

Development Review Committee Staff Report

June 4, 2014



Case No:	14WAIVER1019
Request:	Sign Waiver
Project Name:	St. Agnes Parish School
Location:	1800 Newburg Road
Owner:	Roman Catholic Bishop of Louisville d.b.a. St. Agnes Parish
Applicant:	same as owner
Representative:	Kent Gootee, Mindel Scott & Associates
Jurisdiction:	Louisville
Council District:	8 – Tom Owen 10 – Jim king
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

- Waiver from Chapter 8.2.1.D.6 of the Land Development Code to allow a changing image sign to be located less than 300 feet from a residential use.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to install a changing image sign in front of the existing St. Agnes Parish School located on Newburg Road. The sign will be located in front of the school at the signalized Speed Avenue intersection across from the existing commercial zoned properties. The closest residential uses are 120 and 210 feet from the proposed sign.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Calvary Cemetery & St. Agnes Parish School	R-1, R-7, R-5	N
Proposed	Calvary Cemetery & St. Agnes Parish School Restaurant	R-1, R-7, R-5	N
<i>Surrounding Properties</i>			
North	Commercial, Multi-family	C-1, R-7	N
South	Parking lot, Church	R-5	N
East	Restaurant, Residential	C-1, R-5	N
West	Cemetery, School	R-1, R-5	N

PREVIOUS CASES ON SITE

- 10268: Modification to the Conditional Use Permit (CUP) for Calvary Cemetery.
 17823: Modification to the CUP to permit a 4000sf addition to the Calvary Cemetery Facilities.

INTERESTED PARTY COMMENTS

A neighbor has voiced a concern about the sign having a changing image. The area is already very congested with traffic, which at times is traveling way to fast. The added distraction of a changing image sign will only contribute to additional accidents because motorist will be looking at the sign and not see cars stopped at the light or pedestrians crossing the street. Also there is a reason for the requirement, for this kind of sign, to be located a minimum of 300 feet from a residential use, it is a nuisance. The sign will be on 24 hours a day which includes through-out the entire night, therefore disturbing the residences while they are trying to sleep. She is not in favor of the waiver being granted.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will adversely affect adjacent property owners; and

STAFF: The waiver will adversely affect adjacent property owners; since the changing image will be lite during the entire night which creates a nuisance for neighbors who are trying to sleep; and the changing image creates a distraction to motorist which can result in accidents and damage to property.

- (b) The waiver will violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 since it will impact and effect traffic; will adversely impact the neighborhood by creating a nuisance light during the night hours; is not compatible with the existing signage in the area; contributes to the visual cutter; and will be a distraction and possible danger to the pedestrian and vehicle traffic.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: A changing image sign at this location is not the only signage option available to the applicant. If the applicant is proposing signage at this location there are other option which will met the regulations.

- (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 regulation would not deprive the applicant of a reasonable use of the land or would not create an unnecessary hardship on the applicant. The applicant could install signage which will meet the regulation and not impact the vehicle traffic and surrounding residential properties and uses.

TECHNICAL REVIEW

None

STAFF CONCLUSIONS

The standards of review for the requested waivers have not been met. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a LDC Waiver and Landscape as established in the Land Development Code.

