

# Board of Zoning Adjustment

## Staff Report

October 28, 2019



<b>Case No.</b>	19-VARIANCE-0049
<b>Project Name</b>	Scoreboard Signage
<b>Location</b>	350 Adams Street
<b>Owner</b>	Louisville City Stadium LLC
<b>Applicant</b>	Reuff Sign Company
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	4 – Barbara Sexton Smith
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

**Variance** to permit attached signage mounted to a scoreboard structure (LDC Table 8.3.2 Downtown)

	Permitted	Proposed	Variance
<b>Variance 1: Size of Signs</b>	300 sq ft	2,129 sq ft	1,829 sq ft
<b>Variance 2: Number of Signs</b>	3	8	5

**CASE SUMMARY/BACKGROUND**

The applicant is requesting variances for the number and total size of signs to be located on a scoreboard structure to be constructed on the site of the Louisville City Football Club stadium, currently under construction at 350 Adams Street. The scoreboard structure is 50 ft 10 inches high by 75 ft wide, for a total façade area of 3,810 sq ft; the depth of the structure is 17 ft 7 inches.

Three sides of the scoreboard structure face toward the stadium and will be mounted with one large central video screen and two smaller video screens. These screens are exempt from regulation as “signs within a ballpark which are oriented toward the field” (LDC 8.1.3.A.).

At ground level up to a height of 10 ft 10 inches, the structure will house vending stations for refreshments and team merchandise. All regulated signage is to be placed on the outer façade of the structure facing away from the stadium. Signage will include one changing image screen (1,215 sq ft), one sign for the naming sponsor across the top of the structure (308 sq ft), and six sponsor signs, three to each side of the changing image screen (101 sq ft each/606 sq ft total). The changing image screen and the naming sponsor sign are permanent; the six sponsor signs are changeable. The changing image screen will show static images promoting the team, its sponsors and products available for purchase on-site.

The changing image screen will be subject to LDC display requirements which include automatic dimming technology and a minimum image change rate of 20 seconds. No video displays are permitted. These requirements are stated in a Condition of Approval (Attachment 6).

The site is located in an EZ-1 Enterprise Zone in the Downtown form district. It is bordered on the north by Adams Street, I-64 and I-65 and on the remaining sides by vacant, industrial and public properties. Most of the surrounding properties are in a Traditional Neighborhood form district, with the exception of several parcels adjoining to the northeast which are EZ-1.

### **STAFF FINDING**

Staff finds the requested variances for the total size and the number of signs is adequately justified. The stadium will be one of two sports facilities in Louisville under local jurisdiction and the type of signage proposed is typical of soccer stadiums.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit as established by the Land Development Code.

### **TECHNICAL REVIEW**

No outstanding technical issues remain.

### **INTERESTED PARTY COMMENTS**

No comments have been received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 1 to permit attached signs to exceed the maximum permitted size by 1,829 sq ft (LDC Table 8.3.2 Downtown):**

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare since the location of the signs will not interfere with pedestrian or vehicular traffic or with nearby land uses.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since the area adjacent to the signs is zoned and/or developed for commercial and manufacturing uses.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning of adjacent areas (EZ-1 and M-3) is unlikely to result in incompatible future development and the signs will meet all other requirements.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the use of the property served by the signage is an exceptional and atypical land use. Only one other such facility, the Louisville Bats ballpark, exists in Louisville Metro; the remaining sports facilities are under state jurisdiction. In addition, the type of sponsorship signage proposed is typically associated with soccer stadiums in particular.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation create an unnecessary hardship on the applicant since the existing and future uses of adjoining properties will not be affected adversely by the proposal.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE 2 to permit the number of signs to exceed the maximum permitted (LDC Table 8.3.2 Downtown):**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare since the location of the signs will not interfere with pedestrian or vehicular traffic or with nearby land uses.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since the zoning of adjacent areas (EZ-1 and M-3) is unlikely to result in incompatible development in the future.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since the sign location will not disrupt pedestrian or vehicular traffic or nearby land uses.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations since the zoning of adjacent areas (EZ-1 and M-3) is unlikely to result in incompatible future development and the signs will meet all other requirements.

**ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the use of the property served by the signage is an exceptional and atypical land use.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation create an unnecessary hardship on the applicant since the existing and future uses of adjoining properties will not be affected adversely by the proposal.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

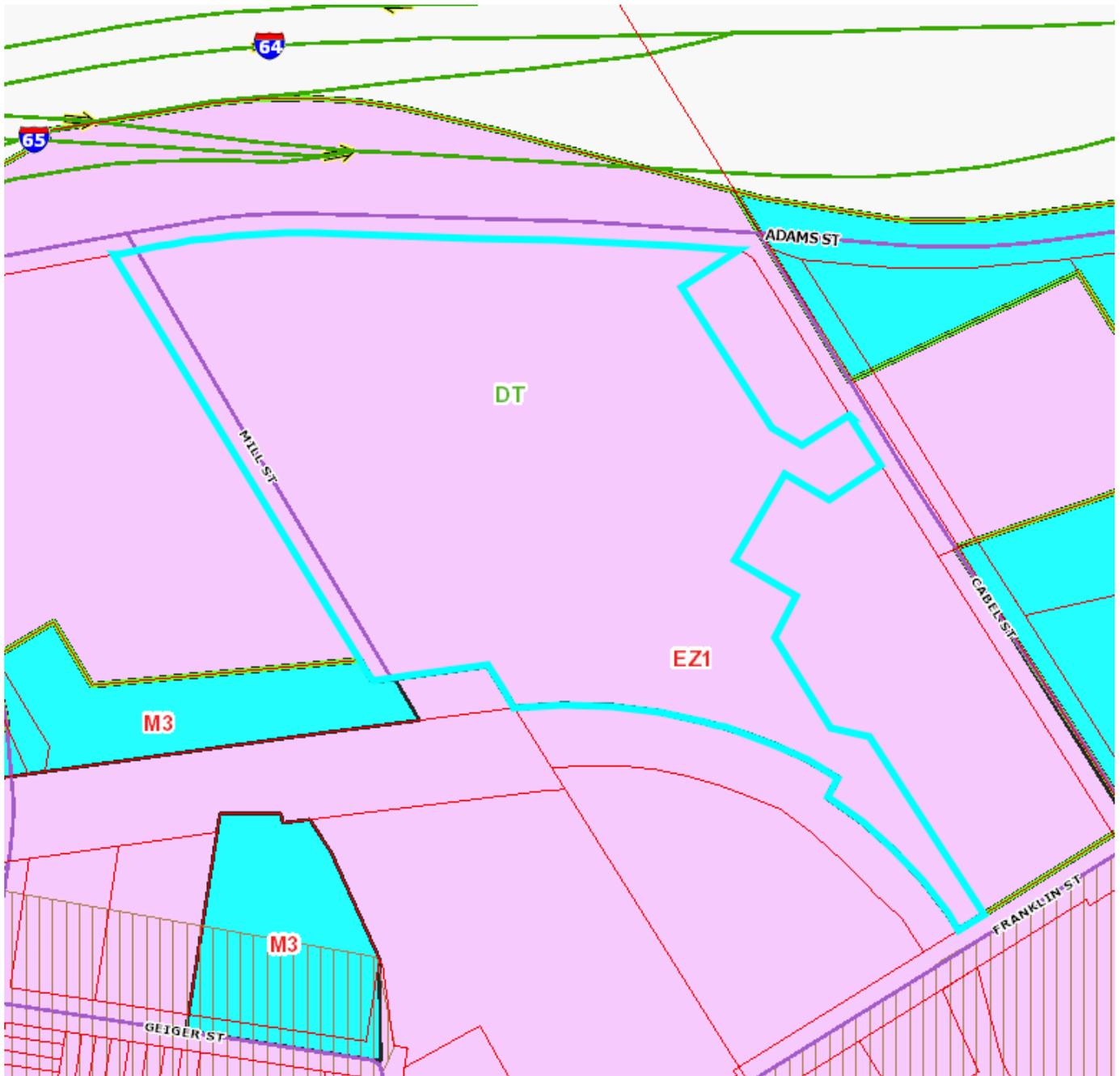
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/11/2019	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4
		Sign Posting

