



Wichita-Sedgwick County Metropolitan Area Planning Department

December 7, 2018

Newman University
Attn: J.V. Johnson
3100 McCormick
Wichita, KS 67213

Ferris Consulting
Attn: Greg Ferris
P.O. Box 573
Wichita, KS 67201

RE: BZA2018-00061 - City Variance to increase the size of an on-site sign from 146 square feet to 385 square feet on property zoned U University and generally located south of West Kellogg, approximately one-half mile west of South Southwest Boulevard (3100 W. McCormick)

Dear Applicant:

At its regular meeting on November 15, 2018, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies: Jeff Blubaugh, Council Member District IV
Rebecca Fields, CSR District IV
MABCD

BZA RESOLUTION NO. 2018-00061

WHEREAS, Newman University, Inc., - J.V. Johnson (Owner), and Ferris Consulting – Greg Ferris (Agent); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests the following variance to the Sign Code of the City of Wichita:

1. Variance to Section 24.04.192 of the Sign Code to increase the maximum size of a sign from 32 square feet to 385 square feet.
2. Variance to Section 24.04.192 of the Sign Code to increase the maximum height of a sign from 25 feet to 30 feet.
3. Variance to Section 24.04.192 of the Sign Code to permit a color electronic message board instead of white light.

on property zoned “U” University District (U) legally described as follows:

Lot 1, Block 1, Newman University Second Addition, Wichita, Sedgwick County, Kansas, generally located at 3100 West McCormick Avenue.

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 15, 2018, 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 as the proposed signage is along a heavily traveled freeway where typical commercial signage would permit larger signage by right and the “U” University District does not consider freeway frontage.

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, inasmuch as the applicant owns all the adjacent property and the nearest off-campus residences are over 300 feet from the proposed sign and on the north side of Kellogg.

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, inasmuch as the existing signage has proven inadequate to fully communicate information to the public along the freeway.

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, inasmuch as the proposed signage will better identify and communicate with the public for the University and the existing regulations and size restrictions are intended for a neighborhood setting and not along freeway frontage.

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 a variance be granted to the Sign Code of the City of Wichita:

1. Variance to Section 24.04.192 of the Sign Code to increase the maximum size of a sign from 32 square feet to 385 square feet.
2. Variance to Section 24.04.192 of the Sign Code to increase the maximum height of a sign from 25 feet to 30 feet.
3. Variance to Section 24.04.192 of the Sign Code to permit a color electronic message board instead of white light.

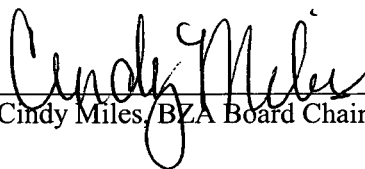
on property zoned "U" University District (U) legally described as follows:

Lot 1, Block 1, Newman University Second Addition, Wichita, Sedgwick County, Kansas, generally located at 3100 West McCormick Avenue.

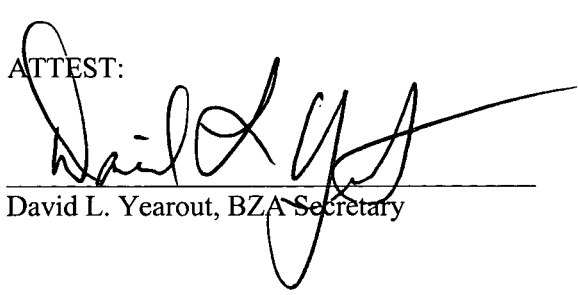
The variance is hereby GRANTED, subject to the following conditions:

1. The approval shall be to replace the existing sign with the proposed 385 square foot sign as shown on the site drawings submitted by the agent and shall be developed in accordance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department
5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 15th DAY of NOVEMBER, 2018.


