CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 25, 2010

Central Christian Church
Attn: Jim Snodgrass
2900 N. Rock Road
Wichita, KS 67226

His Helping Hands
Attn: Paul Dohm, Director
1441 East 37th Street North
Wichita, KS 67219

Art Stanfill
4611 East Boston
Wichita, KS 67218

RE: BZA2010-00004 – City Sign Code variange request to reduce the distance of a billboard from 660 feet to approximately 500 feet from a park and increase the permitted height from 43 feet to 50 feet, generally located south of 37th Street North and west of I-135.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **March 23, 2010.** This resolution reflects the official action of the Board in approving the request to reduce the distance of a billboard from 660 feet to approximately 500 feet from a park. It is forwarded to you for your information and files.

On March 23, 2010, the Board of Zoning Appeals DENIED the request to increase the permitted height from 43 feet to 50 feet. This letter of notification 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,

Donna Goltry, Principal Planner, AICP
Current Plans Division

DG/yja

cc: Jeff VanZandt, Law Dept, 1-132
Kurt Schroeder, Office of Central Inspections
Paul Hays, Office of Central Inspections
J R Cox, Office of Central Inspection
Lavonta Williams, CM District I

BZA RESOLUTION NO. 2010-00004

WHEREAS, Central Christian Church (owner), His Helping Hands c/o Paul Dohn, Director (Applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, City Sign Code variance request to reduce the distance of a billboard from 660 feet to approximately 500 feet from a park for a billboard on property zoned GI General Industrial ("GI"), generally located south of 37th Street North and west of I-135.

Lots 1 and 2, His Helping Hands Addition to Wichita, Sedgwick County, Kansas.
AND
Reserve A, His Helping Hands 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 March 23, 2010, 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 conditions that are unique. The presence of a park facility operated by the City of Wichita Parks and Recreation Department in GI-zoned property is unusual and introduces a restriction on the site that would not be typical of GI zoning.

WHEREAS, the Board of Zoning Appeals has found that the reduced distance between the billboard and the parkland by not more than 160 feet should not exert a significant effect on the park and the presence of two rows of trees will reduce the visibility of the billboard from the park.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the sign code would constitute a hardship upon the applicant to the degree it shortens the distance that the sign is visible from I-135.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to reduce the distance between the billboard and the parkland would not adversely affect the public interest in this case due to the unique circumstances of the park being located within an otherwise industrial area. No residential zoning is located in the vicinity.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for distance from a park does not oppose the general spirit and intent of the Sign Code. The intent of the Sign Code distance separation of 660 feet is to reduce the visibility of billboards from areas intended as parkland. In this situation, the soccer fields were located within an area already well-developed in industrial character rather than an area intended for park development. The park is screened from the billboard by two rows of trees, which may mitigate visibility of the sign from the park.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to reduce the distance of a billboard from 660 feet to approximately 500

feet from a park for a billboard, on property zoned GI General Industrial ("GI"), generally located south of 37th Street North and west of I-135.

Lots 1 and 2, His Helping Hands Addition to Wichita, Sedgwick County, Kansas.
AND
Reserve A, His Helping Hands Addition to Wichita, Sedgwick County, Kansas.

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

1. The sign shall be developed in conformance with the approved site plan and elevation drawing, as revised.
2. The applicant shall submit a landscape plan, to be approved by staff. The landscape plan shall demonstrate that the rows of trees be retained along the south and west property lines.
3. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 23th Day of March, 2010.

BZA Board Chair, Dwight Greenlee

ATTEST:

Dale Miller
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
March 23, 2010

SECRETARY'S REPORT

CASE NUMBER: BZA2010-00004

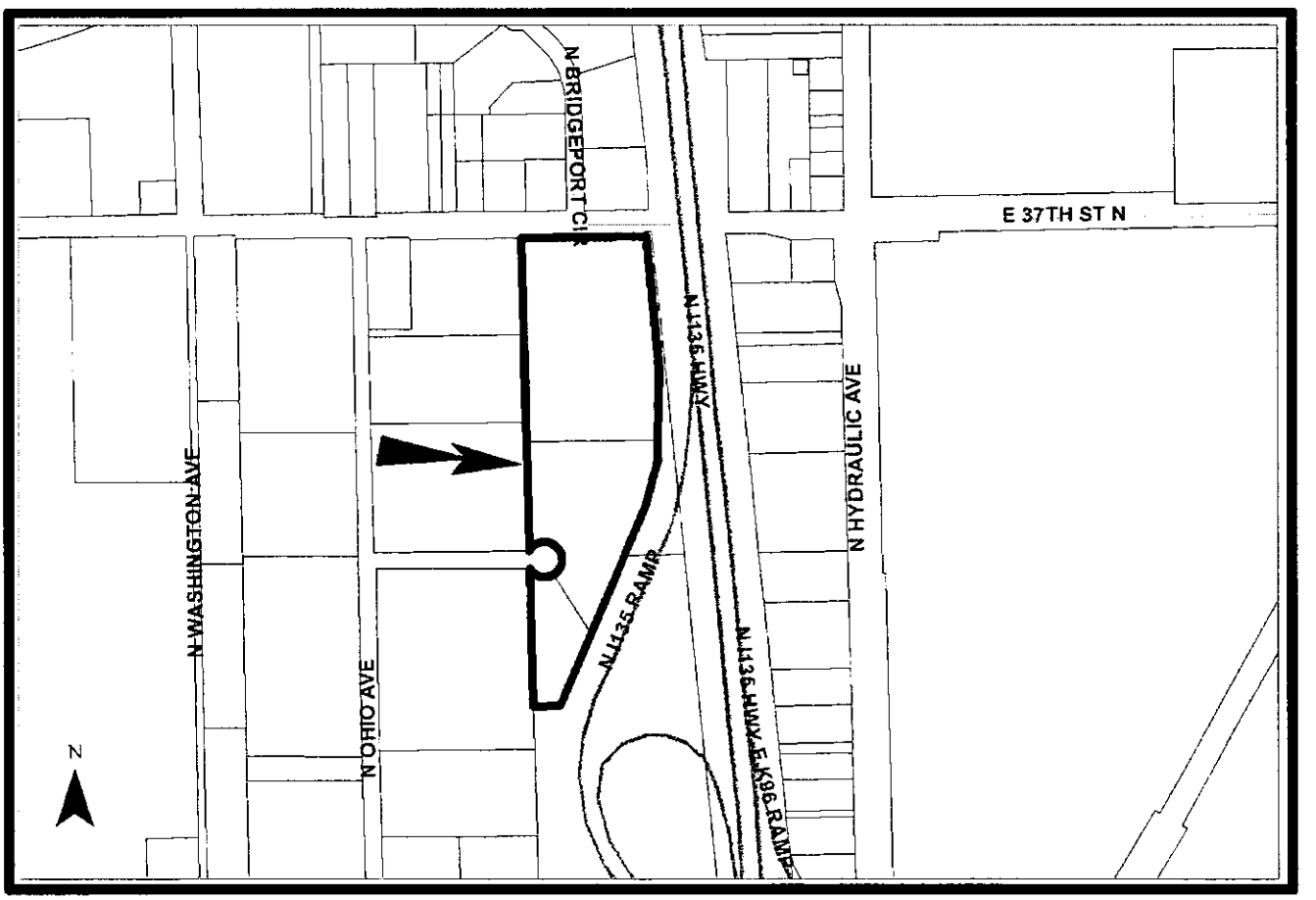
APPLICANT/AGENT: Central Christian Church (owner), His Helping Hands, Paul Dohn, HHH Director (applicant), Art Stanfill (agent)

REQUEST: City Sign Code variance request to reduce the distance of a billboard from 660 to approximately 500 feet from a park, and increase the permitted height from 43 feet to 50 feet

CURRENT ZONING: GI General Industrial ("GI")

SITE SIZE: 10.2 acres

LOCATION: Generally located south of 37th Street North and west of I-135.



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 Sign Code prohibits off-site billboard signs within 660 feet of any park or recreation area under the jurisdiction of any public body (Sec. 24.222.4.f). The proposed location for this sign is approximately 500 feet from the boundary of the soccer fields owned by the City of Wichita and operated by the Parks and Recreation Department. The permitted height for off-site billboard signs is 30 feet with the exception that signs located adjacent to an elevated portion of a highway structure may be erected to a maximum height of 14 feet above the top of the railing or barrier along the traffic deck; furthermore, this height can be increased by administrative review under Sec. 24.04.251.h Sign Code Adjustments to 20 feet. An administrative adjustment to allow this increase was approved by BZA2009-00004 for the original sign location. The sign would have been permitted a height of 39 feet 11 inches. The requested height by this variance is to raise the height to 50 feet, along with the shift of 51 feet closer to the park facility.

