

**Development Review Committee**  
**Staff Report**  
August 5, 2015



|                   |                                                                                         |
|-------------------|-----------------------------------------------------------------------------------------|
| Case No:          | 15WAIVER1019                                                                            |
| Request:          | Waiver to allow an LED sign to be closer than 300 feet to a residential zoning district |
| Project Name:     | Thornton's LED Sign                                                                     |
| Location:         | 8400 Dixie Highway                                                                      |
| Owner:            | Bill Chapman, Thornton's, Inc.                                                          |
| Applicant:        | Jode Ballard, Thornton's, Inc.                                                          |
| Representative:   | Debbie Brent, Louisville Sign Co.                                                       |
| Jurisdiction:     | Louisville Metro                                                                        |
| Council District: | 14 – Cindi Fowler                                                                       |
| Case Manager:     | Sherie' Long, Landscape Architect                                                       |

**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. The applicant, Thornton's, is in the process of updating the facade and expanding the current building in addition to updating the signage. The subject site located on the southwest corner of Dixie Highway and East Pages Lane is zoned C-2 in the Suburban Marketplace Corridor (SMC). The proposal is to replace the current pole sign with a new +/-70sf business identification & gas price sign along with an additional 21.5sf LED sign. The new LED sign will be located approximately 156 to 255 feet from the nearest residentially zoned properties. The LED Sign will be capable of dimming after dark and the message is proposed to remain constant for 20 seconds – no flashing, blinking, scrolling, etc.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

|                               | Land Use                               | Zoning    | Form District |
|-------------------------------|----------------------------------------|-----------|---------------|
| <b>Subject Property</b>       |                                        |           |               |
| <b>Existing</b>               | Gas Station                            | C-2       | SMC           |
| <b>Proposed</b>               | N/A                                    | N/A       | N/A           |
| <b>Surrounding Properties</b> |                                        |           |               |
| <b>North</b>                  | Commercial & Single family residential | C-2 & R-5 | SMC/N         |
| <b>South</b>                  | Commercial                             | C-2       | SMC           |
| <b>East</b>                   | Church & Multi-family residential      | R-4 & R-6 | N             |
| <b>West</b>                   | Single family residential              | R-5       | N             |

**PREVIOUS CASES ON SITE**

**15Variance1031** - A variance, to allow the new building addition to be located 15 feet from the west side property line and 22.2 feet from the front property line, was approved June 15, 2015 with a condition, the applicant include animating features on two sides of the building and will come back to the board for review and final approval.

### INTERESTED PARTY COMMENTS

Staff has not received any inquiries from interested parties.

### 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 adversely affect adjacent property because the nearest property is 156 feet from the sign. Plus, the sign is also visible from additional residential properties north, east and west.

- (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 major arterial level roadway within the Suburban Marketplace Corridor. Commercial advertising is appropriate for the business involved. However, if the sign were relocated to the southeast corner of the subject property the impact of the LED on the adjacent residential properties would be reduced.

- (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. However, a relocation of this sign to the Southeast corner of the subject property would reduce the impact on the residential properties within the vicinity.

- (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 not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant because the sign can be relocated to reduce the impact on the residential properties in the vicinity.

### TECHNICAL REVIEW

Relocation of the sign to the southeast corner of the property would reduce the impact on the residential properties in the vicinity.

## STAFF CONCLUSIONS

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver is not justified as requested, but if the sign were relocated to the southeast corner of the property the impact on the residential properties in the vicinity would be lessened.

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 Action**

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.

