

# Development Review Committee

## Staff Report

November 4, 2015



<b>Case No:</b>	15Waiver1031
<b>Project Name:</b>	Walmart
<b>Location:</b>	3706 Diann Marie Road
<b>Owner:</b>	Walmart Real Estate Business Trust
<b>Applicant:</b>	Harrison French & Associates, Ltd.
<b>Representative:</b>	Harrison French & Associates, Ltd.
<b>Project Area/Size:</b>	18.09 ac.
<b>Existing Zoning District:</b>	C-1, Commercial
<b>Existing Form District:</b>	RC, Regional Center
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

### REQUEST

Waiver of Chapter 8.3, Table 8.3.2 of the Land Development Code (LDC) to allow more than 3 signs per façade.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is plan certain under docket 9-86-88 and is located adjacent to Westport Road between Chamberlain Lane and the Gene Snyder Freeway

Walmart is remodeling the exterior of the building, which will include replacing the existing attached signage with new attached signage. 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, Walmart would like to have 1 more attached sign than allowed on the front façade.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Retail	C-1	RC
<b>Proposed</b>	Retail	C-1	RC
<b>Surrounding Properties</b>			
<b>North</b>	Fast food restaurant/ Retail/Multi-family Residential/Office	C-1, C-2/ R-6	RC/N
<b>South</b>	Industrial/warehouse	PEC	SW
<b>East</b>	Fast food restaurant/ Retail/ Gas Station	C-1/C-2	RC
<b>West</b>	Hotel/Office	C-1	RC

## PREVIOUS CASES ON SITE

- 9-86-88:** Approval of a change in zoning from R-4 Single-Family Residential to R-7 Multi-Family, OR-3 Office Residential, and C-1 and C-2 Commercial/ Hotel /Retail on parcels containing 60.11 acres, having a related subdivision request, Docket 10-48-88.

## 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 A WAIVER of Chapter 8.3, Table 8.3.2 of the LDC to allow more than 3 signs per façade:

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed signage reduces the existing signage in size.

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

STAFF: The waiver would not violate specific guidelines of Cornerstone 2020 since the proposed signage is very similar to the existing signage.

- (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 since 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 since the proposed signage is very similar to the existing signage; and is necessary to identify the location of services offered within the building.

## TECHNICAL REVIEW

There are no technical review issues.

## STAFF CONCLUSIONS

The proposed waiver appears 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 waiver.

### REQUIRED ACTION

- **APPROVE** or **DENY** the waiver.

