

# Board of Zoning Adjustment Staff Report

December 19, 2016



<b>Case No:</b>	16WAIVER1053
<b>Project Name:</b>	JD Nichols Campus Sign
<b>Location:</b>	301 E. Jefferson Street
<b>Owners:</b>	NTS Realty Holdings LP
<b>Applicant:</b>	DeNyse Companies
<b>Existing Zoning District:</b>	C-3
<b>Existing Form District:</b>	Downtown
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Brian Davis, AICP, Planning Manager

## REQUEST

- **Exceptional Signage Review** for authorization of proposed freestanding signage.

## CASE SUMMARY

The applicant proposes a freestanding monument style sign at the corner of S. Floyd Street and E. Jefferson Street. The proposed sign measures 6 feet tall by 5 feet 11 inches wide (approximately 36 square feet). The one sided sign will face the intersection of S. Floyd Street and E. Jefferson Street, and a rendering provided by the applicant shows landscaping around the sign to provide a signature entrance effect. The sign will not be illuminated.

Section 8.3.3.B.10.c.i. states "Freestanding signs shall be limited to small freestanding on-premises signs, directory signs (as permitted below) and incidental signs. Freestanding signs shall only be permitted within the storefront zone (see Section 5.8.1) of the sidewalk, subject to the licensing requirements established by the Director of Works, or a directory sign that is part of a public plaza, public park or other public open space designed in conjunction with structure(s). A directory sign shall not exceed 30 square feet for each sign face and six feet in height."

The form district in which this site is located does not specifically prohibit or permit freestanding signage; therefore, the Board of Zoning Adjustment (BOZA) is authorized under the Louisville Metro Land Development Code (LDC), Section 8.4.1 to authorize exceptional signs that do not meet definitions for sign types permitted by the sign regulations. The provisions of this section authorize a "Sign Review Board" to make a recommendation to the BOZA or Planning Commission (PC) concerning the appropriateness of exceptional signage. In the absence of such a committee, these cases are forwarded directly to the appropriate committee overseeing waivers (PC) or variances (BOZA). In this case, the applicable section of the code - LDC 8.4.1.D.3 - gives discretion to the BOZA, but requires notice and standard of review to be conducted as though this case was a waiver. The LDC states, "Sign Authorization Reviews shall use the same set of design guidelines as listed under the Waiver Reviews. Emphasis in sign authorizations shall be on the innovative design of signage and its potential impact on the property it relates to, surrounding properties and to the street or public realm."

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant/Parking	C-3	Downtown
<b>Proposed</b>	Office/Parking	C-3	Downtown
<b>Surrounding Properties</b>			
<b>North</b>	Office	C-3	Downtown
<b>South</b>	ROW	N/A	Downtown
<b>East</b>	Office	C-3	Downtown
<b>West</b>	Office	C-3	Downtown

**PREVIOUS AND ASSOCIATED CASES ON SITE**

16DDRO1020: The Downtown Development Review Overlay Committee approved the design of the proposed sign on November 30, 2016.

**INTERESTED PARTY COMMENTS**

Staff has not received any formal inquiries or interested party comments at this time.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The sign authorization will not adversely affect adjacent property owners as the proposed signage will not be visible from single-family residential dwellings and will be located in an area of mixed institutional, office, and commercial uses.

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

STAFF: The location and design of the proposed freestanding monument sign appears to be in conformance with Guideline 2, Policy 12 (Focal Points) as well as Guideline 3, Policy 9 (Visual Impacts) and Policy 28 (Signs). The sign authorization will not violate specific guidelines of Cornerstone 2020 as the proposed signage is not visible from single-family residential dwellings and is surrounded by a mixture of compatible uses. The proposed signage appears to be compatible with the character of the surrounding area.

(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 LDC fails to regulate this type of signage in the Downtown form district.

(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 incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by designing the entire development space, nearly two whole city blocks, to have a campus like feel similar to the “medical campus” portion of the downtown area. The area is not constructed like other areas within the Downtown form district and this type of sign does not seem out of character with the proposed development.

### TECHNICAL REVIEW

The Board of Zoning Adjustment (BOZA) is authorized under the Louisville Metro Land Development Code (LDC), Section 8.4.1 to authorize exceptional signs that do not meet definitions for sign types permitted by the sign regulations

### STAFF CONCLUSIONS

The sign authorization for exceptional signage appears to be adequately justified and meets the standard of review 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 Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for authorizing the proposed sign.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the authorization of exceptional signage for a freestanding monument style sign.