Cindy Miles, BZA Board Chair

ATTEST:


David L. Yearout, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2018-00061

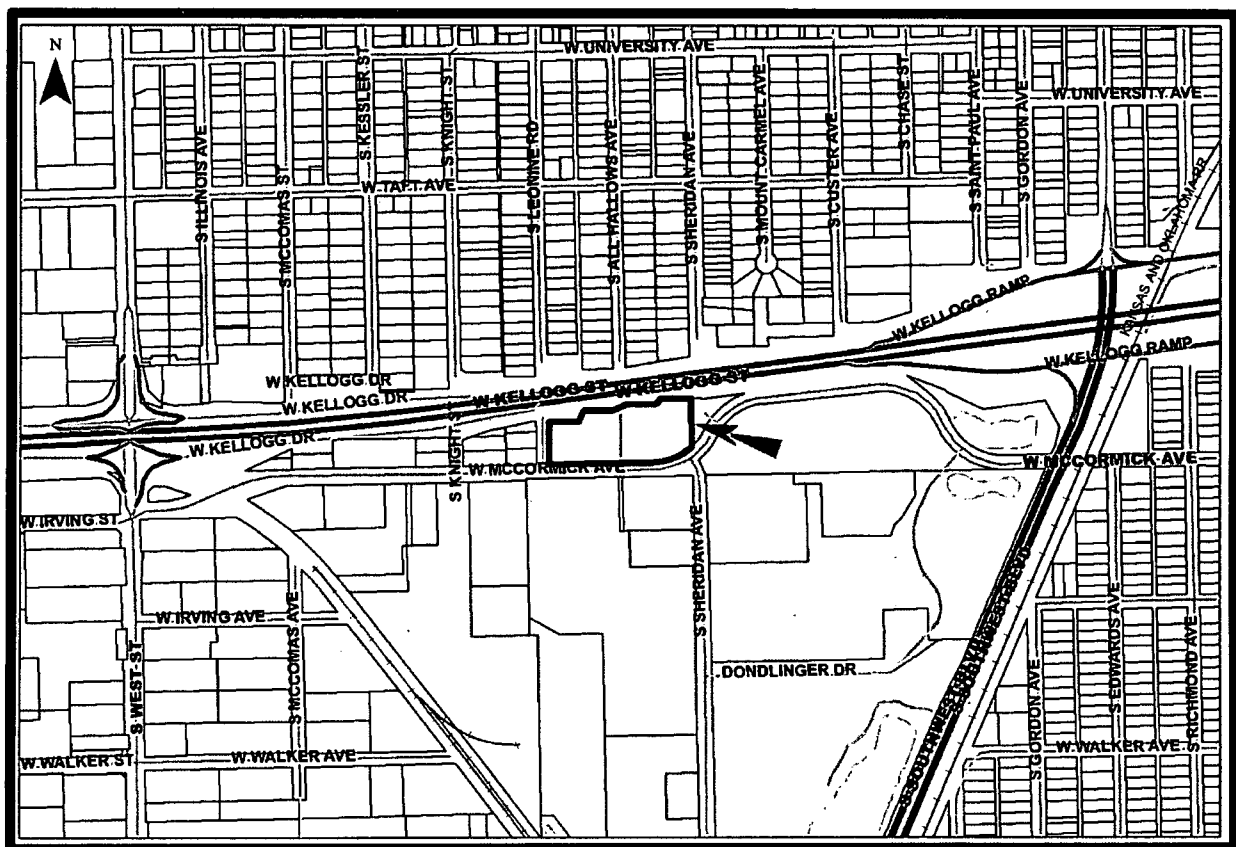
APPLICANT: Newman University, Inc. (Owner) / Ferris Consulting – Greg Ferris (Agent)

REQUEST: Variance to allow an increase in the size of an on-site sign to 385 square feet

