



Wichita-Sedgwick County Metropolitan Area Planning Department

November 21, 2011

CAP Partnership LLC
Doug Maryott
8220 East Kellogg
Wichita, KS 67207

RE: CON2011-00033-Special Review for an off-site sign on property zoned LC Limited Commercial ("LC") located east of Heather and north of East Kellogg, and located within 300 feet of SF-5 Single-family Residential zoning and single-family developed property.

Dear Ladies and Gentlemen:

At its regular meeting on November 3, 2011, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **approve** the request. There were not any appeals or protests filed; therefore, the approval of the MAPC is final. This letter serves as notice of final approval.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Miller'.

Dale Miller
Current Plans Manager

DM:mc

Copies to: Ferris Consulting, Greg Ferris, P.O. Box 573, Wichita, KS 67201
Atomic Enterprises, LLC, Brandon Shue, 4801 East Douglas, Wichita, KS 67208
Cloister, Martin Bauer, 8909 East Douglas, Wichita, KS 67207
Bonnie Brae, Greg Barker, 1540 North Broadway, Wichita, KS 67214
Rockwood, P.O. Box 780141, Wichita, KS 67278-0141

CASE NUMBER: CON2011-00033

APPLICANT/AGENT: CAP Partnership (Doug Maryott) and Atomic Enterprises (Brandon Shuey) / Ferris Consulting (Greg Ferris)

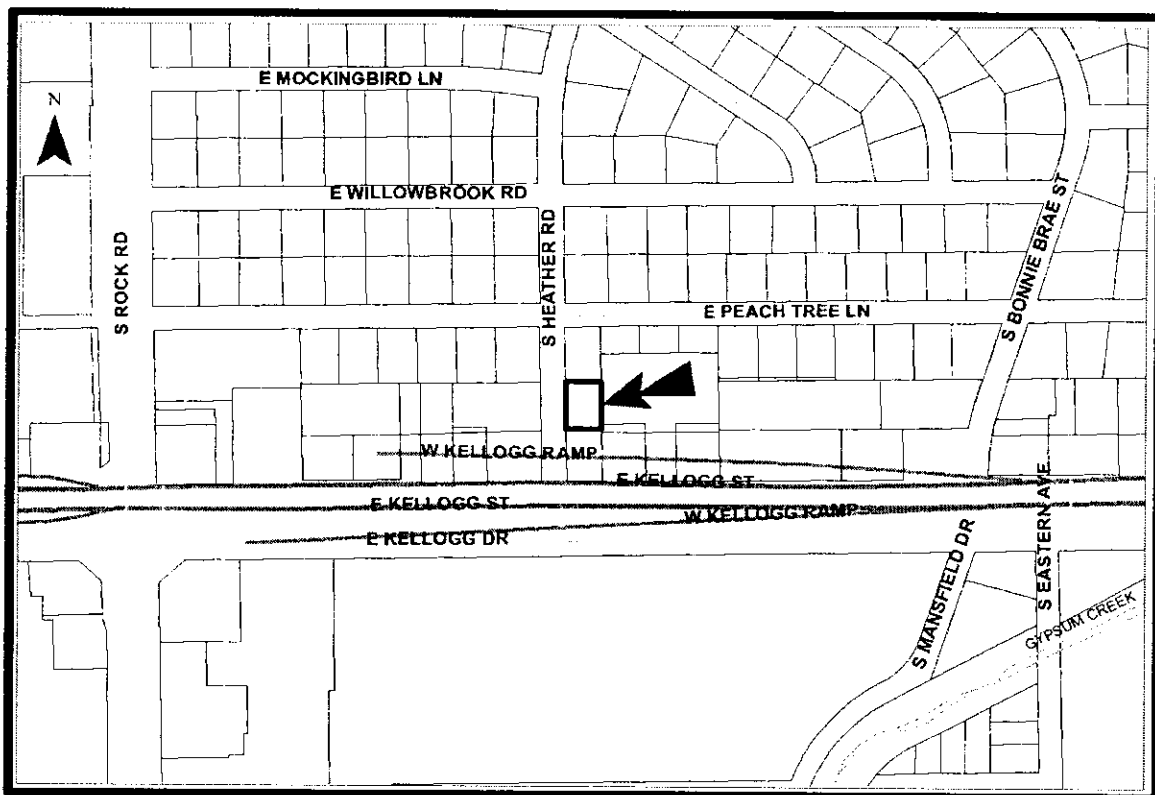
REQUEST: Special Review Approval for Off-Site Billboard Signs

CURRENT ZONING: LC Limited Commercial ("LC")

SITE SIZE: .25-acre

LOCATION: North of East Kellogg, east of South Heather Road (north of Kellogg, approximately 1,100 feet east of Rock Road)

