

# Development Review Committee

## Staff Report

August 5, 2020



<b>Case No.</b>	20-WAIVER-0065
<b>Project Name</b>	Changing Image Sign Waiver
<b>Location</b>	3827 Shelbyville Road
<b>Owner</b>	Eclipse Bank
<b>Applicant</b>	Reuff Sign Company
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	9 – Bill Hollander
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### REQUEST

**WAIVER** 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 replace an existing freestanding sign with a larger freestanding sign that includes a changing image sign. The sign location, along Frankfort Avenue at the single access point to the parking area, will remain the same. A waiver is required due to the proximity of the sign to residential uses.

The 0.7 acre site is jointly zoned C-2 and M-2. The single-tenant building is located at the intersection of Chenoweth Lane and Shelbyville Road with the C-2 portion of the site; the parking area and roadway access are located off of Frankfort Avenue on the western M-2 portion. The site is adjoined by properties in commercial use zoned C-1 and C-2 on all sides.

Due to the changing image sign area of the proposed sign, a 300 ft buffer area is required from residentially zoned districts. Portions of the rear yard of two residentially zoned properties (R-5) in residential use are located within the buffer area. These properties are on the far side of the parking lot and across a railroad track from the proposed sign.

### REQUIREMENTS

<b>Freestanding Sign Town Center, 3 Lane Arterial</b>	<b>Permitted</b>	<b>Proposed</b>
Changing Image Sign Buffer Area	300 ft	Approximately 182 ft
Total Sign Area	80 sq ft	72 sq ft
Changing Image Sign Area	48 sq ft (Maximum 60% of overall area)	37 sq ft
Overall Sign Height	12 ft	12 ft

## **STAFF FINDINGS**

Staff supports the waiver request. The immediate vicinity of the sign is highly developed with commercial uses. Although there are two residential properties within the required 300 foot buffer zone, they are located a significant distance and across a railroad track from the sign location, behind a line of shrubbery and a mature tree. In addition, due to the sign's orientation, neither of its faces will face the residential uses.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER** to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (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 neighboring sites are fully developed with uses compatible with the use of the site and the signage requested. Neither of the sign faces face the residential uses and they are located across a railroad track from the sign location.

(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); 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 sign meets all remaining LDC standards and 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: As part of the original development of the site, there exists a solid line of evergreen shrubbery approximately 8 ft in height and a mature tree which shield the nearby residential uses. Strict application of the provisions of the regulation would create an unnecessary hardship as development on adjacent sites is compatible with the use of the subject site and the residential development in the vicinity will suffer minimal to no negative impacts due to the orientation of the sign and other existing development between the sign and the residences.

