



**LAWRENCE SIGN CODE BOARD OF APPEALS MINUTES
MAY 4, 2017 – 6:35 P.M., CITY COMMISSION MEETING ROOM, FIRST FLOOR OF CITY
HALL, SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS**

Members present: Clark, Gardner, Gascon, Wilbur, Wisner
Staff present: Cargill, Crick, Walthall

ITEM NO. 1: MINUTES

Consider approval of the minutes from the March 2, 2017 meeting.

ACTION TAKEN

Motioned by Wilbur, seconded by Clark, to approve the minutes from the March 2, 2017 meeting of the Board.

Motion carried 2-0-3. Gardner, Gascon, and Wisner abstained.

ITEM NO. 2: COMMUNICATIONS

There were no communications to come before the Board.

Gardner and Gascon disclosed ex parte contact with the applicant but only verified their membership on the Board and no information was exchanged.

There were no agenda items deferred.

**ITEM NO. 3: MONUMENT AND AREA MARKER SIGN VARIANCES FOR VAN GO
INC.; 715 NEW JERSEY STREET**

SV-17-00207: Consider a variance request from the Sign Code found in Chapter 5, Article 18, in the Code of the City of Lawrence, Kansas, 2015 edition. The request is from the specific provisions of Section 5-1841.6, which regulate maximum size, height, illumination and materials of signage of ground sign/surface mounted (monument sign) to be installed on industrial zoned property. The requests are for the existing arts center located at 715 New Jersey Street, zoned IG (General Industrial) District. The variance request was submitted by Van Go, Inc., the property owner of record.

STAFF PRESENTATION

Walthall presented the item.

Gardner asked for clarification as to which signs as proposed meet the criteria.

Walthall explained that none of the signs meet the criteria as a monument sign, but any of them could be modified with a wider base or by adjusting the grade to be level with the ground. He clarified that the main problems are the number of signs (they're allowed one) and that the signs are spread over 110 lineal feet.

Gardner asked what staff's response would have been in the absence of a grant for the project.

Walthall said the only way to comply with the code is to consolidate the sign into one structure.

Wilbur asked if Van Go's status as a non-profit, as opposed to perhaps a for-profit restaurant, is a factor in the sign permit process

Walthall said no, both would be reviewed the same.

Gardner pondered whether the sign could have been submitted as piece of art.

Gascon asked if, theoretically, the sign would meet code standards if the letters were on the same base and the appropriate width.

Walthall said they would likely have to go up in height to reduce the width.

Gascon asked what prevents the sign from being considered an art installation.

Walthall said the definition of a sign is basically anything that promotes a business, and whether it is also art is not necessarily relevant to the board. He added that Porter Arneill, City Cultural Arts Director, explained that the proposed sign is considered a graphic design, not art, although the applicant might have a different opinion.

Gardner noted that the business has an existing sign on the building.

Walthall said they have a wall mounted sign, and are allowed signs on the two walls facing the right-of-way.

Gardner said there are drawings on the wall facing 7th Street.

Walthall said that wall does contain art. He added that they are allowed one ground sign.

Gascon asked if the zoning would allow an accessory structure, such as a bike rack, if it was incorporated into the proposed sign.

Crick said a bike corral would be subject to sight triangle measurements, but it's possible one could fit there.

Gascon asked if the sign letters would be allowed as sculptures under zoning regulations.

Crick said that anything requiring a permit would also need a variance to locate within the setback.

Gascon asked if sculptures would require a permit.

Walthall said a sculpture would not fall within the parameters of the Sign Code.

Gascon asked if it would be allowed at all.

Walthall said yes, potentially. He said the height and setbacks could be a deciding factor.

Gascon asked whether the letters alone are making it a Sign Code issue.

Clark and Gardner noted that it's promoting a business.

Wisner asked what differentiates word art from a sign.

Walthall explained that a sign is any structure or design that promotes, advertises, or brands a business, organization, or person.

Wisner clarified that non-profit organizations are included.

Walthall said many community service organizations have signage.

Gascon asked if a cross is considered a sign.

Walthall said it could be because there is intent. He also thanked the applicants for being so cordial throughout the review process.

APPLICANT PRESENTATION

Mr. Dan Rockhill, applicant, talked about the Van Go organization and the “gateway” sign to Lawrence that is similar to the proposed. He talked about the grant application process and the design for the sign. He said they agree that it’s a sign but it is also art.

Wilbur said it’s a really bold design. He asked if Van Go is open to a re-design.

Rockhill said the grant was predicated based on the proposed sign. He said it was their hope to have the sign installed in time for their 20 year anniversary celebration in three weeks.