PROPOSED USE: Off-Site Billboard



BACKGROUND: The applicant is seeking to install an off-site billboard on the north 118 feet of Lot 6, Ruth Addition (8202 East Kellogg) located north of East Kellogg and east of South Heather Road. The application area is zoned LC Limited Commercial ("LC"). The northern approximately 73 feet of the application area is an undeveloped grass yard while the southern 45 feet have been developed with a paved parking lot associated with the motel located to the east. The motel located to the east is owned by the same entity as the subject tract. All of the southernmost parking stalls located on the subject site are located in Kellogg right-of-way (approximately 15 feet). The applicant's site plan indicates the northern end of the billboard is proposed to be located 68 feet south the subject site's northern property line that it shares with a SF-5 Single-family Residential ("SF-5") zoned lot that is developed with a single family residence. The proposed dual v-shaped cantilevered 672 square-foot in area signs would project 48 feet south towards Kellogg, leaving only two feet from the end of the sign to the site's front property line. The LC zoning district has a 20-foot front building setback. (Sign Code Section 24.04.222.5 requires off-site billboard signs to comply with all building setback lines. A variance would be required to place the sign as shown on the site plan. Without a variance, the billboard would need to be moved further north to comply with the setback). The west facing sign face is proposed to be a static display; the east facing sign is proposed to be a digital sign. The sign is proposed to be 30 feet tall with 13 feet of clearance from the bottom of the sign to the ground.

The property has frontage on a locally and regionally significant six-lane freeway that, in 2006, carried between 36,000 and 49,000 vehicles on an average day. The lot located immediately to the north is zoned SF-5, and is developed with a single-family residence (the west 90 feet of Lot 1, Block 7, Bonnie Brae Addition). The southern 29 feet of the lot previously described has been approved for ancillary parking (CON2007-00048) but the parking lot has not been developed. Also located within 300 feet north of the subject site are approximately 11 other platted lots zoned SF-5 and developed with single-family residences. (Sign Code Section 24.04.222.4.d states, in part, except as provided elsewhere, on off-site billboard sign shall be erected closer than three hundred feet from a platted and residentially-zoned lot on which a primary residential structure can be legally erected or to a residential structure. This minimum distance may be reduced to 150 feet when any platted and residentially-zoned lot or residential structure is fully screened from view of the proposed off-site billboard sign by a non-residential building.) There are many more SF-5 zoned and single-family developed lots located further north of the subject site that are part of the Bonnie Brae neighborhood. Property to the east, south and west is zoned LC, and is developed with office, motel or commercial uses that serve both local residents and regional customers. Heather Road, located west of the application area, is a stub street. A fence has been installed across Heather, north of the site's northern property line that prevents through traffic circulation from Kellogg into the Bonnie Brae neighborhood.

Between Rock Road and Webb Road there are four off-site billboards located along Kellogg, three on the south side (southeast corner of Eastern Avenue and Kellogg; southeast corner of Cypress Drive and Kellogg and southwest of the intersection of Kellogg and Webb Road) and one on the north side (northeast corner of Rock and Kellogg). However, per the Sign Code, only two of the four signs (the two signs located on Cypress Drive and on Eastern Avenue) count against the maximum number of billboards permitted for this segment of Kellogg. The two billboards located on Rock Road and Webb Road count against those road segments, not against Kellogg's allotment. (Sign Code Section 24.04.222.2 indicates that in the LC district along an expressway or freeway: one off-site billboard may be permitted when a designated mile has at least 1,500 linear feet of LC, GC, LI or GI zoning adjacent to the mile's frontage; when there is at least 3,000 linear feet of LC, GC, LI or GI zoning adjacent to the mile's frontage two off-site billboards may be permitted; when there is 4,500 linear feet of appropriate zoning adjacent to a designated mile, up to three off-site billboards may be permitted.)

CASE HISTORY: The Ruth Addition was recorded in 1959. BZA 43-86 was a use exception granted by the Board of Zoning Appeals on November 25, 1986, that permits vehicle sales. The original lot was approximately twice its current size. The property was cut in half as a result of East Kellogg freeway improvements.

ADJACENT ZONING AND LAND USE:

NORTH: SF-5 Single-family Residential; single-family residence
SOUTH: LC Limited Commercial subject to DP-22; shopping mall
EAST: LC Limited Commercial; motel
WEST: LC Limited Commercial; vacant, office

PUBLIC SERVICES: East Kellogg is a six-lane freeway that in 2006 carried 36,540 (west bound) and 49,232 (east bound) vehicles on an average day. Public services necessary to serve an off-site billboard are present. The property has an eight-foot platted easement located along its north property line.

CONFORMANCE TO PLANS/POLICIES: Wichita Sign Code Section 24.04.222.1 requires an application for a permit for installation of a new or enlarged (size or height) off-site billboard sign located closer to a residentially-zoned lot or use than allowed by Section 24.04.222.4.d of this code shall require a public hearing and approval by the Planning Commission or, if forwarded to the Wichita City Council for final action, shall require approval by the Wichita City Council.

