

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

August 25, 1998

HPT CW Properties Trust
Attn: Loan Administration
9342 E. Central
Wichita, KS 67206

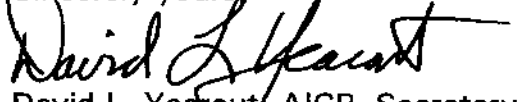
**RE: BZA 17-98 - Variance to allow a building sign to be placed on the south building
facad on property generally located on the southwest corner of Julia & Taft.**

Dear Sirs:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 25, 1998. 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.

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

Sincerely yours,



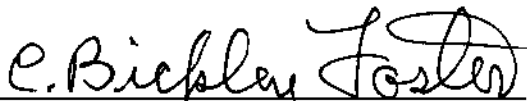
David L. Yearout, AICP, Secretary
Board of Zoning Appeals

DLY/sah

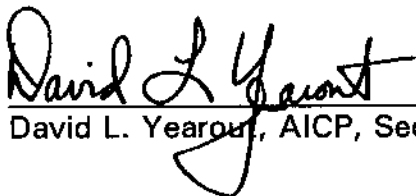
cc: Judy Manka, Luminous Neon Inc., P.O. Box 916, Hutchinson, KS 67504-0916
Candlewood, %Jack DeBoer, 570 S. Julia St., Wichita, KS 67209
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
5. This variance authorizing a building sign on the south building elevation 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 25th day of August, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, AICP, Secretary

BZA RESOLUTION NO. BZA 17-98

WHEREAS, HPT CW Properties Trust (owner) and Candlewood, %Jack DeBoer (applicant), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to allow a building sign to be placed on the south building facade on property zoned "LC" Limited Commercial and legally described as follows:

The North 380 feet of the West 227 feet of Lot 2, West Kellogg Power Center Addition, Wichita, Sedgwick County, Kansas. Generally located southwest corner of Julia and Taft.

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 August 25, 1998, 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 the distance from Kellogg and also the location of the Dugan Road exit makes it very difficult for guests driving west on Kellogg to see the Candlewood building prior to the exit. The applicants have stated that several guests have commented on the difficulty of seeing this building and have missed the exit, which required them to turn around; 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 surrounding properties are all commercial properties except for the single-family home to the north. Therefore, only commercial properties will be able to see this building sign; 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 the proposed sign should help alleviate the confusion for guests of the Candlewood. Otherwise, the continued confusion could cost the Candlewood to lose potential guests and therefore cost the company money; 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 there will be no encroachments into public utility easements or street right-of-way nor will the building sign negatively impact travelers along Wichita's street system as a result of this building sign being permitted on the south building facade. Therefore there will be no adverse effect on the general public; 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 the sign code intends to eliminate potential hazards or confusion for motorists. If travelers along Kellogg are unable to see the Candlewood sign until they are at the Dugan exit then this could potentially cause a serious hazard to the travelers along this roadway. The proposed building sign would still be harmonious to the development at this site.

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 allow a building sign to be placed on the south building facade on property zoned "LC" Limited Commercial and legally described as follows:

The North 380 feet of the West 227 feet of Lot 2, West Kellogg Power Center Addition, Wichita, Sedgwick County, Kansas. Generally located southwest corner of Julia and Taft.

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 a building sign no larger than 65 square feet and 30 feet in height may be constructed on the south elevation of the building.
2. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
3. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application. No portable sign shall be permitted along the Julia frontage for this property.

BZA 17-98

August 25, 1998

Page 4

approval.

