

Development Review Committee
Staff Report
September 18, 2019



Case No.	19-WAIVER-0053
Project Name	Church of the Harvest LED Sign
Location	8300 Shepherdsville Road
Applicant	Golden Rule Signs
Jurisdiction	Louisville Metro
Council District	24 – Madonna Flood
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

WAIVER to permit a changing image sign to exceed the maximum limit of 30% of the total sign area (LDC 8.2.1.D.4.)

WAIVER to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (LDC 8.2.1.D.6.)

CASE SUMMARY / BACKGROUND

The applicant proposes to install a freestanding changing-image sign at the location of an existing externally-illuminated freestanding sign along the Shepherdsville Road property frontage. The permitted size for a freestanding sign on an arterial roadway in a Neighborhood form district is 80 sq ft in area and 10 ft in height; the proposed sign is 29.3 sq ft in area and 9 ft in height (Attachment 3).

The applicant is requesting a waiver to permit the changing image portion of the proposed sign to exceed the maximum of 30% of the total area (8.8 sq ft). The changing image portion of the proposed sign is 51% of the total area (14.6 sq ft).

The applicant is also requesting a waiver of the LDC regulation regarding proximity of a changing-image sign to residentially zoned properties. Changing-image signs are only permitted when a property within 300 feet of the sign (1) is used for a non-residential purpose or (2) when the sign itself is not visible from it (LDC 8.2.1.D.6.).

All properties adjacent to the Shepherdsville Road sign are zoned either R-4 Single-Family Residential or R-5A Multi-Family Residential. There are 11 properties fully or partially within 300 ft of the proposed sign and five existing single-family residential structures fully within it (Attachment 4). The proposed sign would be visible from all the existing single-family residences. Two are approximately 130 ft from the proposed sign; a third is approximately 150 ft away.

The Louisville Metro Department of Public Works has agreed to issue a license agreement permitting the proposed location within the right-of-way provided that the subject waiver requests are approved.

STAFF FINDINGS

Staff does not support either of the requested waivers of LDC 8.2.1.D.4. and LDC 8.2.1.D.6. Neither site conditions nor existing development in the vicinity of the proposed sign justify the applicant's proposal, and the applicant's justification statement does not provide any further information to support the requests.

Based upon the information in the staff report, the applicant's written justification statement and the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the requested waiver is justified.

TECHNICAL REVIEW

The Louisville Metro Department of Public Works has agreed to issue a license agreement permitting the proposed location within the right-of-way provided that the subject waiver request is approved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 8.2.1.D.4. regarding the size of the changing image portion of the proposed sign

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

STAFF: The waiver will adversely affect adjacent property owners in that the large changing-image portion of the sign decreases the sign's overall compatibility with adjoining residential properties and existing residences.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver violates guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

- (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 not the minimum necessary to afford relief to the applicant as the applicant could install a sign in which the changing image portion meets requirements.

- (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 applicant has not incorporated design measures exceeding the minimum requirements. The strict application of the provisions of the regulation would not deprive the

applicant of the reasonable use of the land or create an unnecessary hardship in that a sign of the same dimensions but with a smaller changing image area could be installed.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 8.2.1.D.6.

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

STAFF: The waiver will adversely affect adjacent property owners in that it will enable to the changing-image sign to project light onto adjoining residential properties and to existing residences on a 24-hour basis. Three residences are half the required distance or less from the proposed sign.

(b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver violates guidelines of Plan 2040, which requires that: appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

(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 not the minimum necessary to afford relief to the applicant as the applicant could install a sign which did not include a changing image.

(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 applicant has not incorporated design measures exceeding the minimum requirements. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship in that a sign of the same dimensions but without a changing image area could be installed.

