

Development Review Committee

Staff Report

February 3, 2016



Case No:	15WAIVER1041
Project Name:	Bashford Manor Walmart
Location:	2020 Bashford Manor Lane
Owner:	Walmart Real Estate Business Trust
Applicant:	Harrison French and Associates
Representative:	Brittany Lewis
Project Area/Size:	20.64 acres
Existing Zoning District:	C-2, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	10 – Patrick Mulvihill
Case Manager:	Laura Mattingly-Humphrey, Planner I

REQUEST

- Waiver #1 of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow more than 3 signs along the primary façade.
- Waiver #2 of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow more than 3 signs along the west façade.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is plan certain under docket 9-57-85 and is located in West Buechel, along the southeast side of Bashford Manor Lane.

Walmart is remodeling the exterior of the building on Bashford Manor Lane, which will include replacing existing attached signage, removing signs, and adding signs. Currently, there are 5 attached signs on the front façade, including one tenant sign. Walmart proposes to replace 3 attached signs, add 2 new signs and leave the existing Wal-Mart sign as is. Chapter 8 of the LDC allows 3 attached signs per façade, except that multiple use buildings may have one sign for each business. In this case, the Subway sign does not count against the total number of signs Walmart can have on the front façade. Thus, Walmart is requesting a total of 6 signs, making Waiver #1 request for 3 signs over the maximum.

Walmart is also changing signage on the west façade for the Autocare Center along Mall Road. Currently there are 7 signs. Walmart is proposing to remove 3 of these signs and replace 4 with similar signs. Thus, Wal-Mart is requesting Waiver #2 for one sign over the maximum allowed for the west façade.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Retail	C-2	SMC
Proposed	Retail	C-2	SMC
Surrounding Properties			
North	Single family residential, Multi-family residential	R-5, R-7	N
South	Office, Multi-family residential	C-2, R-7	N
East	Retail	C-2	SMC
West	Retail	C-2	SMC

PREVIOUS CASES ON SITE

9-57-85: The property was rezoned in 1985 to C-2, Commercial, and was previously occupied by the Bashford Manor Mall. A revised detailed district development plan was approved by the Planning Commission on October 8th, 2004.

B-26-04: Variances were approved on March 15th, 2004 to allow a total of 750 square feet of total signage on the front façade with 13 attached signs. The variances were approved on condition that the applicant deletes the “Low Prices” and “We Sell for Less” signage.

B-13948-10: Variance to allow a total of 429.66 square feet of attached signage along the front elevation. Five attached signs allowed along Bashford Manor Lane.

B-18416-12: Variance from 8.3.2, Table 8.3.1 to allow additional 50.75 square feet of signage along front elevation for a total of 480.41 square feet.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or interested party comments to date.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 of
Chapter 8.3, Table 8.3.2 of the LDC to allow
more than 3 signs per façade:**

- (a) The waivers will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners along the front facade as the proposed sign changes are attached to the front facade of the building, which is set back from the residential properties nearly 500 linear feet and separated by Bashford Manor Lane, parking and landscaping.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan

as the proposed signage is a similar to the existing signage and is consistent to the type of signage seen throughout the Suburban Marketplace Corridor form district.

- (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 as the additional signage is necessary to identify the location of services offered within the building.

- (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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the proposed signage is similar to the existing signage; and is necessary to identify the location of services offered within the building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 of
Chapter 8.3, Table 8.3.2 of the LDC to allow
more than 3 signs per façade:

- (a) The waivers will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the proposal is to decrease the amount of signage along the west façade.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage is a similar to the existing signage and is consistent to the type of signage seen throughout the Suburban Marketplace Corridor form district.

- (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 as they are decreasing the number of signs and the additional signage is necessary to identify the location of services offered within the building.

- (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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the proposed signage is similar to the existing signage; is necessary to identify the location of services offered within the building; and the proposal is for less signs than what currently exists.

TECHNICAL REVIEW

A modified variance will be needed to allow the proposed attached signage square footage on the primary façade and will be scheduled for Board of Zoning Adjustment review at a date to be determined.

STAFF CONCLUSIONS

- The proposed waivers appear to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the waivers.

