

**City of Lawrence
Sign Code Board of Appeals
August 4, 2011**

MEMBERS PRESENT: Mahoney, Carpenter, Lowe, Edie, Christie, von Tersch
STAFF PRESENT: Guntert, Parker, Walthall
PUBLIC PRESENT: Green, Harper, Jacob, Gaston, Orth, Smithyman, Schmidt, Krische

**SIGN CODE BOARD OF APPEALS
Meeting Minutes of August 4, 2011 – 6:30 p.m.**

Members present: Mahoney, Carpenter, Lowe, Edie, Christie, von Tersch
Staff present: Guntert, Parker, Walthall

ITEM NO. 1: MINUTES

No past meeting minutes that required approval action.

ITEM NO. 2: COMMUNICATIONS

Carpenter stated Mark Fagan from the Lawrence Journal World contacted him regarding Item 3.

von Tersch stated she had received email correspondence regarding Item 3.

Mahoney stated he had received email correspondence regarding Item 3.

Lowe stated he had received email correspondence regarding Item 3.

Christie stated he had received a letter regarding Item 3.

Mr. Guntert stated correspondence regarding Item 3 was posted on the Board of Zoning Appeals website.

There were no abstentions from agenda items under consideration.

No items were deferred.

ITEM NO. 3: 1901 LOUISIANA STREET; LAWRENCE HIGH SCHOOL

SV-7-3-11: A request for variances from the provisions of Chapter 5, Article 18 (Signs), of the Code of the City of Lawrence, Kansas, 2011 edition. The variances are from the provisions of Section 5-1840 et seq. in the Sign Code. The only type of sign permitted in the GPI (General Public and Institutional) District is a bulletin sign and the request does not meet the standards for such a sign. The location of the sign is on the north side of the new stadium wall at the north end of the Lawrence High School football complex just west of the high school at 1901 Louisiana Street. Submitted by Tracy Green with B. A. Green Construction for USD #497, property owner of record.

STAFF PRESENTATION

Mr. Walthall presented the item.

Carpenter asked Mr. Walthall if the sign at the Lawrence High School would be a bulletin sign.

Mr. Walthall stated the sign would not be classified as a bulletin sign.

Carpenter asked Mr. Walthall if the chesty lion emblem was considered a sign.

Mahoney asked if the sign would enclose a scoreboard.

Mr. Walthall said the stadium was viewed as an open air building and the interior signage would not be regulated. He said interior signs were for advertisement.

Carpenter asked if the sign was considered two separate signs.

Mr. Walthall said the sign was considered to be one sign.

Carpenter said there was a sign in place at the present time. He asked if the letters only were to be approved.

Mr. Walthall said both elements of the sign would need to be considered. He said the total size of both elements was 81 square feet.

Carpenter asked if the variance request was to permit a business sign including the size of the sign.

Mr. Walthall stated essentially the variance was for a business sign and for the size of the letters.

von Tersch asked where the lights would be placed on the sign.

Mr. Walthall displayed photos of the proposed sign and stated the lights would be placed below the emblem.

Carpenter stated the only way to allow illumination was to grant the variance to allow the business sign. He said the code specified that indirect light would be permitted.

von Tersch said Mr. Walthall requested approval with the condition the lighting not be a detriment on the neighborhood.

Mr. Walthall stated the condition was listed in the staff report.

Carpenter asked if the sign would be reviewed by the Historic Resources Commission.

Mr. Walthall stated the sign had been reviewed by the Historic Resources Commission and a building permit had been issued. He said the applicant had previously understood the sign was permitted and approved and the mistake was recognized when the applicant had requested to alter the plans.

APPLICANT PRESENTATION

Tracy Green, B.A. Green Construction, said documents had been submitted and in the construction process the lighting was added. He said the intent was to pull the facility together.

Mahoney asked Mr. Green if the illumination was included at the time the plans were approved.

