

Development Review Committee Staff Report

November 2, 2016



Case No:	16WAIVER1040
Project Name:	Wal-Mart Signage
Location:	7101 Cedar Springs Blvd
Owner:	Kelly E. Will, Will Realty, LLC
Applicant:	Peter Clement, Wal-Mart Real Estate Business Trust
Representative:	Richard M. Hopgood, Wyatt Tarrant & Combs, LLC
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Waiver of 8.3.3.A.1 of the Land Development Code (LDC) to allow more than three attached signs on a primary façade.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is approximately 25 acres in size and located just northwest of the Bardstown Road/I-265 exchange in the Fern Creek area. The existing Wal-Mart is proposing one new attached sign on the primary façade, bringing the total number of signs on the primary façade to four, exceeding the maximum number set in the Land Development Code, Chapter 8, Part 3. The existing signs include the Wal-Mart sign, a Home & Pharmacy sign, and a Market sign. The new sign is a “Pickup” sign on the north end of the building and includes the Wal-Mart signature “spark”. The total square footage of the signage is under the maximum square footage allowed.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Retail	C-2	TC
Proposed	Retail	C-2	TC
<i>Surrounding Properties</i>			
North	Restaurant, Retail	C-1	TC
South	Interstate	NA	NA
East	Restaurant, Auto Repair	C-1	TC
West	Open Space	R-4	N

PREVIOUS CASES ON SITE

- 10-35-87: Major Preliminary Subdivision Plan for Stone Ledge Farm Section 4.
- 9-75-00: Change in zoning from R-4, Single Family Residential, R-7 Multi-Family Residential, OTF Office Tourist Facility and C-1 Commercial to C-2, Commercial.

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 WAIVER of 8.3.3.1.A of the LDC to allow more than 3 signs per façade:

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

STAFF: The waiver will not adversely affect adjacent property owners as the property is located in a commercial center and the façade faces other businesses.

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

STAFF: Guideline 3, policy 28 calls for signs that are compatible with the form district pattern and contribute to the visual quality of their surroundings. The waiver will not violate the comprehensive plan as the proposed signage is similar to the existing signage and is consistent to the type of signage seen in this mixed commercial center.

(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 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 as the proposed signage is similar to proposals of other large retail stores of this type; 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 of 8.3.3.A.1

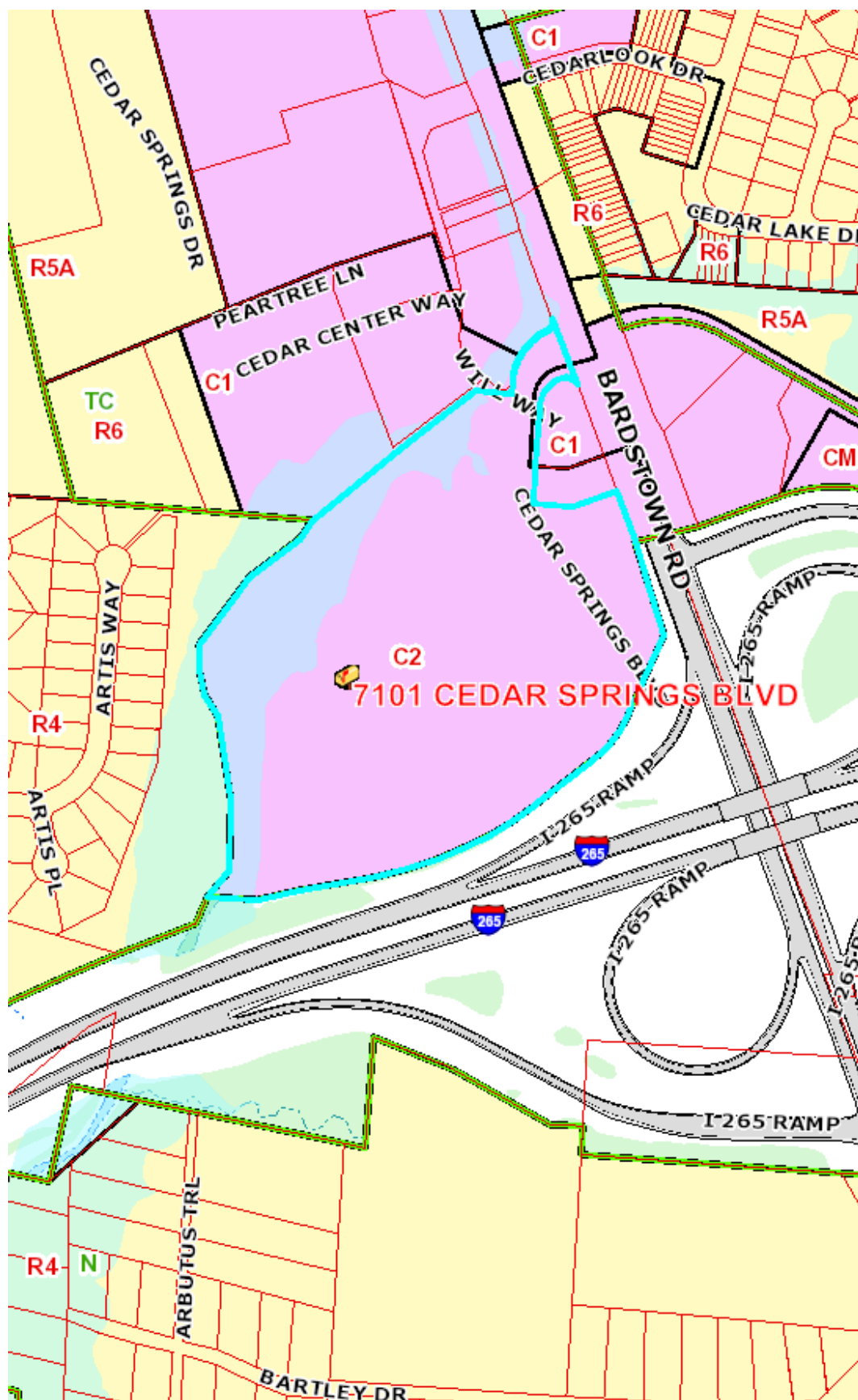
NOTIFICATION

Date	Purpose of Notice	Recipients
October 21, 2016	Hearing before DRC	1 st tier adjoining property owners
October 18, 2016	Hearing before DRC	Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

Attachment 1: Zoning Map



Attachment 2: Aerial Map

