

**Development Review Committee
Staff Report
November 2, 2016**



Case No:	16WAIVER1018
Project Name:	Papa John's LED Sign
Location:	5709 Bardstown Rdoad
Owner:	Dolt Capital LTD
Applicant:	Scott Roalofs, Papa John's Pizza
Representative:	Scott Roalofs
Project Area/Size:	2.3 acre parcel
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Waiver** of the Land Development Code, section 8.2.1.D, to allow placement of LED signage within 300 feet of a residentially-zoned property which is used residentially.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant requests to replace the reader board beneath the business identification component of an existing sign with an LED electronic message center. The sign is approximately 250' from the nearest property which is zoned for residential use and being used as a single-family residence.

The sign is located in the Suburban Marketplace Corridor form district along Bardstown Road, which is classed as a major arterial street and which has more than 4 lanes at this location. The sign is permitted by the Land Development Code Table 8.3.2 to be 100 square feet in area and 24' overall height from grade. The proposed alteration to the sign will meet all requirements as to overall height, area, rate of change, percentage of overall area used as a changing image sign, and automatic dimming.

The Land Development Code section 8.2.1.D.6 *Sign Illumination and Movement* states that changing image signs "shall not be closer than 300 feet to a residentially zoned district unless the residentially zoned property is used for a non-residential purpose (e.g. church or school) or the changing image sign is not visible to the residentially zoned property."

Fourteen parcels fall partially or fully within 300 feet of the proposed sign. Of these fourteen, two are zoned partially or fully R-4 Single Family Residential and are being used residentially. These properties are located at 8808 and 8809 Fairground Road. The property at 8808 Fairground Road is entirely blocked from view of the sign by buildings. The property at 8809 Fairground Road is mostly blocked from view of the sign by buildings, with a small portion of the yard having a view of the sign. (Attachment 3)

LAND USE/ZONING DISTRICT/FORM DISTRICT

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial	C-1	Suburban Marketplace Corridor
Proposed	Commercial	C-1	Suburban Marketplace Corridor
Surrounding Properties			
North	Residential	OR, R-4	Suburban Marketplace Corridor
South	Commercial	C-2, OR-1	Suburban Marketplace Corridor
East	Commercial	C-1	Suburban Marketplace Corridor
West	Commercial	C-2	Suburban Marketplace Corridor

PREVIOUS CASES ON SITE

None.

INTERESTED PARTY COMMENTS

No interested party comments were received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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

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

STAFF: The waiver will not adversely affect adjacent property owners as the majority of the properties within a 300-foot radius of the sign are not residential in nature. With respect to residential uses, the sign is only substantially visible to a small part of a single residential property.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as *Cornerstone 2020* describes the Suburban Marketplace Corridor Form as generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mix of medium to high intensity uses. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts.

Guideline 3. Compatibility requires land uses and transportation facilities to be compatible with nearby land uses and to minimize impacts to residential areas. *Guideline 3.A.28.Signs* requires

signs to be compatible with the form district pattern and contribute to the visual quality of their surroundings, and to be of a size and height adequate for effective communication and conducive to motor vehicle safety. These guidelines are not violated because the sign is compatible with a major arterial road and is a substantial distance from the only affected residential property in an adjacent 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 applicant is proposing to replace the reader board on an existing sign with an LED electronic message center. No other changes to the sign are proposed.

- (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 the land or would create an unnecessary hardship on the applicant by preventing the applicant from changing the message on the sign electronically. Currently an employee must manually change the lettering on the sign.

TECHNICAL REVIEW

None.

STAFF CONCLUSIONS

The requested waiver appears to be adequately justified due to the circumstances of the existing sign and the surrounding parcels.

Based upon the information in the staff report and testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets standards established in the Land Development Code for granting an LDC Waiver.

REQUIRED ACTIONS

APPROVAL or DENIAL of the Waiver of Section 8.2.1.D to allow a changing image sign within 300 feet of a residentially zoned property being used residentially.