SECRETARY'S REPORT

CASE NUMBER: BZA 17-98

OWNER/APPLICANT: HPT CW Properties Trust (Owner); and
Candlewood c/o Jack DeBoer (Applicant)

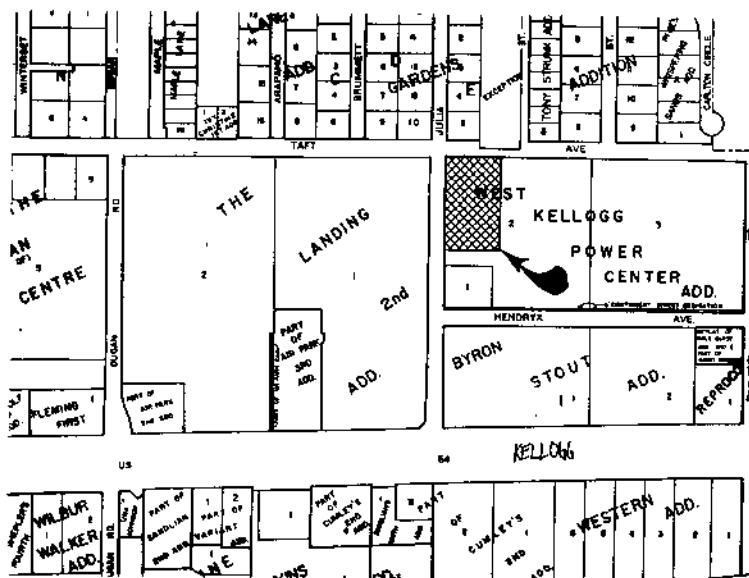
AGENT: Luminous Neon, Inc. c/o Judy Manka (Agent)

REQUEST: To allow a building sign to be placed on the south
building facade

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1.98 acres

LOCATION: Southwest corner of Julia and Taft



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 applicants are requesting a variance to allow a building sign on the south facade of the existing Candlewood Suites building located at the southwest corner of Julia and Taft. This 1.98 acre tract is zoned "LC" Limited Commercial.

The sign code limits building signs within the "LC" Limited Commercial District to no more than three signs for each business on each building elevation having street frontage or fronting onto a parking area with a depth of one hundred fifty feet or more, and shall be limited in total area to twenty percent of each building elevation. The south building elevation does not have street frontage nor is the parking lot 150 feet in width. Therefore, a building sign is not permitted on the south building elevation.

The applicants have stated that persons traveling west on Kellogg are unable to see the existing pole sign and building sign on the west elevation until they are past the Dugan Road exit. Therefore, the applicants feel that a sign on the south building elevation will allow people traveling along Kellogg to see Candlewood Suites in time to be able to make the exit. The applicants have submitted drawings which show an approximately 65 square foot building sign on the south facade of the Candlewood Suites building.

The application area is surrounded by a single-family residence to the north, undeveloped land to the east and south and Wal-Mart to the west.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Single-family home
SOUTH	"LC"	Undeveloped land
EAST	"LC"	Undeveloped land
WEST	"GC"	Wal-Mart

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the distance from Kellogg and also the location of the Dugan Road exit makes it very difficult for guests driving west on Kellogg to see the Candlewood building prior to the exit. The applicants have stated that several guests have commented on the difficulty of seeing this building and have missed the exit, which required them to turn around.

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 surrounding properties are all commercial properties except for the single-family home to the north. Therefore, only commercial properties will be able to see this building sign.

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 the proposed sign should help alleviate the confusion for guests of the Candlewood. Otherwise, the continued confusion could cost the Candlewood to lose potential guests and therefore cost the company money.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way nor will the building sign negatively impact travelers along Wichita's street system as a result of this building sign being permitted on the south building facade. Therefore there will be no adverse effect on the general public.

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 the sign code intends to eliminate potential hazards or confusion for motorists. If travelers along Kellogg are unable to see the Candlewood sign until they are at the Dugan exit then this could potentially cause a serious hazard to the travelers along this roadway. The proposed building sign would still be harmonious to the development at this site.

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 a building sign no larger than 65 square feet and 30 feet in height may be constructed on the south elevation of the building.
2. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
3. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application. No portable sign shall be permitted along the Julia frontage for this property.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
5. This variance authorizing a building sign on the south building elevation 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