

Development Review Committee
Staff Report
May 22, 2019



Case No:	19WAIVER1024 & 19MOD1003
Project Name:	Sign Waiver
Location:	10310 Shelbyville Road
Owner(s):	Dave Kamlesn
Applicant:	Karla Hill, Smart LED
Jurisdiction:	Blue Ridge Manor
Council District:	19 – Anthony Piagentini
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST(S)

Waiver:

1. **Waiver** of Land Development Code section 8.2.1.D.6 to allow a changing image LED sign to be closer than 300 feet to a residentially zoned property that is being used residentially

Request:

1. **Binding Element Modification**

CASE SUMMARY/BACKGROUND

The subject site is located south of Shelbyville Road, between the intersections with Moser Road and Dorsey Lane. The site is currently developed with a commercial structure, InWave Restaurant. The applicant proposes to replace the existing sign with a changing image LED sign.

The subject site is zoned C-1 Commercial in the Suburban Marketplace Corridor form district. Per Land Development Code Table 8.3.2, a freestanding sign in this form district on a Major Arterial such as Shelbyville Road is permitted to be one hundred (100) square feet in area and twenty four (24) feet in height.

Land Development Code section 8.2.1.D.6 requires a changing image sign to be at least 300 feet from residentially zoned properties that are being used residentially. The properties on the north side of this portion of Shelbyville Road within 800 feet of the subject site in both directions are all zoned and used residentially. The applicant is requesting a waiver of this section.

Related cases:

- 9-14-92: Change in zoning from R-4 Residential to C-1 Commercial

The applicant is requesting a Binding Element Modification from Binding Element #3. There is a discrepancy in the case file regarding the square footage restriction imposed by this binding element, however in either instance the proposed sign exceeds the square footage.

The meeting minutes state:

#3. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed *six square feet* in area and six feet in height.

The binding elements attached to the paper copy of the district development plan state:

#3. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed *36 square feet* in area and 6 feet in height.

The sign proposed by the applicant is 62.36 square feet in area and 10 feet high. The applicant is requesting a Binding Element Modification to allow this sign.

Staff is recommending the following modification:

#3. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 63 square feet in area and 10 feet in height.

The square footage and height suggested by this binding element is well below what would be permitted on the subject site per the Land Development Code.

STAFF FINDING

The requests are adequately justified and meet the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

Staff received an email in opposition to the sign on 5/2/19 which is included in the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AMENDMENT TO BINDING ELEMENTS

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The binding element amendment will not affect the conservation of natural resources on the subject site.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: There are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: There are no changes to existing drainage facilities in and around the subject site associated with this request.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: There are no changes to the site proposed associated with this binding element modification request.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The requested modification of binding elements conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Binding Element Modification**

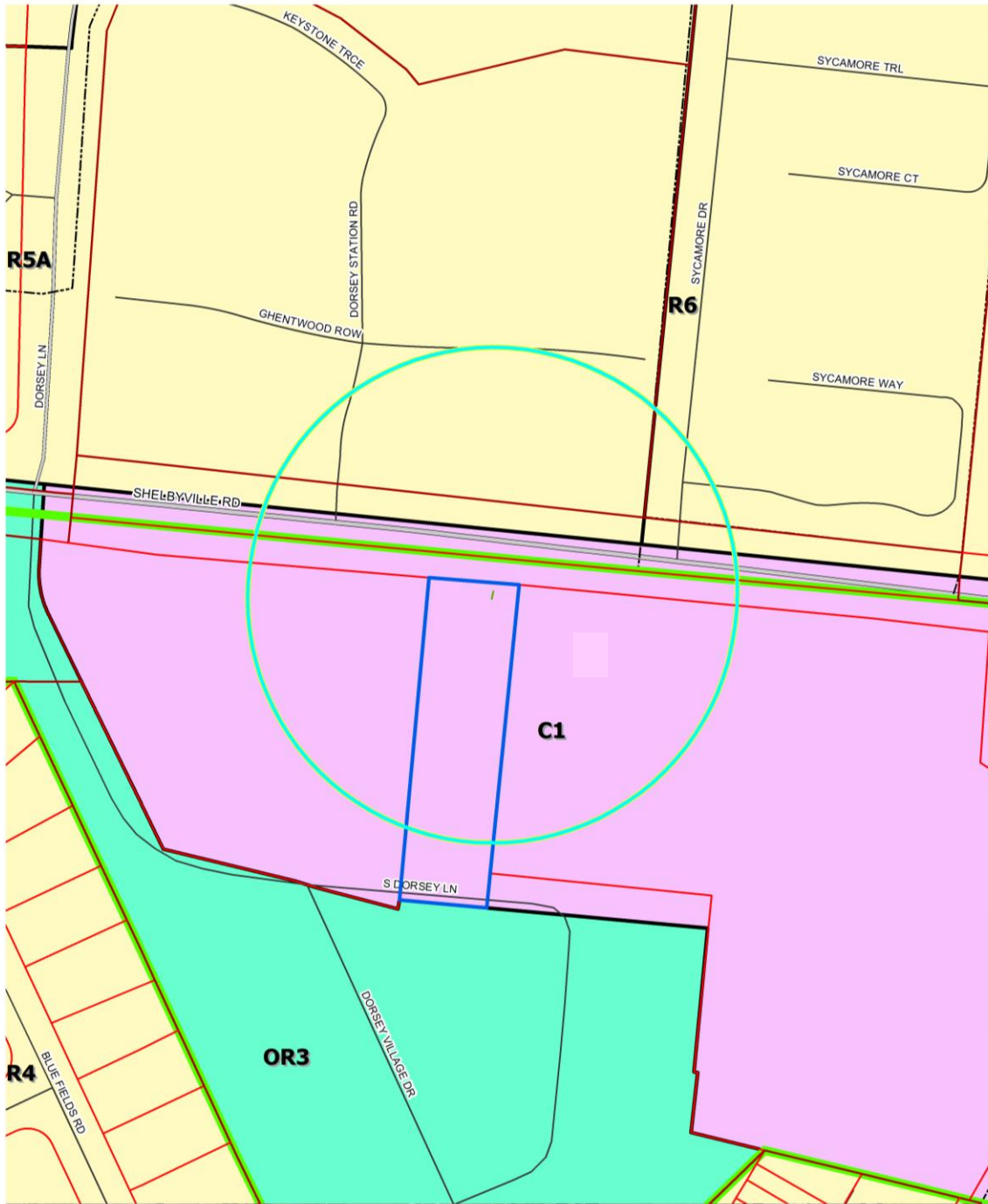
NOTIFICATION

Date	Purpose of Notice	Recipients
5-22-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

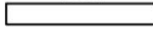
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



10310 SHELBYVILLE RD

feet



160

Map Created: 5/6/2019



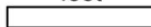
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2. Aerial Photograph



10310 SHELBYVILLE RD

feet



160

Map Created: 5/6/2019



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