



Wichita-Sedgwick County Metropolitan Area Planning Department

October 29, 2012

Glenbrook LLC c/o Monte Froehlich
129 N. 10th Street
Lincoln, NE 68508

Clear Channel Outdoor
Attn: David Mollhagen
3405 N. Hydraulic
Wichita, KS 67219

Ferris Consulting
Attn: Greg Ferris
PO Box 573
Wichita, KS 67201

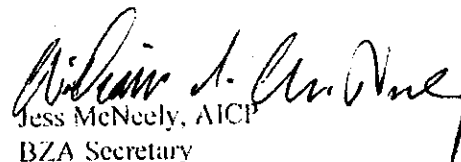
RE: BZA2012-56 – City variance request of the Sign Code to increase the height of an off-site sign from 30 to 50 feet, and to allow an off-site sign in the 20-foot front setback in GC General Commercial ("GC") zoning; generally located south of Kellogg and east of Webb (10001 E. Kellogg).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **October 23, 2012**. This resolution reflects the official action of the Board. It is forwarded for your information and files.

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

Sincerely,


Jess McNeely, AICP
BZA Secretary
Current Plans Division

cc: Rick Stubbs, Office of Central Inspections
JR Cox, Office of Central Inspection
Pete Meitzner, WCC II CM
Antione Sherfield, WCC II NA

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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www.wichita.gov

BZA RESOLUTION NO. BZA2012-56

WHEREAS, Glenbrook LLC c/o Monte Froehlich (owner), and Clear Channel Outdoor (applicant), and Greg Ferris (agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Sign Code to increase the height of an off-site sign from 30 to 50 feet, and to allow an off-site sign in the 20-foot front setback in GC General Commercial ("GC") zoning; generally located south of Kellogg and east of Webb (10001 E. Kellogg).

Legal Description:

BEG 81.9 FT S & 440 FT E NW COR E1/2 NW1/4 TH S 520 FT W 440 FT S 558.10 FT E 495 FT N 1078.3 FT W 55 FT TO BEG SEC 28-27-2E

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 October 23, 2012, 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 this property is unique in that it has only 55 linear feet of street frontage on the 7.11 acre, GC zoned site. The site is further unique in that the property line is being moved further from Kellogg to allow a freeway expansion, decreasing the visibility of the subject off-site sign.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variances will not adversely affect the rights of adjacent property owners. All adjacent properties are zoned GC and developed with commercial and industrial land uses, two other off-site signs exist within this mile on Kellogg. The requested sign height and location would not impede visibility of adjacent property signs.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code would constitute an unnecessary hardship upon the applicant. Without the requested variances of the Sign Code height and setback requirements, this sign would not be visible its new location. And, the sign location is being moved to accommodate the Kellogg Freeway expansion.

WHEREAS, the Board of Zoning Appeals has found that the requested variances will not adversely affect the public interest. Conversion of the existing sign site to right-of-way is certainly in the public interest. Permitting a sign with adequate visibility for this site is in the public interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance does not oppose the general spirit and intent of the Code. The spirit and intent of the Sign Code is for adequate visibility of signs without negative impacts on surrounding properties. The Sign Code does not anticipate such unique sites with limited street frontage, and the Sign Code does not anticipate moving signs to less visible locations in order to expand freeway systems.

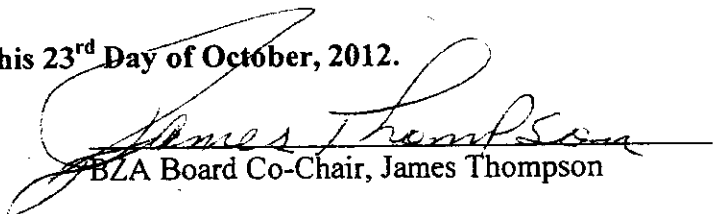
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

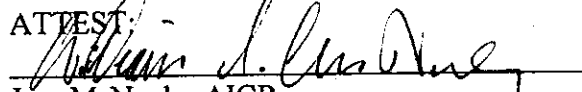
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance of the Sign Code to increase the height of an off-site sign from 30 to 50 feet, and to allow an off-site sign in the 20-foot front setback in GC General Commercial ("GC") zoning; generally located south of Kellogg and east of Webb (10001 E. Kellogg).

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.
2. The variance shall be to increase the height of the subject sign from 30 to 50 feet and to allow the sign in the front setback only; the sign shall conform to all other Sign Code requirements unless a separate variance or adjustment is granted.
3. The applicant shall obtain all permits necessary to construct the sign and the sign 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 23rd Day of October, 2012.


