



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

December 20, 2012

C&J LLC, c/o Jerry Allen  
2877 Benjamin  
Wichita, KS 67204

Clear Channel Communication c/o: David Mollhagen  
3405 N. Hydraulic  
Wichita, KS 67219

**RE:CON2012-46 - City Special Review for an Off-site Sign within 300 feet of a residential structure, generally located west of North Hoover and north of 9th Street North (1025 N. Hoover).**

Dear Applicants:

At its regular meeting on December 6, 2012, the Wichita/Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution. There were no protests on this case during the two-week protest period, therefore the decision of the MAPC is considered final.

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

Sincerely,

  
Jess McNeely, AICP  
Current Plans

Copies to: J. R. Cox, OCI, Mail Stop 1-72  
Rick Stubbs, OCI, Mail Stop 1-72  
Julianne Kallman, Mail Stop 1-71  
Janet Miller, WCC VI, Mail Stop 1-13  
Terri Dozal, NA VI, Mail Stop 1-135

**CONDITIONAL USE RESOLUTION NO. CON2012-00046**

**WHEREAS**, C&J LLC, c/o Jerry Allen (owner) and Clear Channel Outdoor, c/o David Mollhagen (applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Special Review for an Off-site Sign within 300 feet of a residential structure on 1.25 acres zoned LI Limited Industrial described as:

LOT 1 EXC BEG 155.34 FT W & 22.78 FT S NE COR TH S 54 FT W 40 FT N 54 FT E 40 FT TO BEG RAY ALLEN ADD. to Wichita, Sedgwick County, Kansas, generally located west of North Hoover and north of 9th Street North (1025 N. Hoover).

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of December 6, 2012, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to allow an Off-site Sign within 300 feet of a residential structure on 1.25 acres zoned LI Limited Industrial described as:

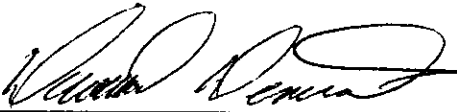
LOT 1 EXC BEG 155.34 FT W & 22.78 FT S NE COR TH S 54 FT W 40 FT N 54 FT E 40 FT TO BEG RAY ALLEN ADD. to Wichita, Sedgwick County, Kansas, generally located west of North Hoover and north of 9th Street North (1025 N. Hoover).

Approved subject to the following conditions:

1. The site shall be developed and maintained in accordance with the approved site plan and elevation drawing, and shall be located 15.89 feet from the present location.
2. The applicant shall obtain all permits necessary to construct the sign and the sign shall be erected within one year of approval, unless such time period is extended by the MAPC.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, 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 the Conditional Use null and void.

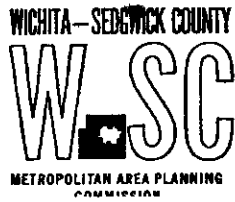
Adopted this 6<sup>th</sup> Day of December 2012

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
David Dennis, Chair MAPC

ATTEST:

  
\_\_\_\_\_  
John L. Schlegel, Secretary



AGENDA ITEM NO. \_\_\_\_\_

## STAFF REPORT

MAPC December 6, 2012

DAB VI December 3, 2012

CASE NUMBER: CON2012-46

APPLICANT/AGENT: C&J LLC, c/o Jerry Allen (applicant), Clear Channel Outdoor, c/o: David Mollhagen (agent)

