



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 27, 2003

Krispy Kreme
Doughnut Corporation
P O Box 83
Winston-Salem NC 27102

RE: BZA2003-42 – Variance to Section 24.04.195.2 of the Sign Code to permit a sign not having a street frontage or fronting 150 feet of parking lot on property zoned “LC” Limited Commercial. Generally located north of Central and east of Tyler. (8512 W. Central)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 26, 2003, 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: Rita A. Neville, Neville Family Trust III, 9625 W. Maple, Wichita, KS 67209-3101
Kelly O'Brien, Fairmont Sign Company, 3750 E. Outer Drive, Detroit, MI 48234
Michael Larue, 940 Aqueview Drive, Kernersville, NC 27284
Chuck Carson, Luminous Neon Art and Sign, P.O. Box 916, Hutchinson, KS 67504
Bob Martz, WCC, District V, Mail Stop 1-13
Dana L. Brown, N.A. V, Mail Stop 1-135
Sharon Dickgraft, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2003-00042

WHEREAS, Krispy Kreme Doughnut Corporation, (applicant), Neville Family Trust (owner); Kelly O'Brien, Fairmont Sign Company, (agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, request variances to Section 24.04.195.2 of the Sign Code to permit signs not having street frontage or fronting 150 feet of parking lot on property zoned "LC" Limited Commercial and legally described as follows:

Part of Lot 1, Tyler Acres Fifth Addition, Wichita, Kansas, Sedgwick County, Kansas, commencing at a point 365 feet east and 65 feet north of the Southwest corner of the Southwest Quarter of Section 16, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said point being the lot corner common to Lots 1 and 3 in said Addition; thence east along the south line of said Lot 1, 620.16 feet for a point of beginning; thence continuing east along the south line of said Lot 1, 133 feet; thence north at right angles 285 feet; thence west at right angles 133 feet; thence south 285 feet to the Point of Beginning. Generally located north of Central and east of Tyler (8512 W. Central).

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 August 26, 2003, 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 a narrow lot of less than 160 feet or so that is adjacent to another narrow lot that makes it virtually impossible to site a building of any size and maintain 150 feet of parking between the buildings.

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 would not adversely affect the rights of adjacent property owners, inasmuch as all adjacent properties are developed with similar commercial uses. These signs are small, and at least one of them is intended to serve the unique marketing needs of this donut brand, and is lit only on an intermittent basis.

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 sign regulations will constitute an unnecessary hardship upon the applicant; inasmuch as the timely announcement that their product is ready for sale is critical to the success of their business.

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, 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 a stated intent of the Sign Code is to provide an opportunity to achieve a reasonable balance between the need for a sign and preserving the visual qualities of the community. In this instance, the need for the sign to provide visibility from Central will provide a reasonable balance with the visual qualities of the community.

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.

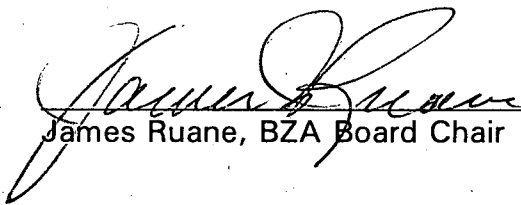
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that variances to Section 24.04.195.2 of the Sign Code be granted to permit two signs not having street frontage or fronting 150 feet of parking lot on property zoned "LC" Limited Commercial and legally described as follows:

Part of Lot 1, Tyler Acres Fifth Addition, Wichita, Kansas, Sedgwick County, Kansas, commencing at a point 365 feet east and 65 feet north of the Southwest corner of the Southwest Quarter of Section 16, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said point being the lot corner common to Lots 1 and 3 in said Addition; thence east along the south line of said Lot 1, 620.16 feet for a point of beginning; thence continuing east along the south line of said Lot 1, 133 feet; thence north at right angles 285 feet; thence west at right angles 133 feet; thence south 285 feet to the Point of Beginning. Generally located north of Central and east of Tyler (8512 W. Central).

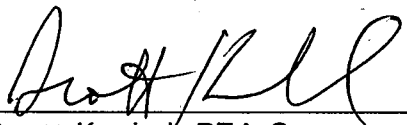
The variances are hereby **GRANTED**, subject to the following conditions:

1. The signs on the subject property shall comply with all regulations of the Sign Code, except that two signs shall be permitted without the 150 feet of parking lot or arterial street frontage on the west building facade.
2. The signs shall be in general conformance with the elevation drawings and site plan approved by the Board.
3. 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.
4. The resolution authorizing the 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 AUGUST 2003.


