CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 19, 2015

Odegard Sign
c/o: Gaylen Davenport
10413 W. 84th Terrace
Wichita, KS 66214

Security National Life Insurance Co.
5300 S. 360th W.
Salt Lake City, UT 84123

RE: BZA2015-00060 – City BZA Sign Code Variance request to increase the size of a building sign from 400 to 960 square feet in CBD Central Business District ("CBD") zoning; generally located west of North Market Street and north of East Douglas Avenue (125 N. Market St.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **November 19, 2015.** 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,

Derrick Slocum
BZA Secretary

cc: Tom Stolz, MABCD
JR Cox, MABCD
Janet Miller, WCC VI CM
Martha Sanchez, CLD VI

BZA RESOLUTION NO. BZA2015-00060

WHEREAS, Security National Life Insurance (Owner); Odegard Sign, c/o: Gaylen Davenport (Agent/Applicant) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Sign Code to increase the size of a building sign from 400 to 960 square feet in CBD Central Business District ("CBD") zoning; generally located west of North Market Street and north of East Douglas Avenue (125 N. Market St.)

Legal Description:

Lots 21-23-25-27 Market Street, Greiffenstein's Original Town Addition to Wichita, Sedgwick County, Kansas.

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 November 19, 2015, 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, inasmuch as, the building location is almost directly in the middle of the downtown core and one of the high rise buildings in the area without building signage. Currently a couple buildings have large building signage; The Hyatt, High Touch and Intrust Bank Arena to name a few. The building sign on the blank south building façade is unique in that it is primarily letters with a small corporate logo.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for building sign size increase would not adversely affect the rights of adjacent property owners, inasmuch as, the properties facing this sign, or with visibility of this sign are other office buildings and Kellogg further to the south. 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 sign code could constitute a hardship upon the applicant, inasmuch as, the 400 square foot building sign size limit would not allow the applicant to make optimal use of a large blank wall façade facing other office buildings.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for a building sign size increase would not adversely affect the public interest, inasmuch as, adequate identification and successful use of this property are in the public interest. Visually enlivening the downtown area is in the public interest. The Project Downtown Master Plan does not address building signage.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for increased building sign size does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code restriction for building sign size does not take into consideration the scale of this blank wall or area

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 increase the size of a building sign from 400 to 960 square feet in CBD Central Business District ("CBD") zoning; generally located west of North Market Street and north of East Douglas Avenue (125 N. Market St.)

Legal Description:

Lots 21-23-25-27 Market Street, Greiffenstein's Original Town Addition to Wichita, Sedgwick County, Kansas.

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

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
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 19th Day of November, 2015.

BZA Chair, David Dennis

ATTEST:

Derrick Slocum
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
November 19, 2015

