



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Fundamental Literacy Foundation
2220 East 21st Street North
Wichita, KS 67214

December 8, 2023

RE: BZA2023-00050 – Variance request in a County to permit a second 100-square-foot monument sign on property zoned SF-5 Single-Family Residential District, generally located east of North 143rd Street East and north of East Central Avenue (14533 East Sharon Lane).

Dear applicant;

At its regular meeting on **September 28, 2023**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. The approval of the request is subject to the following conditions:

1. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the signage and the signage shall be erected within one year.
2. The sign shall conform to all other requirements of the Sedgwick County Sign Code.

Attached is a resolution for your records.

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

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
George Lay Signs, attn: Michael Lay, 1016 North Waco Avenue, Wichita, KS 67203

BZA RESOLUTION NO. BZA2023-00050

WHEREAS, Fundamental Literacy Foundation (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to permit a second monument sign on property located on the northeast corner of East Central Avenue and North 143rd Street East (14533 East Sharon Lane); legally described as follows:

Lot 1, Block 4, Crestview Country Club Estates, Overbrook Addition to 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 September 28, 2023, 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, the conditions of the request are unique to the subject property; and

WHEREAS, waiving the requirements will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner; and

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, it is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; 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 permit a second monument sign on property located on the northeast corner of East Central Avenue and North 143rd Street East (14533 East Sharon Lane); legally described as follows:

Lot 1, Block 4, Crestview Country Club Estates, Overbrook Addition to Sedgwick County, Kansas.

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

1. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the signage and the signage shall be erected within one year.
2. The sign shall conform to all other requirements of the Sedgwick County Sign Code.

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ADOPTED AT WICHITA, KANSAS, this 10th Day of NOVEMBER 2023.



Robert Dool, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary

Affidavit of Publication

Public notice

(Published in The Ark Valley News on Sept. 7, 2023.)

OCA 150004
(One Time Only)
MAPC September 28, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, September 28, 2023, no earlier than 1:30 p.m., the Wichita Sedgwick County Metropolitan Area Planning Commission/and Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end of this notice). If you have any questions regarding the meeting items on this notice, please call the Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.

BZA2023-00050: Variance request in a County to permit a second 10-square-foot monument sign on property zoned SF-5 Single-Family Residential District; generally located east of North 143rd Street East and north of East Central Avenue (14533 East Sharon Lane).

CON2023-00046: Conditional use request in the County to allow an Event Center in the County; generally located east of South 127th Street East and north of East 39th Street South (3800 South 127th Street East).

ZON2023-00049: Zone change request in the County from LC Limited Commercial District to GC General Commercial District to allow for future development; generally located on the southeast corner of South-east Drive and East 60th Street South.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

Participate Virtually
Join Zoom Meeting
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0yS1BnbFJkTDZlV0xPVDBXUT09>

Meeting ID: 408 986 6967
Passcode: 094136
One tap mobile
+16899006833,,4089866967#,,,
*094136# US (San Jose)
+17193594580,,4089866967#,,,
*094136# US

Meeting ID: 408 986 6967
Passcode: 094136
Find your local number: <https://us06web.zoom.us/j/4089866967>

Attend In-Person
You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without

other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268 4464) by 5pm, 3 days prior to the meeting.

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email: Planning@wichita.gov
Mailing Address: Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Scott Wadle
271 W. 3rd Street - Suite 201
Wichita, KS 67202
Phone: 316.268.4421
Fax: 316.858.7764

WITNESS MY HAND on September 7, 2023
Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper published in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly (1) times a year; has been so published continuously and uninterrupted in said county and state for a period of more than five years prior to the first publication of notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the

publication thereof being made as aforesaid on the 7th day of September, 2023.

subsequent publications being made on the following dates:

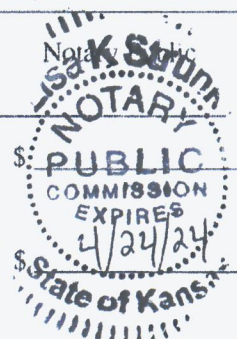
_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

Subscribed and sworn to before me this 7th day of September, 2023.