At the time the case was filed, the applicant stated that they needed to move the sign closer to the soccer field due to due to topographic conditions that were a hardship on the sign height. It should be noted however, according the topographic information provided by the applicant, the proposed and original sign locations only vary by 0.4 feet. The allowable height at the proposed location with administrative review is 41.67 feet. If the sign were shifted to the location that adheres to the distance separation, the allowable height with administrative review is 39.9 feet.

The applicant feels that the requested location shift and height increase are necessary for extending the length of time the sign is visible for motorists on I-135 from the merging of I-235 approximately ½ mile north of the proposed sign location and because a cluster of trees north of 37th Street North reduces the viewing window of visibility of the sign. The sign is proposed as a two-sided sign, also to be viewed by northbound traffic.

The proposed sign location is located on the site of the food warehouse operated by Central Christian Church, His Helping Hands, zoned GI. Property to the north, west and to the east of I-135 is zoned GI and used for warehouse and other manufacturing and business service uses.

ADJACENT ZONING AND LAND USE:

NORTH	GI	Warehouse-office combination, industrial
SOUTH	GI	Vacant, I-135
EAST	GI	I-135, warehouse-office combination, industrial
WEST	GI	Warehouse-office combination, industrial

The five criteria necessary for approval as they apply to variances requested.

VARIANCE 1: REDUCE DISTANCE OF BILLBOARD FROM 660 TO NO LESS THAN 500 FEET FROM A PARK

UNIQUENESS: It is staff's opinion that this property is unique. The presence of a park facility operated by the City of Wichita Parks and Recreation Department in GI-zoned property is unusual and introduces a restriction on the site that would not be typical of GI zoning.

ADJACENT PROPERTY: It is staff's opinion that the reduced distance between the billboard and the parkland by 51 feet should not exert a significant effect on the park and the presence of two rows of trees will reduce the visibility of the billboard from the park.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant to the degree it shortens the distance that the sign is visible from I-135.

PUBLIC INTEREST: It is staff's opinion that the requested variance to reduce the distance between the billboard and the parkland would not adversely affect the public interest in this case due to the unique circumstances of the park being located within an otherwise industrial area. No residential zoning is located in the vicinity.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for distance from a park does not oppose the general spirit and intent of the Sign Code. The intent of the Sign Code distance separation of 660 feet is to reduce the visibility of billboards from areas intended as parkland. In this situation, the soccer fields were located within an area already well-developed in industrial character rather than an area intended for park development. The park is screened from the billboard by two rows of trees, which may mitigate visibility of the sign from the park.

RECOMMENDATION: It is staff's opinion that the requested reduction in distance from the park is appropriate. Should the Board determine that the conditions necessary for a variance exist, the Secretary recommends that a variance to permit a reduced distance from 660 to no less than 500 feet for the off-site billboard in GI zoning be GRANTED, subject to the following conditions:

1. The sign shall be developed in conformance with the approved site plan and elevation drawing, as revised.
2. The applicant shall submit a landscape plan, to be approved by staff. The landscape plan shall demonstrate that the rows of trees be retained along the south and west property lines.
3. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

VARIANCE 2: INCREASE HEIGHT OF SIGN TO 50 FEET

UNIQUENESS: It is staff's opinion that this property is not unique. The property is similar to other properties along I-135 and would be eligible to obtain administrative approval for elevating the sign to 20 feet above the roadway at the location of the proposed sign, similar to other properties along the roadway. The requested shifting of the sign farther to the south (Variance 1) already increases the distance of visibility for southbound travelers. The written documentation for the increased height points out that the sign would be located in a low spot due to drainage. However, the property is eligible for increasing its height about 8 feet of the requested variance by administrative approval under the sign code guidelines allowing off-site signs to be 20 feet above the height of the adjacent expressway.

ADJACENT PROPERTY: It is staff's opinion that the requested variance to increase the height of a pole sign would adversely affect the rights of adjacent property owners not similarly granted this height increase.

