONS

Date	Purpose of Notice	Recipients
11/22/2019	DRC Hearing	1st tier adjoining property owners Registered Neighborhood Groups in Council District 8

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Street View
4. Proposed Sign
5. Waiver 1: Form District Aerial View
6. Waiver 2: Changing Image Sign Aerial View

1. Zoning Map



2. Aerial Photograph



3. Street View



4. Proposed Sign



5. Waiver 1: Form District Aerial View



6. Waiver 2: Changing Image Sign Aerial View