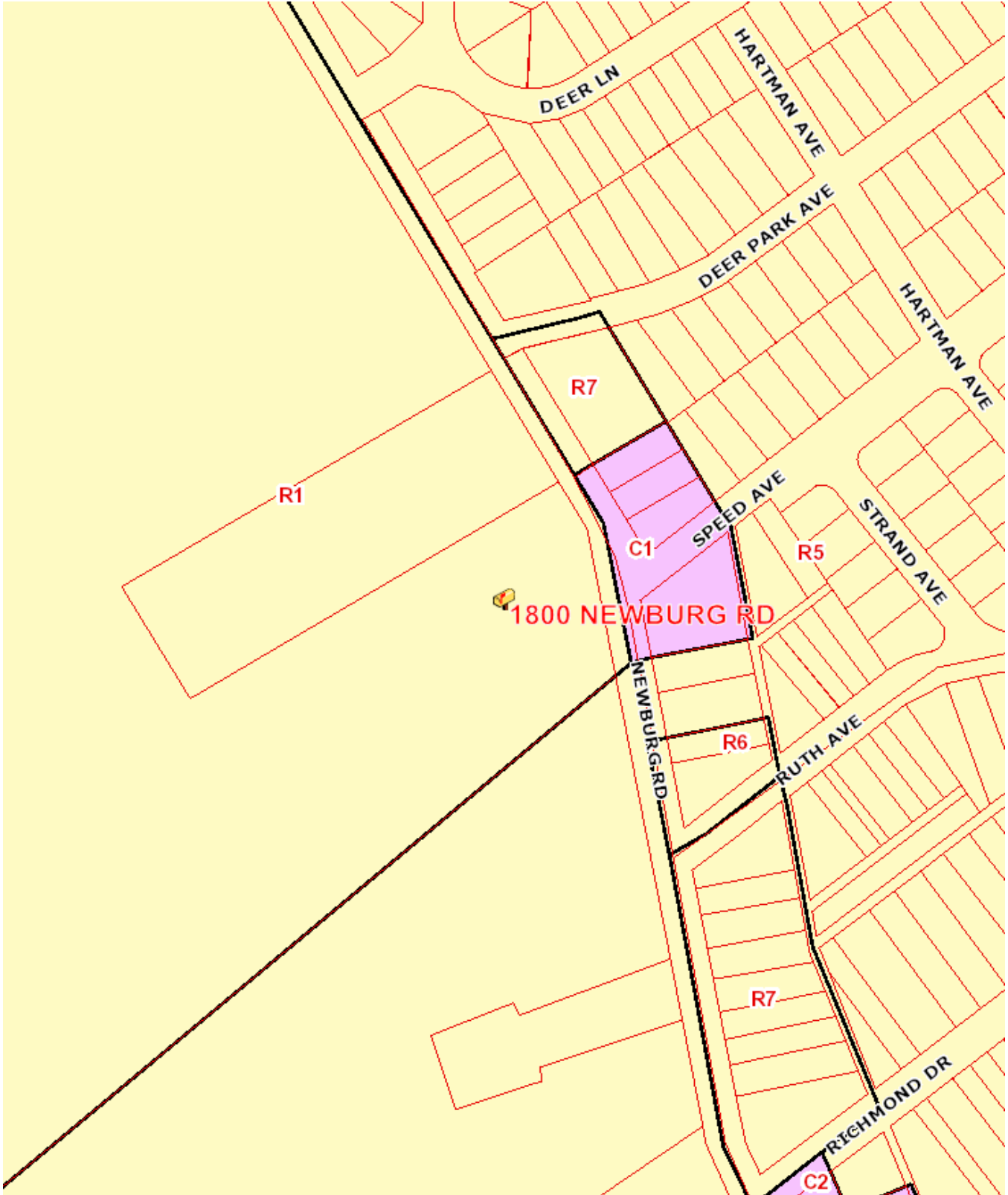
NOTIFICATION

Date	Purpose of Notice	Recipients
05/16/14	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 8 and 10 Notification of Development Proposals