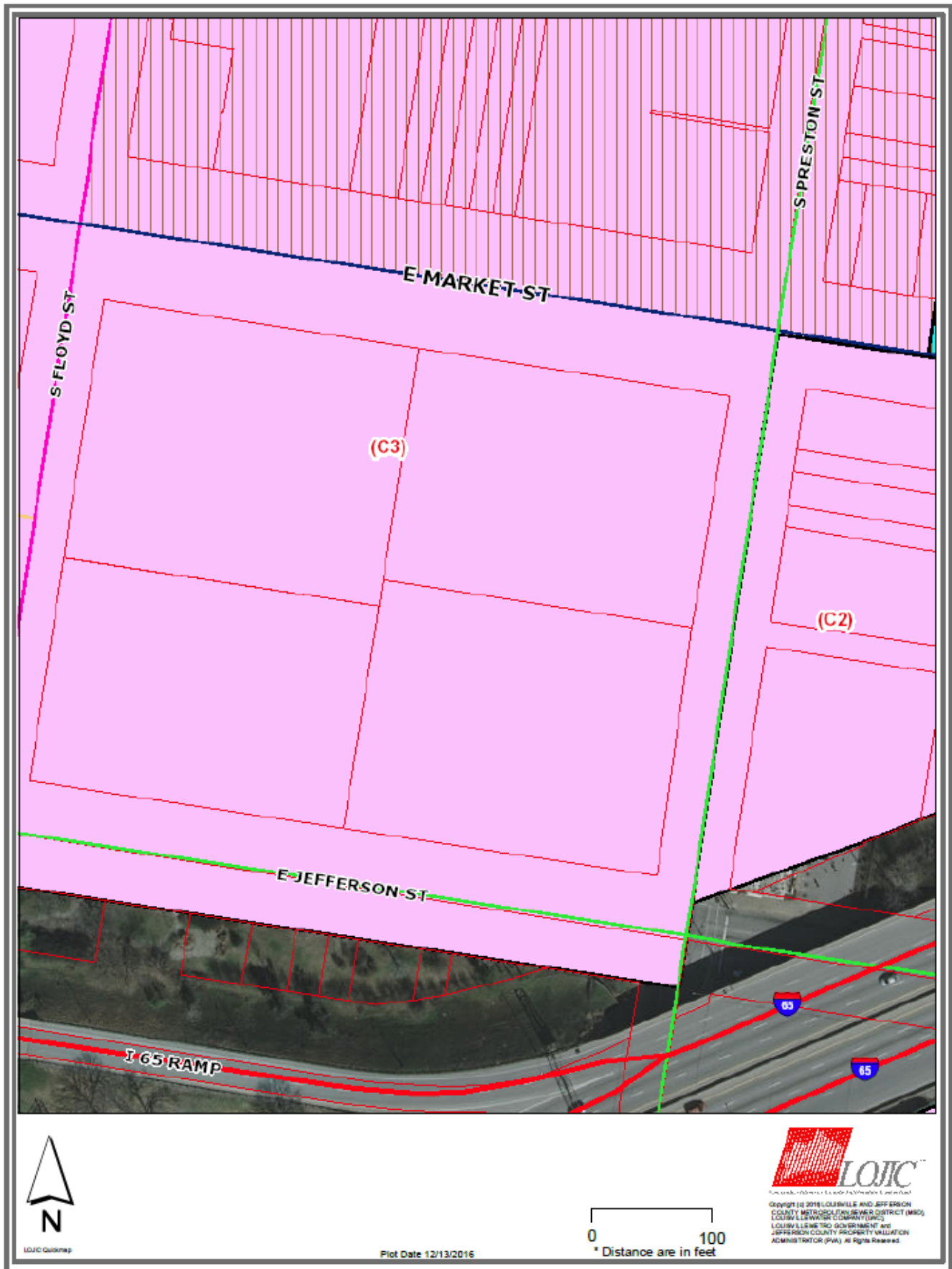
### NOTIFICATION

Date	Purpose of Notice	Recipients
12/2/2016	BOZA	Adjoining property owners, applicant, & owner. Registered users of Council District 4

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

