



**LAWRENCE SIGN CODE BOARD OF APPEALS AGENDA  
JULY 5, 2018 – 6:35 P.M., CITY COMMISSION MEETING ROOM, FIRST FLOOR OF CITY  
HALL, SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS**

**CALL THE MEETING TO ORDER**

**TAKE ROLL CALL TO DETERMINE IF THERE IS A QUORUM OF MEMBERS PRESENT**

**ITEM NO. 1: MINUTES**

Consider approval of the minutes from the June 1, 2017 meeting.

**ITEM NO. 2: COMMUNICATIONS**

Acknowledge any communications to come before the Board.

Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.

Announce any agenda items that will be deferred.

**ITEM NO. 3: MONUMENT SIGN VARIANCE FOR PHILLIPS 66; 2815 W 6<sup>TH</sup>  
STREET**

**SV-18-00273:** Consider a variance request from the Sign Code found in Chapter 5, Article 18, in the Code of the City of Lawrence, Kansas, 2018 edition. The request is to allow digital gas price information on an existing ground sign/pole mounted sign. The property is located at 2815 W. 6th Street. Submitted by KC Sign Express Inc., for Haig Properties, L.C., property owner of record.

**ITEM NO. 4: MISCELLANEOUS**

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

**ADJOURN**

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO: Sign Code Board of Appeals**

**FROM: Barry Walthall, Building Codes Manager**

**C: Kurt Schroeder, Asst. Director of Planning & Development, Development Services**

**Date: June 27, 2018**

**RE: 2815 W. 6<sup>th</sup> Street Sign Variance Request**

#### **SUMMARY OF VARIANCE REQUEST**

The request is for a variance to allow digital gas price information on an existing ground sign/pole mounted sign.

#### **ZONING DESIGNATION AND CODE REFERENCE**

Zoning Designation: CS (Commercial Strip)

Sign Code and Land Development Code References:

- 5-1820(a) (3) [Electronic Message Center (EMC)] EMC Signs shall be limited to permanent Free-standing Monument Signs, permanent Wall Signs, interior Window Signs, not exceeding a total of 12 square feet, and permanent Internal Ground Signs serving drive-through facilities.
- 5-1820(a) (4) EMC Signs shall be limited to not more than 50% of the total allowed Sign area of Permanent Free-standing Signs.
- 5-1820(a) (8) On all EMC Signs, automatic dimming controls shall limit the illumination to no more than 0.3 Foot Candle relative to ambient light, as measured using a Foot Candle (lux) meter calibrated within the past 36 months and in conformance with the following process:
- (A) Light measurements shall be taken with the meter aimed perpendicular to the Sign Face or at the area of the sign emitting the brightest light when that area is not the Sign Face, at a preset distance depending on Sign size. Distance shall be determined by taking the square root of the product of the Sign area and 100. For example, using a 12-square-foot Sign:  $\sqrt{12 \times 100} = 34.6$  feet measuring distance. *Table 5-1820.1* below provides a sample

of distances from which to measure the brightness of an automatic changeable electronic message center.

**Table 5-1820.1**

Area of EMC	Measurement Distance from Sign
10	32
16	40
20	45
24	49
30	55
40	63
50	71

(B) An ambient light measurement shall be taken using a Foot Candle (lux) meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the Sign turned off to a black screen.

(C) Immediately following the ambient light measurement taken in the manner required by this subsection, an operating Sign light measurement shall be taken with the Sign turned on to full white copy.

(D) The brightness of an EMC Sign shall be compliant with the brightness requirements of this subsection when the difference between the ambient light measurement and the operating Sign light measurement is 0.3 Foot Candle or less.

**5-1818(d) Permanent Free-standing Signs.**

Sign Area: 60 sq. ft. maximum. For each 5' of setback from the Public Right of Way property line, maximum Sign area may be increased by 6 sq. ft. to a maximum of 72 sq. ft. For lots of 3 or more acres, additional square footage of 20 sq. ft. is allowed. As an alternative to additional square footage of 20 sq. ft. for 1 Sign on lots of 3 or more acres, 1 additional Sign is allowed with a maximum area of 40 sq. ft.

Sign Height: Monument design required; 12' high maximum. For each 5' feet of setback from a Public Right of Way property line, height may be increased by 2' to a maximum of 16' (height includes monument base).

**5-1819(c) (1)** Monument Signs shall be located within a landscape area as may be required by Site Plan approval under the City's Land Development Code, Chapter 20 of the City Code, as amended.

