

Development Review Committee

Staff Report

May 20, 2015



Case No:	15WAIVER1009
Request:	Waiver to allow an LED sign to be closer than 300' to a residential zoning district
Project Name:	Thornton's
Location:	11700 Dixie Hwy.
Owner:	Thornton's, Inc.
Applicant:	Thornton's, Inc.
Representative:	Louisville Sign Co.
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	David B. Wagner – Planner II

REQUEST

- Waiver to allow an LED sign to be closer than 300' to a residential zoning district (LDC Section 8.2.1.D.6)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is to allow an LED sign to be closer than 300' to a residential zoning district since the residentially zoned property within that distance is not a non-residential use. However, the site is currently vacant. All other properties within 300' of the Thornton's are zoned for commercial uses or have a non-residential use located within a residential zoning district.

Existing Zoning District: C-2, Commercial
 Proposed Zoning District: N/A
 Form District: Suburban Marketplace Corridor
 Existing Use: Gas Station
 Proposed Use: N/A

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Gas Station	C-2	SMC
Proposed	N/A	N/A	N/A
<i>Surrounding Properties</i>			
North	Church	C-1/R-4	N
South	Commercial	C-1/C-2	SMC
East	Restaurant/Vacant	C-2/R-4	SMC
West	Vacant	C-2	SMC

PREVIOUS CASES ON SITE

- 2-49-07: Category 2B Plan for Thornton's
- 9252: Variance and Waiver for the Thornton's for VUA encroachments and landscape screening

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to allow an LED sign to be closer than 300' to a residential zoning district (LDC Section 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 because the adjacent residential property is vacant.

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

STAFF: The waiver will not violate the Comprehensive Plan because the sign is located along a major arterial level roadway within the Suburban Marketplace Corridor. Commercial advertising is appropriate for the business involved and at the location it is located.

- (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 because the relief being provided would allow the sign to be updated to the standard desired by the business.

- (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: Strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the sign cannot be seen due to its orientation and the residentially zoned property being vacant.

TECHNICAL REVIEW

- Although the sign would not meet the requirements of the LDC, the residentially zoned parcel is vacant and the sign is not oriented in a way that would allow it to be viewed from that parcel.

STAFF CONCLUSIONS

Waivers

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver is justified.

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 for granting a Waiver established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the Waivers listed in the staff report.

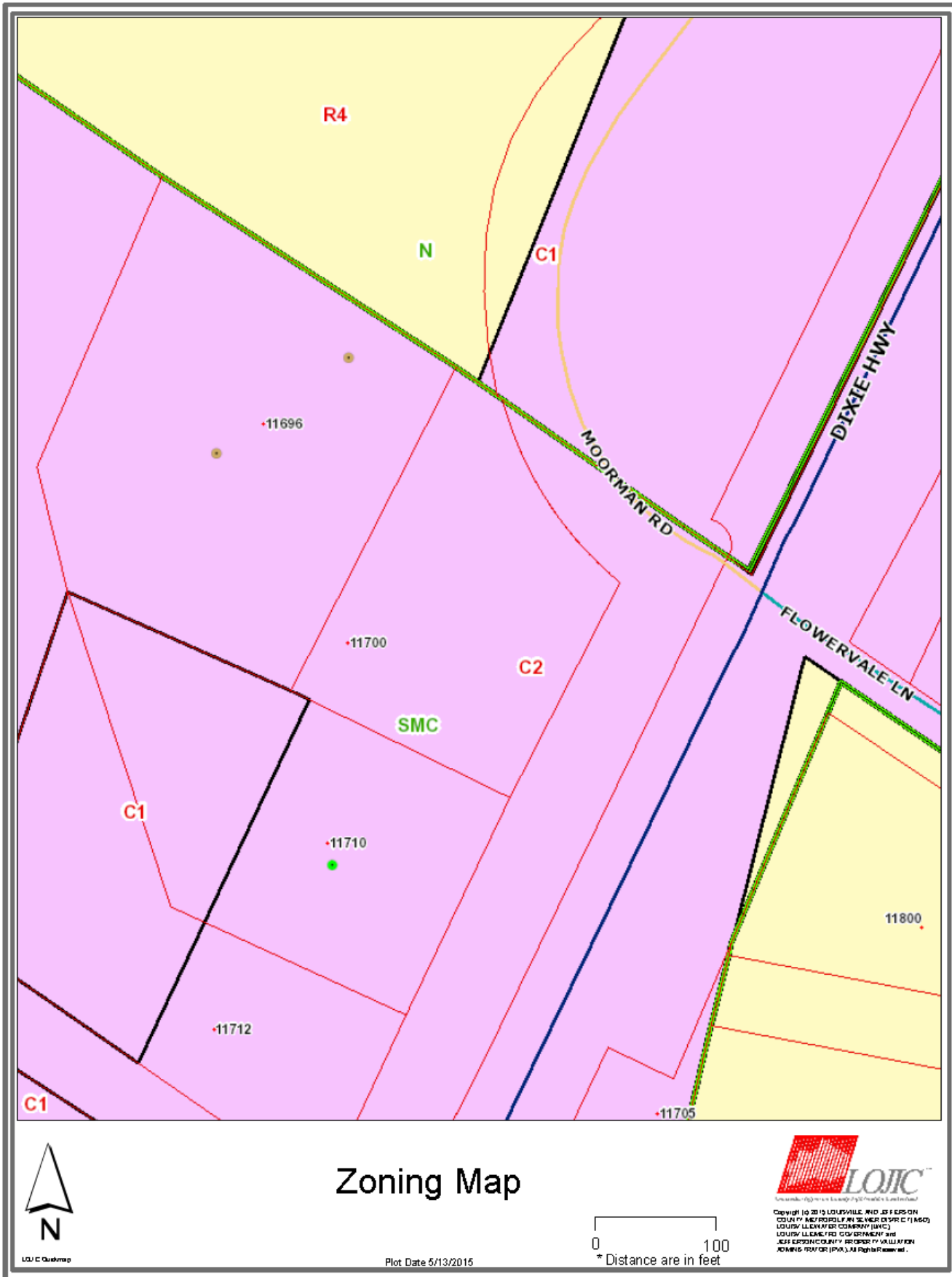
NOTIFICATION

Date	Purpose of Notice	Recipients
5/8/15	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 14 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

