There are no nearby residential or other uses that should be incompatible with the increased height of the signs.

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 two off-site signs 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 signs 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 I-135 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: David Mollhagen, Clear Channel Outdoor, 3405 N. Hydraulic, Wichita, KS 67219
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

CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 1, 2004

David Waters
1820 E. 68th St. S.
Wichita, KS 67216

Re: **BZA2004-00012: Sign Code Adjustment to increase the maximum allowed height of two existing off-site signs to 20 feet above the height of the top of the highest highway railing.**

Legal Description: Beginning 440 feet west of the southeast corner of the northeast quarter of Sec. 4 Twp. 27S R1E, thence north 660 feet, thence northeast 1398.1 feet to a point 200 feet south of the Mopac right of way, thence south to the southeast corner of the northeast quarter, thence west to the point of beginning, excluding the south 1197.6 feet and excluding road and right-of-way. Generally located north of 21st Street North and west of I-135 (2711 N. Hydraulic).

Dear Mr. Waters:

We have reviewed your request for a Sign Code Adjustment to increase the maximum allowed height of two existing off-site signs 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 there are two existing off-site signs and that the I-135 reconstruction raised the height of the highway railing, thus making the signs less visible to motorists along I-135. Therefore, you have requested an adjustment to increase the height of the signs.

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 signs 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 industrial uses, and increasing the permitted height of the off-site signs should not adversely impact the existing heavy industrial uses.

2) Compatibility with existing or permitted uses on abutting sites: The additional height of the signs should not reduce compatibility of the signs with surrounding uses, which are heavy industrial uses.