



---

## **Downtown Development Review Overlay**

**AMENDED REPORT 11/01/2016**

**Report of the Urban Design Administrator &  
Staff to the  
Downtown Development Overlay  
Committee**

---

---

**Case No:** 16DDRO1005  
**DDRO District:** Core Broadway  
**Classification:** Non - Expedited

### **GENERAL INFORMATION**

**Property Address:** 501 South 4<sup>th</sup> Street

**Applicant:** James Layson  
Le Centre on Fourth, LLC  
Facilities Director  
501 S. 4th St.  
Louisville, KY 40202  
502-794-8371

**Contractor:** Lester Lemaster  
Commonwealth Signs  
1824 Berry Blvd.  
Louisville, KY 40215

**Owner:** Bachelor of Third Street, LLC  
10463 Harrier St.  
Plantation, FL 33324

**Area of Sign:** 13'-4" x 23'-3" = 309.225 s.f.

**Estimated Cost:** \$200,000.00

### **DESCRIPTION OF PROPOSED DEVELOPMENT (ORIGINAL APPLICATION)**

The applicant proposes to install an attached LED sign on the East façade of the Embassy Suites building, facing South 3<sup>rd</sup> Street, for on-premise activities and services. Proposed sign dimensions are 13'-4" height x 23'-3" length x 8" depth. The existing freestanding billboard off-premise sign and associated structure at this approximate location will be removed in order to accommodate the proposed LED sign board.

## **AMENDED DESCRIPTION OF PROPOSED DEVELOPMENT**

The applicant submitted a request to Overlay Staff on August 8, 2016 to amend the type of sign approved by Overlay Permit 16DDRO1005. The Kentucky State Historic Preservation Office would not allow the sign to be attached to the building in that such an attached sign would not be in compliance with the applicant's approved application for receipt of tax credits. As an alternative, the applicant proposes to install LED signage on ground poles of the existing billboard sign on property. The LED sign face will be the same dimensions of existing billboard sign face and placed in the same location as billboard sign face. These dimensions and approximate location match those of the previously approved sign. Aluminum pole skirt and poles will be painted to match building, so as to blend in with the structure. Existing lights and platform of billboard sign will be removed.

## **COMMUNICATIONS WITH APPLICANT; COMPLETE APPLICATION (ORIGINAL APPLICATION)**

The application was received on January 14, 2016. Staff met with the applicant to review the proposal, confirm appropriate regulations and applicable guidelines. The applicant submitted final documentation on January 18, 2016. The application was determined to be complete and requiring non- expedited review on January 29, 2016. The application was scheduled for a hearing of the Downtown Development Review Overlay Committee on a regularly scheduled time on February 10<sup>th</sup>, 2016 at 8:30 am in the Old Jail Auditorium located at 514 W. Liberty Street.

## **AMENDED COMMUNICATIONS WITH APPLICANT; COMPLETE APPLICATION**

The request to amend the application was received on August 8, 2016 after a meeting with Staff and the applicant to review the proposal, confirm appropriate regulations and applicable guidelines. The application was determined to be complete and requiring non-expedited review on August 15, 2016. The amended application was scheduled and heard by the Downtown Development Review Overlay Committee on October 12, 2016. Upon review of the Committee actions by the Director, the proposal was sent back to the Committee for re-review. The application was then scheduled for a hearing of the Downtown Development Review Overlay Committee on a regularly scheduled time on November 9, 2016 at 8:30 am in the Old Jail Auditorium located at 514 W. Liberty Street.

## **February 10, 2016 DDRO Hearing Summary (ORIGINAL APPLICATION)**

The Committee met on February 10<sup>th</sup>, 2016 at 8:30 a.m. Committee members in attendance were: Chair Anna Tatman, Ed Kruger, Dan Forte, Michael Leonard, Emily Liu, and Milton Haskins (arrived at 8:47 am). The applicant's team present included Jim Layson and Clara Bowman. The application was presented by staff Keeton with additional information furnished by applicant. A brief discussion followed; with the Committee expressing concerns over the size, brightness, and location of the LED sign.

