

Board of Zoning Adjustment Staff Report

November 7, 2016



Case No:	16WAIVER1033
Project Name:	Crescent Centre
Location:	631 S 3 rd Street
Owners:	TMG III Crescent LLC
Applicant:	Trilogy Real Estate
Representative(s):	William B. Bardenwerper
Project Area/Size:	3.38
Existing Zoning District:	C-3
Existing Form District:	Downtown
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Laura Mattingly, Planner I

REQUEST

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

CASE SUMMARY

This case was continued from the October 17, 2016 BOZA hearing.

The applicant proposes a total of five new attached signs at the Crescent Center, a mixed use development located in the Downtown Overlay, two of which do not advertise for the multi-family use and are therefore not subject to the exceptional signage review. Each of these two signs is 12.5 square feet in area and located above the main entrances on either side of 3rd Street Road. The dimensions are well within the regulated size for attached signs. There are three other proposed attached signs that specifically advertise for the Crescent Center Apartments. These are located over the entrance to the leasing office and two on either side of 3rd Street facing the one-way traffic. All signs are aluminum panel with either vinyl graphics or aluminum lettering.

The form district in which this site is located does not specifically prohibit or permit residential 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

	Land Use	Zoning	Form District
Subject Property			
Existing	Multi-family/Retail/Office	(C-3)	D
Proposed	Multi-family/Retail/Office	(C-3)	D
Surrounding Properties			
North	Parking/Office	(C-3)	D
South	Parking Garage/Parking	(C-3)	D
East	Multi-Family/Parking	(C-3)/C-2	D
West	Government/Theatre	(C-3)	D

PREVIOUS AND ASSOCIATED CASES ON SITE

- 16DDRO1012: Downtown Overlay Review for new parking and access (Under Review)
- 16DDRO1016: Proposed signage review (Under Review)
- 16DEVPLAN1150: Category 2b plan to construct new parking and access to the existing apartments (Under Review)

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 (April 2016)

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 be located in the downtown area along with other apartments, retail, entertainment and office uses and will only be visible from the public right-of-way and within the property.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. 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 with and without signage. The proposed signage appears to be compatible with the character of the surrounding downtown 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 residential 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 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 as the LDC does not prohibit or permit the proposed signage and authorization of the signage has been appropriately requested.

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 signs.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the authorization of exceptional signage for four attached signs, totaling 274 square feet.

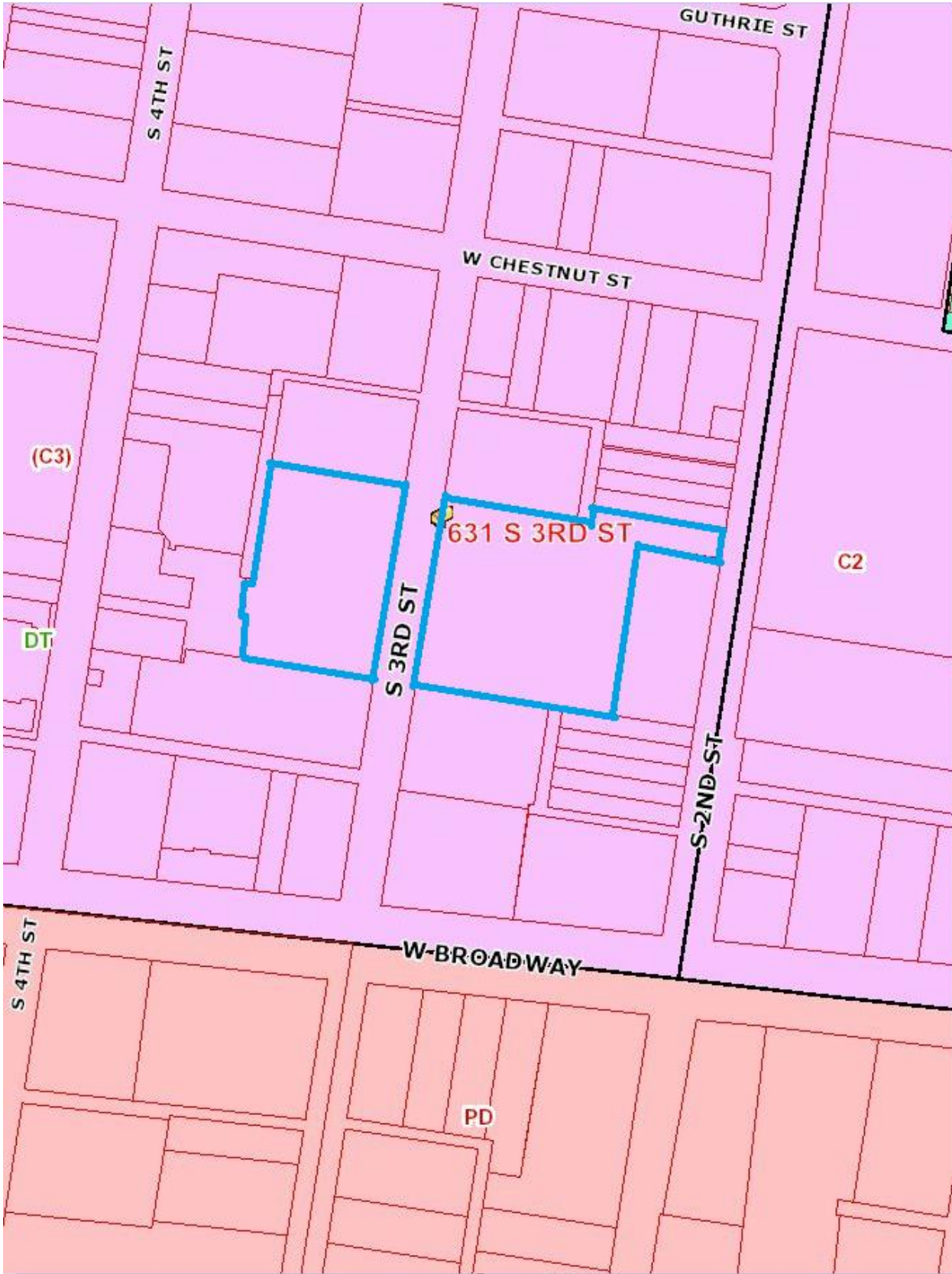
NOTIFICATION

Date	Purpose of Notice	Recipients
8/25/16	BOZA	Registered users of Council District 4
8/29/16	BOZA	Adjoining property owners, applicant, & owner

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

