

SIGN CODE BOARD OF APPEALS

Meeting Minutes

May 4, 2006 – 6:30 p.m.

Board members present: Goans, Emerson, Blaufuss, von Tersch, Lane and Hannon
Staff present: Miller, Patterson and Pool

ITEM NO. 1: MINUTES

One typographical error was noted.

Motioned by Hannon, seconded by Lane to approve the minutes of the August 2005 meeting as revised.

Motion carried 4-0-2, with Blaufuss and von Tersch abstaining because they were not present at the August meeting.

Staff was directed to publish for a Sign Code meeting each month that followed an agenda meeting, even if it would only convene to consider the previous month's minutes.

ITEM NO. 2: COMMUNICATIONS

There were no other communications to come before the Board.

ITEM NO. 3: WESTWOOD HILLS MONUMENT SIGNS; WAKARUSA DRIVE & DOLE DRIVE AND EISENHOWER DRIVE INTERSECTIONS

SV-04-01-06: A request for variances from the provisions of Chapter 5, Article 7 (Signs), of the Code of the City of Lawrence, Kansas, 2003. The requests are for two area markers advertising a residential development area in the northwest area of the City to exceed the sign area and sign height, be made from materials not recognized by Code, and be illuminated with spot or floodlights. Section 5-726 of the Sign Code of the City of Lawrence, Kansas, 2003 is the governing regulation concerning an area marker in a residential district. This code provision allows a maximum sign area of 24 square feet, a sign height of 4 feet, be non-illuminated, and made from wood, stone or brick, or combinations of those building materials. The request is to allow each area marker to have a sign area of 120 square feet, have a height of 6 feet, use spot or flood lights for illumination, and be made of metal. These area markers are proposed to be located at the northwest corner of Dole Drive and Wakarusa Drive; and the northwest corner of Eisenhower Drive and Wakarusa Drive. Submitted by David Clemente for Westwood Holdings LLC, the property owner of record.

STAFF PRESENTATION

Mr. Walthall introduced the item, a request for two area markers located one each at the intersections of Wakarusa & Eisenhower Drive and Wakarusa and Dole Drive. The signs would be identical in appearance but were subject to slightly different circumstances.

One sign was in excess of the regulation square footage and height, with non-regulation lighting and materials. A sign in general was allowed in the current RS-1 zoning district. The second sign was in violation of the same regulations, but additionally was not specifically allowed by the code on its PRD-1 zoning district. Mr. Walthall said this was likely an oversight and that Staff had no objection to allowing a sign in PRD-1 zoning, provided it met the other regulations.

Mr. Walthall said the proposed signs did not, in Staff's opinion, meet any of the three criteria for granting a sign variance. He could not support a claim of uniqueness or hardship, since there was nothing remarkable about the property and the applicant could design signs within Code restrictions that fulfilled the same purpose. Staff was also concerned the external lighting would create light pollution and pose a safety/maintenance hazard.

Staff recommended denial of both signs as presented.

APPLICANT PRESENTATION

David Clemente, applicant, said the Sign Code was not well-suited to this kind of installation, since an area marker was a different animal than a regular sign. He suggested the City needed to create additional regulations specifically written to address area markers.

First of all, 24 square feet was completely inadequate for an area marker in any part of town. Also, restricting area markers to stone, brick or wood was also unsuitable for area markers, which were out in the elements and quickly deteriorated in harsh weather.

Mr. Clemente noted the surrounding uses, including the Free State High School baseball field and the newly approved Wal-mart site, saying light pollution from this installation was a non-issue.

The applicant showed examples of existing area markers in town, noting the frequent use of metal lettering. A few examples consisted of lettering mounted on stone retaining walls, and Mr. Clement asked if these kinds of installations were measured according to the lettering alone. He said he had purposely chosen not to mount the proposed signs on existing perimeter walls, but he asked if the same square footage calculation might not be applied here.

Mr. Clemente said the metal material was chosen for its consistency with the subdivision, which he said was the "only one [in Lawrence] attempting to provide "what the Progressing Party wants here." He listed a number of environmentally-friendly

elements of the new subdivision and pointed out that this was the only residential use on Wakarusa in this area.

It was discussed that the speed limit in this area was 45 mph.

PUBLIC COMMENT

No member of the public spoke on this item.

BOARD DISCUSSION

It was noted that the lettering and front panel of the proposed signs were alone almost three times the 24 square foot limit.

It was suggested that the signs were attractive, but simply not within the Code. It was added that the proposed signs seemed too large for their surroundings. Debra Clemente, co-applicant and designer of the signs, showed digital renderings showing how the proposed signs would be a balanced fit in the area. She showed a picture of the existing temporary sign in the same location as the proposed area markers, noting it was approximately 24 square feet in area. She said this sign or a similar one could be installed permanently, but it would be too small to suit its purpose and would look "cheesy."

It was verified that the proposed area marker locations were set back a suitable distance from the street and were oriented so they would not create a visual barrier for passing traffic.

The Board agreed with Staff that the request did not meet the criteria for granting a sign variance, adding that approval would set a poor precedent for other developers.

Hannon commented that he did not agree with the applicant's claim that they were the "only ones" with a development of this nature. He suggested the applicant try to redesign the area markers within the confines of the Sign Code

ACTION TAKEN

Motioned by Hannon, seconded by Lane to deny the requested sign variance(s), in accordance with the Staff recommendation.

Motion carried unanimously, 6-0

ITEM NO. 4: MISCELLANEOUS

- a) The Board commented that they appreciated receiving a formal Staff Report for Sign Code items.

ADJOURN - 7:00 p.m.

Official minutes are on file in the Planning Department Office.