

Board of Zoning Adjustment
Staff Report
October 28, 2019



Case No.	19-WAIVER-0067
Project Name	The Ivy
Location	13651 Aragon Way
Owner/Applicant	VOC Phase I Owner LLC
Representative	Bardenwerper Talbott & Roberts PLLC
Jurisdiction	Louisville Metro
Council District	19 – Anthony Piagentini
Case Manager	Beth Jones, AICP, Planner II

REQUEST

WAIVER to permit two attached signs per street for a residential use in a Neighborhood form district where one sign is permitted (LDC Table 8.3.1)

CASE SUMMARY/BACKGROUND

The applicant is developing a 274-unit residential apartment complex (17DEVPLAN1082). The site consists of a single parcel, zoned OR-3 Office/Residential within two form districts: the western portion is Suburban Workplace and the eastern portion is Neighborhood. Property zoned OR-3 is entitled to up to three signs; it is restricted to one sign due to its use for residential purposes.

Adjoining properties to the north and east of the site are zoned OR-3 and are currently undeveloped. Properties to the east are zoned R-7 and are currently developed with single- and multi-family housing, which continues around the western portion of the southern property line. The remainder of the property to the south is zoned C-2 and is undeveloped.

The applicant is proposing two signs consisting of interior lit channel cut lettering. The area in which they will be located is within the Neighborhood form district portion of the site along a proposed local road, Terra Crossings Blvd, which will provide the primary access to the site. One attached sign, 14.4 sq ft, will be mounted on a canopy over a doorway leading to the pool/clubhouse/ leasing office. The second attached sign, 103 sq ft, will be mounted at the top of a round turret located at the southern end of Building 1. It will face south toward adjoining undeveloped C-2 and OR-3 properties.

STAFF FINDING

Staff finds the requested waiver is adequately justified.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

No outstanding technical issues remain.

INTERESTED PARTY COMMENTS

No comments have been received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER to permit two attached signs per street for a residential use in a Neighborhood form district where one sign is permitted (LDC Table 8.3.1):

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

STAFF: Adjoining properties are currently undeveloped and are zoned C-2 and OR-3, making it unlikely that future development will be incompatible.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The proposed signage will not conflict with compatibility standards as set by Plan 2020.

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

STAFF: The request for two signs is reasonable in that one will identify the development and the other will identify the public entrance to the pool/clubhouse/ leasing office.

- (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 proposed no design measures to compensate for the non-compliance with the regulation. Compliance would not deprive the applicant of reasonable use of the land since the zoning and form district of the property would allow other types of development that would permit the signage as requested.