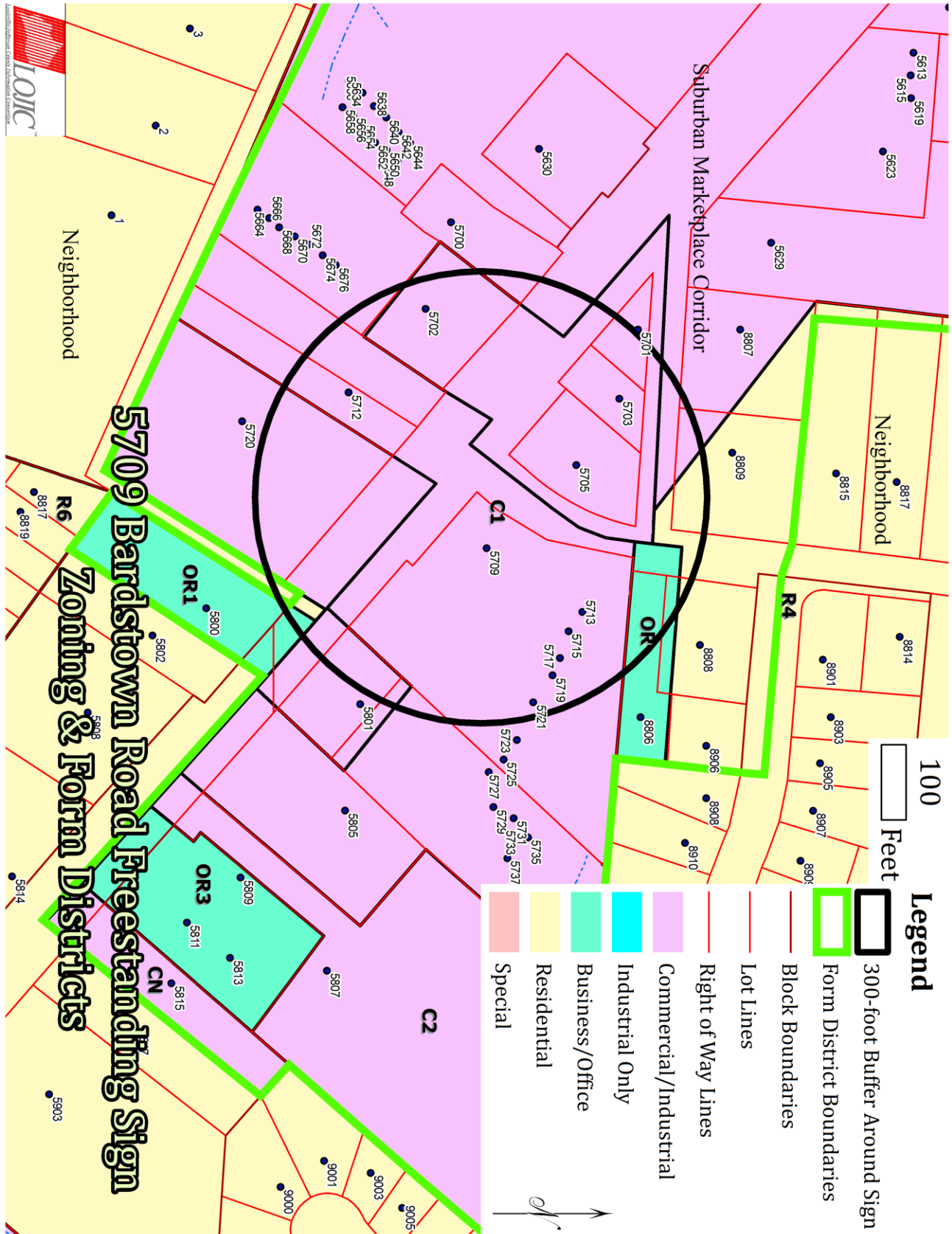
NOTIFICATION

Date	Purpose of Notice	Recipients
10/18/2016	Public Hearing - DRC	Neighborhood notification recipients
10/19/2016	Public Hearing - DRC	1 st tier adjoining property owners