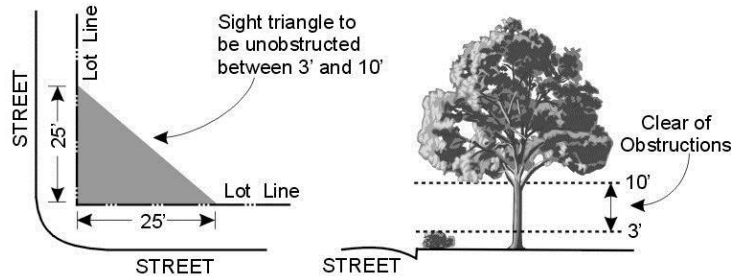
**5-1823(c)** When a substantial portion of real property or a building is redeveloped such that is deemed a Major Development Project and Site Plan review

and approval is required under Section 20-1305 of the City's Land Development Code, Chapter 20 of the City Code, as amended, no such Site Plan shall be approved unless it notes that all Nonconforming Signs are to be removed from the real property prior to occupancy for the use for which Site Plan approval is being sought. Any Nonconforming Sign in such cases shall be removed prior to lawful occupancy of the approved use.

20-1102

### INTERSECTION VISIBILITY

No fence, wall, hedge, [Landscaping](#), sign or other material or [Structure](#) that will obstruct vision between a height of 3 feet and 10 feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of [Corner Lot](#) Lines and extending 25 feet from their point of intersection. Visibility triangle requirements may be increased by the City Traffic Engineer when deemed necessary for traffic safety.



### CODE ANALYSIS

Comparison of allowable sign characteristics to signs proposed for variance:		
Code Section	Allowable Sign Characteristics	Proposed Sign Characteristics
5-1820(a) (3)	<u>Allowable sign type:</u> <ul style="list-style-type: none"> <li>Free-standing monument sign</li> </ul>	<u>Existing/proposed sign type:</u> <ul style="list-style-type: none"> <li>Pole sign</li> </ul>
5-1820(a) (4)	<u>Allowable area of digital display:</u> <ul style="list-style-type: none"> <li>30 sq. ft. (50% of the total allowed sign area of a permanent free-standing monument sign)</li> </ul>	<u>Proposed area of EMC display:</u> <ul style="list-style-type: none"> <li>5.6 total sq. ft. EMC display</li> <li>18.7% of allowable sign area (for conforming monument sign allowable at this location)</li> </ul>
5-1820(a) (8)	<u>Automatic dimming controls:</u> <ul style="list-style-type: none"> <li>Illumination must be limited to not more than .3 Foot Candles above ambient light, measured from a distance of</li> </ul>	<u>Proposed dimming controls:</u> <ul style="list-style-type: none"> <li>Displays ship from the factory in automatic dimming mode set to comply with Sign Code Section 5-1820(a) (8)</li> </ul>

	approximately 16.7 feet from the sign face	
5-1818(d)	<u>Allowable sign area and height (free-standing monument sign):</u> <ul style="list-style-type: none"> <li>• 60 sq. ft. (sign is set back less than 5 ft. from the public right of way property line)</li> <li>• 12 ft. in height</li> </ul>	<u>Existing sign area and height (ground sign/pole mounted, "pole sign"):</u> <ul style="list-style-type: none"> <li>• 51.1 sq. ft. total sign area</li> <li>• Approximately 19 ft. 7 in. in height</li> </ul>
5-1819(c)(1)	<u>Required placement in landscape area:</u> <ul style="list-style-type: none"> <li>• Must be placed in landscape area in compliance with the Land Development Code</li> </ul>	<u>Existing landscape area:</u> <ul style="list-style-type: none"> <li>• The existing sign is not within a landscape area</li> </ul>
20-1102	<u>Intersection Visibility:</u> <ul style="list-style-type: none"> <li>• Signs may not be constructed that would interfere with intersection visibility within a 25' sight triangle.</li> </ul>	<u>Existing sign intersection visibility:</u> <ul style="list-style-type: none"> <li>• The existing sign is within the 25' sight triangle. In this case, a pole sign allows for maximum intersection visibility because the mass of the sign is more than 10 ft. above street level. Converting the sign to a monument sign would decrease intersection visibility.</li> </ul>

### **CRITERIA FOR APPROVAL OF VARIANCE**

Per Section 5-1847(B), the Board may grant variances from the construction and district regulations upon the determination that all of the following findings have been fully met:

1. At the time a variance is granted by the Board, the Board shall find that the variance request arises from conditions which are unique to the location in question and which are not ordinarily found in the same district zone; and the unique conditions are not created by an action or actions of the property owner or applicant; and
2. At the time a variance is granted by the Board, the Board shall find that the granting of the variance will not be materially detrimental to the public welfare, including the visual appearance of the area, or injurious to property or improvements in such zoning districts or neighborhood in which the property is located; and
3. At the time a variance is granted by the Board, the Board shall find that the strict application of the requirements of Article 18, Chapter 5, of the City Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Article. Such practical difficulties or unnecessary

hardships may include compliance with amended provisions of this Article that were not in effect at the time a predecessor sign was installed.