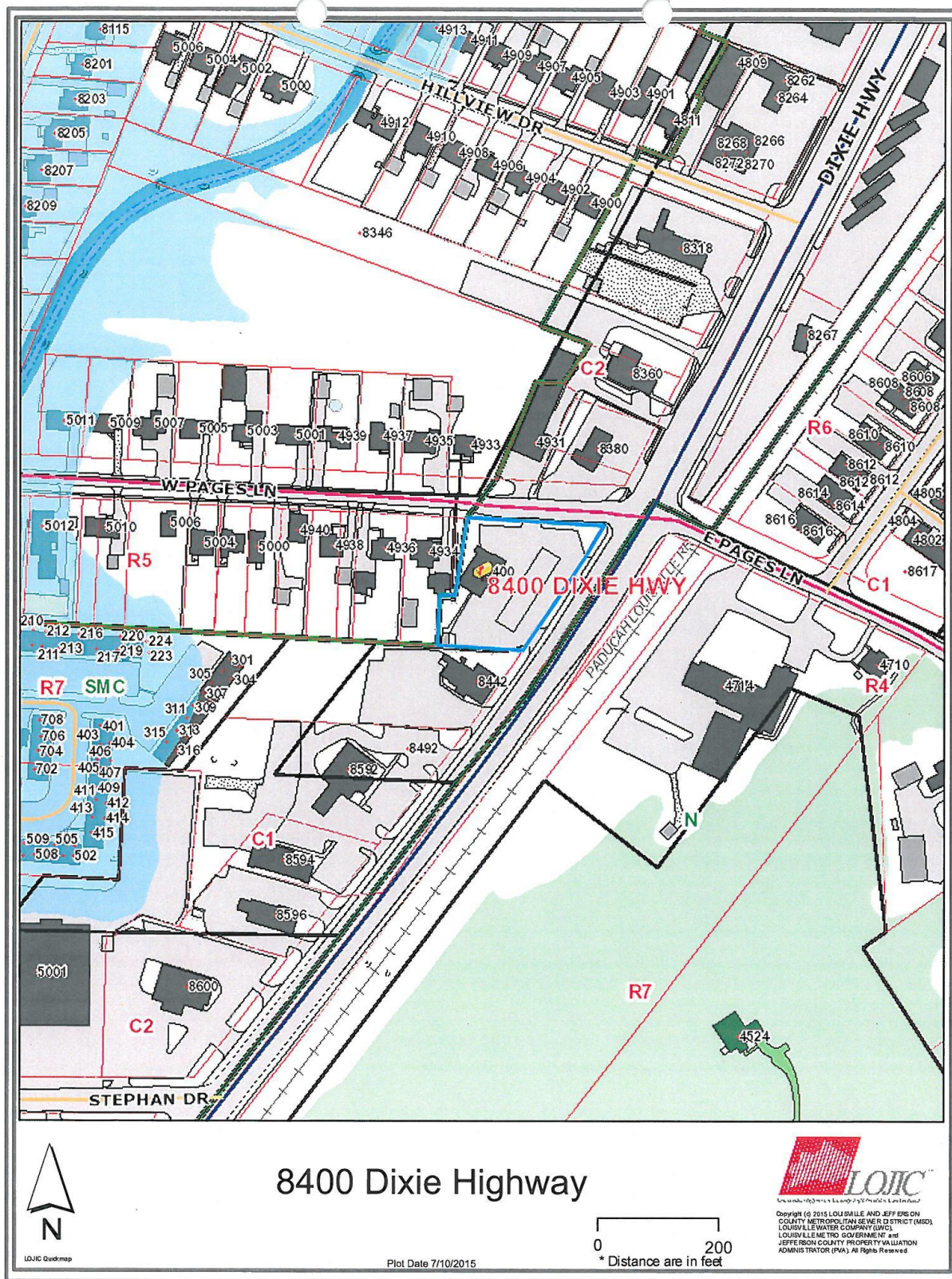
## NOTIFICATION

| Date       | Purpose of Notice         | Recipients                                                               |
|------------|---------------------------|--------------------------------------------------------------------------|
| 07/23/2015 | Public Hearing before DRC | 1 <sup>st</sup> tier adjoining property owners                           |
| 07/22/2015 | Public Hearing before DRC | Subscribers to Council District 14 Notification of Development Proposals |

