

Development Review Committee

Staff Report

January 23, 2019



Case No:	18WAIVER1054
Project Name:	Sign Waiver
Location:	5300 Bardstown Road
Owner(s):	Tasch Tinsley, Bardstown Road Dental
Applicant:	Jo Bratcher, Signarama Louisville East
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST(S)

- **Waiver** of Land Development Code Section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to a residentially zoned property that is being used residentially
- **Waiver** of Land Development Code Section 8.3.3.B.9 to allow a sign on a designated parkway to not be columnar or monument style

CASE SUMMARY/BACKGROUND

The subject property is located at the intersection of S Hurstbourne Parkway and Bardstown Road. The property is currently developed with a commercial structure, including a Family Dental Center. The applicant proposes to replace the current sign with a changing image sign on the existing pole structure.

S Hurstbourne Parkway and Bardstown Road are both state roads and Major Arterials. S Hurstbourne Parkway at this location is a designated parkway.

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 nearest residential property with a view of the sign is approximately 200 feet from the sign's location. The applicant requests a waiver from this provision.

Land Development code section 8.3.3.B.9 requires signs on a designated parkway be either monument style or columnar style. At this location, S Hurstbourne Parkway is a designated parkway, and the proposed sign will be placed on the existing pole. The applicant requests a waiver from this provision.

STAFF FINDING

Staff finds that the requested waivers are adequately justified and meet the standard of review.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 8.2.1.D.6 TO ALLOW A CHANGING IMAGE SIGN TO BE CLOSER THAN 300 FEET TO A RESIDENTIALLY ZONED PROPERTY THAT IS BEING USED RESIDENTIALLY

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

STAFF: The waiver will not adversely affect adjacent property owners as the nearest homes have an oblique view of the sign and are located across Bardstown Road, a major arterial.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Guideline 3 Policy 28 describes signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern.

These guidelines are not violated because changing image signs are permitted in this location and the sign is located across Bardstown Road from the nearest affected residential properties.

- (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 pole structure for this sign is already existing. Additionally, there is no feasible location along the Bardstown Road frontage where a changing image sign could be placed that is not within 300 feet of a residential property.

- (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 regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as there is no location along Bardstown Road where a changing image sign could be placed that is not within 300 feet of residential properties, and the pole sign is already in place.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 8.3.3.B.9 TO ALLOW A SIGN ON A DESIGNATED PARKWAY TO NOT BE COLUMNAR OR MONUMENT STYLE

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

STAFF: The waiver will adversely affect adjacent property owners as the existing sign is pole-style and has caused no known adverse effects.

- (b) The waiver will violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Guideline 3 Policy 28 describes signs as compatible with the form district pattern and contributing to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern.

These guidelines are violated because the proposed sign is located along a designated parkway, which Cornerstone 2020 mentions as deserving special attention. The Land Development Code provides that special attention by requiring signs be monument or columnar in style, among other requirements. However, the pole structure is preexisting and the applicant is proposing to replace one of the signs with the changing image sign.

- (c) The extent of the waiver of the regulation is not 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 pole structure is already existing, and other pole signs exist in this area.

- (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 regulations would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the pole structure is already existing and the applicant is only proposing to replace one of the signs with a changing image sign.

REQUIRED ACTIONS:

- **APPROVE or DENY the Waivers**

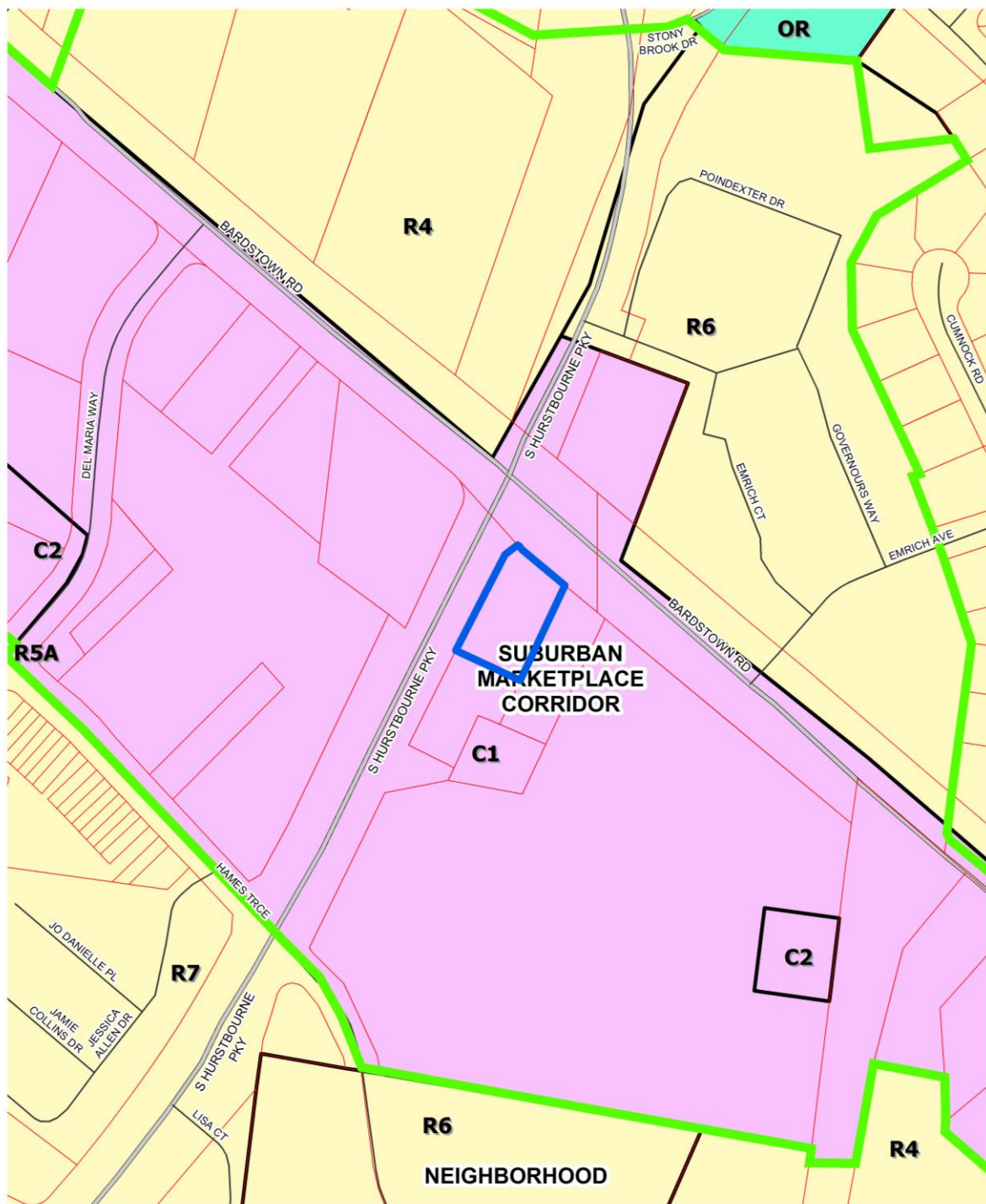
NOTIFICATION

Date	Purpose of Notice	Recipients
1-23-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 22

