WICHITA -- SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

July 28, 1997

7-11 Stores
Contemporary Industries Corporation
Attn: Bob Schulte
711 N. 108th Ct.
Omaha, NE 68154

RE: BZA 13-97 - Variance to increase the size of a pole sign from 0 square feet to 100 square feet zoned LC (within DP-56) and generally located on the northwest corner of 21st & Woodlawn (6330 E. 21st)

Dear Mr. Schulte:

At the regular meeting of the Board of Zoning Appeals on July 22, 1997, your request for a variance was considered. It was the action of the Board to grant the request, subject to the following conditions:

1. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the size of the sign may be up to 100 square feet.

2. Only one pole/ground sign shall be permitted on the site adjacent to the street frontage.

3. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.

4. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application.

5. Within 30 days following approval by the Board, and prior of release of the resolution authorizing this variance, the applicant shall submit a landscape plan to the Planning Department for review and approval. The plan shall identify proposed plant materials by

scientific and common names, quantity, and size at the time of planting. The plan shall provide for screening shrubs along the 21st Street North and Woodlawn frontage also the plan shall provide for the planting of at a minimum four ornamental trees on the site at a location that is agreeable to the applicant and the Planning Department. The landscaping must be installed within 60 days after the landscape plan is approved unless that time period falls outside of a planting season and in such event plant material shall be installed no later than April 1, 1998. The applicant must maintain the installed landscaping and replace planting material as necessary.

6. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

7. The variance authorizing a larger sign may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.

The resolution setting forth the official action of the Board will be released upon compliance with condition number 5.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions, please call our office.

Sincerely yours,

Lawrence P. Mitchell, Secretary
Board of Zoning Appeals

LPM/sh

cc: George Lay Signs Inc., Attn: John Lay, 1016 N. Waco, Wichita, KS 67203
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson,MAPD (Copy of Resolution only)

BZA RESOLUTION NO. 13-97

WHEREAS, 7-11 Stores - Contemporary Industries Corporation, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a pole sign from 0 square feet to 100 square feet on property zoned "LC" Limited Commercial, with DP-56 and legally described as follows:

> Lot 1, Plaza Twenty-One Addition, an addition to Wichita, Sedgwick County, Kansas. Generally located northwest corner of 21st Street North and Woodlawn

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 July 22, 1997, 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 owners or the applicant inasmuch as this property is located within a CUP and the sign code has changed since the sign was originally installed making the sign non-conforming; 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 all of the adjacent properties are developed with commercial uses, except for the residential development to the east. The residential development to the east is buffered from this site and the surrounding commercial development by lakes and extensive landscaping; and

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 inasmuch as without a sign along the frontage the business would not be able to adequately inform the public about the products available on the site; 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, inasmuch as the sign will not extend into any public right-of-way or easements; 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 the zoning ordinance inasmuch as a 100 square foot sign at this location would not be excessive and would harmonize with the scale of signage in the general area.

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 size of a pole sign from 0 square feet to 100 square feet on property zoned "LC" Limited Commercial, with DP-56 and legally described as follows:

Lot 1, Plaza Twenty-One Addition, an addition to Wichita, Sedgwick County, Kansas. Generally located northwest corner of 21st Street North and Woodlawn

subject to the following conditions:

1. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the size of the sign may be up to 100 square feet.

2. Only one pole/ground sign shall be permitted on the site adjacent to the street frontage.

3. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.

4. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application.

5. Within 30 days following approval by the Board, and prior of release of the resolution authorizing this variance, the applicant shall submit a landscape plan to the Planning Department for review and approval. The plan shall identify proposed plant materials by scientific and common names, quantity, and size at the time of planting. The plan shall provide for screening shrubs along the 21st Street North and Woodlawn frontage also the plan shall provide for the planting of at a minimum four ornamental trees on the site at a location that is agreeable to the applicant and the Planning Department. The landscaping must be installed within 60 days after the landscape plan is approved unless that time period falls outside of a planting season and in such event plant material shall be installed no later than April 1, 1998. The applicant must maintain the installed landscaping and replace planting material as necessary.

6. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

7. The variance authorizing a larger sign may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1997.

C. Bickley Foster

C. Bickley Foster, First Vice-President

ATTEST:

Lawrence P. Mitchell

Lawrence P. Mitchell, Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
July 22, 1997

SECRETARY'S REPORT

CASE NUMBER: BZA 13-97

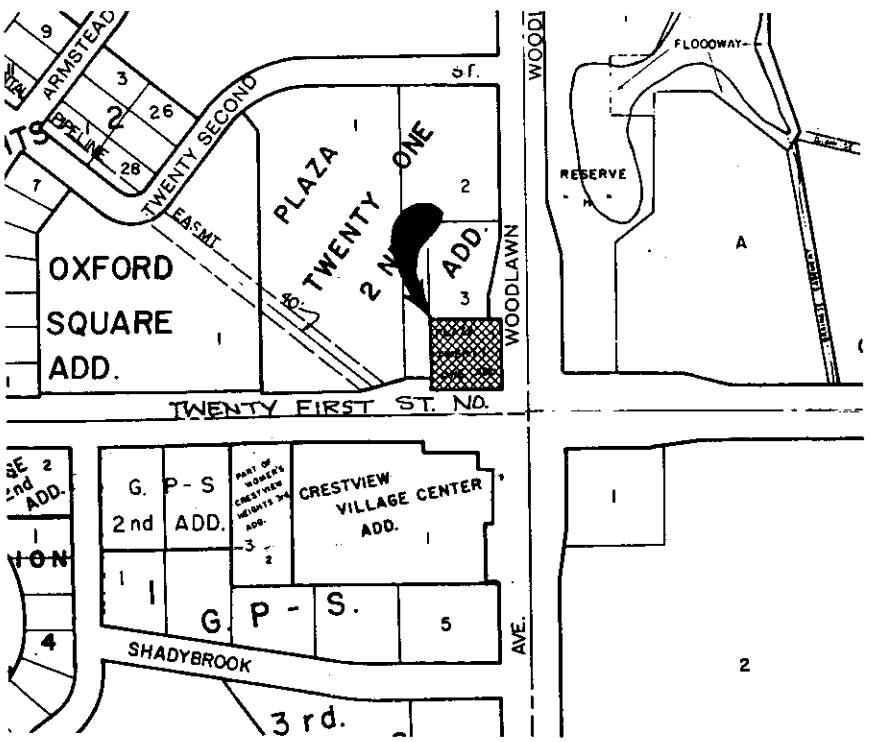
OWNER/APPLICANT: 7-11 Stores - Contemporary Industries Corporation

REQUEST: Variance to increase the size of a pole sign from 0 square feet to 100 square feet.

CURRENT ZONING: "LC" Limited Commercial, with DP-56

SITE SIZE: 0.50 acres

LOCATION: Northwest corner of 21st Street North and Woodlawn



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 is requesting a variance to increase the size of a sign from 0 square feet to 100 square feet on a site developed with a 7-11 Store on the northwest corner of Woodlawn and 21st Street North. The proposed sign is to replace an existing sign on the site which advertised Costal products. The applicant is now affiliated with Texaco and desires to display the Texaco star logo and price sign along with the 7-11 logo for a total of 100 square feet.

The 7-11 property is located within DP-56, which is considered one zoning lot with 960 feet of frontage along 21st Street North. This frontage currently has 7 pole signs with a total of 1018 square feet. These signs were installed along the 21st Street frontage when the sign code was interpreted to permit signs on individual ownerships within Community Unit Plans (CUPs). Current sign code requirements would permit up to 7 pole signs along this frontage with a total of 768 square feet of signage and no one sign could be over 300 square feet in size. Therefore, under the current sign code all sign rights have been used, the applicant is requesting a variance to increase the size of a sign from 0 square feet to 100 square feet on their portion of the 21st Street frontage.

If the applicant's property was not located within a CUP and was treated as a single zoning lot it would be permitted to have a pole sign of 120 square feet along 21st Street North, plus 120 square feet along Woodlawn.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Retail Center (DP-56)
SOUTH	"LC"	Auto Service/Convenience Store
EAST	"SF-6"	Residential Development
WEST	"LC"	Retail Center (DP-56)

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as this property is located within a CUP and the sign code has changed since the sign was originally installed making the sign non-conforming.

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 all of the adjacent properties are developed with commercial uses, except for the residential development to the east. The residential development to the east is buffered from this site and the surrounding commercial development by lakes and extensive landscaping.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as without a sign along the frontage the business would not be able to adequately inform the public about the products available on the site.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign will not extend into any public right-of-way or easements.

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 regulations inasmuch as a 100 square foot sign at this location would not be excessive and would harmonize with the scale of signage in the general area.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the size of the sign may be up to 100 square feet.

