CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 25, 2005

Mike Welli
Mid American Credit Union
8404 W. Kellogg
Wichita, KS 67209

RE: BZA2005-00019 – Generally located north of Kellogg and east of Tyler (8404 W. Kellogg Drive). (District V)

1. **Variance to Section 24.04.220(m) of the Sign Code to increase the maximum three foot distance allowed between the two faces of a sign that triggers the requirement to count both sides of the same sign as two signs instead of a single sign; and**
2. **Variance to Section 24.04.221.4. of the Sign Code to increase the maximum area of a ground sign from 300 square feet to 486 square feet.**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **May 24, 2005.** This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,

Scott Knebel, Senior Planner
Current Plans Division

SK/rms

Cc: Greg Ferris, Ferris Consulting, P O Box 573, Wichita, KS 67201
Joe Poston, Miracle Sign Co., 3611 N. Broadway, Wichita, KS 67229
Bob Martz, WCC, District V, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, 1-72

ADOPTED AT WICHITA, KANSAS, this 24th DAY of MAY, 2005.

James P. Ruane, BZA Board Chair

ATTEST:

Scott Knebel, BZA Secretary

BZA RESOLUTION NO. 2005-00019

WHEREAS, Mid American Credit Union c/o Mike Welli (Owner/Applicant); Ferris Consulting c/o Greg Ferris and Miracle Sign Company, c/o Joe Poston (Agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests

1. Variance to Section 24.04.220(m) of the Sign Code to increase the maximum three foot distance allowed between the two faces of a sign that triggers the requirement to count both sides of the same sign as two signs instead of a single sign; and
2. Variance to Section 24.04.221.4. of the Sign Code to increase the maximum area of a ground sign from 300 square feet to 486 square feet.

on property zoned "GC" General Commercial legally described as follows:

Lot 1, Garman Addition to Wichita, Sedgwick County, Kansas, except beginning at the Southeast corner of Lot 1, Garman Addition; thence North along the East line of said Lot 1, a distance of 66.74 feet; thence Southwesterly a distance of 191.56 feet to a point on the West line of said Lot 1; thence South along said West line, a distance of 7.47 feet to a found 3/4 inch iron pipe at the Southwest corner of said Lot 1; thence East along the South line of said Lot 1 a distance of 181.96 feet to the point of beginning.

Lot 1, First Credit Union Addition to Wichita, Sedgwick County, Kansas, except beginning at the Southeast corner of Lot 1, First Credit Union Addition where found a 1/2 inch iron pipe; thence Northerly along the East line of said Lot 1, a distance of 62.62 feet; thence Southwesterly a distance of 165.22 feet to a point on the West line of said Lot 1; thence South along said West line a distance of 56.64 feet to a found 1/2 inch iron pipe at the Southwest corner of said Lot 1; thence Northeasterly along the South line of said Lot 1 a distance of 179.73 feet to the point of beginning.

Lot 2, First Credit Union Addition to Wichita, Sedgwick County, Kansas, except beginning at the Southeast corner of Lot 2, First Credit Union Addition; thence North along the East line of said Lot 2, a distance of 82.58 feet; thence Southwesterly a distance of 341.73 feet to a point on the West line of said Lot 2; thence Southerly along said West line a distance of 62.62 feet to a found 1/2 inch iron pipe at the Southwest corner of said Lot 2; thence Northeasterly along the South line of said Lot 2 a distance of 319.71 feet to the point of beginning. Generally located north of Kellogg and east of Tyler (8404 W. Kellogg Dr.).