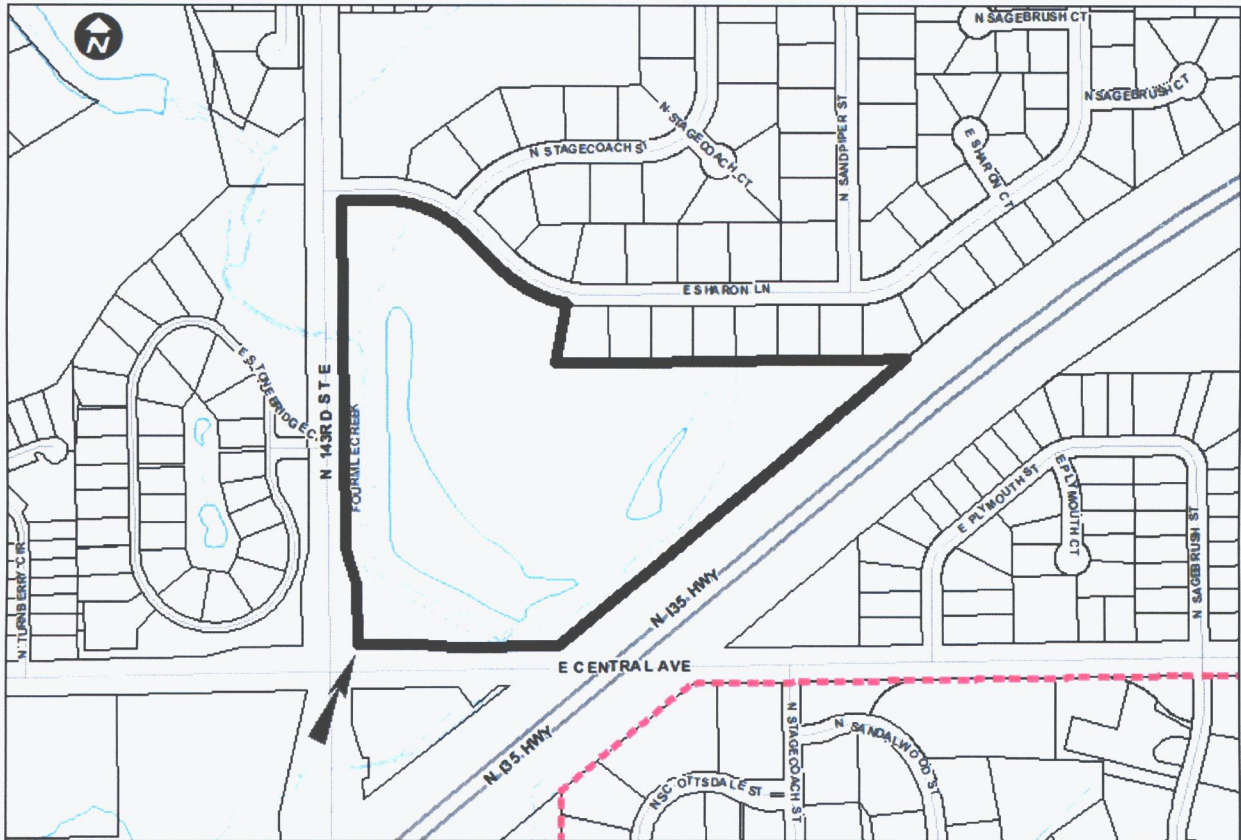
My commission expires _____

Additional copies _____

Printer's fee _____



CASE NUMBER:	BZA2023-00050 (County)
APPLICANT:	Fundamental Literacy Foundation (Applicant) / George Lay Signs (Agent)
REQUEST:	Variance to allow a second 100-square-foot monument sign on site
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	24.9 acres
LOCATION:	Generally located on the northeast corner of East Central Avenue and North 143 rd Street East (14533 East Sharon Lane).



JURISDICTION: The Board has jurisdiction to consider the Variance request under the provisions of Section 6-341(g) of the Sign Code for 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 the Sedgwick County Sign Code to allow a second 100-square-foot monument sign on property zoned SF-5 Single-Family Residential District. The property is 24.82 acres in size. The property is addressed as 14533 East Sharon Lane, which is generally located on the northeast corner of East Central Avenue and North 143rd Street East. It is currently developed with an educational center that is under construction.

The applicant is requesting a Variance from Section 6-346.b(3) of the Sedgwick County Sign Code, which limits a property to one 32-square-foot on-site sign on properties zoned SF-5 Single-Family Residential District. The applicant has already installed the two monuments on which they intend to install signs. One is placed on the southeast corner of North 143rd Street East and East Sharon Lane, in which a sign has been permitted by the Metropolitan Area Building and Construction Department (MABCD). The other sign is on the northeast corner of East Central Avenue and North 143rd Street East.

Purpose

The purpose of the signs is to identify the learning center.