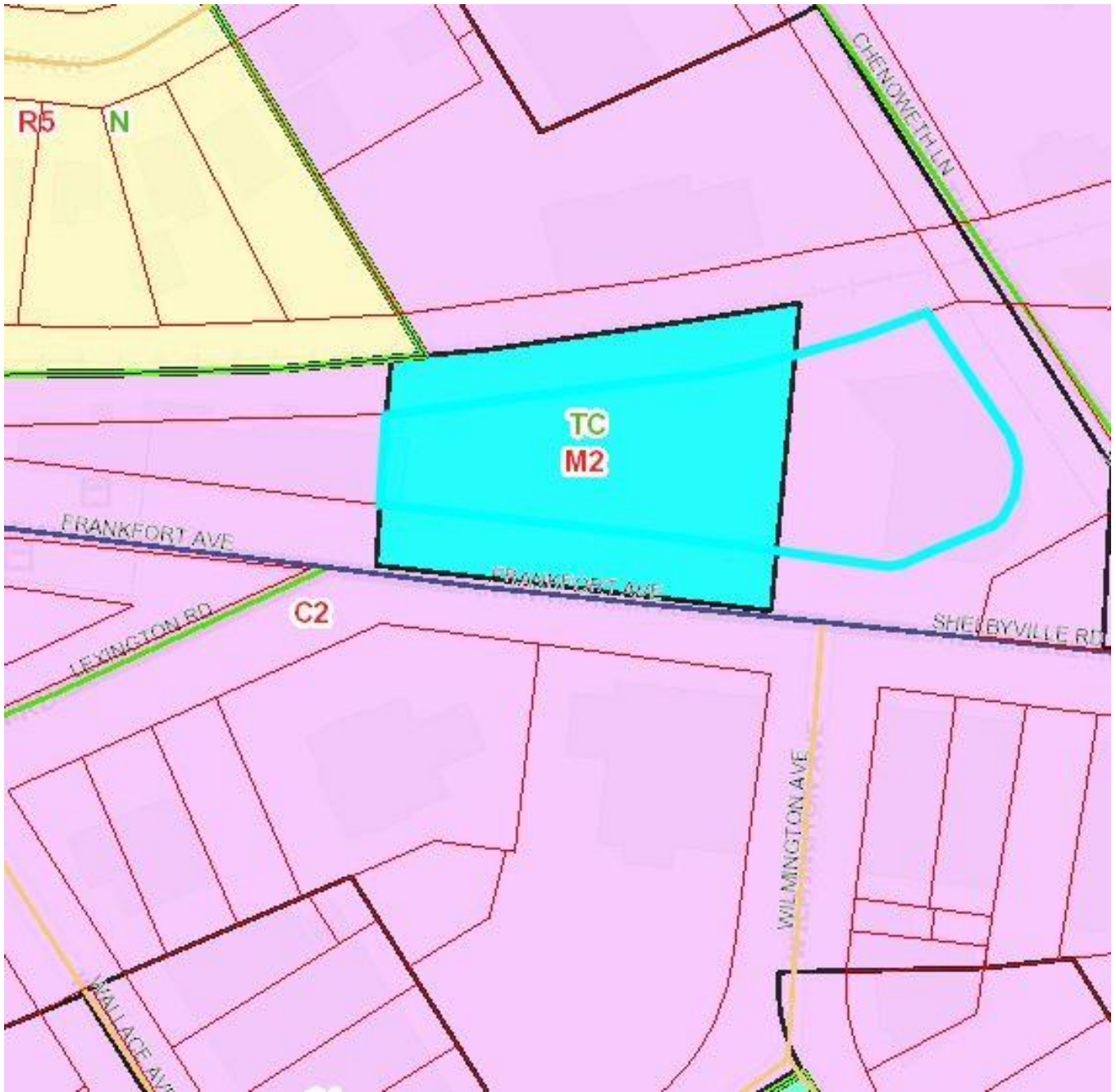
**NOTIFICATIONS**

Date	Purpose of Notice	Recipients
8/7/2020	DRC	1st tier adjoining property owners Registered Neighborhood Groups in Council District 9

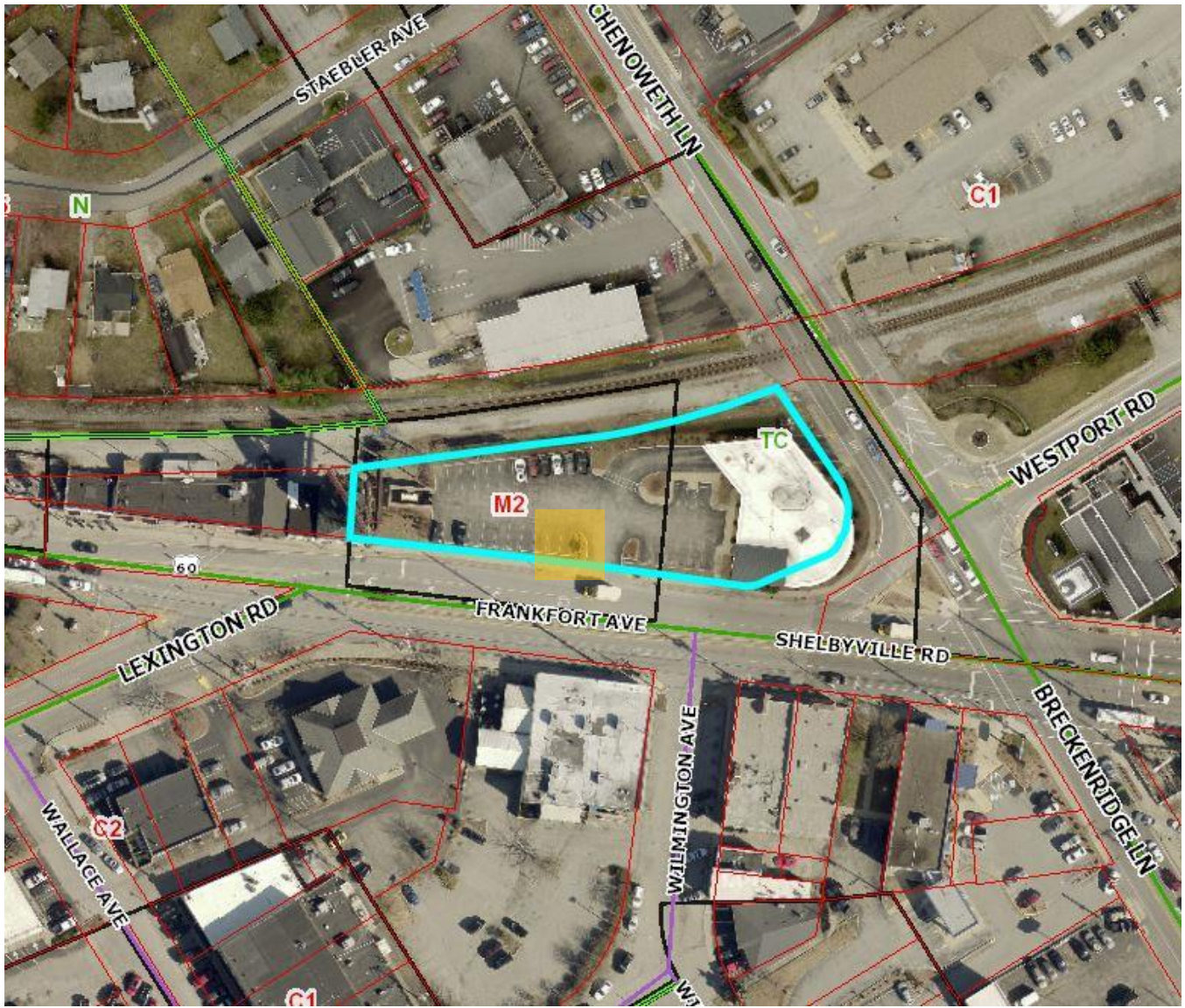
**ATTACHMENTS**

1. Zoning Map
2. Aerial View
3. Street View at corner
4. Street View at sign location
5. Street View across street to south

1. Zoning Map



2. Aerial View



3. Street View at corner of Chenoweth Lane and Shelbyville Rd



4. Street View at sign location



5. Street View across street to south

