CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2014

Arena Investments of Kansas, LLC
1861 N. Rock Rd. Ste. 200
Wichita, KS 67206

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

RE: BZA2014-19 – City variance request of the Sign Code to exceed 20% of the building elevation and to exceed the 400 square foot size limitation for a building sign in CBD Central Business District (CBD) zoning; generally located south of Waterman and west of St. Francis (525 E. Waterman).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **April 10, 2014.** 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: Tom Stolz, MABCD
JR Cox, MABCD
Lavonta Williams, WCC I CM
Alana Haynes, NA I

BZA RESOLUTION NO. BZA2014-19

WHEREAS, Arena Investments of Kansas LLC (owner), Ferris Consulting c/o Greg Ferris (agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Sign Code to exceed 20% of the building elevation and to exceed the 400 square foot size limitation for a building sign in CBD Central Business District (CBD) zoning; generally located south of Waterman and west of St. Francis (525 E. Waterman).

Legal Description:

Lots 78, 80, 82 and 84, Fourth now St. Francis Ave., English's 3rd 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 April 10, 2014, 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. The parking lot and building location is directly south of the Intrust Bank Arena and an associated large plaza; the Arena is a large public facility with signs exceeding the 400 square foot limit. The proposed mural sign on the blank north building façade is unique in that it is primarily a mural with a small corporate logo.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a street side setback reduction would not adversely affect the rights of adjacent property owners. The only property facing this sign or with visibility of this sign is the Intrust Bank Arena, which also has signs exceeding 400 square feet. All surrounding properties are zoned CBD and none are developed with residences.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant. The 400 square foot building sign size limit would not allow the applicant to make optimal use of a blank wall façade facing a parking lot.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for a setback reduction will not adversely affect the public interest, as adequate identification and successful use of this property are in the public interest. Visually enlivening the Arena area is in the public interest. The Arena Neighborhood Plan does not address signs in detail, but it does encourage ornamentation of expansive blank facades. The Project Downtown Master Plan does not address building signage.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. The Sign Code restriction for building sign size does not take into consideration the scale of this blank wall or size of the open space it faces. The spirit and intent of the sign code is for adequate identification of buildings,

aesthetically proportional to the given buildings; this variance request is consistent with that spirit and intent.

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 exceed 20% of the building elevation and to exceed the 400 square foot size limitation for a building sign in CBD Central Business District (CBD) zoning; generally located south of Waterman and west of St. Francis (525 E. Waterman).

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

1. The site shall be developed in conformance with the approved elevation drawing.
2. 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.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 10th Day of April, 2014.

Don Klausmeyer

BZA Chair, Don Klausmeyer

ATTEST:

Jess McNeely, AICP
Asst. BZA Secretary