CURRENT ZONING: U University

SITE SIZE: 3.75 acres

LOCATION: Generally located south of Kellogg Street approximately ½ mile east of West Street and adjacent to McCormick Avenue (3100 West McCormick Avenue)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions Section V-G of the Unified Zoning Code for Wichita/Sedgwick County, and as 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 applicant is requesting a variance to amend a previous approval for a variance to the size limitations for size of a Pole Sign on Newman University's property at 3100 West McCormick Avenue. The subject property was granted a variance for the existing sign in Case No. BZA2007-00064, which authorized an increase in size from 32 square feet to 146 square feet, an increase in height from 25 feet to 30 feet, and allowing a color electronic message board rather than illumination by a white light only without flashing or moving images. The application indicates a desire to increase the size of sign, which will include an area of static display as well as an electronic message board. The total sign area requested will be 385 square feet.

According to the Sign Code within the Wichita City Code, for property in the U University (U) Zoning District, the following regulations apply:

Sec. 24.04.192. - Signs permitted in the "U" University District.

1. Ground or Pole Signs, provided no individual sign shall exceed thirty-two (32) square feet of Sign Surface area or exceed a height of twenty-five (25) feet. Only one Ground or Pole Sign shall be permitted for any office or business; provided, however, when more than one business is located on a Zoning Lot additional signs may be permitted when a distance separation of one hundred fifty (150) feet along the Street Frontage is maintained. When the distance separation of one hundred fifty (150) feet does not permit each individual business a sign, the business shall share the use of the permitted number of signs. Under no circumstance shall the total Sign Surface area of all Ground or Pole Signs on a Zoning Lot exceed one-half (1/2) square foot per lineal foot of Street Frontage; provided, however, a Zoning Lot with sixty-four (64) feet or less Street Frontage shall be permitted a sign of thirty-two (32) square feet of Sign Surface area. No Ground or Pole Sign shall be located closer than fifteen (15) feet to an adjacent property. Any sign permitted by this Section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.
2. Notwithstanding the provisions of Section 24.04.190 of this Code, Portable Signs shall not be permitted.
3. Building Signs not exceeding thirty-two (32) square feet in area or thirty (30) feet in height, and be limited to one for each major use in the building. Such signs shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

Newman University rezoned this site from residential and office zoning to the "U" zoning district in late 2006. The purpose of that rezoning was to accommodate university residential development on the site, which has now been built. Besides the variance for the existing sign discussed above, Newman received two previous variances for building signage southeast of the current application area. Variance BZA2000-34 permitted an increase in building sign size from 48 square feet to 132.5 square feet, and permitted increased height from 20 feet to 30 feet for a building sign on the O'Shaughnessy Sports Complex, also facing Kellogg. Variance BZA2007-22 increased the size of two signs from 25 and 48 square feet to 175 square feet and increased the height for the same two signs from 20 to 35 feet on the new Dugan Library and Campus Center southeast of the current application area. Friends University, northeast of this site along Kellogg, also recently received a variance to increase the height of an electronic message board sign in "U" zoning.

North of the application area is Kellogg/US 54/400, where the applicant wishes the sign to be viewed from, Kellogg is not elevated directly adjacent to the existing sign. Southeast of this site is the sports complex with signage visible from Kellogg. Further southeast is the remaining Newman Campus. Southwest of the site are Newman residences, with a university logo sign on one residence building also visible from Kellogg. The proposed sign would not directly face any off-campus residences. Although,

residential properties exist to the northwest, over 300 feet from the site across Kellogg; these residences may have visibility of the proposed signage from across Kellogg.

ADJACENT ZONING AND LAND USE:

NORTH:	No Zoning	Kellogg Street US 54/400
SOUTH:	SF-5	University Campus
EAST:	B	University Campus
WEST:	U	University Campus

CASE HISTORY: As noted above, this property was granted a Variance for this sign in Case Number BZA2007-00064, which varied the three conditions noted herein. The subject property was platted as Newman University 2nd Addition, which was recorded with the Register of Deeds on October 19, 2005. The subject property was rezoned to the U University (U) District by Ordinance No. 47-323, published on December 21, 2006.

