WICHITA — SEDGWICK COUNTY

W SC

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

November 29, 1999

Clark Hospitality
%Paul Clark
Box 498
Blackwell, OK 74631

RE: BZA 24-99 –3) Variance to increase the size of a pole sign from 32 square feet to 96 square feet. 4) Variance to increase the height of a pole sign from 20 feet to 35 feet. On property generally located west of Webb and K-96 and north of 29th Street North (9444 E. 29th Street North).

Dear Mr. Clark:

At its regular meeting on November 23, 1999, the Board of Zoning Appeals considered the above-captioned requests. The action of the BZA was to APPROVE, Variance #3 and Variance #4.

The action of the BZA is FINAL. Enclosed is a signed copy of the above-referenced BZA Resolution No. 24-99 Variance #3 and BZA Resolution No. 24-99 Variance #4. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Lisa Verts

Lisa Verts
BZA Assistant Secretary

LV/rs

Cc: Boggs Sign Company, 319 S. Oak, Wichita, KS 67213
Kenneth Bengtson, 2906 Fox Pointe, Wichita, KS 67220
Charles Larsen, 2903 E. Central, Wichita, KS 67214
Paul Clark, 9444 E. 29th, Wichita, KS 67214
Steve Tatum, 2920 N. Cypress, Wichita, KS 67226
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Yolanda Anderson
File

FILE COPY

BZA RESOLUTION NO. 24-99 Variance #3

WHEREAS, City of Wichita (owner); Clark Hospitality, LLC, c/o Paul Clark pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a pole sign from 32 square feet to 96 square feet on property zoned "GO" General Office and legally described as follows:

> Lot 5, Block 1, Mediterranean Office Park Addition, Sedgwick County, Kansas. Generally located west of Webb and K-96 and north of 29th Street North (9444 E. 29th Street North).

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 23, 1999, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owners or the applicant. It is the opinion of staff that this property is unique, inasmuch as the property is zoned "GO" General Office in an area where other hotels are located, but on property zoned "LC" Limited Commercial or "LI" Limited Industrial. These commercially-zoned districts are provided greater flexibility in signage by the Sign Code. Additionally, this property is located along an expressway, and identification and visibility of this hotel is very difficult without a pole sign for the north- and southbound traffic on K-96.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of staff the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as adjacent properties of the same use are all allowed greater signage flexibility than this site. Residential property to the southwest should not be affected by the additional signage since the new signs will be hidden from these residential neighborhoods.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulation may constitute an unnecessary hardship upon the applicant, inasmuch as surrounding hotels, which compete with this hotel for business, are allowed a pole sign of this size. Identification of this hotel is difficult for persons traveling on K-96 without this pole sign. It was not the intent of the zoning regulation to restrict this usage, which is more commercial in nature, with the limitations designed into the signage requirements for the "GO" General Office district.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage allowed if the variance is granted is well within the limits of what would be allowed if the property was zoned commercially, which is more common for this type of usage.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. 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 zoning regulation, inasmuch as the allowance of this type of usage in the "GO" General Office district is intended to accommodate the use, but not necessarily with all the full restrictions that would be imposed on an office-type usage. This is recognized by the requirement of the larger lot size in order for this usage to be permitted by right.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the size of a pole sign from 32 square feet to 96 square feet on property zoned "GO" General Office and legally described as follows:

> Lot 5, Block 1, Mediterranean Office Park Addition, Sedgwick County, Kansas. Generally located west of Webb and K-96 and north of 29th Street North (9444 E. 29th Street North).

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 the variance to increase the size of a pole sign from 32 square feet to 96 square feet be GRANTED, subject to the following conditions:

1. This increase in square footage shall apply to one on-site pole sign along the K-96 frontage of the hotel, as indicated on the submitted site plan.

2. The pole sign approved by this variance shall be limited to a non-flashing internally-illuminated, non-rotating sign and shall conform to the submitted sign design. No additional signage or logo shall be placed on the pole or supporting structure and that support structure shall be of a neutral color.