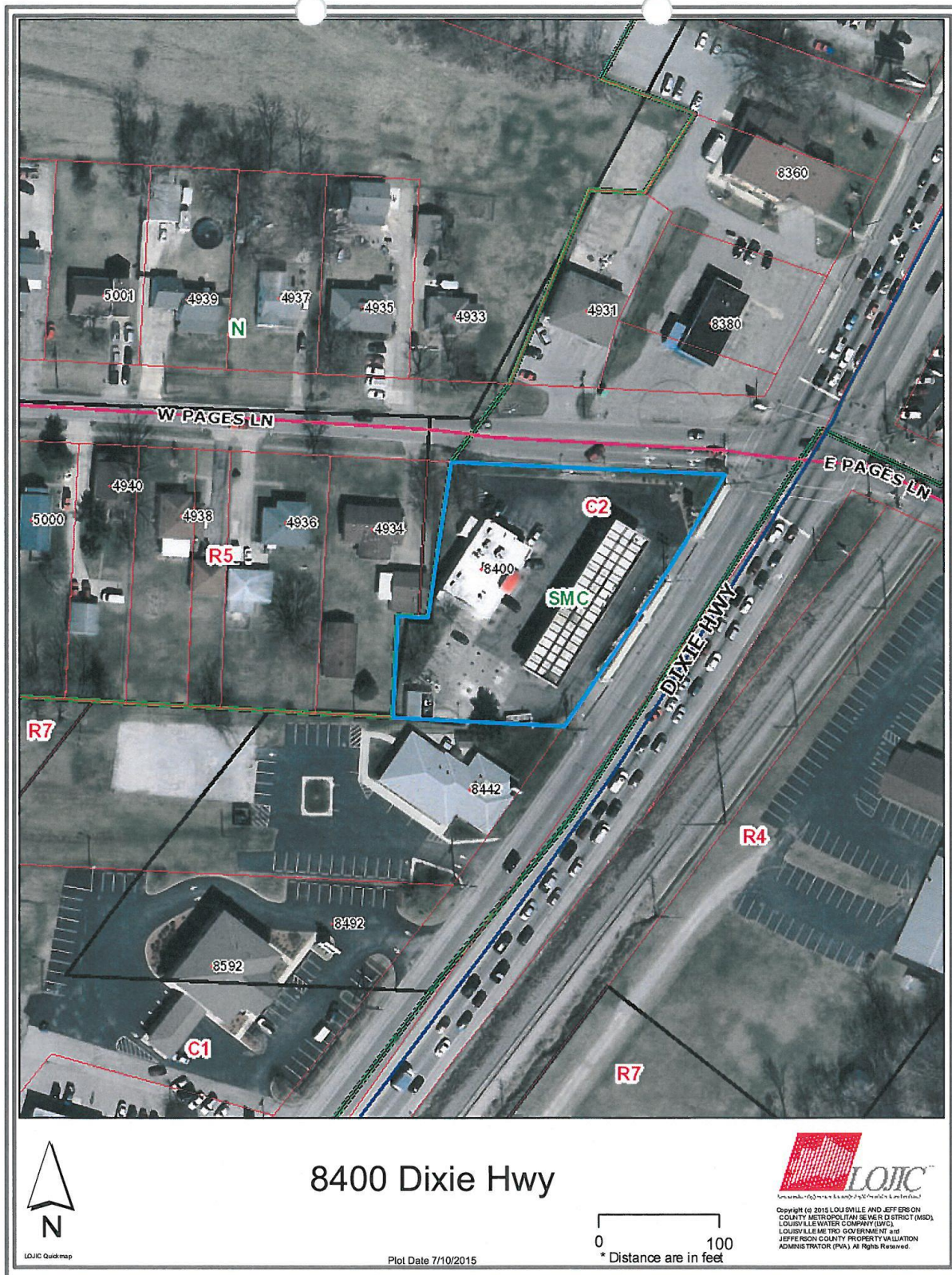
## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Sign Elevation
5. Applicant's Justification
6. Applicant's Exhibit – Distances to nearest residential property