### **STAFF ANALYSIS**

Staff opinion is that the request does meet the criteria for the granting of a variance:

1. In the opinion of staff, conditions do exist which are unique to the location and which are not ordinarily found in the same district zone. The parcel has 120 feet of street frontage on both 6<sup>th</sup> Street, and 200 feet on Schwarz Road. The property is located at a signalized intersection. The property is served by driveways within approximately 20 feet from the intersection on both 6<sup>th</sup> Street and Schwarz Road. Current development code standards for new development require that driveway access points are to be located at least 300 feet from signalized intersections for arterial and collector streets, although the code does permit the City Engineer to reduce these distances as long as the reduction does not result in an unsafe traffic condition. The property is mostly covered with impervious surface, with no suitable landscaped area for placement of a monument sign.
2. In the opinion of staff, the granting of a variance would not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. Converting the existing pole sign in its current location into a conforming monument sign would result in a violation of the City's Land Development Code Section 20-1102 requiring a 25 foot site triangle, and cause motorists' vision of the intersection to be obstructed. Granting the variance would not materially affect property or improvements in the neighborhood as long as the illumination of the EMC display is compliant with Sign Code Section 5-1820(a) (8); the height and area of the sign are not proposed to be altered.
3. The strict application of the requirements of the sign code may result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the code. Removing the existing pole sign and constructing a conforming monument sign elsewhere on the lot is problematic due to space limitations; it may be possible to relocate the sign outside the site triangle required by the Land Development Code, but requiring the sign be relocated may be an unnecessary hardship, and a relocated sign may still have a negative impact on intersection visibility. Conversion to a monument sign would also require construction of a landscape island in conformance with Sign Code Section 5-1819(c) (1) and the Land Development Code. Additionally, among the intended benefits of allowing EMC displays are to improve safety for fuel/gas station employees and the public by eliminating the need for employees to physically alter manual changeable copy signs using equipment such as ladders or poles to change copy and eliminating potential for falling or windblown parts, and to encourage the amortization of existing pole signs as manual price change displays are converted to digital displays. The physical characteristics of the property cause practical difficulty in replacing the pole sign with a conforming monument sign, but the issue of improving gas station employee and public safety may be addressed with a variance.

### **STAFF RECOMMENDATION**

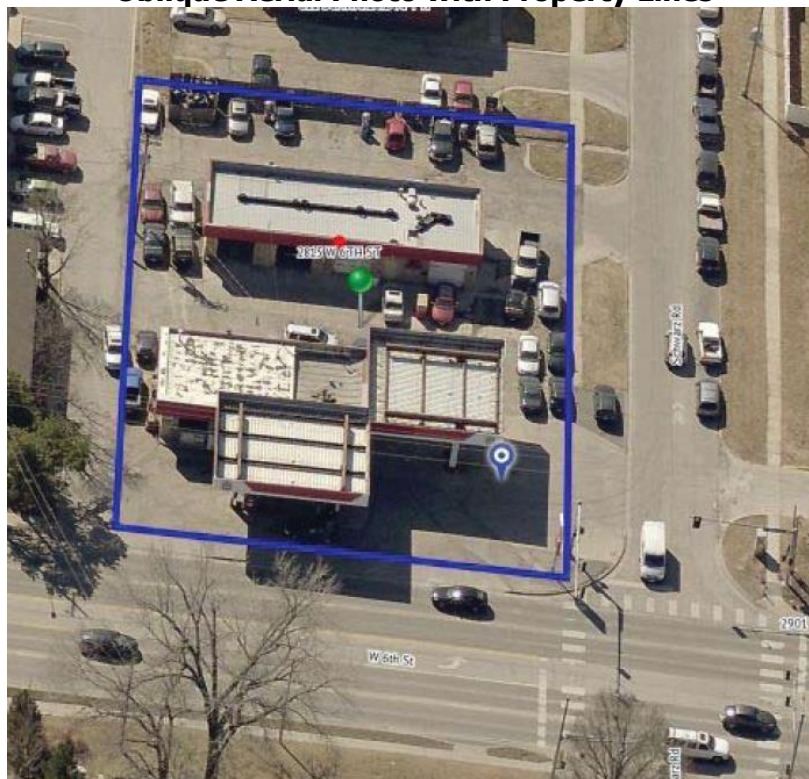
Staff recommends approval of the variance request to allow EMC displays for gas or fuel price information on an existing ground sign/pole mounted, with the following conditions:

1. The variance does not transfer with a change of use of the property.
2. The variance does not transfer upon any redevelopment of the property that would require site plan approval, as specified by City of Lawrence Code Section 5-1823(c):

### **5-1823 NONCONFORMING SIGNS.**

- (c) When a substantial portion of real property or a building is redeveloped such that is deemed a Major Development Project and Site Plan review and approval is required under Section 20-1305 of the City's Land Development Code, Chapter 20 of the City Code, as amended, no such Site Plan shall be approved unless it notes that all Nonconforming Signs are to be removed from the real property prior to occupancy for the use for which Site Plan approval is being sought. Any Nonconforming Sign in such cases shall be removed prior to lawful occupancy of the approved use.