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00060

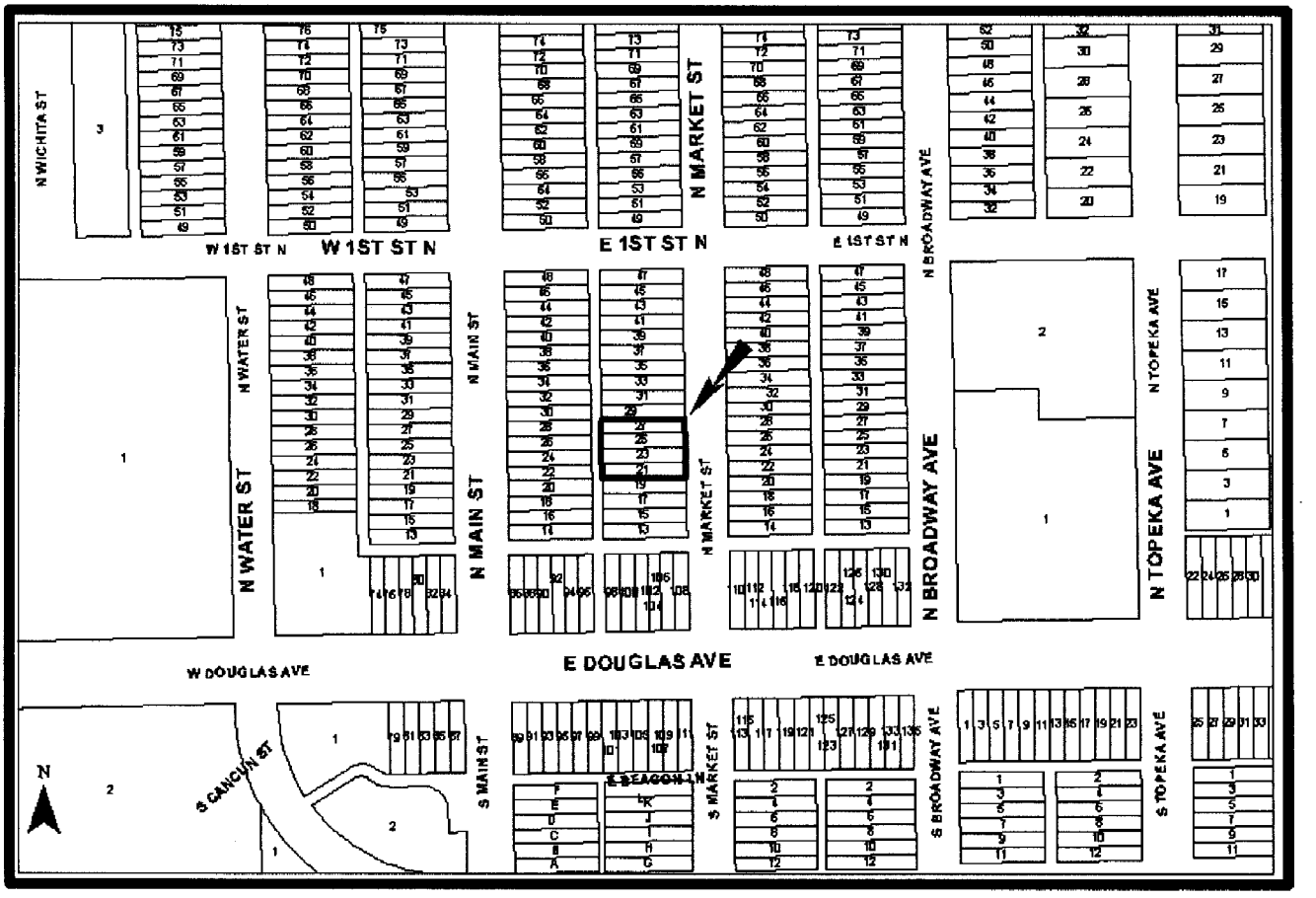
APPLICANT/AGENT: Security National Life Insurance (Owner); Odegard Sign, c/o: Gaylen Davenport (Agent/Applicant)

REQUEST: City BZA Sign Code Variance request to increase the size of a building sign from 400 to 960 square feet in CBD Central Business District ("CBD") zoning.

CURRENT ZONING: CBD Central Business District ("CBD")

SITE SIZE: .32 acres

LOCATION: West of North Market Street and north of East Douglas Avenue (125 N. Market St.)



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 proposes to install a 960 square foot sign on the south building elevation near the top of the office building located at 125 North Market. The applicant has submitted the attached site plan and building elevation rendering to illustrate the proposed signage. The applicants have also submitted an attached statement that pertains to the five conditions for granting the requested variance.

Section 24.04.197 of the Sign Code limits building signs in CBD Central Business District ("CBD") zoning to a maximum of 20 percent of a building façade, and a maximum of 400 square feet per sign. The applicant wishes to install just one 960 square foot building sign at the top of the approximately 52,500 square foot south façade of the office building. The multi-story building façade faces south downtown Wichita, looking towards Kellogg. The sign, which will consist of nine individual channel letters with white face and one blue logo face, will equal the total 960 square feet, which exceeds the 400 square foot limitation, however, not the 20% of the building façade limit. 20% of the south building façade would be approximately 10,500 square feet. The applicant is proposing just this one sign and using the total allocated building signage square footage from all facades (sides and front 3 x 400 sq. ft. = 1,200 sq. ft.) for the square footage for the proposed sign on the south façade.