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 300 Foot Buffer Map

Zoning Map



5300 Bardstown Road

feet

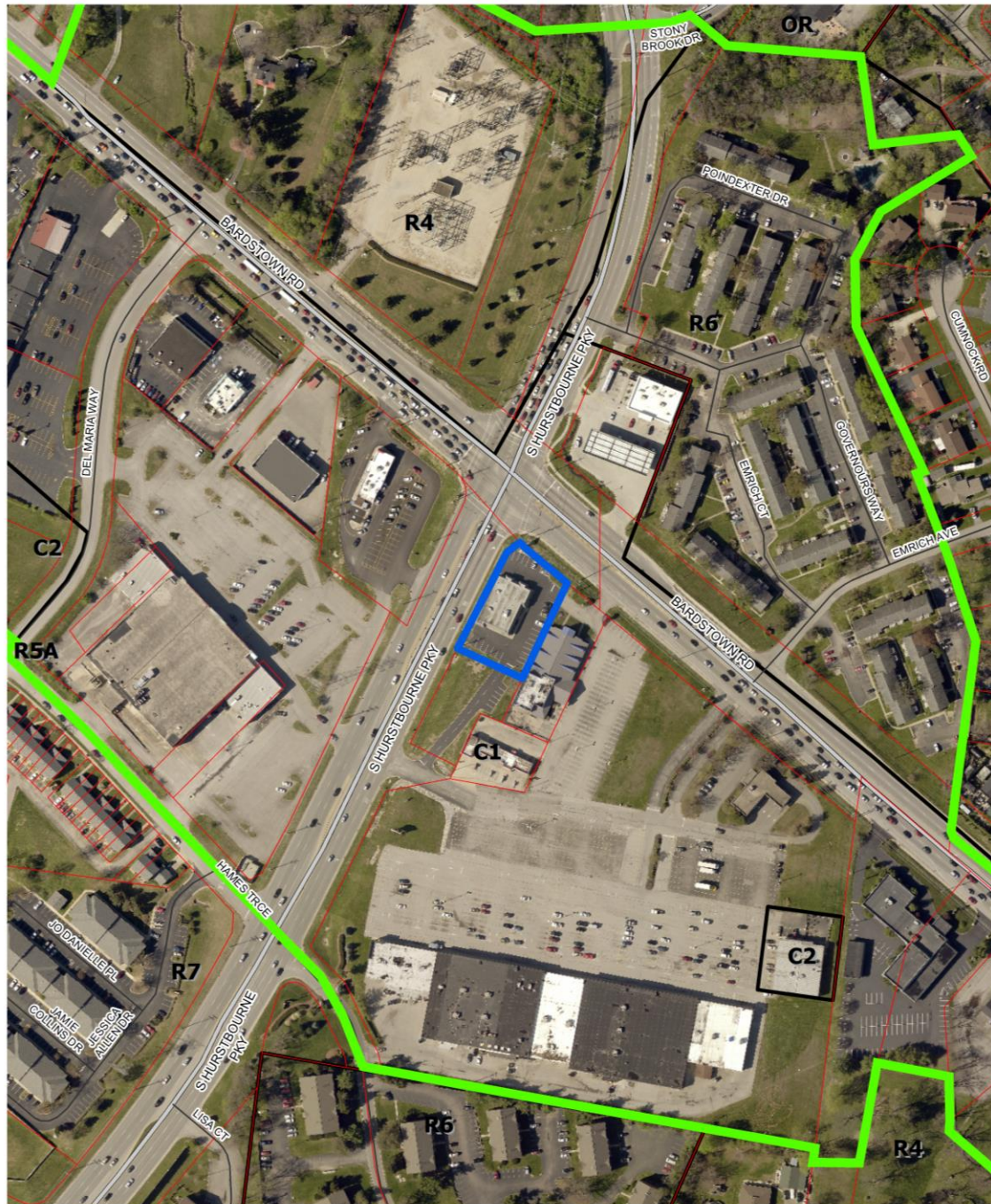
230

Map Created: 1/16/2019

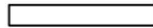


Copyright (c) 2019, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



5300 Bardstown Rd
feet