Surrounding Context

Properties to the north are zoned SF-5 Single-Family Residential District and SF-20 Single-Family Residential District, are located in unincorporated Sedgwick County, and are developed with single-family dwellings. The subject site abuts East Central Avenue on the south side and Interstate 35 on the east side. South of East Central Avenue are single-family dwellings on properties zoned SF-20 Single-Family Residential District and SF-5 Single-Family Residential District in unincorporated Sedgwick County. Properties to the west are zoned SF-5 Single-Family Residential District in the County and developed with single-family dwellings.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5, SF-20	Single-family dwellings
SOUTH:	SF-20, SF-5, None	Single-family dwellings, I-35 Highway
EAST:	None	I-35 Highway
WEST:	SF-5	Single-family dwellings

CASE HISTORY: On August 3, 1978, the property was platted as Lot 1, Block 4 of the CCCE Overbrook Addition. In 1979, the property was zoned R-1 Suburban Residential District and was granted a Conditional Use to allow multiple family dwellings (CU-210). In 2018, the Planning Director determined that the proposed use as a learning center is akin to a school, which is permitted in the SF-5 zoning district (BZA2018-00033).

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. Criteria: The request is unique to this property and was not created by the applicant. The applicant states that the property is unique because it is almost 25 acres in size and bordered by arterial streets as well as the Kansas Turnpike and the Overbrook neighborhood. The site has other unique features, such as the adjacent floodway, drainage easements, and a retention pond.

Staff analysis:

Staff does not agree with the above statement. Installing a second monument sign on-site is self-imposed.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents. The applicant states that the signs will not be visible from the adjacent neighborhoods, and the stone monument sign on 143rd and Central will be placed away from the nearby houses.

Staff analysis:

Staff agrees with the above statements. It is staff's opinion that it will not affect the rights of the adjacent property owners.

3. Criteria: The strict application of the provisions of the sign code would constitute an unnecessary hardship on the applicant. The applicant states that the current allowance of one sign at 32 square feet is inadequate for a project of this size.

Staff analysis:

Staff does not agree with this statement. The Sign Code sets regulations that are applied to all properties regardless of size. The desire to provide additional signage for identification purposes at multiple locations on the site is a preference of the applicant and not a hardship imposed by the Code.

4. Criteria: The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community. The applicant states that allowing the reduction in setbacks for the proposed sign location is in public's interest and does not detrimentally impact uses or projects of public interest.

Staff analysis:

Staff agrees with the above statement and does not anticipate that the Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.

5. Criteria: The granting of the Variance will not be opposed to the general spirit and intent of the sign code. The applicant states that granting the Variance is not opposed to the general spirit and intent of the Sign Code. It will enhance safety by helping identify the educational center's campus to their clients and other motorists.

Staff analysis:

Staff is not agreement with this statement. There are no similar adjustments to the Sign Code that would otherwise permit a second monument sign of this size in the SF-5 zoning district.

RECOMMENDATION: The recommendation of Staff is that the request to install a second monument sign on property zoned SF-5 Single-Family Residential District **does not meet** the five criteria required to grant a Variance.

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 following Variance for the second monument sign is granted with the following conditions:

1. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the signage and the signage shall be erected within one year.
2. The sign shall conform to all other requirements of the Sedgwick County Sign Code.

Report Attachments:

1. Variance Rationale
2. Site Plan
3. Sign Renderings
4. Aerial Map
5. Zoning Map
6. Land Use Map

7. Site Photos

The Phillips Fundamental Learning Center is being built on property zoned SF-5, which limits signage to one ground sign, and one building sign of 32 sq ft each. We are considering the stone monument with metal letters at the corner of 143rd Street East and Sharon Lane to be the one sign allowed by right. The variance application is to authorize a second ground sign, located in the southwest corner of the property, facing the intersection of Central and 143rd Street East.

UNIQUE CONDITION

The Phillips Fundamental Learning Center is being built on an unusual property in that it encompasses almost 25 acres and is bordered by arterial streets and the Kansas Turnpike, and the Overbrook neighborhood to the north. The PFLC campus is being built on SF-5 zoning, which is not unusual for educational and religious facilities. Due to the unique features of the tract, including floodway and drainage easements and an existing retention pond, it was not feasible to build access on Central or 143rd, so the access to the campus is on Sharon Lane. It is also unique in that it is part of unincorporated property fully surrounded by Wichita and Andover.

RIGHTS OF ADJACENT PROPERTY OWNERS AND RESIDENTS

The signs on the PFLC campus have been designed to blend with the property and landscaping. They will be low in profile, and be limited to non-lighted metal letters to identify the campus. Since the code only allows one ground (monument) sign, the variance is requested to allow a second monument sign. The stone monument sign at the northeast corner of Central & 143rd will not be visible from the adjacent neighborhoods, and the stone monument sign on 143rd will be placed at the intersection, away from the nearby houses.