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 May 24, 2005, 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 the variance arises from such condition which is unique. It is the opinion of the Board that this property is unique, inasmuch as the property is located along a curved portion of an elevated freeway, which necessitates angling the sign faces so that they face both east and west bound traffic and a larger sign face so that high-speed traffic can readily identify the sign message.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of the Board that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as all surrounding properties are developed with intense commercial uses, and the proposed signage is consistent with the character of the area.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of the Board that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as strict compliance with the Sign Code will severely limit the visibility of the applicant's business from the elevated freeway.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of the Board that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale in relation to the size of the property, and has minimal lighting. Additionally, two separate signs, one facing each direction of travel, could be constructed with a total maximum area of 300 square feet each, the result of which would be much less visually appealing than the applicant's proposed monument sign.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. It is the opinion of the Board that the granting of the variances requested would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier to locate the facility while balancing these identification needs with the needs for high-quality community aesthetics. Additionally, the applicant's proposal reduces the number of signs along the Kellogg frontage, which is consistent with the Sign Code's purpose of eliminating excessive and confusing sign displays.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, variances be granted to

1. Variance to Section 24.04.220(m) of the Sign Code to increase the maximum three foot distance allowed between the two faces of a sign that triggers the requirement to count both sides of the same sign as two signs instead of a single sign; and
2. Variance to Section 24.04.221.4. of the Sign Code to increase the maximum area of a ground sign from 300 square feet to 486 square feet.

on property zoned "GC" General Commercial legally described as follows:

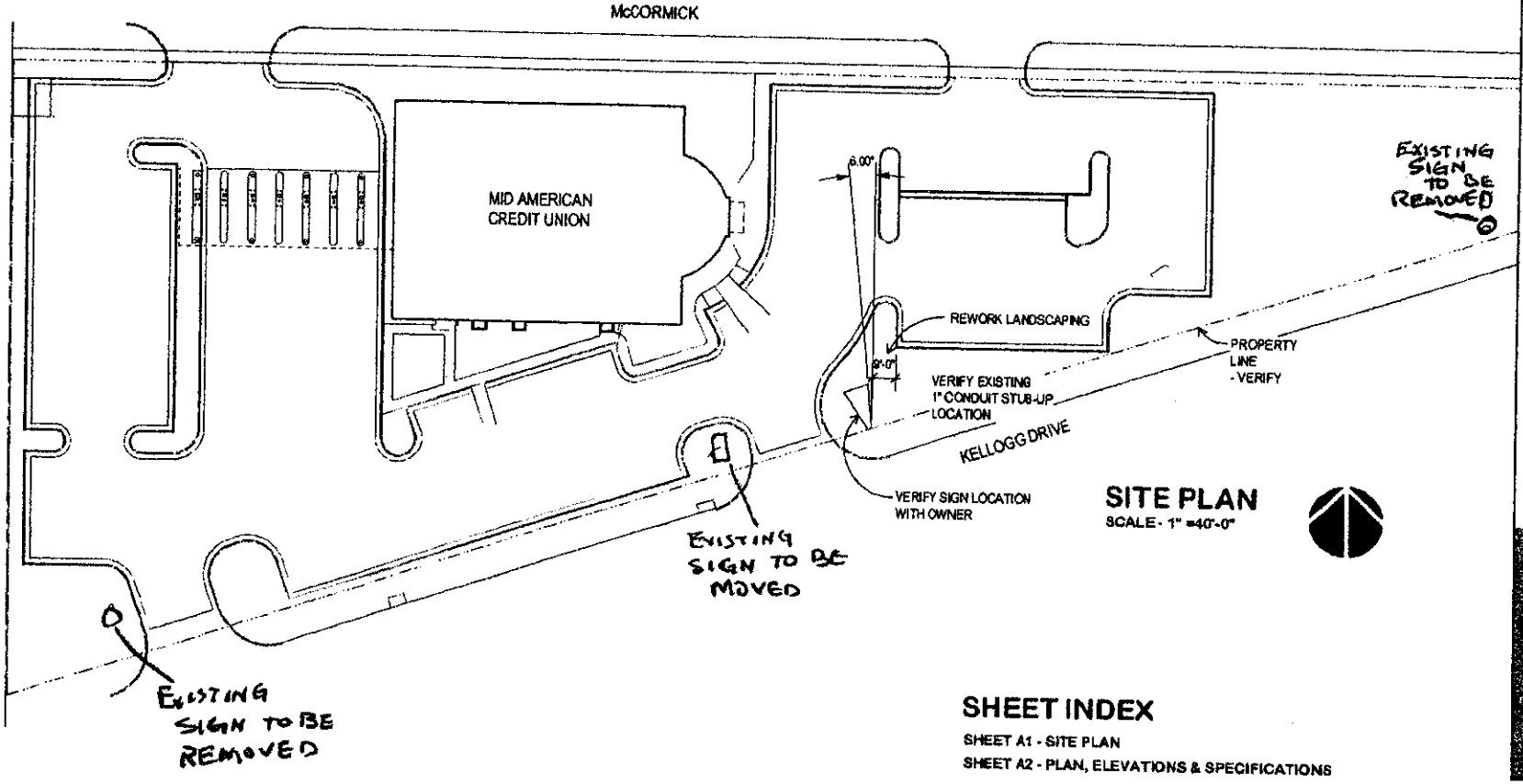
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The variance is hereby GRANTED, subject to the following conditions:

1. All signage on the subject property shall conform to the requirements of the Sign Code except that variances are granted to permit one ground sign along Kellogg with a maximum separation between sign faces of 109 inches and a maximum area of 486 square feet on each sign face.
2. The sign permitted by the variances shall be placed in the general location illustrated on the approved site plan and shall be of a design, size, and height illustrated on the approved elevation drawings.
3. The Kellogg frontage shall be limited to two ground signs, with one sign being the sign permitted by the variances and the second sign being limited to a seven-foot high, 90 square foot monument sign.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variances, unless such time period is extended by the BZA.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.



SITE PLAN
SCALE - 1" =40'-0"

SHEET INDEX

SHEET A1 - SITE PLAN
SHEET A2 - PLAN, ELEVATIONS & SPECIFICATIONS

GENERAL NOTES

1. ADJUST SIGN WIDTH PER MESSAGE BOARD DIMENSION AND REQUIRED FRAMING. KEEP DIMENSION AS NARROW AS POSSIBLE.
2. SCALE RADIUS, AMPLITUDE AND FREQUENCY OF UNDULATIONS WITH SIGN WIDTH.
3. SIGN COMPANY TO SUBMIT ENGINEERED DRAWINGS FOR STRUCTURAL AND ELECTRICAL SYSTEMS TO THE OWNER.

NEW SIGN
MID AMERICAN CREDIT UNION
8404 W Kellogg Dr, Wichita, Kansas

SITE PLAN A1

RICHARD • B KRAYBILL ARCHITECT
316-263-0721

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
May 24, 2005

SECRETARY'S REPORT

CASE NUMBER: BZA2005-00019

OWNER/APPLICANT: Mid American Credit Union c/o Mike Welli

AGENTS: Ferris Consulting c/o Greg Ferris and Miracle Sign Co. c/o Joe Poston

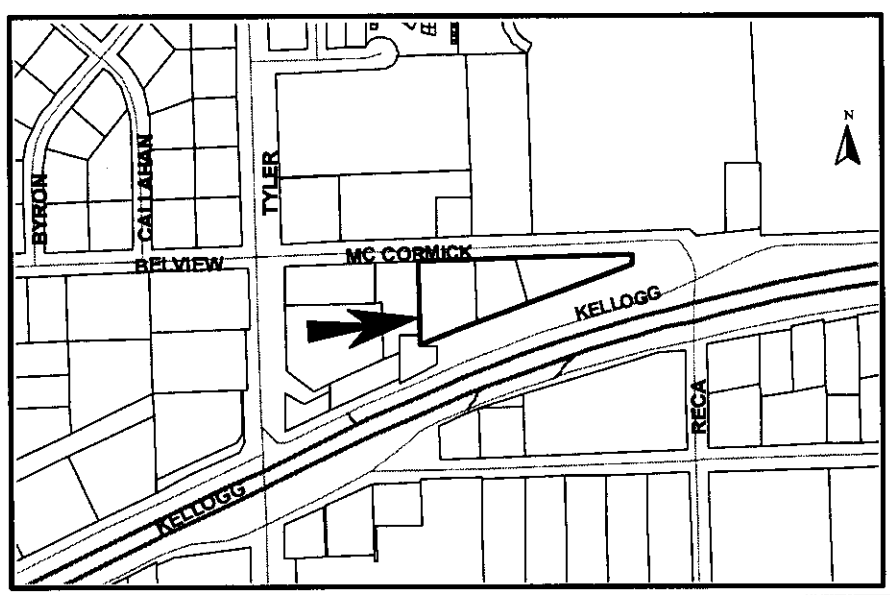
REQUEST:

1. Variance to Section 24.04.220(m) of the Sign Code to increase the maximum three foot distance allowed between the two faces of a sign that triggers the requirement to count both sides of the same sign as two signs instead of a single sign; and
2. Variance to Section 24.04.221.4. of the Sign Code to increase the maximum area of a ground sign from 300 square feet to 486 square feet.

