

# Planning Commission

## Staff Report

June 18, 2020



<b>Case No.</b>	20-WAIVER-0036
<b>Project Name</b>	Waiver to Permit Changing Image Sign
<b>Location</b>	2040 Buechel Bank Road
<b>Owner</b>	Archdiocese of Louisville
<b>Applicant</b>	St. Bartholomew Church
<b>Representative</b>	Smart LED Signs & Lighting
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	2 – Barbara Shanklin
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### REQUEST

**WAIVER 1** to permit a changing image sign to be located closer than 300 ft from a residentially zoned district (LDC 8.2.1.D.6)

**WAIVER 2** to permit a changing image sign to exceed the maximum limit of 30% of the total sign area (LDC 8.2.1.D.4.)

### CASE SUMMARY / BACKGROUND

The applicant proposes to re-face an existing freestanding monument sign. The v-shaped sign structure is 5.27 ft high by 9.32 ft wide and conforms to current LDC standards.

The main 7.7 acre parcel of the site is developed with a church structure and six outbuildings, including two residences in use as a rectory and a church office located along Beuchel Bank Road, a two-lane Collector roadway. An adjoining 0.9 acre site to the south is developed with a three-story building housing senior apartments. In addition, there are single-family residential properties to the north and south and an apartment complex to the west, across Beuchel Bank Road, located within the required buffer zone.

The primary site is zoned R-4 single-family residential; the adjoining senior apartment site is zoned R-7 multi-family residential. Additional single-family residences to the north, south and west are zoned R-4; the apartment complex to the west is zoned R-6. All are within a Neighborhood form district. The adjoining property to the east, at the rear of the subject site, is zoned C-2 Commercial within a Suburban Marketplace Corridor.

The signage portion of the existing monument structure currently consists of an internally lit cabinet with a translucent sign panel at the top and a reader board at the bottom, totaling approximately 20 sf in area. There is also a 4.3 sf set of attached letters reading St. Bartholomew Church. The new sign configuration will include a 12.1 sf changing image sign just below the existing attached letters to remain, and an 8.9 sf internally lit cabinet sign. Because the site is located within a Neighborhood form district, the cabinet portion of the sign must have an opaque background.

## **REQUIREMENTS**

<b>Changing Image Sign Neighborhood Form District 2-Lane Collector</b>	<b>Permitted</b>	<b>Proposed</b>
Sign Type	Monument or Columnar	Monument
Overall Height (above grade)	8 ft	5.3 ft
Total Sign Area	Maximum 60 sq ft	25.3 sq ft
Changing Image Area	Maximum 20 sq ft (30% of permitted size)	12.1 sq ft (48% of proposed size)
Changing Image Sign Location	Minimum 300 ft from residential zone	Within residential zone; 106 ft from senior apartments, 215 ft from apartment complex
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 waivers are justified.

The applicant has expressed a willingness to take steps to mitigate potential negative effects of the changing image portion of the sign by 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.

LDC regulations require opaque backgrounds for internally illuminated signs located in this form district; this is evidence that maintaining limits on light produced by signage, including both direct glare and indirect light trespass, is an important factor in determining the appropriateness of a particular sign type for any given site. Although the direct viewing angle of the proposed sign is limited, changing image signs emit both direct and indirect light during all hours of operation. Furthermore, the regularly changing display that is the primary feature of this type of sign results in fluctuating light levels and color, further exacerbating the negative visual impact on nearby residences.

The fact that LDC sign regulations are tied to a site's form district indicates a recognition that the appropriateness of a given sign type is more dependent on its setting and surroundings than on the use of the site where it is placed. Even though a particular land use may be compatible with its surroundings, it does not follow that all available sign options are also compatible.

The requests do not meet the standard of review for approval. In addition to asking for a sign type that is not permitted on this site due to incompatibility with existing development in the area, the proposed of that portion of the sign would exceed the permitted size by 60%. There are no exceptional conditions on the site or within the existing sign structure that justify a waiver of LDC requirements and standards.

## **TECHNICAL REVIEW**

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

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1 (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 direct and indirect light emanating onto residentially zoned properties in residential use, including multi-family residences directly across the two-lane roadway.

- (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); 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, as no changing image sign of any size is permitted in the Neighborhood form district.

- (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.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2 (LDC 8.2.1.D.4.) to permit the changing image portion of the proposed sign to exceed the maximum permitted size**

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

STAFF: The waiver will adversely affect adjacent property owners in that the large changing-image portion of the sign decreases the sign's overall compatibility with residential properties and existing residences.

- (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); 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 as there are no existing site conditions that would interfere with the visibility of the sign if installed as per LDC standards.

- (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 exceeding the minimum requirements. The 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 in that a sign of the same dimensions but with a smaller changing image area could be installed.

## **NOTIFICATIONS**

Date	Purpose of Notice	Recipients
5/22/2020	Planning Commission	1st tier adjoining property owners Registered Neighborhood Groups in Council District 2

## **ATTACHMENTS**

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

1. Zoning Map





## 2. Aerial Photograph





### 3. Street View



### 4. Existing Sign





5. Proposed Sign





6. Buffer Zone

