



**LAWRENCE SIGN CODE BOARD OF APPEALS AGENDA  
NOVEMBER 3, 2011 – 6:30 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 August 4, 2011 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: 4340 WEST 6<sup>TH</sup> STREET; DOUGLAS COUNTY BANK**

**SV-9-4-11:** A request for a variance from the provisions of Chapter 5, Article 18 (Signs), in the Code of the City of Lawrence, Kansas, 2011 edition. The variance is from the provisions of Section 5-1840.3(B) in the Sign Code which restricts the surface area of a monument sign in a Single-Dwelling Residential-Office District (RSO) to no greater than 16 square feet. The bank was granted a variance by the Sign Code Board on May 6, 2004, to have an expanded sign surface area of 24 square feet. Now, the applicant is seeking a variance to allow an additional 9 square feet of sign area at the base of the existing monument sign. This signage is already installed and the work was done without permits from the City. The sign is near West 6<sup>th</sup> Street at the Douglas County Bank facility at 4340 W. 6<sup>th</sup> Street. Submitted by Luminous Neon, Inc. for Douglas County Bank, owner of record.

**ITEM NO. 4: MISCELLANEOUS**

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

**ADJOURN**

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

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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.

# Memorandum City of Lawrence Planning & Development Services

**TO:** Sign Code Board of Appeals  
**FROM:** Barry Walthall, Building Codes Administrator  
**C:** Scott McCullough, Planning Director  
**Date:** October 21, 2011  
**RE:** 4340 W 6<sup>th</sup> St sign variance request

## **PROJECT SUMMARY**

The request is to increase the allowable sign area for the monument sign approved by variance on May 6, 2004 by an additional nine square feet. The sign structure will not change but additional graphics are proposed for the base of the sign that was originally blank space. Minutes for the May 6, 2004 Sign Code Board of Appeals meeting are attached.

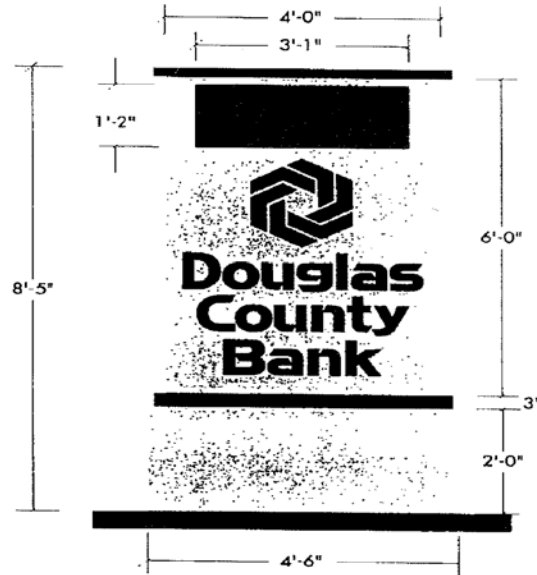


## **GENERAL INFORMATION**

Zoning Designation: RSO (Single-Dwelling Residential-Office)

Sign Type: Monument sign

History: On May 6, 2004 the Sign Code Board of Appeals approved a variance for Douglas County Bank to construct a sign larger than ordinarily allowed in the RSO district (minutes attached). The variance authorized the sign area to be increased to 24 square feet (from 16 square feet), and the sign structure to be a total of 8 feet 5 inches in height, including a two foot base.



Sometime after the sign was approved it was altered without further authorization through the variance process or a sign permit. The physical dimensions of the sign structure remain as originally approved, but graphics have been applied to the base which adds nine square feet to the sign area.



Sign base: The sign code allows for a monument sign in a RSO district to be constructed with or without a “base”. The height of the sign is permitted to be increased by up to four feet if a base is incorporated. The purpose of a sign base is to improve the sign’s aesthetics by concealing the support structure, creating delineation for the sign graphics, and improving the sign’s functionality by increasing height and improving visibility for vehicular traffic. The sign base is intended to be free of graphics.

Sign Code References:

5-1840.3 **Business Signs Unilluminated**, in residential districts, shall be permitted subject to the following conditions:

(B) In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) wall sign up to ten (10) square feet of surface area per building shall be permitted. In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) monument sign may be installed for a tract of property which has a size of one (1) acre or larger. The monument sign shall not exceed sixteen (16) square feet in sign surface area and four (4) feet in height. The base of the monument sign, the dimensions of which shall be excluded from the limitations on the sign surface area, may have a height not exceeding four (4) feet. If a monument sign exists for a tract of property in a Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), or Planned Office District (POD) zoned district, any wall sign shall be no greater than two (2) square feet of surface area per building.