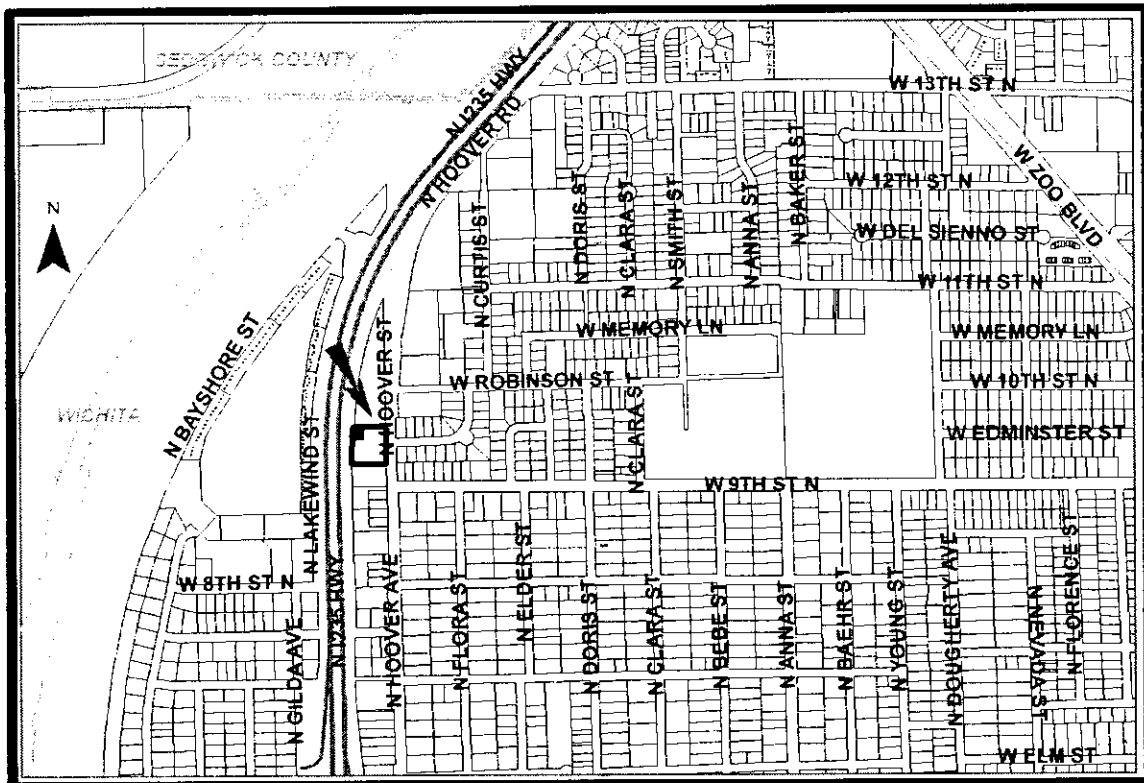
REQUEST: Special Review for an Off-site Sign within 300 feet of a residential structure

CURRENT ZONING: LI Limited Industrial ("LI")

SITE SIZE: 1.25 acres

LOCATION: West of North Hoover and north of 9th Street North (1025 N. Hoover)

PROPOSED USE: Off-site Sign relocation due to a new I-235 access ramp



**BACKGROUND:** The applicant's existing off-site advertising billboard sign is legal non-conforming because it is within 300 feet of residential zoning and development. The applicant's current sign location will be taken for right-of-way accommodating the 13<sup>th</sup> Street Floodway Crossing project, connecting 13<sup>th</sup> Street to I-235 over the Big Ditch. To re-build the applicant's off-site sign 15.89 feet east of the present location, the applicant requires MAPC approval. The Sign Code Section 24.04.225(a) states that *"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 24.04.222.4d of this code (300 feet) 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."*

In October 2012, the Board of Zoning Appeals (BZA) approved two variances of the Sign Code for this sign. The variances are necessary to rebuild the sign, as the sign was legal non-conforming in exceeding the 30-foot height limit by 12 feet, and the sign location does not meet the requirement for 500 linear feet of GC zoning in a mile. The application area is zoned LI Limited Industrial ("LI") and is developed with a manufacturing land use in a building south of the subject sign. The site was approved for a Conditional Use (CON2000-44) permitting a 150-foot tall wireless communication tower on the site, south of the subject sign. According to the applicant, the off-site sign was built in 1985.

All property north, south and east of the site is zoned SF-5 Single-family Residential ("SF-5") and is developed with single-family residences, with the exception of property to the north which is vacant. The nearest residences to the sign are approximately 238 feet due east of the sign. Some mixed multi and two-family residential zoning with duplex development exists further south of the site. West of the application area is I-235, further west is MF-18 Multi-family Residential ("MF-18") zoned land developed with multi-family housing.

