

GENERAL WAIVER JUSTIFICATION STATEMENT
[EXCEPTIONAL SIGNAGE REVIEW]

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INTRODUCTION

The applicant, Cityscape Residential, is requesting an authorization for exceptional signage from the Louisville Metro Board of Zoning Adjustment ("Board"), as set out in Section 8.4.1.C. and Appendix 8B of the Land Development Code ("LDC") for its multi-family apartment complex, The Flats at Springhurst (the "Flats"), which is currently under construction. Specifically, the applicant seeks to attach three permanent signs to its five story building – one (1) ID Logo sign 60 square feet (sq. ft.) in size to the Flats' north façade; one (1) ID Logo sign 60 sq. ft. in size to the Flats' east façade (both hereinafter referred to as "Attached ID Sign"); one (1) projecting sign 22 feet tall x 2 feet wide (44 sq. ft.), mounted to the building's west façade 9 feet above ground elevation ("ID Blade Sign"). The Flats is located at 4201 Simcoe Lane, just over 500 feet south of Brownsboro Road, a minor arterial, and just west of the Gene Snyder Freeway ("Property"). The Property is zoned OR-3, Office-Residential and located in a Regional Center Form District ("RCFD"). One Attached ID Sign will face the Gene Snyder Freeway, from outside the required Gene Snyder Freeway setback, as set forth in Louisville Metro Code of Ordinances Sec. 155.31, the other Attached ID Sign will face Brownsboro Road, and the ID Blade Sign will relate to Simcoe Lane.

Within the Town Center Form District, the LDC allows attached signage for multi-family uses (LDC Table 8.3.1). As it relates to multi-family uses [even on property zoned office-residential, OR-3 in this case] within the RCFD, however, the LDC is silent. Within the RCFD, the LDC allows attached signs for office, institutional, commercial and industrial uses (LDC Table 8.3.2 Regional Center). Specifically, for building facades of these aforementioned uses, the LCD sets forth an allowable allotment of signage area as a direct function of the façade area where the sign is intended for display. For example, RCFD permits office, institutional, commercial or industrial building façades within the range of 5,000 – 9,999 sq. ft. to have up to 500 sq. ft. of attached signage area, of which can be allocated towards a maximum of three signs per that one façade (LDC Table 8.3.2 Regional Center). For these exact same uses within the RCFD, building facades containing 10,000 sq. ft. of surface area or greater are allocated 750 sq. ft of signage area amongst three signs.

The applicant is requesting exceptional signage review to attach three signs to three of the Flats' four facades – three signs total, one sign to each of those three façades. For an institutional, office, commercial or industrial building the size of the Flats located within the Regional Center, the applicant would be permitted a cumulative signage area of 2,000 sq. ft. (500 sq. ft. of signage for the west façade; 750 sq. ft. of signage for the north façade; and 750 sq. ft. of signage for the east facade). Cumulatively, the three signs being requested measure 164 sq. ft. of total signage area. In other words, for the entire Flats building, the applicant requests only 8.2% of the allowable signage afforded to similarly-sized office, institutional, commercial and industrial uses buildings located in the Regional Center.

As mentioned, the Property is located within the large Regional Center that envelopes all four quadrants of the Gene Snyder and Brownsboro Road interchange. On Simcoe Lane, the Property sits between a four-story Republic Bank office building on one side, which also includes therein a branch bank, and an indoor tennis facility on the other side. Across Simcoe Lane from the Property is the Avish Gardens commercial center. It is a convenient walk from the Property to Avish Gardens. And behind Avish Gardens, a number of town houses located within the Hartwick Village back up to Simcoe Lane. The applicants installed a taller fence and inserted plantings on the west side of Simcoe Lane to screen the rear yards of the Hartwick Village townhouses. No single-family properties have direct access to Simcoe Lane.

