

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the sign will be painted on the south face of the building and therefore will provide no more visual obstruction of or from adjacent properties than the building itself provides and the sign is no larger than the total square footage permitted for the south facade.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the sizes of the letters on the sign would have to be reduced to approximately 75% of the proposed sizes, or the information on the sign would have to be divided into at least two separate signs.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign will be painted on the building facade and should have no more visual impact on the public than two smaller signs placed close together on the facade, as would be permitted under the terms of the sign code.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance permits much more total building signage for the south facade than proposed by this one sign.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. The proposed 778-square-foot building sign shall be substantially in accordance with the plans submitted with this variance application and shall be painted on the south facade of the new Sam's building, which has a south building elevation of approximately 7,750 square feet.
2. This increase in size is for one building sign for the south elevation only and is conditional upon this being the only building sign on the south facade which advertises the name of the business or products for sale within.
3. The sign for which this variance is granted shall be installed within one year following BZA approval, or the resolution shall be considered null and void, unless additional time is authorized by the Board.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
May 28, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 7-91

OWNER/APPLICANT/AGENT: Wal-Mart Stores, Inc. (owner/applicant)
Bill Conoley (agent)

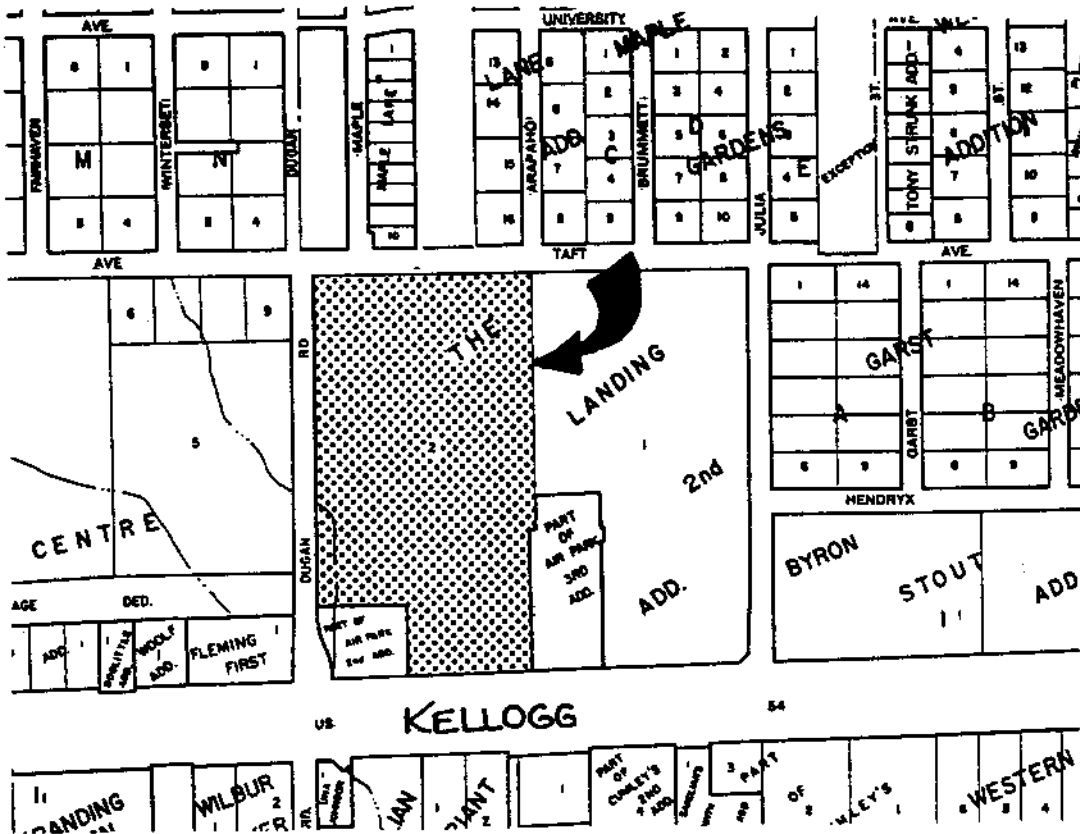
REQUEST: Variance to increase the permitted size of a building sign from 400 sq. ft. to 778 sq. ft.

CURRENT ZONING: "C" Commercial District w/DP-150

SITE SIZE: 625 ft. x 1,125 ft. (15± acres)

LOCATION: North side of Kellogg in an area east of Dugan Road (6200 W. Kellogg)

PROPOSED USE: New Sam's Club



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 the State Statutes, are found to exist.

BZA 7-91 Secretary's Report
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BACKGROUND: Although sign regulations are no longer part of Title 28 of the City Code (zoning ordinance), the Board of Zoning Appeals has been given authority to consider requests for variances (24.04.250). Sam's Club is constructing a new 131,290-square-foot building at 6200 W. Kellogg on property which is zoned "C" Commercial and which is part of The Landing Commercial Community Unit Plan. The old store is to be removed upon completion of the new store.

