

Development Review Committee Staff Report

December 20, 2017



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| Case No: | 17WAIVER1040 |
| Project Name: | St John Paul II Parish |
| Location: | 3042 Hikes Ln |
| Owner(s): | Roman Catholic Bishop of Louisville |
| Applicant: | Smart LED Signs and Lighting |
| Jurisdiction: | Louisville Metro |
| Council District: | 26 – Brent Ackerson |
| Case Manager: | Jay Lockett – Planner I |

REQUEST(S)

- **Waiver** of Land Development Code section 8.2.1.D.4.a to allow a changing image sign area to exceed 30% of the total area of a freestanding sign within the Neighborhood form district.
- **Waiver** of Land Development Code section 8.2.1.D.6 to allow a changing image sign within 300 feet of a residentially zoned and residentially used property.

CASE SUMMARY/BACKGROUND

The applicant is proposing to install a 48 SF freestanding sign within the Neighborhood form district with an LED portion equal to 31% of the sign area. LDC section 8.2.1.D.4.a limits the changing image portion of signs to 30% of the overall sign area within the Neighborhood form district. The sign would also be located within 300 feet of residentially zoned and used properties in violation of LDC section 8.2.1.D.6. The applicant is requesting a waiver to allow the changing image portion to exceed these standards.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical review items associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no inquiries concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 8.2.1.D.4.a

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

STAFF: The waiver will not adversely affect adjacent property owners, as the applicant could install a significantly larger sign without the need for a waiver.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 9 calls for the protection of the character of residential areas, roadways, and public spaces from visual intrusions and to mitigate where appropriate. Guideline 3, Policy 28 recommends signage that is compatible with the form district pattern and contributes to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The signage is compatible with similar signs that are common to institutional and religious uses in the area. The applicant could install a larger sign with a larger changing image area on the site and not need the requested waiver under current LDC standards.

- (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 is the minimum necessary to afford relief to the applicant, as the overall size of the sign is less than could be installed on the site without a waiver.

- (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 create an unnecessary hardship on the applicant, as the applicant would have to install a larger sign than they wish in order to make the messages adequately readable.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 8.2.1.D.6

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

STAFF: The waiver will not adversely affect adjacent property owners, as the affected properties are on the opposite side of a minor arterial level roadway, and the sign will not face any of them directly.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 9 calls for the protection of the character of residential areas, roadways, and public spaces from visual intrusions and to mitigate where appropriate. Guideline 3, Policy 28 recommends signage that is compatible with the form district pattern and contributes to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The road class would allow for a much larger illuminated sign without a changing image portion. The proposed sign is smaller in size to reduce impact on neighboring properties.

(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 is the minimum necessary to afford relief to the applicant, as the sign is significantly smaller than the maximum allowable under the LDC.

(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 create an unnecessary hardship on the applicant, as their proximity to homes would not allow them to install a standard modern display sign common to similar uses in the area.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver** of LDC 8.2.1.D.4.a.
- **APPROVE** or **DENY** the **Waiver** of LDC 8.2.1.D.6

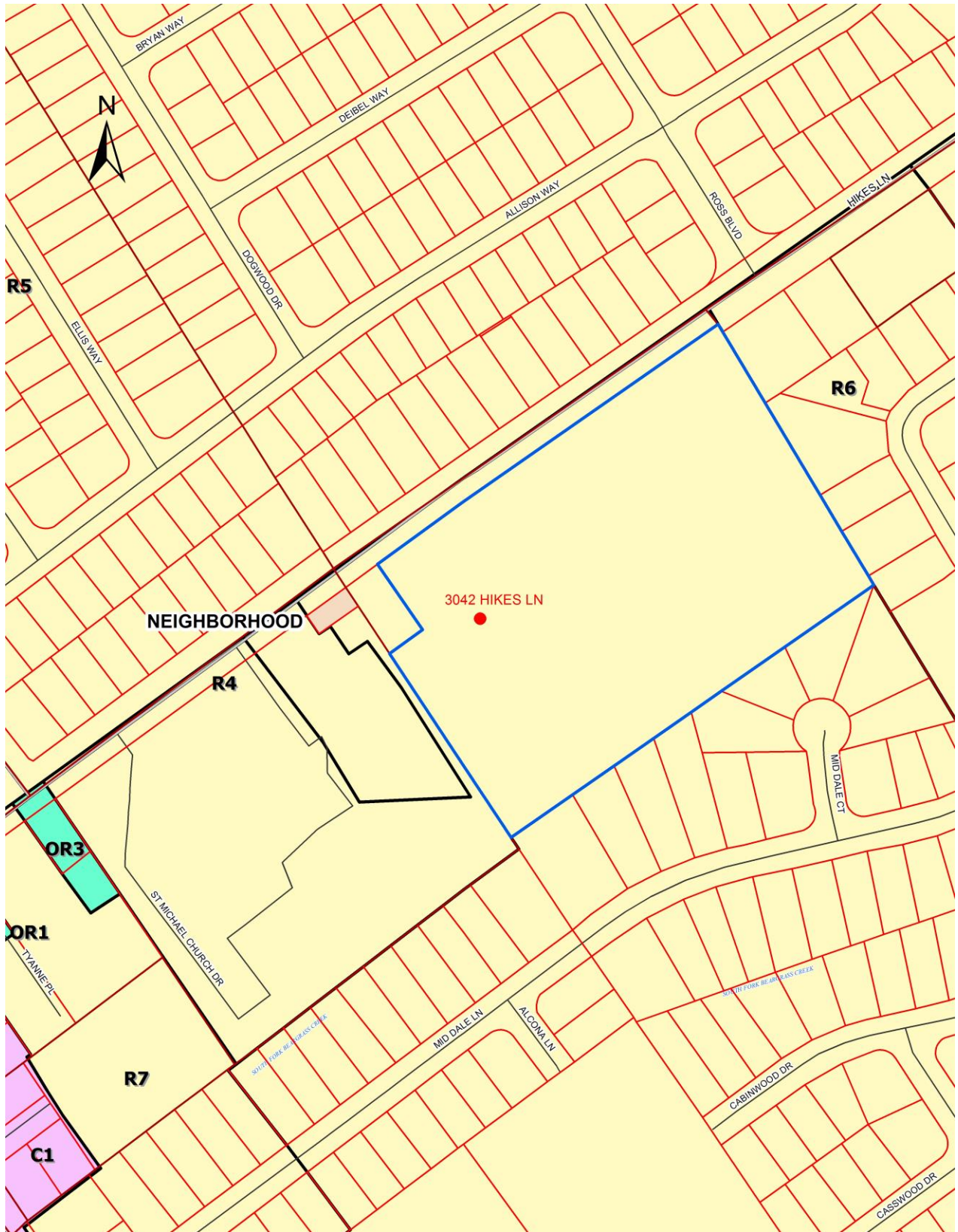
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|--------------------|---|
| 12-8-17 | Hearing before DRC | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 26 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