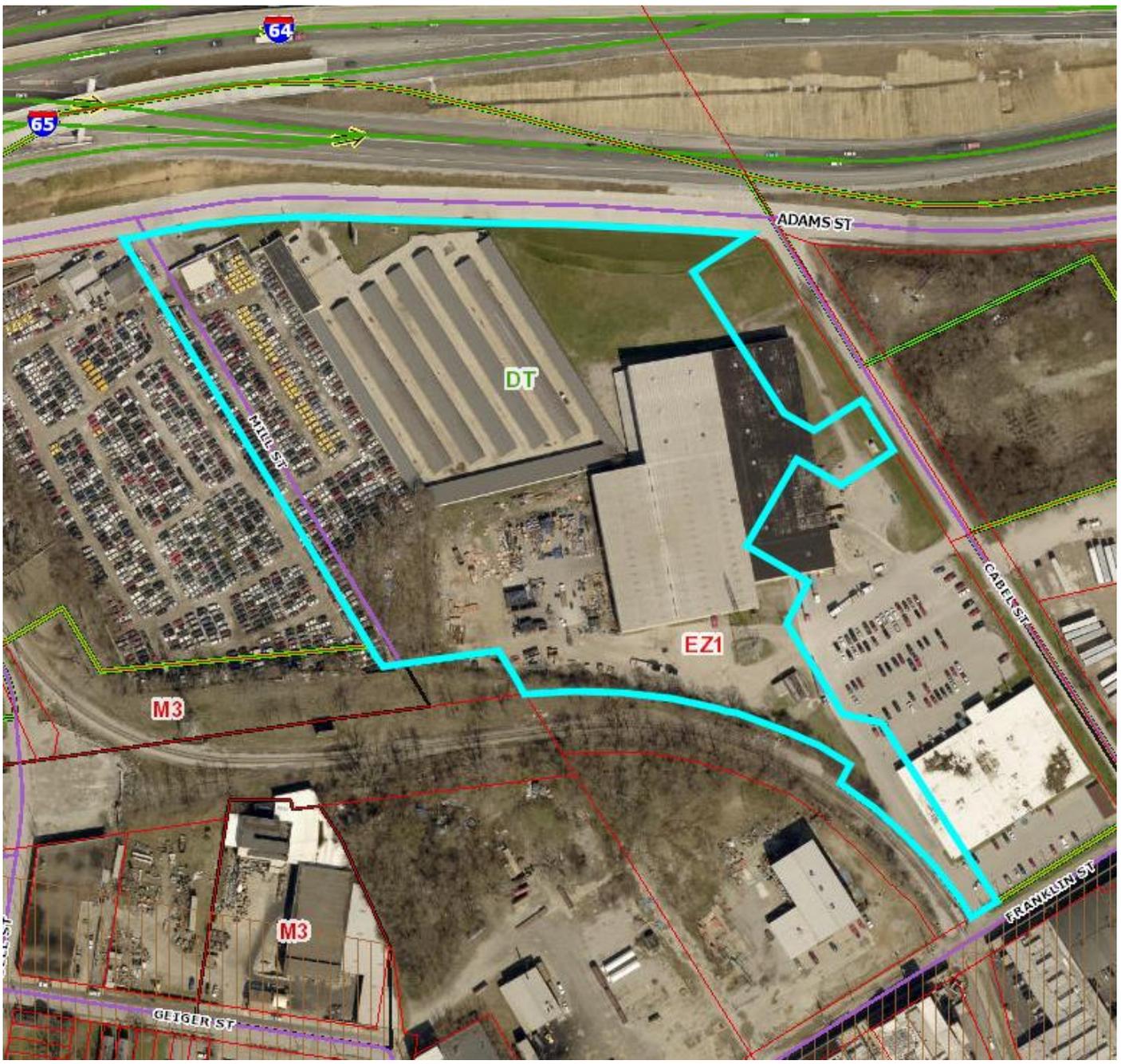
**ATTACHMENTS**

1. Zoning Map
2. Aerial View
3. Site Plan
4. Scoreboard Signage
5. Scoreboard Rendering
6. Conditions of Approval

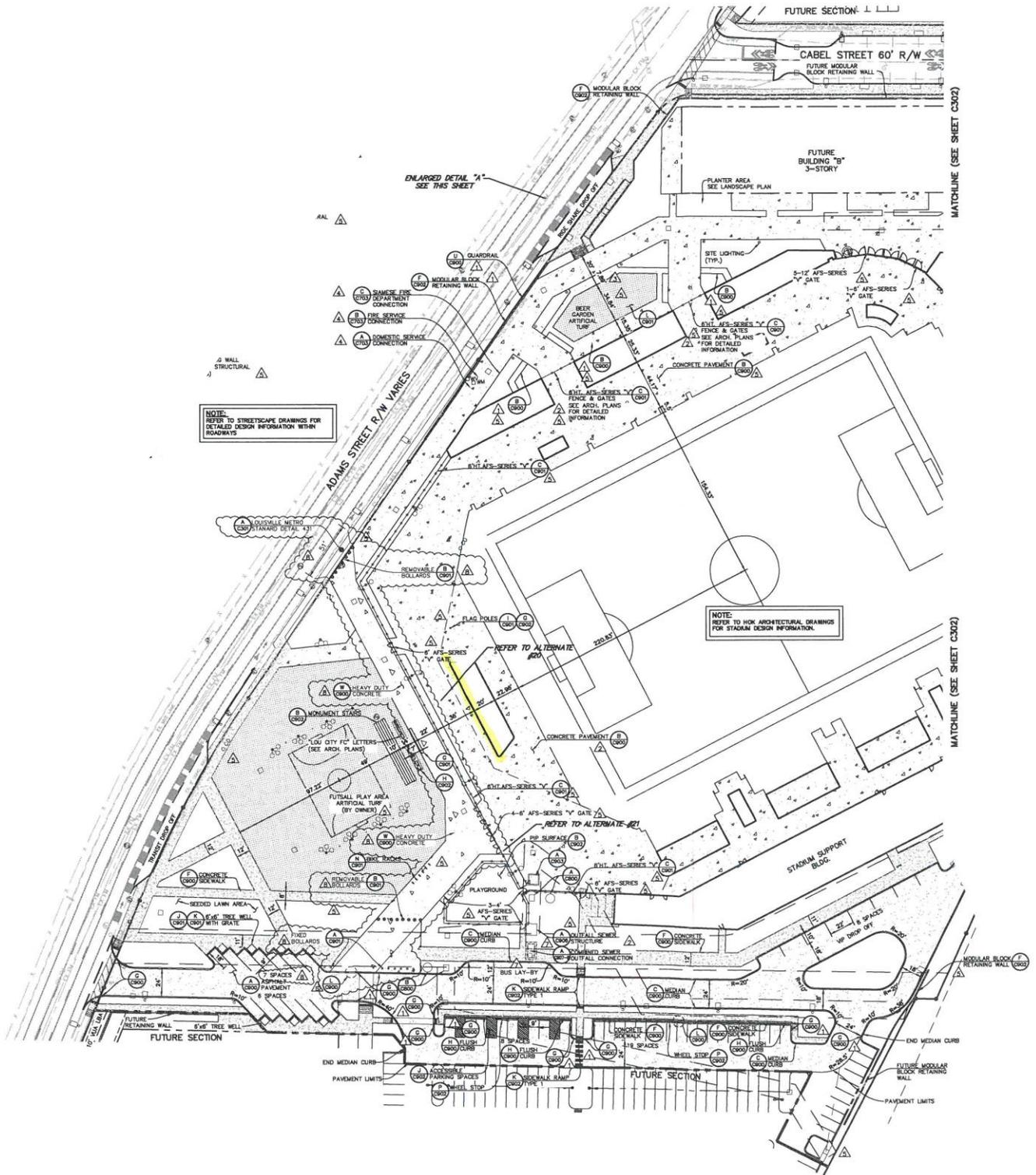
1. Zoning Map



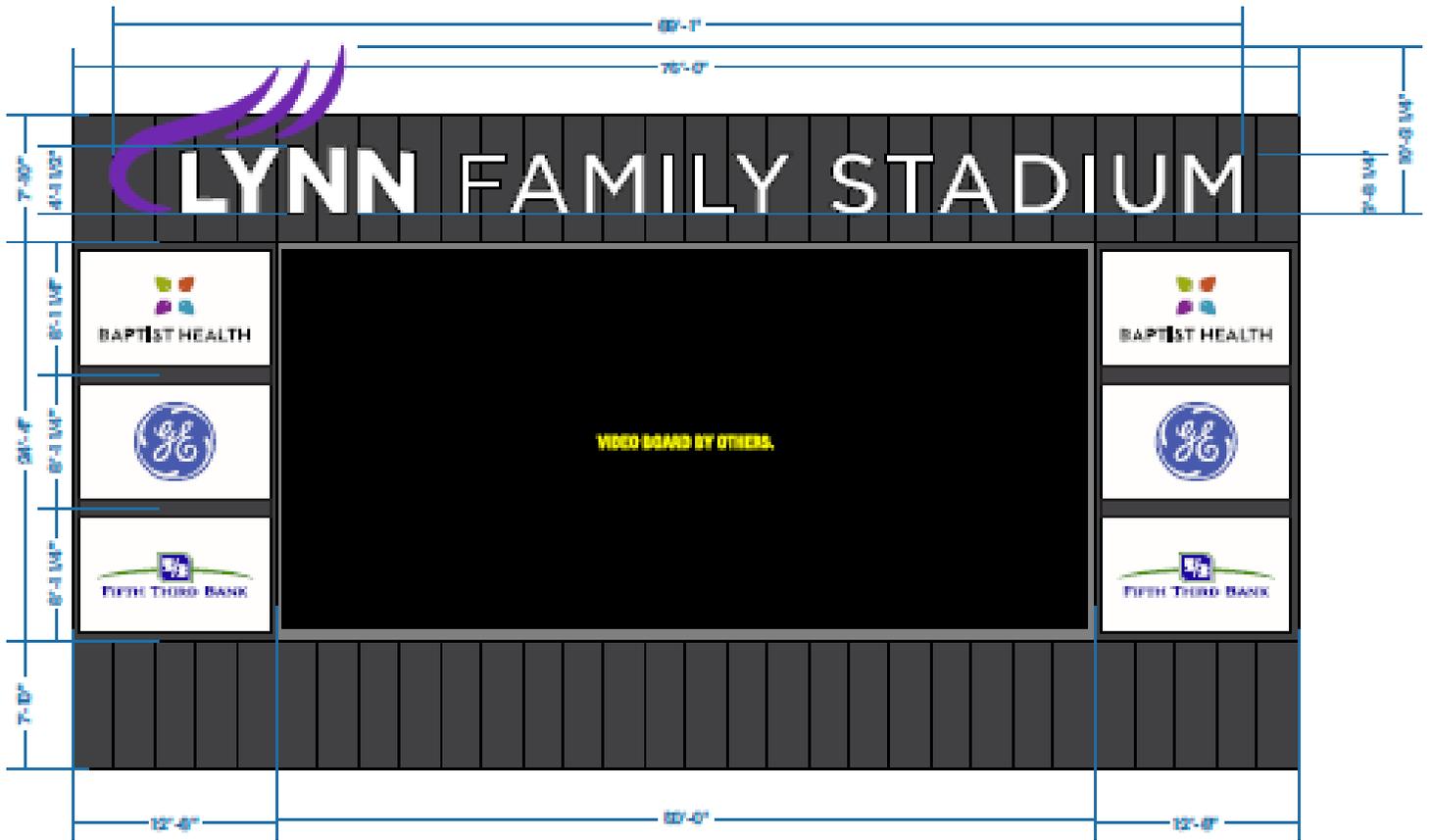
## 2. Aerial Photograph



### 3. Site Plan



4. Scoreboard Signage



## 5. Scoreboard Rendering



## 6. Conditions of Approval

1. The changing image sign shall at all times comply with the specific requirements for operation of the display as defined in LDC 8.2.1.D., including but not limited to:
  - a. Any image displayed must remain on screen without movement of any kind for a minimum of 20 seconds.
  - b. The display must use automatic dimming technology to adjust image display based on ambient light, typically 0.3 footcandles above ambient light levels.
  - c. No display of videos or moving images of any kind shall be permitted.
2. Images displayed on the changing image sign are restricted to those directly promoting the team or promoting products and services offered or sold on the stadium site.