

Development Review Committee

Staff Report

January 18, 2023



Case No.	22-WAIVER-0229
Project Name	Changing Image Sign Waivers
Location	5101 US Hwy 42
Owner(s)	The Temple
Applicant	Golden Rule Signs
Jurisdiction	Louisville Metro
Council District	16 – Scott Reed
Case Manager	Beth Jones, AICP, Planner II

REQUEST

WAIVER 1 to permit a changing image sign to be located within 300ft of a residential zone or residential use (LDC 8.2.1.D.6.)

WAIVER 2 to permit a changing image sign to exceed the maximum percentage of total sign area allowed in a Neighborhood form district (LDC 8.2.1.D.4.a.)

CASE SUMMARY/BACKGROUND

The applicant proposes to construct a new freestanding sign which includes a changing image panel. The proposed sign will replace an existing sign, consisting of an illuminated cabinet and a readerboard, at the same location.

The site is located in a Neighborhood form district and zoned R-4, on a Minor Arterial roadway. Properties to the west are zoned and developed in commercial and single-family residential use. Properties to the east are in single- and multi-family use. Properties to the south are in commercial use. There are two single-family residences, to the west, within the 300ft buffer zone.

The proposed sign meets all standards and requirements other than the waiver requests, including that the internally illuminated cabinet at the top will have an opaque background as required.

SIGN STANDARDS

Freestanding Sign <i>Neighborhood Form District</i> <i>Minor Arterial Roadway</i>	Permitted	Proposed
Total Sign Area	Maximum 80 sf	50 sf (63% of permitted area)
Changing Image Area	Maximum 30% of total area (24 sf)	60% of total area (30 sf)
Overall Height	Maximum 10 ft	7 ft
Base Style	Columnar or Monument	Monument

The remaining LDC standards will apply to a changing image sign on this site:

- No more than one changing image sign on the site
- Rate of message change shall not exceed once per 20 seconds
- Will be equipped with out automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions in order to decrease the light level output from a daytime level to a night time level, which is typically 0.3 footcandles above ambient light levels.
- No video display

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, DRC must determine whether the waiver requests are justified.

The overall area of the proposed sign is 38% less than the permitted area and 30% less than the permitted height. The applicant's request of 30sf of changing image area is double what is permitted for the proposed sign and more than what would be permitted were the sign at the maximum allowable size. The proposed sign meets all remaining LDC standards.

There are two single-family residences within the 300ft buffer zone, across Lime Kiln Lane; both are protected by a significant landscape buffer. A multi-family site across Hwy 42 is partially located within the buffer; the building itself is approximately 415ft from the sign. The site closest to the sign is fully developed in a permitted commercial use.

INTERESTED PARTY COMMENTS

No comments were received by Staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1 to permit a changing image sign to be located 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 two adjacent residential property owners in that, although their properties fall within the standard 300ft buffer, they are shielded by a significant distance and bordered with mature landscaping. It will not adversely affect the multi-family property in that, while portions of the site are within the buffer area, the building itself is located over 400ft from the sign.

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

STAFF: The waiver will not violate guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use with surrounding uses (Community Form 1.2.4) in that though the site is located in a Neighborhood form district, the sign is at a significant distance from actual residential uses and closest to a permitted commercial use. Impacts on quality of life (Community Form 16) are minimal in that the residential sites within the buffer area range from approximately 250 to 415 ft away from the sign. The design of the proposed sign will not lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20) as it is converting from a readerboard to a changing image sign.

- (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 a total sign area and height less than would be permitted for the site.

- (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 reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The proposed sign has incorporated other design measures that exceed the minimums of the district and result in a net beneficial effect in that the overall sign area and height are significantly smaller than would otherwise be permitted.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2 to permit a changing image sign to exceed the maximum percentage of sign area allowed in a Neighborhood form district (LDC 8.2.1.D.4.a.)

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

STAFF: The waiver will adversely affect residential property owners within the buffer area in that the larger changing image portion of the sign will produce more light than standards are designed to permit.

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

STAFF: The waiver will not violate guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use with surrounding uses (Community Form 1.2.4) in that though the site is located in a Neighborhood form district, the sign is at a significant distance from actual residential uses and closest to a permitted commercial use. Impacts on quality of life (Community Form 16) are minimal in that residential sites within the buffer area are at least 250ft from the sign. The design of the proposed sign will not lessen the adverse visual intrusion on the residential areas in the vicinity (Community Form 20) as it is converting from a readerboard to a changing image sign.

- (g) 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 total area of the proposed sign is smaller in area than would be permitted.

- (h) 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 proposed sign has incorporated other design measures that exceed the minimums of the district and result in a net beneficial effect in that the overall sign area and height are significantly smaller than would otherwise be permitted.

