



Wichita-Sedgwick County Metropolitan Area Planning Department

January 9, 2019

Clarkitecture
Attn: Chris Clark
7701 E. Kellogg Dr.
Wichita, KS 67207

ICT Capital
Attn: Doug Malone
31 N. Main, Suite 1400
Wichita, KS 67202

RE: BZA2018-00064 – City Variance to Sign Code to increase allowed signage by 80 square feet in LC Limited Commercial zoning; generally located south of East Central on the east side of Rock Road (366 N. Rock Road)

Dear Applicant:

At its regular meeting on December 6, 2018, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: MABCD

BZA RESOLUTION NO. 2018-00064

WHEREAS, ICT Capital – Doug Malone (Owner), and Clarkitecture – Chris Clark (Agent); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests the following variance to the Sign Code of the City of Wichita:

1. Variance to Section 24.04.195 of the Sign Code to increase the maximum size of a sign from 120 square feet to 180 square feet.

on property zoned “LC” Limited Commercial District (LC) legally described as follows:

The East 175 feet of the West 185 feet of the North 120 feet of Lot 1, Block A, Dean Rupert Second Addition, Wichita, Sedgwick County, Kansas, generally located at 366 North 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 December 6, 2018, 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 because most LC-zoned properties are relatively low density and/or have sufficient land area and frontage to accommodate ground signage for all users; however, this urban infill project is making efficient use of a relatively small lot. The property will be occupied by two distinct users after improvements are completed, each of which has a right to a reasonable amount of signage/visibility on this high traffic commercial corridor. Despite the volume of traffic, this property has long been underutilized.

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 subject property is located in the middle of a large commercial area near the intersection of East Central Avenue and North Rock Road. Properties in all directions are zoned LC and are developed with a variety of commercial uses.

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, by Code, the allowable surface area of signage is limited by the property's length of street frontage. This limitation inherently favors wide, shallow lots versus narrow, deep lots such as this one. With street frontage of 120 linear feet, the allowable area of ground signage is 120 square feet. This amount does not provide adequate signage/visibility for more than one user on this high traffic commercial corridor. The strict application of the Code is also creating a hardship for development of greater density (more than one distinct user), despite urban infill projects generally being considered desirable throughout the City of Wichita.

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 is

no foreseeable adverse impact on the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. On the contrary, this property has long been underutilized and the approval of this variance will allow a highly desired, compatible business to operate at this location. An attractive new building will be constructed for this user and the existing building on the property will be improved as well.

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, that a variance be granted to the Sign Code of the City of Wichita:

1. Variance to Section 24.04.195 of the Sign Code to increase the maximum size of a sign from 120 square feet to 180 square feet.

on property zoned "LC" Limited Commercial District (LC) legally described as follows:

The East 175 feet of the West 185 feet of the North 120 feet of Lot 1, Block A, Dean Rupert Second Addition, Wichita, Sedgwick County, Kansas, generally located at 366 North Rock Road.

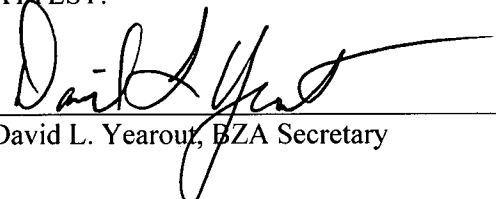
The variance is hereby GRANTED, subject to the following conditions:

1. Ground signage on the subject property shall be limited to 180 square feet in size and shall be developed in accordance with the approved site plan and sign plan drawings.
2. 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 BZA.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department
5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 6th DAY of DECEMBER, 2018.


