

**Planning Commission**  
**Staff Report**  
March 5, 2020



<b>Case No.</b>	19-WAIVER-0097
<b>Project Name</b>	Waiver for Changing Image Sign
<b>Location</b>	930 Ormsby Lane
<b>Owner</b>	Assumption Greek Orthodox Church
<b>Applicant</b>	Smart LED Signs & Lighting
<b>Representative</b>	SBT PLLC
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	18 – Marilyn Parker
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

**WAIVER** to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (LDC 8.2.1.D.6)

**CASE SUMMARY / BACKGROUND**

The applicant proposes to install a freestanding sign on a vacant parcel zoned R-5 Single-Family Residential in a Neighborhood form district, located near the intersection of New LaGrange Road and Ormsby Lane. The proposed sign will serve a church located on a parcel directly adjacent to the sign site, 930 Ormsby Lane, developed with a church building and several accessory structures.

The parcel on which the sign is to be located, 8346 New LaGrange Road, is one of nine adjoining the primary site to the northwest, all of which are owned by the church. Two of these parcels, closest to the adjoining single-family uses, are developed with a single-family residential use; the remaining seven are undeveloped.

The church properties are bordered by New LaGrange Road, a two-lane minor arterial, to the west and Ormsby Lane, a local road, to the north. The primary site is accessed exclusively from Ormsby Lane; there is no access to the primary site from New LaGrange Road.

Properties adjoining the location of the proposed sign are all zoned for residential uses and are, with the exception of the church-owned properties, developed for residential use. Multi-family residences are located to the northeast and northwest and single-family residences to the southeast and southwest.

The case was considered by the DRC on 1/22/2020. The motion to approve was not unanimous and consideration of the case was referred to the Planning Commission. In the course of this hearing, the applicant expressed a willingness to limit the hours of operation of the changing image portion of the sign. The applicant is also aware that, because the site is located within a Neighborhood form district, the cabinet portion of the sign must have an opaque background.

## **REQUIREMENTS**

<b>Freestanding Sign Neighborhood Form District 2-Lane Arterial</b>	<b>Permitted</b>	<b>Proposed</b>
Sign Type	Monument or Columnar	Monument
Height (above grade)	10 ft	10 ft
Total Area	80 sq ft	61.4 sq ft
Number	One per street	One per street
Changing Image Area	18.4 sq ft (30% of proposed size)	14.7 sq ft (24% of proposed size)
Changing Image Location	300 ft from residential zone	Within residential zone; 130 ft from nearest residential use
Internal Illumination	Opaque background	Opaque background

## **STAFF FINDINGS**

Based upon the information in the staff report, the applicant's written justification statement and the testimony and evidence provided at the public hearing, the Planning Commission must determine if the requested waiver is justified.

While the proposed changing image sign is in close proximity to multiple residences, the applicant has also obtained written statements of support for the proposal from those residents most likely to be negatively affected. In addition, the applicant has expressed a willingness to take steps to further mitigate potential negative effects of the changing image portion of the sign, including limiting the hours of operation. It should be noted, however, that there is no way to monitor the sign's operation and that future sign programmers at the church may not be aware of that condition of approval.

The fact that LDC regulations require opaque backgrounds for internally illuminated signs located in this form district is evidence that maintaining limits on light produced by signage is an important factor in determining the appropriateness of any proposed sign.

## **TECHNICAL REVIEW**

The proposal was reviewed in the context of Plan 2040 and the Louisville Metro Land Development Code (LDC).

## **INTERESTED PARTY COMMENTS**

The applicant has submitted statements of consent from single-family residential properties to the south and the agent of the owners of the apartment complex to the west. The applicant has also submitted a Statement of Intent to consolidate all church parcels.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (LDC 8.2.1.D.6) to permit a changing image sign to be located closer than 300 ft to a residentially zoned district**

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

STAFF: The waiver will adversely affect adjacent property owners in that the proposed changing image sign would substantially increase the amount of light emanating onto adjoining residentially zoned properties in residential use, including multi-family residences directly across the two-lane roadway. The applicant has obtained written statements of support for the proposal from those residents most likely to be negatively affected.

