

SIGN CODE BOARD OF APPEALS
Meeting Minutes of September 5, 2013 –6:30 p.m.

Members present: Fertig, Holley, Lowe, Mahoney, Perez
Staff present: Guntert, A. Miller, Ewert, B. Walthall, Larkin, Schroeder

ITEM NO. 1: MINUTES

Consider approval of the minutes from the December 6, 2012 meeting.

Motioned by Holley, seconded by Perez, to approve the December 6, 2012 Sign Code Board of Appeals minutes.

Motion carried 4-0-1, with Fertig abstaining.

ITEM NO. 2: COMMUNICATIONS

No communications came before the Board.

No Board member disclosure of ex parte contacts or abstentions from the discussion and vote on any agenda item under consideration.

No agenda items deferred.

ITEM NO. 3: CONSIDER POSSIBLE SIGN CODE AMENDMENT

SV-13-00363: Receive and consider a request for a text amendment to the provisions of Chapter 5, Article 18 (Signs), in the Code of the City of Lawrence, Kansas, 2013 edition, and make a recommendation for disposition to the City Commission. The proposed change would amend the code provisions in Section 5-1822, Moving and Flashing Signs Prohibited, and Section 5-1841.5(B) New Pole Signs in the Sign Code. The request seeks to allow electronic changeable copy for gasoline price information. The request was submitted to the City by Nancy Holmes, Full Bright Sign & Lighting.

STAFF PRESENTATION

Mr. Barry Walthall presented the item. He provided example pictures on the overhead.

Lowe asked if the sign picture he had on the overhead (sign on awning) would not be acceptable.

Mr. Walthall said that was correct, it would not be acceptable. He said the recommendation was for ground signs only.

Mahoney asked if this would be an amendment to the Sign Code or if this was just a recommendation that would go to City Commission.

Mr. Walthall said it would be a recommendation to the City Commission.

Holley asked to see the picture of a sign on an awning. He asked if the current code would allow a non-digital sign displaying gasoline prices with new construction.

Mr. Walthall said that was correct.

Perez felt some monument signs were distracting when they change from regular to premium gasoline, for example. He asked if the language would not allow movement at all.

Mr. Walthall said that was correct, no movement or animation at all. He said at times, when prices change or the gas product changes, the sign could be updated to reflect that.

Perez said he had seen signs in other communities that show scrolling cash and credit prices.

Mr. Walthall said the way the language was written, the only graphics allowed to be digital would be the gas product and price. He said if a business wanted to include the words cash or credit those would have to be non-digital permanent elements of the sign.

Perez asked if it could change from unleaded and the price to premium and the price within 15 seconds of each other. He felt that would be close to scrolling or blinking.

Mr. Walthall said he would make that same determination of scrolling or flashing. He said if the business wanted to make that change on a daily basis they could. He said the applicant could maybe better respond to that question. He said the applicant requested that the gas product and price be allowed. He stated the applicant made it sound like it would be very difficult or almost impossible to change the gas product information. He said the intent was not to permit them to be changing on a regular basis.

APPLICANT PRESENTATION

Ms. Nancy Holmes, Full Bright Sign & Lighting, felt the current code for fuel changes was archaic and unsafe. She said there were only a few companies that made LED price signs and they typically make them with just the price and type of fuel so the word unleaded couldn't be changed to Coke. She said they were designed to only say the type of fuel and price.

Mahoney asked if Ms. Holmes was in favor of the LED price light and in favor of non-scrolling signs.

Ms. Holmes said yes.

Holley asked Ms. Holmes if she was in favor of the staff recommendation.

Ms. Holmes said yes.

PUBLIC HEARING

No public comment.

BOARD DISCUSSION

Mahoney said he liked the way this was written and stated there was no public disagreement with it. He felt the LED signs would be easier.

Lowe felt the LED signs would be safer for operators.

Perez expressed concern about the gas product being allowed to change within a short period of time, which could be distracting to drivers. He felt the different colors, one in blue and one in red, was distracting to drivers as well.

Mahoney asked Perez if he wanted his concerns to be included in a motion. He said he interpreted the Code to mean that the only time the sign would change would be when the price was changed.

Perez said the way it was written it said the name of the gas product could change so it could rotate back and forth. He said maybe the applicant could address that. He said the types of fuel probably wouldn't change.

Ms. Holmes said the way the manufacturer makes the gas price change signs shows green for diesel and red or amber for regular and unleaded. She said there would never be a reason to change the type of fuel unless a new type of fuel was created in the future.

Perez said he had seen signs that would change from regular to mid-range, for example.

Ms. Holmes said those would be considered flashing/changing.

Perez said his understanding was that the gas product information could change.

Ms. Holmes said the fuel type only could change.

Perez said the price could change as well. He said if sign space was limited a business could potentially have an LED sign that rotated between different gas types/prices.

Holley said the applicant had no intention to violate the concerns Perez had. He said the concern could be valid with future applicants. He said maybe the language could be revised to say signs should be monochromatic in nature and refresh no more than once every 60 seconds.

Mahoney felt the last sentence in section 5-1841.6(D) of the Code took care of the concerns expressed by Perez:

*5-1841.6(D) Gas and Fuel Sales Pricing. Digital display of gas and fuel product and price information for Gas and Fuel Sales (as defined in Chapter 20 of the Code of the City of Lawrence, Kansas) may be incorporated into a ground/surface mounted sign, provided that the total area of the gas product name and price information shall not exceed 25 percent of the sign area. **Such display shall be limited to the name of the gas product and numeric price information only, and shall not flash, scroll, or otherwise simulate movement.***

Holley and Lowe said they interpreted the last sentence in the same way as well.

Fertig liked the idea of encouraging the transition to monument signs and felt it was consistent with the purpose of the Code and direction of city development. She said the proposed language would limit it to a ground or surface mounted sign.

ACTION TAKEN

Motioned by Holley, seconded by Fertig, to approve the sign code amendment, as stated in the staff report.

Motion carried 4-1, with Perez voting in opposition.

ITEM NO. 4: MISCELLANEOUS

- a) There was no other business to come before the Board.

ADJOURN- 7:03pm