

City of Lee's Summit

Department of Planning and Development

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January 5, 2012

Memo to File

From: Linda M. Tyrrel, Deputy Director

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

Summary:

The City cannot accept Application PL2011-159 for an SUP for an off-premise sign, since off-premise signs are prohibited. The UDO now requires an SUP for pole signs of any size. Since the ordinance allowed a pole sign by right when this one was built, we originally wanted to consider it "legal, non-conforming." However, per John Mautino, the original approval was for a Special Use Permit, which does not confer a right for the sign to remain indefinitely without an SUP. Therefore, it must be removed or brought into compliance.

History:

- The previous SUP was granted by Ordinance 5232 on December 6, 2001, for an "off-premise" pole sign with a maximum area of 64 sq.ft. and 25 ft. tall, located on Lot 3, Hamblen Plaza (a vacant lot).
- The original SUP application was for a sign 225 sq.ft. and 50 ft. tall, located on Lot 1, Hamblen Plaza (the Home Depot lot). The application was revised after a recommendation for denial by the Planning Commission.
- In 2001 when the first application was submitted, the city's zoning ordinance required an SUP for all signs over 72 sq.ft., but no SUP was required for pole signs under 72 sq.ft. Therefore, once the size was reduced, no SUP was required. However, the applicant changed the location of the sign from Lot 1 to Lot 3, and the SUP was granted for an "off-premise" sign. The zoning ordinance stated that if a detached "shopping center sign" was permitted, the individual lots in the development could not have a monument sign on each lot. The staff report states the SUP would allow the lots to preserve the right to have monument signs (although the SUP ordinance doesn't state that in so many words).
- Presently (2011), the City's Unified Development Ordinance (UDO) requires a SUP for pole signs of any size, and prohibits off-premise signs.
- The SUP could be renewed if Lots 1 and 3 were combined into one lot, but can not be renewed as an off-premise sign, as those are prohibited.
- The sign could have been "legal, non-conforming" if it was approved by a sign permit as a "permitted sign," but the fact it was permitted with a SUP means it had a time limit, and should be removed when the time is up.
- Home Depot owns the vacant lot on which the sign is located. The sign would be "on-premise" if they replat the two lots into one, so the sign and business are actually on the same platted lot. Then they could request renewal of the SUP.