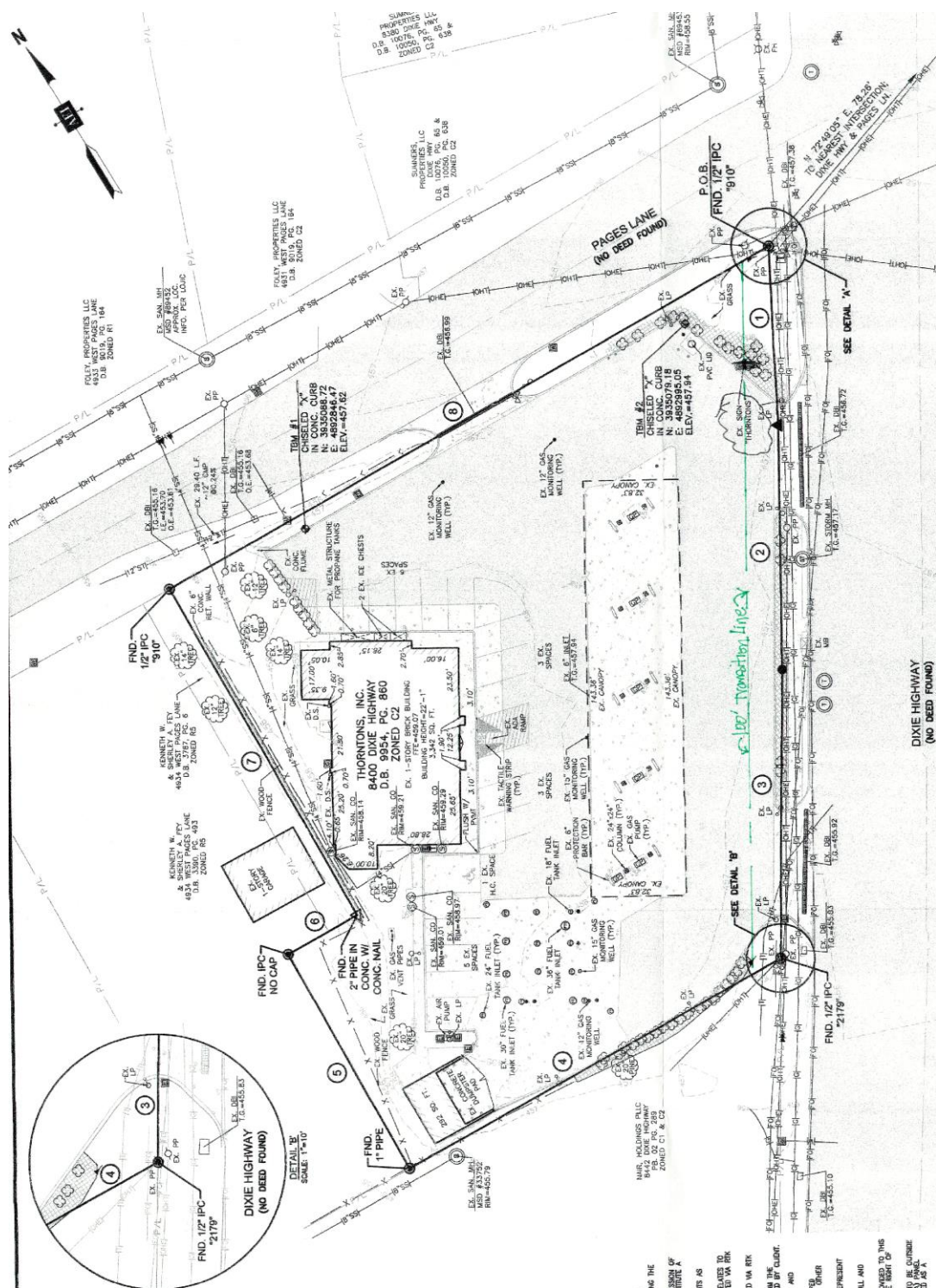
# Attachment 1: Zoning Map

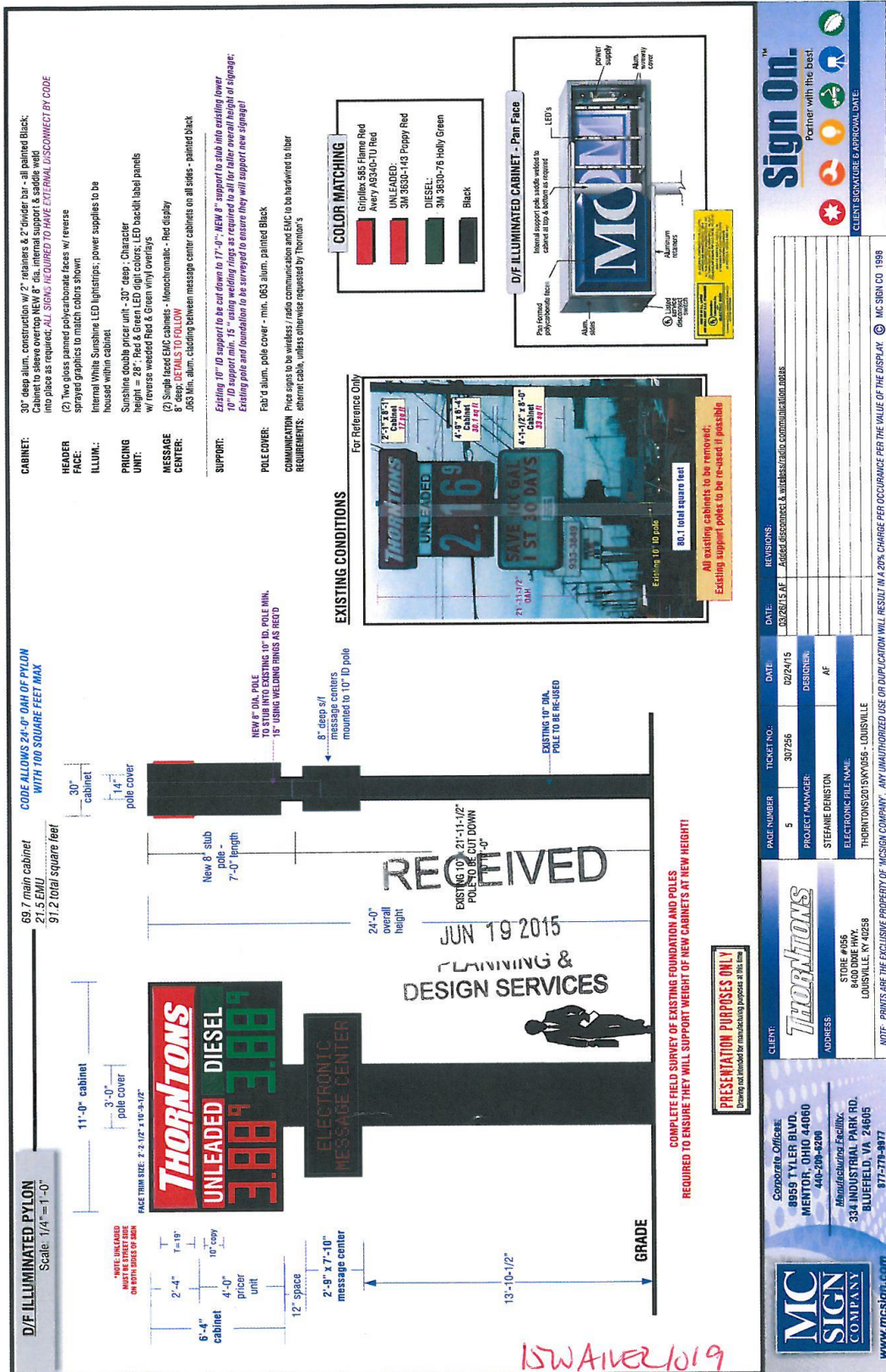


Attachment 2: Aerial Photograph



### Attachment 3: Site Plan





## Attachment 5: Applicant's Justification

### General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- \*1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent properties because they are either not in the direct line of site and or blocked by buildings.

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- \*2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan because the sign is located along a major arterial level roadway within the suburban market place corridor. Commercial advertising is appropriate for the business that is involved and at the location it is located.

JUN 19 2015

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- \*3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The extent of the waiver of the regulation is the minimum necessary to afford relief to thortons because the relief would allow the sign to be updated to current standards desired by the business.

- \*4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Strict application of the provisions of the regulation will deprive thortons of the reasonable use of the land or would create an unnecessary hardship on thortons because the sign cannot be seen due to its current orientation and the residentially zone property is not in direct line of site of the sign's current location.

