



Wichita-Sedgwick County Metropolitan Area Planning Department

February 9, 2012

Consolidated Properties of Kansas, Inc.
2405 E 21st Street N.
Wichita, KS 67214

Todd Mills, Kwik Shop, Inc.
734 E 4th Ave.
Hutchinson, KS

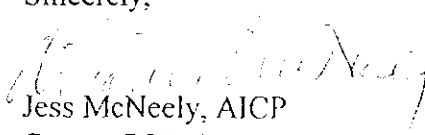
RE: BZA2011-60 – County Variance to the Sign Code to increase sign height from 35 to 45 feet, and reduce separation between signs from 150 to 50 feet for a convenience store sign on property zoned LC Limited Commercial (“LC”); generally located south of 47th Street South and west of K-15 (3611 East 47th Street South).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Sedgwick County Board of Zoning Appeals on **February 8, 2012**. 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, AICP
County BZA Secretary

cc: Jim Skelton, County Commissioner
Bob Parnacott, County Counselor
Bill Raymond, County Counselor
Kelly Dixon, Sedgwick County Code Enforcement
Irene Hart, Sedgwick County Code Enforcement
Jim Welch, Sedgwick County Public Works
Sedgwick County, 455 North Main, Wichita, Kansas 67202-1688

T 316.268.4421 **F** 316.268.4390

www.wichita.gov

BZA RESOLUTION NO. BZA2011-00060

WHEREAS, Consolidated Properties of Kansas, (Owner) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to the Sign Code to increase sign height from 35 to 45 feet, and reduce separation between signs from 150 to 50 feet for a convenience store sign on property zoned LC Limited Commercial ("LC"); generally located south of 47th Street South and west of K-15 (3611 East 47th Street South).

Lot 3, Block A, S-J Properties 2nd 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 February 8, 2012, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique. The property has 200 feet of K-15 frontage, but an existing billboard under a different ownership and easements leave the applicant without enough space to meet Sign Code separation requirements. The site is further unique in that the south boundary has a hedgerow of tall trees, the site frontage is 10 feet lower than the roadway, and the site has visual interference from railroad signal equipment and the existing billboard sign.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested will not adversely affect the rights of adjacent property owners; the nearest residence to the proposed sign is over 500 feet from the sign site and separated by K-15. Surrounding properties are developed with commercial and industrial uses typical of highway and arterial street frontages.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant. The 150-foot sign separation requirement would not allow the applicant to have a sign along the K-15 frontage. The 35 foot height restriction may not provide for adequate visibility of this sign, considering the elevation difference between the sign site and the roadway, and considering rail signal equipment and an existing billboard.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest. The requested sign size is consistent with commercial and industrial signage along arterial and highway frontage. Adequate visibility of this sign from K-15 is in the public interest for identifying and accessing the convenience store.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested would not be opposed to the general spirit and intent of the Sign Code. The Sign Code restrictions on sign height and separation do not take into consideration grade differences between sign sites and elevated roadways, and do not take into consideration sites with limited usable frontage. The spirit and intent of

the sign code is for adequate identification of facilities without negative effects on surrounding properties, this variance request is consistent with that spirit and intent.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

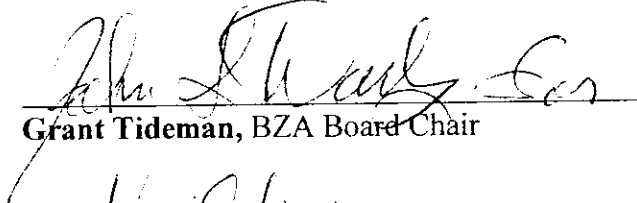
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, a variance to the Sign Code to increase sign height from 35 to 45 feet, and reduce separation between signs from 150 to 50 feet for a convenience store sign on property zoned LC Limited Commercial ("LC"); generally located south of 47th Street South and west of K-15 (3611 East 47th Street South).

Lot 3, Block A, S-J Properties 2nd Addition, Sedgwick County, Kansas.

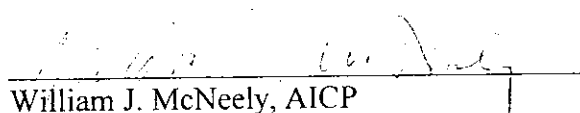
The variance is hereby GRANTED, subject to the following conditions:

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

ADOPTED AT WICHITA, KANSAS, this 8th Day of February, 2012.


Grant Tideman, BZA Board Chair

ATTEST:


William J. McNeely, AICP
BZA Secretary

BOARD OF ZONING APPEALS
SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 2
February 8, 2012

SECRETARY'S REPORT

CASE NUMBER: BZA2011-60

APPLICANT/AGENT: Consolidated Properties of Kansas, Inc. (owner), Kwik Shop, Inc.
c/o Todd Mills (agent) *Todd Mills*

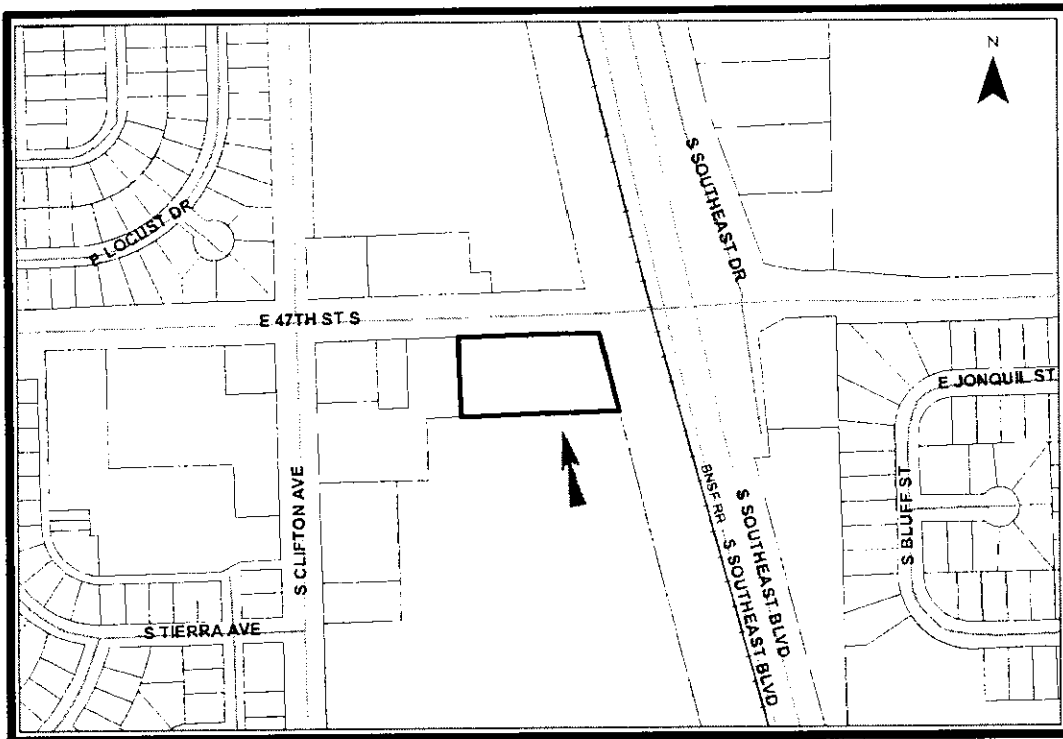
REQUEST: County Sign Code variance request to increase sign height from 35 to 45 feet, and reduce separation between signs from 150 to 50 feet for a convenience store sign.

CURRENT ZONING: GC General Commercial

SITE SIZE: 1.6 acres

LOCATION: Generally located south of 47th Street South and west of K-15
(3611 East 47th Street South).

3611 E 47TH ST S



JURISDICTION: The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The County Sign Code limits pole signs in GC General Commercial ("GC") zoning to a maximum height of 35 feet and requires a minimum separation of 150 feet between signs. The applicant's proposed sign for a convenience store is along their K-15 frontage. This frontage has an existing billboard at the K-15/47th Street South intersection, under a separate ownership and on a sign easement. The applicant's K-15 frontage is approximately 200 feet; however, a utility easement along the south property line leaves the applicant with only 140 feet of frontage for their sign. Also, a hedgerow of trees along the south property line would limit visibility of the sign if placed close to them. The site is further complicated in having its lowest elevation along the K-15 frontage, with elevated railroad tracks to the east, and the K-15 roadway elevated approximately 10 feet above the proposed sign site. Because of these factors and the applicant's desire for a visible pole sign for the convenience store on the site, the applicant requests a variance to the County Sign Code standards for sign separation and sign height.

North of the site is LC Limited Commercial ("LC") zoned vacant property and a retail store. South of the site is LC and LI Limited Industrial ("LI") zoned property owned by USD 260 and developed with a school approximately 650 feet south of the site. East of the site is the rail corridor and K-15, further east is property zoned SF-20 Single-family Residential ("SF-20") and LI. Property to the east is developed with a few residences and large industrial uses. West of the site is LC zoned property developed with commercial uses, northwest of the 47th and Clifton intersection is property zoned SF-5 Single-family Residential ("SF-5") and developed with residences.

ADJACENT ZONING AND LAND USE:

NORTH	LC	Commercial uses
SOUTH	LC, LI	School district
EAST	LI, SF-20	Industrial uses, single-family residences
WEST	LC, SF-5	Commercial uses, single-family residences

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

UNIQUENESS: It is staff's opinion that this property is unique. The property has 200 feet of K-15 frontage, but an existing billboard under a different ownership and easements leave the applicant without enough space to meet Sign Code separation requirements. The site is further unique in that the south boundary has a hedgerow of tall trees, the site frontage is 10 feet lower than the roadway, and the site has visual interference from railroad signal equipment and the existing billboard sign.

ADJACENT PROPERTY: It is staff's opinion that the requested variance to increase the height of a sign and decrease separation between signs would not adversely affect the rights of adjacent property owners. The nearest residence to the proposed sign is over 500 feet from the sign site and separated by K-15. Surrounding properties are developed with commercial and industrial uses typical of highway and arterial street frontages.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the Sign Code would constitute a hardship upon the applicant. The 150-foot sign separation requirement would not allow the applicant to have a sign along the K-15 frontage. The 35 foot height

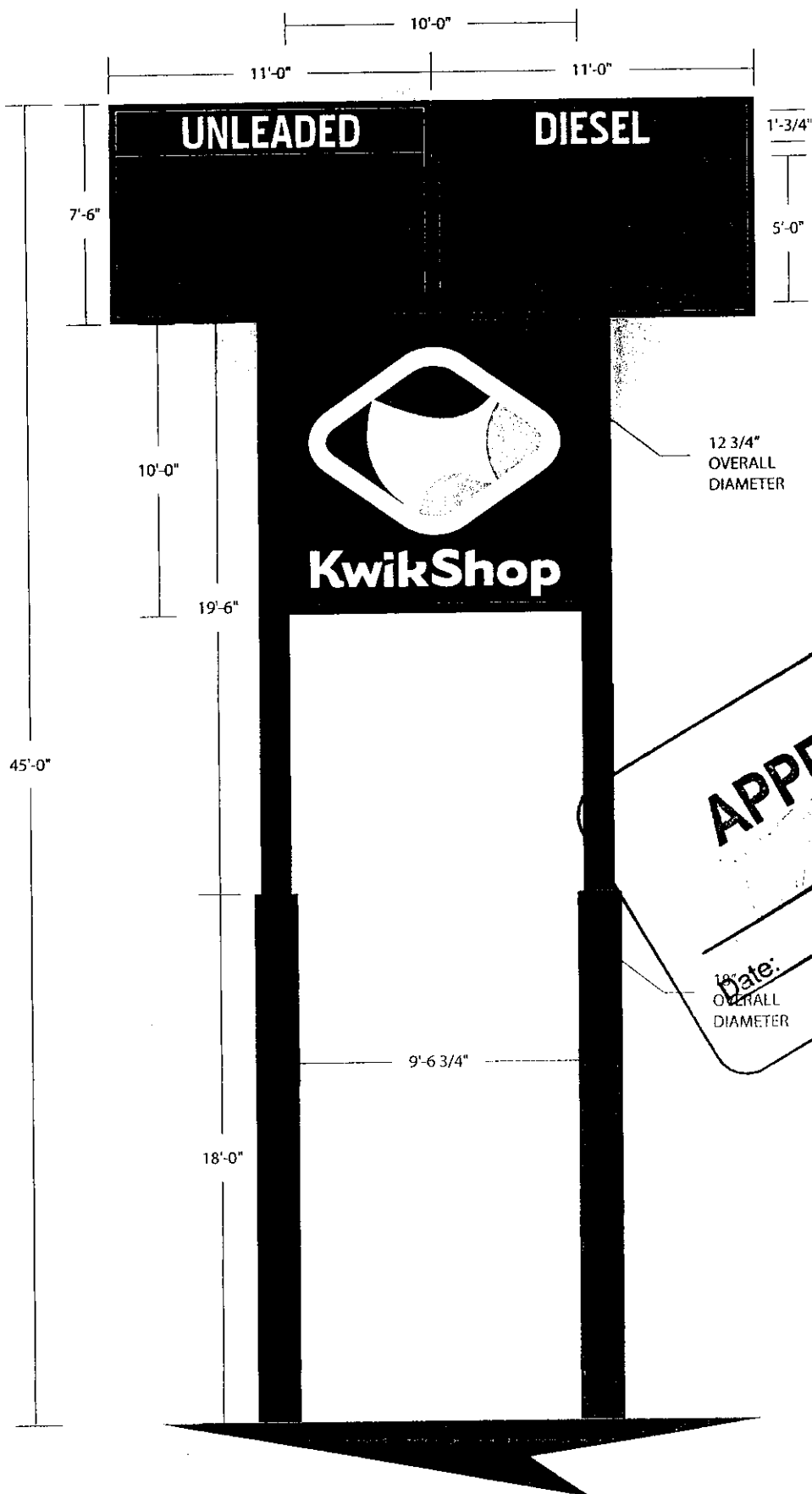
restriction may not provide for adequate visibility of this sign, considering the elevation difference between the sign site and the roadway, and considering rail signal equipment and an existing billboard.

PUBLIC INTEREST: It is staff's opinion that the requested variance to increase the height of a sign and decrease sign separation would not adversely affect the public interest. The requested sign size is consistent with commercial and industrial signage along arterial and highway frontage. Adequate visibility of this sign from K-15 is in the public interest for identifying and accessing the convenience store.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased sign height and decreased sign separation does not oppose the general spirit and intent of the Sign Code. The Sign Code restrictions on sign height and separation do not take into consideration grade differences between sign sites and elevated roadways, and do not take into consideration sites with limited usable frontage. The spirit and intent of the sign code is for adequate identification of facilities without negative effects on surrounding properties, this variance request is consistent with that spirit and intent.

RECOMMENDATION: Should the Board determine that the conditions necessary for a variance exist, the Secretary recommends that a variance of the County Sign Code to increase sign height from 35 to 45 feet, and reduce separation between signs from 150 to 50 feet for a convenience store sign in GC zoning be GRANTED, subject to the following conditions:

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



CUSTOMER: KWIK SHOP 706
NAME: TODD MILLS
LOCATION: WICHITA, KS

DATE: 12/14/11
DESIGN NO.: JB-7590-1
ARTIST: MH

SCALE: 3/16" = 1'

SPECIFICATIONS

- FURNISH AND INSTALL
 (1) 7' 6" X 22' DOUBLE
 FACE, LED ILLUMINATED 60"
 CHARACTER, GAS PRICE
 SIGN
- (1) 10' x 10' DOUBLE FACE,
 INTERNALLY ILLUMINATED, FLEX
 FACE, LOGO SIGN.
- COLORS: PMS 485 RED,
 PMS 2726 BLUE VIOLET,
 PMS 1875 KUMQUAT
 ORANGE, PMS 3135
 TURQUOISE, 3630-22 BLACK,
 3630-33 RED, 3630-121
 METALLIC SILVER
- FONT: CUSTOMER LOGO,
 HELVETICA BOLD COND.

APPROVED

APPROVED:

Date:

**OVERALL
 DIAMETER**

DATE:

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