

**SIGN CODE BOARD OF APPEALS**  
**Meeting Minutes of March 6<sup>th</sup>, 2014 –6:30 p.m.**

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Members present: Fertig, Gascon, Holley, Kimzey, Mahoney, Perez  
Staff present: Cargill, Guntert, Barry Walthall

**ITEM NO. 1: MINUTES**

Consider approval of the draft minutes from the September 5, 2013 meeting.

**ACTION TAKEN**

Motioned by Fertig, seconded by Holley, to approve the September 5, 2013 Sign Code Board of Appeals draft minutes.

Motioned carried 4-0-2.

**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: CAPITAL CITY BANK; 4505 WEST 6<sup>TH</sup> STREET**

**SV-14-00058:** Receive and consider a request for variances from the provisions of Chapter 5, Article 18 (Signs), in the Code of the City of Lawrence, Kansas, 2013 edition. All of the variances seek relief from the code provisions found in Section 5-1840.3(B) which identifies the standards applicable for signs in Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO) and Planned Office District (POD) districts. The specific variances pertain to the maximum size and height allowed for a monument sign, maximum size for a wall sign, and allowing four (4) directional signs with a maximum height of 4 feet to be placed on the property. The requests were submitted by Kip Slattery, Luminous Neon, Inc for Capital City Bank

**STAFF PRESENTATION**

Barry Walthall presented the item.

**APPLICANT PRESENTATION**

Kip Slattery, Luminous Neon Inc on behalf of Capital City Bank, said he would be happy to answer any questions.

Fertig asked if the request to illuminate the monument sign is because the signs to the west and east are illuminated.

Slattery said yes. Many retail bank facilities have illuminated signs.

Kimzey asked if the intent is to ultimately have an illuminated sign on the side of the building.

Slattery said he is only aware of the bank as a tenant thus far. They would like to illuminate the bank's sign because it is facing 6<sup>th</sup> St which has a lot of traffic.

Gascon asked if the proposed signage package is consistent with other banks.

Slattery said yes.

### **PUBLIC HEARING**

Mark Gonzalez, President of Capital City Bank, said a periodontist is looking to locate at the northeast corner but is not sure what kind of signage/lighting they might prefer. The speed of traffic on 6<sup>th</sup> St makes illumination preferable.

### **BOARD DISCUSSION**

Perez asked how large the Douglas County Bank sign is.

Walthall said the 72 square foot total sign structure is the same total area, although the dimensions might be slightly different. He said commercially zoned properties could have a sign twice this big. Dillons' sign, for instance, is probably 110 total square feet.

Perez asked if the medical center or Douglas County Bank signs are currently illuminated.

Walthall said yes, both are.

Mahoney noted there were no concerns from neighbors.

Walthall confirmed that there were no concerns.

Kimzey said it is unclear where the sign will be located.

Walthall said the applicant brought a graphic that shows the locations. He presented the graphic and explained sign placement.

Kimzey asked what side the wall sign is on.

Walthall said there is only one wall mount proposed today for the 6<sup>th</sup> St side, but the sign variance indicates two more tenants might need wall signage.

Kimzey asked if the other tenants plan to use the north wall as well.

Walthall said the vision is one tenant on the east wall and the other on the south wall due to their corresponding entrances.

Perez asked if the sign will be illuminated by internal LED as opposed to a screen.

Walthall said that is his understanding.

Holley asked Walthall for the dimensions of the Douglas County Bank sign and if the height is

the same as the proposed monument sign.

Walthall said the proposed sign is slightly taller. Douglas County Bank's sign is 8 ½ feet tall.

Kimzey asked if the signs at Douglas County Bank and the medical plaza are illuminated.

Walthall said he believed so.

Slattery said yes, both are illuminated by internal LED and include time and temperature.

Kimzey asked if the bank or medical plaza have wall signage as well.

Walthall said Douglas County Bank has a wall sign, but is not familiar with the medical plaza building, although they do have directional signage and a pharmacy drive-thru sign.

Mahoney thought they did have a wall sign.

Kimzey voiced concern with the sign illumination.

Mahoney felt it would depend on the business and business hours, and noted that evening darkness changes with the seasons.

Holley said he's concerned with the height.

Mahoney noted the photo makes the sign look larger than it really is due to the angle.

Perez said he appreciates their honesty in the graphics, and feels the proportions are slightly distorted.

Mahoney agreed. He said he feels the precedent has been set in the area, and although he understands why variances are needed, he's surprised there are still restrictions given the nature of the businesses occupying the area. He said he does not oppose the variance request.

Gascon said adhering to the original sign code could be dangerous as it might cause confusion for drivers due to the speed of traffic.

Kimzey said he has no problem with the monument sign, only the illumination since it is near a residential area.

Mahoney said he has no problem with directional signs as they tend to be very helpful.

Fertig said she is concerned that the precedent has already been set for illuminated signs in the area so this request can't be disapproved. She has no concerns with the monuments- it seems the dimensions are proportionate and comparable to other signs in the area and are tastefully designed.

They discussed the illumination issue and how to avoid nuisances to the residential area.

Perez asked if it is possible to light the sign with a spotlight as opposed to internal illumination.

Gascon was confused because he didn't think they were approving a sign on the south side of the building.

Kimzey said they are approving three signs, and in theory, they could go anywhere. He asked if that was correct.

Walthall said yes. The request is for two tenant signs to create the administrative ability to issue sign permits at a later date, so conditions are possible. He said the intent is to avoid multiple variance requests, to save the applicants time and money from applying for each one.

Mahoney mentioned that parking lot lighting is far more glaring than illuminated wall signs- unless it's a bright neon flashing sign, which wouldn't be allowed anyway.

Perez said it might be appropriate to approve the variance with a condition to not allow illumination on the south side. In the future, if a tenant disagrees, that tenant can come back to the Sign Code Board of Appeals.

Mahoney said variances typically carry over with the property, not the tenant. If approval is based on a specific tenant, another tenant could put up a different sign that would not be approved.

They discussed the placement of the signs in regard to possible illumination.

Gascon mentioned the distance between the sign and the residential area.

Kimzey said he was still concerned with the close proximity to the residential area.

Mahoney somewhat agreed but noted most of the surrounding area is commercial.

Gascon asked if there is a pharmacy adjacent to the property. He said there is an illuminated sign for the pharmacy in the southeast corner of that property, and he is not comfortable restricting someone from illumination since it has already been done by other businesses.

Mahoney agreed. He noted that staff recommendations have addressed their concerns.

Fertig agreed and supported giving the option of illumination to the applicant.

Mahoney agreed.

#### **ACTION TAKEN**

Motioned by Holley, seconded by Fertig, to approve the variances subject to a condition that wall signs placed on the south or east building wall use either backlit illumination or be non-illuminated.

Motioned carried 4-2.

#### **ITEM NO. 4: MISCELLANEOUS**

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

**ADJOURN 7:17 pm**