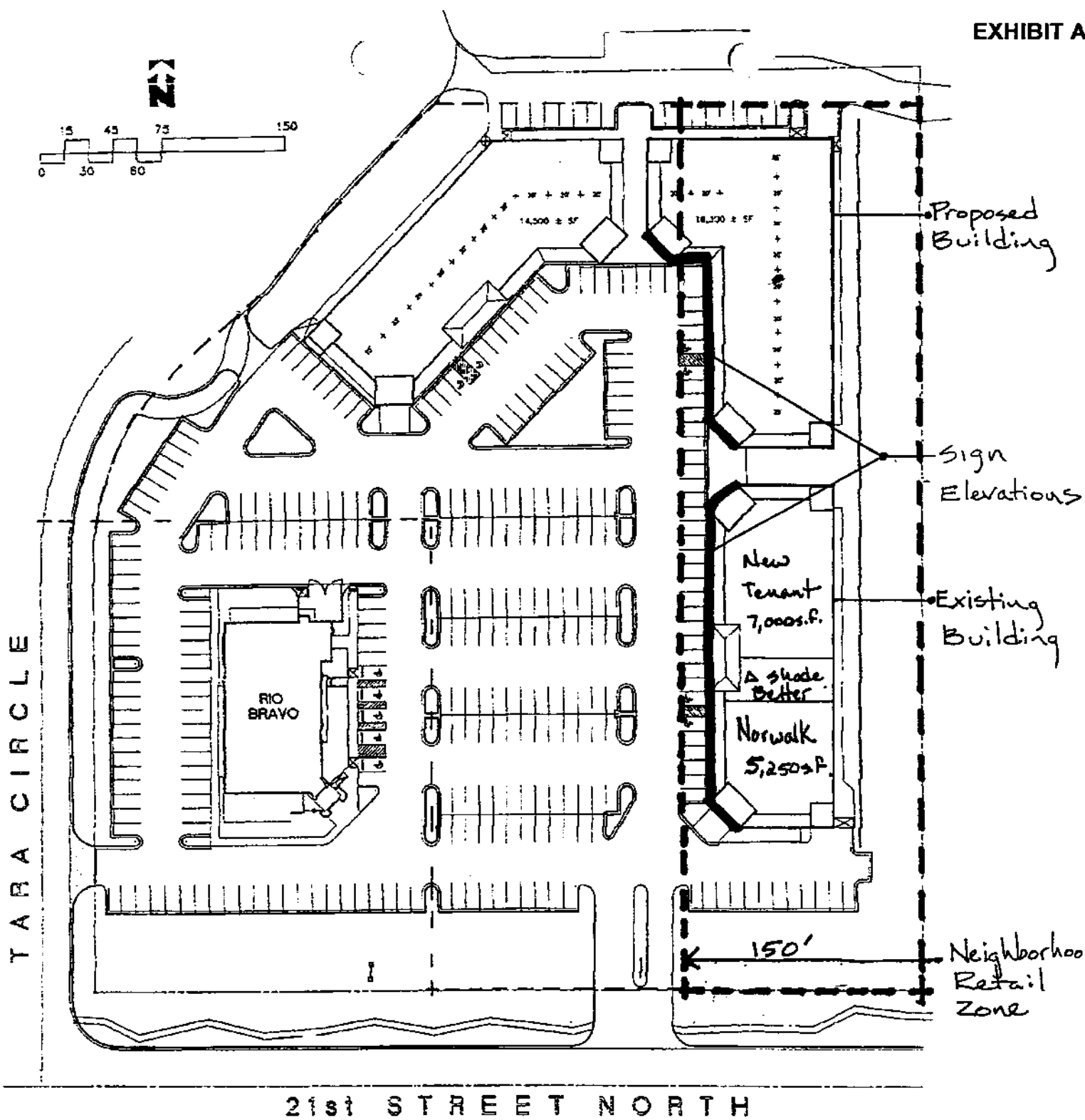
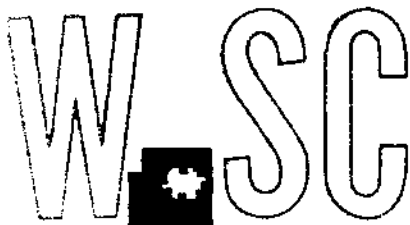




WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

June 26, 1998

Slawson Commercial Development Co.
% Jerry Jones
104 S. Broadway, Suite 200
Wichita, KS 67202

RE: BZA 13-98 - Variance to permit signage at a rate of 7 percent of the front building elevation for commercial buildings located within the "NR" Neighborhood Retail District on property generally located north of 21st Street North and east of Rock Road.