**CASE HISTORY:** The property was platted as the Ray Allen Addition to Wichita, KS in 1973.

**ADJACENT ZONING AND LAND USE:**

|       |                   |                                    |
|-------|-------------------|------------------------------------|
| NORTH | SF-5              | Vacant                             |
| SOUTH | SF-5, TF-3, MF-29 | Single-family residences, duplexes |
| EAST  | SF-5              | Single-family residences           |
| WEST  | MF-18             | I-235, multi-family residences     |

**PUBLIC SERVICES:** The site has direct access to Hoover, a two-lane unpaved local street at this location. The 13<sup>th</sup> Street Floodway Crossing project anticipates re-aligning and paving this portion of Hoover. All normal public services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as "Urban Residential." The existing LI zoning, manufacturing use, wireless communication tower, and off-site sign on this site are not consistent with this designation.

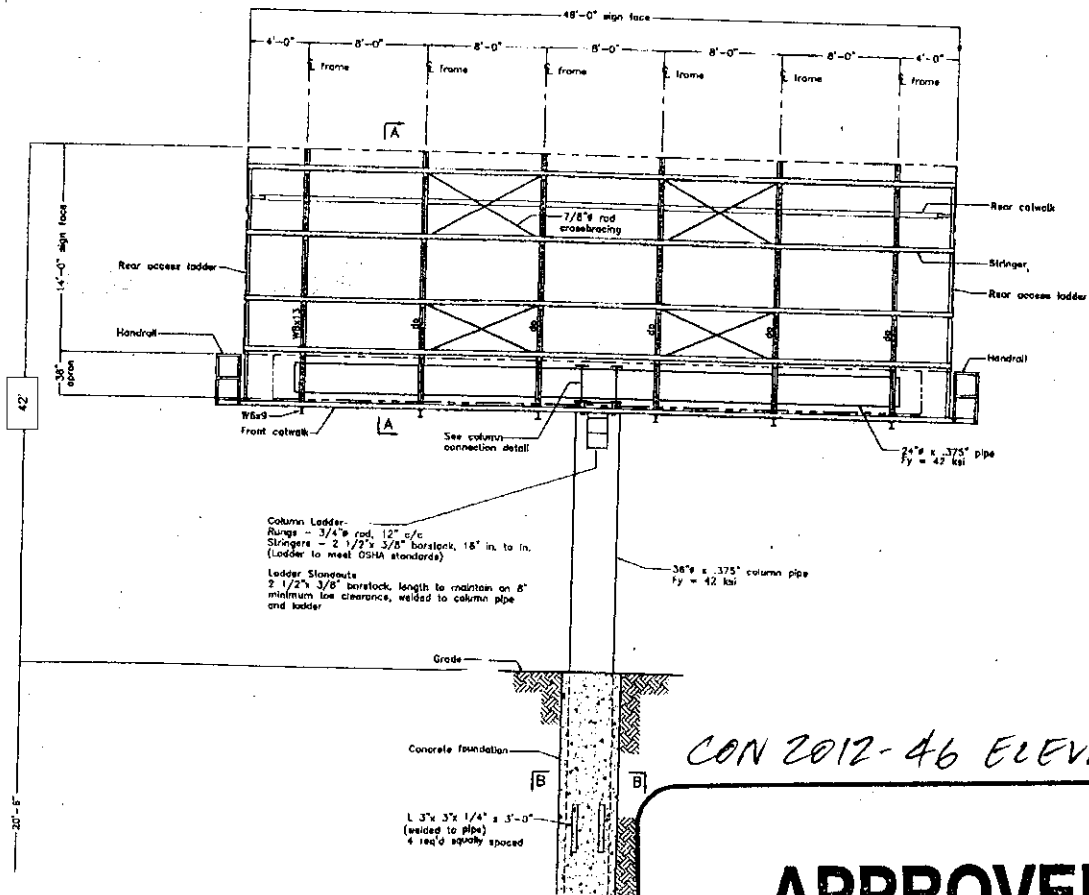
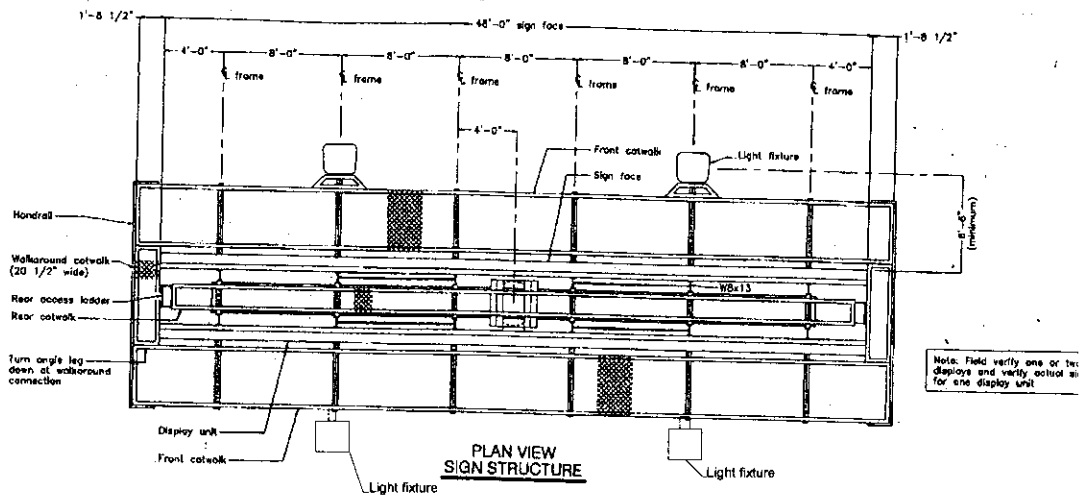
**RECOMMENDATION:** The existing off-site sign, on this site since 1985, has no apparent