The applicant's proposed signage is consistent with the attached signage of buildings in the surrounding area, which blends well with the existing office and commercial character in and around the Regional Center. Uses in the area that utilize similar attached signage include numerous retail establishments, big box retailers (Kroger's, Cabela's, Lowe's, Costco), restaurants (Outback, Drakes, Chili's, Longhorn Steakhouse), hotels (Drury Inn & Suites, Hilton Garden Inn), and hospitals (Norton's). The subject property is a multi-family residential development within an existing regional activity center located at the intersection of Brownsboro Road, a minor arterial roadway, and the Gene Snyder Freeway. Simcoe Lane is a dead-end local roadway that maintains a limited right-in, right-out access from/to Brownsboro Road. Cars traveling west on Brownsboro Road are not permitted to access Simcoe Lane. Hence, there is a need for identification signage on a building within the Regional Center that is setback from the arterial roadway. The proposed sign projecting from the front façade of the multi-family building will relate to Simcoe Lane and for those drivers traveling [east or west] on Brownsboro Road who are unfamiliar with Simcoe Lane. Upon traveling across the Simcoe Lane curb cut on Brownsboro Road, the driver would simply need to look down Simcoe Lane to see the projecting sign and identify the Flats at Springhurst.

As mentioned, the form district in which this site is located does not specifically prohibit or permit the proposed attached signage, nor regulates the allowable area dimensions of the same. Pursuant to Section 8.4.1 of the LDC, the Board is authorized to approve exceptional signage that does not meet specific sign design or style standards (8.4.1.C.2 - Waiver Level Reviews) or exceptional signage that does not meet definitions for sign types established by the sign regulations (8.4.1.C.3 - Sign Authorization). The LDC states: "Sign Authorization Reviews shall use the same set of design guidelines as listed under the Waiver Reviews. Emphasis in sign authorizations shall be on the innovative design of signage and its potential impact on the property it relates to, surrounding properties and to the street or public realm." Accordingly, the applicant requests attached signage for the approved building on the Property that is consistent with the attached signage already approved on other properties within the Regional Center. Specifically, the applicant requests the Board to authorize exceptional signage for the Flats, permitting the applicant to attach three signs to three separate facades of the Flats – two Attached ID Signs and one ID Blade Sign.

a) The requested waiver will not adversely affect adjacent property owners.

The requested waiver will not adversely affect adjacent property owners. The properties directly adjacent to the Property are either commercial or not used as residential (tennis center). Across Simcoe Lane, rear yards of residential properties located in Hartwick Village back up to the Simcoe Lane right-of-way. The ID Sign Blade will relate to Simcoe Lane, however, and will not be directed toward these residential rear yards. Moreover, the applicant has provided additional screening for these properties by installing a taller rear-yard fence and arborvitae plantings, the combination of which will create a nice buffer for the rear yards of the Hartwick Village properties. The Attached ID Signs will not be visible from nearby single-family residential dwellings. These Attached ID Signs are consistent with the pattern of signage in the general vicinity, including other commercial and industrial sites in the area. The Attached ID Signs would easily meet all the requirements of the LDC for signage on a property at this location if it were utilized as an office, commercial, institutional or industrial use.

As to the specific guidelines within Appendix 8b of the LDC, the applicant states:

- The Attached ID Signs and the Projecting ID Blade Sign are visually consistent with the architecture, materials, colors and overall design of the Flats and, given the architectural design of the Flats, are appropriately placed on their respective facades (See Signage Design for the Flats).
- The attached signs have unique individual character and are designed to relate to pedestrians and vehicular traffic on Simcoe Lane, drivers on Brownsboro Road looking down Simcoe Lane for the Flats, as well as drivers on the Gene Snyder Freeway. Both the Attached ID Signs and the Projecting Sign Blade are not designed to mimic signs on adjacent properties.
- The Attached ID Signs stating "THE FLATS" and the Projecting Sign Blade stating, in a vertical fashion, "The Flats at Springhurst", are clearly readable and the information is limited to the name of the development.
- The scale of the Projecting Sign Blade is proportionate in both size and shape of the front facade of the multi-family building and relate well to both vehicles and pedestrians traveling on Simcoe Lane. Each of the two Attached ID Signs are 60 sq. ft. in size, which is substantially less in area that what is allowable for other uses in the RCFD.
- The Attached ID Signs on the north and east facades are similarly located towards the top of the structure as are the attached signs on a number of structures within the RCFD, including the Republic Bank, Drury Inn & Suites, and the Hilton Garden Inn, all of which, like the Flats, are located on the same side of and face the Gene Snyder Freeway.