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

STAFF: The waiver violates guidelines of Plan 2040, which requires that appropriateness must be evaluated in the context of the compatibility of the proposed use or uses with surrounding uses (Community Form 1.2.4); impacts on quality of life must be considered (Community Form 16); and adverse visual intrusions must be considered when there are impacts to residential areas (Community Form 20).

(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 not the minimum necessary to afford relief to the applicant, but the proposed changing image sign is smaller in area than maximum area permitted.

(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 not incorporated design measures that compensate for non-compliance with requirements but has expressed a willingness to limit the hours of operation of the changing image portion of the sign. Strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship, as LDC standards and requirements permit a sign of size and design appropriate for the use of the site that would not have the negative impacts of the applicant's proposal.

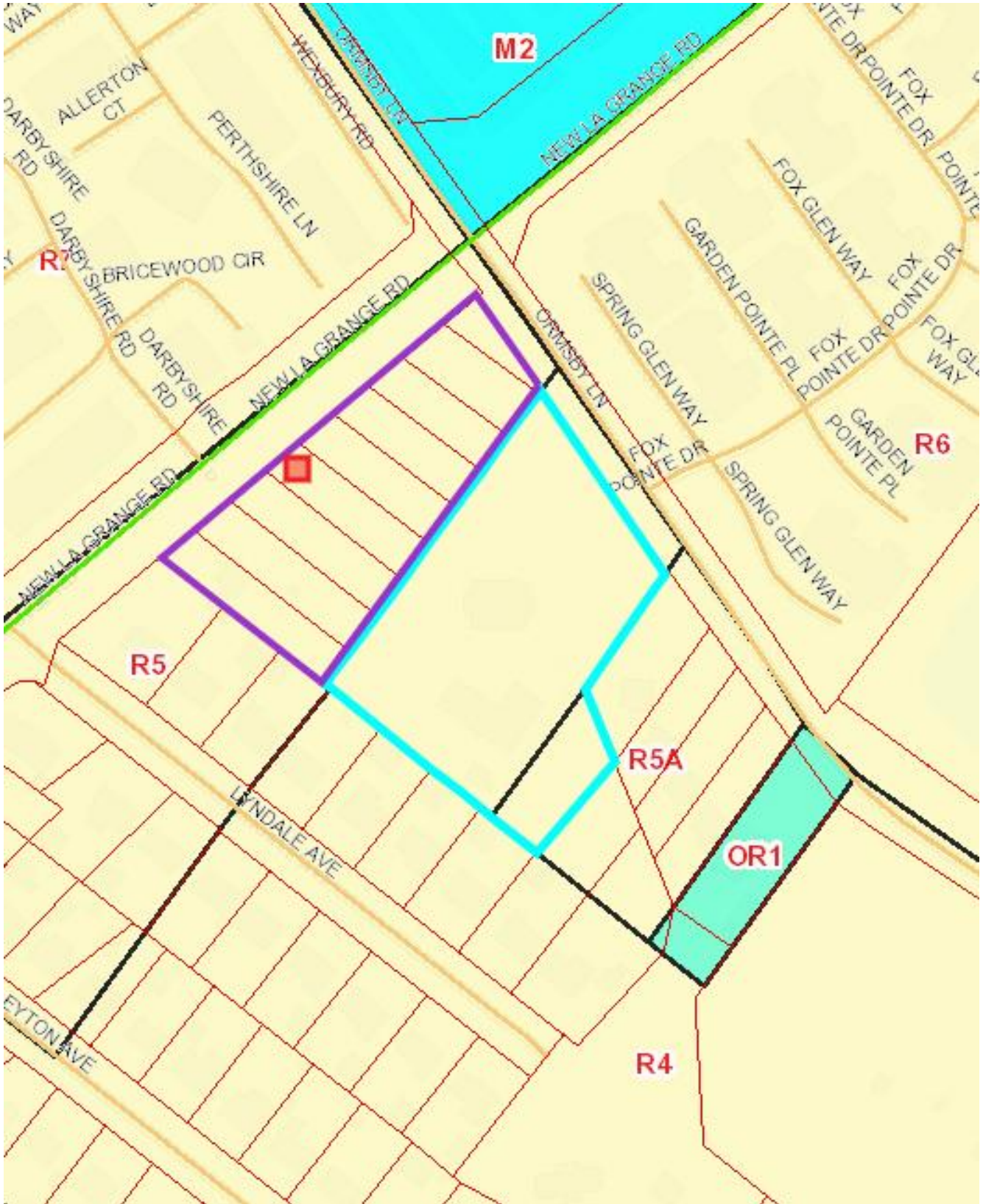
**NOTIFICATIONS**

Date	Purpose of Notice	Recipients
1/10/2020	DRC	1st tier adjoining property owners Registered Neighborhood Groups in Council District 18
2/2/2020	PC	Registered Neighborhood Groups in Council District 18

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Sign
4. Street View
5. Buffer Zone

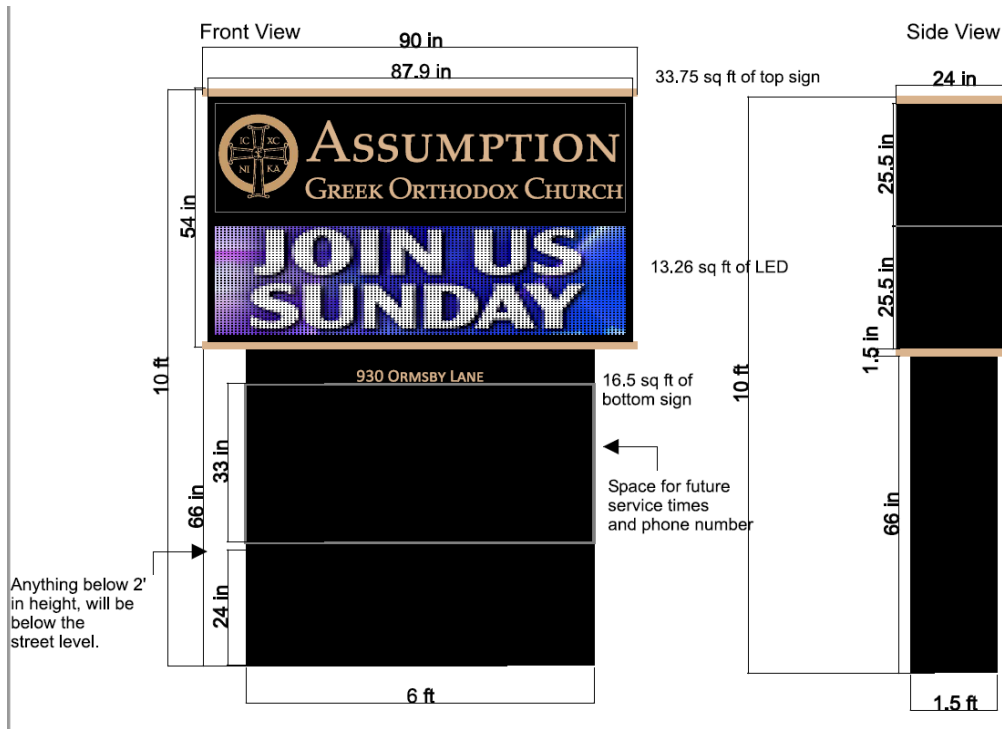
1. **Zoning Map**



2. Aerial Photograph



### 3. Proposed Sign



### 4. Street View



5. Buffer Zone

