



FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

February 20, 2004

Johnny Stevens  
Waterfront Commercial Properties  
Building E, Suite 200  
1223 N. Rock Road  
Wichita, KS 67206

**Re: BZA2004-00007: Zoning Adjustment to reduce the setback along 13<sup>th</sup> Street North for an off-site sign from 20 feet to 16 feet.**

**Legal Description: Lots 6, 7, & 8, Block 1, The Waterfront Addition, Wichita, Sedgwick County, Kansas. Generally located north of 13<sup>th</sup> Street North and east of Webb Road (1401 Waterfront Parkway).**

Dear Mr. Stevens:

We have reviewed your request for a Zoning Adjustment to reduce the setback along 13<sup>th</sup> Street North for an off-site sign on the aforementioned property. From reviewing your application, we understand that you propose to construct an off-site sign to advertise businesses located within The Waterfront development but not located on the same zoning lot as the sign. The Sign Code requires that off-site signs conform to all building setbacks, and the "LI" Limited Industrial zoning district requires a 20-foot setback along 13<sup>th</sup> Street North. Since the parking lot island in which the sign is to be located has already been constructed in a manner that does not allow conformance with the required 20-foot setback, you are requesting to reduce the setback along 13<sup>th</sup> Street North for the off-site sign by 20 percent from 20 feet to 16 feet.

Section V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce setbacks by up to 20 percent when the four conditions required by Section V-I.6. of the Unified Zoning Code are met. We find that the reduction of the setback as proposed meets the four conditions required by Section V-I.6. of the Unified Zoning Code as set out below:

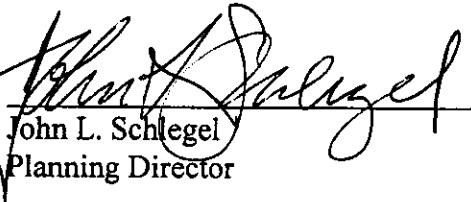
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the proposed sign will be located within a parking lot island and the proposed sign does not encroach into to any circulation paths.


- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the reduction of the setback, as the proposed encroachment into the setback is minor nature and should not be noticeable.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed sign will comply with all development standards except for the minor setback encroachment; therefore, the minor setback encroachment should not reduce the compatibility of the proposed sign with existing and permitted uses on abutting sites.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the setback along 13<sup>th</sup> Street North for an off-site sign on the aforementioned property from 20 feet to 16 feet is hereby granted, subject to the following conditions:

- 1) The off-site sign shall be developed in general conformance with the approved site plan and elevation drawing and shall advertise only businesses within The Waterfront development.
- 2) The setback reduction shall apply only to the "Tenant Sign - Relocated" as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