The applicant verified that the existing billboard would be removed to install the new LED sign. Ed Kruger expressed concern that the proposed LED sign would be more of a visually distracting element to the downtown landscape than the existing billboard. Mr. Kruger further expressed that the signage was out of scale and character, and far larger than any other sign in the vicinity. He also expressed appreciation towards the applicant to remove existing billboard, but stated his concern that the proposed LED sign does not comply with the DDRO guidelines.

Vice Chair Mulloy requested clarification from Staff on Principle 8: Signage, S7. A discussion followed with Urban Design Administrator David Marchal reading into record the language of ordinance Chapter 162.02, Appendix D: “ No more than one changing image or video display sign per façade shall be permitted on a property” whereas the checklist for Principle 8: Signage, S7 reads “No more than one changing image or video display sign shall be permitted on a property”. Members of the committee were concerned over this discrepancy and expressed concern to the fact that Brendon’s Catch 22 already had an LED sign approved and installed on the property. Staff explained that due to the large size of the hotel property and the distance between the two signs, the two LED signs would not be visible at the same time from a pedestrian or vehicular vantage point.

There was no one from the public in attendance at the meeting to provide testimony either in support or opposition to the project and no written comments were received.

After review and discussion by the committee a motion was made by Tim Mulloy and seconded by Michael Leonard to accept the staff report with the conditions as recommended by Staff. These conditions are noted in the “Decision” below. The motion passed, 4 to 2, Tatman and Kruger voting nay and Liu abstaining. The meeting was adjourned at 9:20am.

### **October 12, 2016 DDRO Hearing Summary, Amended Application.**

The Committee met on October 12<sup>th</sup>, 2016 at 8:30 a.m. Committee members in attendance were: Vice Chair Tim Mulloy, Ed Kruger, Dan Forte, Michael Leonard, and Jon Henney. The application was presented by staff Keeton with additional information furnished by applicant. A brief discussion followed; with about the impacts of the proposed amendment. A motion was made by Leonard, and seconded by Henney to approve the amended proposal. The vote failed to carry due to lack of majority vote – 2 members voting aye, 2 members voting nay, and 1 abstention. The action of the Committee was reviewed by the Director who determined that the proposal should be re-reviewed by the Committee for final and definitive decision.

### **FINDINGS AND CONCLUSIONS (ORIGINAL APPLICATION)**

The following Principles and Design guidelines are applicable: **Principle 8-Signage**. The report of the Overlay Staff’s findings of fact and conclusions with respect to these guidelines is attached to this report. The following additional findings are incorporated in this report:

#### **Site Context**

The Embassy Suites Hotel, located at 501 South 4th Street, is a National Historic Register Building also known as the Stewart’s Dry Goods Building. The original Beaux-Arts building was built in 1907. Additions have been made to the structure in 1937, 1946, and 1958. Previous renovation works were submitted to the State and Federal levels for Historic Rehabilitation tax credits. The east façade of the building, where the proposed sign is to be located, faces an existing surface parking lot, and contains the entrance to the basement level parking space. Generally, this façade would have been hidden by an adjacent building; it is completely void of architectural ornamentation of any kind. It has

regularly spaced punched opening windows for the hotel rooms of the Embassy Suites and is otherwise finished with painted brick and concrete block.

Located within the Downtown Entertainment District, the Embassy Suites building encompasses approximately 1 and 1/3 of an acre, and has frontage along W. Muhammad Ali Blvd. and South 4<sup>th</sup> Street. A surface parking lot occurs between the building and S. 3<sup>rd</sup> Street. The hotel is eight stories tall, with retail on the ground floor, including a CVS Pharmacy and Brendon's Catch 23 Restaurant; Additional addresses for this property are 306 Muhammad Ali Blvd., 340 Muhammad Ali Blvd., and 505 S. 4<sup>th</sup> Street.

This facility qualifies as an "Entertainment Attraction" which gives the Overlay significant discretion to approve signage that does not otherwise comply with the Land Development Code.