STRICT APPLICATION OF CODE WILL BE A HARDSHIP FOR PFLC

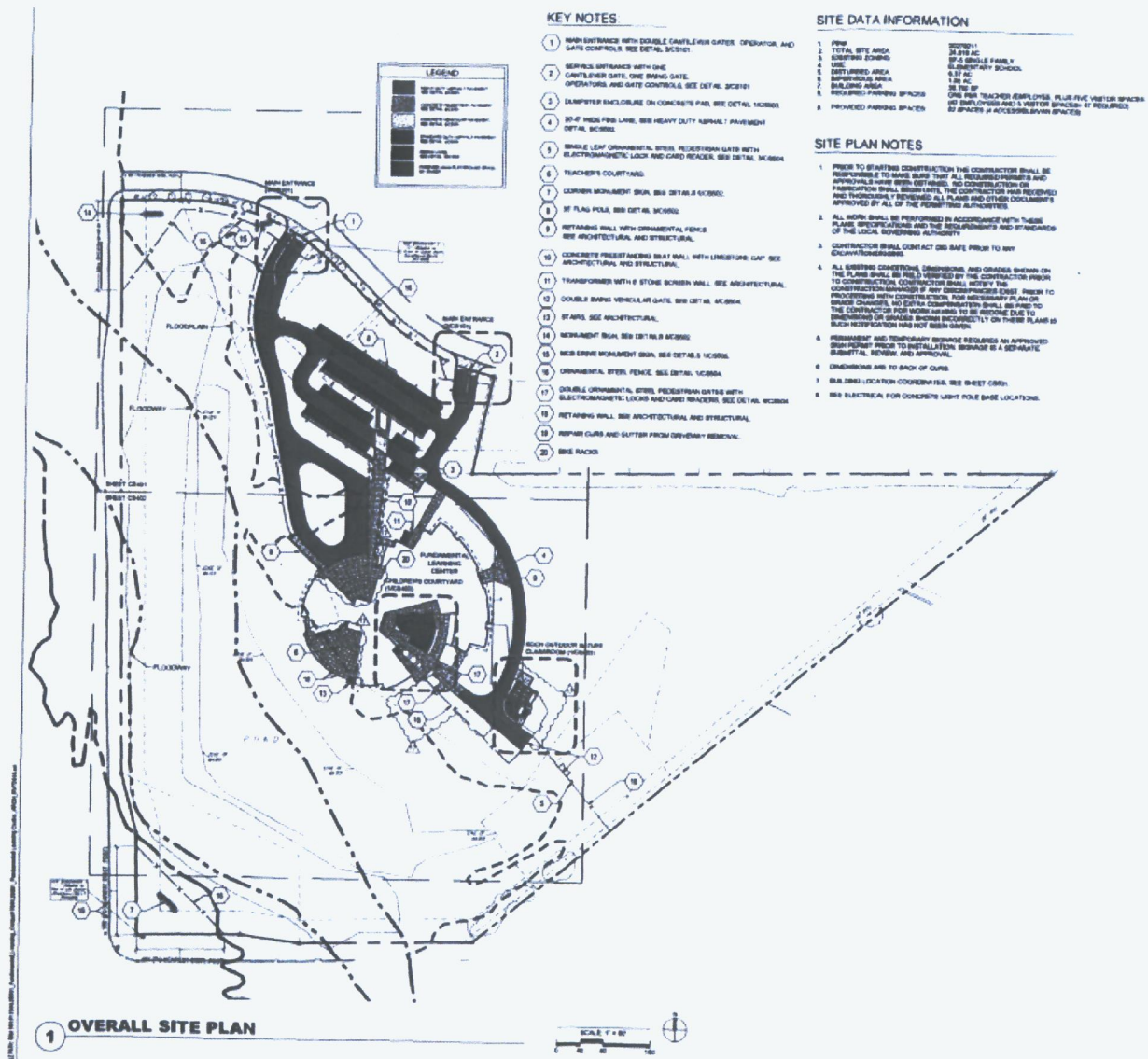
The PFLC will serve as a world-class educational and research institution serving students and educators on a national basis. It is important that the name and identity of the institution be readily recognized by its clients. The current code allowances of one sign at 32 square feet for this zoning classification are simply inadequate for a project of this size.

