CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 20, 2003

Westar Energy
%Mark O'Dell
120 E. 1st
Wichita, KS 67201

RE: BZA2003-53 –Variance to Section 24.04.191 of the Sign Code to increase the permitted size of an identification sign along an arterial street from 48 square feet to 125 square feet on property zoned "B" Multi-Family and "LI" Limited Industrial. Generally located south of Central and east of Seneca.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on **November 18, 2003**, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. 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,

Scott Knebel
Senior Planner

SK/rs

Cc: Trimark Signworks, %Byron West, 319 S. Oak, Wichita, KS 67213
Les Mock, 105 N. Washington, Wichita, KS 67202
Sharon Fearey, WCC, District VI, Mail Stop 1-13
Terri Dozal, N.A. VI, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2003-00058

WHEREAS, Westar Energy, c/o Martin O'Dell (owner/applicant); Trimark Signworks, c/o Bryon West, 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 permitted size of an identification sign along an arterial street from 48 square feet to 125 square feet on property zoned "B" Multi-family Residential and "LI" Limited Industrial and legally described as follows:

> Lot 1, Block 3, Park Plaza 1st Addition, Wichita, Sedgwick County, Kansas. Generally located south of Central and east of Seneca.

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 November 18, 2003, 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. It is the opinion of the Board that this property is unique, inasmuch as the property has split zoning with the street frontage where the proposed sign would be located zoned "B" Multi-Family, which has significantly greater signage restrictions than the "LI" Limited Industrial zoning district upon which the use needing to be identified with a sign is located. Additionally, the property has sufficient frontage along an arterial street to allow the proposed sign were the street frontage zoned the same as the portion of the property where the use to be identified by the proposed sign is located.

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. It is the opinion of the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the adjacent properties are developed with high-density residential or non-residential uses that will not be adversely impacted by the proposed sign.

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. It is the opinion of the Board that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as limiting the sign to the size permitted by the zoning of the property's street frontage would be not be adequate for business identification along an arterial street.

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. It is the opinion of the Board that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale and has minimal lighting.

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. It is the opinion of the Board that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the regulations for most uses located along arterial streets allow for larger signs based on the length of the street frontage; whereas, the residential zoning districts, which subject property's frontage is zoned, do not have such a provision for an increase in sign square footage based on the length of the street frontage.

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, pursuant to Section 2.12.590.B, Code of the City of Wichita, a Variance to Section 24.04.191 of the Sign Code be granted to increase the permitted size of an identification sign along an arterial street from 48 square feet to 125 square feet on property zoned "B" Multi-family Residential and "LI" Limited Industrial and legally described as follows:

> Lot 1, Block 3, Park Plaza 1st Addition, Wichita, Sedgwick County, Kansas. Generally located south of Central and east of Seneca.

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

1. The identification sign shall be placed in a location that is in substantial conformance with the approved site plan.
2. The identification sign shall be of a design that is in substantial conformance with the approved elevation drawing.
3. The identification sign shall be limited to 125 square feet in area, 9 feet in overall height, and internal illumination by white light.
4. The existing identification sign on the subject property shall be removed.
5. The applicant shall obtain all permits necessary to construct the signage, and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the Board.
6. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 18th DAY of NOVEMBER 2003.

James Ruane, BZA Board Chair

ATTEST:

Scott Knebel, BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
November 18, 2003

SECRETARY'S REPORT

CASE NUMBER: BZA2003-00058

OWNER/APPLICANT: Westar Energy c/o Martin O'Dell

AGENT: Trimark Signworks c/o Byron West

REQUEST: Variance to Section 24.04.191 of the Sign Code to increase the permitted size of an identification sign along an arterial street from 48 square feet to 125 square feet

CURRENT ZONING: "B" Multi-Family and "LI" Limited Industrial

SITE SIZE: 13.6 Acres

LOCATION: South of Central and east of Seneca (777 W. Central)

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 subject property is zoned "B" Multi-Family and "LI" Limited Industrial and is developed with a building located on the southern portion of the property zoned that is "LI" Limited Industrial. The applicant proposes to use the existing building as an office that is open to the public and indicates that the office needs a sign to allow customers to locate the facility. However, the subject property's Central Avenue frontage is zoned "B" Multi-Family, which has significant restrictions on the size of sign permitted. Therefore, the applicant is requesting a variance to Section 24.04.191 of the Sign Code to increase the permitted size of a sign along Central from 48 square feet to 125 square feet.

The portion of the subject property where the proposed office facility will be located has approximately 400 feet of frontage along Central, and were the subject property entirely "LI" Limited Industrial, a sign approximately 240 square in size would be permitted. However, in the "B" Multi-Family zoning district, the Sign Code limits the sign to 48 square feet in size thus necessitating the application for a variance to permit the proposed 125 square foot sign.