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 2.13 acres

LOCATION: North of Kellogg and east of Tyler (8404 W. Kellogg Dr.)



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 owns a credit union on over 2 acres zoned "GC" General Commercial and located north of Kellogg and east of Tyler at 8404 W. Kellogg Dr. Kellogg recently was reconstructed to a freeway with an overpass at Tyler that significantly restricts the visibility of the applicant's property. Therefore, the applicant has developed a new signage strategy to improve visibility of the credit union from the freeway. Currently there are three ground signs along the subject property's Kellogg frontage. The applicant proposes to keep one of these signs (a seven-foot high, 90 square foot monument sign) and relocate it to the west property line to signify the location of the entrance to the drive-thru lanes. The applicant also proposes a new 35-foot high, 486 square foot monument sign to signify the location of the credit union to travelers along Kellogg (see attached site plan and elevation drawings).

The proposed new monument sign does not meet two requirements of the Sign Code. First, the sign code requires that both sides of the sign be counted toward the maximum area of the sign when the sign faces are separated by greater than three feet. Due to the curvature of the freeway, the applicant proposes to angle the sign faces so that they are separated by approximately nine feet so that the sign is directly visible to both eastbound and westbound traffic. Second, the Sign Code limits the maximum area of a ground sign to 300 square feet. The applicant proposes a monument sign with a total 230 square feet of message area; however, the Sign Code requires that the portion of the monument sign between the three proposed message areas be counted toward to calculation of the sign area, which results in a sign area of 486 square feet. The applicant submitted the attached letter that explains the need for the variances requested and describes how the requested variances meet the criteria for granting a variance.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Shopping center
SOUTH	"LI"	Motel
EAST	"LC"	Vehicle sales
WEST	"GC"	Vehicle repair

The five criteria necessary for approval apply to all variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is located along a curved portion of an elevated freeway, which necessitates angling the sign faces so that they face both east and west bound traffic and a larger sign face so that high-speed traffic can readily identify the sign message.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as all surrounding properties are developed with intense commercial uses, and the proposed signage is consistent with the character of the area.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as

strict compliance with the Sign Code will severely limit the visibility of the applicant's business from the elevated freeway.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale in relation to the size of the property, and has minimal lighting. Additionally, two separate signs, one facing each direction of travel, could be constructed with a total maximum area of 300 square feet each, the result of which would be much less visually appealing than the applicant's proposed monument sign.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier to locate the facility while balancing these identification needs with the needs for high-quality community aesthetics. Additionally, the applicant's proposal reduces the number of signs along the Kellogg frontage, which is consistent with the Sign Code's purpose of eliminating excessive and confusing sign displays.

RECOMMENDATION: It is staff's opinion that the proposed signage is appropriate for the location and purpose that it will serve and is an improvement over what could be accomplished through strict conformance with the Sign Code. Should the Board determine that conditions necessary to the granting of the variances exist, then it is the recommendation of the Secretary that the requested variances be GRANTED, subject to the following conditions:

1. All signage on the subject property shall conform to the requirements of the Sign Code except that variances are granted to permit one ground sign along Kellogg with a maximum separation between sign faces of 109 inches and a maximum area of 486 square feet on each sign face.
2. The sign permitted by the variances shall be placed in the general location illustrated on the approved site plan and shall be of a design, size, and height illustrated on the approved elevation drawings.
3. The Kellogg frontage shall be limited to two ground signs, with one sign being the sign permitted by the variances and the second sign being limited to a seven-foot high, 90 square foot monument sign.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variances, unless such time period is extended by the BZA.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.