CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 7, 2013

DDJ LLC c/o Kenny and Brent Doonan
PO Box 9083
Wichita, KS 67277

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

RE: BZA2012-73 – City variance request of the Sign Code to increase sign height from 25 to 45 feet for an on-site sign in LI Limited Industrial zoning, generally located north of Kellogg west of Maize (11118 W. Kellogg).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **February 7, 2013.** 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
Asst. BZA Secretary
Current Plans Division

cc: Rick Stubbs, MABCD
JR Cox, MABCD
Jeff Longwell, WCC V CM
Megan Buckmaster, WCC V NA

BZA RESOLUTION NO. BZA2012-73

WHEREAS, BBJ LLC, c/o Kenny and Brent Doonan (owner), 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 a pole sign from 25 to 45 feet in LI Limited Industrial ("LI") zoning; generally located north of Kellogg and west of Maize (11118 W. Kellogg).

Legal Description:

Lot 1, Block 1 of the Doonan Plaza II Addition to Wichita, KS

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 February 7, 2013, 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 will lose direct access from Kellogg, making the site difficult to identify and access.

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 LI and developed with commercial and industrial land uses. The abutting property to the west previously received a variance to increase sign height and size. The nearest residence is over 550 feet from the subject sign and does not view the sign.

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. The Kellogg expansion project will cause the applicant to lose direct access to their site from Kellogg. Without the requested variance, this property would be limited to a 25-foot tall sign which would not adequately identify this site for out of town truck drivers needing to take a freeway exit and u-turn to access the business.

WHEREAS, the Board of Zoning Appeals has found that the requested variance will not adversely affect the public interest. Expansion of Kellogg to a limited access freeway is in the public interest, permitting a sign with adequate visibility for this site is also 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 complex access.

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 a pole sign from 25 to 45 feet in LI Limited Industrial ("LI") zoning; generally located north of Kellogg and west of Maize (11118 W. 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 25 to 45 feet 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 7th Day of February, 2013.

Don Klausmeyer
BZA Vice Chair, Don Klausmeyer

ATTEST:
Jess McNeely, AICP
Asst. BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 1
February 7, 2013

SECRETARY'S REPORT

CASE NUMBER: BZA2012-73

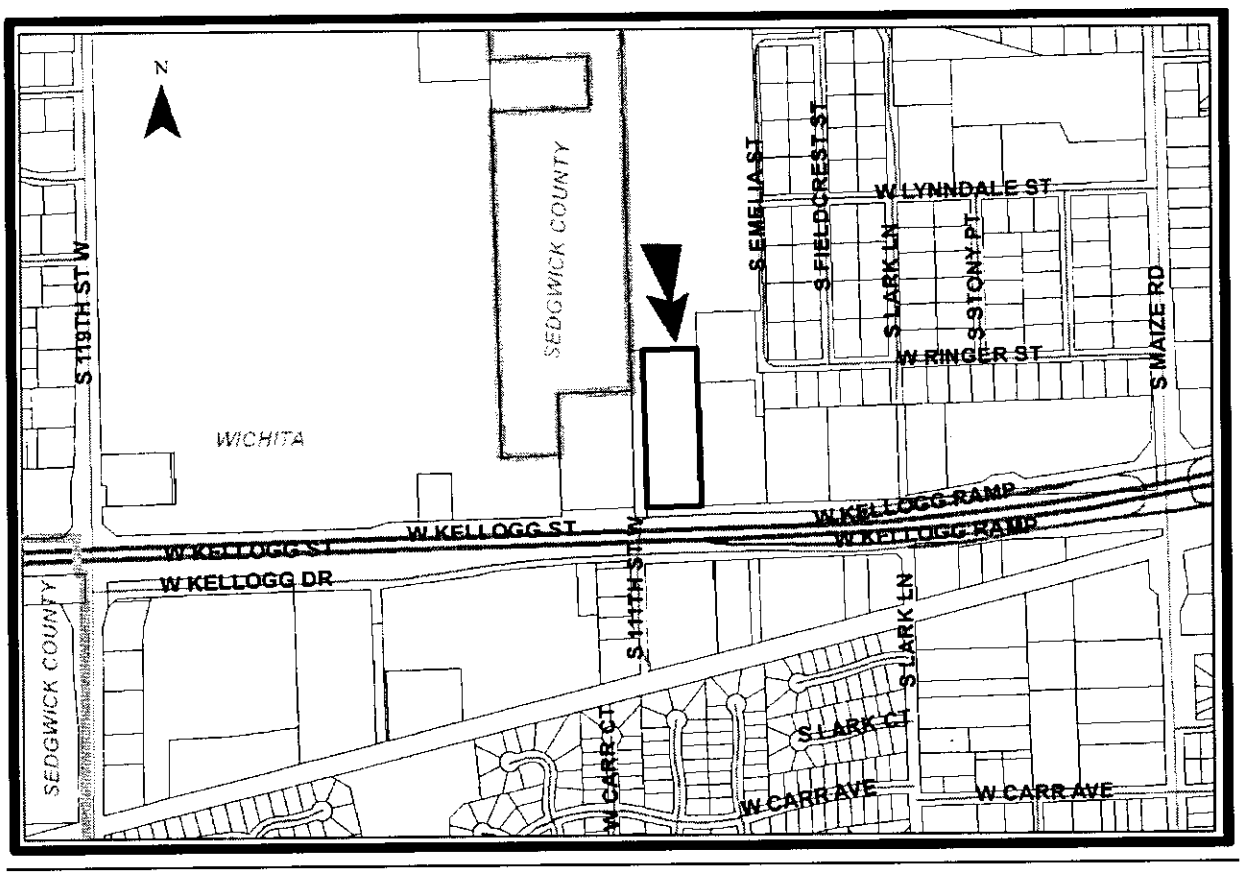
APPLICANT/AGENT: BBJ LLC, c/o Kenny or Brent Doonan (owner), Ferris Consulting c/o Greg Ferris (agent)