Sign Code Section 24.04.225.1(b) states the Metropolitan Area Planning Commission (MAPC) is designated and granted authority to hear and make recommendations on off-site billboard signs under this Section. In exercising such authority and functions, the MAPC shall operate under the Sign Code for the City of Wichita (Chapter 24.04) and neither under the Unified Zoning Code nor any zoning statutes. The MAPC shall use its by-laws and other procedures and rules now existing or hereafter amended in such matters.

Each application for a new or enlarged off-site billboard sign shall be accompanied by a site plan that includes the following information: a) a detailed graphic presentation of the subject property site, including property parcel dimensions; b) the location of any other buildings or structures on the site; c) the location, size and type of any other ground signs on the site; d) the distance the proposed sign from any buildings, structures or other signs on the site and e) a detailed representation of the proposed sign, including sign structure and sign face dimensions, total height of the sign, and any related appurtenances such as catwalks (Sign Code Section 24.04.225.3).

The Planning Director shall prepare a staff report that reviews the proposed application for a new or enlarged off-site billboard sign in light of the general requirements of the Wichita Sign Code and that addresses the following additional elements as they may be appropriate for the review of the application: a) the zoning, uses and character of the neighborhood; b) the suitability of the subject property for the proposed off-site sign; c) the conformance of the requested off-site sign to the adopted or recognized comprehensive plan or other plans or policies being utilized by the City; d) opposition or support of neighborhood residents and e) consideration of the recommendation of professional staff (Sign Code Section 24.04.225.5).

The MAPC may approve modifications to the application and/or site plan as a condition of approval. The MAPC shall approve, approve with conditions or modifications, or deny the application. The action of the MAPC is final unless: a) the applicant appeals the action of the MAPC; b) one or more valid protests

petitions are filed (c) on appeal is filed by anyone with standing to appeal (Sign Code Section 04.225.6).

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following recommendations:

A. The sign shall be built, installed and maintained in general conformance with the approved site plan, diagrams and images used to obtain approval. The open face of the sign shall be screened with a solid enclosure.

B. To the degree the site allows, the applicant shall plant trees sufficient to screen the billboard from view from existing residences. Trees shall not be planted in the platted eight-foot easement located along the north property line. Prior to installation, the applicant shall submit and obtain approval of a landscape plan.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property has frontage on a locally and regionally significant six-lane freeway that, in 2006, carried between 36,000 and 49,000 vehicles on an average day. Property immediately to the north is zoned SF-5 Single-family Residential, and is developed with a single-family residence. There are approximately 12 platted lots developed with single-family residences located within 300 feet of the application area. There are many more SF-5 zoned and single-family developed lots located further north of the subject site that are part of the Bonnie Brae neighborhood. Property to the east, south and west is zoned LC, and is developed with office, motel or commercial uses that serve both local residents and regional customers. Heather Road, located west of the application area, is a stub street. A fence has been installed across Heather, north of the site's northern property line, preventing through traffic circulation from Kellogg into the Bonnie Brae neighborhood. Between Rock Road and Webb Road there are four off-site billboards located along Kellogg, three on the south side and one on the north side. Only two of these signs count against the maximum number of billboards allowed for this segment of Kellogg.
2. The suitability of the subject property for the proposed off-site sign: The subject property is located along a locally and regionally significant six-lane U.S. Highway 400 that carries the city's highest average daily traffic counts. Nearly all the property fronting U.S. Highway 400 is zoned for LC and GC General Commercial ("GC"), and is developed with a variety of retail and commercial uses. The issue for this application is the subject site abuts a property that is platted, zoned for (SF-5) and developed with a single-family residence. The proposed sign is to be located approximately within 133 feet of the closest single-family residence (measured from the support post to the residence). There are approximately 12 platted lots developed with single-family residences located within 300 feet of the application area (measured lot line to lot line). The site does not have any existing screening, either by foliage or buildings, between the proposed sign and the residences to the north. Especially at night, bright lighting, the changing of the sign's colors and aesthetics are typically the three main objections given in opposition to off-site billboards. It is typical to find billboards located along freeways and higher traffic roadways.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: As proposed the billboard does not comply with the requirement to observe zoning setbacks; however, the proposed sign can be made meet code requirements either adjusting the placement of the sign on the site or obtaining a variance. Landscaping can be installed to partially

screen the site and screening at the open end of the sign can help with aesthetics.

4. Opposition or support of neighborhood residents: At the time this report was prepared staff had not received any neighborhood comments regarding this application.
6. Recommendation of professional staff: Approve per the recommended conditions described above.

SPECIAL REVIEW APPROVAL FOR OFF-SITE SIGN
8220 E. KELLOGG



REVISED 10-25-2011