3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of November 1999.

Floyd Pitts, President

ATTEST:

Lisa Verts, Assistant Secretary

BZA RESOLUTION NO. 24-99 Variance #4

WHEREAS, City of Wichita (owner); Clark Hospitality, LLC, c/o Paul Clark pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a pole sign from 20 feet to 35 feet on property zoned "GO" General Office and legally described as follows:

> Lot 5, Block 1, Mediterranean Office Park Addition, Sedgwick County, Kansas. Generally located west of Webb and K-96 and north of 29th Street North (9444 E. 29th Street North).

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 23, 1999, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owners or the applicant. It is the opinion of staff that this property is unique, inasmuch as the property is zoned "GO" General Office in an area where other hotels are located, but on property zoned "LC" Limited Commercial or "LI" Limited Industrial. These commercially-zoned districts are provided greater flexibility in signage by the Sign Code. Additionally, this property is located along an expressway, and identification and visibility is difficult without the sign height requested.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of staff the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as adjacent properties of the same use are all allowed greater signage flexibility than this site. Residential property to the southwest should not be affected by the additional signage since the new signs will be hidden from these residential neighborhoods.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulation may constitute an unnecessary hardship upon the applicant, inasmuch as surrounding hotels,

which compete with this hotel for business, are allowed a pole sign of this height. Identification of this hotel is difficult for persons traveling on K-96. It was not the intent of the zoning regulation to restrict this usage, which is more commercial in nature, with the limitations designed into the signage requirements for the "GO" General Office district.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage allowed if the variance is granted is well within the limits of what would be allowed if the property was zoned commercially, which is more common for this type of usage.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. 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 zoning regulation, inasmuch as the allowance of this type of usage in the "GO" General Office district is intended to accommodate the use, but not necessarily with all the full restrictions that would be imposed on an office-type usage. This is recognized by the requirement of the larger lot size in order for this usage to be permitted by right.

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> Lot 5, Block 1, Mediterranean Office Park Addition, Sedgwick County, Kansas. Generally located west of Webb and K-96 and north of 29th Street North (9444 E. 29th Street North).

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 the variance to increase the height of a pole sign from 20 feet to 35 feet be GRANTED, subject to the following conditions:

1. This increase in height shall apply to one on-site pole sign along the K-96 frontage of the hotel, as indicated on the submitted site plan.

2. The pole sign approved by this variance shall be limited to a non-flashing, internally-illuminated, non-rotating pole sign and shall conform to the submitted sign design. No additional signage or logo shall be placed on the pole or supporting structure and that support structure shall be of a neutral color.

3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of November 1999.

Floyd Pitts, President

ATTEST:

Lisa Verts, Assistant Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 7
November 23, 1999

SECRETARY'S REPORT

CASE NUMBER: BZA 24-99 – **Variances 3 & 4 deferred from October 26, 1999**

OWNER/APPLICANT: Clark Hospitality, LLC, c/o Paul Clark

AGENT: Boggs Sign Company, Inc., c/o Larry Boggs

REQUEST:

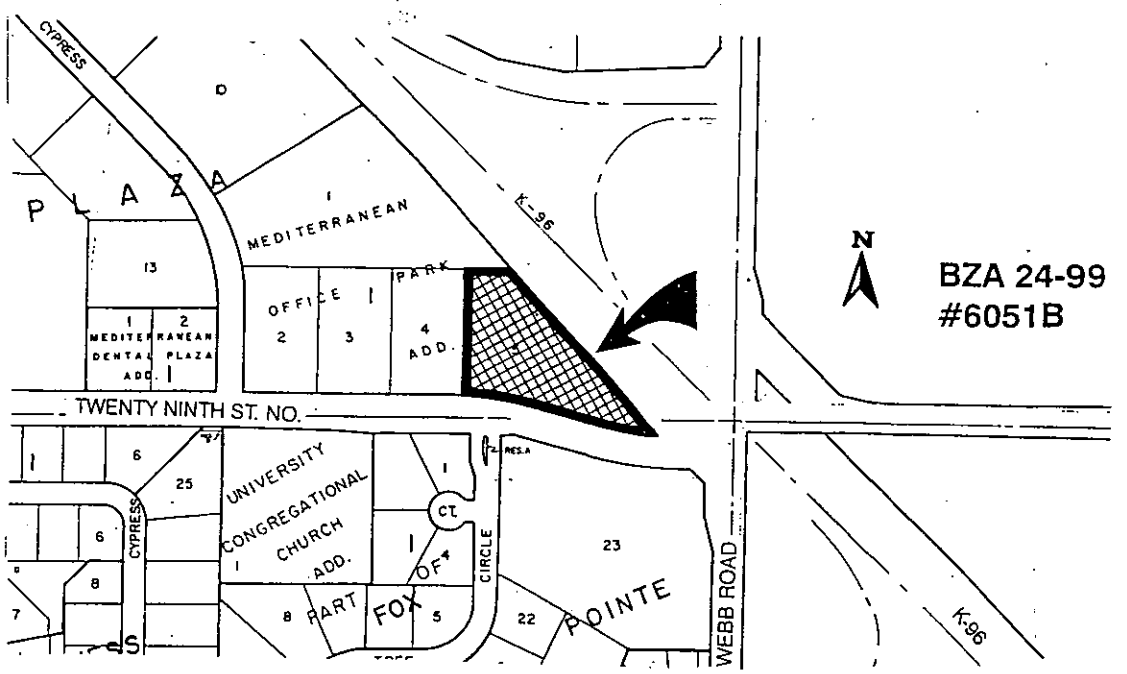
3. Variance to increase the size of a pole sign from 32 square feet to 130 square feet. (Subsequently, changed to 96 square feet)

4. Variance to increase the height of a pole sign from 20 feet to 35 feet.

CURRENT ZONING: "GO" – General Office

SITE SIZE: 2.62 Acres

LOCATION: West of Webb and K-96 and north of 29th Street North (9444 E. 29th Street North)



JURISTICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board my grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant is requesting variances for signage for Mainstay Suites, an extended stay hotel, at the northwest corner of the intersection 29th Street North, Webb Road and K-96. This hotel has been in operation for approximately 4 months. The property on which the hotel is situated is zoned "GO" General Office, which allows a hotel provided the lot size is greater than 25,000 square feet. The lot in question is 2.62 acres, well in excess of the minimum size required for this use. Despite the acceptability of a hotel use in the "GO" District, the City of Wichita Sign Code has greater restrictions on signage in the "GO" District than would be found in other commercial districts. These limits on size and height of a pole sign are the impetus for the applicant's request for variance in the signage requirements.

Specifically, in the "GO" District, the Sign Code would permit the construction of one pole sign with a maximum square footage of 32 square feet and a maximum height of 20 feet.

Currently, the hotel has two building signs (southeast and northeast elevations) that total 128 square feet and one is at a height of 31.5 feet. The applicant received a height and size variance from the Board of Zoning Appeals (BZA 28-98) for these two signs in December of 1998.

The applicant is requesting a pole sign of 96 square feet at a height of 35 feet along the K-96 frontage. This requires a height and size variance.

The surrounding uses are mixed in nature and include residential, hotels, and vacant property, also zoned "GO". Across K-96 to the north is another hotel, Candlewood Hotel, which is on property zoned "LI" Limited Industrial. Directly to the south a Marriot Courtyard is under construction on property zoned "LC" Limited Commercial. Both of these districts allow more signage than is allowed in the "GO" District for the same use. If this site, Main Stay Suites, was in the "LC" zoning district, none of these variances would be required; all requested signage in this application would be allowed per the City of Wichita Zoning Code.