Cindy Miles, BZA Board Chair

ATTEST:


David L. Yearout, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2018-00064

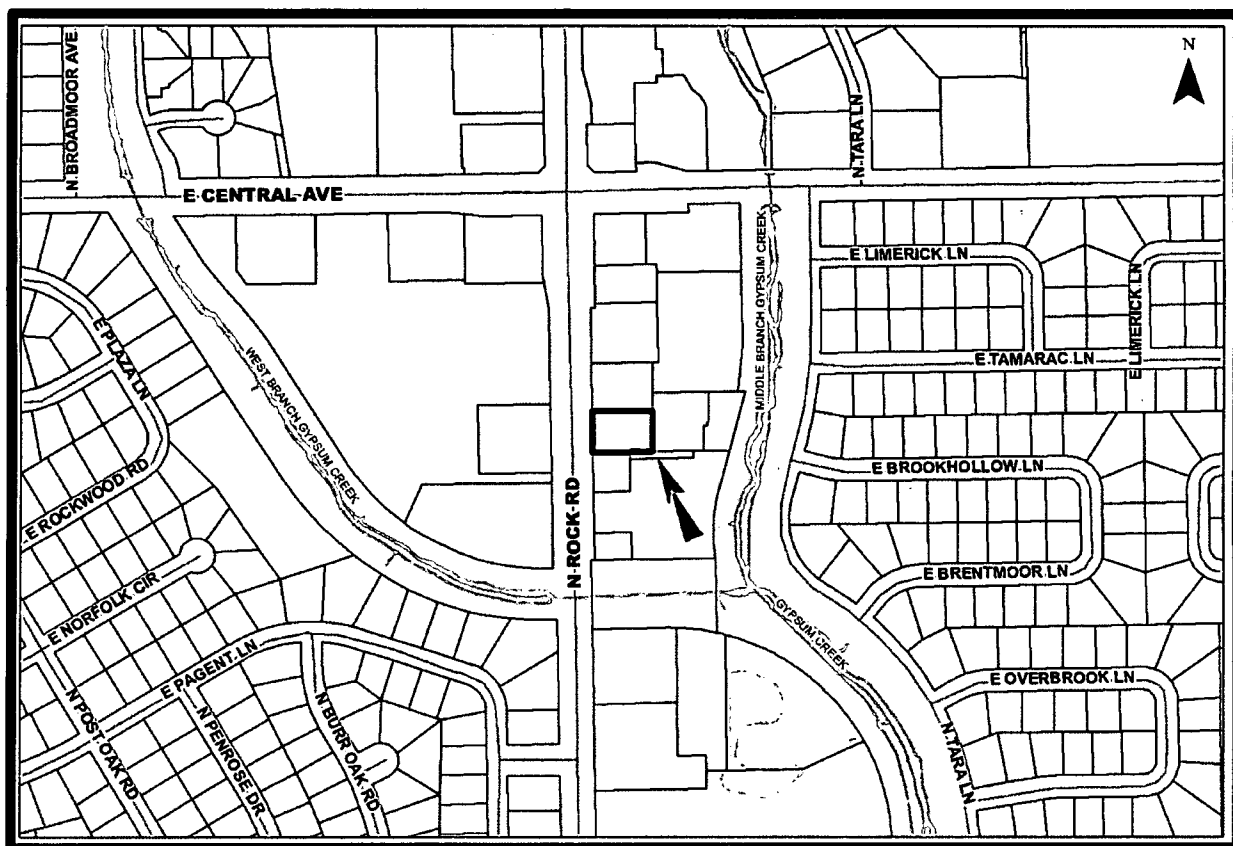
APPLICANT: ICT Capital c/o Doug Malone (Owner) / Clarkitecture c/o Chris Clark (Agent)

REQUEST: Variance to increase the permitted size of a ground sign from 120 square feet to 180 square feet

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.48 acres

LOCATION: Generally located south of East Central Avenue and east of North Rock Road (366 N. Rock Rd.)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions Section V-G of the Unified Zoning Code for Wichita/Sedgwick County, and as outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The subject property is 0.48 platted acres zoned LC Limited Commercial and located south of East Central Avenue and east of North Rock Road at 366 North Rock Road. The subject property is developed with a multi-tenant commercial building that is currently occupied by LoanMax Title Loans. The unoccupied portion of the commercial building is proposed to be razed and a stand-alone Dunkin' Donuts with a drive through is proposed to be constructed on the subject property as shown on the attached site plan. The applicant is requesting a variance to increase the permitted size of a ground sign from 120 square feet to 180 square feet. The proposed sign plan and the applicant's narrative describing the need for the proposed sign are attached. The subject property is located in middle of a large commercial area near the intersection of East Central Avenue and North Rock Road. Properties in all directions are zoned LC and are developed with a variety of commercial uses.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Electrical substation
SOUTH:	LC	Multi-tenant commercial buildings
EAST:	LC	Multi-tenant commercial buildings
WEST:	LC	Grocery store

