



Wichita-Sedgwick County Metropolitan Area Planning Department

March 28, 2002

Wichita Hospitality Holdings, Inc.
%Moti Boaziz
400 W. Douglas
Wichita, KS 67214

FILE COPY

RE: BZA 2002-00008: 1) Variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the north elevation from 30 feet to 70 feet; and 2) Variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the west elevation from 30 feet to 50 feet. Generally located on the southwest corner of Kellogg & Armour (7335 E. Kellogg).

Dr. Mr. Boaziz:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on March 26, 2002, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Scott Knebel
Assistant BZA Secretary

SK/rms

cc: Turnkey, %Kim Quastad, 1607 N. Singletree Circle, Andover, KS 67002
City Council Member District II, Joe Pisciotte, Mail Stop 1-13
D.A.B. II, Donte Martin, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00008

WHEREAS, Wichita Hospitality Holdings, LLC c/o Moti Boaziz, (applicant); and Turnkey c/o Kim Quastad (Agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests 1) Variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the north elevation from 30 feet to 70 feet; and 2) Variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the west elevation from 30 feet to 50 feet on property zoned "LC" Limited Commercial and legally described as follows:

Lot 1, Block A, Lightner Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Kellogg and Armour (7335 E. Kellogg).

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 March 26, 2002, 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. It is the opinion of the Board that this property is unique, inasmuch as the property is developed with a six-story hotel building. Most hotels in the "LC" district are in two- to three-story buildings. Hotels in mid- to high-rise buildings usually are located in more intensive zoning districts, which do not have the 30-foot height limitation on building signage.

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 the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the view of the signage will be indirect, since the signage will face north and west and nearby residential properties primarily are located south of the subject property.

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 the Board that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the hotel is located in a heavily traveled, commercial area with limited access points to the hotel. Travelers looking for the hotel cannot see signage on the building at a height of 30 feet until it is too late to take the proper turn to enter the hotel. Additionally, two other mid-rise hotels in the area have been granted variances to allow increased height for building signs, which places a competitive hardship on the hotel on the subject property.

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 the Board that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, does not protrude above the roof line, and has minimal lighting.

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 the Board that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the sign regulations for the "LC" district are based on nearly all uses in the "LC" district being located in one- to three-story buildings. The existing building on the subject property is unusual in terms of height for a building in the "LC" district, and the zoning districts in which mid- to high-rise buildings are typically located do not limit the height of building signs. In the few instances where mid- to high-rise commercial buildings are located in the "LC" district, variances have been granted to allow building signs at a greater height.

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.

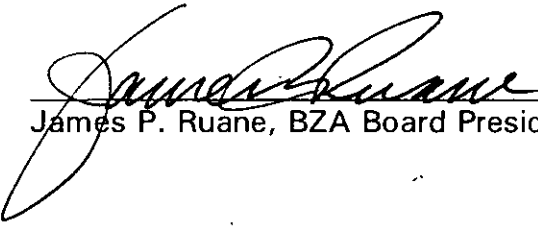
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that: 1) a variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the north elevation from 30 feet to 70 feet; and 2) a variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the west elevation from 30 feet to 50 feet are hereby granted on property zoned "LC" Limited Commercial and legally described as follows:

Lot 1, Block A, Lightner Addition, Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Kellogg and Armour (7335 E. Kellogg).

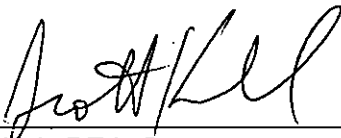
The variances are hereby subject to the following conditions:

1. The sign on the north elevation shall be limited to a height of 70 feet above grade, and the sign on the west elevation shall be limited to a height of 50 feet above grade.
2. The signage shall be placed in locations that are in substantial conformance with the approved site plan and elevation renderings.
3. Each sign shall be limited to 60 square feet in area and shall be constructed of channel lettering with internal illumination.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the Board.
5. 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 26th DAY of MARCH, 2002.