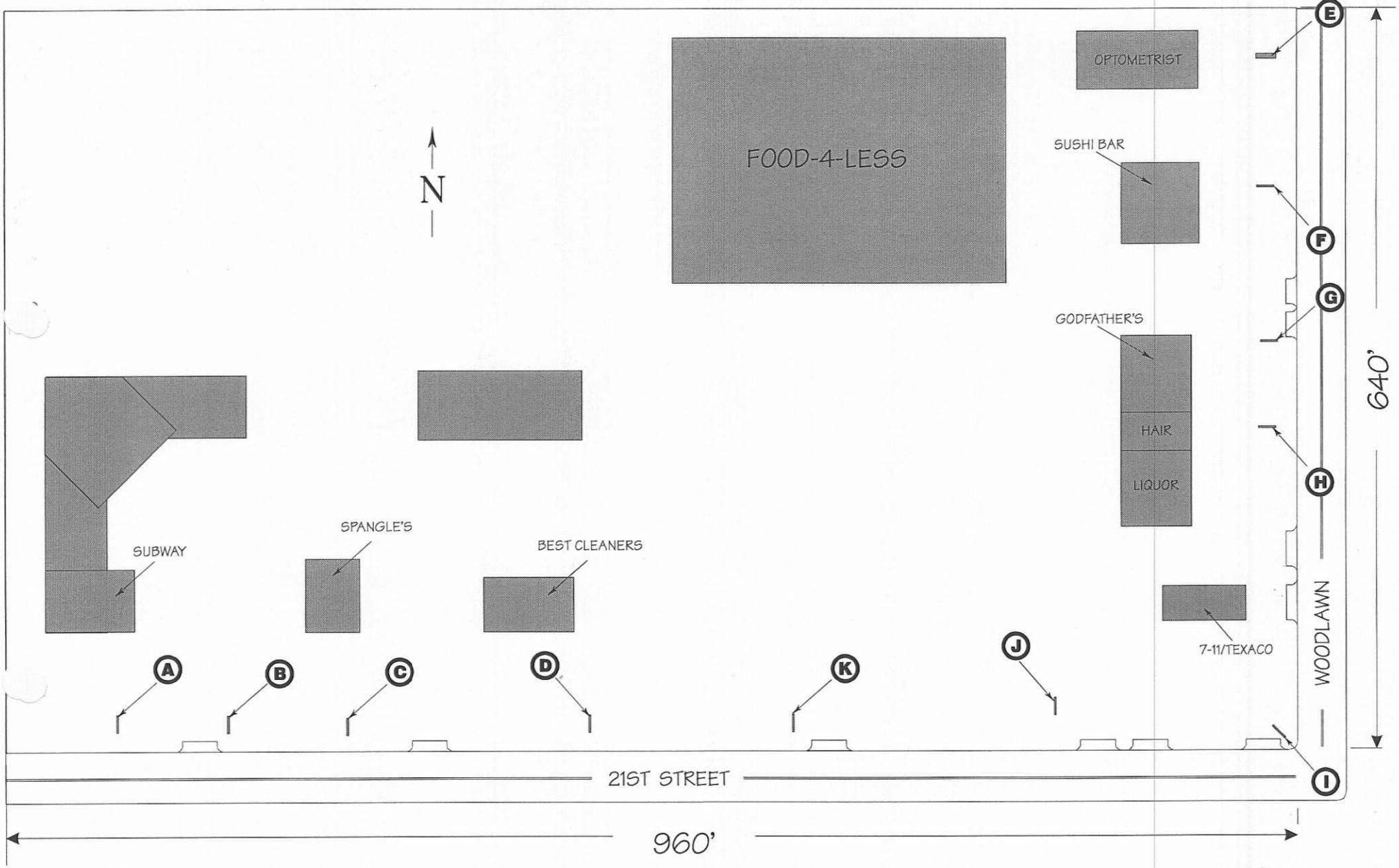
2. Only one pole/ground sign shall be permitted on the site adjacent to the street frontage.

3. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.

4. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application.

5. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

6. The variance authorizing a larger sign may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.



(A) SUBWAY SIGN IS 36 SQ. FT.

(B) OXFORD SQUARE SIGN IS 292 SQ. FT.

(C) SPANGLE'S SIGN IS 214 SQ FT

(D) BEST CLEANERS SIGN IS 200 SQ FT

(E) OPTOMETRIST SIGN IS 25 SQ. FT.

(F) TOYKO SUSHI SIGN IS 104 SQ. FT.

(G) GODFATHER'S SIGN IS 90 SQ. FT.

(H) DE-AL HAIR SIGN IS 30 SQ. FT.

(I) 7-11/TEXACO SIGN IS 72 ~~66~~ SQ. FT.

(J) TOYKO SUSHI SIGN IS 104 SQ. FT.

(K) FOOD-4-LESS SIGN IS 100 SQ. FT.

BZA 13-97