UNIQUENESS: It is staff's opinion that this property is unique, as the proposed signage is along a heavily traveled freeway, where typical commercial zoning would permit a much larger sign by right. The sign code limitations within the "U" University District do not consider sites with freeway frontage. A site this large, at this location with proximity to freeways, could house numerous businesses under commercial zoning, and each business would be allowed separate signage within square footage limits.

ADJACENT PROPERTY: It is staff's opinion that granting the increase in sign size at this location will not adversely affect the rights of adjacent property owners. All of the adjacent property is on the Newman Campus. The nearest off-campus residences are over 300 feet from the proposed sign, across Kellogg Street.

HARDSHIP: The applicant states University identification and communication is crucial to the University's community function. The previously approved size has been proven to not be large enough to achieve the desired identification and communication objectives, which creates an unnecessary hardship on the University.

PUBLIC INTEREST: It is staff's opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant. The existing sign has been determined to be inadequate to fully achieve the communication and information to the heavy traffic on Kellogg. Newman University identification and communication is critical to the University's community function.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased sign size would not oppose the general spirit and intent of the Sign Code, as the signage will better identify and communicate for the university. The "U" University zoning district restrictions of sign size to 32 square feet is intended for neighborhood settings and does not consider freeway frontage and visibility.

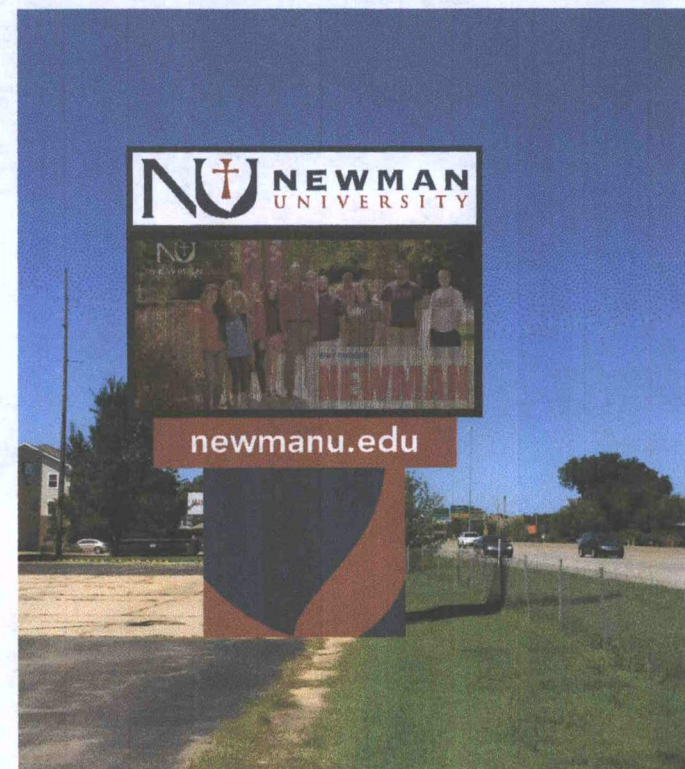
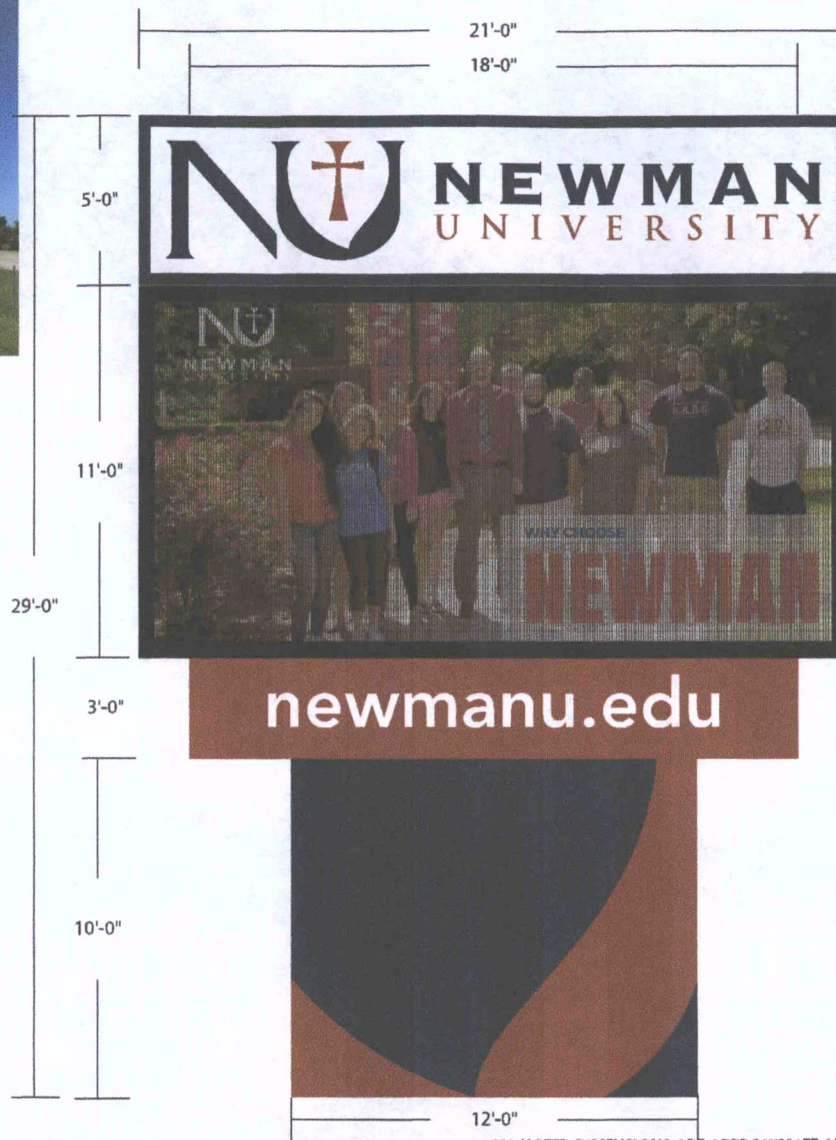
RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to permit a 385 square foot sign as proposed be GRANTED, subject to the following conditions:

1. The approval shall be to replace the existing sign with the proposed 385 square foot sign as shown on the site drawings submitted by the agent and shall be developed in accordance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.

4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department
5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

Report Attachments:

1. Site Plan
2. Sign Plan
3. Applicant's Narrative



■ PMS 2768

■ PMS 704

ALL NOTED DIMENSIONS ARE APPROXIMATE AND MAY BE MODIFIED SLIGHTLY DURING MANUFACTURING TO ALLOW PROPER COMPONENT USAGE.

SPECIFICATIONS

- DOUBLE-FACED, INTERNALLY-ILLUMINATED, ALUMINUM PYLON SIGN PAINTED TO MATCH LOGO COLORS.
- ID CABINET - FLEXIBLE FACE WITH DIGITALLY PRINTED LOGO.
- 16MM, 180 X 360 MATRIX, FULL COLOR LED MESSAGE CENTER.
- REVEAL WITH APPLIED VINYL IN 7725-10 WHITE.
- INSTALLED ON EXISTING SITE.

CUSTOMER: NEWMAN UNIVERSITY
NAME: CLARK SCHAFER
LOCATION: 3100 N. MCCORMICK AVE.
 WICHITA, KS 67213

DATE: 9/5/17
DESIGN NO: DW-26634E
ARTIST: AW

SCALE: 3/16" = 1' • 3/32" = 1'

APPROVED:

DATE:



LUMINOUSNeonInc
 ART & SIGN SYSTEMS