#### Site context map

(\* = proposed sign location)





## **Background**

### **Signage**

The hotel, CVS, and Brendon's Catch 23 restaurant have signage along the north and west facades of the building. Particularly, the restaurant Brendon's Catch 23 has a 10' high projecting blade style sign with an integral LED screen panel (see 15DDRO1005 (SI934759)) and is located on the façade facing 4<sup>th</sup> Street, between the building's second and third floors.

### **Case #10260**

*"The new project proposes a mixed use of occupancies that will include: a hotel, bank, retail, office, and a restaurant. The scope of work submitted for review also includes adding windows on the North, South, and East façade's of the building that will replicate the design, rhythm, and spacing of the adjacent or surrounding windows. The applicant also proposes to replace the existing awnings on the first floor, and to add new signage. The renovation project includes further the removal and replacement of the entire 4<sup>th</sup> Street entry system with a design similar to the existing doors, and to install a new terrazzo entry floor logo to reflect the Embassy Suites Hotel name. On the Muhammad Ali Street side the applicant proposes to remove and replace the entry system and canopy to allow for a new secondary entrance into the hotel."*

### **14SI1243 Approved June 9, 2014**

*"The applicant proposes 2 internally illuminated LED individual channel letter signs. One on the north façade and on the west façade. Each to read "CVS/pharmacy." The signs are 16'9" in length and the "CVS" letters are 24" and "pharmacy" letters are 14"."*

### **14SI927425 Approved December 22, 2014**

*"The applicant proposes to install internally illuminated attached signs on the 7 story building. Sign #1 is a channel letter sign that measures 50'-6" in width by 4'-0" in height. The sign will be mounted on the top of the parapet wall on the east facing façade of the building at 120'-0" above finished grade. The sign will read "EMBASSY SUITES". Sign #2 is an internally illuminated attached sign that measures 5'-10 1/8" in width by 8'-2" in height. The sign will be mounted on the top of the parapet wall of the east façade of the building at 112'-0" above finish grade. The sign will display the "E" Embassy Suites Logo. Sign # 3 is a channel letter sign that measures 8'-4" in width by 8" in height. The sign will be attached to the existing entry canopy located on the north façade of the building at 10'-0" above the sidewalk. The sign will read "EMBASSY SUITES"."*

### **14SI927440 Approved December 22, 2014**

*"The applicant proposes to install attached signs on the 7 story building. Sign #1 is an internally illuminated channel letter sign that measures 23'-1" in width by 4'-7" +/- in height. The sign will read "Le Center on Fourth" and will be mounted on the top of the main entrance canopy on the west façade facing 4<sup>th</sup> Street. The lower portion of the sign will be mounted approximately 1'-0" +/- below the "Le Center on Fourth" sign and will be attached to the face of the entry canopy reading "EMBASSY SUITES" in internally illuminated channel letters at 16'-0" above the sidewalk. Sign #2 is a non-illuminated directional plaque that will be mounted to the north marble column located under the main entry canopy facing Fourth Street. The directional plaque measures 2'-0" wide by*

*2'-0' in height and will read "EMBASSY SUITES" with "E" logo. The plaque will be mounted approximately 6'-0" above the sidewalk. Sign #3 is an internally illuminated projecting blade sign. The sign measures 2'-2 ¾" in width by 23'-2" in height and will project 2'-9" +/- from the building's exterior wall. The sign will read "EMBASSY SUITES" with the "E" logo and will be mounted 35'-0" above the sidewalk.*

**15DDRO1005 (SI934759) Approved March 26, 2015**

*"The applicant proposes to install an attached blade sign on the 7 story building. The sign is an internally illuminated sign that measures 2'-3" in width by 20'-0" in height. The sign will read "BRENDON'S" on the top panel have an LED screen that is 10'-0" in height in the middle of the cabinet and the Catch 23 logo on the bottom panel. The sign will be mounted on the west façade facing 4<sup>th</sup> Street between the second and third floors. The blade sign will be thru bolted into the building."*

**Conclusions (Original Application)**

Staff has taken into consideration **Guideline S7 of Principle 8- Signage** and the fact that there is an LED sign already in use on the premises. The existing LED sign is located on another façade, on the opposite side of the building, and is minimal in size, at 10'-0" x 3'-0". Due to the large area of the site, and the distance between the two façades, only one LED sign at a time would be visible from street level. Property facing the South 3<sup>rd</sup> Street façade is not zoned for residential use, and the LED sign is proposed at being installed at 30'-0" off the ground level, minimizing visual distraction to residents, vehicular and pedestrian traffic. Although the proposed sign is a simple rectangle without frame design or other ornamentation, the east façade is also quite plain, without real design reference points/themes or scale to inform the design of the new sign.