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- The attached signs are located on the Flats building where they have little to no impact on residential properties.
- The Attached ID Signs are easily legible, using only one letter style; similarly, the Projecting Sign Blade also uses one letter style and two letter sizes with "AT" being smaller in font than "FLATS" and "SPRINGHURST". The color scheme of the attached signs is simple and unobtrusive and enhances the overall design of the Flats.

b) The requested waiver will not violate the Comprehensive Plan.

The requested sign authorization will not violate the Comprehensive Plan as it is in compliance with guidelines specific to the RCFD, which are set forth within Plan 2040, a Comprehensive Plan for Louisville Metro. As described in its Community Form Plan Element, Plan 2040 states Regional Centers contain a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium- to high-density residential uses. Floor Space in RCFDs usually exceeds 400K square feet, reflecting a market area designated to serve a population of at least 100K. Regional Centers are most appropriately located on or near major arterials, state or interstate highways and should serve as focal points for transit from homes and workplaces. A wide mix of uses including high-density residential should be promoted to encourage the creation of transit nodes. Landscaping, building design and unified signage in the Regional Center give character to the development, defines and reinforces identity and provides a human scale. Specifically, as it relates to the applicant's proposed signage for the Flats, said attached signage is: a minor amount of signage when compared to the allowable attached signage for other uses within the RCFD (8.2% of allowable attached signage), screened from single-family residential dwellings that back up to Simcoe Lane (Projecting Sign), surrounded by a mixture of compatible restaurant, office, retail and institutional uses with attached signage, and is consistent with the character and nature of the surrounding area of the Regional Center and the building style of the Flats.

c) The requested waiver is the minimum necessary to afford relief to the applicant.

The requested sign authorization is the minimum necessary to afford relief to the applicant. As noted in Plan 2040's description of Regional Centers, the applicant needs the proposed signage for visual marking and identity, especially given its location amidst numerous other land uses, all of which employ similar attached signage. The LDC fails to regulate or otherwise provide for attached signage, including projecting signs, for multi-residential properties in the RCFD. The placement of only a monument sign on the Property will not identify the Flats' location unless one was directly in front of it. Indeed, provided that the Property sits back from the Brownsboro Road arterial and Simcoe Lane is restricted to a right-in, right-out from/to Brownsboro, the moderate amount of signage the applicant requests from the Board is the minimum necessary to afford relief.

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- d) **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.**

The strict application of the provisions of the regulations will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the LDC does not prohibit or permit the proposed signage, and authorization of the signage has been appropriately requested. The applicant also notes that that attached signs have a net beneficial effect. They are well-designed and attractive signs that will positively contribute to the general appearance of the Regional Center and the Flats development, and will assist the general public in locating and identifying the Flats.

The dimensions of the Attached ID Signs are well within the regulated size for ordinary attached signs in this form district. Further, only one of the three attached signs – the Id Blade Sign – will related to Simcoe Lane. The other attached signs will face Brownsboro Road and the Gene Snyder Freeway. Together, the three signs complement the design of the building and strengthens the appearance of the Flats. The ID signs facing Brownsboro Road and the Gene Snyder will visually mark and provide guidance to the Flats for vehicular passers-by folks, while the ID Blade Sign relating to Simcoe Lane will assist individuals looking down Simcoe Lane, including guests of Flats' residents, in locating the Flats' location.

CONCLUSION

For the foregoing reasons, the applicant, Cityscape Residential, respectfully requests that the Louisville Metro Board of Zoning Adjustment approve the requested authorization for exceptional signage to allow three signs: two ID Attached Signs, one on the north elevation and one on the east elevation; one Projection Sign. As demonstrated herein, the requested authorization meets the criteria set forth in Appendix 8B of the LDC and therefore should be approved.

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