

Board of Zoning Adjustment

Staff Report

October 5, 2020



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| Case No. | 20-SIGNAUTH-0002 |
| Project Name | NuLu Marketplace |
| Location | 821 E. Market Street |
| Owner | NuLu Commons LLC |
| Applicant | Architectural Artisans |
| Jurisdiction | Louisville Metro |
| Council District | 4 – Barbara Sexton Smith |
| Case Manager | Beth Jones, AICP, Planner II |

REQUEST

- WAIVER 1:** to permit two Exceptional Signs for NuLu Marketplace over pedestrian walkways (LDC 8.4, Appendix 8B)
- WAIVER 2:** to permit an Exceptional Sign for a tenant over a pedestrian walkway (LDC 8.4, Appendix 8B)
- WAIVER 3:** to permit an Exceptional Sign for NuLu Marketplace attached to an exterior façade (LDC 8.4, Appendix 8B)

CASE SUMMARY/BACKGROUND

The applicant is requesting a Sign Authorization for sign types not specifically authorized by LDC regulations. All signs are located within the NuLu Marketplace development in the 800 block of E. Market Street. As per LDC requirements, Sign Authorization Reviews shall use the same set of design guidelines as Waiver Reviews, with an emphasis on innovative design and its potential impact on the site, surrounding properties and to the street or public realm.

The development these signs serve includes addresses in the 800 block of both E. Main and E. Market Streets, with Billy Goat Strut Alley running parallel to them through the center (see Attachment 3). All are located in a Traditional Marketplace Corridor in the NuLu overlay district and have already been installed. In addition to tenant spaces fronting both streets, there are pedestrian walkways between the historic buildings at two points that lead to a central interior courtyard surrounded by additional tenant spaces. These tenants do not have direct public right-of-way frontage. Remaining tenants will have attached signage on the E. Market Street building facades; these signs are to be permitted separately.

The sign plan for the development site has been reviewed and approved by Urban Design.

WAIVER 1: These signs span pedestrian walkways between (1) 815 and 819 E. Market and (2) 819 and 821 E. Market, mounted to the building walls on either side (see Attachment 4). Their purpose is to call the attention of the public to the walkways, which provide access to the tenants located interior to the site. Since these signs do not serve a specific tenant, they are not specifically addressed by LDC regulations.

WAIVER 2: This sign is identical in size and style to the signs in Authorization 1. Its intention is to direct pedestrians specifically to one tenant occupying Suite 101 within the interior courtyard area (see Attachment 4). This tenant has attached signage on the exterior of its tenant space facing E. Main Street, but none facing E. Market.

WAIVER 3: This sign is mounted at the top of the fascia of 823-825 E. Market, the building at the east end of the development (see Attachment 5). Since this is a sign that serves the development as a whole and not a specific tenant, it is not specifically addressed by LDC regulations.

STAFF FINDING

Staff finds that Waivers 1 and 3 are adequately justified due to the unique nature of the site and the multi-tenant development on it. The signs in Authorization 1 could be considered Incidental Signs except that they are too large to meet LDC standards, and because of the requirements of their unique placement they cannot be made smaller and still maintain their intended function as a directional sign. The sign in Authorization 3 could be considered the equivalent of the freestanding identification signs common at similar multi-tenant retail centers elsewhere in the city but not permitted at this site.

Waiver 2 would allow a sign for an individual tenant located within the courtyard area (Suite 101) to be mounted along the E. Market Street frontage. This tenant space does not have Market Street frontage but does have Main Street frontage, where an attached sign would be permitted. In addition, the pedestrian walkway over which the sign is placed provide access not only to Suite 101 but also to the other tenant suites within the courtyard area. These tenants are not requesting signs on the E. Market frontage.

All signs under consideration are located in a fully-developed commercial corridor, do not include potentially intrusive lighting and do not interfere with the public right-of-way.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting Sign Authorizations as established by the Land Development Code.

