

**Planning Commission Minutes
May 29, 2014**

Public Hearing

Case No. 14AMEND1002

Project Name: LDC Text Amendment – Relocation of non-conforming on-premises signs when government exercises eminent domain over property.

Applicant: Louisville Metro Council

Jurisdiction: Louisville Metro

Case Manager: Michael Hill, AICP, Planning Coordinator

Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Request:

Land Development Code Text Amendment (Section 8.1.4.C)

Agency Testimony:

Michael Hill presented the case (see staff report and file for detailed exhibits.) He said this proposal was discussed at the April 25, 2014 Planning Committee meeting, at which the Committee members had some recommended changes to the text. He said the underlined paragraph "C" in the staff report is the language recommended to Metro Council.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against this request:

No one spoke.

**Planning Commission Minutes
May 29, 2014**

Public Hearing

Case No. 14AMEND1002

Rebuttal:

There was no rebuttal, since no one spoke in opposition.

Discussion:

Commissioner Blake said there was a lot of debate during the April 25th Planning Committee regarding this language. Commissioners Proffitt and Brown expressed concern about limiting the sign relocation to an area as close as possible to its original location. That may not be an appropriate location in the future. Commissioner Blake agreed and said that having the Director of Planning and Design Services and/or the designee could determine if the new location for the sign is appropriate.

A recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to obtain a copy. The recording of this hearing is available under the May 29, 2014 public hearing proceedings.

On a motion by Commissioner Proffitt, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Amendment to Section 8.1.4.C of the Land Development Code as listed in the staff report, be **APPROVED**, to read as follows:

C. ~~Where condemnation by~~ **When** the federal, state or local government **or public utility** has caused the taking of property on which any legal nonconforming on-premises sign is located (Example: the widening of a public right-of-way), that nonconforming on-premises sign may be relocated to an area of the remaining property so long as no just compensation has been received for the value of the nonconforming sign and the sign is not further altered to make the sign less in conformance with this regulation. **The new location for the relocated sign shall be approved by the Planning Director, or designee.** Any property owner who intends to relocate a nonconforming on-premises sign under this provision shall present ~~conclusive~~ evidence to the permitting authority that no compensation for the nonconforming sign has been received **from the governmental entity or public utility** ~~as a result of the subject condemnation proceeding~~ and that no alterations **to the advertising portion of** ~~to~~ the sign will be undertaken so as to make it less in conformance with this regulation. The permitting authority, ~~after reviewing and approving~~ **upon determining** that the necessary evidence

**Planning Commission Minutes
May 29, 2014**

Public Hearing

Case No. 14AMEND1002

submitted satisfies the requirements herein, shall issue a new permit for the relocation of the nonconforming sign on the property.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.