BZA Board Co-Chair, James Thompson

ATTEST:

Jess McNeely, AICP
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5
October 23, 2012

SECRETARY'S REPORT

CASE NUMBER: BZA2012-56

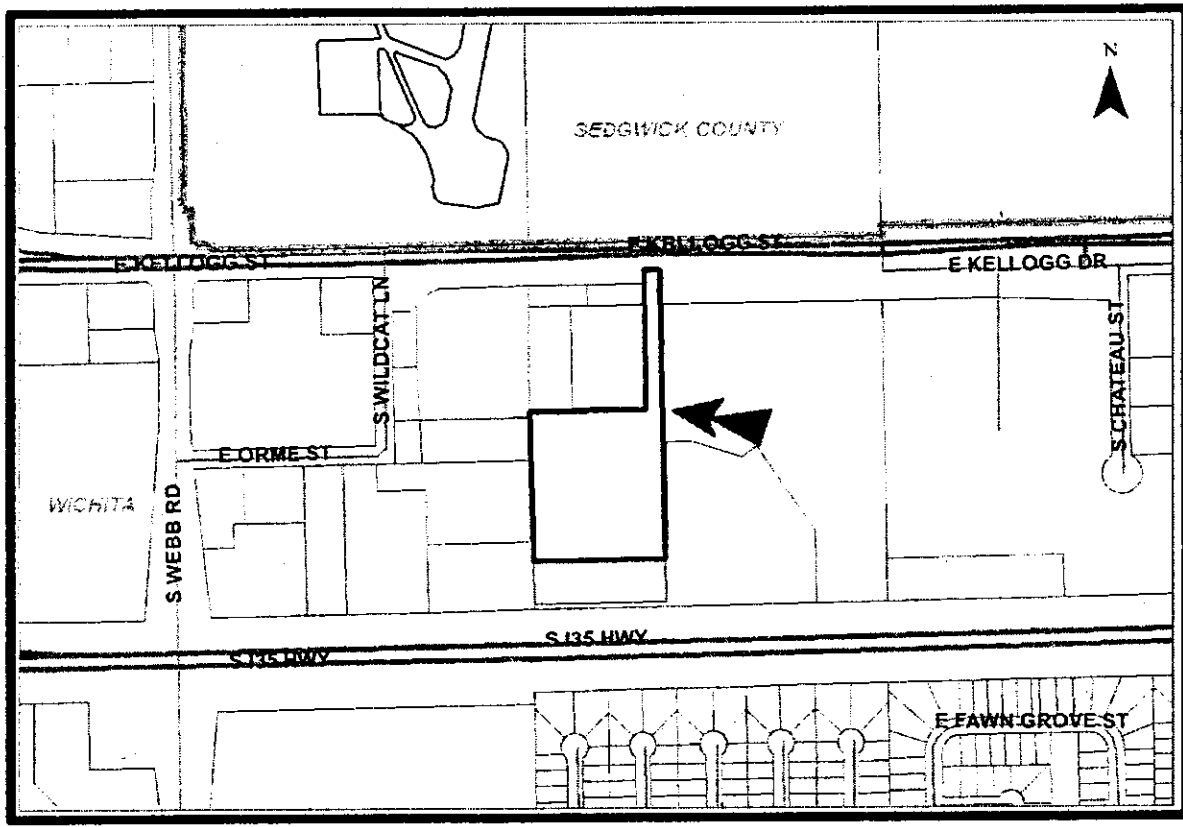
APPLICANT/AGENT: Glenbrook LLC, c/o Monte Froehlich (owner), Clear Channel Outdoor (applicant), Ferris Consulting c/o Greg Ferris (agent)

REQUEST: City Sign Code variance to increase the height of an off-site sign from 30 to 50 feet, and to allow an off-site sign in the 20-foot front setback in GC General Commercial ("GC") zoning

CURRENT ZONING: GC General Commercial

SITE SIZE: 7.11 acres

LOCATION: Generally located south of Kellogg and east of Webb (10001 E. Kellogg).



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 applicant currently has a 30 foot tall off-site sign on the subject site. The applicant's sign location will be taken for right-of-way for the Kellogg Freeway expansion. Kellogg will expand to a limited access freeway at this location with a service road accessing the application area and other properties along Kellogg.