TECHNICAL REVIEW

No outstanding technical issues remain.

INTERESTED PARTY COMMENTS

No comments have been received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1 to permit two Exceptional Signs for NuLu Marketplace over pedestrian walkways (LDC 8.4, Appendix 8B)

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

STAFF: The waiver will not adversely affect adjacent property owners in that it is the result of circumstances unique to the site and will not interfere with visibility of signage on adjacent properties.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 (Community Form Goal 1, Policy 14) as the proposal is in compliance with the underlying form district and the character of the area and makes a positive contribution to the visual quality of its surroundings. It is also of a size and height adequate for effective communication and proportionate with the scale of the development and parking area it identifies.

The proposal also meets LDC design guidelines for a Sign Authorization in that it is visually consistent with the architecture, materials, colors and overall design of its surroundings. The Urban Design Administrator has reviewed and approved the proposal for conformance with design standards for the NuLu overlay district.

- (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 in that signs meeting the standards for Incidental Signs would require reducing their size to the point that they could not function for the intended directional purpose.

- (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 regulation would create an unnecessary hardship on the applicant in that the signs as requested perform a reasonable function and are not excessively large or obtrusive.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2 to permit an Exceptional Sign for a tenant over a pedestrian walkway (LDC 8.4, Appendix 8B)

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

STAFF: The waiver will not adversely affect adjacent property owners in that it is the result of circumstances unique to the site and will not interfere with visibility of signage on adjacent properties.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 (Community Form Goal 1, Policy 14) as the proposal is in compliance with the underlying form district and the character of the area and makes a positive contribution to the visual quality of its surroundings. It is also of a size and height adequate for effective communication and proportionate with the scale of the development and parking area it identifies.

The proposal also meets LDC design guidelines for a Sign Authorization in that it is visually consistent with the architecture, materials, colors and overall design of its surroundings. The Urban Design Administrator has reviewed and approved the proposal for conformance with design standards for the NuLu overlay district.

- (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 in that a sign meeting the standards for Incidental Signs would require reducing its size to the point that it could not function for the intended purpose.

- (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: There is no net beneficial effect and strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant in that other tenants with the same location interior to the site are not requesting a similar sign.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 3 to permit an Exceptional Sign for NuLu Marketplace attached to an exterior façade (LDC 8.4, Appendix 8B)

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

STAFF: The waiver will not adversely affect adjacent property owners in that it is the result of circumstances unique to the site and will not interfere with visibility of signage on adjacent properties.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 (Community Form Goal 1, Policy 14) as the proposal is in compliance with the underlying form district and the character of the area and makes a positive contribution to the visual quality of its surroundings. It is also of a size and height adequate for effective communication and proportionate with the scale of the development and parking area it identifies.

The proposal also meets LDC design guidelines for a Sign Authorization in that it is visually consistent with the architecture, materials, colors and overall design of its surroundings. The Urban Design Administrator has reviewed and approved the proposal for conformance with design standards for the NuLu overlay district.

- (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 in that only one such sign is being requested.

- (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 regulation would create an unnecessary hardship on the applicant in that the sign is a reasonable substitute for a sign type that is not permitted and its design has been reviewed and approved by the the Urban Design Administrator for conformance with design standards for the NuLu overlay district.

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-----------|------------------------|--|
| 9/18/2020 | Notice of BOZA Hearing | 1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 4 |
| | | Sign Posting |

ATTACHMENTS

1. Land Use Map
2. Aerial View
3. Site Plan
4. Street View
5. Sign Rendering: Waiver 1
6. Sign Rendering: Waiver 2
7. Sign Rendering: Waiver 3