The applicant indicates that persons traveling along K-96 are unable to identify the building until they are past the exit ramps. Mainstay Suites will eventually occupy space on the K-DOT "Informational mini-billboards," but these will not be in place for at least two years. According to the applicant, in the past three months their occupancy rate has been only 12%, "with the national average of this hotel group being 70%." The applicant cites "no visibility" as the number one reason for this low occupancy rate.

The Board of Zoning Appeals heard this request at its October 26, 1999 meeting. At that meeting the option of placing the sign "behind" the northeast side of the building was discussed. The variances tied to the application of a pole sign (#3 & #4) were deferred in order for the applicant to have time to explore this option. Subsequent to the October 26, 1999 meeting, the applicant submitted a revised site plan showing the new location of the sign as being approximately 75 feet behind the front line of the building between the building and the K-96 right-of-way. Additionally, the applicant has reduced the original size of the sign from 130 square feet to 96 square feet. Color sign designs were submitted for the new size sign that show a bright blue sign background with yellow lettering and a bright blue support structure.

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	– K-96 and Candlewood Hotel
SOUTH	"LC"	– Marriot Courtyard, under construction
	"SF-6"	– Fox Pointe Residential entryway
EAST	"LI"	– K-96/Webb Road Intersection
WEST	"GO"	– vacant

VARIANCE #3: Variance to increase the size of a pole sign from 32 square feet to 96 square feet

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is zoned "GO" General Office in an area where other hotels are located, but on property zoned "LC" Limited Commercial or "LI" Limited Industrial. These commercially-zoned districts are provided greater flexibility in signage by the Sign Code. Additionally, this property is located along an expressway, and identification and visibility of this hotel is very difficult without a pole sign for the north- and southbound traffic on K-96..

ADJACENT PROPERTY: It is the opinion of staff the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as adjacent properties of the same use are all allowed greater signage flexibility than this site. Residential property to the southwest should not be affected by the additional signage since the new signs will be hidden from these residential neighborhoods.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulation may constitute an unnecessary hardship upon the applicant, inasmuch as surrounding hotels, which compete with this hotel for business, are allowed a pole sign of this size. Identification of this hotel is difficult for persons traveling on K-96 without this pole sign. It was not the intent of the zoning regulation to restrict this usage, which is more commercial in nature, with the limitations designed into the signage requirements for the "GO" General Office district.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage allowed if the variance is granted is well within the limits of what would be allowed if the property was zoned commercially, which is more common for this type of usage.

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 zoning regulation, inasmuch as the allowance of this type of usage in the "GO" General Office district is intended to accommodate the use, but not necessarily with all the full restrictions that would be imposed on an office-type usage. This is recognized by the requirement of the larger lot size in order for this usage to be permitted by right.

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 the variance to increase the size of a pole sign from 32 square feet to 96 square feet be GRANTED, subject to the following conditions:

1. This increase in square footage shall apply to one on-site pole sign along the K-96 frontage of the hotel, as indicated on the submitted site plan.

2. The pole sign approved by this variance shall be limited to a non-flashing internally-illuminated, non-rotating sign and shall conform to the submitted sign design. No additional signage or logo shall be placed on the pole or supporting structure and that support structure shall be of a neutral color.

3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

VARIANCE #4: Variance to increase the height of a pole sign from 20 feet to 35 feet

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is zoned "GO" General Office in an area where other hotels are located, but on property zoned "LC" Limited Commercial or "LI" Limited Industrial. These commercially-zoned districts are provided greater flexibility in signage by the Sign Code. Additionally, this property is located along an expressway, and identification and visibility is difficult without the sign height requested.

