

2004 Sec. 4-8-85
List 5-2
Record ✓

Case No. BZA 16-85 - Phillips Petroleum
Company, % PT, RE, & C, 101 North
Robinson, Oklahoma City, Oklahoma -
requests a variance to increase the
height of an identification sign from
30 feet to 52 feet on property zoned

POSTED
2-27-85 GFL

ACTION

B.Z.A. 16-85 APPROVED 3-26-85
DATE

20'4 Sec 4-8-85
Shot 5-2
Record ✓

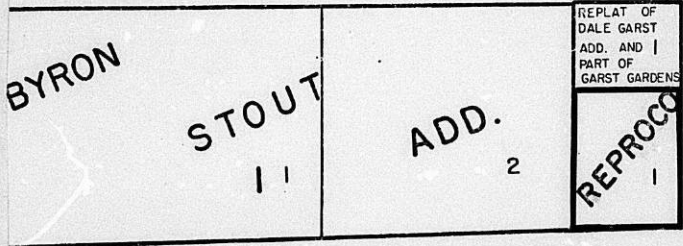
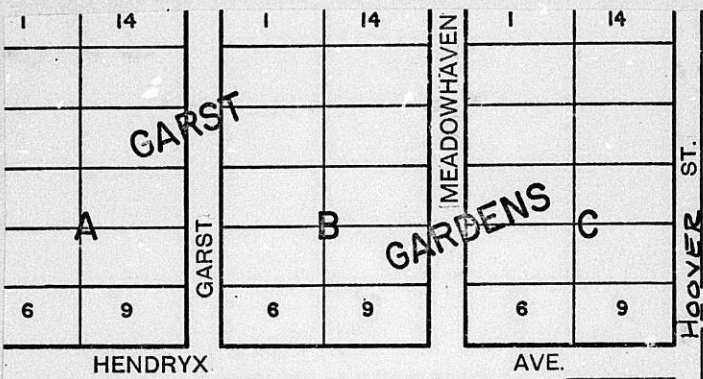
Case No. BZA 16-85 - Phillips Petroleum Company, 7 PT, RE, & C, 101 North Robinson, Oklahoma City, Oklahoma - Requests a variance to increase the height of an identification sign from 30 feet to 52 feet on property zoned

Map No. 5046 A

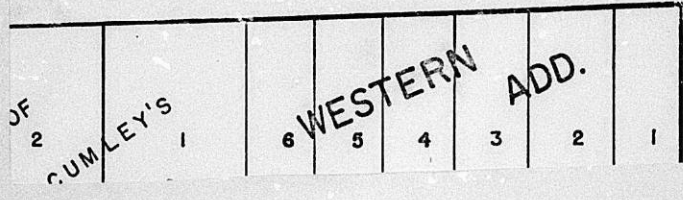
BZA 16-85
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E C S C W C N C
3. Land Use: East Hotel South Comm.
West Rest. North Vacant
4. Area (is) (~~is not~~) platted.



KELLOGG - 45 54



LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS
REGISTERED PROFESSIONAL SURVEYOR
U.S.A.

Spaulding
No. 2-153C

April 2, 1985

M. T. Mullings
Phillips Petroleum Co.
% PT, RE and C
101 North Robinson
Oklahoma City, Ok. 73102

Re: BZA 16-85 - Request for Variance

Dear Mr. Mullings:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 26, 1985.

This Resolution reflects the official action of the Board to approve, your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 16-85

WHEREAS, Phillips Petroleum Co., 8 PT, RE and C, 101 North Robinson, Oklahoma City, Oklahoma, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to permit an increase in the permitted height of an identification sign from 30 feet to 52 feet on property zoned the "C" Commercial District and legally described as follows:

Lot 1, Reproco 1st Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Kellogg and Hoover (5424 West Kellogg).

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 March 26, 1985 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 owner or the applicant inasmuch as the sign is to be located on a property that has benefited from the traffic of the Interstate highway to the east, and the investment to rebuild the property was based partially on the ability to retain a sign that is visible from this Interstate Highway; 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 installation of a higher sign on Hoover to the north part of the property should not interfere with the visibility of the signs on adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would not have removed the sign if in fact the sign could not be relocated at the general height of the previously existing sign; 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 due to the fact that the increase in the height of one sign should not interfere with any needed right-of-way or easements; 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 Title 28 (Zoning Ordinance) inasmuch as the intent of the ordinance is to allow existing nonconforming uses to remain as long as they are property maintained; and

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.

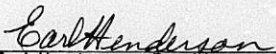
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to permit an increase in the permitted height of an identification sign from 30 feet to 52 feet on property zoned the "C" Commercial District and legally described as follows:

Lot 1, Reproco 1st Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Kellogg and Hoover (5424 West Kellogg).

be approved subject to the following conditions:

1. The sign shall not exceed the gross surface area permitted by the ordinance and shall not exceed a height of 52 feet.
2. Only one sign exceeding a height of 30 feet shall be permitted on the property and it shall be located adjacent to Hoover Road.

ADOPTED AT WICHITA, KANSAS, this 26th day of March, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE March 18, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 16-85 Northwest corner of
Kellogg and Hoover-5424 West Kellogg

CPO Council "B" considered the captioned case at its March 12th meeting and voted 7-1 to recommend that the variance to increase the height of an identification sign from 30 feet to 52 feet be approved.

Mike Mullings was present representing Phillips Petroleum Company. No adjoining property owners or area residents were present concerning the case.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered at the March 26th meeting.

Shirley Mast
Shirley Mast
Administrative Aide

SM:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

MAR 19 1985

METROPOLITAN PLANNING
ROUTE _____



PHILLIPS PETROLEUM COMPANY

OKLAHOMA CITY, OKLAHOMA 73102
101 N. ROBINSON, PHONE: 405 239-2611

PROPERTY TAX, REAL ESTATE AND CLAIMS

RECEIVED

MAR 01 1985

METROPOLITAN PLANNING

ROUTE

February 27, 1985

File: SS #18093

RE: Variance for sign

Wichita - Sedgwick County
Metropolitan Area
Zoning Department
Mr. Glen Lytle
455 N. Main
Wichita, KS 67202

Dear Mr. Lytle:

The need to acquire the requested variance arose through our desire to obtain a building permit for a raze and rebuild project at 5624 W. Kellogg. At this time, we were informed that replatting the property would be required prior to our obtaining a building permit. It is obvious that our intention was to leave the existing sign and structure in its original location. Due to the necessity of replatting, which resulted in dedicating 10' of our property along Kellogg Drive to the City, our layout had to be moved 10' north putting the sign in the middle of a drive. For safety purposes, the location of the sign was moved out of the drive. It was our understanding that we could relocate it to the proposed location while lowering it to 52' from its original height of 65'. A misunderstanding arose from the change in the layouts. Dick Jonkers and Joe Donnelly have stated that we could change the face of the sign as long as it remained on the same structure as was our original intention.

Signage is one of the most important aspects of our business. The decision to raze and rebuild the facility at 5624 W. Kellogg was partially based on the existing high-rise sign and the traffic on nearby I-235.

The chances of our getting the estimated volume without the interstate traffic via the sign are negligible. It is not as though we are trying to put up a high-rise sign simply because we want one, instead, we are only attempting to get back the sign we had prior to our rebuilding.

Should you need any further information, please call me at 405/239-2611, ext. 347. Thank you for your cooperation in this matter.

Very truly yours,

Michael T. Mullings
Michael T. Mullings

MTM/klh
MTM-055-85

SECRETARY'S REPORT
CASE NO. BZA 16-85

APPLICANT: Phillips Petroleum Co., § PT, RE and C, 101 North Robinson, Oklahoma City, Oklahoma.

AGENT: M. T. Mullings, Phillips Petroleum Co., § PT, RE and C, 101 North Robinson, Oklahoma City, Oklahoma.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to increase the height of an identification sign from 30 feet to 52 feet.

GENERAL LOCATION: On the northwest corner of Kellogg and Hoover (5424 West Kellogg).

ZONING: Subject property is zoned the "C" Commercial District as are all adjacent properties.

LAND USE: Subject property is being developed as a self-service gasoline and convenience store, and an automatic car wash. To the west a restaurant, to the east a hotel and to the south commercial.

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 the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance in order to reinstall an identification sign at a height that provided visibility from the Interstate Highway approximately one-fourth mile to the east. The height permitted by the ordinance is 30 feet, and the height of the original sign was 65 feet.

In the process of redeveloping the site with new facilities, it was necessary to replat the property which resulted in the dedication of additional right-of-way for Kellogg. This caused a problem with the location of the existing sign that caused its removal. The applicant indicates that there was a misunderstanding between the contractor and Central Inspection as to what could be done with the existing sign and supports.

It is not anticipated that the estimated volume without the Interstate traffic would not justify the investment of rebuilding the facility. The applicant indicates they would not have removed the existing sign if there was to be a problem of reinstalling it.

It should be noted that this office had contact from the applicant about the height of this sign a number of months ago. It was understood that the existing sign would remain, and this office did not disagree with Central Inspection's interpretation of the nonconforming sign could remain.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located on a site that has served the traffic that benefits from the Interstate highway to the east, and there has been a much higher sign on the property for a number of years than is proposed at this time.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the installation of a higher sign on Hoover to the north part of the property should not interfere with the visibility of the signs on adjacent properties.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would not have removed the sign had they not understood that the sign could be relocated at the general height of the previously existing sign.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the increase in the height of one sign should not interfere with any right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the ordinance is to allow existing nonconforming uses to remain as long as they are properly maintained.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a 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. The sign shall not exceed the gross surface area permitted by the ordinance and shall not exceed a height of 52 feet.
 2. Only one sign exceeding a height of 30 feet shall be permitted on the property and it shall be located adjacent to Hoover Road.
-

BZA CASE NO. 10-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>6</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>8</u>	TOTAL NOTICES SENT <u>3-6-85</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

March 6, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 16-85

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Phillips Petroleum Company, % PT, RE, & C, 101 North Robinson, Oklahoma City, Oklahoma, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to increase the height of an identification sign from 30 feet to 52 feet on property zoned "C" Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Reproco 1st Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Kellogg and Hoover (5424 West Kellogg).

This application has been assigned Case BZA 16-85. It will be considered by the Board of Zoning Appeals on March 26, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 16-85

CITY OF WICHITA, KANSAS

FILED 2-25-85

APPLICATION FOR VARIANCE

I. Name of Applicant Phillips Petroleum Company
 c/o T, RE, & C
 Mailing Address 101 N. Robinson Phone (405)239-2611
 Oklahoma City, OK 73102
 Name of Authorized Agent M.T. Mullings
 Mailing Address Same Phone _____
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is 52' (fifty two foot) high rise sign at
newly remodeled facility located at Kellogg & Hoover

on the northwest corner of Kellogg and Hoover
 for property located 5424 W. Kellogg, Wichita, Kansas, Sedgwick County

and legally described as: Lot 1, Reproco 1st Addition, being situated
in the NE/4 of Section 27, Twonship 27 South, Range 1 West of the 6th
P.M., Sedgwick County, Kansas.

in the City of Wichita; and which is presently zoned "C".

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Phillips Petroleum Company

Authorized Agent M.T. Mullings

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
12:07 p.m. (p.m.), FEB. 25, 1985, together with
 appropriate fee of 150.00.

Signed [Signature]

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1		Reproco 1st Addition	✓ Reproco, Inc. 3400 S.E. Harvey Bartlesville, OK 74006
Lot 1, except that portion now platted as Byron Stout Addition and Reproco 1st Addition		Replat of Dale Garst Addition & Part of Garst Gardens	Don C. Weyl Dorothy G. Weyl ✓ 304 S. Brookside Wichita, KS 67218 AND Dale N. Garst Mary E. Garst 1654 Burns ✓ Wichita, KS 67203
Beginning at the SE/c of Lot 2, Blk. 1; th. West 158'; th. North 250'; th. East 158'; th. South 250' to p.o.b.		Byron Stout Addition	W. A. Michaelis Jr. 211 N. Broadway ✓ Wichita, KS 67202
Lot 2, Blk. 1, except above described tract		"	Motel 8, Inc. 1888 Century Park East Los Angeles, CA 90067 retained 3-29-85
Lot 1		Western 2nd Addition	✓ Seldin Properties, a partnership Montclair Professional Center 13057 West Center Rd. Omaha, NE 68144
Lots 2 & 3	Block 1	Western Addition	Same As Above

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Reproco 1st Addition, Wichita, Kansas,
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 20th day of February, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND
TITLE COMPANY, INC.

By

Mary Sable
Sr. Vice-President

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

March 6, 1985

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CASE NO. BZA 16-85

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If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
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March 6, 1985

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Jack H. Galbraith
Secretary

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2