**CODE ANALYSIS**

5-1840.3	Sign Code Requires	Proposed Installation
Area of property	The minimum lot size to qualify for a monument sign in the RSO district is one acre.	<ul style="list-style-type: none"> <li>1.424 Acres – Complies</li> </ul>
Sign area	The maximum area for a monument sign in the RSO district is 16 square feet. <ul style="list-style-type: none"> <li>Allowable area increased to 24 sq. ft. with variance approved on 5/6/04</li> </ul>	<ul style="list-style-type: none"> <li>9 additional sq. ft. for total sign area of 33 sq. ft.</li> </ul>
Sign height	The maximum height is 4 feet for the sign, and 4 feet for a sign base if applicable. <ul style="list-style-type: none"> <li>Total sign height increased to 8.5 ft. with variance approved on 5/6/04, including 2 ft. base and 6.5 ft. sign</li> </ul>	<ul style="list-style-type: none"> <li>Total height to remain at 8.5 ft, base height of 2 ft. eliminated and converted to sign height. Sign height increased from 6.5 to 8.5 ft.</li> </ul>
Illumination	Business signs in residential districts are not permitted to be illuminated.	<ul style="list-style-type: none"> <li>No illumination is proposed - Complies</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's opinion is that the criteria for variance are not fully satisfied:

- The applicant has not demonstrated that practical difficulties or unnecessary hardships exist. The sign was altered from the approved design with no consideration given to changing the sign graphics to comply with the scope of the original variance approval.

#### **STAFF RECOMMENDATION**

Staff recommends denial of the variance to allow additional sign area to the existing monument sign.

**LAWRENCE SIGN CODE BOARD OF APPEALS  
MINUTES**

**MAY 6, 2004 - COMMENCING AT 6:35 P.M. PRIOR TO THE BOARD OF ZONING APPEALS  
MEETING, CITY COMMISSION MEETING ROOM, FIRST FLOOR, CITY  
HALL, SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS**

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**MEMBERS PRESENT:** Mr. Goans, Mr. Santee, Mr. Hicks, Mr. Fizell, Mr. Herndon and Mr. Lane

**STAFF PRESENT:** Mr. Walthall and Ms. Saker

**ITEM NO. 1: MINUTES**

One typographical change was requested to the minutes of the April 1, 2004 meeting.

Motioned by Mr. Fizell, seconded by Mr. Hicks to approve the minutes of the April 2004 meeting as revised.

Motion carried unanimously 6-0.

**ITEM NO. 2: COMMUNICATIONS**

The following communications were noted:

- Revised agenda changing name of the company representing the applicant in Item 3 from Luminous Neon to Star Signs.

No Items were requested for deferral and no abstentions were indicated.

*Swearing in of witnesses*

**ITEM NO. 3: LMH SOUTH DIAGNOSTIC IMAGING; 3500 CLINTON PLACE**

**SV-04-04-04:** A request for a variance from the provisions of Chapter 5, Article 7 (Signs), of the Code of the City of Lawrence, Kansas, 2003. The request is to allow an additional non-illuminated wall sign on the north wall of a building located at 3500 Clinton Place, which has more than the allowed wall signage permitted by City Code. Section 5-738.3 in the Sign Code establishes the rules for wall signs in an RO (Residence-Office) District. Said code provision allows one wall sign with an area not to exceed 10 square feet. The proposed sign will read "A Service of Lawrence Memorial Hospital" and have an area of 10 sq. ft. Submitted by Michael Schmidt with Star Signs & Graphics, Inc. for Gene Meyer, Administrator, Lawrence Memorial Hospital.

**STAFF PRESENTATION**

Mr. Walthall introduced the Item, explaining the applicant's request for an additional wall sign on the north elevation. The wording of the proposed sign ("A Service of Lawrence Memorial Hospital") had at one time been part of the existing signage, but had been replaced with alternate wording ("Diagnostic Imaging") in 1994 when the City Commission approved a number of variances for the property.

The applicant now asked for a variance to allow addition of the original "A Service of..." wording to the existing sign, keeping the "Diagnostic Imaging" and the LMH South logo sign.

The subject property currently had a monument sign, so Code allowed a wall sign of 2 square feet in size. The proposed additional signage would add 10 square feet in area to the existing signage that was already significantly larger than the allowable 2 square feet (allowed through the 1994 variances)

Mr. Walthall responded to questioning that he understood the applicant had indicated an intent when the “A Service of...” signage was removed that they would want this wording replaced at some time in the future. It was communicated to the applicant at that time that a new variance would be needed to make this addition.

### **APPLICANT PRESENTATION**

Mike Schmidt, Star Signs & Graphics, said the proposed sign was in place for about 4 years before being removed to accommodate placement – per the 1994 variance – of the “Diagnostic Imaging” sign.

The applicant felt the “Service of...” wording was needed to communicate to the public that this was a division of the primary hospital and did not provide the full range of hospital services.

It was noted that original schematic showed lighting as part of the proposed signage. Mr. Schmidt said lighting was not part of the current application.