Dear Mr. Jones:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 23, 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,

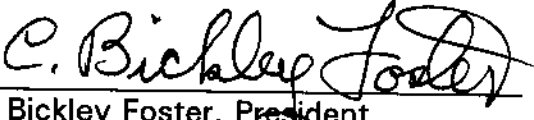
Keith Gooch
Assistant Secretary
Board of Zoning Appeals

KG/sah

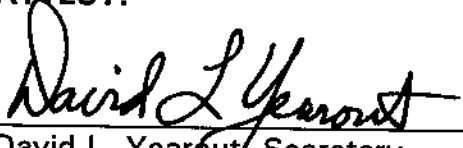
cc: J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

2. This variance 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 23rd day of June, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, Secretary

BZA RESOLUTION NO. BZA 13-98

WHEREAS, Slawson Development Co., c/o Jerry Jones, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to permit signage at a rate of 7 percent of the front building elevation for commercial buildings in the "NR" Neighborhood Retail Zoning District and legally described as follows:

Lot 1, Block 1, The Shops at Tallgrass Addition to Wichita, Sedgwick County, Kansas. Generally located north of 21st Street North and east of Rock Road.

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 June 23, 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 this is a retail strip center facing to the interior of the development but is in the more restrictive "NR" Neighborhood Retail district. Most similar projects are zoned "LC" Limited Commercial and have more signage options. The "NR" zoning was created as a buffer to the residential area to the east, with the building facing away from this area; 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 signs on these two buildings will face away from all residential property and will only face other commercial property; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Unified Zoning Code of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would only be permitted a total of 32 square feet of signage per tenant based on the sign restriction of the "NR" zoning district. If this property was located on "LC" Limited Commercial property each tenant would be permitted signage equal to 20 percent of their building elevation. Each of the three tenants currently occupy a large portion of the existing building which if limited to 32 square feet of signage would not seem proportionate to the amount of leased square footage; 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 these signs will not face residential property nor affect traffic along Rock Road or 21st Street North. This variance will decrease the square footage and number of signs which could possibly be permitted on this site. This will be beneficial to the public interest; 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 Unified Zoning Code inasmuch as the signage requested will provide sufficient identification for the tenants and allow flexibility to provide reasonable signage in the future, but to a lesser intensity than would be allowed in an "LC" district.

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 permit signage at a rate of 7 percent of the front building elevation for commercial buildings in the "NR" Neighborhood Retail Zoning District and legally described as follows:

Lot 1, Block 1, The Shops at Tallgrass Addition to Wichita, Sedgwick County, Kansas. Generally located north of 21st Street North and east of Rock Road.

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, except that the permitted signage shall be no more than 7 percent of the front building elevation for those buildings located on "NR" zoned property.

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 signs on these two buildings will face away from all residential property and will only face other commercial property.

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 applicant would only be permitted a total of 32 square feet of signage per tenant based on the sign restriction of the "NR" zoning district. If this property was located on "LC" Limited Commercial property each tenant would be permitted signage equal to 20 percent of their building elevation. Each of the three tenants currently occupy a large portion of the existing building which if limited to 32 square feet of signage would not seem proportionate to the amount of leased square footage.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as these signs will not face residential property nor affect traffic along Rock Road or 21st Street North. This variance will decrease the square footage and number of signs which could possibly be permitted on this site. This should be beneficial to the public interest.

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 signage requested will provide sufficient identification for the tenants and allow flexibility to provide reasonable signage in the future, but to a lesser intensity than would be allowed in an "LC" district.

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 permitted signage shall be no more than 7 percent of the front building elevation for those buildings located on "NR" zoned property.
2. This variance 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.

SECRETARY'S REPORT

CASE NUMBER: BZA 13-98

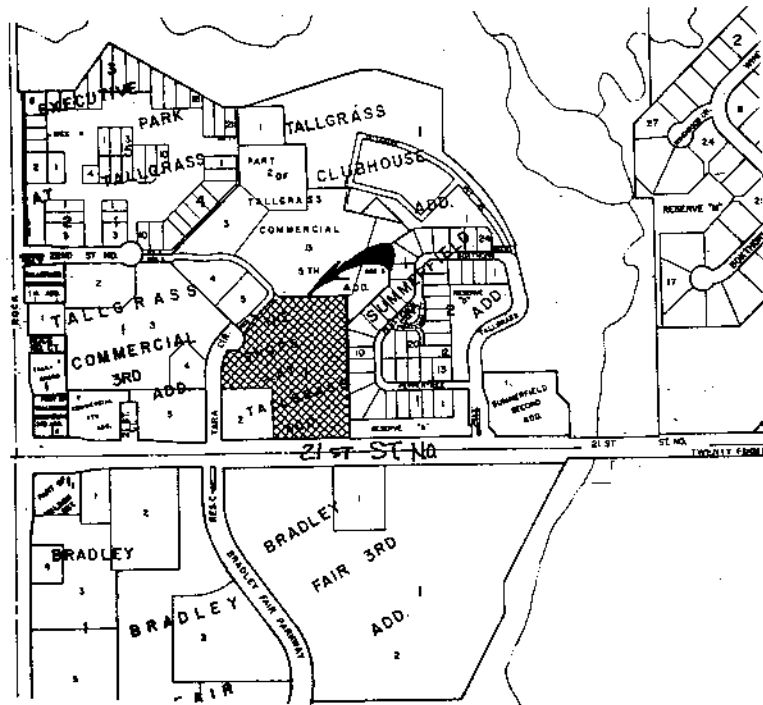
OWNER/APPLICANT: Slawson Commercial Development Co., c/o Jerry Jones

REQUEST: A variance to permit signage at a rate of 7 percent of the front building elevation for commercial buildings in the "NR" Neighborhood Retail Zoning District.

CURRENT ZONING: "NR" Neighborhood Retail

SITE SIZE: 2.07 acres

LOCATION: North of 21st St. North and east of Rock Road



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 requests an increase in the permitted signage for commercial buildings in the "NR" Neighborhood Retail Zoning District in the Tallgrass Commercial and Office Community Unit Plan to a total of 7 percent of the front building elevation. The application area consists of the eastern 150 feet of Lot 1, The Shops at Tallgrass Addition. This 2.07 acre tract is located north of 21st Street North and east of Rock Road.

The property is currently occupied with one 14,000 square foot building, with a second building planned immediately to the north of the existing building. According to the applicant the existing building was developed to accommodate ten, 1,400 square foot tenants. The "NR" Neighborhood Retail district would permit each tenant a total of 32 square feet of signage for a possible total of 320 square feet for this building. However, the entire 14,000 square foot building has been leased to three tenants, and according to the Sign Code each tenant would be limited to 32 square feet per sign (96 total square feet). The applicant is requesting to increase the permitted signage to 207 square feet of signage or 7.3 percent of the front building elevation (2957 square feet of building elevation). The three tenants currently located in this building have signs as follows: Norwalk, 76 square feet; Shoe Market, 90.16 square feet; and A Shade Better, 32 square feet. This is a total of 198.16 square feet of signs.

The applicant has also stated that the proposed building could possibly have a total of 8 tenants with a total of 256 square feet of signage. However, the applicant is only requesting 7 percent of the front building elevation on the proposed building or a total of 160 square feet of signage for this building.

The application area is surrounded to the north by the Inn at Tallgrass, the Bradley Fair C.U.P. to the south, single-family residences on the east and other commercial businesses to the west.

ADJACENT ZONING AND LAND USE:

NORTH	"GO"	Inn at Tallgrass
SOUTH	"LC"	Bradley Fair C.U.P.
EAST	"SF-6"	Single-Family Residences
WEST	"LC"	The Shops at Tallgrass

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as this is a retail strip center facing to the interior of the development but is in the more restrictive "NR" Neighborhood Retail district. Most similar projects are zoned "LC" Limited Commercial and have more signage options. The "NR" zoning was created as a buffer to the residential area to the east, with the building facing away from this area.