



Wichita-Sedgwick County Metropolitan Area Planning Department

March 6, 2020

Fisal Corporation
5230 East Central Avenue
Wichita, KS 67208

Ferris Consulting
% Greg Ferris
P.O. Box 573
Wichita, KS 67201

RE: ZON2019-00055 - City Sign Code Special Review to permit Off-Site Sign with 130 feet of a residential lot on property zoned LC Limited Commercial located on the north side of East 37th Street North and the east side of North Woodlawn Boulevard (3810 North Woodlawn Boulevard).

Dear Applicant:

At its regular meeting on **January 23, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** by a vote of 13 to 0 subject to the conditions outlined in the attached Resolution. No protests were filed, so this matter is considered complete, subject to the conditions outlined in the resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: WCC II, Becky Tuttle, Mail Stop 1-13
Cody Buchta, CSR II, Mail Stop 1-135
Paul Hays, OCI, Mailstop 1-72
J. R. Cox, OCI, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Shawn Mellies, Engineering, Mail Stop 1-71
Seth Gotchey, Engineering, Mail Stop 1-71

SIGN CODE SPECIAL REVIEW RESOLUTION NO. ZON2019-00055

WHEREAS, Fisal Corporation, (Owner), and Ferris Consulting – Greg Ferris (Agent) pursuant to Section 24.04.225 of the Wichita City Code (herein referred to as City Code), requests the Special Sign Code Review approval to permit construction of an Off-Site Sign within 130 feet of residential property located at 3810 North Woodlawn Boulevard and legally described as:

The South 120 feet of Lot B, Block 1, Chisholm Creek Addition to City of Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of January 23, 2020, consider said application; and

WHEREAS, the MAPC has authority to approval the request to permit construction of an Off-Site Sign within 130 feet of residential property, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the City Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit construction of an Off-Site Sign within 130 feet of residential property located at 3810 North Woodlawn Boulevard and legally described as:

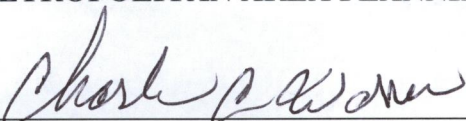
The South 120 feet of Lot B, Block 1, Chisholm Creek Addition to City of Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The approval shall only allow a 220 square foot sign facing Woodlawn Boulevard in the location indicated on the approved site plan. A revised site plan shall be filed with the Director of Planning that includes revised elevation drawings giving the approved size of the off-site sign.
2. The south face of the off-site sign shall be constructed parallel with 37th Street North and the angle of the v-sign shall be 30 degrees.
3. The requested signage shall not be constructed until the building over which the proposed off-site Sign has been constructed.
4. The sign shall conform to the provisions approved in Case No. BZA2019-00059 and all other requirements of the City of Wichita Sign Code.
5. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
6. The action authorizing this approval may be declared null and void upon findings by the Planning Director and Zoning Administrator that the applicant has failed to comply with any of the foregoing conditions.

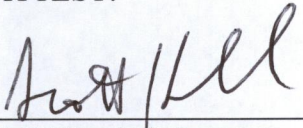
Adopted this 23rd Day of January, 2020

METROPOLITAN AREA PLANNING COMMISSION

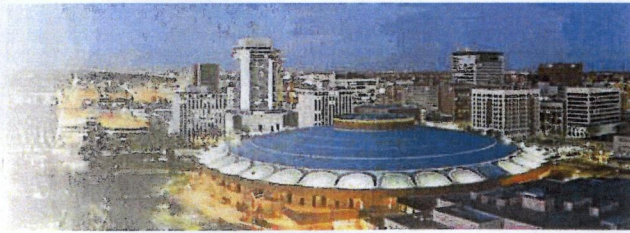


Charles A. Warren, Chair MAPC

ATTEST:



Scott Knebel, Secretary



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0004511553		OCA 150004	\$58.80	1	98

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

In the STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 01/02/2020

Ending issue of: 01/02/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

LEGAL PUBLICATION

OCA 150004
Published in The Wichita Eagle
on January 2, 2020
(One Time Only)

MAPC January 23, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 23, 2020 no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following applications in the Planning Commission Conference Room, 271 West Third Street, 2nd Floor, Ste #203, Wichita, Kansas. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Commission at (316) 268-4421.

CON2019-00053 City Conditional Use to permit Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial and located at the southwest corner of West McCormick Avenue and South Meridian Avenue

CON2019-00057 City Conditional Use to permit an accessory apartment on property zoned SF-5 Single-Family Residential and generally located one-quarter mile west of North 119th Street West and one-half block north of West 21st Street North (2221 N. Cedar Crest)

VAC2019-00044 City Vacation of 30-foot platted building setbacks on multiple properties along Gentry, Bluff, and Fountain for future redevelopment (with ZON19-52) on property zoned SF-5 Single Family and B Multi Family generally located south of East 17th Street and 1/2 mile east of North Hillside.

VAC2019-00046 City vacation of 20 foot building setback and platlor's text to allow building of a neighborhood pool, associated with CON2019-47, on property zoned SF-5 Single-Family Residential; generally located on the south side of East 37th Street North and one block east of North Greenwich Road.

VAC2019-00047 City Vacation of a portion of a platted utility easement to permit the construction of an in ground pool on property zoned SF-5 Single Family Residential and generally located on the west side of North Oliver Avenue and one block south of East 45th Street North (4714 E Eagles Landing Ct).

ZON2019-00052 City Zone Change from MF-29 Multi-Family and SF-5 Single Family to B Multi-Family for redevelopment on multiple properties along Yale, Harvard, Gentry, Bluff and Fountain generally located south of East 17th Street and within 1/2 mile east of North Hillside (with VAC2019-00044).

ZON2019-00055 City Sign Code Special Review to permit an off-site billboard sign within 130 feet of a residential lot (with BZA2019-00059) on property zoned LC Limited Commercial and generally located on the northeast corner of East 37th Street North and North Woodlawn Blvd (3810 N Woodlawn).

ZON2019-00056 City Zone Change from SF-5 Single Family Residential to LC Limited Commercial for redevelopment of property generally located on the southeast corner of East 21st North and North Oliver Avenue (2160 N Oliver).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

WITNESS MY HAND on December 30, 2019
Dale Miller, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

Tony Berg, of lawful age, being first duly sworn, deposeseth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 1/2/2020 to 01/02/2020.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

(Signature of Principal Clerk)

DATED: 1/2/2020

Notary Public Sedgwick County, Kansas

JENNIFER RAE BAILEY
Notary Public - State of Kansas
My Appt. Expires 6/4/2021

SIGN CODE SPECIAL REVIEW RESOLUTION NO. ZON2019-00055

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WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of January 23, 2020, consider said application; and

WHEREAS, the MAPC has authority to approval the request to permit construction of an Off-Site Sign within 130 feet of residential property, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the City Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit construction of an Off-Site Sign within 130 feet of residential property located at 3810 North Woodlawn Boulevard and legally described as:

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Subject to the following conditions:

1. The approval shall only allow a 220 square foot sign facing Woodlawn Boulevard in the location indicated on the approved site plan. A revised site plan shall be filed with the Director of Planning that includes revised elevation drawings giving the approved size of the off-site sign.
2. The south face of the off-site sign shall be constructed parallel with 37th Street North and the angle of the v-sign shall be 30 degrees.
3. The requested signage shall not be constructed until the building over which the proposed off-site Sign has been constructed.
4. The sign shall conform to the provisions approved in Case No. BZA2019-00059 and all other requirements of the City of Wichita Sign Code.
5. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
6. The action authorizing this approval may be declared null and void upon findings by the Planning Director and Zoning Administrator that the applicant has failed to comply with any of the foregoing conditions.

Adopted this 23rd Day of January, 2020

METROPOLITAN AREA PLANNING COMMISSION



Charles A. Warren, Chair MAPC

ATTEST:



Scott Knebel, Secretary

STAFF REPORT
MAPC January 23, 2020
DAB II February 10, 2020
(only if protested)

CASE NUMBER: ZON2019-00055

APPLICANT/AGENT: Fisal Corporation (Owner)/Ferris Consulting – Greg Ferris (Agent)

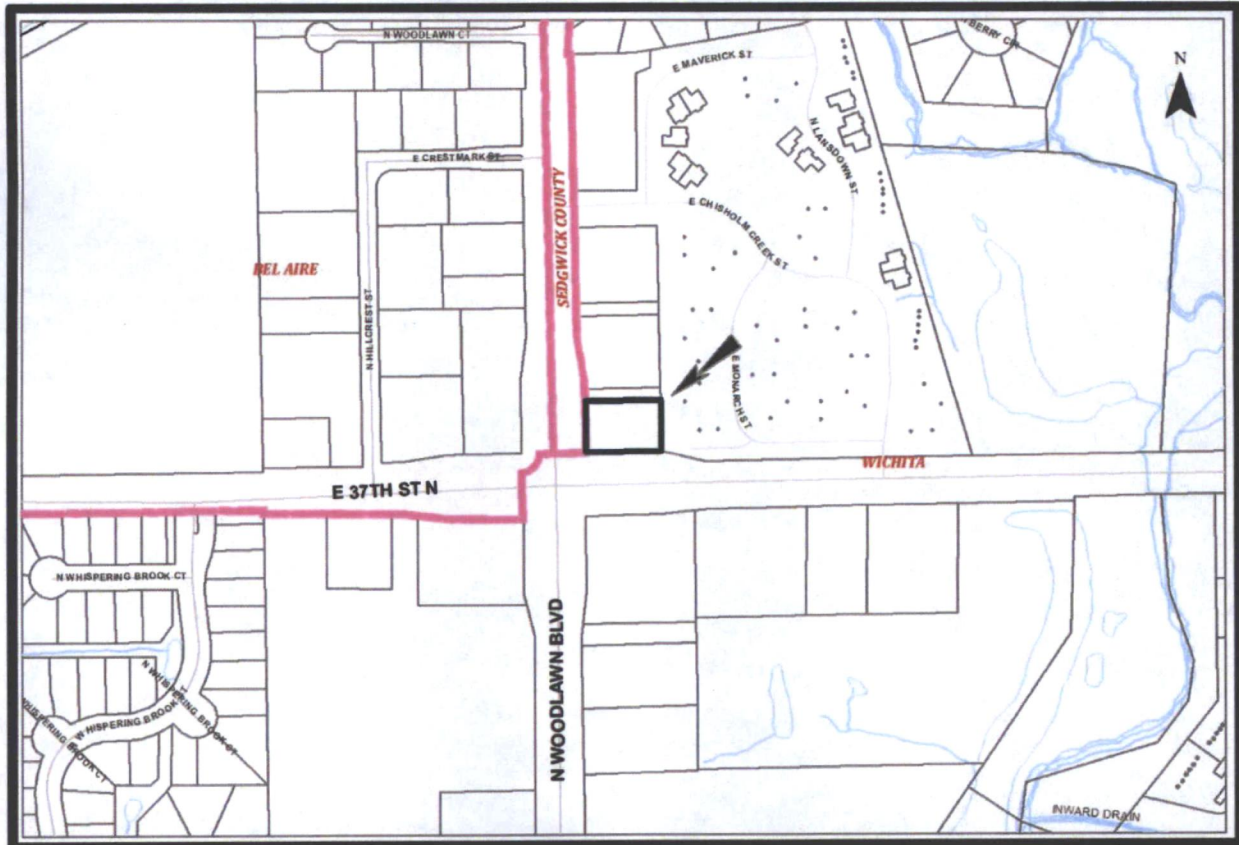
REQUEST: Sign Code Special Review

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.48 acres

LOCATION: East side of North Woodlawn Boulevard and north side of East 37th Street North

PROPOSED USE: Construction of Off-Site Sign within 130 feet of residential property



BACKGROUND: The applicant is requesting a Special Review to permit an off-site sign on property zoned LC Limited Commercial (LC) within 130 feet of residentially zoned property. The request is for a 300 square foot Off-Site Sign (billboard) to be erected atop the new proposed commercial building to be constructed on the subject property at the northeast corner of North Woodlawn Boulevard and East 37th Street North. As proposed, the Off-Site Sign will have a total height of 42 feet above grade and is sited 130 feet west of the east property line, which is adjacent to residential property.

According to the Sign Code within the Wichita City Code, the relevant provisions which apply are as follows:

Sec. 24.04.222. - Specific regulations - Off-site signs when permitted in the "LC" limited commercial, "GC" general commercial, "LI" limited industrial or "GI" general industrial districts.

1. **Special Review Approval Required.** New Off-Site Billboard Signs or replacement Off-Site Billboard Signs that increase the height or size of an existing Off-Site Sign that are closer to residentially zoned and buildable lots or to residential structures or uses than allowed by subsection (4)(d) of this Section, must obtain a special review approval as outlined in Section 24.04.225. (NOTE: The cited section states... no Off-Site Billboard Sign shall be erected closer than three hundred (300) feet from a platted and residentially zoned lot on which a primary residential structure can be legally erected or to a residential structure or use.)

Sec. 24.04.225. - Special review approval for Off-Site Billboard Sign permits. This section sets out the required special review procedures for new or enlarged Off-Site Billboard Signs.

1. **Authority.**

- (a) An application for a permit for installation of a new or enlarged (size or height) Off-Site Billboard Sign located closer to a residentially zoned lot or use than allowed by Subsection (4)(d) of Section 24.04.222 shall require a public hearing and approval by the MAPC or, if forwarded to the Wichita City Council for final action, shall require approval by the Wichita City Council.
- (b) The Metropolitan Area Planning Commission (MAPC) is designated and granted authority to hear and make recommendations on Off-Site Billboard Signs under this section. In exercising such authority and functions, the MAPC shall operate under this Title, and not under the Unified Zoning Code or any zoning statutes. The MAPC shall use its by-laws and other procedures and rules now existing or hereafter amended in such matters.

2. **Initiation.** An application for a new or enlarged Off-Site Billboard Sign shall be filed upon request of both the Owner(s) of the subject property on which the Off-Site Sign is to be located and the Owner of the proposed sign.

3. **Application.** A complete application for a new or enlarged Off-Site Billboard Sign shall be submitted to the Planning Director in a form established by the Planning Director, along with a nonrefundable fee that has been established by the Wichita City Council to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid. Each application for a new or enlarged Off-Site Billboard Sign shall be accompanied by a site plan that, at a minimum, includes the following information:

- a. A detailed graphic presentation of the subject property site, including property parcel dimensions;
- b. The location of any other buildings or structures on the site;
- c. The location, size and type of any other Ground Signs on the site;
- d. The distance of the proposed sign from any buildings, structures or other signs on the site;
- e. A detailed representation of the proposed sign, including Sign Structure and Sign Surface dimensions, total height of the sign and any related appurtenances such as catwalks.

4. **Establishment of Hearing Date—Publication of Notice.**

- a. Promptly upon determining that an application is complete, the Planning Director shall schedule a public hearing before the MAPC and shall notify the applicant of the meeting and hearing date. The initial public hearing before the MAPC shall be scheduled for the next meeting date for which it is practicable to give at least twenty (20) days' notice.
- b. Notice required pursuant to this Section shall be published in the City's official newspaper and shall indicate the time and place of the public hearing and a general description of the application. The subject property shall be designated by legal description or a general description sufficient to identify the property under consideration.
- c. Notice required pursuant to this Section shall be mailed to all owners of record of real property within the area covered by the application and to all owners of record of real property within at least two hundred (200) feet of the property lines of the parcel or lot on which the proposed Billboard Sign is to be located. The written notice required in this Section shall be placed in the mail with the postmark to be not less than twenty (20) days prior to the date of the public hearing.

5. **Report of Planning Director.** The Planning Director shall prepare a staff report that reviews the proposed application for a new or enlarged Off-Site Billboard Sign in light of the general requirements of this Title and that addresses the following additional elements as they may be appropriate for the review of the application:

- a. The zoning, uses and character of the neighborhood;
- b. The suitability of the subject property for the proposed Off-Site Sign;
- c. The conformance of the requested Off-Site Sign to the adopted or recognized comprehensive plan or other plans or policies being utilized by the City;
- d. Opposition or support of neighborhood residents;
- e. A consideration of the recommendations of professional staff.

The applicant shall have the burden of demonstrating that the application meets the applicable review criteria.

The Planning Director shall provide a copy of the report to the MAPC in its agenda packet and shall send a copy of the report to the applicant by first-class mail, pre-paid, at least five (5) days before the scheduled MAPC hearing.

6. **Action by the Planning Commission.** The MAPC, in a public hearing, shall review the proposed new or enlarged Off-Site Billboard Sign for compliance with the requirements outlined in subsection (5) of this section. In the course of such review, the MAPC may approve modifications to the application and/or site plan as a condition of approval for the Off-Site Sign. Based on that review, the MAPC shall act to approve, approve with conditions or modifications, or deny the application for a new or enlarged Off-Site Billboard Sign. This provision specifically contemplates that it may be necessary for the MAPC to attach additional special conditions to a proposed approval in order to ensure that it complies fully with the criteria of this Code. This action by the MAPC shall be the final action on the Off-Site Billboard application except when any one or more of the following exist: (1) the applicant appeals the action of the MAPC; (2) one or more valid protest petitions are filed opposing the action of the MAPC; or (3) an appeal is filed by anyone with standing to appeal, which shall include the applicant, the Planning Director, the Zoning Administrator, or any Owner of land that is within two hundred (200) feet of the application area and property in question.

When any one or more of these exceptions exist, the MAPC's action shall be in the form of a recommendation that is forwarded to the Wichita City Council for final action. Protest petitions and appeals shall be filed within fourteen (14) days of the conclusion of the MAPC hearing. If the MAPC fails to make a recommendation on an Off-Site Billboard Sign request, or its motion results in a tie vote, the MAPC shall be deemed to have made a recommendation of disapproval.

7. **Action by the Wichita City Council.** If the Off-Site Billboard Sign application is forwarded to the Wichita City Council for one of the reasons listed in subsection (6) of this section, along with the MAPC's recommendation and any District Advisory Board recommendation, the City Council shall consider the application(s) and may, at its discretion, hold a public hearing. The Off-Site Billboard application may be approved, approved with conditions or modifications, or denied by the City Council. In acting on the application, the City Council may:
 - a. Adopt the MAPC's recommendation;
 - b. Override the MAPC's recommendation by a two-thirds majority vote of the membership of the City Council; or
 - c. Return such recommendation to the MAPC with a statement specifying the basis for the City Council's failure to approve or disapprove.

If the City Council returns the MAPC recommendation, the MAPC, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Council, by a simple majority thereof, may adopt, may revise or amend and adopt such recommendation. If the MAPC fails to deliver its recommendation to the City Council following the MAPC's next regular meeting after receipt of the City Council's report, the City Council shall consider such course of inaction on the part of the MAPC as a resubmission of the original recommendation and proceed accordingly. If the City Council approves the application or the application as modified or with conditions, the Director shall issue a permit to the applicant consistent with the action of the City Council.

This subject is also the topic of a variance request (BZA2019-00059). That request addresses variances to allow an off-site sign on property with less than 1,500 lineal feet of LC zoning and to increase the number of permitted off-site signs in a mile. The only issue in this zoning case is the placement of the off-site sign within 130 feet of the residential property to the east. As noted above, the relevant provision of the Sign Code is subsection (4)(d) of Section 24.04.225, which requires a separation of 300 feet for the Off-Site Sign from any property zoned and/or used residentially. The subject property abuts the Chisholm Creek Condominium development on the east, which is zoned MF-18.

As stated within this staff report, staff's recommendation is designed to mitigate impacts to the residential property to the east by two primary objectives: first, a reduction in the size of the Off-Site Sign to a maximum of 220 square feet; and, secondly, the recognition of the established and mature, evergreen landscaping along the west property line of the residential property that screens the subject property and the proposed Off-Site Sign from view.

North of the application area is a Sonic restaurant on LC-zoned property. Further to the north is a strip center zoned LC. The property to the west is used commercially with a bank and other commercial uses. This property is within the City of Bel Aire. The property to the south across 37th Street North is zoned LC and is occupied with a Walgreens Pharmacy. Southwest from the subject property is land zoned LC and occupied by a Dillon's store.

CASE HISTORY: As noted above, other than this request, the only other zoning action on the subject property is Case No. BZA2019-00059. The subject property was included in the platting of Chisholm Creek Addition, which was filed with the Sedgwick County Register of Deeds on October 4, 1973.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Commercial Uses
SOUTH:	LC	Commercial Uses
EAST:	MF-18	Condominium Residential Uses
WEST:	City of Bel Aire – Commercial Uses	

PUBLIC SERVICES: All public services are available to the site. The subject property has access to Woodlawn Boulevard and to 37th Street North. Both Woodlawn Boulevard and 37th Street North are four-lane, arterial streets. All municipal utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for "residential employment mix". The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. That designation is consistent with the intent to support more commercial development. As such, the overall spirit and intent of this request appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

RECOMMENDATION: Staff recommends the Special Review of the Sign Code concerning allowing construction of an Off-Site Sign within 130 feet of residential property be **APPROVED** subject to the follow:

1. The approval shall only allow a 220 square foot sign facing Woodlawn Boulevard in the location indicated on the approved site plan. A revised site plan shall be filed with the Director of Planning that includes revised elevation drawings giving the approved size of the off-site sign.

2. The requested signage shall not be constructed until the building over which the proposed off-site Sign has been constructed.
3. The sign shall conform to the provisions approved in Case No. BZA2019-00059 and all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
5. The action authorizing this approval may be declared null and void upon findings by the Planning Director and Zoning Administrator that the applicant has failed to comply with any of the foregoing conditions.

This recommendation is based on the following findings:

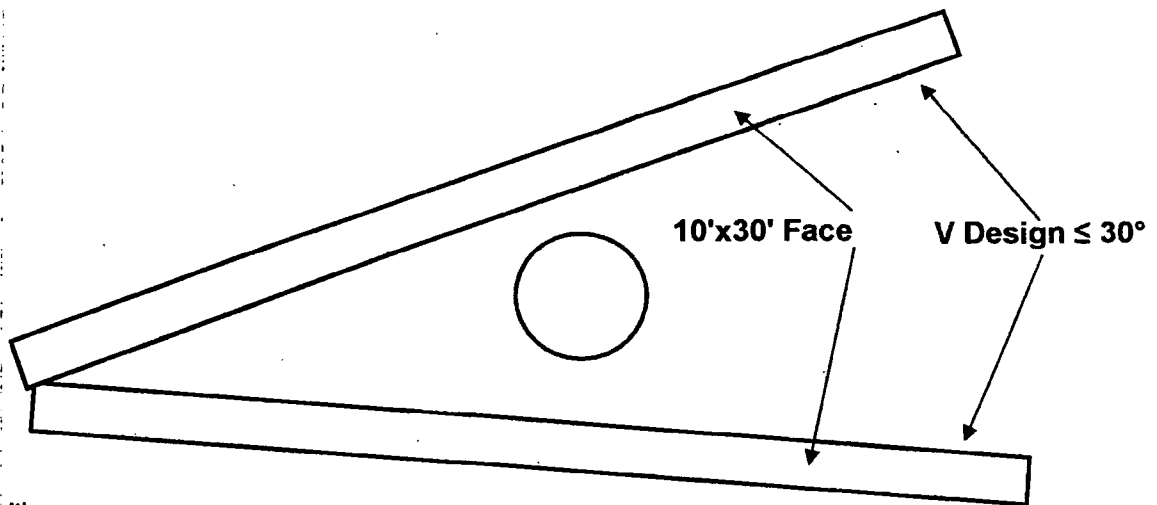
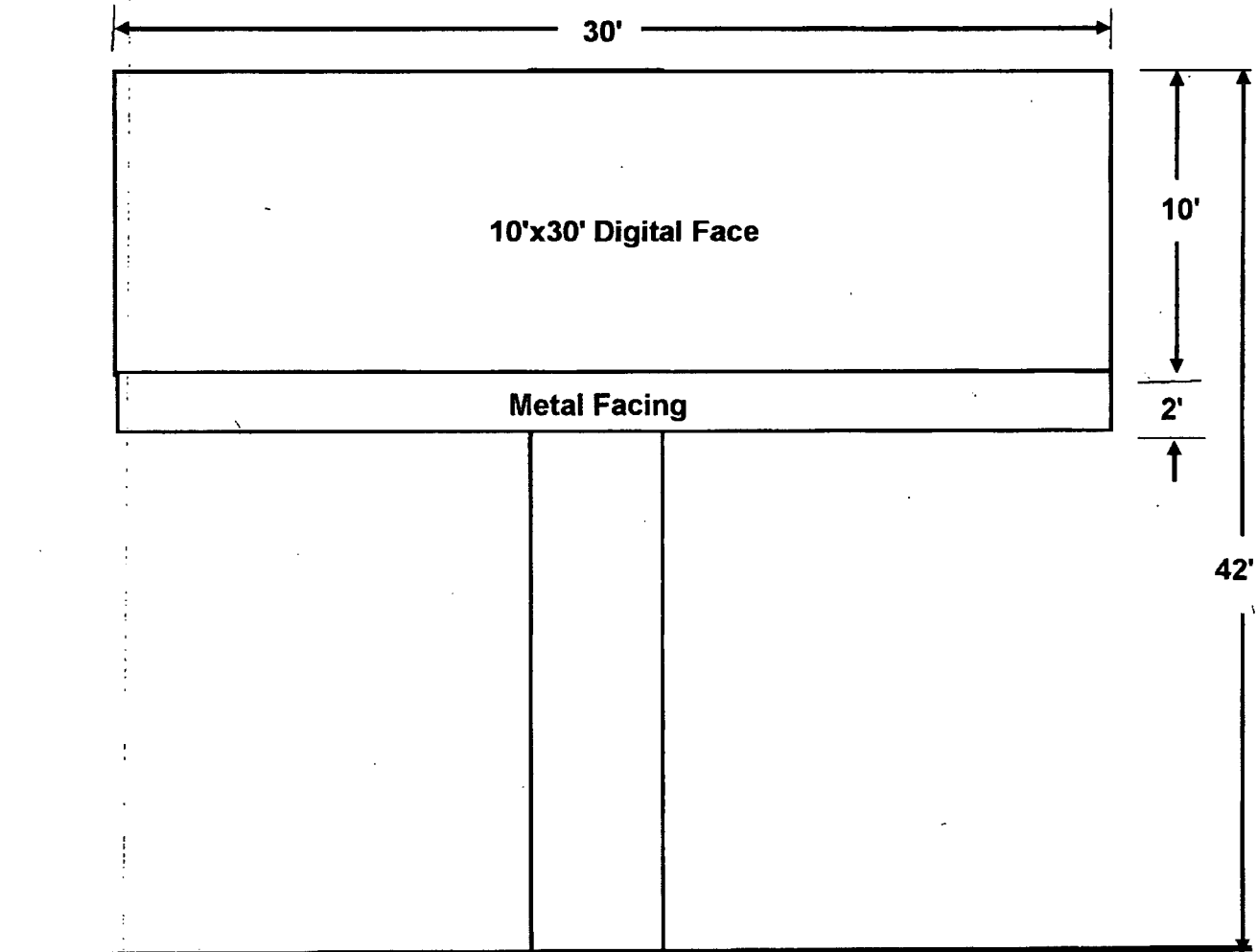
1. **The zoning, uses and character of the neighborhood:** The subject property abuts the Chisholm Creek Condominium development on the east, which is zoned MF-18. North of the application area is a Sonic restaurant on LC-zoned property. Further to the north is a strip center zoned LC. The property to the west is used commercially with a bank and other commercial uses. This property is within the City of Bel Aire. The property to the south across 37th Street North is zoned LC and is occupied with a Walgreens Pharmacy. Southwest from the subject property is land zoned LC and occupied by a Dillon's store.
2. **The suitability of the subject property for the proposed Off-Site Sign:** The proposed Off-Site Sign on the subject property will only face the traffic on Woodlawn Boulevard and that direction of view has commercially zoned and used property to the north, south and west. The residential property to the east has mature and solid landscape screening with evergreen trees on the property line, which coupled with the reduction in the size of the permitted Off-Site Sign mitigate any negative impacts caused by the sign.
3. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is appropriate for "residential employment mix". The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. That designation is consistent with the intent to support more commercial development. As such, the overall spirit and intent of this request appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.
4. **Opposition or support of neighborhood residents:** As of time of preparation of this report, no calls have been received from anyone concerning this request.

Report Attachments:

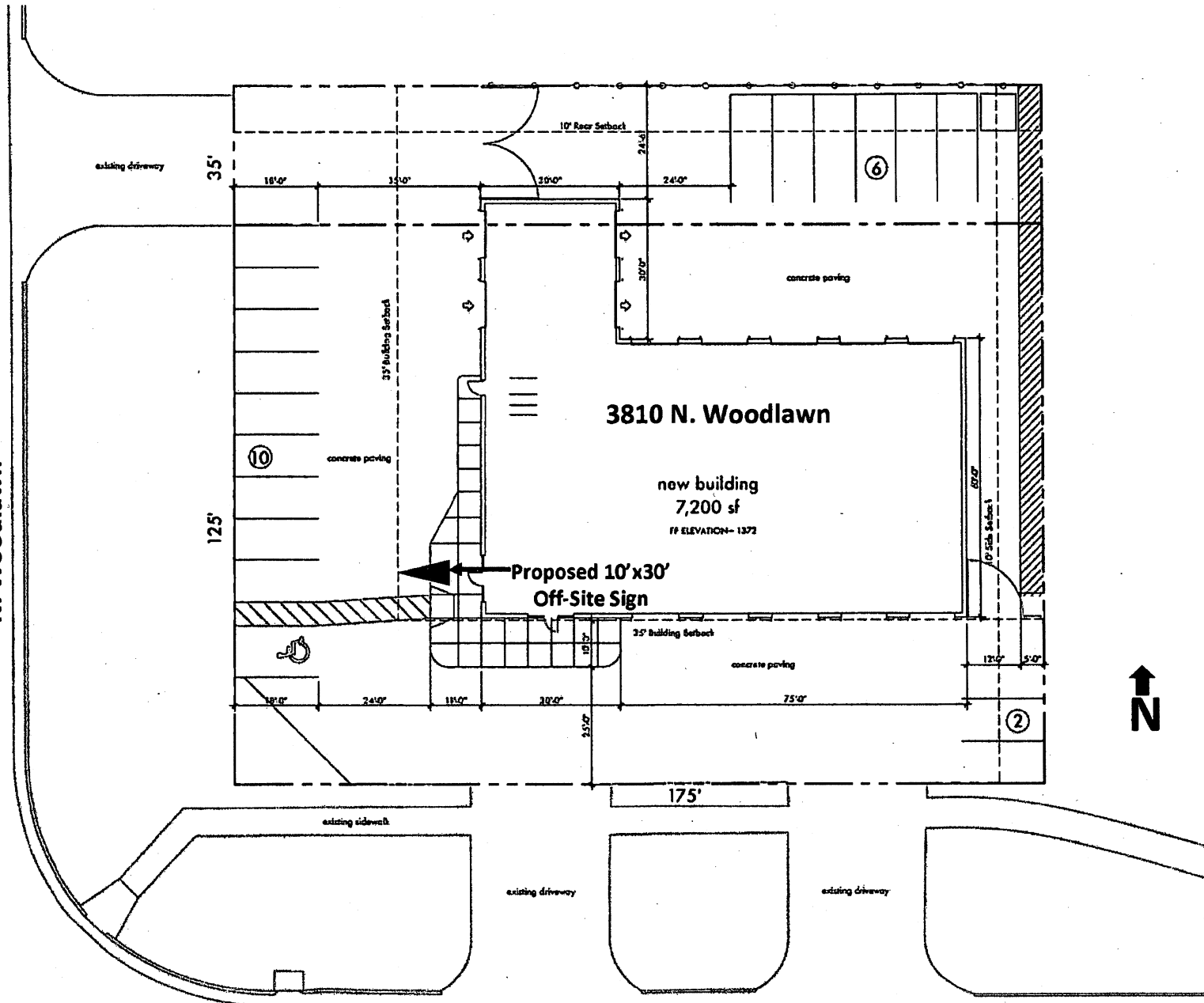
Applicant's Narrative
Site Drawings

Elevation Drawing

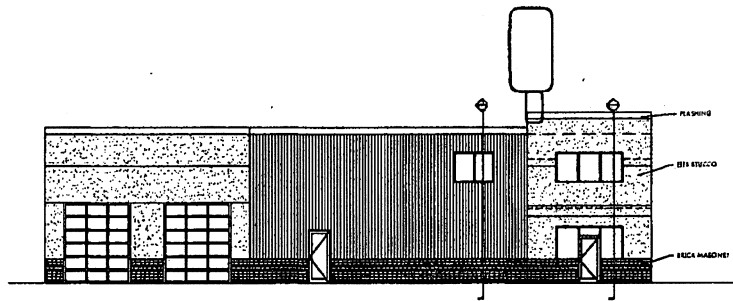
Off Site Sign
3810 N Woodlawn



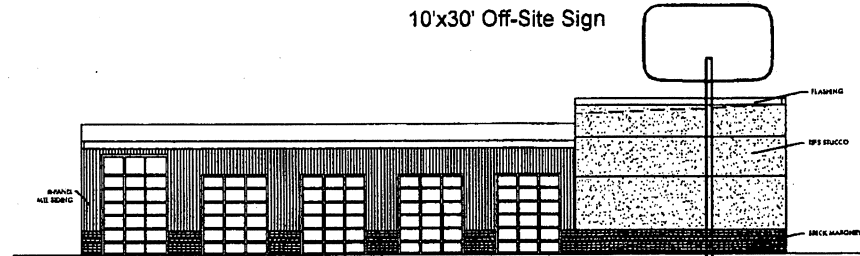
N. Woodlawn



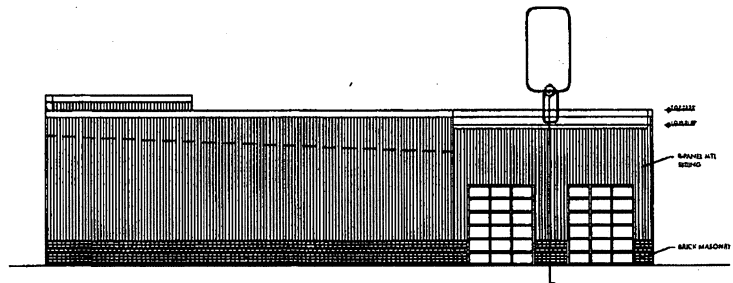
37th Street N



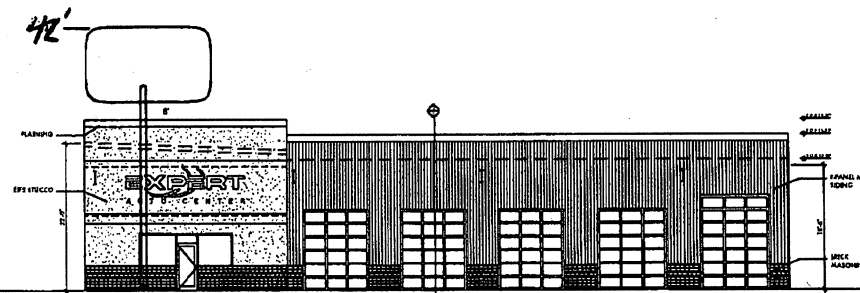
④ overall east elevation
1/8" = 1'-0"



② overall north elevation
1/8" = 1'-0"



③ overall west elevation
1/8" = 1'-0"



① overall south elevation
1/8" = 1'-0"

STUDIUM

151 N. Rock Island, Suite 10
Wahiia, HI 96791
316.295.4603 studium@icbinc.com

Expert Auto
SERIES NUMBER
MARCH 15
0720

Pricing Set
05.14.18

PRICING SET - NOT FOR CONSTRUCTION

A2.1