CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

January 29, 2020

Innovation Communities
3020 N. Cypress, Suite 120
Wichita, KS 67226

Luminous Neon Art & Sign Systems
Attn: Andrea Edward
Hutchinson, KS 67501

RE: BZA2019-00058 – City variance to request two variances to allow an illuminated sign and a sign greater than 15 feet tall located on property zoned B Multi-Family; 3945 E 17th Street North, is located at the southwest corner of East 17th Street North and North Bluff Avenue, approximately 1/2 mile east of North Hillside Avenue (3945 East 17th Street North).

Dear Applicants,

A signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on January 23, 2020 will be sent in two weeks. The resolution will reflect the official action of the Board with the following conditions:

1. The approval shall be 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 granting of the variance, 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 for Limited Commercial Zoning.
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.

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

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Brandon Johnson, Council Member District I
Kameelah Alexander, CSR District I

BZA RESOLUTION NO. BZA2019-5

WHEREAS, Innovation Communities (owner/president); pursuant to Kansas Statutes Annotated 12-759, requests Variances to allow an illuminated sign and a sign greater than 15 feet tall located at 3945 East 17th Street North on property zoned B Multi-Family; legally described as follows:

Lot 20, Block A, University Park Second Addition to Wichita, Sedgwick County, Kansas

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 January 23, 2020, 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, there should not be any adverse harm to nearby properties. The construction will not alter the flow of water, and there is still a notable, if reduced, buffer between this structure and the adjacent property; and

WHEREAS, the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community; and

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, 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, a Variance to reduce the number of required parking spaces from 78 to 48 spaces at 515 East 29th Street North and legally described as follows:

Lot 20, Block A, University Park Second Addition to Wichita, Sedgwick County, Kansas

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

1. The approval shall be 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 granting of the variance, 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 for Limited Commercial Zoning.
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 23rd Day of January, 2020

BZA Board Chair, Charles A. Warren

ATTEST:

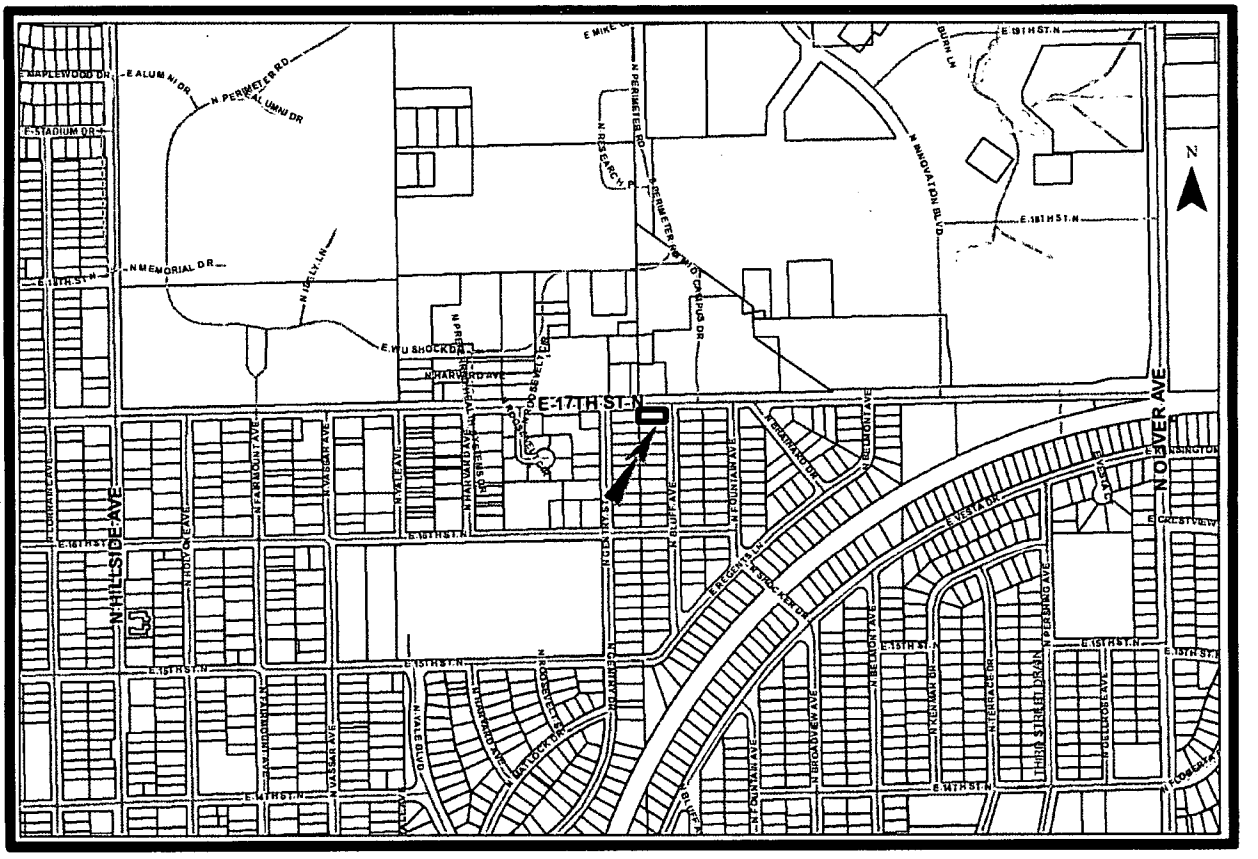
David L. Yearout
BZA Secretary

Wichita-Sedgwick County Zoning Board of Appeals
January 23, 2020

AGENDA ITEM NO. 2

SECRETARY'S REPORT

CASE NUMBER:	BZA2019-00058
APPLICANT:	Innovation Communities, Tyler Ellis, High Plains Development (Owner) / Luminous Neon Art and Sign Systems, Angela Edwards (Agent)
REQUEST:	Variances to permit illuminated sign and sign greater than 15 feet tall on property zoned B Multi-Family
CURRENT ZONING:	LC Limited Commercial
SITE SIZE:	0.6 acre
LOCATION:	Generally located on the south side of East 17th Street North and 1/2 mile east of North Hillside Avenue (3945 E 17th Street North).



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 subject property, 3945 E 17th Street North, is located at the southwest corner of East 17th Street North and North Bluff Avenue, approximately 1/2 mile east of North Hillside Avenue.

The proposed sign will be located on a new apartment building to their existing apartment complex located to the west of the new building. The existing apartment buildings are located in LC Limited Commercial zoning district and the new building is located in B-Multifamily zoning district. The applicant wants to brand the apartment complex project with the same signage and therefore has to get a variance to the sign requirements of the B zoning district (see attached site plan).

The applicant is requesting two variances: 1) allow an illuminated sign in B Multi-Family zoning district and 2) allow channel letters to exceed the maximum height of 15 inches and project more than two inches from the building wall (see attached applicant's justification letter and sign elevation graphics). The City of Wichita Sign Code does not allow illumination of signs that are not directly attached to building and letters must be less than 15 inches in height (Sec. 24.04.190 (3).

The subject site is located south of the Wichita State University campus on East 17th Street North. The Innovation Station Electrical Substation is immediately north of the property and is screened by an eight-foot masonry wall. Located south of the subject site is SF-5 Residential zoning district and developed with single-family dwellings. West of the subject site is zoned LC Limited Commercial and is developed with apartment buildings that are included in the subject property apartment development. East of the subject property, along North Bluff Avenue, is B-Multifamily zoning district and SF-5 Single-Family Residential zoning district and developed with single-family residences.

ADJACENT ZONING AND LAND USE:

NORTH:	B	Innovation Station Electrical Substation
SOUTH:	SF-5	Single Family Dwelling Units
EAST:	B, SF-5	Single Family Dwelling Units
WEST:	LC	Apartment Complex

CASE HISTORY: The subject property was platted as University Park 2nd Addition, which was recorded with the Register of Deeds on September 13, 1948. Two cases are associated with this property ZON2019-00012 and VAC2019-00014. Case number ZON2019-00012 changed zoning from SF-5 Single-Family Residential zoning district to B on Lots 16, 17, 18, 19, and 20, Block A, and Lots 1, 2, and 19, Block D, University Park 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas. (Generally located on the South side of East 17th Street North and either side of North Bluff Avenue).

Case number VAC2019-00014 vacated the entire platted 30-foot building setback of multiple lots and a portion of a platted utility easement, located in the University Park 2nd Addition south of E. 17th Street on the east side of N. Gentry Streets; both sides of N. Buff Avenue; and one lot on the west side of N. Chautauqua Avenue.

UNIQUENESS: It is staff's opinion that this property is unique. The property is located on the south side of East 17th Street, a four-lane arterial street with a 35 mph speed limit. The signs need to be uniform in size and design because of the traffic and street width (75-foot right-of-way), and the fact that the apartment complex is located on LC and B zoned districts which have difference sign code regulations regarding size and illumination.

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. The sign will not be visible to the residential properties to the east and south of the subject site. The south side of East 17th Street North in this one-half mile from North Hillside Avenue east toward North Oliver Avenue is a mix of LC, MF-29 Multi-Family Residential and B zoning districts developed with apartments and small retail. There are no properties that will be negatively impacted by the variance.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant. Without the increased size, the visibility of the sign will be difficult and place an unnecessary hardship on the applicant.

PUBLIC INTEREST: The Variance will actually have a positive effect on public safety. Studies clearly show that signs that are easily visible from a roadway improve a driver's attentiveness. When a driver must look away from the roadway to read an obscured sign it creates a dangerous situation. The area is mostly developed, so there will be no impact on the harmonious development of the community.

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. The Sign Code recognizes the balance between the public view and the ability to see a sign.

