

# Development Review Committee

## Staff Report

August 4, 2021



<b>Case No.</b>	21-WAIVER-0085
<b>Project Name</b>	Changing Image Sign Waiver
<b>Location</b>	10605 Shelbyville Rd
<b>Owner</b>	Re/Max
<b>Applicant</b>	Commonwealth Sign Co.
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	19 – Anthony Paigentini
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### REQUEST

**WAIVER** to permit a changing image sign to be located within 300ft of a residential zone (LDC 8.2.1.D.6)

### CASE SUMMARY / BACKGROUND

The applicant proposes to replace an existing freestanding sign with a multi-tenant sign that includes a changing image panel. There is no additional freestanding or attached signage existing on the site or its structure.

The site is located in a Campus form district on a five-lane arterial roadway. A freestanding four-tenant sign on this site may be up to 120sf in area and 16ft in overall height, with a maximum area for the changing image panel of 72sf. The sign base must be monument or columnar style. The proposed sign meets all standards and requirements other than the subject of the waiver request.

The site is bordered on the north and west by multi-family residential, to the east and southwest by commercial and the south by single-family residential. Significant tree lines and other vegetation exist along the north, south and west property lines abutting the residential uses.

The applicant is agreeable to a Condition of Approval to turn off the changing image portion of the sign between at night during hours to be determined by BOZA.

### REQUIREMENTS

<b>Freestanding Sign Campus Form District</b>	<b>Permitted</b>	<b>Proposed</b>
Total Area	Maximum 120 sf	120 sf
Changing Image Area	Maximum 72 sf (60% of total)	36.3 sf
Overall Height	Maximum 16 ft	15.7 ft
Base	Monument or Columnar Style	Monument

**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, BOZA must determine whether the waiver request is justified. The applicant agrees to a Condition of Approval requiring the changing image portion of the sign to be turned off during nighttime hours, with the specific times to be determine by BOZA.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER** to permit a changing image sign to be within 300ft of a residential zone (LDC 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 in that adjoining properties are either commercial in use or protected by significant trees and vegetation.

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

STAFF: The waiver does not violate 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 in that the applicant is requesting less changing image sign area than would normally be permitted.

(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 changing image portion of the sign is smaller than permitted and the applicant has agreed to limit the nighttime hours of operation of the changing image sign as recommended by BOZA.

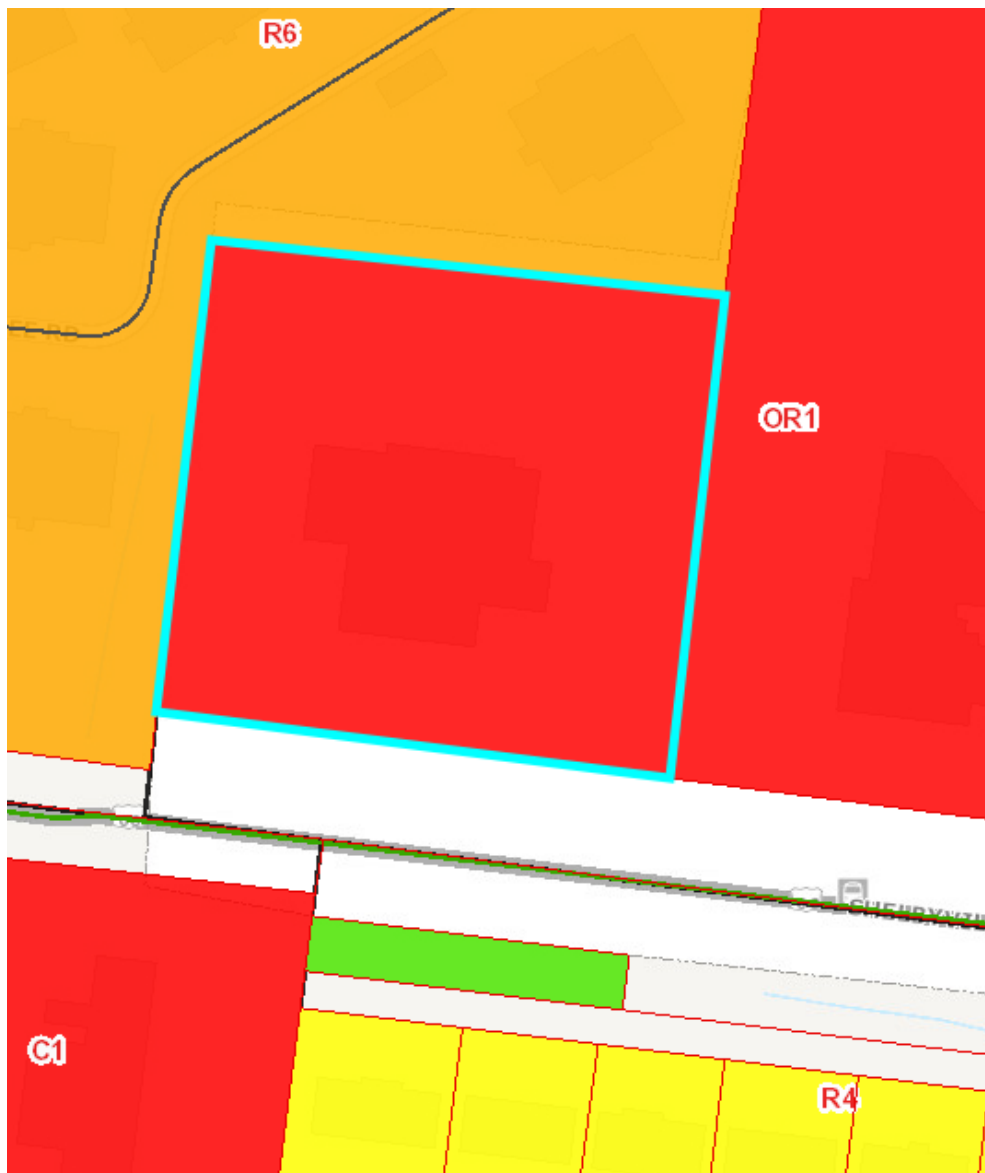
**NOTIFICATIONS**

Date	Purpose of Notice	Recipients
7/20/2021	DRC	1st tier adjoining property owners Registered Neighborhood Groups in Council District 19

## **ATTACHMENTS**

1. Land Use Map
2. Aerial View
3. Street View (Site)
4. Street View (South)
5. Street View (East)
6. Street View (West)
7. Existing and Proposed Signs
8. Proposed Sign Dimensions
9. Buffer Zon
10. Condition of Approval

### **1. Land Use Map**



2. Aerial View



3. Street View (Site)



4. Street View (South)



5. Street View (East)



6. Street View (West)



7. Existing and Proposed Signs



8. Dimensioned Rendering



9. Buffer Zone



## **10. Conditions of Approval**

1. Applicant will program the changing image portion of the sign to turn off during nighttime hours as set by BOZA.
2. The rate of change for the changing image portion of the sign shall not exceed a rate of change of once per 20 seconds.
3. The changing image portion of the sign shall be equipped with automatic dimming technology to automatically adjust the sign's brightness to no more than 0.3 footcandles above ambient light levels.