Mr. Green stated the illumination was added to the plans after the initial submittal.

PUBLIC COMMENT

Tom Harper said it was important for the Board to ask questions. He said the school district says one thing but does another and it had been a painful process for the perimeter neighbors. Mr. Harper stated he had no problem with the light directed to the chesty lion but was concerned with resolving problems if they arose.

Craig Jacob stated he came from a family of teachers and believed the rules had to be followed. He said he was concerned about the process and not necessarily the sign itself.

Doug Gaston said the focus had always been to make the Lawrence High Campus as beautiful and student friendly as possible. He said issues continue between the neighbors and the district but the issues were outside the focus of the Sign Code Board meeting. He said the scoreboard would be considered a sign now that the oversight was found. He said the variance should be approved and not hung up in the history of previous issues.

Sheila Orth stated there were comments from Joplin Missouri students and parents stating how nice the facility had been put together.

Carpenter asked Mr. Harper if he had an objection to the proposed sign.

Mr. Harper stated he did not object to the proposed sign but could not speak for the neighbors.

Mr. Jacob said he did not have a problem with the proposed sign.

ACTION TAKEN

Motioned by Carpenter, seconded by Christie, to close the public comment regarding 1901 Louisiana Street.

Motion carried unanimously, 6-0

BOARD DISCUSSION

von Tersch said she appreciated the positive attitude and comments from the public.

Mahoney asked if the sign would be illuminated during night hours.

Mr. Green stated timers could be installed on the lights.

Chris Cunningham said the lights would only illuminate the letters on the sign.

Carpenter said the lights for the field had been changed from the initial proposal. He asked if the neighborhood had recourse if the plans modify. Mr. Carpenter stated every project that came through the department came in bits and pieces and that was the problem. He said there was no real reason to oppose the sign.

von Tersch said she hoped the school district would provide what they said they would provide and be sensitive to neighborhood issues.

ACTION TAKEN

Motioned by Mahoney, seconded by Christie, to approve the sign variances to permit business signs in a GPI district, at 1901 Louisiana Street, based upon the findings of fact in the staff report.

Motion carried unanimously, 6-0

ITEM NO. 4: 4950 RESEARCH PARKWAY; BIOSCIENCE & TECHNOLOGY BUSINESS CENTER

SV-7-1-11: A request for variances from the provisions of Chapter 5, Article 18 (Signs), of the Code of the City of Lawrence, Kansas, 2011 edition. The variances are from the provisions of Section 5-1841 et seq. in the Sign Code. The requested variance is to install two off-site ground signs, in addition to two existing ground signs, on property at the southwest corner of Wakarusa Dr and Bob Billings Pkwy, Lot 1A of Oread West No. 8 (Lot 1A). This location is adjacent to the property inhabited by the applicant, Bioscience & Technology Business Center (BTBC) at 4950 Research Parkway. Submitted by Bioscience & Technology Business Center, for University of Kansas Center for Research, Inc., property owner of record.

STAFF PRESENTATION

Mr. Walthall presented the item.

Lowe asked if there was a condition for the permit to be brought up to date and if the sign met the Development Code standards.

Mr. Walthall said one sign was a pole sign which should have been a monument sign.

APPLICANT PRESENTATION

Mike Smithyman stated the goal of the center was to foster growth and increase the local tax base. He said the signs would provide directions to the center. He said the building faced Bob Billings Parkway.

PUBLIC COMMENT

Mike Schmidt, Star Signs, said the sign was consistent with the existing signs in the area.

Lowe asked Mr. Schmidt if the signs were made of concrete.

Mr. Schmidt said the sign was made of concrete and aluminum.

ACTION TAKEN

Motioned by Mahoney, seconded by Carpenter, to close the public comment regarding 4950 Research Parkway.

Motion carried unanimously, 6-0

BOARD DISCUSSION

There was no Board discussion.