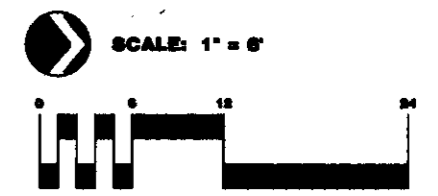
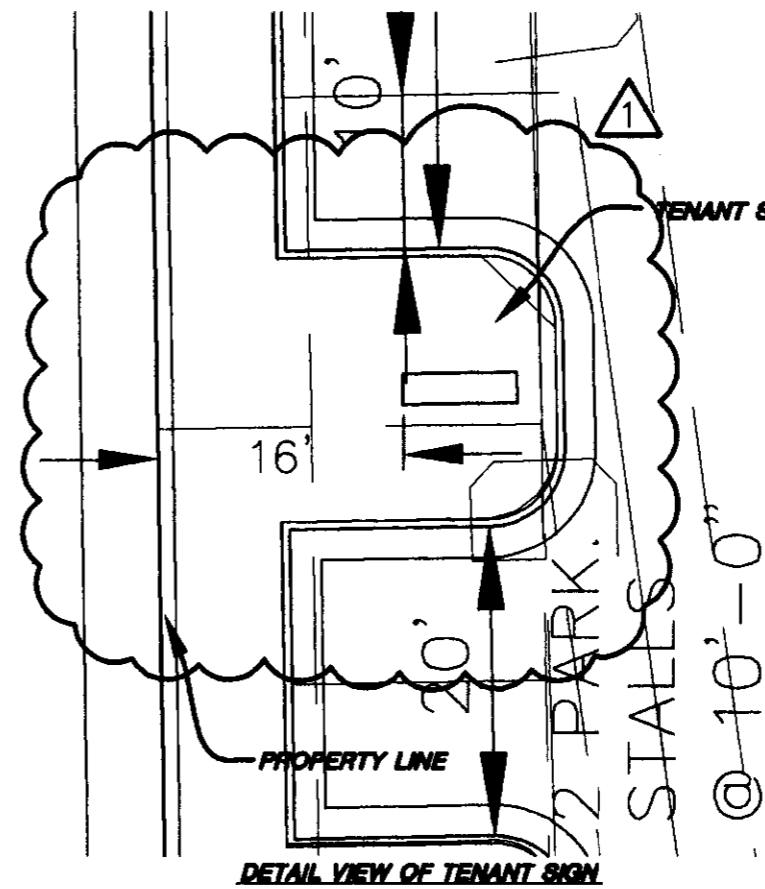
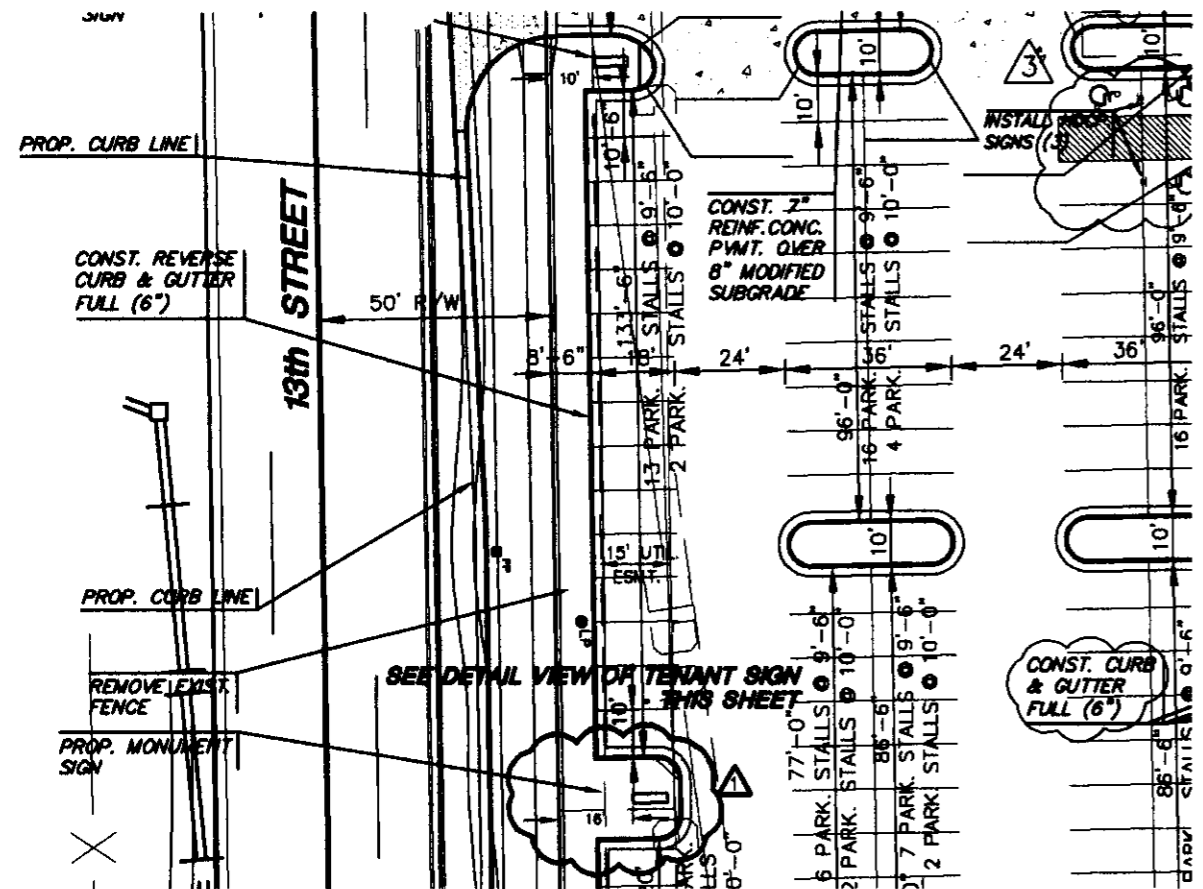
The zoning adjustment sign may now be removed from the property.

  
John L. Schlegel  
Planning Director

  
Kurt A. Schroeder  
Superintendent of Central Inspection

Enclosure

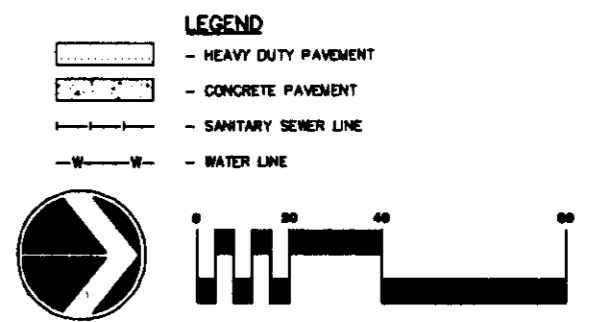
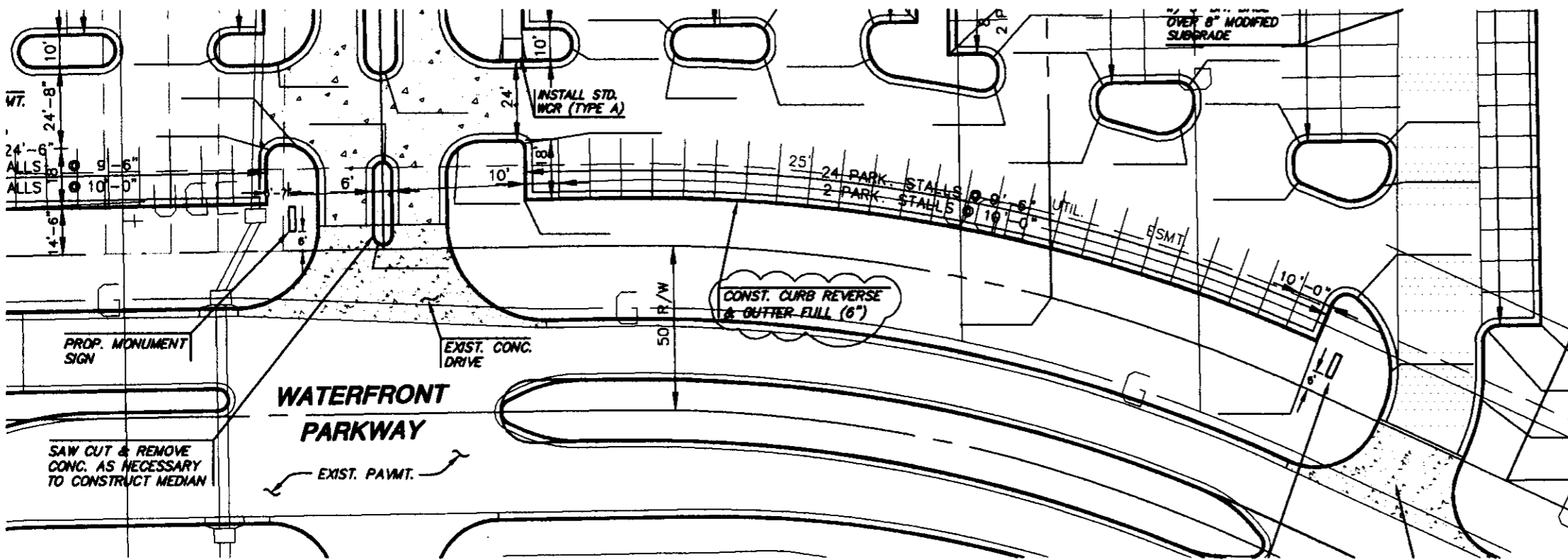
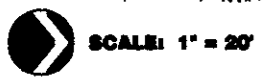
cc: Kurt Schroeder, Office of Central Inspection  
Paul Hays, Office of Central Inspection  
Randy Sparkman, Office of Central Inspection  
J.R. Cox, Office of Central Inspection



- NOTES:**
1. ALL DIMENSIONS TO FACE OF CURB UNLESS OTHERWISE NOTED.
  2. ALL PAVEMENT, SIDEWALKS, CURB & GUTTER SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF WICHITA SPECIFICATIONS.
  3. SEE PAVEMENT DETAILS FOR PAVEMENT THICKNESS AND SUBGRADE TREATMENT.
  4. DRIVE ENTRANCE FROM 13th STREET SHALL BE COORDINATED WITH PROPOSED TURN LANE CURRENTLY UNDER DESIGN BY MKEC.
  5. SEE UTILITY PLAN FOR INLET LOCATIONS AND TYPES.
  6. WHEELCHAIR RAMP LOCATIONS TO SERVE THE PROPOSED BUILDINGS SHALL BE COORDINATED WITH THE BUILDING PLANS PRIOR TO CONSTRUCTION.
  7. SEE SHEET 5 FOR PVC SLEEVE LOCATIONS UNDER PAVEMENT.

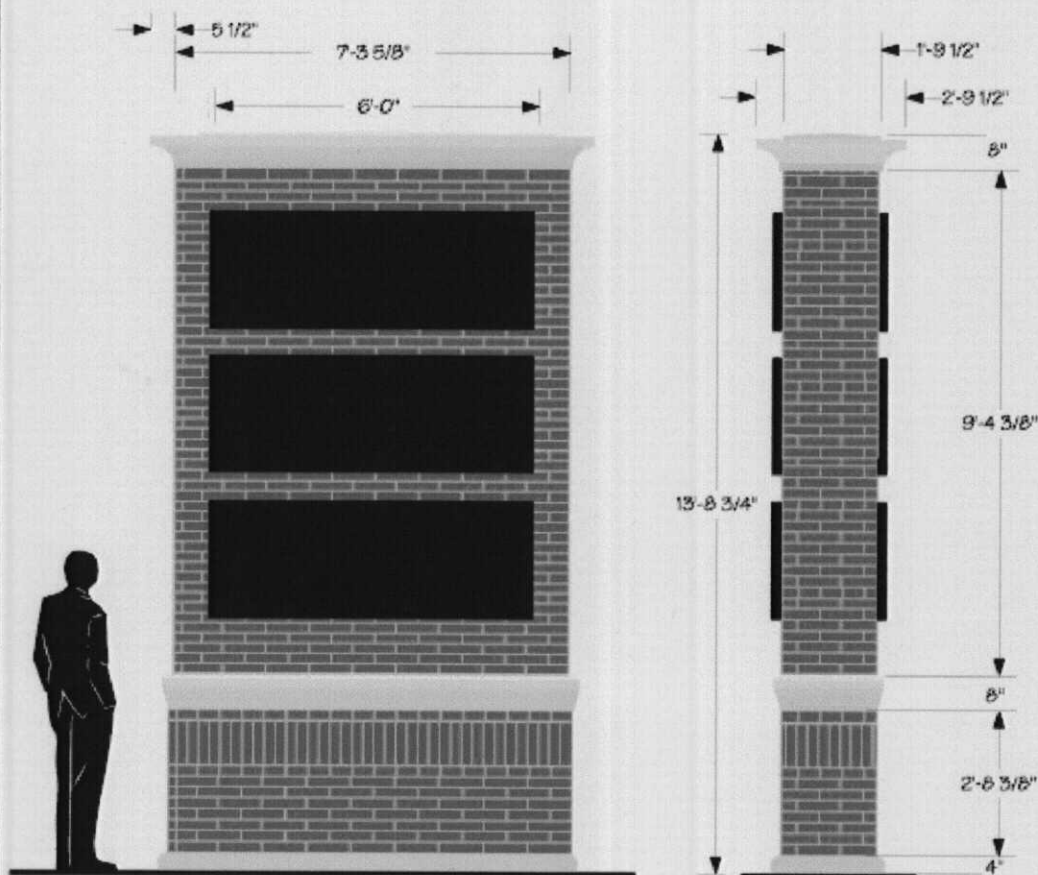
BZA2004-00007  
**SITE PLAN**

APPROVED 2-2004 BY SK




REVISD- DECEMBER 16, 2003

<p><b>MKEC</b> ENGINEERING CONSULTANTS 411 N. WEBB ROAD WICHITA, KS. 67206 910-684-0000</p>	<b>THE WATERFRONT - RESTAURANT SITES</b>	
	PROJECT NAME	
	<b>PAVING PLAN - TENANT SIGN LOCATIONS</b>	
	SHEET TITLE	
DRK DESIGN BY.	MKEC DRAWN BY.	GJA CHECKED BY.
JUNE 2003 DATE	02014 JOB NO.	1 / 1 SHEET/NOF



Colors:  
Brick & Stone to match  
Black / White

Typesyles:  
Individual logotypes

		<small>This design is the property of LUMINOUS ART &amp; SIGN SYSTEMS, INC. It is loaned to the customer upon completion of the order. This design is not to be used to recreate or to copy without the written permission of the company. Furthermore, PHOTO-COPYING, REPRODUCTION, OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, IS STRICTLY PROHIBITED. LUMINOUS ART &amp; SIGN SYSTEMS, INC. IS NOT RESPONSIBLE FOR ANY REPRODUCTION OR TRANSMISSION OF THIS DESIGN.</small>	
		APPROVED	DATE
DESIGN NO. JM-11408	DATE 11/2/03		
SCALE 3/8" = 1"	ARTIST JDS		
CUSTOMER Clark Investment Wichita, KS			

BZA2004-00007  
**SITE PLAN**

APPROVED 7-20-04 BY SK