**Oblique Aerial Photo with Property Lines**





### Street View, Corner of 6<sup>th</sup> Street and Schwarz Road



### Street View, South of Property at Schwarz Road





July 5<sup>th</sup> 6:30  
6 E 6<sup>th</sup> St  
Commission Room  
1st Floor

Date: 5/24/2018

Zoning Classification: C-2

Name of Business: PHILLIPS 66

Address: 2615 W 6TH ST LAWRENCE KS

Disposition: SIGN ALTERATION

\$350.00 Non-Refundable Fee Required with application - Date Paid: \_\_\_\_\_

### APPLICATION FOR A SIGN VARIANCE

(Chapter V, Section 1847, of the Code of the City of Lawrence, Kansas)

#### Variance Request:

REQUEST TO UTILIZE DIGITAL FOR FUEL PRICING ONLY ON EXISTING SIGN

#### City Code (Municipal Law) States:

DIGITAL FUEL PRICER MEETS DEFINITION OF AN EMC. TO USE ON A POLE SIGN IS PROHIBITED & SIGN MUST BE CONVERTED TO A CONFORMING MONUMENT SIGN

Note: The Lawrence Sign Code Board of Appeals may hear and authorize in specific cases a variance from the sign regulations of the City of Lawrence (Chapter V, Article 18). Any such variance shall be authorized **ONLY** upon an affirmative vote of majority of board members present. Any applicant for a variance must respond to the following circumstances, EACH of which must be found by the Sign Code Board of Appeals to apply prior to granting any variance:

- A. The variance request arises from conditions which are unique to the location in question and which are not ordinarily found in the same district zone, and are not created by an action of the property owner or applicant.  
THE SIGN HAS BEEN AT THIS LOCATION FOR MANY YEARS AND IT'S LOCATION PROVES DANGEROUS IN INCLEMENT WEATHER FOR EMPLOYEES USING A LADDER TO CHANGE MANUAL PRICING FOR FUEL WHICH IS REGULARLY TO CHANGE THIS SIGN TO A MONUMENT SIGN WOULD PROVE DANGEROUS FOR TRAFFIC IN ALL DIRECTIONS DUE TO RESTRICTIVE LINE OF SITE
- B. The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in such zoning districts or neighborhood in which property is located.  
CORRECT. THERE CURRENTLY IS NO LINE OF SITE ISSUE. THE FUEL PRICE SIGN ALSO HAS AUTO DIMMING FEATURES PRE-SET FROM THE MANUFACTURER. THIS SIGN ALTERATION WILL CAUSE NO PUBLIC WELFARE OR OBSTACLE ISSUES TO ANY SURROUNDING PROPERTY OR INDIVIDUALS
- C. The strict application of the requirements of this article would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this article.  
LOWERING THIS SIGN TO A MONUMENT REQUIRES A SOLID BASE WHICH HAS A HIGH PROBABILITY OF LINE OF SITE ISSUES FOR VEHICULAR TRAFFIC

Note: Applicant must provide a picture or drawing (to scale) of the proposed sign. Location of ground signs (pole-surface mounted) will need location indicated on the submitted site plan.

X [Signature]

[Signature]

Applicant Signature

Signature of Property Owner (if other than applicant)

APPLICANT 513-432-2500

Phone number (day)

5/29/18





Existing: BTP: 5'

52.1 SF



Proposed: Reface

52.1 SF

- Note:
- Leave Phillips 66 Panel as-is
  - New 2 Product Price Panel w/ Able Price Signs
  - Paint Poles Titanium Gray

LED prices  
1'-4" x 2'-11" each  
for 7.7 SF  
OR 6.76 % of  
total signage.

Project Name	SHIP TO #	Customer	Created by
PHILLIPS 66	870096	PHILLIPS 66	H. Ferro
Revision #	Date	Scale	Page #
Original	11_01_2017	NA	7 OF 7

**Permit Pack**

**BIG RED ROOSTER FLOW**

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Northfield, IL 60093  
P: (847) 441-1818 F: (847) 592-9564