AFFECT ON PUBLIC HEALTH, SAFETY, MORALS, ORDER etc

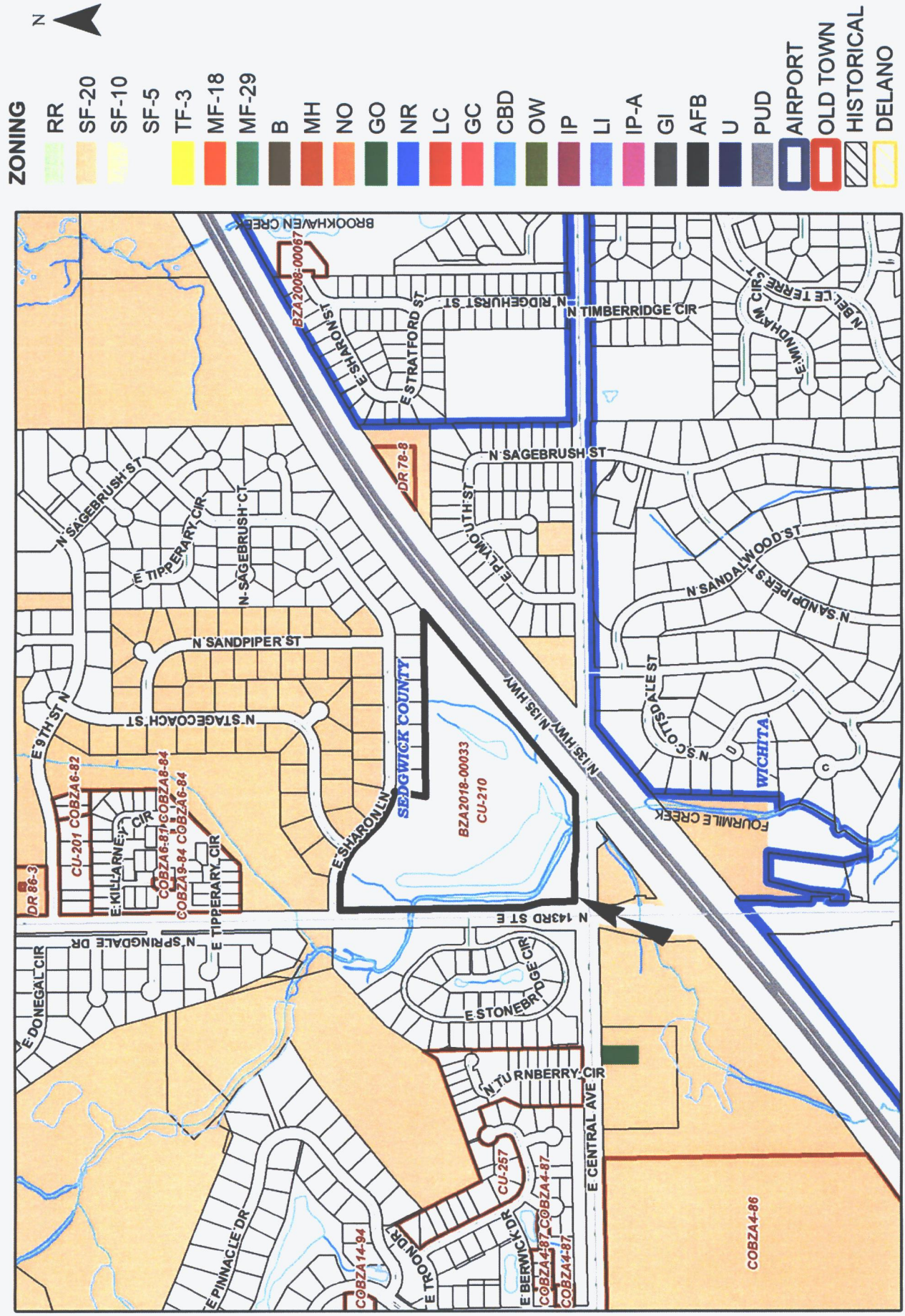
The granting of this variance should enhance safety by helping identify the PFLC campus to their clients and other motorists and members of the community.

NOT OPPOSED TO GENERAL SPIRIT AND INTENT OF THE CODE

The sign code is generally structured to allow larger signs for commercial properties, but the County code makes minimal allowances for larger institutional uses in lower zoning classifications. In this case, the PFLC campus encompasses nearly 25 acres, and on any given day may have several hundred people on the campus, but it has been designed to blend with the adjacent neighborhoods.