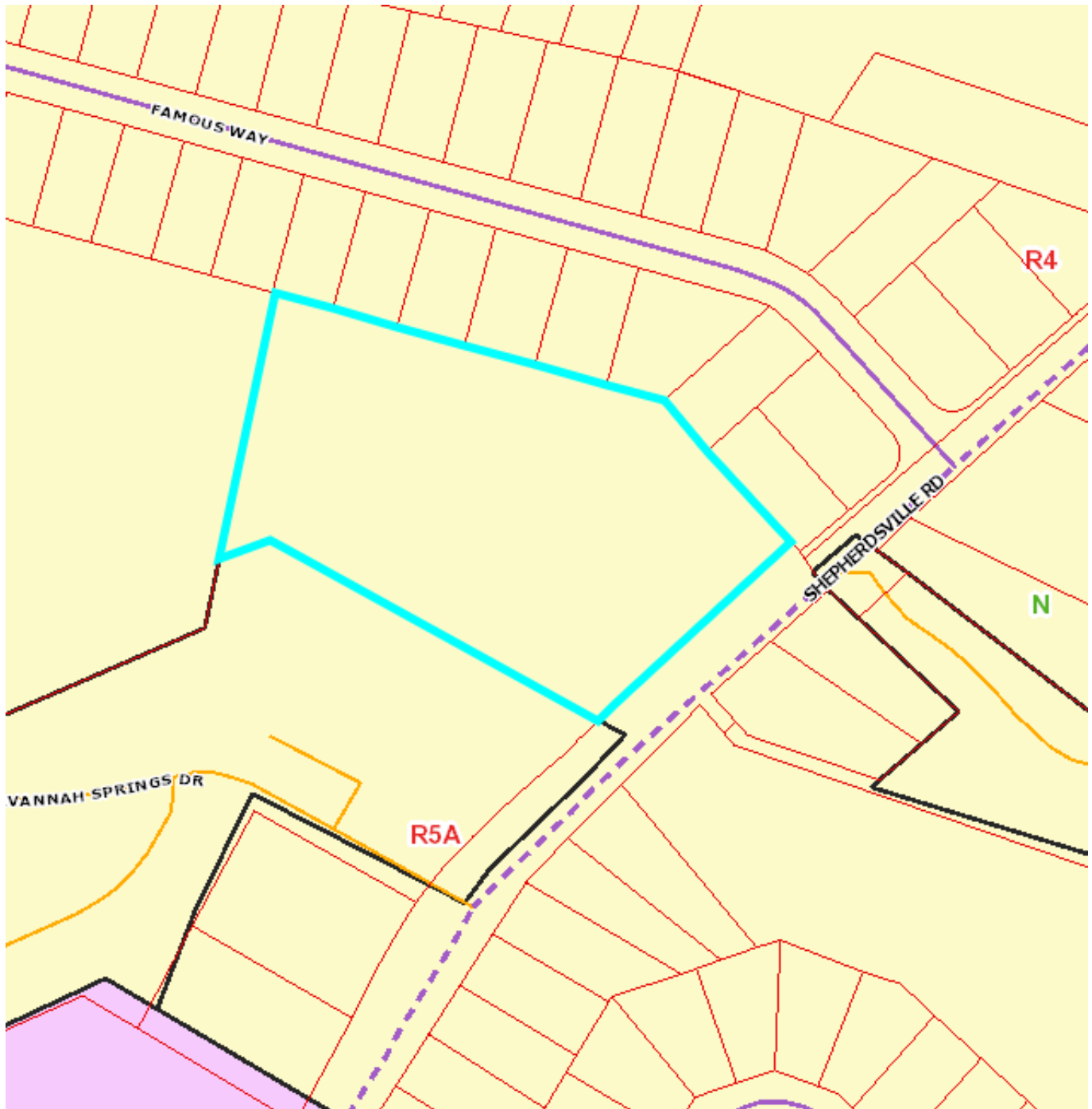
NOTIFICATIONS

Date	Purpose of Notice	Recipients
9/5/2019	DRC Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 24