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 allow illumination of the proposed sign and letters greater than 15 inches tall:

1. The approval shall be 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 granting of the variance, 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 for Limited Commercial Zoning.
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. Applicant Justification letter
2. Site Plan
3. Proposed Sign Plan

Seventeenth
3945 E. 17th St Bldg. 300
Wichita, KS 67208
Variance application site plan
12/16/19

Existing apartment building:
3945 E. 17th St Bldg. 100
Existing signs on East & West elevations

New apartment building:
3945 E. 17th St Bldg. 300
New sign to go on N. elevation



APPROVED Wichita-Sedgwick County

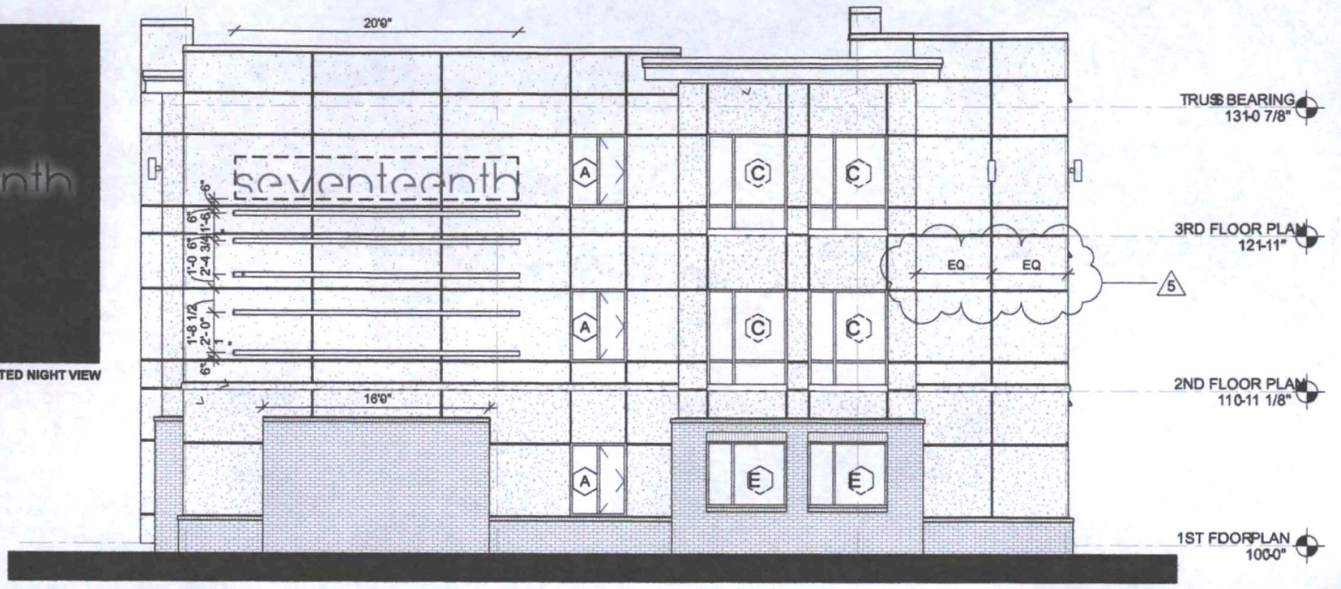
SITE PLAN

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LUMINOUSNeonInc
ART & SIGN SYSTEMS



SIMULATED NIGHT VIEW



SITE PLAN

APPROVED 12/13/2020 BY



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

SPECIFICATIONS
- INTERNALLY-ILLUMINATED, ALUMINUM REVERSE CHANNEL LETTERS.
- PAINT COLOR TBD.
- HALO LIT WITH WHITE LED.

CUSTOMER:	SEVENTEENTH	**DATE:**	12/11/19
NAME:	TYLER ELLIS	**DESIGN NO:**	DW-33479-2
LOCATION:	3945 E. 17TH STREET WICHITA, KS	**ARTIST:**	AW
		SCALE:	3/8" = 1' • 1/8" =1'
APPROVED:	**DATE:**		

LUMINOUS Neon Inc
ART & SIGN SYSTEMS

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Seventeen60 Existing and plans to update to new signage in near future

East elevation existing



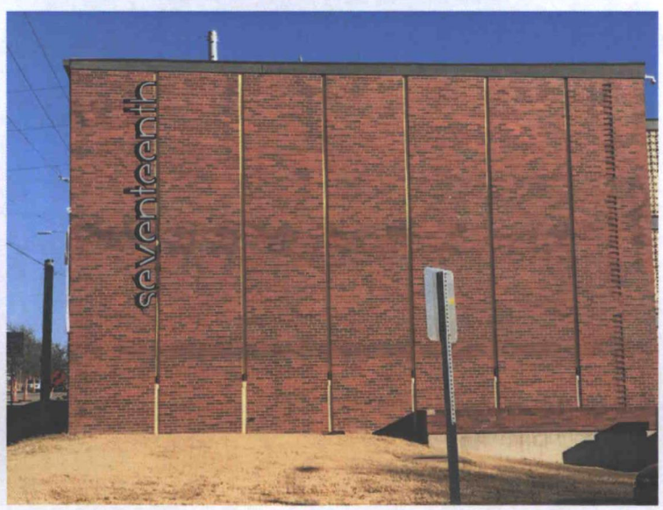
East elevation to be updated



West elevation existing



West elevation to be updated



APPROVED

SITE PLAN

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