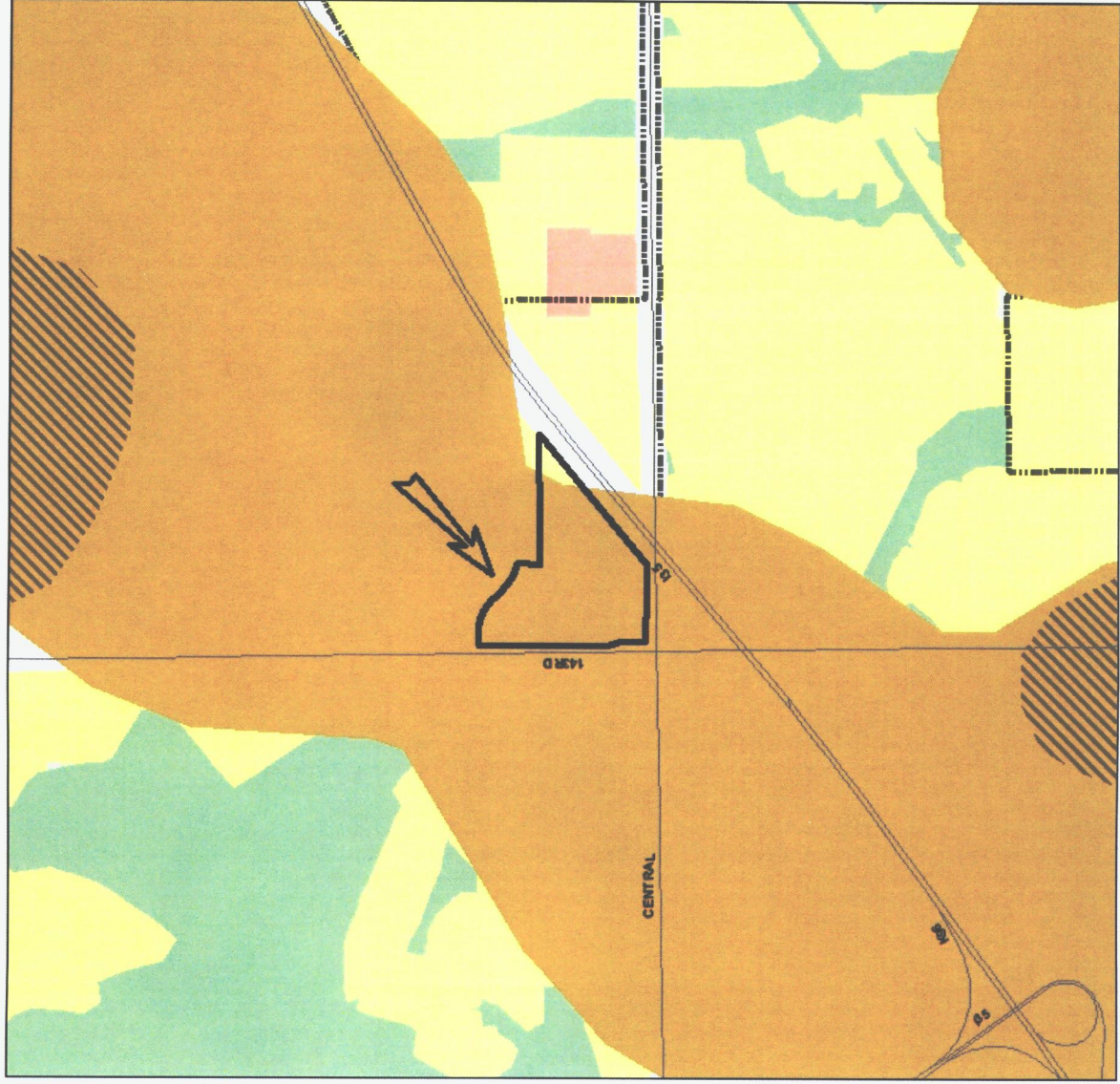




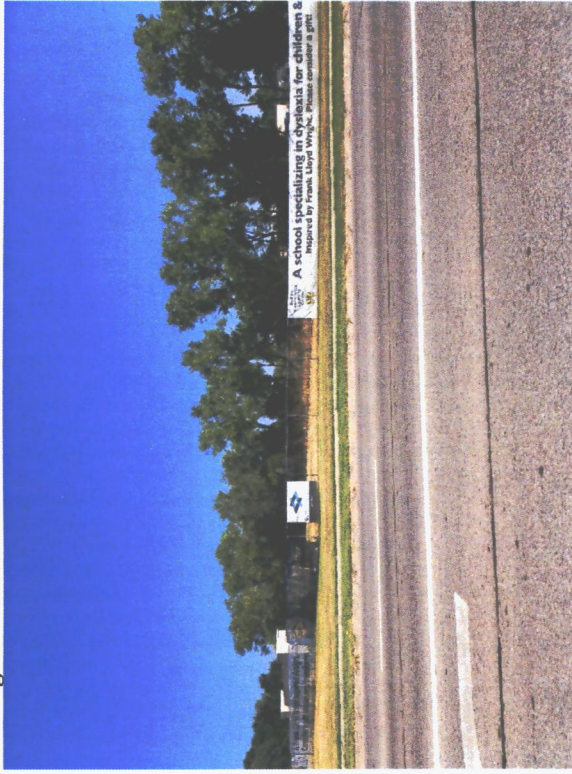


2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
 - Statistical Development Areas**
 - Small City Urban Growth Areas
 - Small City Urban Growth Areas
 - Rural Areas
 - LAND USE**
 - Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood/Area Plans