**Attachment 6: Applicant's Exhibit – Distances to nearest residential property**



July 13, 2015

TO: Sherie Long

FROM: Debbie Brent

RE: Sign waiver Information for 8400 Dixie Hwy  
Waiver #15WAIVER1019

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By copy of this information – it is to be included with the sign waiver packets for the above site. Please refer to the lojic map to reference distance from existing free standing sign to surrounding properties that are zoned residential.

1. From 4714 E Pages lane to the location of the free standing sign is 156.2' but his property is residential for a non-residential use as it is Hillsdale Baptist Church – so will not be included.
2. From 8616 Standing Oak Dr to location of free standing sign is 255'
3. From 4933 W Pages lane to the freestanding sign is 194.9'
4. From 4934 W Pages Lane to freestanding sign is 218.4'
5. From 4935 W pages Lane to the freestanding sign is 263' but the sign will not be visible from this address as the new building addition will block the view.

Also, we will apply for the sign permits once the sign waiver is approved.

Sign does have dimming capabilities and messages are to remain constant for 20 seconds – no flashing blinking, scrolling, etc.

Sign is allowed to be 100 sq. ft. @ 24' overall height – with the LED not to exceed 60% of the 100 sq. ft. – which would be 60 sq. ft. This sign is 2'9" x 7'10" which is 21.5 sq. ft.

I am mailing (6) copies of the attached today.

Debbie Brent  
Louisville Sign Company

15WAIVER1019