Concern was expressed that, if this variance were granted, other hospital satellite locations would come forward requesting similar signage. Mr. Schmidt responded that he did not think that was intended but he could not say “for sure”.

### **PUBLIC COMMENT**

Barb King, director Lawrence Memorial Hospital (LMH) South, repeated the proposed sign was needed to let the public know this was not the “real hospital” or an emergency room. The entire building was dedicated to outpatient services, but it was not uncommon for individual to mistake the facility for an emergency services location.

It was suggested that alternate wording, such as “Outpatient Services Only”, would better convey the applicant’s desired meaning. Ms. King explained one department in the building was specifically named Outpatient Services, and the applicant did not want to create the image that this was the only service available in the building. She added that the proposed wording was commonly used in other cities for similar intent.

### **BOARD DISCUSSION**

It was questioned whether the number of people confusing this location with a full-fledged hospital had increased since the original “Service of...” language was removed.

The issue was discussed in relation to traffic, discussing whether the speed of traffic at this node made additional signage suitable and if the additional wording would clarify or clutter the existing signage on the northern elevation.

It was noted that the subject area had a significant amount of landscaping, which would “hide” the northern elevation. It was then discussed if this would suitably reduce the impact of additional signage or make such signage somewhat superfluous.

Some members stated an inclination to allow the sign on the basis that this was a valuable service provided at a busy intersection and it was not a “frivolous” request to clarify these services for the benefit of the public.

Others, while agreeing this was a valuable service and the request was not unreasonable, were concerned that approval would set a precedent for future businesses in the area, as well as the other satellite hospital locations all around the city. There was additional concern about adding to the signage clutter of the surrounding area.

**ACTION TAKEN**

Motioned by Mr. Santee, seconded by Mr. Lane to approve the variance as requested for additional wall signage on the northern elevation at 3500 Clinton Place.

Motion failed to carry, 3-3, with Mr. Santee, Mr. Lane and Mr. Herndon voting in favor and Mr. Fizell, Mr. Goans and Mr. Hicks voting in opposition.

**ITEM NO. 4: DOUGLAS COUNTY BANK; NE CORNER W. 6<sup>TH</sup> STREET & FOLKS ROAD**

**SV-04-05-04:** A request for a variance from the provisions of Chapter 5, Article 7 (Signs), of the Code of the City of Lawrence, Kansas, 2003. The request is to allow a ground mounted monument sign with 24 sq. ft. of surface area and a height of 8 ½' to be placed along the property frontage along W. 6<sup>th</sup> Street. Section 5-738.3(B) of the Code allows one monument sign to be placed on a property with a minimum area of 1 acre, restricts the surface area to no greater than 16 sq. ft., and a height not to exceed 4 feet. Submitted by Luminous Neon, Inc. for Douglas County Bank, owner of record.

**STAFF PRESENTATION**

Mr. Walthall introduced the Item, a request for a ground monument sign that exceeds the maximum allowable area and height. The Code allows a monument sign 16 square feet in area and 4 feet in height and the applicant requests a sign measuring 24 square feet in area and 8.5 feet high.

Mr. Walthall explained the applicant's original request was for sign 12 feet in height, based on the sign sizes allowed in the nearby commercially zoned areas, although the subject area was zoned RO-1B. He described the various zoning districts surrounding the subject area and the types of signage allowed in each.

Examples of signs in the area similar to the one requested were noted at Dillon's, Hy-Vee and Applebee's.

It was suggested that the City had intentionally used varied zoning, including even A (Agricultural), in this area to control development along 6<sup>th</sup> Street, attempting to hold the density and intensity of 6<sup>th</sup> Street to a specific. While this intent more directly impacted building types and uses, signage was indirectly affected as well.

**APPLICANT PRESENTATION**

Jane Heismann, Gould Evans, spoke on behalf of the applicant. Ms. Heismann presented a map showing the various zonings in the vicinity to explain why they applicant felt the proposed sign was suited to the area. She also noted the location of the subject property next to a street with high volumes and speeds of traffic.

It was noted that the original submission had involved a significantly larger sign, similar to those seen at other Douglas County Bank locations. This proposal had been scaled back per discussion with Mr. Walthall. Ms. Heismann pointed out that other banks in the area had been permitted larger signs as part of a Planned Commercial Development (PCD).

Ms. Heismann agreed it was possible the City had attempted to control development along 6<sup>th</sup> Street with varied zoning, but she still believed this size of signage was appropriate in an area with this amount and type of traffic.

**PUBLIC COMMENT**

Pat Slaybaugh, Executive Vice-President of Douglas County Bank, explained the bank's need for signage, saying several individuals had mistakenly entered the bank when looking for other facilities (the adjacent church or other area banks). The amount of signage allowed by Code was, in her opinion, not sufficient along this trafficway.