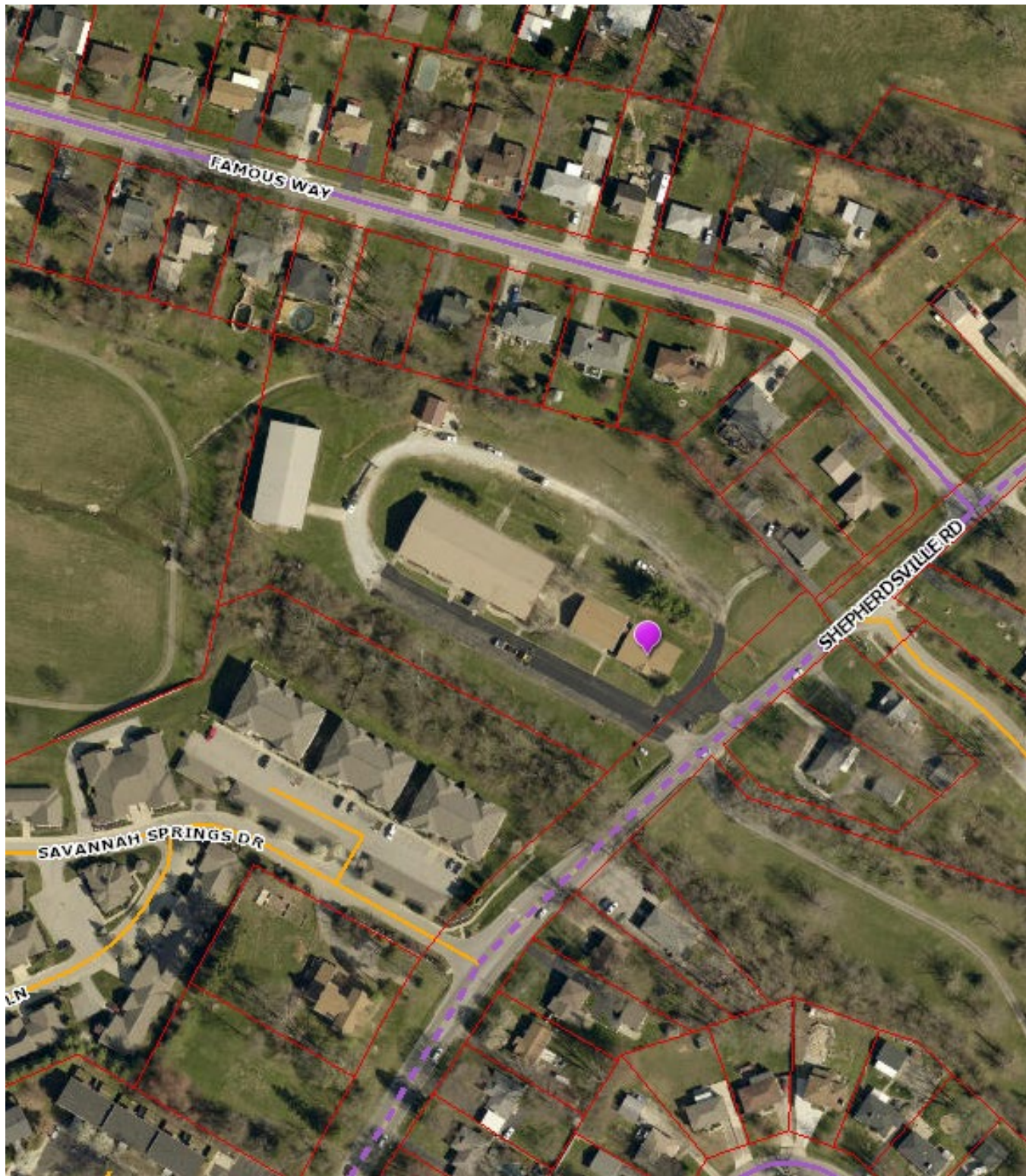
ATTACHMENTS

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Proposed Sign
- 4. Proximity Map (300 feet)

