



Wichita-Sedgwick County Metropolitan Area Planning Department

May 28, 2009

B & A Partnership
358 N Rock
Wichita, KS 67206

John Brown
8474 E Kellogg
Wichita, KS 67207

RE: BZA2009-18: City sign code administrative adjustment to raise a sign 20 feet above elevated Kellogg, to 41.8 feet tall, in LC Limited Commercial zoning, generally located north of E Kellogg and east of Bonnie Brae (8474 E Kellogg).

Legal Description: BEG 100.31 FT N SE COR LOT 1 W 174.42 FT N 41.24 FT NELY 8.04 FT E 18.2 FT N 92 FT TO NW COR E 155.4 FT S 141.67 FT TO BEG DRY ADDITION, Wichita, Sedgwick County, Kansas (8474 E Kellogg Drive).

Dear Applicant:

We have reviewed your request for a Sign Code Adjustment to increase the maximum allowed height for a sign above the height of the highway railing on the aforementioned property. From reviewing your application, we understand that you propose a sign adjacent to an elevated portion of Kellogg. The new sign is proposed to be 41.8 feet tall, which is 20 feet higher than the 21.8-foot Kellogg height at this location.

Section 24.04.251.2.h. of the Sign Code allows an adjustment to increase the maximum height of signs located within 75 feet of an elevated highway to 20 feet above the highest railing at a point perpendicular to the sign when the three conditions required by Section 24.04.251.6. of the Sign Code are met.

We find that increasing the height of the sign as proposed meets the three conditions required by Section 24.04.251.6 of the Sign Code as set out below:

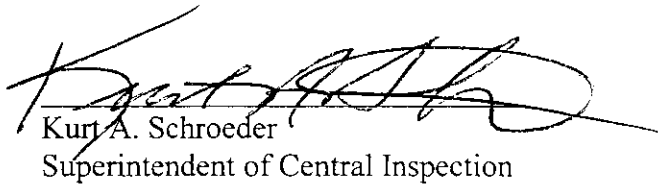
- 1) Impact on existing uses in surrounding areas: The immediate area is freeway frontage with commercial zoning and land uses. Increasing the permitted height of the sign should not adversely impact the existing uses or permitted uses on abutting sites.
- 2) Compatibility with existing or permitted uses on abutting sites: Pole signs are typically located in commercial and industrial areas along freeways; permitting a sign height of 41.8 feet should not reduce the compatibility of the sign with existing or permitted uses on abutting sites.
- 3) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should be no impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Sign Code Adjustment to increase the maximum allowed height of a pole sign above the height of the highway railing, at 35 feet is hereby granted, subject to the following conditions:

- 1) The sign shall comply with all regulations of the Sign Code except that the maximum allowed height shall be 41.8 feet.
- 2) The sign shall conform to the location, size, and design of the approved elevation drawing and site plan.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.


John L. Schlegel
Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

cc: Kurt A. Schroeder, Superintendent, OCI
J. R. Cox, OCI
Sue Schlapp, District II, Mail Stop 1-13