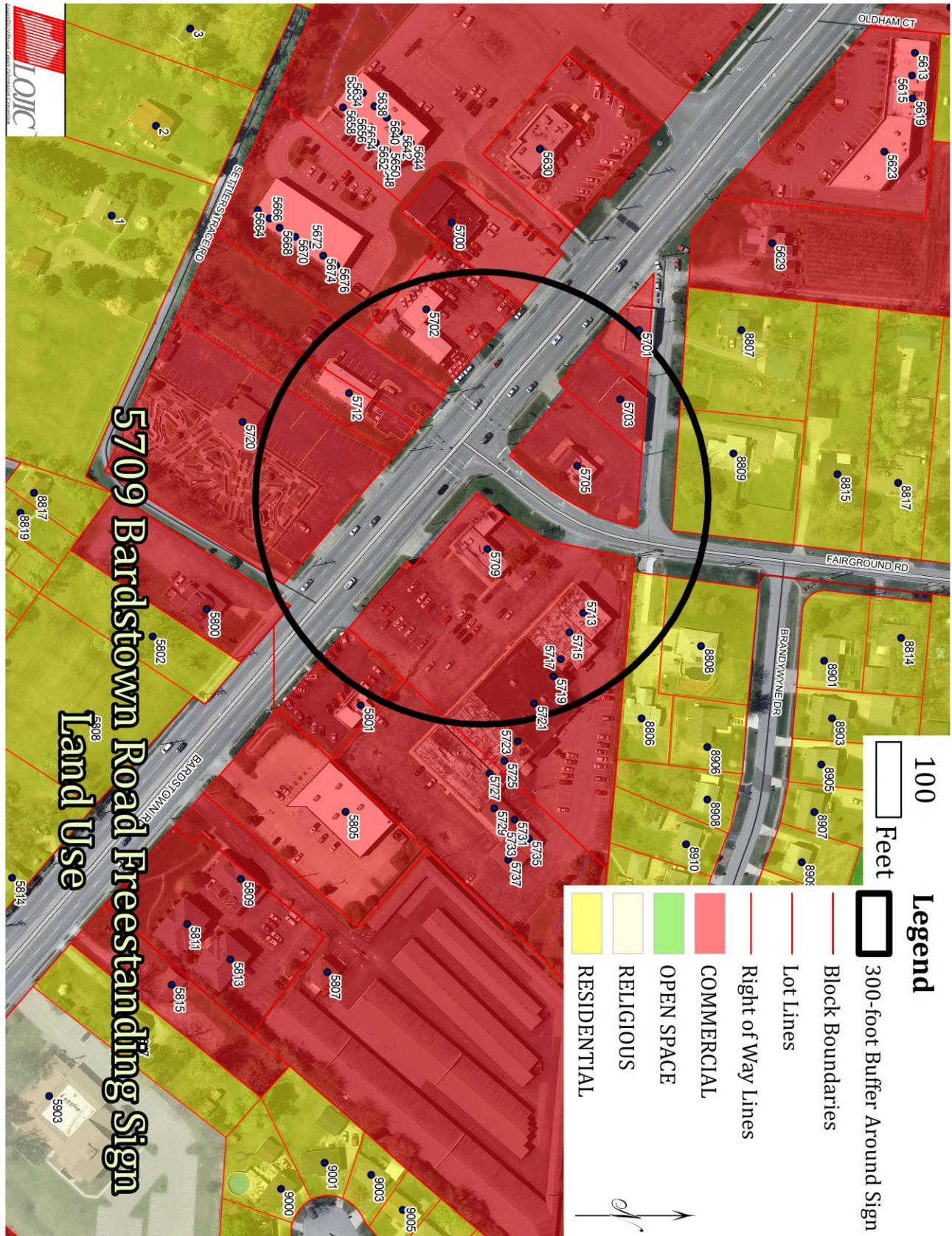
ATTACHMENTS

1. Zoning Map
2. Land Use
3. Aerial view and affected neighboring properties
4. Mock-up of sign on site (as submitted by applicant)