The applicable sign guidelines not only speak to design, but also have specific guidance for LED signage. Regarding visual impacts to pedestrians and drivers, the staff referenced the Land Development Regulations regarding frequency of image change, and brightness.

**Amended Conclusions**

Given the applicable guidelines for Signage, the proposed LED sign generally meets the Downtown Development Review Overlay Design Guidelines for Principle 8-Signage. The change in location of the previously approved (February 10, 2016) LED sign will allow the applicant to comply with condition #4 and be eligible to receive their previously approved tax credits. Although the proposal does not fully comply with Guideline S10 'Freestanding pole-mounted signage is not allowed', a +/- was given as the size and location of the LED sign is proposed to remain the same as previously approved attached version, with the exception that it will not be attached to the building, and will be attached to the base and poles of the existing billboard sign set within approximately 2' of the existing facade. Therefore, from the viewpoint of 3<sup>rd</sup> Street, it would be difficult to distinguish between the previously approved attached the sign and the proposed freestanding sign. This facility qualifies as an "Entertainment Attraction" which gives the Overlay significant discretion to approve signage that does not otherwise comply with the Land Development Code.

The guidelines contain additional guidance which form the basis for the approval and Conditions.

## RECOMMENDATION

Considering the information furnished, the Urban Design Administrator recommends approval of the application for an overlay permit as submitted and described herein with the following conditions:

1. The sign shall come equipped with automatic dimming technology and a photocell, which automatically adjusts the sign's brightness to no more than 0.2-foot candles or 350 nits above ambient light conditions. Applicant shall submit for the file the manufacturer's design specifications showing that the sign meets the dimming requirements.
2. To reduce visual impact to pedestrians and motorists, the sign image shall remain static for a minimum of 20 seconds per frame.
3. The LED sign shall promote only site-specific nonresidential activities, events, or businesses.

---

Date

---

Burcum Keeton  
Architectural Projects Coordinator

---

Date

---

David R. Marchal, AIA  
Urban Design Administrator

# Principle 8-Signage

## Design Guideline Checklist

### Objective

*Design signage appropriate for the scale and character of the Project and the immediate context. Signs should be oriented to pedestrians and /or persons in vehicles on streets in the immediate vicinity. All signs shall be sensitive to their surroundings, and their designs shall be mindful of color, intensity, technology and illumination to be compatible with the adjacent context. Signage that consists of changing image or video display technology is by nature very dynamic thereby requiring special design and implementation considerations regarding its impact upon the adjacent environment.*

- + Meets Guidelines
- Does Not Meet Guidelines
- +/- Meets Guidelines with Conditions as Noted
- NA Not Applicable
- NSI Not Sufficient Information

	Guideline	Finding	Comment
<b>S1</b>	Signage should add visual interest at street level without being overwhelming and should not be out of character with the design and scale of existing surrounding signage.	+	The sign, adds some visual interest to the east façade which is plain brick and lacks ornamentation. This side of the building was once adjacent to another building and not fully visible.
<b>S2</b>	Signage should be organized to increase legibility and communication while reducing visual clutter.	+	As this is the only sign in this area of the east façade, there is no visual clutter
<b>S3</b>	All signs shall be constructed and placed to not obstruct sight lines for persons using streets, pedestrian rights-of way and drives.	+	The sign is placed flat and close to the face of the building, above a surface parking lot and above the street level pedestrian and driver view



