

Board of Zoning Adjustment Staff Report

July 11, 2016



Case No:	16WAIVER1017
Project Name:	The Nine
Location:	1900 S. Floyd Street
Owners:	908 Development Group
Applicant:	Tull Signs – Kevin Tull
Representative(s):	Tull Signs – Kevin Tull
Project Area/Size:	1.61 Acres
Existing Zoning District:	C-2, Commercial
Existing Form District:	C, Campus
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Exceptional Signage Review** for authorization of proposed attached and freestanding signage.

CASE SUMMARY

The applicant proposes a freestanding monument style sign and an attached sign at the corner of S. Floyd Street and E. Brandeis Avenue. Signage will serve the private student housing development currently under construction and adjoining the University of Louisville. A round-a-bout is also in the process of being shaped from the previously existing lighted intersection at this corner. The freestanding sign will be internally lit with a light gray face and a 14.5 SF brick base angled to face this new round-a-bout. It will be a total of 57 SF. The attached sign will contain 13 SF consisting 3” deep metal fabricated letters attached above the main entrance of the development at the new round-a-bout.

The form district in which this site is located does not specifically prohibit or permit residential signage; therefore, 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. The provisions of this section authorize a “Sign Review Board” to make a recommendation to the BOZA or Planning Commission (PC) concerning the appropriateness of exceptional signage. In the absence of such a committee, these cases are forwarded directly to the appropriate committee overseeing waivers (PC) or variances (BOZA). In this case, the applicable section of the code - LDC 8.4.1.D.3 - gives discretion to the BOZA, but requires notice and standard of review to be conducted as though this case was a waiver. The LDC states, “Sign Authorization Reviews shall use the same set of design guidelines as listed under the Waiver Reviews. Emphasis in sign authorizations 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.”

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Multi-family	C-2	C
Proposed	Multi-family	C-2	C
<i>Surrounding Properties</i>			
North	Utility	EZ-1	C
South	University of Louisville	OR-2/C-2	C
East	Research and Design	EZ-1	C
West	Vacant Book Store	EZ-1	C

PREVIOUS AND ASSOCIATED CASES ON SITE

13ZONE1018: Rezoning from EZ-1 to C-2 for private student housing

INTERESTED PARTY COMMENTS

Staff has not received any formal inquiries or interested party comments at this time.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (April 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The sign authorization will not adversely affect adjacent property owners as the proposed signage will not be visible from single-family residential dwellings and will be located in an area of mixed research, institutional, commercial, and athletic facility uses.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The sign authorization will not violate specific guidelines of Cornerstone 2020 as the proposed signage is not visible from single-family residential dwellings and is surrounded by a mixture of compatible uses with and without signage. The proposed signage appears to be compatible with the character of the surrounding area and with similar signage existing for private student housing around the university as the proposed signs are consistent with the building style of this development and existing private student housing adjoining the University.

(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 LDC fails to regulate residential signage in the Campus form district.

- (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 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 as the LDC does not prohibit or permit the proposed signage and authorization of the signage has been appropriately requested.

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

The sign authorization for exceptional signage appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, 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 sign.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the authorization of exceptional signage for a freestanding monument style sign totaling 57 SF and one attached signs totaling 13 SF.

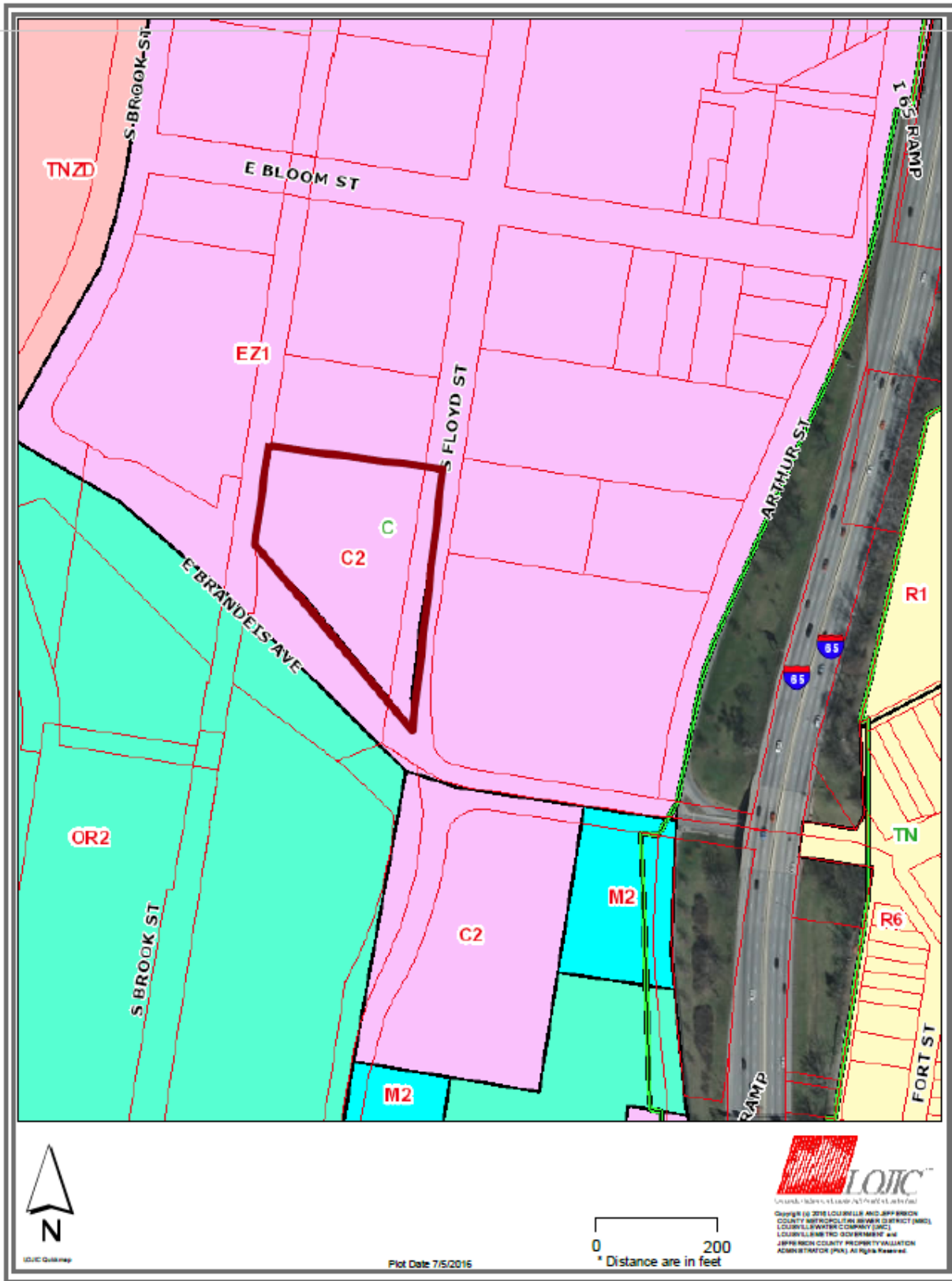
NOTIFICATION

Date	Purpose of Notice	Recipients
6/30/16	DRC	Adjoining property owners, applicant, & owner. Registered users of Council District 6

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