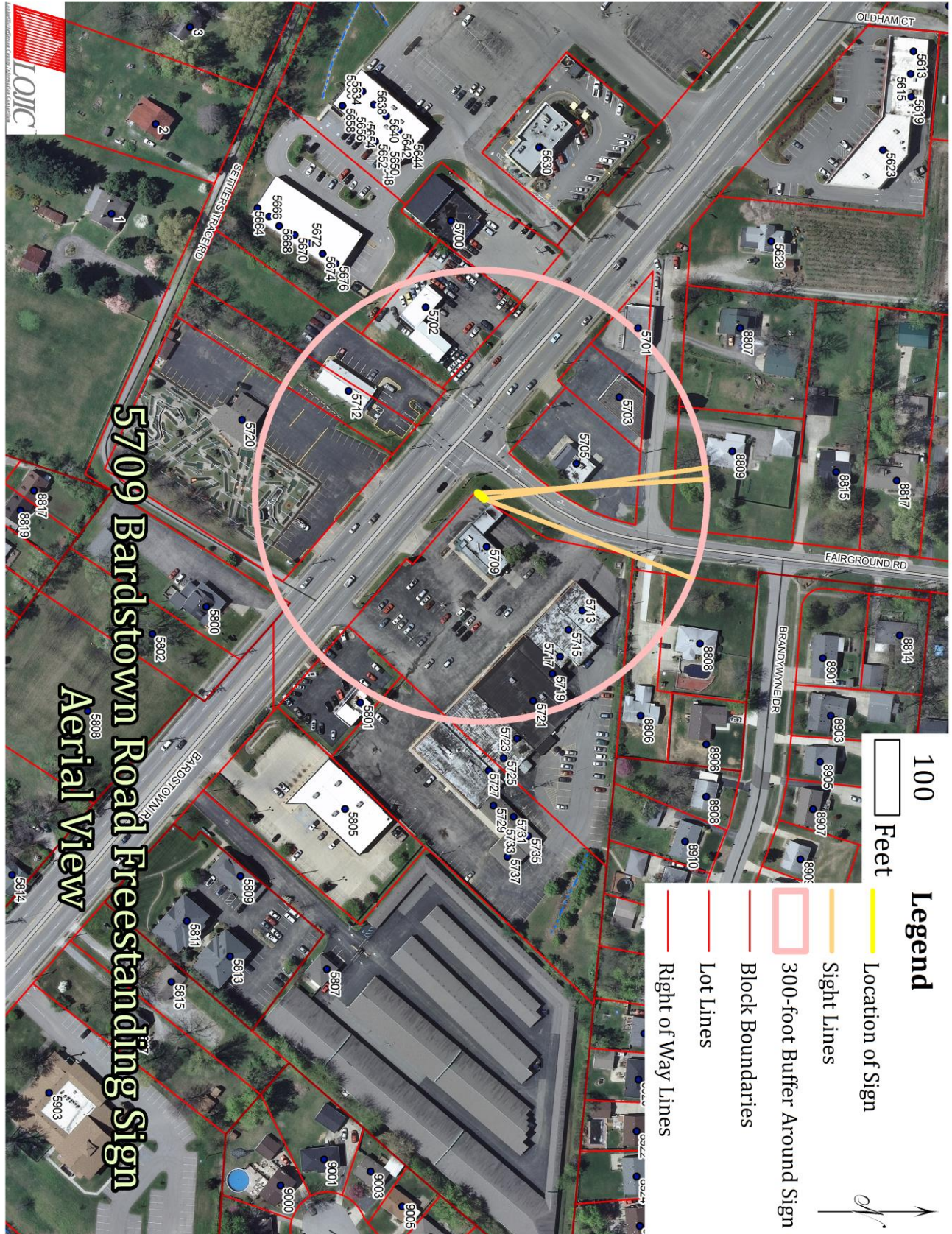
1. Zoning Map



2. Land Use



3.

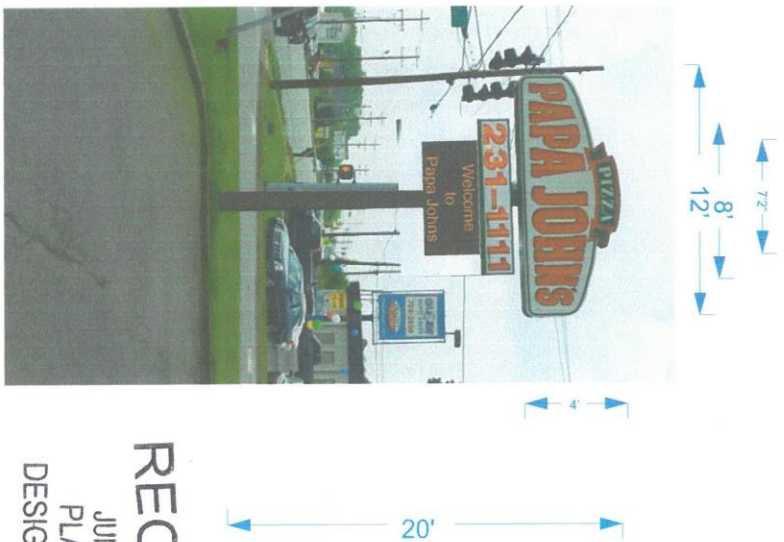


4. Mock-up of sign on site (as submitted by applicant)



Before

Papa Johns Sign - 4' x 12' = 48 sq. ft.
 "231-1111" & readerboard = 6'8" = 48 sq. ft.
 Space - 8" x 8' = 5.33 sq. ft.
 TOTAL - 101.3 sq. ft.



After

Papa Johns Sign - 4' x 12' = 48 sq. ft.
 Space - 8" x 8' = 5.33 sq. ft.
 "231-1111" = 2' x 8' = 16 sq. ft.
 Changing Image sign - 35" x 86" = 20.9 sq. ft.
 TOTAL - 90.2 sq. ft.

Currently allowed 100 sq. ft. @24' overall height

RECEIVED
 JUN 23 2013
 PLANNING &
 DESIGN SERVICES

16 WAIVER 1018