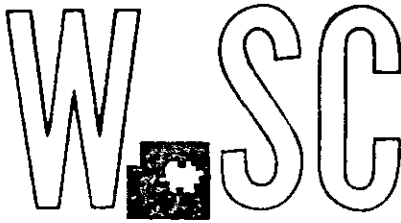


WICHITA — SEDGWICK COUNTY



November 17, 1999

METROPOLITAN AREA PLANNING
DEPARTMENT

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

FILE COPY

Commercial Federal Bank
% Carol Cranston
110 S. Main
Wichita, KS 67202

RE: BZA 26-99 – Variance to increase the size of a building sign from a 400 square foot maximum to 790 square feet on property zoned ‘CBD’ Central Business District. Generally located north of William Street and east of Main Street (110 S. Main).

Dear Carol Cranston:

On November 17, 1999 we received your request to withdraw the above-referenced request. Therefore, this matter will not be considered by the Board of Zoning Appeals at their meeting on November 23, 1999. The case file for this request will be marked “withdrawn and closed”.

If you have any further questions concerning this matter, please contact the Planning Department Office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Verts', is written over a faint, larger version of the same signature.

Lisa Verts
Senior Planner

LV/rs

Cc: Luminous Neon Inc., Judy Manka, Senior Account Representative, 1429 W. 4th Street, P. O. Box 916, Hutchinson, KS 67504-0916

SECRETARY'S REPORT

CASE NUMBER: BZA 26-99

OWNER/APPLICANT: Commercial Federal Bank, c/o Carol Cranston

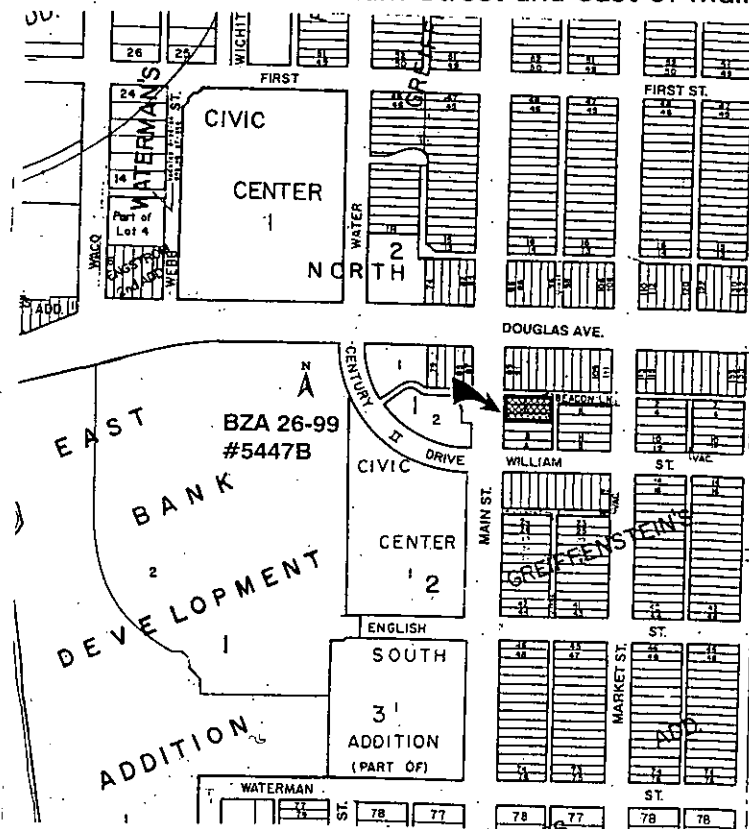
AGENT: Luminous Neon, Inc., c/o Judy Manka

REQUEST: Variance to increase the size of a building sign from a 400 square foot maximum to 790 square feet on property zoned "CBD" Central Business District.