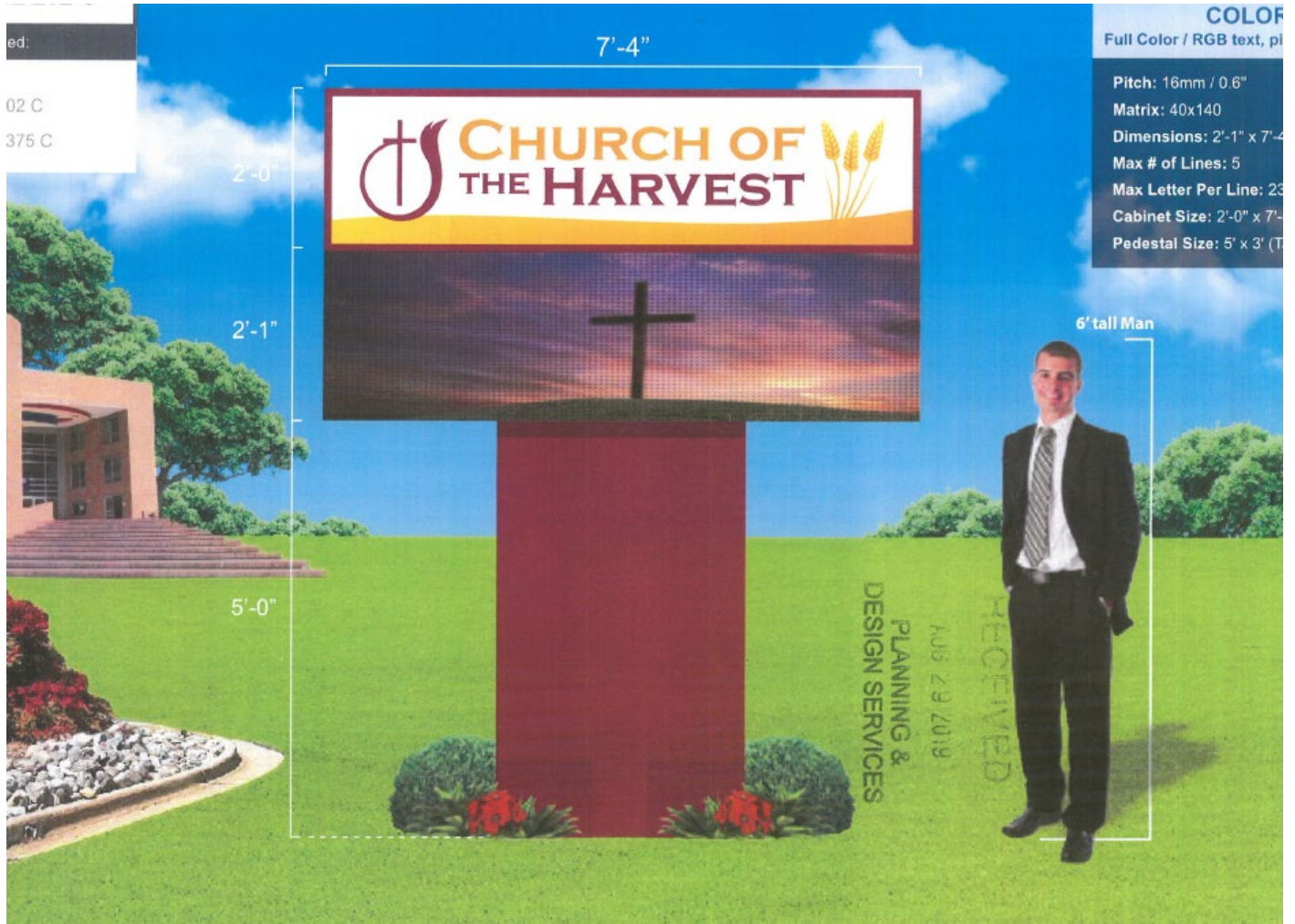
1. Zoning Map



2. Aerial Photograph



3. Proposed Sign



4. Proximity Map (300 feet)