REQUEST: City Sign Code variance to increase the height of a pole sign from 25 to 45 feet

CURRENT ZONING: LI Limited Industrial

SITE SIZE: 4.9 acres

LOCATION: Generally located north of Kellogg and west of Maize (11118 W. 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's semi-truck business has an existing pole sign, limited to 25 feet in height per the Wichita Sign Code. The applicant requests a variance to increase the sign height to 45 feet. The applicant currently has easy access for truck driving customers from Kellogg at the signaled intersection with 111th Street West. However, this portion of Kellogg will expand to a limited access freeway with exists and service road access limited to 119th Street West and Maize Road. Many of the applicant's customers are from out of town and most are driving large, cumbersome trucks.

Section 24.04.221 (3) of the Sign Code limits pole signs in LI zoning to 25 feet in height, which can be increased 5 feet for each unused sign along a street frontage not to exceed 35 total feet in height. Also, Section 24.04.251 of the Sign Code would allow a 20% increase in height by administrative adjustment. In theory, the maximum sign height at this location could be administratively approved up to 42 feet, just three feet less than the applicant's variance request.

The agent for the applicant identifies (see the attached letter) that future customers will make exists and U-turns ½ mile from the site to access the site via the westbound one-way access road on the north side of Kellogg. All property surrounding the application area is zoned LI and developed with entertainment, vehicle sales, vehicle repair, nursery/garden center, warehousing and church land uses.

ADJACENT ZONING AND LAND USE:

NORTH	LI	Entertainment Venue
SOUTH	LI	Kellogg expressway, vehicle sales, warehousing, church
EAST	LI	Vehicle sales, vehicle repair
WEST	LI	Nursery/garden center, cemetery

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 will lose direct access from Kellogg, making the site difficult to identify and access.

ADJACENT PROPERTY: It is staff's opinion that the requested variance would not adversely affect the rights of adjacent property owners. All adjacent properties are zoned LI and developed with commercial and industrial land uses. The abutting property to the west previously received a variance to increase sign height and size. The nearest residence is over 550 feet from the subject sign and does not view the sign.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the Sign Code would constitute a hardship upon the applicant. The Kellogg expansion project will cause the applicant to lose direct access to their site from Kellogg. Without the requested variance, this property would be limited to a 25-foot tall sign which would not adequately identify this site for out of town truck drivers needing to take a freeway exit and u-turn to access the business.