CASE HISTORY: The subject property is platted as Dean Rupert 2nd Addition, which was recorded with August 26, 1970. The subject property was granted an Administrative Adjustment (BZA2003-00047) on August 20, 2003, to reduce the parking requirement from 48 spaces to 38 spaces to allow a portion of the multi-tenant commercial building to be occupied by a 93-seat restaurant. The subject property was granted an Administrative Adjustment (BZA2006-00049) on July 31, 2006, to reduce the parking requirement from 42 spaces to 32 spaces associated with the conversion of a portion the multi-tenant commercial building to warehouse space accessory to a retail use.

UNIQUENESS: It is staff's opinion that this property is unique because most LC-zoned properties are relatively low density and/or have sufficient land area and frontage to accommodate ground signage for all users; however, this urban infill project is making efficient use of a relatively small lot. The property will be occupied by two distinct users after improvements are completed, each of which has a right to a reasonable amount of signage/visibility on this high traffic commercial corridor. Despite the volume of traffic, this property has long been underutilized.

ADJACENT PROPERTY: It is staff's opinion that granting the increase in sign size at this location will not adversely affect the rights of adjacent property owners. The subject property is located in middle of a large commercial area near the intersection of East Central Avenue and North Rock Road. Properties in all directions are zoned LC and are developed with a variety of commercial uses.

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. By Code, the allowable surface area of signage is limited by the property's length of street frontage. This limitation inherently favors wide, shallow lots versus narrow, deep lots such as this one. With street frontage of 120 linear feet, the allowable area of ground signage is 120 square feet. This amount does not provide adequate signage/visibility for more than one user on this high traffic commercial corridor. The strict application of the Code is also creating a hardship for development of greater density (more than one distinct user), despite urban infill projects generally being considered desirable throughout the City of Wichita.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there is no foreseeable adverse impact on the public health, safety,

morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. On the contrary, this property has long been underutilized and the approval of this variance will allow a highly desired, compatible business to operate at this location. An attractive new building will be constructed for this user and the existing building on the property will be improved as well.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased sign size would not oppose the general spirit and intent of the Sign Code, inasmuch as the Sign Code restricts the visibility of users in higher density developments by limiting signage based on street frontage. Without visibility, most business users cannot and will not operate at such locations. This hardship contributes to a cycle of underutilization and a lack of desirable users in what would otherwise be high traffic, prosperous areas.

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 to increase the permitted size of a ground sign from 120 square feet to 180 square feet be GRANTED, subject to the following conditions:

1. Ground signage on the subject property shall be limited to 180 square feet in size and shall be developed in accordance with the approved site plan and sign plan drawings.
2. 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 BZA.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department
5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

Report Attachments:

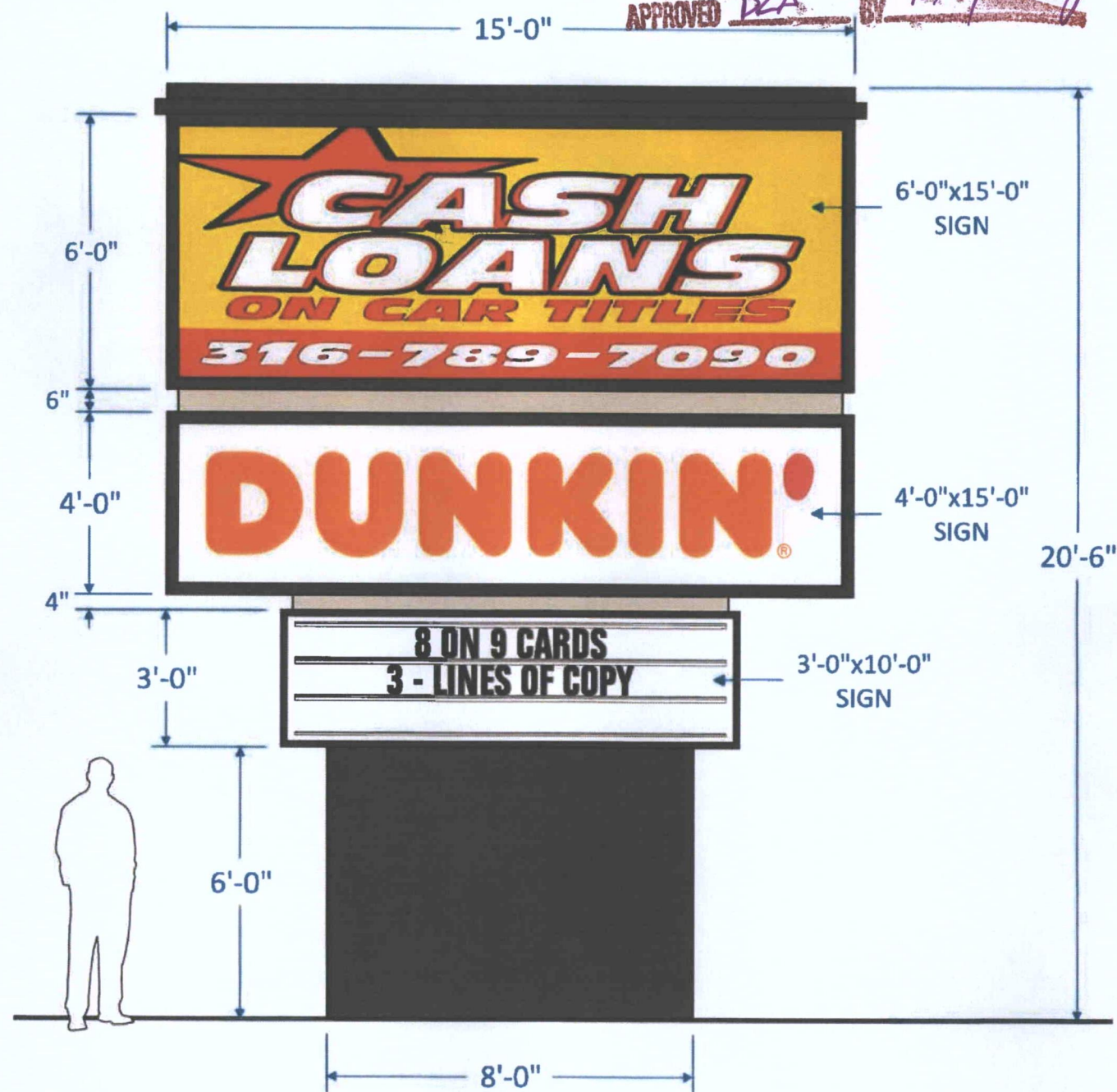
1. Site Plan
2. Sign Plan
3. Applicant's Narrative

POLE SIGN NEW PROPOSED STREET SIGN DESIGN - (180 sqft)

6202018-00064

BZA

12/6/18 DJ



SCALE: 1" = 3'



RON'S SIGN COMPANY
1329 S. Handley St.
Wichita, KS 67213
Phone: 1.316.267.8814
Fax: 1.316.267.0811

DRAWING DATE: 10.12.18

DESIGNER: A. SMITH
SALES REP: J. SAINDON

ADDRESS: 366 N Rock Rd, Wichita, KS 67206

CLIENT APPROVAL:

DATE _____

CUSTOMER:

ICT CAPITAL

SHEET NUMBER:

4.0

DESIGN PHASE: PROPOSED

By signing this, you agree that all of the following is correct and satisfactory. This layout is the property of Ron's Sign Co. and may not be shown to anyone outside of your organization, nor is to be used, reproduced, copied, or exhibited in any fashion. Ron's Sign Co. will aim to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying surface materials and paint codes used. All sizes and dimensions are illustrated for client's view of the project and is not to be viewed as being exact size or exact scale.

SITE PLAN

APPROVED BZA BY 12/6/18 dy
BZA 2018-00064

