

# City of Lee's Summit

## Department of Planning and Development

220 SE Green Street P.O. Box 1600 Lee's Summit, MO 64063  
Phone (816) 969-1600 Fax (816) 969-1619

January 5, 2012

Mr. G. Hamilton Williams II  
Greenberg Farrow  
1430 W. Peachtree St., Ste. 200  
Atlanta, GA 30309

Email: [hwilliams@greenbergfarrow.com](mailto:hwilliams@greenbergfarrow.com)

Re: Home Depot Sign  
601 SE Oldham Parkway  
Lee's Summit, MO 64081

Dear Mr. Williams:

You previously submitted Application PL2011-159 for a Special Use Permit (SUP) for an off-premise sign at the above-referenced location. This Application cannot be processed since off-premise signs are prohibited under the City's current zoning ordinance. You may request a refund of the application fee of \$1230, or file a different application, as explained below.

The initial SUP was granted by Ordinance 5232 on December 6, 2001, for an "off-premise" pole sign with a maximum area of 64 square feet and 25 feet tall, located on Lot 3 of the Hamblen Plaza subdivision. This lot has always been vacant. At the time this SUP was issued, the City's zoning ordinance did not require a SUP for pole signs under 72 square feet, but a SUP was required for an off-premise sign. The zoning ordinance would have allowed a detached "shopping center sign," but in such an event separate monument signs could not have been placed on the individual lots in the subdivision. The applicant sought an SUP for this sign as an off-premise sign so that each lot would retain the ability to have independent monument signs, something that would have been lost if this sign was established as a shopping center sign.

The City's current zoning ordinance, known as the Unified Development Ordinance (UDO), requires a SUP for pole signs of any size, and prohibits off-premise signs. The UDO allows a monument sign identifying a "multi-building center," and allows a maximum of two monument signs per lot, in exchange for fewer wall signs, or as approved by the Planning Commission.

The status of the existing Home Depot sign cannot be viewed as a legal, non-conforming use since it was not a use allowed as a matter of right, but only as a special use, limited to ten years, which expired on December 6, 2011. We have identified the following alternatives for allowing a sign to remain in the present location:

- 1) Apply for a SUP for the existing pole sign as an on-premise sign, and replat the lots through a minor plat process, so that the sign is on the same lot as Home Depot. This could be accomplished by combining Lots 1, 2 and 3 into a single lot, by combining Lots 1 and 3, or some other acceptable configuration that

results in the sign and the Home Depot development being on the same lot. Staff would not support a pole sign SUP, but could administratively approve a minor plat.

- 2) Convert the existing sign into a monument sign and replat the lots through a minor plat process, so the sign is on the same lot as Home Depot. Both the minor plat and sign permit could be approved administratively if all codes are met.
- 3) Apply for a SUP for a pole sign as a "multi-building center" sign. The sign would have to be redesigned to serve the entire development, including the vacant lots. Staff would not support this option.
- 4) Convert the existing sign into a "multi-building center" monument sign that complies with the current zoning ordinance and obtain a sign permit. The sign permit could be approved administratively. No minor plat would be needed.

Options 3 and 4 would require that the sign be changed to a multi-building or multi-tenant sign, or display only a development name, such as "Hamblen Plaza" (the name of the plat) rather than the individual tenant name of "Home Depot." Since the two other lots are vacant, a multi-tenant sign would have to include space for future businesses, which could be a design challenge.

Please let me know how you wish to proceed.

Sincerely,



Linda M. Tyrrel, Deputy Director

Copy to:

Ms. Jennifer Evans, Attorney  
Home Depot USA, Inc.  
2455 Paces Ferry Road, C-20  
Atlanta, GA 30339