REQUIRED ACTION

- **APPROVE** waiver #1 on condition of the approval of a modified variance or **DENY** waiver #1.
- **APPROVE** waiver #2 or **DENY** waiver #2.

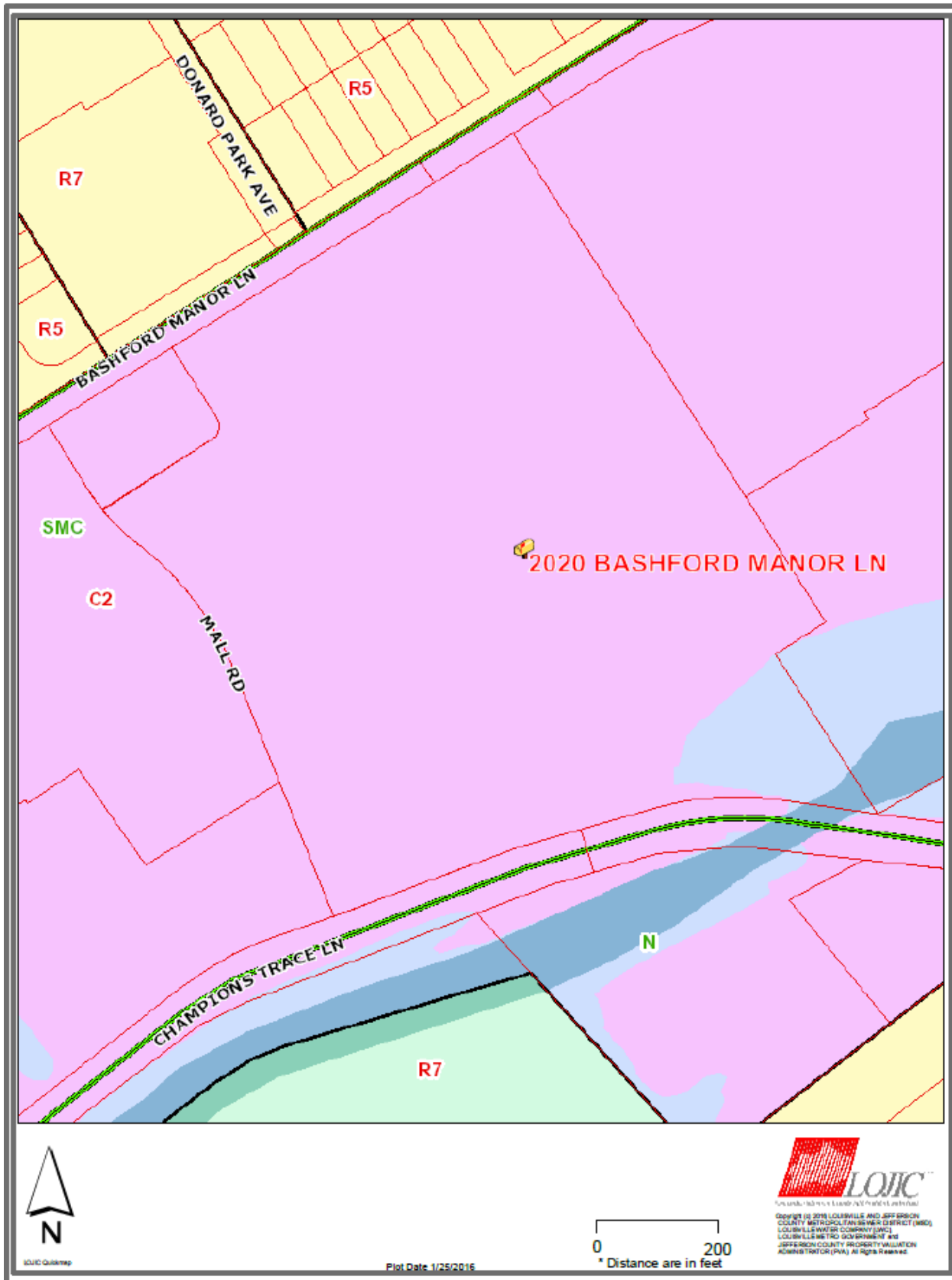
NOTIFICATION

Date	Purpose of Notice	Recipients
1/21/16	Hearing before DRC	1 st tier adjoining property owners
1/25/16	Hearing before DRC	Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