The applicant submitted the attached elevation drawing showing the proposed 125 square foot sign. The size of the proposed sign is calculated by calculating the area of a box that encloses the maximum extent of all letters and logos contained on the sign. The proposed sign would face Central as illustrated on the attached site plan. Including the base upon which the sign would be mounted, the proposed sign would be approximately 9 feet in height and 27 feet in length. The proposed sign would contain internally illuminated channel letters. The applicant submitted the attached statement pertaining to the five conditions for granting the variance requested.

ADJACENT ZONING AND LAND USE:

NORTH	"B" & "TF-3"	Garden apartments and tennis center
SOUTH	"LI" & "LC"	Park and museum
EAST	"GC"	High-rise office building
WEST	"TF-3"	Museum

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property has split zoning with the street frontage where the proposed sign would be located zoned "B" Multi-Family, which has significantly greater signage restrictions than the "LI" Limited Industrial zoning district upon which the use needing to be identified with a sign is located. Additionally, the property has sufficient frontage along an arterial street to allow the proposed sign were the street frontage zoned the same as the portion of the property where the use to be identified by the proposed sign is located.

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 adjacent properties are developed with high-density residential or non-residential uses that will not be adversely impacted by the proposed sign.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as limiting the sign to the size permitted by the zoning of the property's street frontage would be not be adequate for business identification along an arterial street.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale and has minimal lighting.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the regulations for most uses located along arterial streets allow for larger signs based on the length of the street frontage; whereas, the residential zoning districts, which subject property's frontage is zoned, do not have such a provision for an increase in sign square footage based on the length of the street frontage.

RECOMMENDATION: It is staff's opinion that the signage requested is appropriate for the intended purpose of identifying the location of an office building open to the public on the subject property. Should the Board determine that the five conditions necessary for the granting of the variance exist, then it is the recommendation of the Secretary that the variance be GRANTED, subject to the following conditions:

1. The identification sign shall be placed in a location that is in substantial conformance with the approved site plan.
2. The identification sign shall be of a design that is in substantial conformance with the approved elevation drawing.
3. The identification sign shall be limited to 125 square feet in area, 9 feet in overall height, and internal illumination by white light.
4. The existing identification sign on the subject property shall be removed.
5. The applicant shall obtain all permits necessary to construct the signage, and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the Board.
6. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

BZA 2003-00058

SITE PLAN

NORTH

APPROVED 11-18-03 BY BZA

wdm architects

NOVEMBER 14, 2003

BZA2003-00058

SITE PLAN

APPROVED 11-18-03 BY BZA

This review is made to check this submittal's conformance to the project design concept and agreement with the information in the Contract Documents. Corrections and/or comments made by Wilson, Darnell Mann P.A. do not confirm all quantities and/or dimensions, do not verify performance of equipment and systems, do not substantiate all installation instructions, nor should they be taken as an approval of an assembly of which the item is a part. The Contractor remains responsible for any/all construction means, methods, sequences, and procedures; for coordination of his/her work with other trades; and for due regard for safety precautions.

☐ REVIEWED ☐ REJECTED ☒ FURNISH AS CORRECTED ☐ REVISE & RESUBMIT

BY: _____ DATE: 10/2/03

Wilson Darnell Mann P.A.

SIGN TYPE: INTERNALLY ILLUMINATED CHANNEL LETTERS

28" H x 16'-2" COPY LENGTH

CHANNEL LETTERS INSTALLED ON NEW S/F LIMESTONE WALL (BY OTHERS)

Letters Size: 28" h *Star Size:* 5'-10"

Faces-Letters: .Acrylite black white day / night plex *Face-Star:* to match 072 blue

Returns-Letters: .063" aluminum, 5" deep painted black *Returns-Star-* to match 072 blue, 10" deep return except where the star mounts to the wall where it will be standard 5"

Trimcap-Letters: 1" black. *Trimcap-Star:* 1" blue

Note: Transformers are on back side inside a raceway painted to match the limestone.

ILLUMINATION

Neon: 6500 white neon powered by 30 MA, 120 V. transformers

ADDRESS LETTERS

Size: 6" cast letters on brick base

Font: ~~Helvetica~~ OPTIMA REGULAR

Color: Black

INSTALLATION

Job Site Address

777 West Central

Wichita, KS

Contact - Dan Wilson @ 262-4700

Approved By Kathleen Falk Date 9/30/03

Please review this drawing carefully.

By signing this you verify the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly.

TRIMARK signworks

319 S. OAK

WICHITA, KANSAS

(316) 263-2224

FAX (316) 263-1463

Job Name
Westar Energy

Job Location:
Wichita, KS

File Location/Name:
W/Westar01.cdr

Production Layout:
Layout only at this time

Sales Contact:
Byron West

Scale:
3/8 " = 1'

DWG#
900246

Drawn By:
K. Kerr

Date: 08-27-03
Revised: 9-8-03
Revised: 9-11-03
Revised: 9-18-03

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It cannot be used or duplicated by anyone without the prior approval of said company.

Colors shown on this print are used for representation purposes only, and are not completely accurate. Colors are to be determined by customer. Work on this job cannot start until drawing is signed and returned to Trimark Signworks.

UL UNDERWRITERS LABORATORIES ELECTRIC SIGN