impact on surrounding residential properties. Re-building the sign 15.89 feet to the east, to accommodate the 13<sup>th</sup> Street flyover project, should have no increased impact on the surrounding properties. The BZA approved variances for other issues with this sign; no surrounding property owners opposed the variance requests. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed and maintained in accordance with the approved site plan and elevation drawing, and shall be located 15.89 feet from the present location.
2. The applicant shall obtain all permits necessary to construct the sign and the sign shall be erected within one year of approval, unless such time period is extended by the MAPC.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, 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 the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property north, south and east of the site is zoned SF-5 and is developed with single-family residences, with the exception of property to the north which is vacant. The nearest residences to the sign are approximately 238 feet due east of the sign. Some mixed multi and two-family residential zoning with duplex development exists further south of the site. West of the application area is I-235, further west is MF-18 zoned land developed with multi-family housing.
2. The suitability of the subject property for the uses to which it has been restricted: The existing site could be used for a wide variety of uses allowed by the current LI zoning. Without MAPC approval, the existing off-site sign cannot be re-built at a new location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The existing off-site sign, on this site since 1985, has no apparent impact on surrounding residential properties. Re-building the sign 15.89 feet to the east, to accommodate the 13<sup>th</sup> Street flyover project, should have no increased impact on the surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide, as amended in May 2005, of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this site as "Urban Residential." The existing LI zoning, manufacturing use, wireless communication tower, and off-site sign on this site are not consistent with this designation.
5. Impact of the proposed development on community facilities: Relocating the off-site sign 15.89 feet to the east of its present location should have no additional impact on community facilities.