Numerous signs in the CBD exceed the 400 square foot sign limitation and 20 percent of building facades exist within the CBD. Most notably is The Intrust Bank Arena, southeast of the site, which was granted a BZA sign variance in 2008 exceeding the 400 square foot limit. The Arena also has a digital screen sign visible through a south facing glass wall which exceeds 400 square feet; the digital sign is not regulated by the sign code because it is inside the building. Similarly, glass enclosed skywalks in the CBD have signs exceeding 400 square feet, but are inside the building and did not require a sign permit. Numerous legal non-conforming (or grandfathered) signs in the CBD exceed the 400 square foot limitation. Many of these are painted wall signs which have existed for decades. Also, temporary banner signs exist in the CBD without the Sign Code size limitations.

All properties surrounding this site are also zoned CBD, the site is not visible from any existing residences. All properties surrounding the application area are used for offices, parking, and retail.

ADJACENT ZONING AND LAND USE:

NORTH	CBD	Office Building
SOUTH	CBD	Parking Garage
EAST	CBD	Office Building
WEST	CBD	Surface Parking

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

UNIQUENESS: It is staff's opinion that this property is unique, inasmuch as, the building location is almost directly in the middle of the downtown core and one of the high rise buildings in the area without building signage. Currently a couple buildings have large building signage; The Hyatt, High Touch and Intrust Bank Arena to name a few. The building sign on the blank south building façade is unique in that it is primarily letters with a small corporate logo.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for building sign size increase would not adversely affect the rights of adjacent property owners, inasmuch as, the properties facing this sign, or with visibility of this sign are other office buildings and Kellogg further to the south. All surrounding properties are zoned CBD and none are developed with residences.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code could constitute a hardship upon the applicant, inasmuch as, the 400 square foot building sign size limit would not allow the applicant to make optimal use of a large blank wall façade facing other office buildings.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a building sign size increase would not adversely affect the public interest, inasmuch as, adequate identification and successful use of this property are in the public interest. Visually enlivening the downtown area is in the public interest. The Project Downtown Master Plan does not address building signage.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased building sign size does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code restriction for building sign size does not take into consideration the scale of this blank wall or area 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.

RECOMMENDATION: It is staff's opinion that the requested sign size for this building is appropriate, given the scale of the building and its location and purpose. Several sign variances in the CBD make it clear that a 400 square foot sign limitation does not meet the sign needs of all buildings and situations. If the Board determines that the necessary conditions to grant a variance exist, the Secretary recommends that the variance for a building sign to exceed the 400 square foot size limitation for a building sign in CBD zoning be GRANTED, subject to the following conditions:

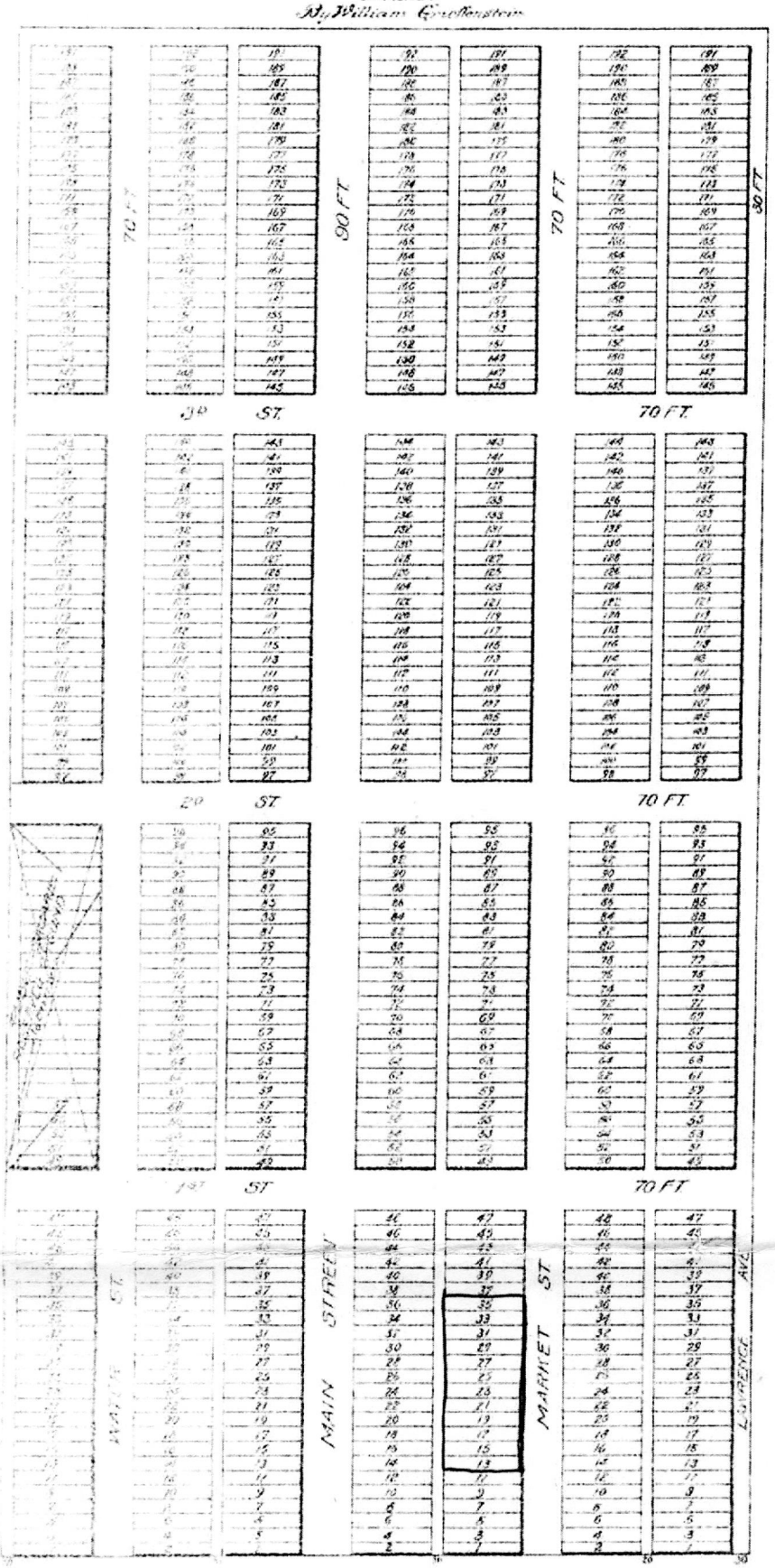
1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

TOWN OF WICHITA

SEDGWICK COUNTY KANSAS

EAST HALF OF NORTH EAST QUARTER SECTION 20
TOWNSHIP 27 SOUTH OF RANGE 1 EAST
80 ACRES.

By William Greffenstein



State of Kansas }ss
Butler County }

Be it remembered that on this ____ day of ____ A.D. 1910 before me a Notary Public in and for said County and State aforesaid, personally appeared the above named William Greffenstein who is known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same to be his free act and deed, for the uses and purposes therein expressed.

In Witness whereof I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission Expires ____

The State of Kansas }ss
Butler County }

This plat was received and filed for record on the 25 day of March A.D. 1910 and duly recorded in Book of Town Plats at Page 12

Nell Dallee,
Register.

State of Kansas }
Sedgwick County }ss

This instrument was filed for record in the Register of Deeds office of Sedgwick County, October 31st 1910 at the hour of 8 o'clock A M and duly recorded in Book of Town Plats Page

L. N. Hollis
Register of Deeds

I, Joseph Bowman, Register of Deeds of Sedgwick County, Kansas do hereby certify that the above is a true and correct copy of the plat of the Town of Wichita, By William Greffenstein, that the original of which above is a copy, is on file in my office, and that I have the legal custody thereof. Witness my hand and the seal of my office this 2d day of Feb 1912

Joseph Bowman
Register of Deeds