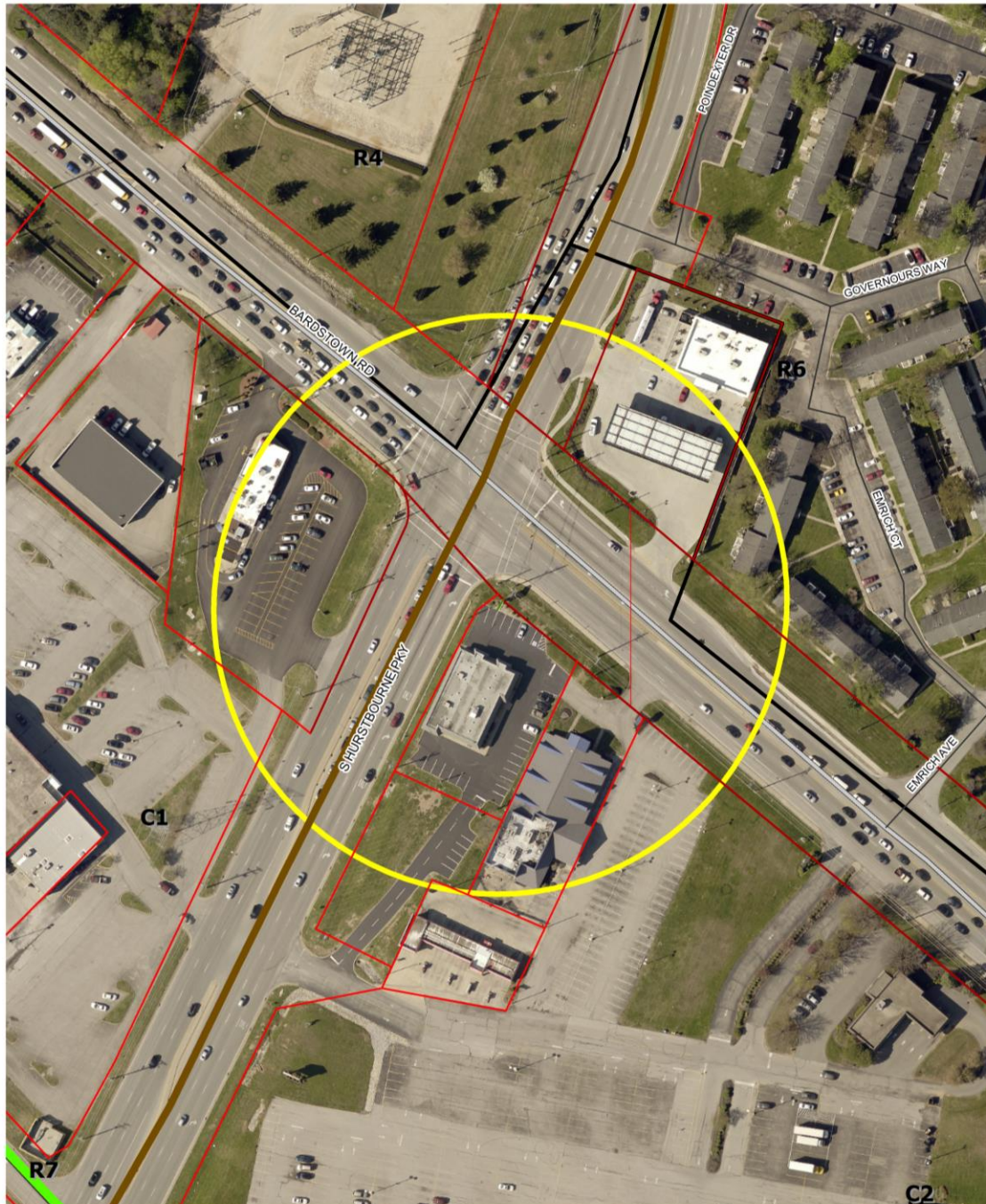


Map Created: 1/16/2019



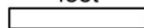
Copyright (c) 2019, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

3. 300 Foot Buffer Map



300 Foot Buffer Around Sign

feet



130

Map Created: 1/16/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.