Section 24.04.222 (3) of the Sign Code limits off-site signs in GC zoning to 30 feet in height. The Sign Code allows an administrative adjustment to increase the height of a sign adjacent to an elevated freeway to 20 feet above the railing of the elevated freeway; however, this portion of the Kellogg Freeway expansion is not planned to be elevated. Section 24.04.222 (5) of the Sign Code requires off-site signs to conform to Zoning Code required building setbacks. However, on-site ground and pole signs are not required to conform to the building setback. The off-site sign location is a 55 foot wide drive, giving the applicant little flexibility on where to place the off-site sign for optimal visibility from Kellogg.

The applicant states and visually demonstrates (see the attached letter and photograph) that the Kellogg expansion, forcing the subject sign to move south on the site, will impair visibility of the sign from Kellogg. At the current 30 foot height, the off-site sign at its new location would be visually blocked by large vehicles, landscaping, and signage from adjacent sites.

ADJACENT ZONING AND LAND USE:

NORTH	GC	Retail
SOUTH	GC	Fraternal institution
EAST	GC	Vehicle repair
WEST	GC	Vehicle sales

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

UNIQUENESS: It is staff's opinion that this property is unique in that it has only 55 linear feet of street frontage on the 7.11 acre, GC zoned site. The site is further unique in that the property line is being moved further from Kellogg to allow a freeway expansion, decreasing the visibility of the subject off-site sign.

ADJACENT PROPERTY: It is staff's opinion that the requested variances would not adversely affect the rights of adjacent property owners. All adjacent properties are zoned GC and developed with commercial and industrial land uses, two other off-site signs exist within this mile on Kellogg. The requested sign height and location would not impede visibility of adjacent property signs.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the Sign Code would constitute a hardship upon the applicant. Without the requested variances of the Sign Code height and setback requirements, this sign would not be visible its new location. And, the sign location is being moved to accommodate the Kellogg Freeway expansion.

PUBLIC INTEREST: It is staff's opinion that the requested variance is not adverse to the public interest. Conversion of the existing sign site to right-of-way is certainly in the public interest. Permitting a sign with adequate visibility for this site is in the public interest.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance does not oppose the general spirit and intent of the Sign Code. The spirit and intent of the Sign Code is for adequate visibility of signs without negative impacts on surrounding properties. The Sign Code does not anticipate such unique sites with limited street frontage, and the Sign Code does not anticipate moving signs to less visible locations in order to expand freeway systems.

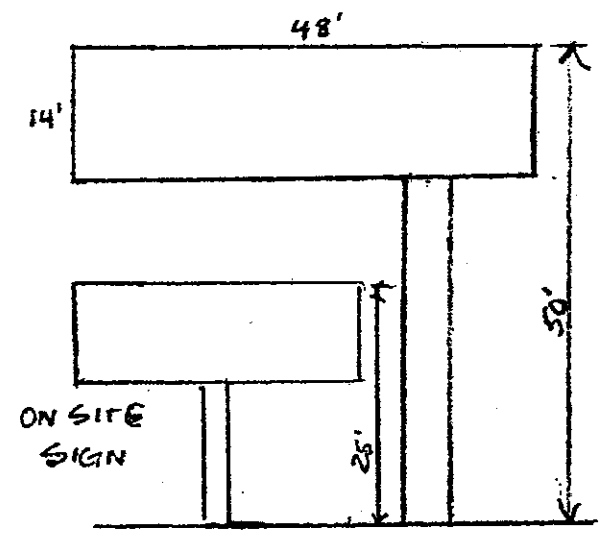
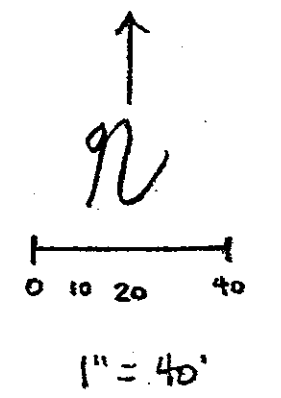
RECOMMENDATION: Should the Board determine that the conditions necessary for the requested variances exist, the Secretary recommends that a variance to increase the height of an off-site sign from 30 to 50 feet, and to allow an off-site sign in the 20-foot front setback in GC General Commercial ("GC") zoning be GRANTED, subject to the following conditions:

1. The sign shall be developed in conformance with the approved site plan and elevation drawing.
2. The variance shall be to increase the height of the subject sign from 30 to 50 feet and to allow the sign in the front setback only; the sign shall conform to all other Sign Code requirements unless a separate variance or adjustment is granted.
3. The applicant shall obtain all permits necessary to construct the sign and the sign 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.