<b>S4</b>	Signage should be designed and attached to the building in a way that is complementary to the style of the building and its unique design features. Signage placement shall not obscure architectural details and shall be well integrated into the overall design of a building's façade.	NA	The sign is no longer attached directly to the building but is nearly flat against it (only feet apart). Nevertheless its placement on this façade presents no conflict as this façade of the building has no style characteristics or detail.
<b>S5</b>	Back-lit or internally illuminated signage shall have opaque, non-illuminated face panels. Only the individual letters and/or logos should be illuminated.	NA	
<b>S6</b>	Signage that utilizes LED, video or other moving image digital technology is limited to Entertainment Attractions*. When permitted, such signs: <ul style="list-style-type: none"> <li>a. Shall promote only site specific activities, events, sponsors, or businesses.</li> <li>b. If located and displayed behind storefront windows, such signs shall not occupy more than 25% of the storefront window area.</li> <li>c. Signs shall be designed to minimize the impact to residential properties.</li> <li>d. Shall come equipped with automatic dimming technology and a photocell, which automatically adjusts the sign's brightness to no more than 0.2-foot candles above ambient light conditions.</li> <li>e. Signage should be carefully designed to minimize driver impact and pedestrian distraction.</li> </ul>	+	The sign proposed is a LED on-premises sign. The property is an Entertainment Attraction. There are no residential properties, particularly low density, affected by the sign. Automatic dimming technology to be required by condition. The sign location and design minimize negative impact to driver and pedestrian.
<b>S7</b>	No more than one changing image or video display sign shall be permitted on a facade.	+	No more than one changing image or video display sign per façade shall be permitted on property.
<b>S8</b>	The use of sound is prohibited.	NA	
<b>S9</b>	Rooftop signage is not allowed. Signage attached to the upper portions of a building may be considered provided it is complementary to the design and style of the building.	NA	
<b>S10</b>	Freestanding signage shall be limited to portable sidewalk signage or monument style directory signage associated with a public plaza in front of a building. The public plaza shall fully conform to Principle 6-Open space. Freestanding pole-mounted signage is not allowed.	+/-	Mounted on the existing sign structure, this proposal effectively creates a new on-premise freestanding sign, albeit replacing the existing off-premise free standing sign by re-using the existing sign structure
<b>S11</b>	Projecting Signs: Buildings on lots which do not contain any permanent, freestanding, on-premises signs (other than incidental signs may not have more than one sign per business which projects perpendicular from the facade of the building. Projecting signs shall not project more than 8'-0" from the building's façade and must not extend below 9'-0" above the ground or sidewalk. The area of a projecting sign shall be part of the total allowable signage allowed on any one façade of the building as listed in the Land Development Code.	NA	
<b>S12</b>	Projecting Banner Signs that utilize a fabric material background shall not project more than 25" from the face of the building and not exceed a total area of 24 s.f. per side of the sign. The area of a projecting banner sign shall be part of the total allowable signage allowed on any one façade of a building as listed in the Land Development Code.	NA	
<b>S13</b>	Exposed conduit, electrical transformer boxes, and electrical raceways should be concealed from public view, or painted to blend in with the background of the building.	+	
<b>S14</b>	Existing signage that does not conform to the current codes is encouraged to be removed or modified to conform to current	-	This sign does not meet Land Development Code but may be

	requirements of the Land Development Code. Non-conforming signage that has been abandoned for a period exceeding 1 year shall be removed. Existing signage that is historic or possesses a character unique to downtown may be allowed to remain.		approved by the Overlay for Entertainment Attractions
<b>S15</b>	Outdoor advertising signs (billboards) are discouraged, but where permitted by zoning regulations should: <ul style="list-style-type: none"> <li>a. Not block any views or vistas nor create a cluttered appearance.</li> <li>b. Be integrated into the design of a building or project.</li> <li>c. Relate strongly to the character of the district.</li> </ul>	+	Proposal removes an existing off-premise, outdoor advertising sign

- Entertainment Attractions are a use within the DDRO that (1) provides a service or goods to the general public or which promotes tourism or provides an opportunity to partake in entertainment that is permitted under the zoning rules for the district, including food and beverage, and / or regular opportunities to attend music performances, theater performances, arts or cultural attractions, and (2) that is available for conferences or conventions, or that is considered a tourist attraction, and that is open to the public and / or available for private event