ACTION TAKEN

Motioned by von Tersch, seconded by Carpenter, to approve the sign variances at 4950 Research Parkway, with the conditions listed in the staff report, and based upon the findings of fact as listed in the staff report.

Motion carried unanimously, 6-0

ITEM NO. 5: **530 FOLKS ROAD; PETERSON KRISCHE VAN HORN
FAMILY DENTISTRY**

SV-7-2-11: A request for variances from the provisions of Chapter 5, Article 18 (Signs), of the Code of the City of Lawrence, Kansas, 2011 edition. The variances are from the provisions of Section 5-1840.3(B) in the Sign Code. The variance request is for a monument sign on a lot smaller than one acre, that does not meet the standards for such a sign. Submitted by Michael Schmidt with Star Signs, LLC., for PKV Properties LLC, property owner of record.

STAFF PRESENTATION

Mr. Walthall presented the item.

Lowe asked Mr. Walthall if the existing signs met the Development Code.

Mr. Walthall stated the existing signs met the Development Code.

APPLICANT PRESENTATION

Mike Schmidt, Star Signs Inc., said the monument sign was fitting with the property. He stated there would be patients in the winter time that had later appointments and they would need the light to find the office. He said the sign was smaller than other signs in the area.

Christie asked if signs in the general area were also illuminated.

Mr. Schmidt stated the Douglas County Bank sign was internally lit and very bright. He said the sign was eight feet tall.

Carpenter asked if the sign could be modified by reducing the size of the logo.

Mr. Schmidt said the size of the sign was necessary for visibility.

Mahoney asked if the border of the sign could be reduced.

Mr. Schmidt stated reducing the border one square inch would not reduce the total size of the sign two square feet.

von Tersch said the sign could be shrunk and the proportions could stay the same.

PUBLIC COMMENT

Matt Krische said the illumination was the most important portion of the sign. He said there were early morning appointments for elderly patients and emergency personnel would need to be aware of the office. He said the sign would not be illuminated twenty four hours a day.

Carpenter asked Mr. Krische what time the earliest and latest appointments were.

Mr. Krische said morning appointments begin at seven and evening appointments end at six thirty. He said there were occasional emergency appointments.

von Tersch said other entities were marketing their services within the restrictions of the Development Code.

Mr. Schmidt said most of the dental signs on Wakarusa were large and illuminated.

Mr. Krische stated he had worked within the City since 1985 and the public was not informed that a sign permit is not the same as a building permit.

Mr. Walthall said staff was now more aware of sign permitting. He said the Lawrence High issue was partially an oversight by Staff.

ACTION TAKEN

Motioned by Christie, seconded by Mahoney, to close the public comment.

Motion carried unanimously, 6-0

BOARD DISCUSSION

Mahoney said he did not see a problem with approving the monument style sign based on the acreage. He said the size of the sign could be reduced.

Carpenter said there should not be additional signage on the base of the sign.

Mr. Walthall stated there was a limit of four feet for the base and the sign.

Carpenter stated the base of the sign could be smaller than four feet.

Mr. Krische stated the base of the proposed sign was three inches.

Carpenter said there should be a condition to the variance that the base would remain at three inches tall.

von Tersch said she would like to see the sign illuminated. She stated she did not want to set precedence.

Mahoney asked staff where street lights were located in the area.

Lowe said there was a street light at the corner west of Douglas County Bank.

ACTION TAKEN

Motioned by von Tersch, seconded by Edie, to approve the variance for the illuminated sign, to deny the variance for the size of the sign, at 530 Folks Road, based upon the findings of fact in the staff report.

Motion carried unanimously, 6-0

ITEM NO. 6: MISCELLANEOUS

There was no other business to come before the Board.

ACTION TAKEN

Motioned by Mahoney, seconded by Edie, to adjourn the Sign Code Board of Appeals meeting.

Motion carried unanimously, 6-0

ADJOURN – 8:35p.m.

Official minutes are on file in the Planning Department office.