CON 2012-46 ELEVATION

**APPROVED**

*William J. G. Davis*

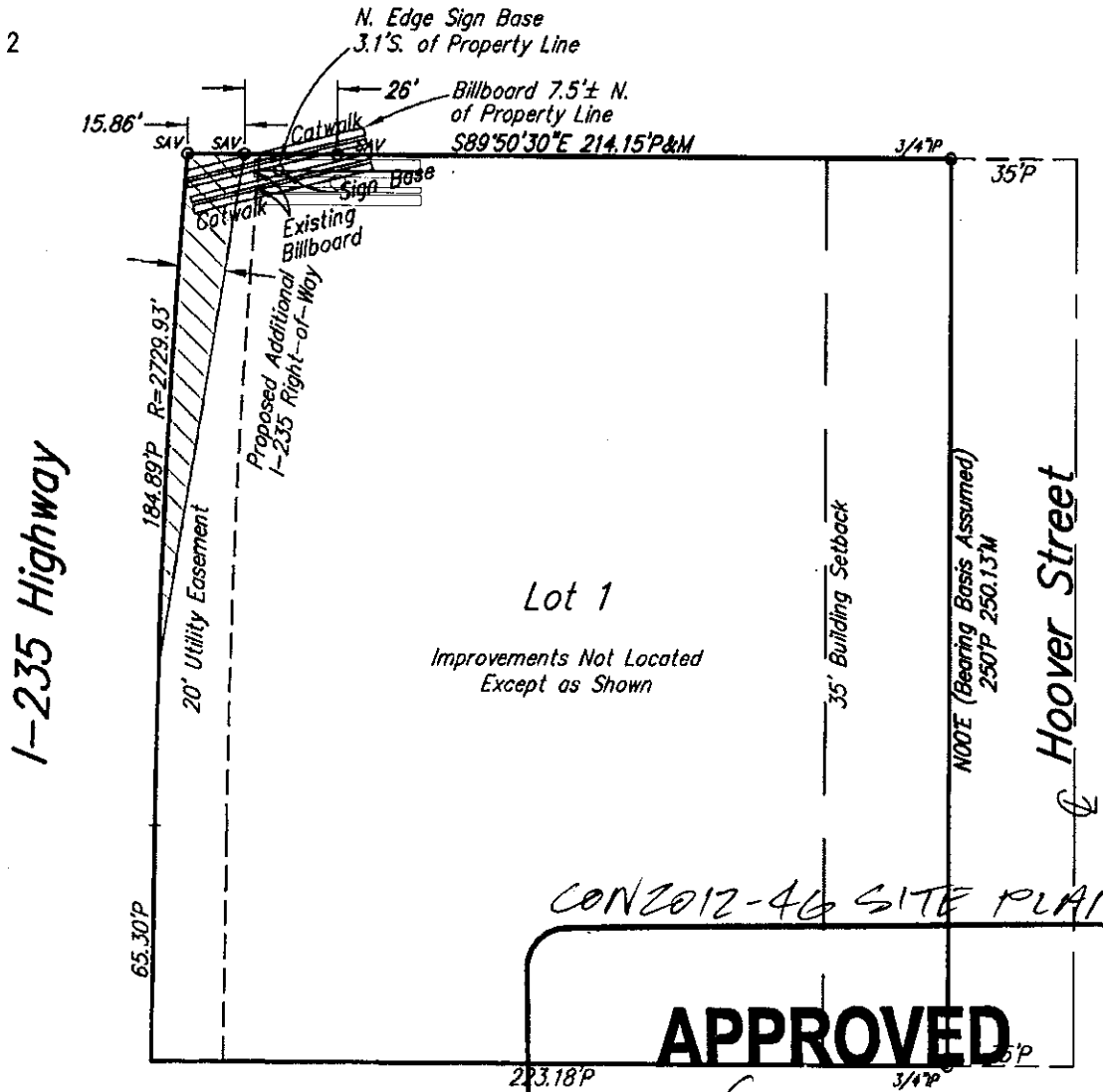
Date: 12-20-12



**Savoy Company, P.A.**  
 433 S. Hydraulic  
 Wichita, KS 67211-1911

PH (316) 265-0005  
 FAX (316) 265-0275  
 www.savoyco.com

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CON2012-46 SITE PLAN

**APPROVED**

*Mark A. Savoy*

Date: 12-20-12



PROJECT NO. 12GG13053 S

**LEGEND:**

- P = Platted
- M = Measured
- R = Radius
- 3/4" IP ..... 3/4" IRON PIPE (FOUND)
- SAV ..... 1/2" REBAR W/SAVOY CAP (SET)

Mark A. Savoy

Land Surveyors

Brian N. Savoy