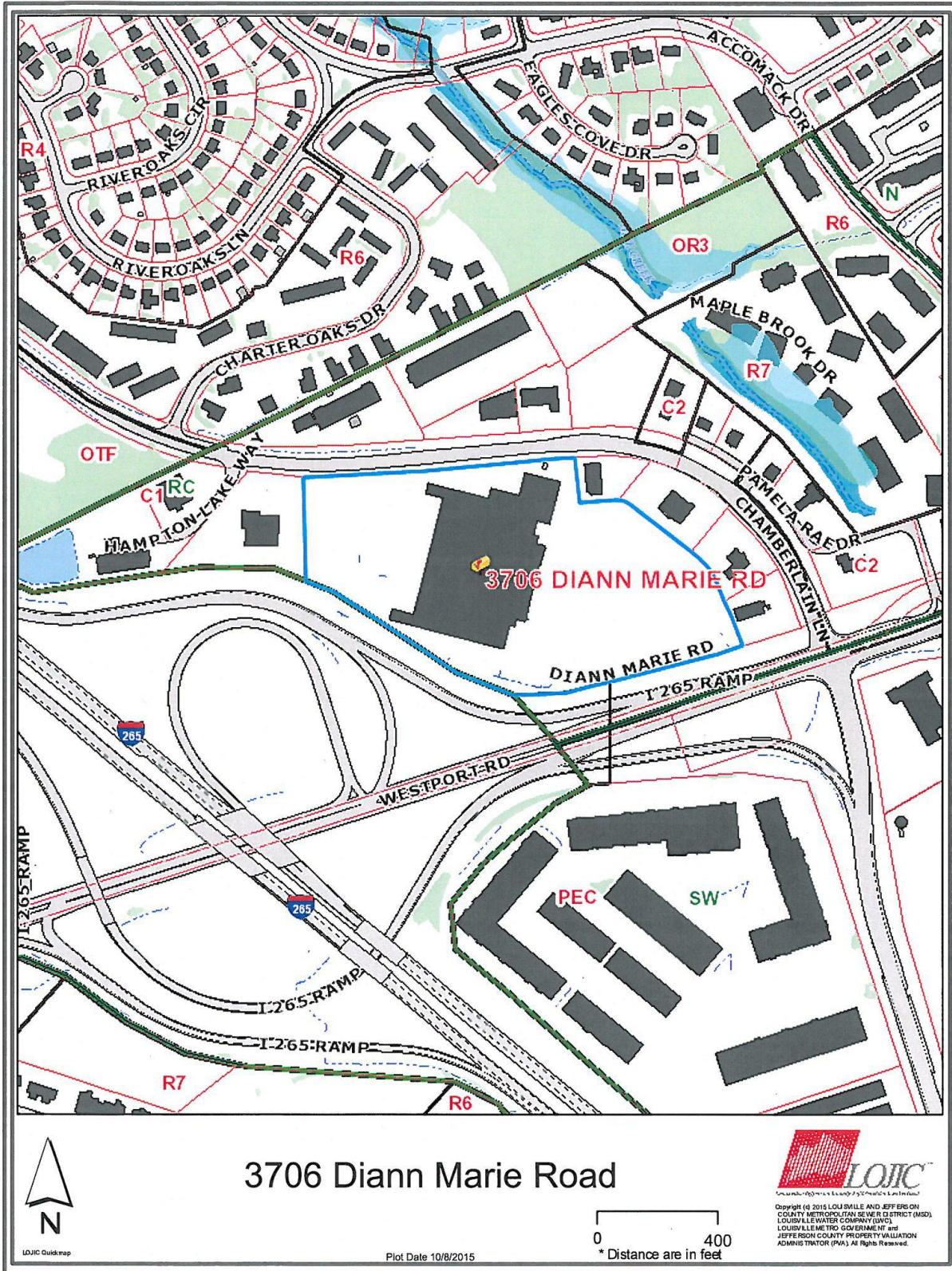
### NOTIFICATION

Date	Purpose of Notice	Recipients
10/19/2015	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners
10/16/2015	Hearing before DRC	Registered neighborhood groups

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Elevations
4. Photographs
5. Applicant's Justification