CURRENT ZONING: "CBD" – Central Business District

SITE SIZE: 0.24 Acres

LOCATION: North of William Street and east of Main Street (110 S. Main)



JURISTITION: 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 is requesting a variance for an increase in the size of a building sign for the Commercial Federal Bank, a tenant at 110 S. Main Street. The property on which the building is located is zoned "CBD" Central Business District.

The requested illuminated sign would be located at the top of the building on the south elevation. The text portion of the sign would measure 790 square feet with the largest individual letters measuring 6 feet tall. The submitted sign design depicts a logo as part of the original sign, but this would be considered as a separate sign and well within the 400 square foot maximum for building signs in the "CBD" zoning district.

Illuminated building signs are permitted in the "CBD" District, "provided that signs shall be limited in total area to 20 percent of each building elevation, and no individual sign shall exceed four hundred square feet in area." Twenty percent of the south elevation of this building is 4,500 square feet.

The building at 110 S. Main Street is within the "environs" (500 feet, parcel line to parcel line) of the Old City Hall, 204 South Main, which is listed in the National Register of Historic Places. Under the *Agreement between the Kansas State Historic Preservation Officer and the City of Wichita: Performance of project reviews under K.S.A. 1995 75-2724*, the state has delegated responsibility to the City's Historic Preservation Board to make the official determination if a "proposed project will encroach upon, damage, or destroy any historic property included on the National Register of Historic Places or the Kansas Register of Historic Places of the environs of such property" (Item 2 of the Agreement executed October 21, 1997). The Historic Preservation Board will hear this request on November 15, 1999 and either deny or approve the applicant's request for a Certificate of Appropriateness for the proposed building sign. If the Preservation Board denies the request, the applicant may appeal that decision to the City Council. The City Council could reverse the denial if they find that there is "no prudent and feasible alternative" to the request.

As a point of perspective, the Fidelity Bank sign (halo-lit) on the building located at 100 E. English measures 300 square feet with the tallest letters measuring 6 feet 6 inches tall. The Fidelity sign, the Hyatt Regency's sign, and the Spaghetti Warehouse sign are the primary illuminated signs visible from Kellogg, excluding the intermittent time/temperature roof-top sign at the top of the Kansas State Bank & Trust Building. The applicant states that "Commercial Federal Bank wants to have a visibility [from Kellogg] similar to their competitors (e.g. Fidelity Bank), but their long name makes it impossible to have similar size letters and stay within the 400 square foot maximum" for individual signs in the "CBD" zoning district.

ADJACENT ZONING AND LAND USE:

| | |
|-------|----------------------------|
| NORTH | "CBD" - Office |
| SOUTH | "CBD" - Office and Parking |
| EAST | "CBD" - Office |
| WEST | "CBD" - Office |

UNIQUENESS: It is the opinion of staff that this property is not unique, inasmuch as it has no special characteristics that would set it apart from other buildings in the downtown area nor that would require a 790 square foot sign for visibility from Kellogg.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested would adversely affect the rights of adjacent property owners, inasmuch as the sign would be placed in the environs of an historical landmark and a 790 square foot sign would visually overpower this area, even from the top of the building.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulation does not constitute an unnecessary hardship upon the applicant, inasmuch as the hardship is self-imposed. The length of the name and the desire to put that full name on a building identification sign is a decision of the bank. Other banks in the downtown area have either adhered to the 400 square foot maximum or chosen other alternatives, such as smaller signs visible from the immediate streetscape of the building and at a more appropriate pedestrian scale. Additionally, staff feels that a downtown bank sign does not constitute a directional sign needed for finding a bank from Kellogg, nor does it lend to a customer's choice in banking; other marketing methods are more important and appropriate.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest, inasmuch as it would set precedence for other buildings in the downtown area. A proliferation of extra-large illuminated signs in the downtown area is not in the best interest of the public.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would oppose the general spirit and intent of the zoning regulation, inasmuch as reducing excessive visual clutter as a result of signs is one of the intentions of the Sign Code.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance do not exist, then it is the recommendation of the Secretary that the variance to increase the size of a building sign be DENIED.