James P. Ruane, BZA Board President

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00008

OWNER/APPLICANT: Wichita Hospitality Holdings, LLC c/o Moti Boaziz

AGENT: Turnkey c/o Kim Quastad

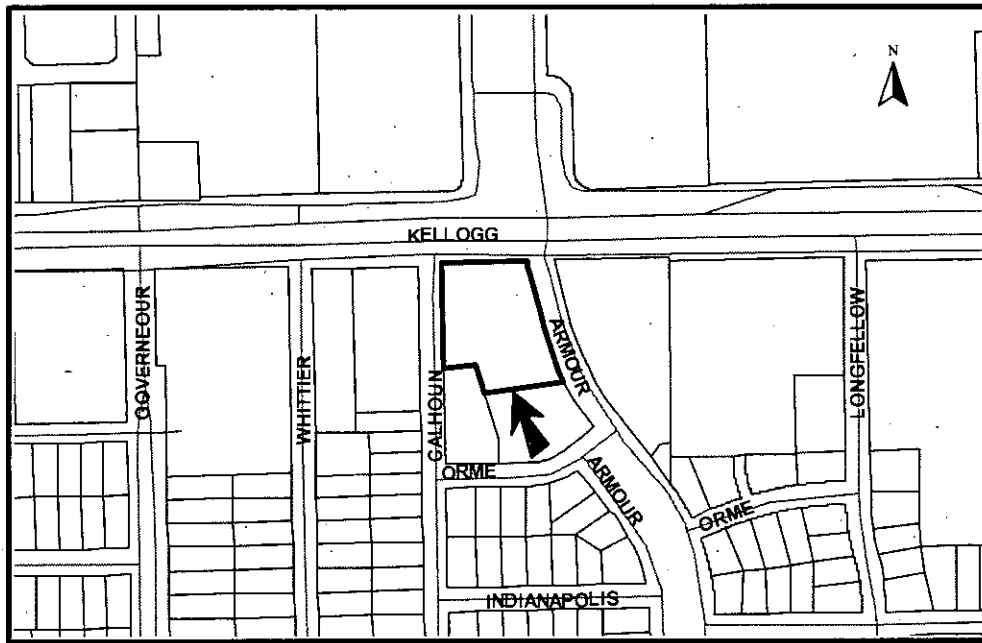
REQUEST:

1. Variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the north elevation from 30 feet to 70 feet; and
2. Variance to Sec. 24.04.195.3 of the Sign Code to increase the maximum permitted height of a building sign on the west elevation from 30 feet to 50 feet.

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1.77 Acres

LOCATION: Southwest corner of Kellogg & Armour (7335 E. Kellogg)



JURISDICTION: 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 may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant is requesting two variances on property zoned "LC" Limited Commercial and developed with a six-story Ramada hotel. Both variances are to Sec. 24.04.195.3 of the Sign Code, which limits the maximum permitted height for a building sign to 30 feet above grade. The first variance is to permit a building sign at a height of 70 feet on the building's north elevation. The second variance is to permit a building sign at a height of 50 feet on the building's west elevation.

The Ramada hotel currently has one building sign on the east elevation that exceeds 30 feet in height. A variance to grant a sign height exceeding 30 feet for the east elevation has not been granted, and at the time this report was prepared, the Office of Central Inspection was still investigating how the sign on the east elevation was permitted. Since the building was constructed in 1973 and the sign code did not limit building sign heights to 30 feet in the "LC" district until 1974, OCI speculates that the sign on the east elevation is non-conforming. Sec. 24.04.085(b) of the Sign Code permits non-conforming signs to continue to exist. Sec. 24.04.100(b) of the Sign Code permits replacing the face or "copy" of a non-conforming sign.

The applicant submitted a site plan, elevation renderings, and a statement pertaining to the five conditions for granting the variances requested. The applicant indicates that the increased height for building signage is requested because signage at a height of 30 feet cannot be seen by passing motorists in time to take the proper turn on Kellogg to reach the hotel. The applicant indicates that this situation will only become worse after Kellogg is converted to freeway. The applicant also indicates that the signs will have channel letters, will be backlit, and will be a pleasant enhancement to the building.