Attachment 1: Zoning Map



3706 Diann Marie Road



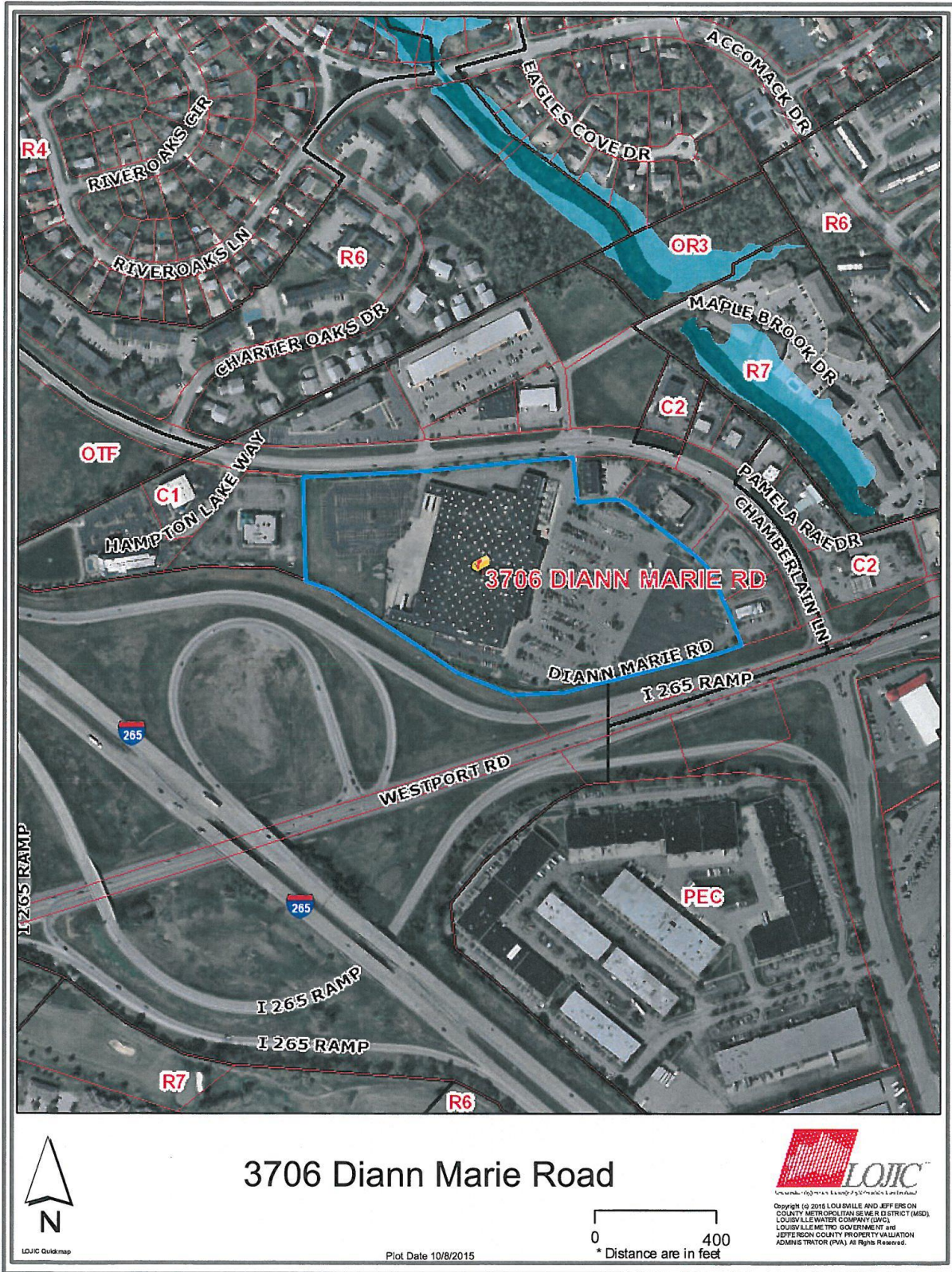
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0 400  
\* Distance are in feet

Plot Date 10/8/2015



Attachment 2: Aerial Map







Attachment 4: Photographs







## Attachment 5: Applicant's Justification

### General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

The additional signs on the store will not adversely affect the adjacent property owners. The additional signage should increase public safety by allowing the public to identify which side of the store they need to enter or drive around for their desired service; therefore, limiting the time spent in the parking lot. There will be no flashing lights or light pollution onto neighboring properties. The additional signs do not advertise in a way that would potentially avert a customer from a neighboring retail facility.

**2. Will the waiver violate the Comprehensive Plan?**

To our knowledge the waiver will not violate the Comprehensive Plan. The use of more than 3 signs on our façade should not impare the character of the area. The signs used will be simple channel letter signs that assist in patron safety in the parking lot and do not detract from the character of the neighborhood. The signage will "be compatible with the scale, rhythm, form and function of existing development as well as with the pattern of uses."

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

The additional signage requested is only due to the overall size of the building which cause the need for multiple entrances. Signage is not being requested that is not necessary for patron use while navigating the parking lot.

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**4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

b) The hardship created by following the provision requiring a maximum of 3 signs per façade would not necessarily create a hardship for the applicant, but it would create a hardship for the patrons of the store in regards to ease of use and traffic facilitation.

15WAIVER1031