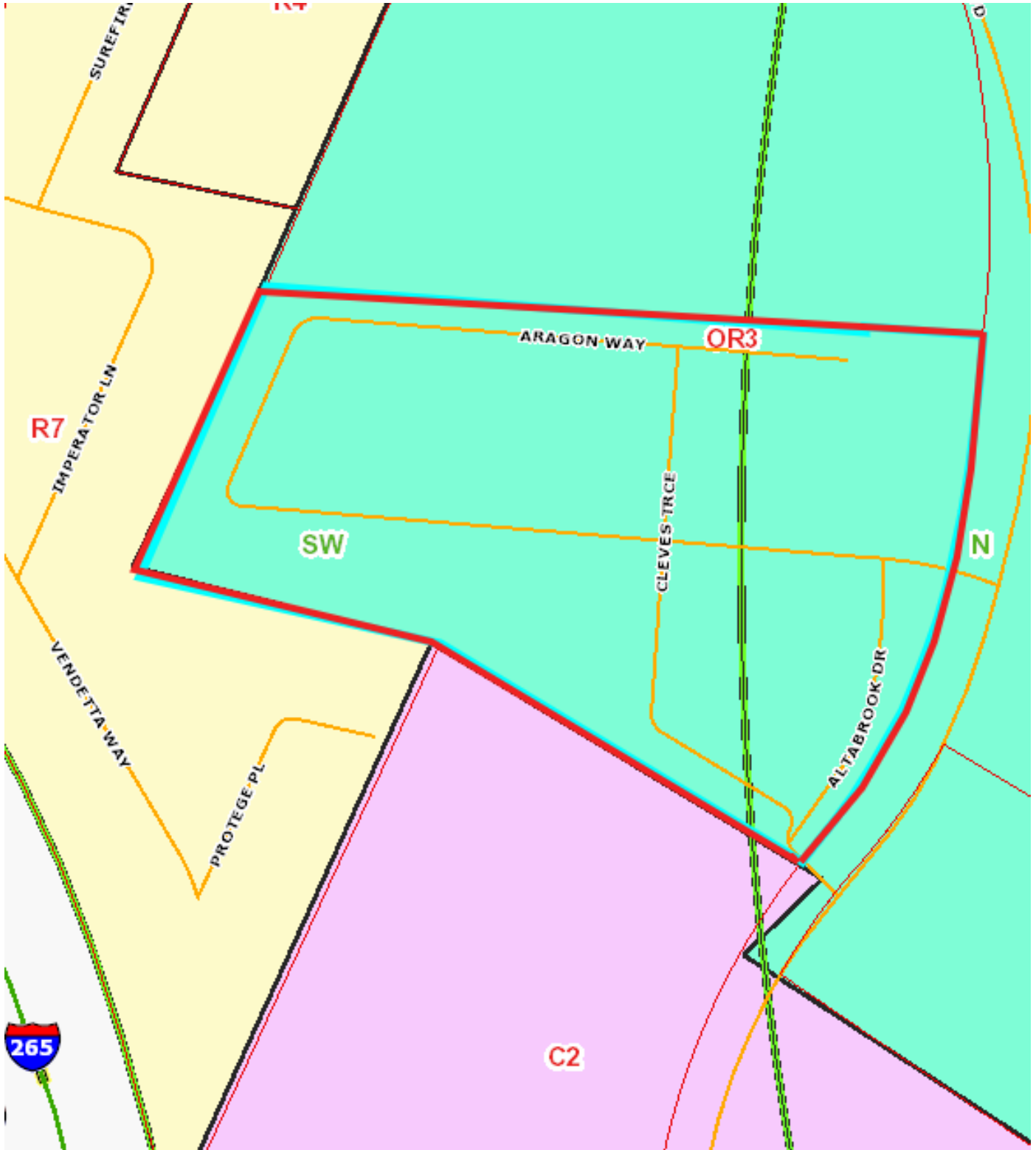
NOTIFICATION

Date	Purpose of Notice	Recipients
10/11/2019	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
		Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial View
3. Site Plan
4. Building Elevation

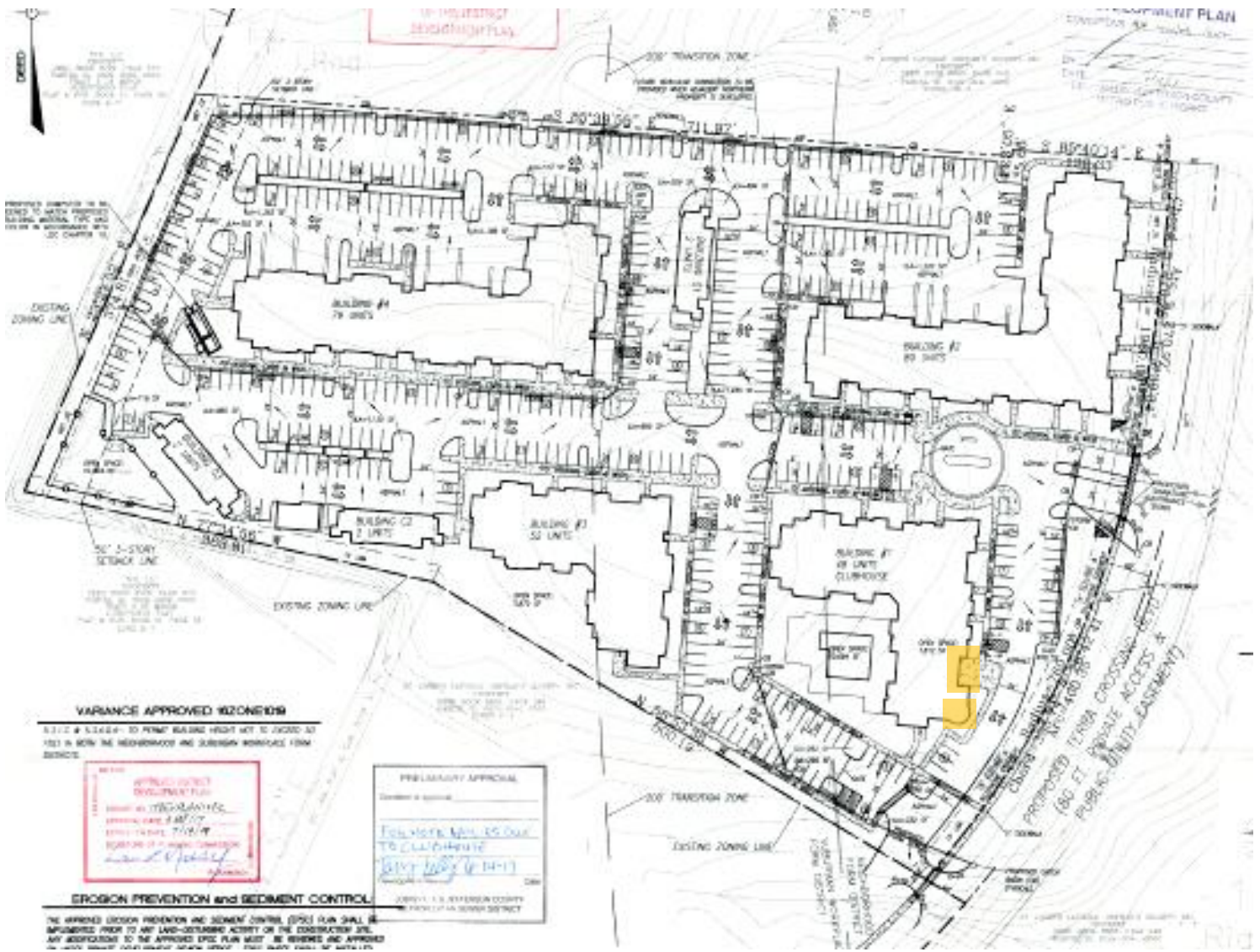
1. Zoning Map



2. Aerial Photograph



3. Site Plan



4. Building Elevation