Commercial zoning allows ground signs, pole signs, building signs and portable signs, all with limitations on size and spacing. Building signs are limited to 20% of each building elevation. Also, no individual building sign may exceed 400 square feet. The proposed sign for which this variance is requested will be on the south or front elevation of the new store. The south building elevation contains 7,750 square feet for a total permissible building sign coverage on this facade of 1,550 square feet. The requested 778-square-foot building sign is well within the total square footage permitted, but is almost twice as large as permitted for any one building sign.

The proposed sign will contain the message "Sam's Club, Members Only, A Division of Wal-Mart Stores, Inc." painted in blue letters on the gray building facade. Size of letters will range from one-foot-tall letters for "A Division of Wal-Mart Stores, Inc." to ten-foot-tall letters for "Sam's".

The applicant has indicated that this one large building sign is the only building sign they propose to have at this time. There will be a 135-square-foot pole sign at the Kellogg property line. That new sign will replace an existing 176-square-foot pole sign. The proposed pole sign also will contain less square footage than the total permitted for pole signs on this property, especially when the Dugan Road frontage is included in the calculations for pole signs.

The applicant could divide the message of the proposed building sign into two separate signs, place them near each other on the south facade, and achieve essentially the same result without needing a variance. They prefer, however, the arrangement of letters indicated on the sign proposal submitted with this application.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwellings
SOUTH	"C"	Retail and service commercial uses
EAST	"C"	Wal-Mart and Wichita Inn
WEST	"C"	Builders' Square

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the south building facade on which this sign is to be located contains 7,750 square feet of surface area and is located more than 700 feet from Kellogg, which is the main access road to this property.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 6, 1991

Wal-Mart Stores, Inc.
ATTN: Steve Hartman
P. O. Box 116
Bentonville, AR 72716-0672

Re: BZA 7-91 - Variance to increase the permitted size of a
building sign from 400 sq. ft. to 778 sq. ft. on property
zoned "C" Commercial (w/DP-150) on the north side of Kellogg
in an area east of Dugan Road (6200 W. Kellogg).

Dear Mr. Hartman:

Enclosed is a signed copy of the above-referenced BZA resolution
adopted by the Board of Zoning Appeals on May 28, 1991. This
resolution reflects the official action of the Board to grant
your request and sets out the conditions of approval. It is
forwarded to you for your information and files.

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

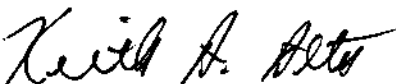
cc: Bill Conoley, General Mgr., Sam's Wholesale Club, 6200 West
Kellogg, 67209
Paul Hays, OCI
Lance Flowers, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

FILE COPY

subject to the following conditions:

1. The proposed 778-square-foot building sign shall be substantially in accordance with the plans submitted with this variance application and shall be painted on the south facade of the new Sam's building, which has a south building elevation of approximately 7,750 square feet.
2. This increase in size is for one building sign for the south elevation only and is conditional upon this being the only building sign on the south facade which advertises the name of the business or products for sale within.
3. The sign for which this variance is granted shall be installed within one year following BZA approval, or the resolution shall be considered null and void, unless additional time is authorized by the Board.

ADOPTED AT WICHITA, KANSAS, this 28th day of May, 1991.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 7-91

WHEREAS, Wal-Mart Stores, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted size of a building sign from 400 sq. ft. to 778 sq. ft. on property zoned the "C" Commercial District and legally described as follows:

Lot 2, The Landing 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg in an area east of Dugan Road (6200 W. Kellogg).

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 28, 1991, 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 to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the south building facade on which this sign is to be located contains 7,750 square feet of surface area and is located more than 700 feet from Kellogg, which is the main access road to this property; and

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 inasmuch as the sign will be painted on the south face of the building and therefore will provide no more visual obstruction of or from adjacent properties than the building itself provides and the sign is no larger than the total square footage permitted for the south facade; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the sizes of the letters on the sign would have to be reduced to approximately 75% of the proposed sizes, or the information on the sign would have to be divided into at least two separate signs; and

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, due to the fact that the sign will be painted on the building facade and should have no more visual impact on the public than two smaller signs placed close together on the facade, as would be permitted under the terms of the sign code; and

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 Title 28 (Zoning Ordinance) inasmuch as the ordinance permits much more total building signage for the south facade than proposed by this one sign; and

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 of the City of Wichita that this request be approved for a variance to increase the permitted size of a building sign from 400 sq. ft. to 778 sq. ft. on property zoned the "C" Commercial District and legally described as follows:

Lot 2, The Landing 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg in an area east of Dugan Road (6200 W. Kellogg).