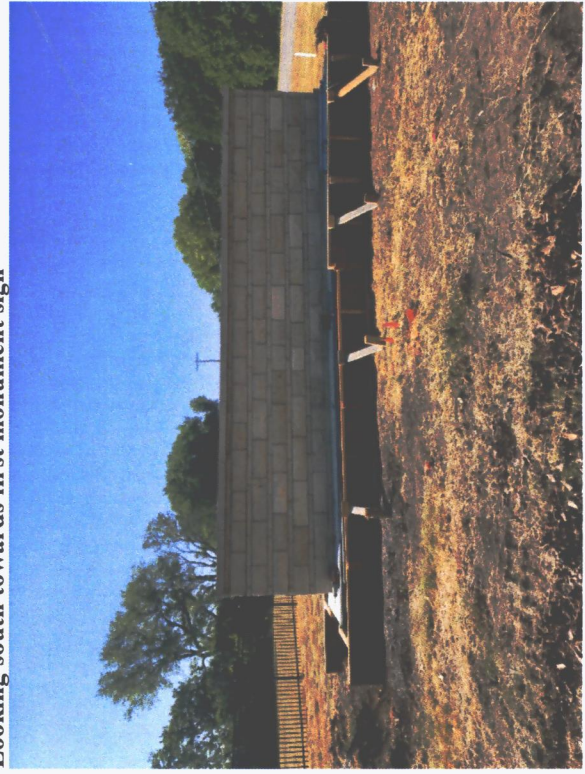
Looking north towards site



Looking northeast towards second monument sign



Looking south towards first monument sign



Looking south away from site



Looking north away from site



Looking south towards site

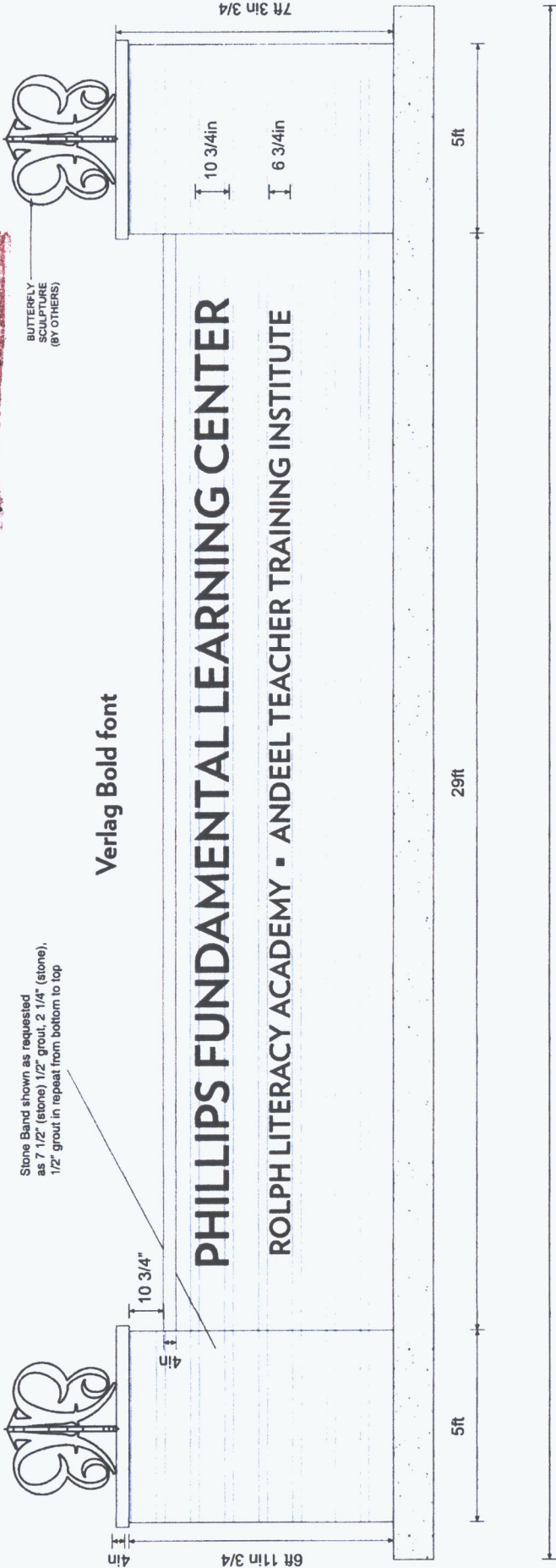


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SITE PLAN

APPROVED 12/8 BY CMR



143RD STREET EAST AND CENTRAL AVENUE MONUMENT SIGNAGE

5

1/4" = 1'-0"

SPECS FILE NAME: S:\Customers\Eby\Phillips Fundamental Learning Center\Art\FLC_Cast_FabLetters

Sketch: Stainless steel letters, dimensions determined by Blueprint. Copy: 1) MCB DRIVE, 12" tall 1/4" deep, maximum 2 dowels. 