CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 21, 2016

Don L. Miller Living Trust
PO Box 782525
Wichita, KS 67278

Freddy's Land LLC
260 N. Rock Rd. Ste. 200
Wichita, KS 67206

RE: BZA2016-00045 – City Sign Code variance to increase the size of a wall sign from 32 square feet to 63 square feet, generally located north of Douglas Avenue and east of Rock Road at 260 N. Rock Rd.

Dear Applicant:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **November 17, 2016.** This resolution reflects the official action of the Board and is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Scott Knebel, AICP
BZA Secretary

cc: Kyle McLaren, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Pete Meitzner, WCC II CM
Laura Rainwater, CL II

BZA RESOLUTION NO. BZA2016-00045

WHEREAS, Don L. Miller Living Trust (owner/applicant) and Freddy's Land LLC (Agent) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request a Variance of the Sign Ordinance to increase the size of a wall sign from 32 square feet to 63 square feet, generally located north of Douglas Avenue and east of Rock Road at 260 N. Rock Road.

Legal Description: Commencing at the Southwest Corner of Lot 1, Block A, Rockborough Addition to Wichita, Sedgwick County, Kansas; thence East 320 feet; thence North 50 feet, for point of beginning; thence East 57 feet; thence North 396.18 feet to the North line of said Lot 1; thence Northwesterly along a curve 138.91 feet to a point 240 feet East of the West line of Lot 1; thence South 371.47 feet; thence East 80 feet; thence South 46 feet to the point of beginning, together with vacated drainage dedication adjacent on the Northeast.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of November 17, 2016, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique inasmuch as the property is located along a high-speed arterial street with a strip commercial development pattern. In such a development pattern, signage needs to be off sufficient size for motorists to locate their destination while operating their vehicle in a high-speed, high-traffic environment.

WHEREAS, the Board of Zoning Appeals has found that the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the adjacent properties are developed with office and commercial uses. A 63 square foot wall sign is common, if not small, in such an environment.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the property is not reasonably visible to motorists with a wall sign of the size permitted in the GO district.

WHEREAS, the Board of Zoning Appeals has found that the requested variances are not adverse to the public interest inasmuch as the public has an interest in safe and smooth traffic flow on high-speed, high-traffic arterial streets.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variances do not oppose the general spirit and intent of the zoning regulations, inasmuch as the intent sign regulations is to encourage signs that are harmonious to the buildings and sites which they occupy. The proposed 63 square foot wall sign is harmonious to the building and site it occupies.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request a Variance of the Sign Ordinance to increase the size of a wall sign from 32 square feet to 63 square feet, generally located north of Douglas Avenue and east of Rock Road at 260 N. Rock Road.

Legal Description: Commencing at the Southwest Corner of Lot 1, Block A, Rockborough Addition to Wichita, Sedgwick County, Kansas; thence East 320 feet; thence North 50 feet, for point of beginning; thence East 57 feet; thence North 396.18 feet to the North line of said Lot 1; thence Northwesterly along a curve 138.91 feet to a point 240 feet East of the West line of Lot 1; thence South 371.47 feet; thence East 80 feet; thence South 46 feet to the point of beginning, together with vacated drainage dedication adjacent on the Northeast.

The variance is hereby GRANTED, subject to the following conditions:

1. The sign shall be generally consistent with approved elevation drawing.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 17th Day of November, 2016.

BZA Board Chair, David W. Foster

ATTEST:

Scott Knebel
Acting BZA Secretary

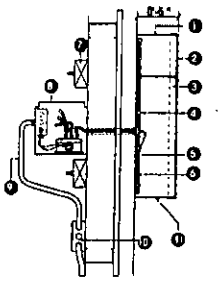
SCALE - 3/8" = 1'-0"



APPROVED

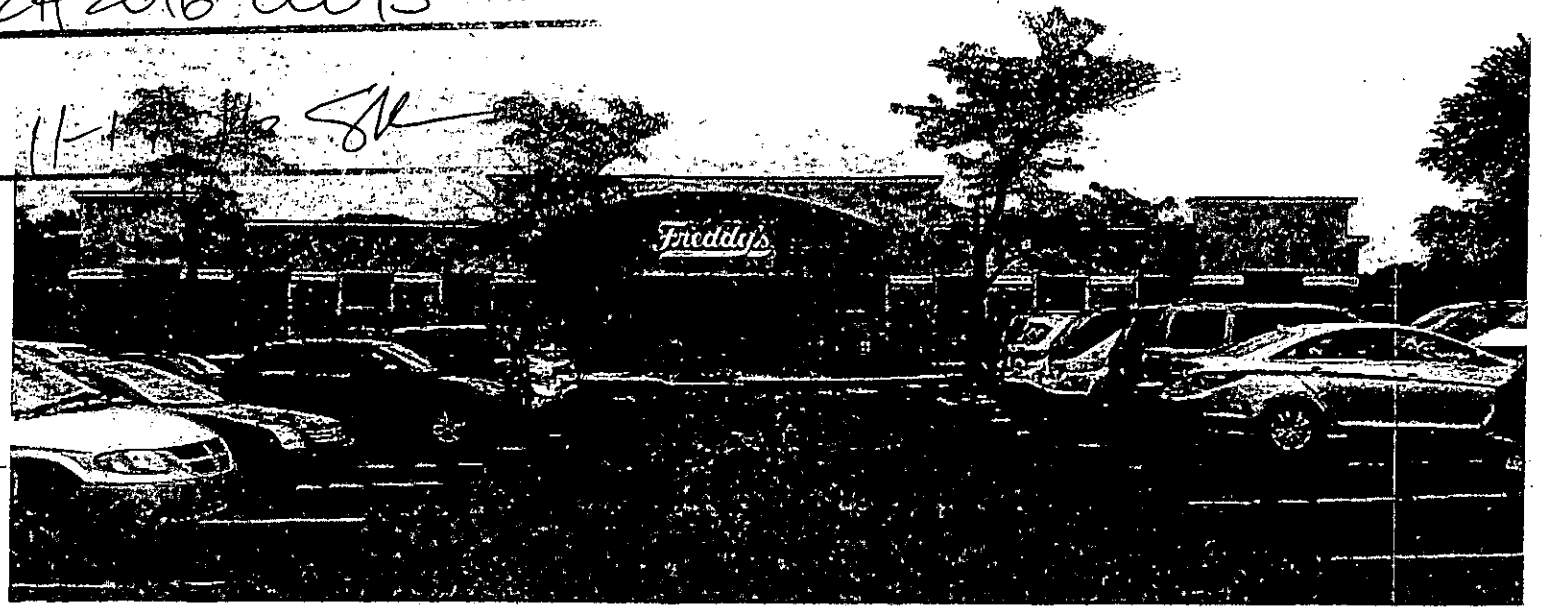
BZA2016-00045

Date: 11-14-16



CHANNEL LETTER DETAIL

1. Pre-Painted Semi-Gloss Alum. Returns (BLACK)*
2. Red Acrylic Faces.
3. 1" Jewelite Trim-Cap (BLACK)
4. Internal LED Illumination (GE RED)
5. Pre-Painted White Alum. Backs
6. Mount flush to fascia w/ non-corrosive all thread accurmount As Required Per Location
7. Blocking (as required per location)
8. GE Remote LED Power Supply as Required w/ Disconnect Switch
9. Double wire thru Seattle conduit (6" from bottom of letters) to power supply in galvanized box behind wall - (Primary connection by others)
10. 120 volt G.C. or Landlord Supplied Power Supply
11. ¼" Dia. Weep Holes in Low Points of Letters/Elements



DESIGN TYPE

- [ ] INTERIOR
- [ ] EXTERIOR
- [ ] NEON DISPLAYS
- [ ] CHANNEL LETTERS
- [ ] NON-ILLUM SIGNAGE
- [ ] REV. CHANNEL LETTERS
- [ ] DUEL POLE SIGN
- [ ] SINGLE POLE SIGN
- [ ] MONUMENT SIGN
- [ ] DIRECTIONAL
- [ ] CHANGEABLE READER BOARD/ ELE. DISPLAYS

PROJECT TYPE

- [ ] NEW CONSTRUCTION
- [ ] REMODELING
- [ ] TENANT CHANGES
- [ ] LANDLORD IMPROVEMENTS
- [ ] CORPORATE CHANGES
- [ ] AMENDMENTS TO EXCISING SIGNAGE

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

NOTICE:

ALL GRAPHIC REPRODUCTIONS ARE SUBJECTED BY APPROVAL OF AUTHORIZED CLIENT. AS OF APPROVAL BY THE UNDERSIGNED & DATED PRIOR TO ANY FABRICATION OF PRODUCT, TRI CITY SIGN COMPANY HOLDS ALL AGREEMENTS FINAL AND TO CLIENT APPROVAL.

Signed_____ Date_____

Sales Rep_____ Date_____

TRI CITY SIGN COMPANY
Designing Your Future

DRAWING NO.	5363
SALESPERSON:	Tim Marchese
DRAWN BY:	
Scale: As Noted. Date: 08.08.16	INSPECTED BY:
Revised:	

BOARD OF ZONING APPEALS
SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 3
November 17, 2016

SECRETARY'S REPORT

CASE NUMBER: BZA2016-00045

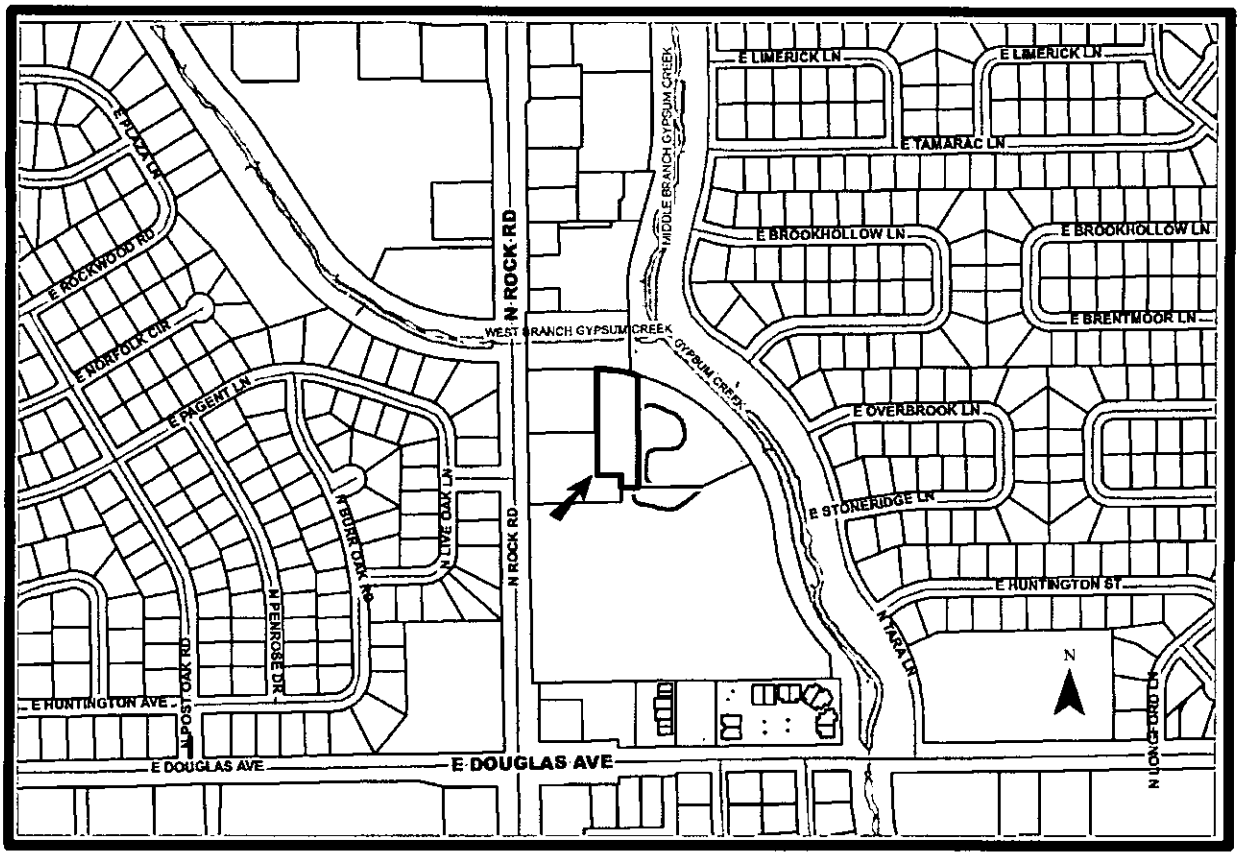
APPLICANT/AGENT: Don L. Miller Living Trust (Owner/Applicant); Freddy's Land LLC (Agent)

REQUEST: Variance to increase the size of a wall sign from 32 square feet to 63 square feet

CURRENT ZONING: GO General Office

SITE SIZE: 1.24 acres

LOCATION: North of Douglas Avenue and east of Rock Road at 260 N. Rock Road



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The corporate office for Freddy's Frozen Custard is located on a 1.24-acre tract zoned GO General Office on the east side of Rock Road north of Douglas Avenue at 260 N. Rock Road. The Wichita Sign Code limits wall signs on building in the GO district to a maximum of 32 square feet regardless of the size of the building or the distance of the building from the street. The applicant proposes a 63-square foot wall sign (see attached elevation drawing, site plan, and written justification) because the building is set back 300 feet from Rock Road and a 32-square foot would not be sufficiently visible from the street. A variance is required for the applicant's proposed wall sign.

ADJACENT ZONING AND LAND USE:

NORTH	LC	Strip center
SOUTH	GO	Office building
EAST	LC	Strip center
WEST	GO	Office building

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is located along a high-speed arterial street with a strip commercial development pattern. In such a development pattern, signage needs to be off sufficient size for motorists to locate their destination while operating their vehicle in a high-speed, high-traffic environment.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the adjacent properties are developed with office and commercial uses. A 63-square foot wall sign is common, if not small, in such an environment.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the property is not reasonably visible to motorists with a wall sign of the size permitted in the GO district.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in safe and smooth traffic flow on high-speed, high-traffic arterial streets.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the sign regulations, inasmuch as the intent sign regulations is to encourage signs that are harmonious to the buildings and sites which they occupy. The proposed 63-square foot wall sign is harmonious to the building and site it occupies.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that a variance to increase the size of a wall sign from 32 square feet to 63 square feet be GRANTED, subject to the following conditions:

1. The sign shall be generally consistent with approved elevation drawing.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.