Ms. Lynne Green, Van Go Director, explained that the purpose of the grant was to brand the organization. She said the existing sign is not highly visible due to the placement in relation to the street. She said they might be open to stacking the letters or making them smaller. She said the grant was awarded by the Kriz Charitable Fund, and was not sure whether the money would be awarded if the design must change.

No public comment.

ACTION TAKEN

Motioned by Gardner, seconded by Wisner, to close public comment for the item.

Unanimously approved 5-0.

BOARD DISCUSSION

Wisner asked if the sign photos the applicant presented are actually in Lawrence, and if so, whether they are subject to the Sign Code.

Walthall said he was not sure when the signs were installed and what process they may have undergone.

Wisner asked if the signs would be subject to the sign code if constructed today.

Walthall said yes.

Wisner said the existing signs presented as examples are no different than the sign requested by the applicant.

Wilbur said that’s true, but questioned whether it’s appropriate for any business to do the same.

Wisner said his real issue is with the definition of a sign.

Wilbur noted the purpose of the sign code in this situation.

Clark said he reads the proposed letters as one sign, and not as eight individual signs.

Gascon asked if the sign base must be exposed.

Walthall said a base isn't required, so no. He said they could sink the posts down 6 inches and put the signs at grade.

Gascon asked whether the posts could be connected underground.

Walthall said that technically a connection by concrete would be considered a footing and not a sign base.

Gascon argued that all art is a sign, based on definition, and vice versa.

Clark said the glass art on the side of the building speaks to represent the organization just as well as the sign.

They discussed the art on the building as an architectural element and whether the incorporation of bike racks would make the sign a similar feature.

Gascon felt there were several factors that make the property unique, including the street curve and proximity to railroad right-of-way.

Gardner said he couldn't consider the use of the word "inc" as art.

Wisner said it doesn't matter what type of business it is, a sign is a sign.

Gascon discussed the criteria that the sign should not impact the public health, safety or welfare. He did not feel the proposed sign was "detrimental".

Wilbur said they could be setting a precedent whether they intend to or not.

Wisner asked if financial loss or disadvantage can be considered an unnecessary hardship.

Walthall said financial hardship cannot be considered.

Gardner said he doesn't like the "inc" because they're trying not to set a precedent for something similar.

Clark said the new Sign Code is based on the idea that a sign can't be judged for its content.

Walthall said that's correct.

Gascon felt the concern about precedent was valid and discussed the intent of the Sign Code. He did not feel the request violates the intent of the code and could even enhance the surrounding environment.

Gardner asked if location within an arts district or elsewhere should be a factor.

Crick said no, the Land Development Code recognizes industrial, commercial, or residential areas but does have the ability to grant overlay designations.

Wisner asked what the property is zoned.

Crick said it is likely IG.

Wilbur pondered how many galleries would constitute an arts district.

Gascon said the area is already defined as a cultural arts district, but there is nothing in the code that applies advantages to the district.

Gardner asked where the district is defined.

Gascon explained the boundary for the arts district.

Gardner asked if the City has defined that district.

Gascon said yes, and it could be argued that the subject property is the gateway to the district. He talked about some signage being more significant than just a sign.

Crick said the aesthetics of the sign are not within the Board's purview.

Wilbur agreed that it would enhance the area but struggled with meeting all criteria for a variance.

Wisner and Gascon said they both feel there is uniqueness.

They discussed the uniqueness and whether the request meets the intent of the code.

Gardner asked how the variance can be approved without setting a precedent.

Gascon said he doesn't know many business with signage facing a railroad right-of-way. Addressing Criteria #3, he felt it was unnecessary to not allow some creativity in breaking up the sign, and argued that the sign is less intrusive as proposed than it would be as one sign.

Gardner asked about the hardship argument.

Clark said the hardship is their inability to take a creative approach to their signage.

Gascon said it could also be a hardship that the grant may not be awarded.

Wisner agreed, noting that the code doesn't explicitly say they can't consider financial factors.

ACTION TAKEN

Motioned by Clark, seconded by Wisner, to grant the variance request based on findings in the staff report, the applicant's presentation and Board discussion, and find that the location within the budding cultural arts district, the sweeping curve, and the proximity to the railroad are unique; that the proposed sign will be an enhancement to the public; and strict adherence to the code would present an unnecessary hardship.

Unanimously approved 5-0.

ITEM NO. 4: MISCELLANEOUS

- a) Consider any other business to come before the Board.

Crick said training will be held at next month's meeting.

Walthall added that the new sign code will be presented next month as well.

ADJOURN

Motioned by Wilbur, seconded by Clark, to adjourn the meeting.

ADJOURNED 8:12 PM.