Ted Haggard, President of Douglas County Bank, said the bank had made an effort to create an aesthetically pleasing structure, and that the proposed signage would be consistent with this image while providing adequate visibility.

Mr. Haggard noted the subject area was situated on the corner of two major streets, saying the original intent had been for a diagonally-placed sign to front both 6th Street and Folks Road. This concept had been abandoned in favor of a sign that only faced 6<sup>th</sup> Street.

It was verified that no lighting was intended for the proposed sign.

It was noted that two directional ground signs were already in place as permitted, and the only “sign” on any building elevation was a discreet carving of the bank’s logo into the stone of the wall face.

### **BOARD DISCUSSION**

It was suggested that the City’s intent for a less commercially-developed area along this leg of 6<sup>th</sup> Street had evolved into a different development concept and that the Board should consider their history of granting variances in this area. It was countered that the City continued to pursue their original vision of 6<sup>th</sup> Street, evidenced by the effort to develop nodal plans and restrict strip commercial development.

It was discussed that this request involved a sign less than ½ the size of signs held by other banks in the area, although it was noted that these other banks were included in PCD’s.

It was established that the restriction of one monument sign was related to the business, not the street frontage, so the applicant could not place another monument sign on Folks Road without being approved for another variance. This was true even for properties within PCD’s.

If the property were zoned commercially, it would be allowed a monument sign 12 feet high and 60 square feet in area.

It was noted that the transportation Master Plan indicated 6<sup>th</sup> Street would be widened in the future.

### **ACTION TAKEN**

Motioned by Mr. Fizell, seconded by Mr. Goans to approve the variance to allow placement of a ground monument sign measuring 8½ feet in height and 24 square feet in surface area, subject to the following condition:

1. The sign permitted by this variance shall be the only monument sign permitted on the subject property.

### **DICUSSION ON THE MOTION**

Chairman Herndon said he did not disagree with the spirit of the motion, but noted any additional monument sign would require the property owner to return before the Board for a new variance. He was concerned adding the proposed condition would unnecessarily restrict future considerations.

Mr. Fizell replied that the condition was meant to communicate to this Board’s intent to future Boards in the event such a request was made.

### **ACTIONS TAKEN**

Motion on the floor was to approve the variance to allow placement of a ground monument sign measuring 8½ feet in height and 24 square feet in surface area, subject to the following condition:

1. The sign permitted by this variance shall be the only monument sign permitted on the subject property.

Motion failed to carry, 3-3, with Mr. Fizell, Mr. Goans and Mr. Hicks voting in favor and Mr. Herndon,

Mr. Santee and Mr. Lane voting in opposition.

Motioned by Mr. Santee, seconded by Mr. Herndon to approve the variance as requested and with no conditions.

**DISCUSSION ON THE MOTION**

It was discussed that the new motion was intended to support the variance without additional complications of the previously-proposed condition. It was suggested that the circumstances behind a future variance request were beyond the vision of the current Board, and interfering with a future decisions in this manner was inappropriate.

It was stated that this Board had a history of granting variances “incrementally”, allowing ultimately undesirable elements through piecemeal acceptance. It was with this in mind that the condition had been proposed - to communicate for future considerations that this particular element (additional monument signs) was not intended. It was understood that this would not preclude the applicant from making such a request in the future, or future Boards from overturning the condition with future actions.

**ACTION TAKEN**

Motion on the floor was to approve the variance as requested and with no conditions.

Motion carried 4-2, with Mr. Santee, Mr. Herndon, Mr. Lane and Mr. Hicks voting in favor and Mr. Fizell and Mr. Goans voting in opposition.

**ITEM NO. 5: MISCELLANEOUS**

There was no other business to come before the Board.

**ADJOURN - 7:30 p.m.**

*Official minutes are on file in the Planning Department Office.*

Memorandum  
City of Lawrence  
Planning & Development Services

**TO: Sign Code Board of Appeals**

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

**C: Scott McCullough, Planning Director**

**Date: October 17, 2011**

**RE: 4950 Research Parkway; Bioscience & Technology Business Center**

On August 4, 2011 the Board approved variances for two ground signs for the Bioscience & Technology Business Center (BTBC), with tenant information for both KU and the BTBC, with the condition that existing signs constructed or altered without permits at the 1501 Wakarusa site be brought into compliance with the sign code. After additional research staff has determined that the signs were constructed or altered after the Kansas University Center for Research, Incorporated came into possession of the property in 2001, but before the *Cooperation Agreement Between the City of Lawrence, Kansas, and The University of Kansas* (Cooperation Agreement) became effective on April 7<sup>th</sup>, 2005. Under the terms of the Cooperation Agreement, any condition existing as of the effective date shall not be subject to corrective or remedial action.

Based upon this finding staff has concluded that the conditions for variance have been fulfilled, and sign permits have been issued.