NOTIFICATION

Date	Purpose of Notice	Recipients
1/6/23	Hearing before DRC	1st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 16

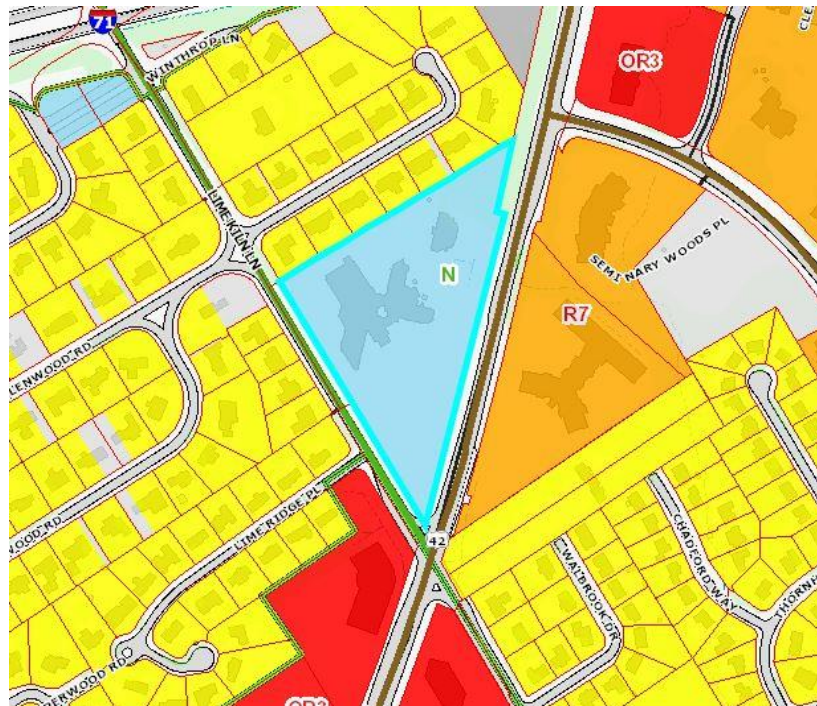
ATTACHMENTS

1. Aerial View
2. Land Use Map
3. Buffer Zone
4. Street View of Existing Sign from Lime Kiln Lane
5. Street View from Sign across Lime Kiln Lane
6. Street View from Sign across US Hwy 42
7. Existing Sign
8. Proposed Sign

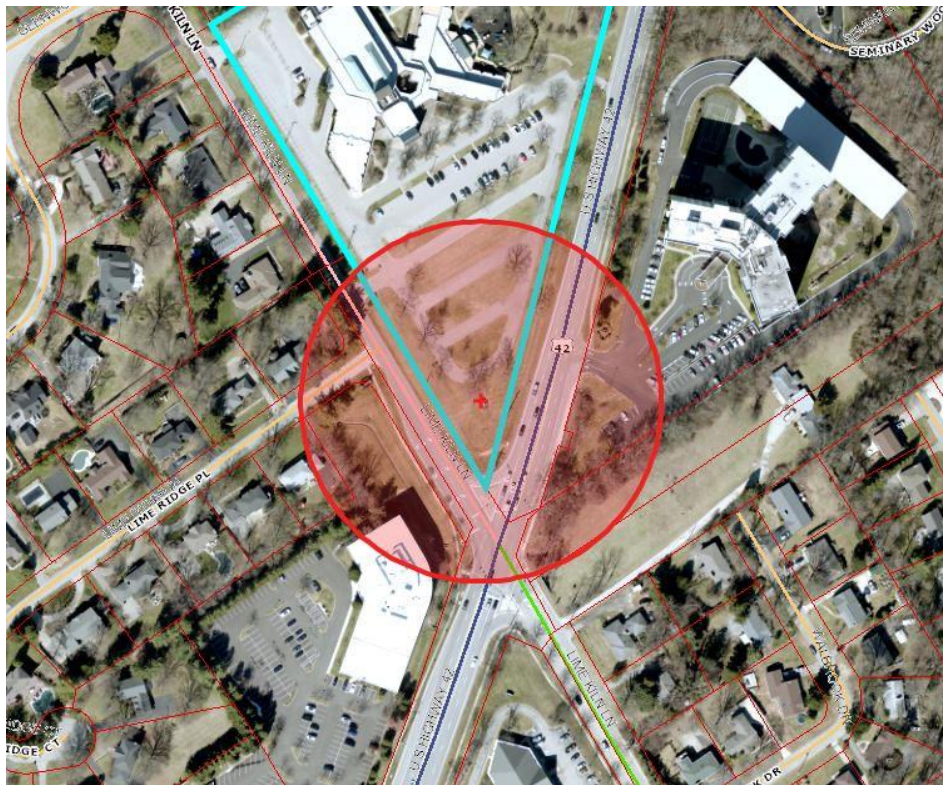
1. Aerial Photograph



2. Land Use Map



3. Buffer Zone



4. Street View of Existing Sign from Lime Kiln Lane



5. Street View from Sign across Lime Kiln Lane



6. Street View from Sign across US Hwy 42



7. Existing Sign



8. Proposed Sign