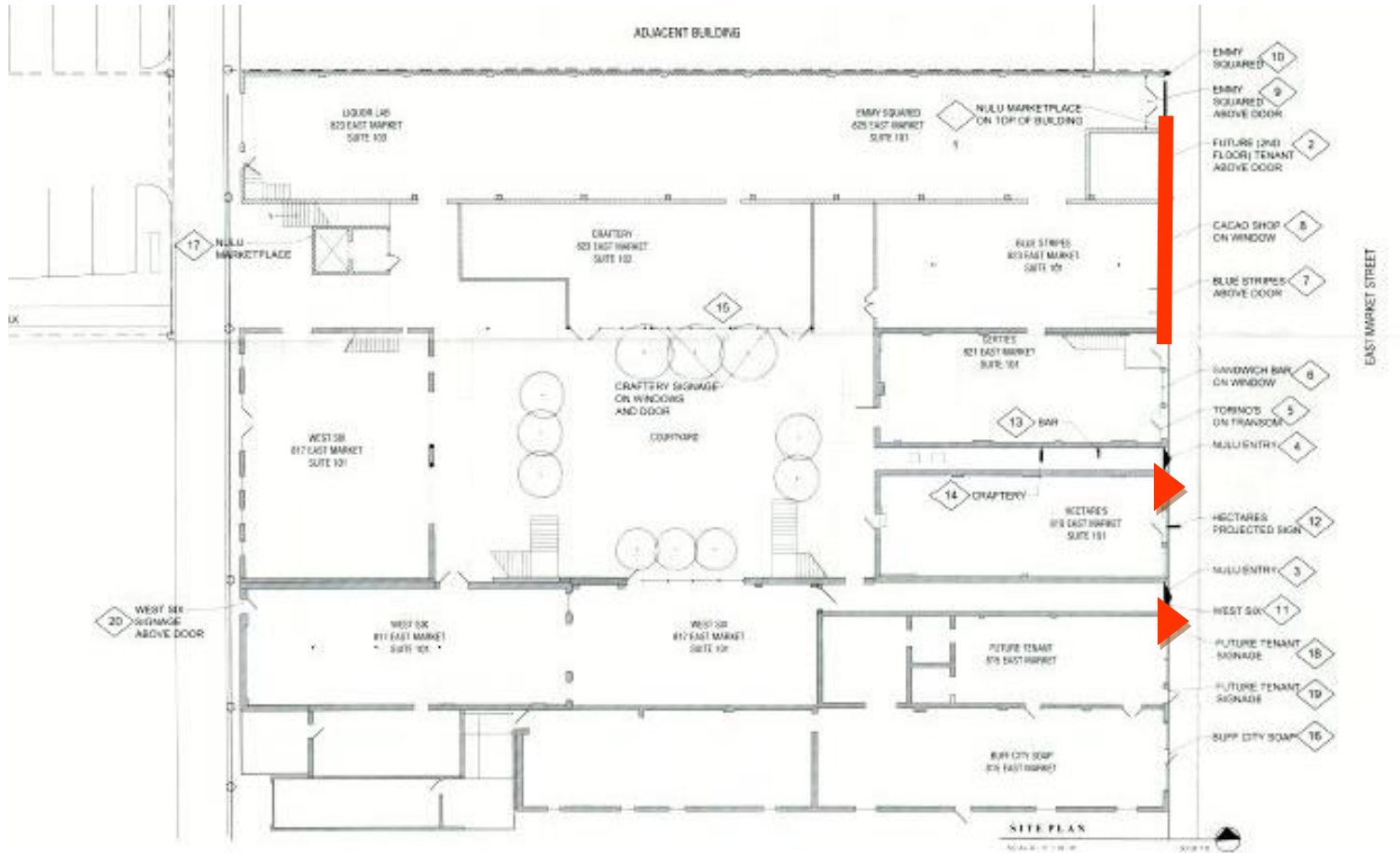
1. Land Use Map



2. Aerial View



3. Site Plan



4. Street View



5. Sign Rendering: Waiver 1



6. Sign Rendering: Waiver 2



7. Sign Rendering: Waiver 3