The uses immediately surrounding the subject property are commercial in nature and include a multi-story office building and a multi-story hotel, both of which have received variances to permit building signage at heights of 100 and 92 feet, respectively. The proposed signage will not be directly visible from most nearby residential properties, which are primarily located south of the subject property.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Vehicle sales
SOUTH	"SF-5"	Single-family
EAST	"LC"	Vehicle sales
WEST	"LC"	Vehicle sales

The five conditions necessary for approval apply to both variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is developed with a six-story hotel building. Most hotels in the "LC" district are in two- to three-story buildings. Hotels in mid- to high-rise buildings usually are located in more intensive zoning districts, which do not have the 30-foot height limitation on building signage.

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 view of the signage will be indirect, since the signage will face north and west and nearby residential properties primarily are located south of the subject property.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the hotel is located in a heavily traveled, commercial area with limited access points to the hotel. Travelers looking for the hotel cannot see signage on the building at a height of 30 feet until it is too late to take the proper turn to enter the hotel. Additionally, two other mid-rise hotels in the area have been granted variances to allow increased height for building signs, which places a competitive hardship on the hotel on the subject property.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, does not protrude above the roof line, and has minimal lighting.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the sign regulations for the "LC" district are based on nearly all uses in the "LC" district being located in one- to three-story buildings. The existing building on the subject property is unusual in terms of height for a building in the "LC" district, and the zoning districts in which mid- to high-rise buildings are typically located do not limit the height of building signs. In the few instances where mid- to high-rise commercial buildings are located in the "LC" district, variances have been granted to allow building signs at a greater height.

RECOMMENDATION: It is staff's opinion that the signage requested is appropriate for the intended purpose of relaying the location of the hotel to travelers. Should the Board determine that the five conditions necessary for the granting of the variances exist, then it is the recommendation of the Secretary that the variances to permit a building sign at a height of 70 feet on the building's north elevation and to permit a building sign at a height of 50 feet on the building's west elevation be GRANTED, subject to the following conditions:

1. The sign on the north elevation shall be limited to a height of 70 feet above grade, and the sign on the west elevation shall be limited to a height of 50 feet above grade.
2. The signage shall be placed in locations that are in substantial conformance with the approved site plan and elevation renderings.
3. Each sign shall be limited to 60 square feet in area and shall be constructed of channel lettering with internal illumination.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the Board.
5. 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.