PUBLIC INTEREST: It is staff's opinion that the requested variance is not adverse to the public interest. Expansion of Kellogg to a limited access freeway is in the public interest, permitting a sign with adequate visibility for this site is also 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 complex access.

RECOMMENDATION: Should the Board determine that the conditions necessary for the requested variance exist, the Secretary recommends that a variance to increase the height of a pole sign from 25 to 45 feet in LI Limited Industrial ("LI") 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 25 to 45 feet 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.

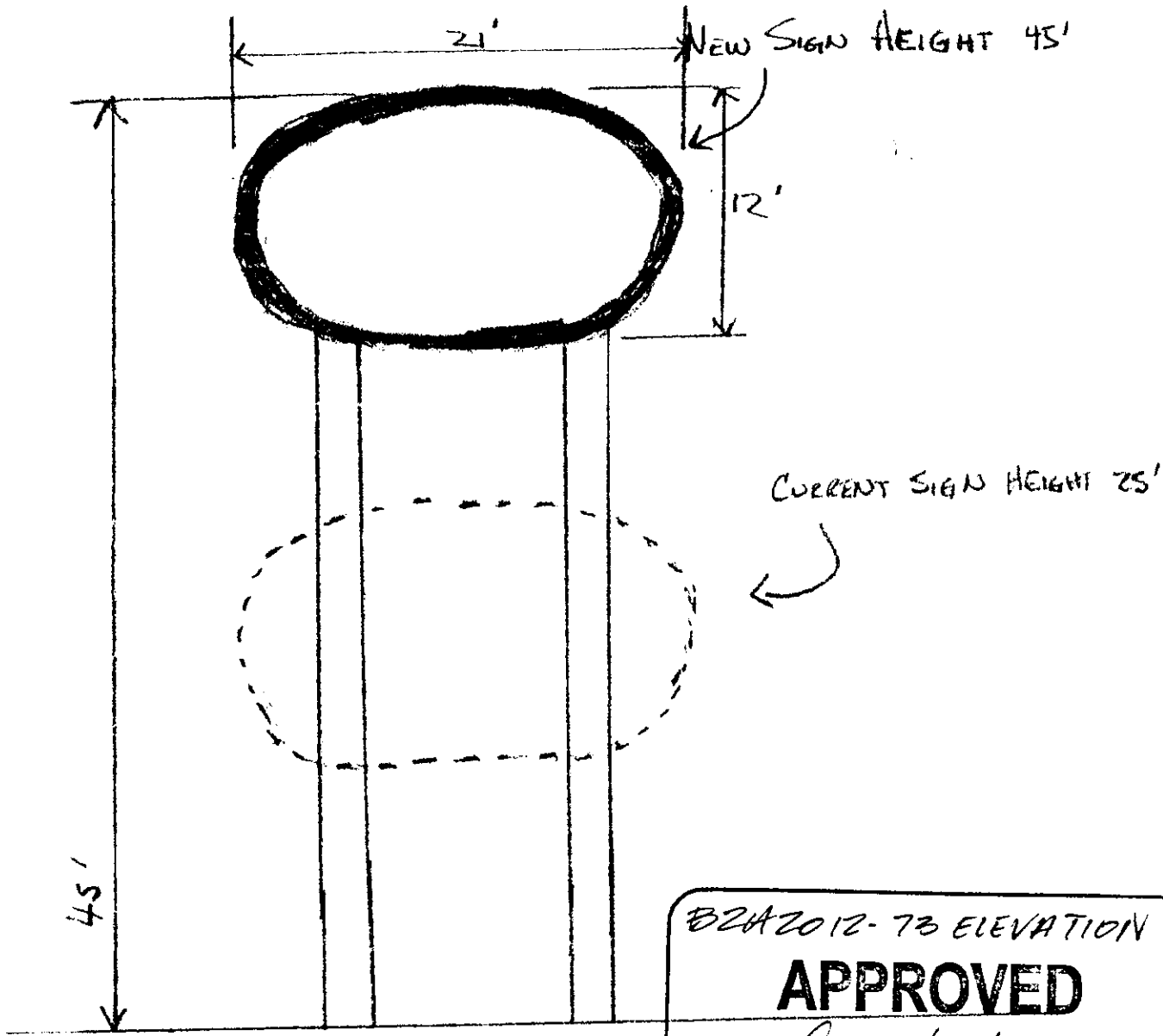
BB LLC

DOONAN TRUCK PLAZA

LOT 1 BLOCK 1 DOONAN PLAZA ADD.