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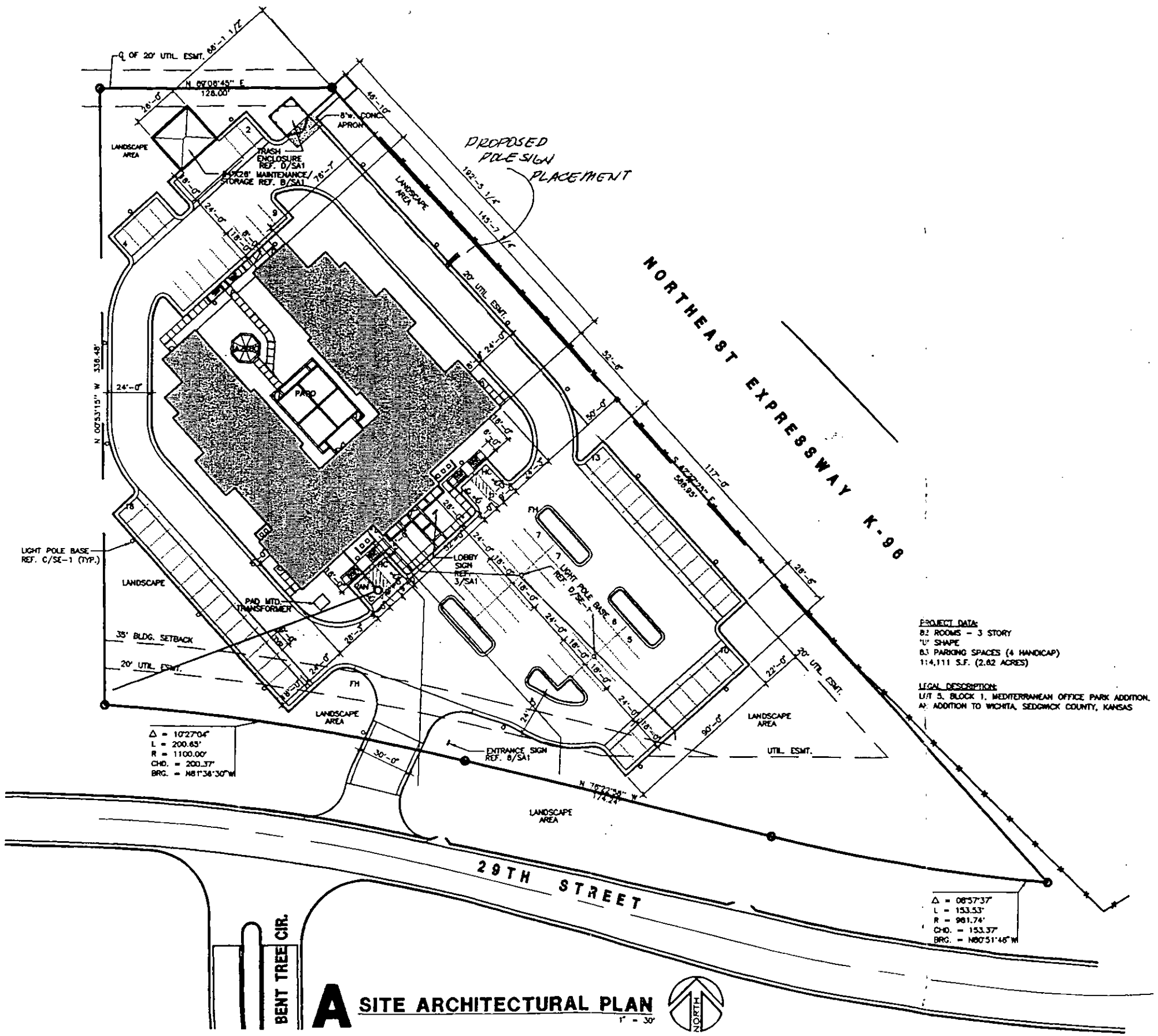
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RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to increase the height of a pole sign from 20 feet to 35 feet be GRANTED, subject to the following conditions:

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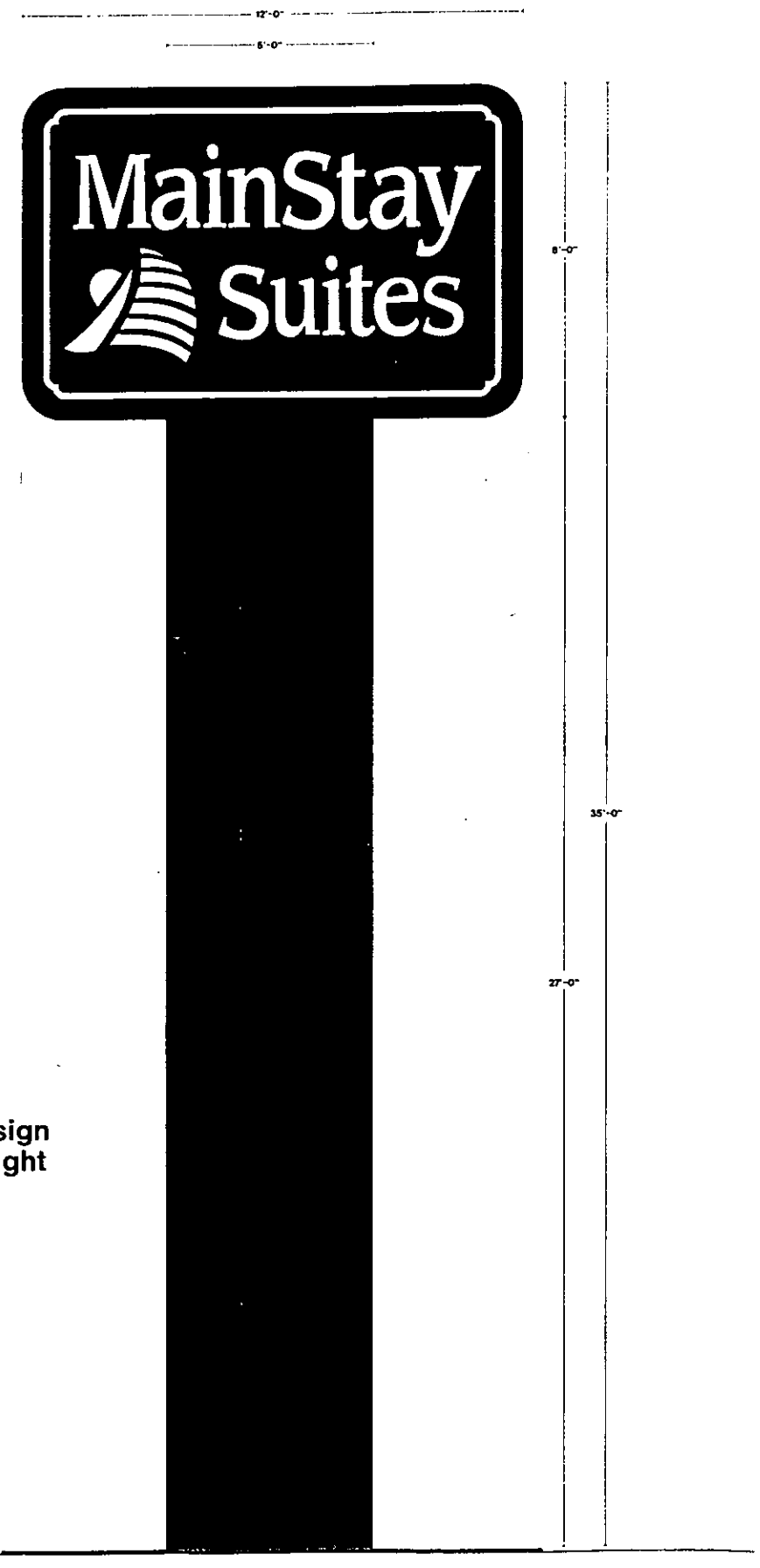
3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.



A SITE ARCHITECTURAL PLAN
1" = 30'

PROJECT DATA:
82 ROOMS - 3 STORY
"U" SHAPE
83 PARKING SPACES (4 HANDICAP)
114,111 S.F. (2.62 ACRES)

LEGAL DESCRIPTION:
LOT 5, BLOCK 1, MEDITERRANEAN OFFICE PARK ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS



96 s.f. pylon sign
35' overall height