James Ruane, BZA Board Chair

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2003-00042

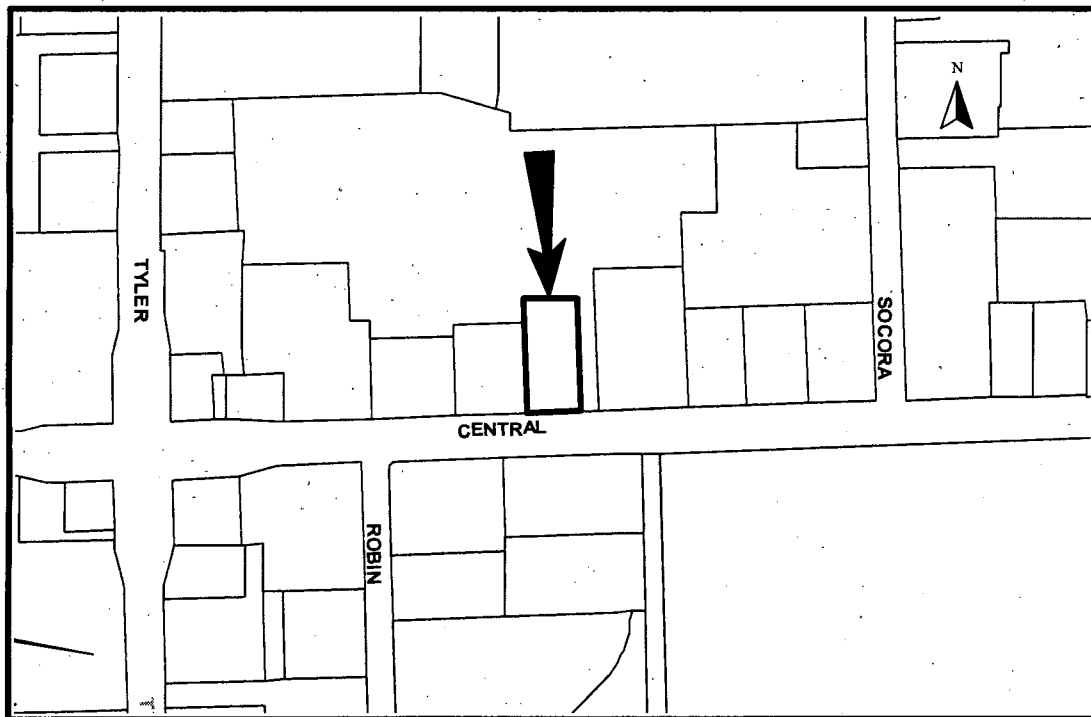
OWNER/APPLICANT: Krispy Kreme Doughnut Corp. (applicant), Neville Family Trust (owner), Kelly O'Brien (Fairmont Sign Co., agent)

REQUEST: Variance to Section 24.04.195.2 of the Sign Code to permit a sign not having street frontage or fronting 150 feet of parking lot.

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: .87 Acres

LOCATION: North of Central and east of Tyler (8512 W. Central)



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 a variance to Section 24.04.195.2 of the Sign Code to permit two signs on the west facade not having street frontage or fronting 150 feet of parking lot. The subject property is located north of Central and east of Tyler at 8512 W. Central, is zoned "LC" Limited Commercial and is currently being developed with a Krispy Kreme doughnut shop.

The applicant proposes to place two signs totaling 28.7 square feet on the west facade of his restaurant – one sign would be 20.4 square feet, the other is 8.3 square feet (see attached "Site Plan" and "Drive-Thru Elevation"). The entire application area is less than 160 feet wide. The structure being constructed on the application area will set within 25 feet or so of the west property line in order to provide for parking and on-site circulation on the east side of the lot. The property to the west is developed with a Fazoli's restaurant that is 97 feet from the west facade of the Krispy Kreme, and this area contains a drive-thru for Krispy Kreme and Fazoli's main parking field (see attached site plan). The buildings on either side of the application area have observed the same front building setback as the applicant's structure.

