

From: [Jones, Beth A.](#)
To: [Torsky, John N](#)
Cc: [Davis, Brian](#)
Subject: RE: Highview Center signage
Date: Friday, November 8, 2019 2:40:00 PM

I will add Mr. Peden's opposition to the record.

Binding elements cannot be waived under any circumstances. Amending or deleting it is the only option.

I spoke with the applicant when she came by to pick up her notification cards today. She says they are planning to request a changing image sign.

I want to emphasize that if you all can give me specifics on your objections, I could take on conveying them to the applicant and trying to come to a compromise with a new, revised binding element. As an example, if size is not so much of a problem but changing image is, perhaps we could offer to allow the full size permissible, which would be larger than what they could have now, in exchange for a restriction against changing image signs.

I'll be leaving the office shortly today but we can talk further Monday if that's helpful.

From: Torsky, John N <John.Torsky@louisvilleky.gov>
Sent: Friday, November 8, 2019 1:25 PM
To: Jones, Beth A. <Beth.Jones@louisvilleky.gov>
Cc: Davis, Brian <Brian.Davis@louisvilleky.gov>; Peden, James <James.Peden@louisvilleky.gov>
Subject: RE: Highview Center signage

Thanks for sending this. I've shared it with CM Peden.

His is opposed to removing the binding element.
He does not think it should be removed without us knowing exactly what they are going to install. Instead of removing the binding element why can't they apply for what they want to build and ask for a waiver of the binding element?

Thank you,
John Torsky

*John Torsky
Legislative Assistant
District 23 Metro Councilman James Peden*

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From: Jones, Beth A. <Beth.Jones@louisvilleky.gov>
Sent: Friday, November 8, 2019 11:27 AM
To: Torsky, John N <John.Torsky@louisvilleky.gov>
Cc: Davis, Brian <Brian.Davis@louisvilleky.gov>
Subject: Highview Center signage

John –

The only reference to signage in the PDD document is as follows:

I. Signage *i. Chapter 8 of the Land Development Code shall apply to the Highview Town Center.*

Chapter 8 refers to the chapter of the LDC that deals specifically with signage. If the existing binding element was deleted, as the applicant is requesting, current LDC regs would apply for any new signage.

- Chapter 8 of the current LDC regs for permit ONE ATTACHED SIGN FOR EACH TENANT. The size of this sign would be based on a combination of the site's form district and each tenant's portion of the total building façade.
- ONE FREESTANDING SIGN IS PERMITTED PER SITE. This would mean that all tenants would share any freestanding sign. The existing binding element restricts the height to a maximum of 7ft and the overall area to a maximum of 45sf; this would include the "Highview Manor Center" portion of the existing sign or anything similar. (I have not made a site visit but I suspect that the existing sign may already exceed one or both of these standards.)

Current LDC standards for freestanding signs are based on the number of tenants, the classification of the roadway serving the site and the form district. Based on three tenants, this site could have a sign of up to 100sf in area and 12ft in height. Under no circumstances, no matter how many tenants, could the site have more than one freestanding sign.

- ONE CHANGING IMAGE SIGN IS PERMITTED PER SITE. This would have to be incorporated into the overall sign, since only one freestanding sign is permitted. The size of the changing image portion of the sign could be up to 60% of the total permitted size, which on this site could be up to 60sf in area and 7.2ft in height. In the case of multiple tenants, this would mean that either (1) one tenant could have sole use of the changing image portion of the sign or (2) two or more tenants could all share use of the changing image portion of the sign.

I'd be happy to work with you to develop an alternative binding element to propose to the applicant that would deal with the issues you see as most important. For instance, we could permit the total area but restrict the overall height; we could allow them the full size but not permit any changing image sign. I think some restrictions could be justified based on existing signage in the area. Although some signs are larger and/or taller, they appear to be older ones that pre-exist current regs; it looks like the newer ones meet the regs.

By the way, Councilman Peden also mentioned concern about whether the contractor intends to propose a changing image sign because they have "LED" in their business name. This is not necessarily the case; the reference is to the LED-type bulbs that all internally-lit style signs use these days. And of course even that were the case, a binding element could directly resolve that issue.

Let me know if you have any questions. If you'd like to work out a proposal prior to the hearing we would

need to start work on it right away. A continuation of the case could also be requested if we weren't able to get an agreement with the applicant in the remaining time before the 11/20 hearing.

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