BZA2002-00008

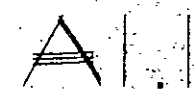
SITE PLAN

APPROVED 3-26-02 BY BZA

RAMADA INN
7335 E. KELLOGE

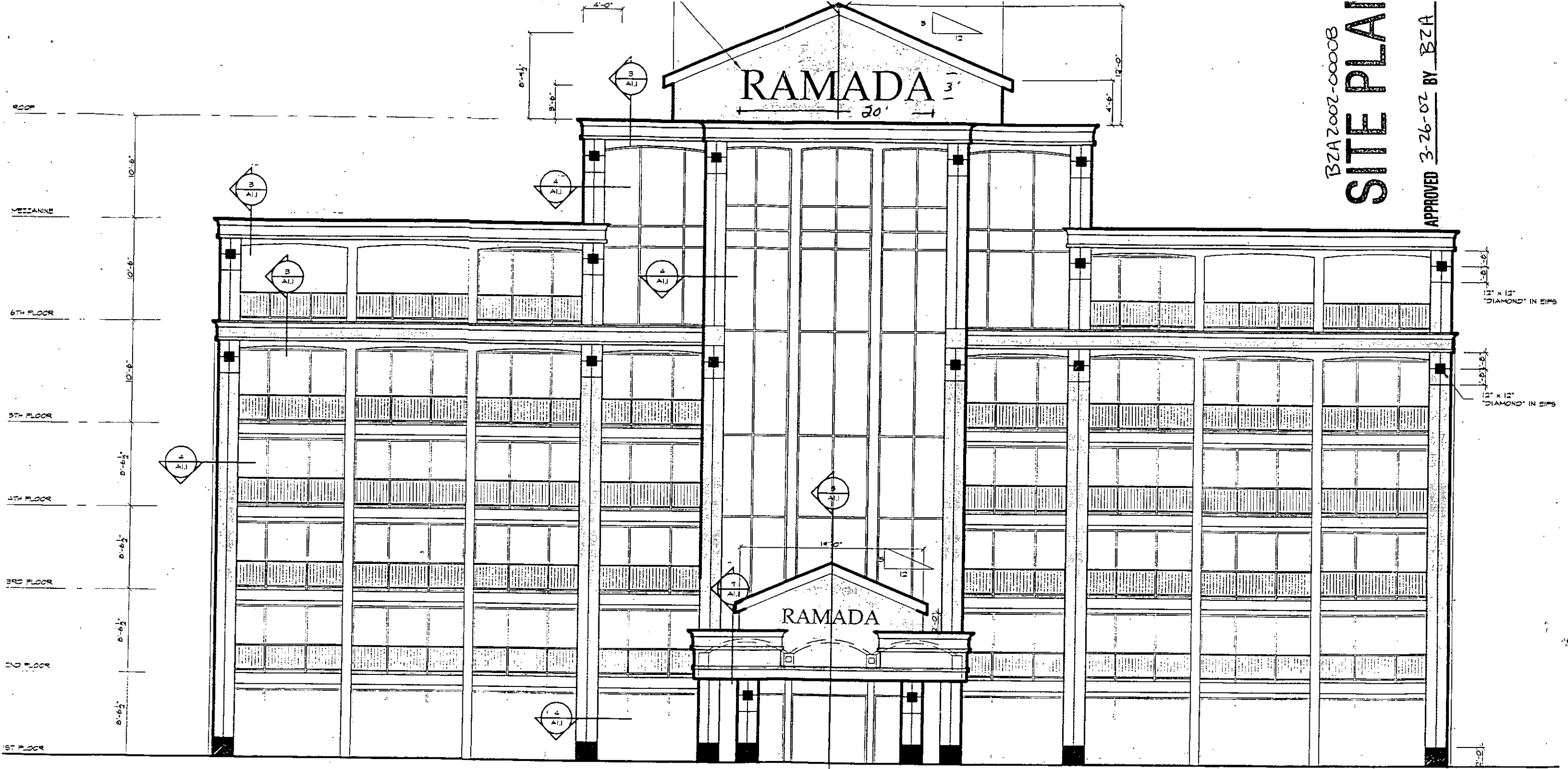
WICHITA, KANSAS

DATE:
02/18/02



SHEET NUMBER

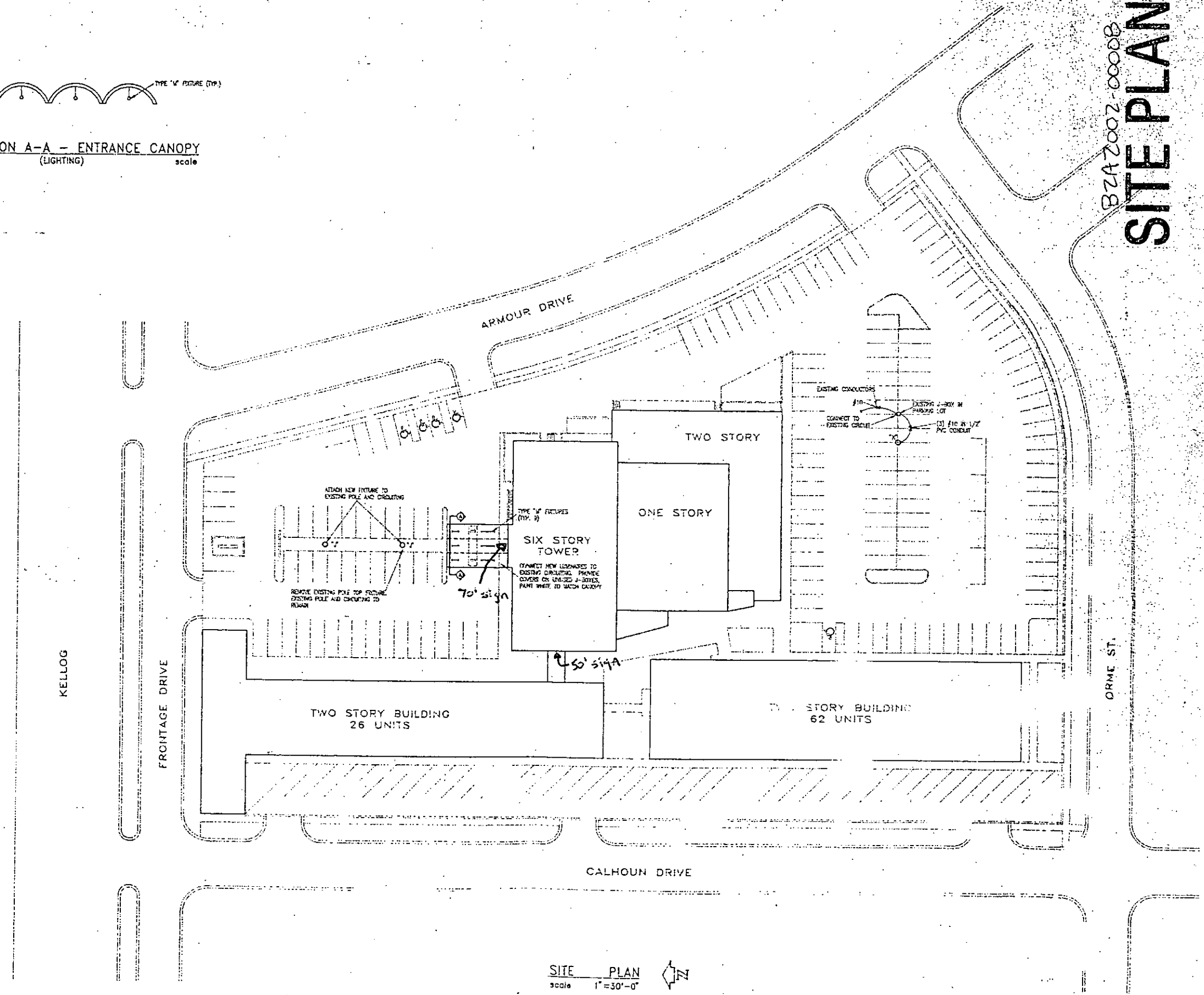
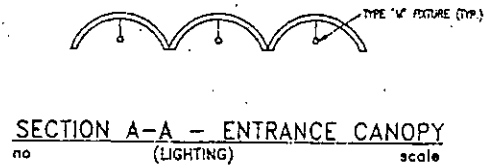
Scale 1/8" = 1'



BZA 2002-00008
SITE PLAN

APPROVED 3-26-02 BY BZA

NORTH ELEVATION
 SCALE: 1/8"=1'-0"
 3/92



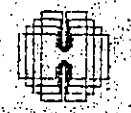
BZA2002-00008
SITE PLAN

APPROVED 3-26-02 BY BZA



Wichita East
Wichita, Kansas

Landmark
Hotel
Corporation
Topeka, Kansas



HICKMAN ARCHITECTURE
8835 HIRSHING LANE
P.O. BOX 14882
LINCOLN, KANSAS 68520
PHONE/FAX 913/884-9400

REVISIONS

DATE
JOB NO.
DRAWN

SITE PLAN
scale 1"=30'-0"



Legal
Lot 1
Block H
Lightner Addition