

- 3) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

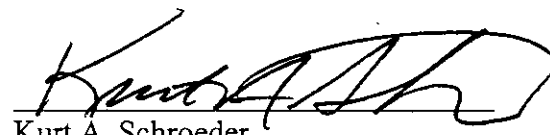
Our signatures below indicate that a Sign Code Adjustment to increase the maximum allowed height of an off-site sign to 20 feet above the height of the top of the highest highway railing on the aforementioned property is hereby granted, subject to the following conditions:

- 1) The off-site sign shall comply with all regulations of the Sign Code except that the maximum allowed height shall be 20 feet above the height of the top of the highest highway railing within the Kellogg right-of-way at a point perpendicular to the sign.
- 2) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, 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 that the Zoning Adjustment is null and void.

The development application sign should now be removed from the property.



John L. Schlegel
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

cc: Dick Whalen, Lindmark Outdoor Advertising, 9710 Cornelison, Wichita, KS 67212
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection



Wichita-Sedgwick County Metropolitan Area Planning Department

March 22, 2004

Shailesh Bhakta
8925 W. Kellogg
Wichita, KS 67209

RE: BZA2004-00016: Sign Code Adjustment to increase the maximum allowed height of an off-site sign to 20 feet above the height of the top of the highest highway railing.

Legal Description: Lot 4, Block M, Westport Addition, Wichita, Sedgwick County, Kansas. Generally located south of Kellogg and west of Tyler (8925 W. Kellogg).

Dear Mr. Bhakta:

We have reviewed your request for a Sign Code Adjustment to increase the maximum allowed height an off-site sign to 20 feet above the height of the top of the highest highway railing on the aforementioned property. From reviewing your application, we understand that you propose to construct an off-site sign along the south side of Kellogg in an area where the Tyler overpass is currently being constructed. Since the highway railing will make the sign less visible to motorists along Kellogg, you have requested an adjustment to increase the permitted height of the sign.

Section 24.04.251.2.h. of the Sign Code allows an adjustment to increase the maximum height of signs located within 75 feet of an elevated highway to 20 feet above the highest railing when the three conditions required by Section 24.04.251.6. of the Sign Code are met. We find that the increasing the height of the sign as proposed meets the three conditions required by Section 24.04.251.6. of the Sign Code as set out below:

- 1) Impact on existing uses in surrounding areas: Existing uses in surrounding areas are heavy commercial uses, and increasing the permitted height of the off-site sign should not adversely impact the existing heavy commercial uses.
- 2) Compatibility with existing or permitted uses on abutting sites: The additional height of the sign should not reduce compatibility of the sign with surrounding uses, which are heavy commercial uses. The nearest residences will be separated from the sign by the Tyler overpass and the increased height of the sign should not make the sign incompatible with nearby residences due to the significant barrier of the freeway overpass.