The applicant has submitted a justification statement (attached) for the requested variance to permit the sign. Essentially, the applicant states that the signage is needed to advise its customers when "hot doughnuts" are available, which is a key marketing strategy for this company, and these signs will also provide corporate identification for customers traveling along Central. The applicant contends that approval of this signage will not negatively impact adjoining businesses.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Vacant
SOUTH	"GO"	Apartments
EAST	"LC"	Restaurant
WEST	"LC"	Restaurant

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is a narrow lot of less than 160 feet or so that is adjacent to another narrow lot that makes it virtually impossible to site a building of any size and maintain 150 feet of parking between the buildings.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as all adjacent properties are developed with similar commercial uses. These signs are small, and at least one of them is intended to serve the unique marketing needs of this donut brand, and is lit only on an intermittent basis.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant; inasmuch as the timely announcement that their product is ready for sale is critical to the success of their business.

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, 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 a stated intent of the Sign Code is to provide an opportunity to achieve a reasonable balance between the need for a sign and preserving the visual qualities of the community. In this instance, the need for the sign to provide visibility from Central will provide a reasonable balance with the visual qualities of the community.

RECOMMENDATION: It is staff's opinion that the signage requested is appropriate for the intended purpose of identifying the restaurant from Central. 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 be GRANTED, subject to the following conditions:

1. The signs on the subject property shall comply with all regulations of the Sign Code, except that two signs shall be permitted without the 150 feet of parking lot or arterial street frontage on the west building facade.
2. The sign shall be in general conformance with the elevation drawings and site plan approved by the Board.
3. 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.
4. The resolution authorizing the 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.

FAIRMONT Sign Company

580 SOUTH GUILD AVE.
LODI, CA 93240
PHONE: (209) 365-0490
FAX: (209) 365-1238



POST OFFICE BOX 83
WINSTON SALEM, NORTH CAROLINA
27102

LEGALITIES

THIS DESIGN IS THE PROPERTY OF
FAIRMONT SIGN COMPANY
AND

KRISPY KREME, INCORPORATED
IT CANNOT BE USED OR DUPLICATED
BY ANYONE WITHOUT THE APPROVAL
OF BOTH COMPANIES



All Electrical Signage
Requires 120 Volt Service,
Unless Otherwise
Specified By Customer
Before Production

JOB NAME

KRISPY KREME

LOCATION

WITCHITA, KS

DATE

05-16-03

DRAWN BY

I. LEE

REVISIONS

5-20-03 ADD EXT. HDN ON DRIVE THRU
ELEV. PER KELLY G.

DRAWING TITLE

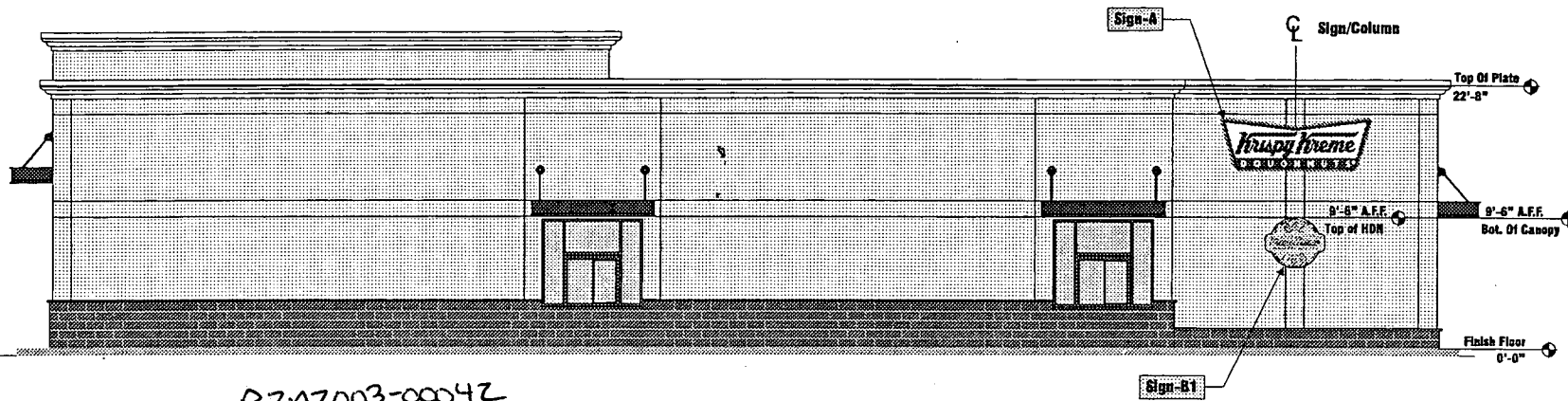
WEST ELEVATION

COMP. FILE

KK-WITCHITA.CDR

SHEET NUMBER

5



BZA7003-0004Z SITE PLAN

APPROVED 0-26-03 BY BZA

DRIVE-THRU ELEVATION (WEST)

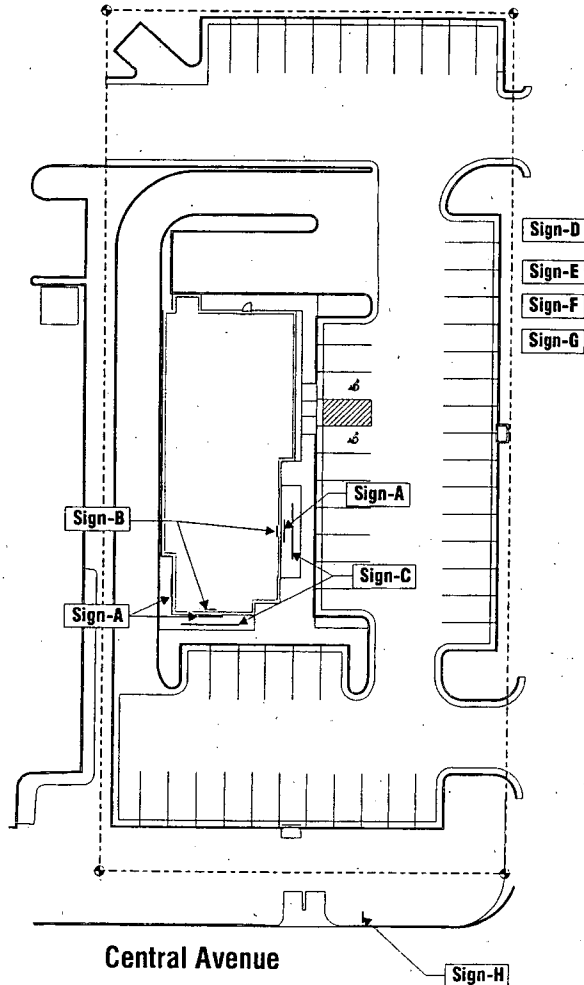
← 100' →

N.T.S.

SITE PLAN

N.T.S.

Refer to Architect Site Plan for
Exact Location of Signs



SIGN TYPES:



Sign A

Three(3) Formed Single Face Wall Signs 3'-10 1/2"x10'-11 13/16"
20.4 Sq.Ft. Per Sign; TOTAL = 61.2 Sq. Ft.



Sign B

Two(2) Exposed Neon Interior "HDN" Hanging Sign 3'-8"x4'-4"
8.3 Sq.Ft. Per Sign; TOTAL = 16.6 Sq. Ft.

Sign C

DOUGHNUTS & COFFEE

Two(2) Sets Non-Illuminated Channel letters 12" x 3" Deep
16 Sq.Ft. Per Set; Total = 32 Sq. Ft.



Sign D

Five(5) "Bowtie" Illuminated Directional Sign 1'-2"x3'-3"
3.79 Sq. Ft. Per Sign; Total = 18.95 Sq. Ft.



Sign E

One(1) Clearance Sign Reading "9' Clearance"



Sign F

One(1) S/F Menu-Board 7'-6"x6'-6"



Sign G

One(1) Video Confirmation Board



Sign H

D/F Pylon Sign

BZA2003-00042
SITE PLAN

APPROVED 8-26-03 BY BZA

FAIRMONT
Sign Company

880 SOUTH GUILD AVE.
LODI, CA 95240
PHONE: (209) 255-6490
FAX: (209) 255-1229



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WINSTON SALEM, NORTH CAROLINA
27102

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All Electrical Signage
Requires 120 Volt Service,
Unless Otherwise
Specified By Customer
Before Production

JOB NAME

KRISPY KREME

LOCATION

WITCHITA, KS

DATE

05-16-03

DRAWN BY

I.LEE

REVISIONS

DRAWING TITLE

SITE PLAN

COMP. FILE

KK-WITCHITA.CDR

SHEET NUMBER

1