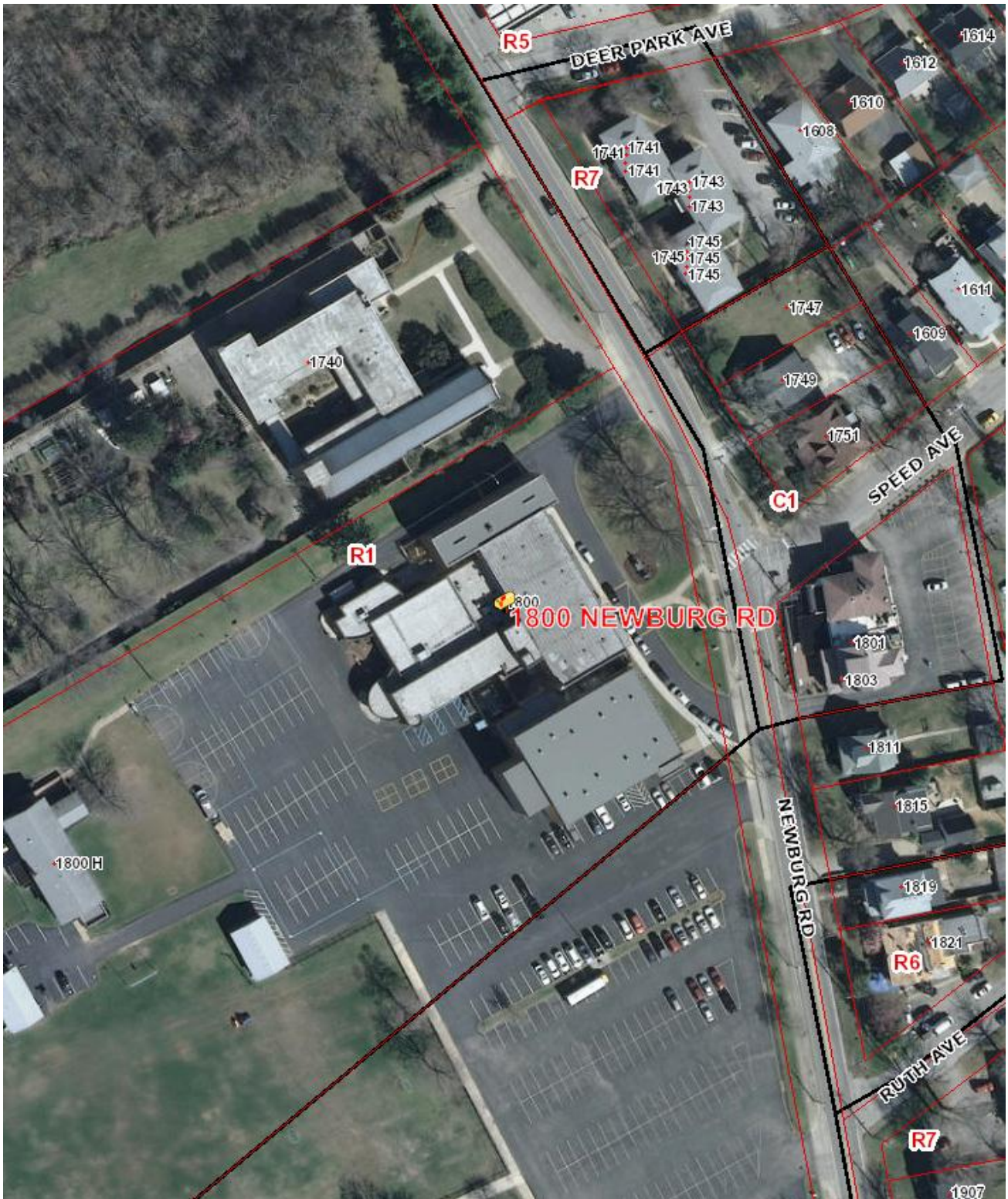
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Applicant's Justification Statement

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Finding	Comments
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Changing Sign Waiver

15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	-	The motorist will be distracted by the changing image sign which can lead to accidents and property damage.
16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	-	The proposed sign is changing image which will be lite 24 hours a day including all night creating impact to adjacent residential properties.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	-	The proposed changing image sign does not mitigate the impact, but instead will create more incompatibility between the residential properties and the school.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	-	There are no other changing image signs in this area. The changing image sign will be a distraction and danger in an already congested area.

Attachment 4: Applicant's Justification Statement

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 Waiver will not adversely affect the adjacent property owners since the location of the proposed signage will be placed at a signalized intersection of a Minor Arterial and Local Roadways, across the street from commercial zoned properties and roughly equidistance point from the surrounding residential zoned properties.

2. Will the waiver violate the Comprehensive Plan?

The Waiver will not violate the specific guidelines of Cornerstone 2020 since the signage is compatible with the required monument style of the form district and follows the pattern public and parochial school signage in the community.

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

The sign is located along the inside radius of the Newburg Road R/W to minimize views from the closest residential properties (200' and 120' to the property lines and 210' and 155' to the structures).

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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?

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant by not allowing placement of the changing image signage on the property would prohibit the school from keeping up with current trend in signage for student recruitment and community messages.