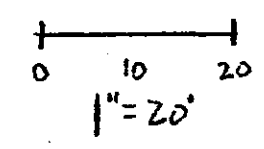
NW CORNER, E 22, NW 1/4 S28 T27S R4E
 81.9' 440'

KELLOGG/US-54

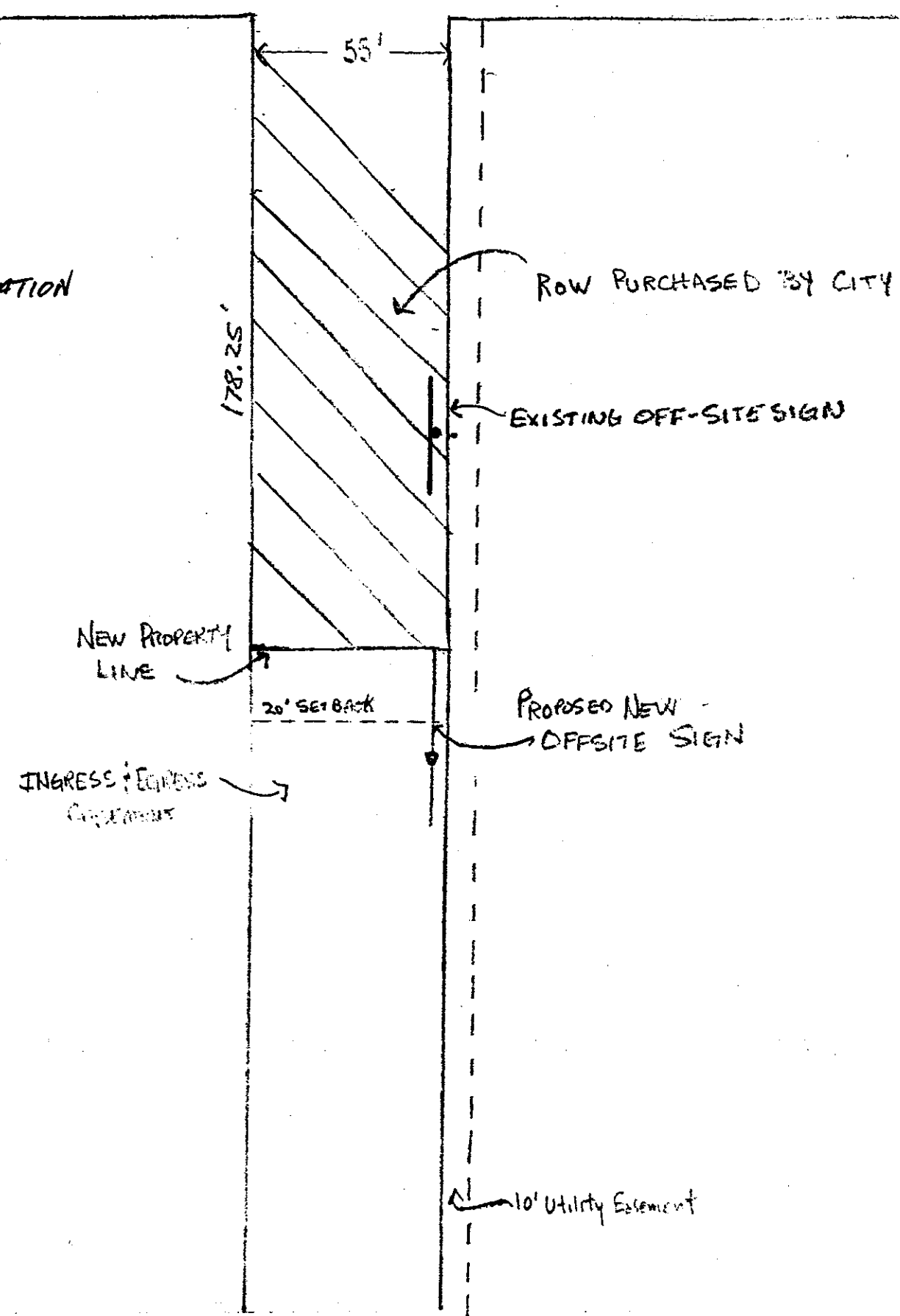
APPROVED
 B2A2012-56 SITE PLAN & ELEVATION
Adrian J. VanNoy
 Date 10-29-12



PROPOSED NEW OFFSITE SIGN



ELEVATION
 DRAWING



SITE PLAN

BOARD OF EDWARD J. KELLOGG
 REQUEST FOR SIGN VARIANCES
 10001 E. KELLOGG
 GLENBROOK LLC &
 CLEAR CHANNEL OUTDOOR

FERRIS CONSULTING
 GREG FERRIS
 P.O. Box 513
 WICHITA, KS 67201