



Wichita-Sedgwick County Metropolitan Area Planning Department

6/6/2007

Newman University Inc.
Attn: Dresselhaus
3100 McCormick
Wichita KS 67213

George Lay Signs
Attn: David Vernia
1016 N Waco
Wichita KS 67203

RE: BZA2007-00022 Variance to allow two 175-sq ft wall signs, 35-ft above grade, property zoned "B" Multi-family, generally located east of K-42, southeast of McCormick – Sheridan Avenues.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 5, 2007. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,


Jess McNeely, BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Paul Gray, WCC District IV, 1-13

BZA RESOLUTION NO. 2007-22

WHEREAS, Newman University (owner/applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section 24.04.191 of the Sign Code to increase the maximum size of two identification signs in “B” Multi-family zoning from 25 and 48 square feet to 175 square feet; and a variance to Section 24.04.191 of the Sign Code to increase the maximum height of two signs from 20 feet to 35 feet, generally located South of McCormick Avenue and west of Southwest Boulevard on the Newman University Campus.

Lot 1, Block A, Newman University 3rd Addition, Sedgwick County, Kansas.

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 5, 2007, 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 conditions that are unique, as the proposed signage is for a three-story university library and campus center within “B” Multi-family zoning (which restricts signage size). The large building is proposed to be a campus landmark, and is unique within B zoning, which primarily houses multi-family residential development. A campus building immediately north of this site received a similar variance in 2000. A site this large, at this location with proximity to highways, could house numerous businesses, and each business would be allowed separate signage within square footage limits.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, as the overall sign size and height will be similar to existing signage on nearby campus buildings. Likewise, the proposed signs do not face any off-campus residences.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning regulations would constitute an unnecessary hardship upon the applicant, as 20-foot tall, 25 and 48 square foot signs may not be sufficient for visibility across an 80-acre campus. Visibility from across the campus is necessary for this facility as many visitors are from outside the immediate neighborhood, and many are from out of town.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, as improvements to a university campus, to include large-scale libraries and campus centers, would serve in the community interest. The requested signage size and height is at an appropriate, legible scale relative to the larger building.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the zoning regulations, as the signage will make it easier to locate the important facility, and the signage size and height is within reasonable limits. The “B” Multi-family restriction of sign size to 25 and 48 square feet, at 20 feet in height, is intended for smaller apartment complexes and medical offices, and does not consider institutions of this size and height within larger campus settings.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

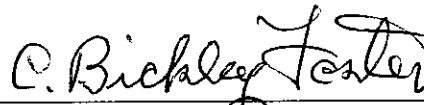
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to Section 24.04.191 of the Sign Code to increase the maximum size of two identification signs in "B" Multi-family zoning from 25 and 48 square feet to 175 square feet; and a variance to Section 24.04.191 of the Sign Code to increase the maximum height of two signs from 20 feet to 35 feet, generally located South of McCormick Avenue and west of Southwest Boulevard on the Newman University Campus.

Lot 1, Block A, Newman University 3rd Addition, Sedgwick County, Kansas.

The variance is hereby GRANTED, subject to the following conditions:

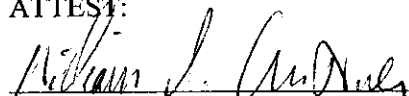
1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 5th Day of June 2007.



BZA Board Chair, C. Bickley Foster

ATTEST:



Jess McNeely, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2007-22

OWNER/APPLICANT: Newman University c/o Mark Dresselhaus (owner)

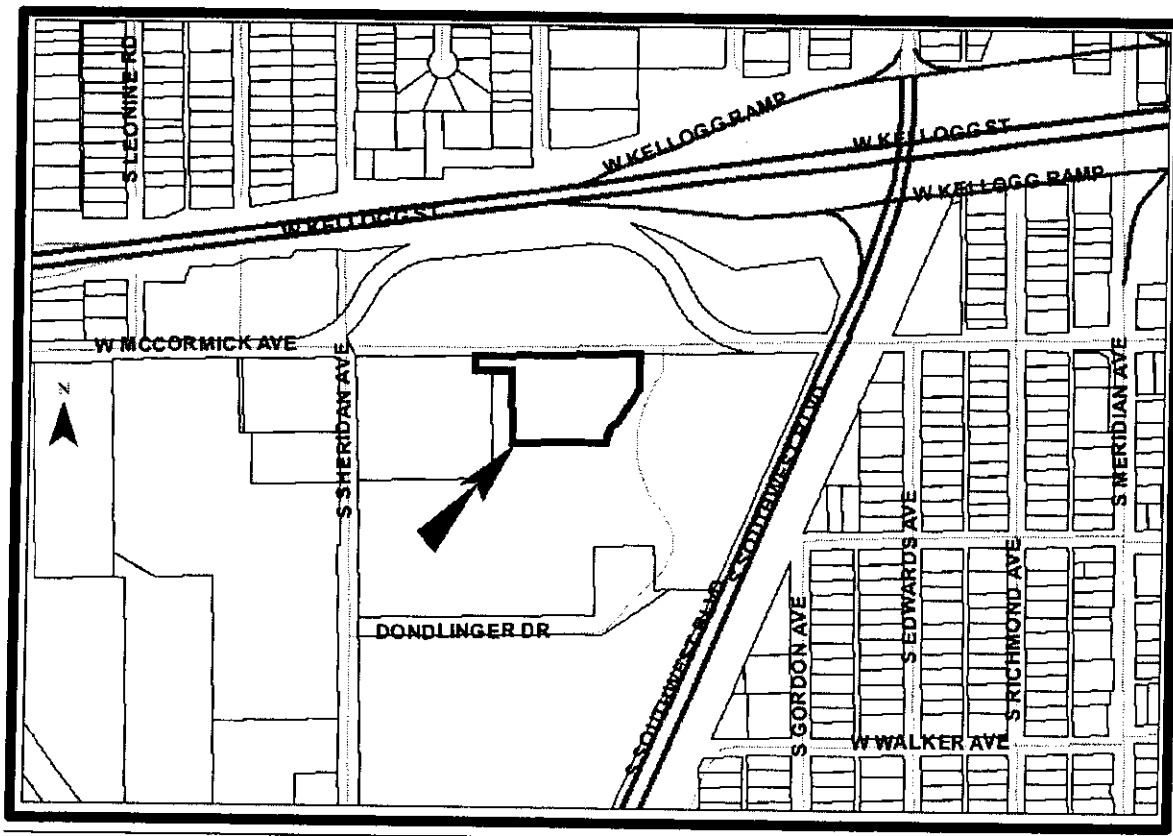
AGENT: George Lay Signs c/o David Vernia

REQUEST: 1. Variance to Section 24.04.191 of the Sign Code to increase the maximum size of two identification signs in "B" Multi-family zoning from 25 and 48 square feet to 175 square feet.
2. Variance to Section 24.04.191 of the Sign Code to increase the maximum height of two signs from 20 feet to 35 feet.

CURRENT ZONING: "B" Multi-family

SITE SIZE: 2.82 acres

LOCATION: South of McCormick Avenue and west of Southwest Boulevard on the Newman University Campus



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 two variances for two signs. The first variance would increase the maximum size of two signs from 25 and 48 square feet to 175 square feet. The second variance would increase the maximum height for the same two signs from 20 to 35 feet. The signs are for the new Dugan Library and Campus Center on Newman University Campus. The signs are intended to make the library and campus center building a visible landmark on the campus, and to assist with way finding on the campus. The eastern sign will face open spaces and parking areas, and the southern sign will face open space and other campus buildings.

Within "B" Multi-Family zoning, the Sign Code permits identification signs up to 25 square feet in area except along designated collector, arterial, or expressway streets, where the maximum sign area is 48 square feet. The Sign Code also permits signs up to 20 feet in height and limits signs to indirect or internal illumination of white light.

Most of the Newman Campus is zoned B, which permits universities by right. The DeMattis Fine Arts Hall and O'Shaughnessy Sports Complex, immediately north of this site and visible from Kellogg, received a similar variance in 2000 (BZA2000-34). South and west of this site are B zoned Newman Campus buildings. East of the site will be campus parking, further east is Southwest Boulevard. Across Southwest Boulevard from the campus are "GC" General Commercial and "TF-3" Two-family Residential zoned residences; the residences do not face the campus or the proposed signs.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	University campus
SOUTH	"B"	University campus
EAST	"B", "GC", "TF-3"	University campus, single and two-family residences
WEST	"B"	University campus

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is staff's opinion that this property is unique, as the proposed signage is for a three-story university library and campus center within "B" Multi-family zoning (which restricts signage size). The large building is proposed to be a campus landmark, and is unique within B zoning, which primarily houses multi-family residential development. A campus building immediately north of this site received a similar variance in 2000. A site this large, at this location with proximity to highways, could house numerous businesses, and each business would be allowed separate signage within square footage limits.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for increased sign area and height will not adversely affect the rights of adjacent property owners, as the overall sign size and height will be similar to existing signage on nearby campus buildings. Likewise, the proposed signs do not face any off-campus residences.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant, as 20-foot tall, 25 and 48 square foot signs may not be sufficient for visibility across an 80 acre campus. Visibility from across the campus is necessary for this facility as many visitors are from outside the immediate neighborhood, and many are from out of town.

PUBLIC INTEREST: It is staff's opinion that the requested variance for increased sign size and height would not adversely affect the public interest, as improvements to a university campus, to include large-scale libraries and campus centers, would serve in the community interest. The requested signage size and height is at an appropriate, legible scale relative to the larger building.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased sign size and height would not oppose the general spirit and intent of the Sign Code, as the signage will make it easier to locate the important facility, and the signage size and height is within reasonable limits. The "B" Multi-family restriction of sign size to 25 and 48 square feet, at 20 feet in height, is intended for smaller apartment complexes and medical offices, and does not consider institutions of this size and height within larger campus settings.

RECOMMENDATION: It is staff's opinion that the requested sign size and height increase would be appropriate for identification of a library and campus center on a large university campus. Should the Board determine that conditions necessary to the granting of the variance exist, then the Secretary recommends that the variance to permit two 175 square foot signs, at a 35 foot maximum height, be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. 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.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



Dugan Library And Campus Center