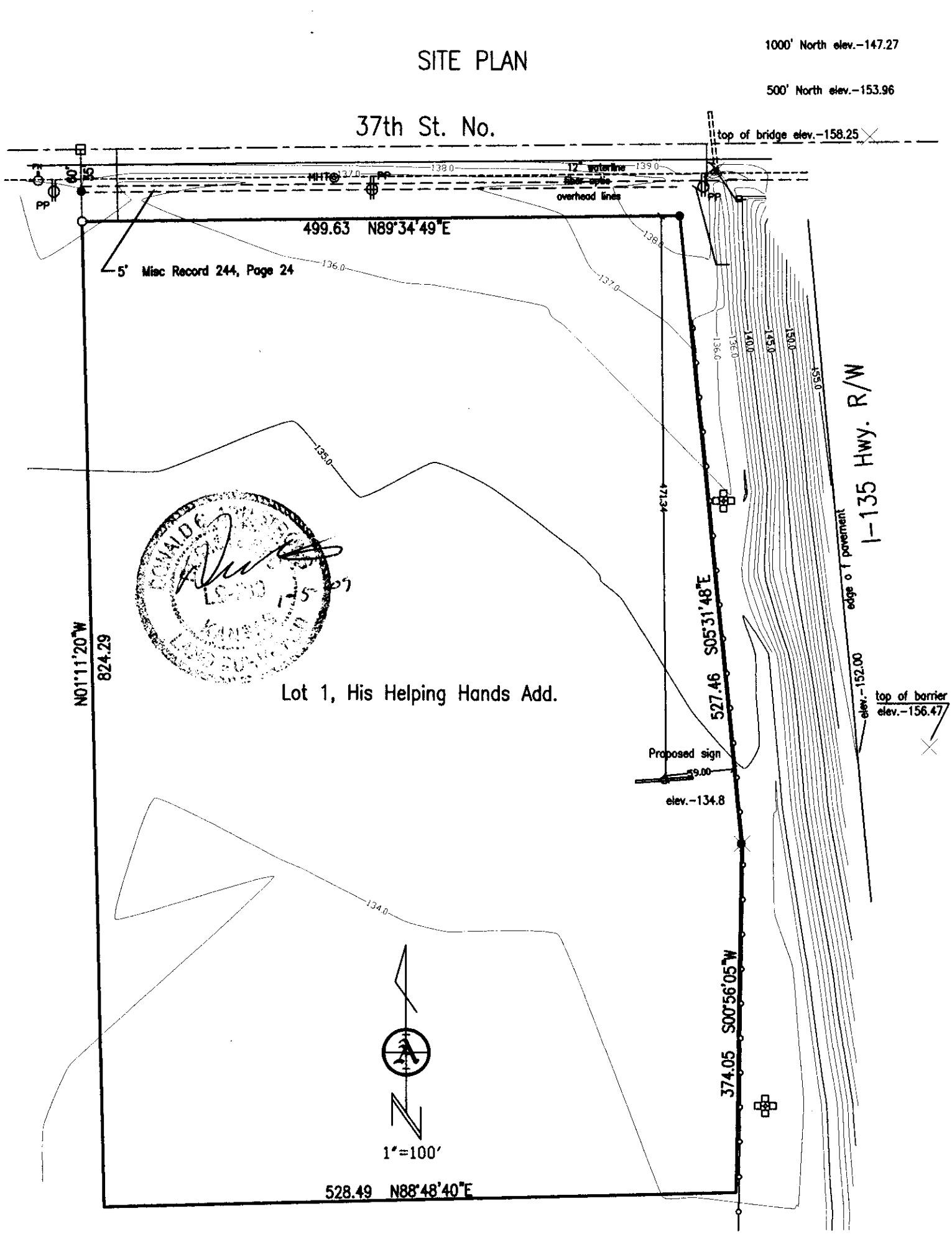
HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would not constitute a hardship upon the applicant but would keep them to the same standards of other similarly situated properties.

PUBLIC INTEREST: It is staff's opinion that the requested variance to increase the height of the sign would adversely affect the public interest. It would not be similar to other billboards on this segment of I-135. Two signs north of 37th Street North and east of I-135 were granted administrative increases to 20 feet. Of the five signs located along I-135 between 29th Street North and 37th Street North, none have received a similar variance to increase height of the billboards beyond sign code regulations.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased sign size and height opposes the general spirit and intent of the Sign Code by increasing the height for one sign disproportionate to that permitted on similar billboards in the vicinity.

RECOMMENDATION: It is staff's opinion that the requested height increase for an off-site billboard in GI zoning be DENIED.

SITE PLAN


1000' North elev.-147.27
500' North elev.-153.96
37th St. No.
top of bridge elev.-158.25
12" waterline
fiber optic
overhead lines
PP
MH
499.63 N89°34'49"E
5' Misc Record 244, Page 24
136.0
137.0
138.0
139.0
135.0
140.0
145.0
150.0
155.0
I-135 Hwy. R/W
edge of pavement
elev.-152.00
top of barrier
elev.-156.47
N01°11'20"W
824.29
Lot 1, His Helping Hands Add.
S05°31'48"E
527.46
713.4
Proposed sign
59.00
elev.-134.8
S00°56'05"W
374.05
1"=100'
528.49 N88°48'40"E