2) PHILLIPS FUNDAMENTAL LEARNING CENTER, 9 1/4" tall, 1/4" deep, minimum 2 dowels. Determine size 3) Line 1, PHILLIPS FUNDAMENTAL LEARNING CENTER, 10 3/4" tall. Line 2, ROLPH LITERACY ACADEMY, Square, ANDEEL TEACHER TRAINING INSTITUTE. 6 1/4" tall

COLORS (proof only colors may not match final output)

- Dark Bronze ☐ ☐ ☐

DATE: 08/22 SKETCH: 20076.1

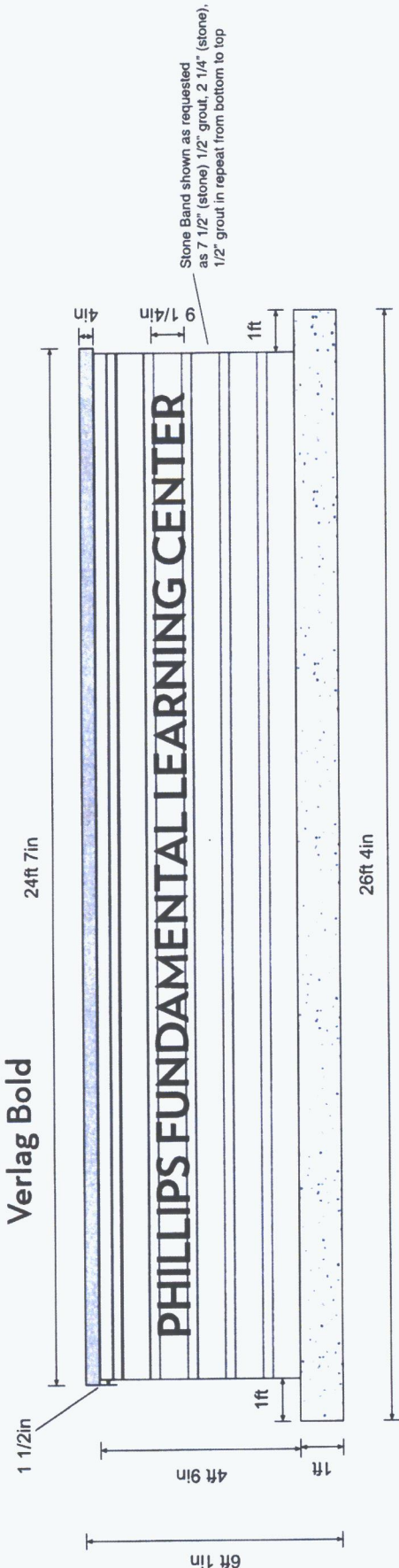
ADDRESS | 2525 E 36th Circle N

SALESPERSON | Sue McKeown

SCALE | 1/4" = 1'

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143RD STREET EAST AND SHARON LANE MONUMENT SIGNAGE

4

1/4" = 1'-0"

SITE PLAN

APPROVED 12/18 BY CMR

COLORS (proof only colors may not match final output)

☒ Dark Bronze	☐
☐	☐
☐	☐

DATE: 08/23 SKETCH: 20076.1

ADDRESS | 2525 E 36th Circle N

SALESPERSON | John Lay

SCALE | 1/4" = 1'

SPECS FILE NAME Customers\Eby\Phillips Fundamental Learning Center\Art\FLC_Cast_Fab\Letters

Sketch: