

Posted
1-28-85 GEL

ACTION
BZA 6-85 APPROVED **2-26-85**
DATE

200'4 Sec 4-9-85
Shot 5-2
Record ✓

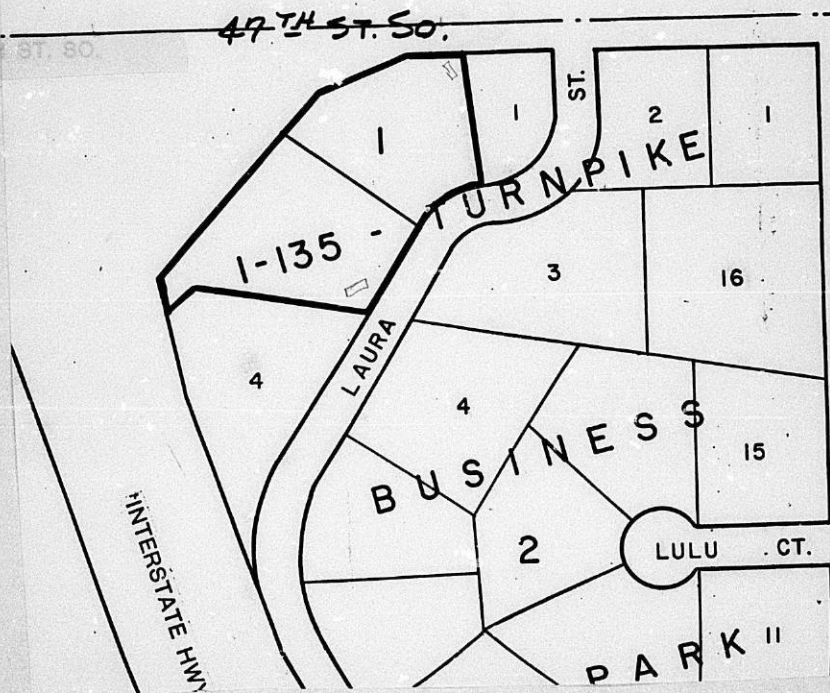
Case No. BZA 6-85 - Turnpike Best Western, Inc. - requests a variance to permit the erection of a pole sign to a height of 50' and with a gross surface area of 290 square feet in lieu of the limitations of the code at 40' in height and a gross surface

Map No. 554LA

BZA 6-85
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E E S E W E N B
3. Land Use: East Vac. South Vac.
West Turnpike North Res.
4. Area (is) (~~is~~) platted.



LOS ANGELES, CHICAGO, LOGAN, OH
MCGREGOR, TX, LOCUST GROVE, GA
USA

Shepard
No. 2153C

March 4, 1985

Mike DeWitt
Turnpike Best Western, Inc.
505 South Broadway
Wichita, Ks. 67202

Re: BZA 6-85 - Request for Variance

Dear Mr. DeWitt:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1985.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Jim Jorgensen, Acting Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 6-85

WHEREAS, Turnpike Best Western, Inc., 505 South Broadway, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the height of one pole sign from 40 feet to 50 feet and to increase the permitted gross surface area from 150 square feet to 290 square feet on property zoned the "E" Light Industrial District and legally described as follows:

Lots 2 and 3, Block 1, Turnpike Business Park Addition to Wichita, Sedgwick County, Kansas. Generally located at southeast corner of 47th Street South and the Turnpike entrance.

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 February 26, 1985, 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 property is located adjacent to an interstate highway without adequate arterial street frontage to allow a sign with a height sufficient for visibility over the overpass on 47th Street to allow for exiting purposes; 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 area is zoned industrial and a higher and larger sign in such an area should not be detrimental to other uses that might develop in the area; 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 identification of a highway oriented use that depends, to some extent, on the traveling public needs sufficient visibility to allow exiting at an off-ramp when adjacent to an expressway such as exists for this property; 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 increase in height and area should in no way interfere with any needed right-of-way or easements, and further the additional height will not exceed that permitted on many other similar properties; 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 site is entirely within an industrial area that is bordered almost entirely by interstate highways, and the size of the property located at the intersection of two arterials would permit the sign outright; 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 for a variance to increase the height of one pole sign from 40 feet to 50 feet and to increase the permitted gross surface area from 150 square feet to 290 square feet on property zoned the "E" Light Industrial District and legally described as follows:

Lots 2 and 3, Block 1, Turnpike Business Park Addition to Wichita, Sedgwick County, Kansas. Generally located at southeast corner of 47th Street South and the Turnpike entrance.

be approved subject to the following conditions:

1. Only one pole or ground sign on the property shall exceed a height of 30 feet.
2. No additional ground or pole signs shall be permitted on the property except for the sign located near the east property line at 47th Street South.
3. The height of the sign shall not exceed 50 feet nor 290 square feet of gross surface area and shall be located near the southeast corner of the property.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1985/.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE February 26, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 6-85 Southeast corner of
47th Street South and the Turnpike
Entrance

CPO Council "C" considered the captioned case at its February 25th meeting and voted 6-0 to recommend that the variance to permit the erection of a pole sign to a height of 50 feet and with a gross surface area of 290 square feet be approved.

The agent, Mike DeWitt was present to discuss the case with the Council and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the February 26th meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED
4:15pm
FEB 26 1985
METROPOLITAN PLANNING
ROUTE _____

RE: AGENDA ITEM NO. 6

SECRETARY'S REPORT
CASE NO. BZA 6-85

APPLICANT: Turnpike Best Western, Inc., 505 South Broadway, Wichita, Kansas.

AGENT: Mike DeWitt, Turnpike Best Western, Inc., 505 South Broadway, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to permit the erection of a pole sign to a height of 50 feet and with a gross surface area of 290 square feet in lieu of the limitations of the code at 40 feet in height and a gross surface area of 150 square feet.

GENERAL LOCATION: On the southeast corner of 47th Street South and the Turnpike Entrance.

ZONING: Subject property is zoned the "E" Light Industrial District as are the properties to the east, south and west. To the north is "B" Multiple-family Dwelling District.

LAND USE: Subject property is being developed as a motel. To the east and south properties are vacant. To the west is the turnpike entrance and to the north is residential.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance in order to construct pole sign to a height of 50 feet for the identification of, and turnpike visibility of, a motel located on the property. In addition, the sign is to have a gross surface area of 290 square feet in lieu of 150 square feet.

The property is a part of an industrial area at this interchange. The applicant's property borders on the exit ramp to 47th Street South and also fronts on Laura Street which the entire frontage on both sides is industrial. This then limits the maximum area of the sign to 150 square feet. When you consider the frontage along Laura, the property would permit a maximum of three signs adjacent to that street. The normal permitted height for an on-site sign is thirty feet, but for each sign that is eliminated along a frontage, a sign may be increased 5 feet in height. In this case, the frontage on Laura would permit 3, and only one is to be installed, the one sign could be 40 feet in height. Unfortunately, Central Inspection does not interpret that the property line adjacent to the off-ramp as frontage, due to the fact there is no legal access along that property line. This also limits the gross area of the sign to be based on Laura as a collector street.

It is the Secretary's opinion that based on the size, location and zoning of the property, it is not inappropriate to increase the permitted height and area of the sign. Also, the location of the overpass structure on 47th Street makes it difficult to locate the sign without additional height for adequate visibility from the north.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located adjacent to an interstate highway without adequate arterial street frontage to allow a sign with a height sufficient for visibility over the overpass on 47th Street to allow for exiting purposes.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the area is zoned industrial and a higher and larger sign in such an area should not be detrimental to other uses that might develop in the area.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the identification of a highway oriented use that depends, to some extent, on the traveling public needs sufficient visibility to allow exiting at an off-ramp when adjacent to an expressway such as exists for this property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the increase in height and area should in no way interfere with any needed right-of-way or easements, and further the additional height will not exceed that permitted on many other similar properties.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the site is entirely within an industrial area that is bordered almost entirely by interstate highways, and the size of the property located at the intersection of two arterials would permit the sign outright.

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. Only one pole or ground sign on the property shall exceed a height of 30 feet.
2. No additional ground or pole signs shall be permitted on the property except for the sign located near the east property line at 47th Street South.
3. The height of the sign shall not exceed 50 feet nor 290 square feet of gross surface area and shall be located near the southeast corner of the property.

BZA CASE NO. 6-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAFC
<u>1</u>	NOTICES SENT TO CPO
<u>3</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>6</u>	TOTAL NOTICES SENT <u>2-5-85</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 5, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 6-85

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Turnpike Best Western, Inc., 505 South Broadway, Wichita, Kansas requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to permit the erection of a pole sign to a height of 50 feet and with a gross surface area of 290 square feet in lieu of the limitations of the code at 40 feet in height and a gross surface area of 150 square feet on property zoned the "E" Light Industrial District. A legal description of the applicant's property is as follows:

Lots 2 and 3, Block 1, Turnpike Business Park Addition to Wichita, Sedgwick County, Kansas. Generally located at southeast corner of 47th Street South and the Turnpike entrance.

This application has been assigned Case BZA 6-85. It will be considered by the Board of Zoning Appeals on February 26, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested Variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 6-85

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant TURNPIKE BEST WESTERN, INC
Mailing Address 505 So. Rdwy. Phone 262-3365
Name of Authorized Agent Mike Dawitt
Mailing Address same Phone 262-3365
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to permit the construction
of a sign with 290 square feet 9/5/2 and a height
of 50 feet in lieu of the permitted 150 square foot
9/5/2 and a height of 40 feet.
for property located at the southeast corner of
47th Street South and the Turnpike.
and legally described as: Lots 2 and 3, Block 1,
Turnpike Business Park Addition to Wichita,
Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned 'E'.

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Turnpike Best Western, Inc.

Authorized Agent Mike Dawitt

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:30 (a.m.p.m.), JAN. 25, 1985, together with
appropriate fee of 150.00.

Signed

A. Lytle

January 24, 1985

Glen Lytle
Special Assistant For Zoning
City of Wichita
Wichita, KS 67202

RE: 4849 S. Laura/Turnpike Best Western Motel

Dear Glen,

Our company is the owner and developer of this project. We currently have fulfilled all of your requirements and are ready to break ground on this project and we have discovered we have a problem securing the particular signage we feel we need to make the venture a success.

Our property (lots 2 & 3) are zoned E Light Industrial. We have 95.18' of street frontage facing 47th and 332.52' of street frontage on Laura. According to the city sign code 28.04.159, section K, we have enough linear frontage for 2 pylon signs.

It is our desire to place one sign (of a smaller size) on the 47th street frontage which would comply totally with the restrictions for square footage and height limitations. Where our problem arises is in the restrictions for the pylon sign to be placed on Laura.

We have surveyed the site, driven to the south approximately one mile and to the north 3/4 mile and we do have good exposure for our proposed sign (print TMBS 1714615P) if we have it installed to 50' above grade.

Coming from the south it is our desire to have potential customers see and recognize the "Best Western" logo by the time they cross over the 55th overpass, in order to exit at the south turnpike interchange. We feel the size logo we have requested would give us adequate recognition.

Coming from the north, our property is blocked from view to south bound travelers by the 47th street overpass which crosses over the turnpike. After surveying the site with a crane, even at the desired 50' height, we have discovered that only the Best Western logo itself would be able

Page -2-

to be seen by the traffic from both I35 and 235, by the time the they converge to one road. We feel it is imperative for our future customers to view our sign from this distance in order to make the decision to continue under the overpass in order to exit to our facility.

Our reason for the hearing with the Board of Zoning Appeals is two-fold. The ordinance only allows a 50 sq.ft. limitation on an undesignated street with a 30' height limitation.

I hope through your wisdom you will see that our need is well justified and grant our request.

I appreciate your consideration.

Sincerely, *Mike Dewitt*

Mike Dewitt

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

All of the owners within 200 feet of Lots 2 & 3 in Block 1 I-135 Turnpike Business Park Addition,



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

Lots 1 & 4 in Block 1 and Lots 2, 3, 4 and 5 in Block 2 in I-135 Turnpike Business Park.

✓ I-135 Business Park Inc.
505 S. Broadway
67202

Lots 2 and 3 in Block 1, I-135 Turnpike Business Park

Ⓟ Turnpike Best Western Inc.
505 S. Broadway
67202

Lots 4 & 5 Except the North 50 feet and except Highway in Block 1 Cedarvale Acres.

Fee:
James L. White and Morella L. White
Contract Purchasers:
Donald E. Warner and Dorothy E. Warner
(unknown)

Lot 4 in Block 2, Cedarvale Acres.

✓ The Cedar Chapel Methodist Church
1147 E. 47th St. South
67216

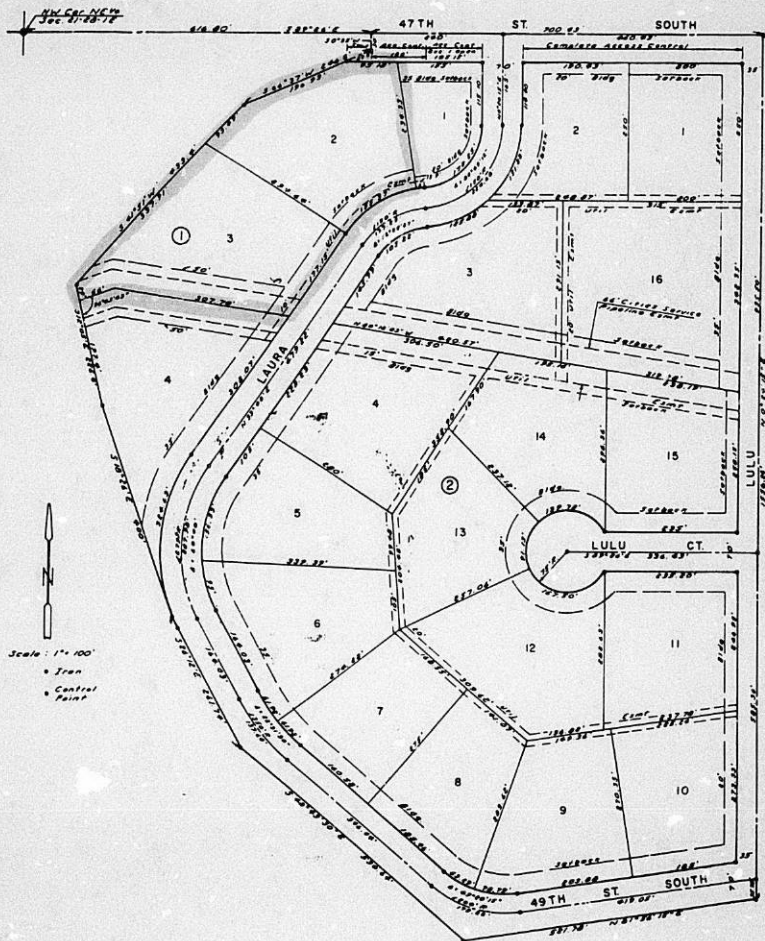
Dated this 22nd day of January 1985 at 7:00 A.M.

FIDELITY TITLE COMPANY INC.

By *Carl Paul Riddle*
Sr. VP

No. 68276

Fidelity  Title
COMPANY, INC.



WILLIAM L. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN



BAUGHMAN COMPANY, P.A.
S U R V E Y O R S

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

I-135 - TURNPIKE BUSINESS PARK

Block 1

Lot 1	28,903.28 square feet	0.66 Acres
Lot 2	71,660.35 square feet	1.65 Acres
Lot 3	79,804.07 square feet	1.83 Acres
Lot 4	87,111.01 square feet	2.00 Acres

Block 2

Lot 1	49,999.80 square feet	1.15 Acres
Lot 2	50,048.35 square feet	1.30 Acres
Lot 3	84,207.61 square feet	1.93 Acres
Lot 4	81,358.41 square feet	1.87 Acres
Lot 5	55,678.31 square feet	1.28 Acres
Lot 6	63,325.46 square feet	1.45 Acres
Lot 7	53,752.88 square feet	1.23 Acres
Lot 8	53,631.00 square feet	1.23 Acres
Lot 9	58,813.92 square feet	1.35 Acres
Lot 10	55,375.81 square feet	1.27 Acres
Lot 11	62,277.38 square feet	1.43 Acres
Lot 12	71,810.99 square feet	1.65 Acres
Lot 13	56,855.92 square feet	1.31 Acres
Lot 14	63,155.82 square feet	1.45 Acres
Lot 15	65,154.50 square feet	1.50 Acres
Lot 16	99,772.34 square feet	2.29 Acres

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-02

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
217-1724 Var	4130.00
NAME: DEWITT DEV.	
ADDRESS: 215 So. 6th St	
FUND: 215-40710-003	DUE DATE:
COMMENTS:	
DATE: JAN 25, 1965	BY: [Signature]



FACES; PAN-EMBOSSED CLEAR ACRYLIC FACES W/ INTERNALLY
 SPRAYED GRAPHICS & HANGING BAR
 CABINETS; ANGLE IRON SUPER STRUCTURE W/ 22 GA. PAINTLOK
 METAL FILLER, EXTRUDED ALUM. RETAINERS, SPRAYED
 AUTOMOTIVE ENAMEL.
 LIGHTING; HI OUTPUT FLUORESCENT LAMPS & BALLASTS, 120 V
 INSTALLATION ON 1-10" ID. STEEL PIPE SET IN CONCRETE,
 REDUCING TO 8" INSIDE THE BOTTOM CABINET.

1310512
 TWS

TURNPIKE - BEST WESTERN MOTEL, 4849 LAURA

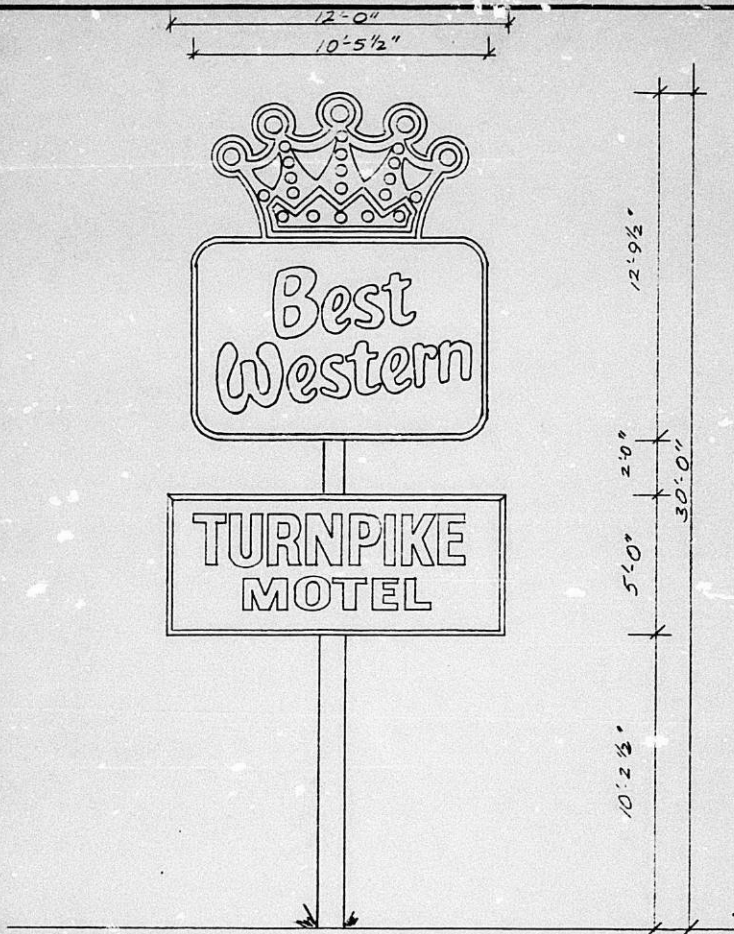
SCALE: 1/4" = 1'-0"
 DATE: 1-23-85

WICHITA, KANS.

DRAWN BY: 5
 REVISED:



Plans - Room
 Sign Planning
 Truck Lettering
 Show Cards - Displays
 Poster - Screen Printing
 318 S. ORAGE
 WICHITA, KS. 67212
 (316) 263-2224



FACES; PAN-EMBOSSED CLEAR ACRYLIC FACES W/ INTERNALLY
 SPRAYED GRAPHICS & HANGING BAR.
 CABINETS; ANGLE IRON SUPER STRUCTURE W/ 22 GA. PAINTLOK
 METAL FILLER, EXTRUDED ALUM. RETAINERS, SPRAYED
 AUTOMOTIVE ENAMEL.
 LIGHTING; 4-OUTPUT FLUORESCENT LAMPS & BALLASTS, 120 V
 INSTALLATION ON 1-10" I.D. STEEL PIPE SET IN CONCRETE,
 REDUCING TO 8" INSIDE THE BOTTOM CABINET.

1310512
 TWBS

TURNPIKE - BEST WESTERN MOTEL, 4840 LAURA

SCALE: 1/4" = 1'-0"
 DATE: 1-23-85

WICHITA, KANS.

DRAWN BY: SB
 REVISED:



Fluor - Neon
 Sign Painting
 Truck Lettering
 Show Cards - Displays
 Placards - Screen Printing
 318 N. CHASE
 WICHITA, KS. 67213
 (316) 263-2224

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2