11118 W KELLOGG

BOARD OF ZONING APPEALS

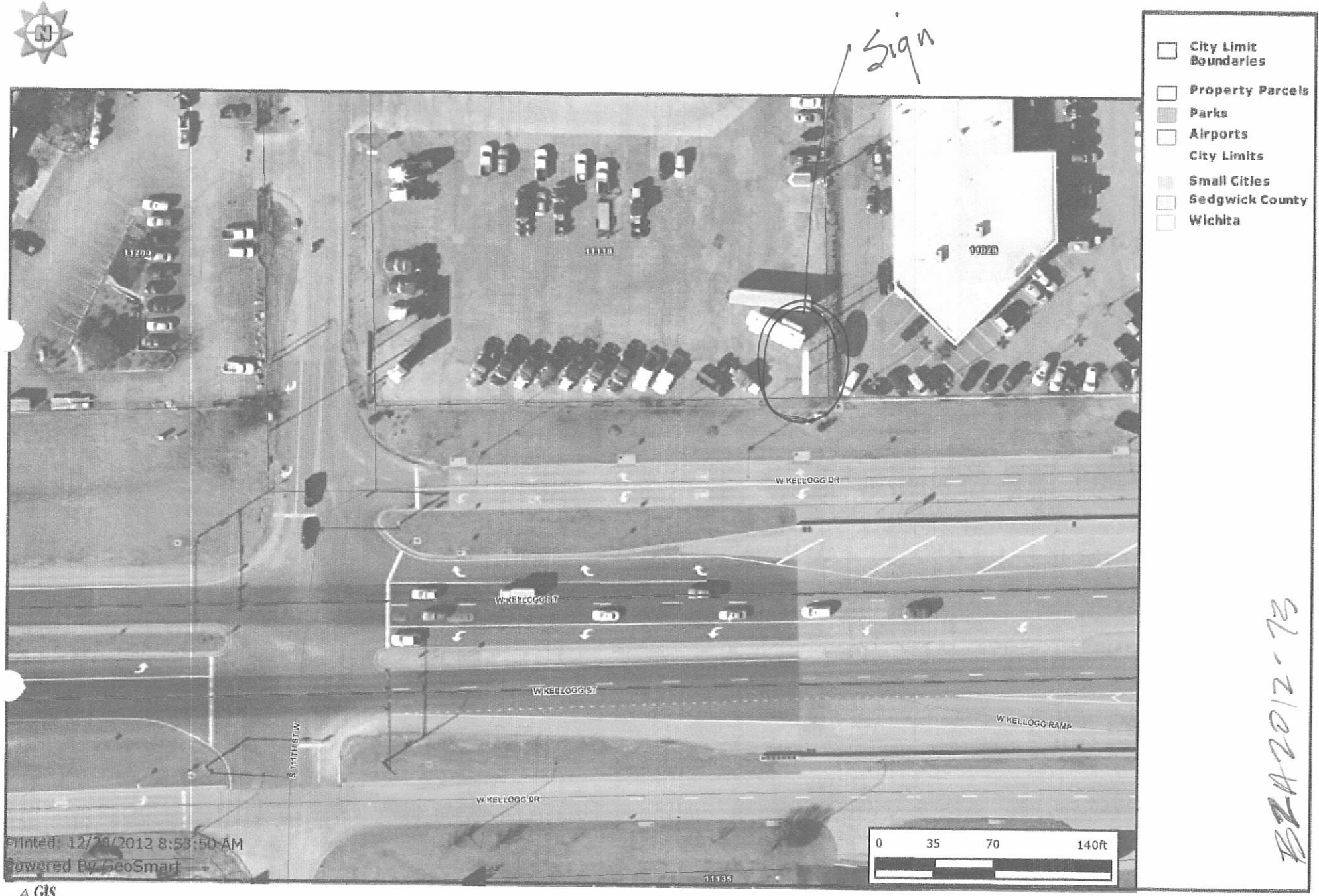


BZA2012-73 ELEVATION

APPROVED

Date: 2-7-13

12-28-12



BZA 2012-73

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