

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no vehicular visibility will be hindered by the size or placement of the proposed sign, nor will any street right-of-way or utility easement be affected.

SPIRIT AND INTENT: It is the opinion of staff 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 is to provide adequate signage based on type of street frontage, but the ordinance does not provide for signs on streets which have complete access control.

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. Only one pole sign shall be permitted for this building site (zoning lot) and it shall be located on the Mid-Continent Road frontage at least 15 feet south of the north property line.
2. The sign shall be designed and constructed substantially in compliance with the drawing submitted by the architects for Board review.

July 25, 1989

SECRETARY'S REPORT

CASE NUMBER:

BZA 29-89

OWNER/APPLICANT/AGENT:

Cinemas Associates (owner/applicant)
William J. Warren (agent)

REQUEST:

Variance to increase the size of a pole sign
from 50 square feet to 328.75 square feet.

CURRENT ZONING:

"LC" Light Commercial

SITE SIZE:

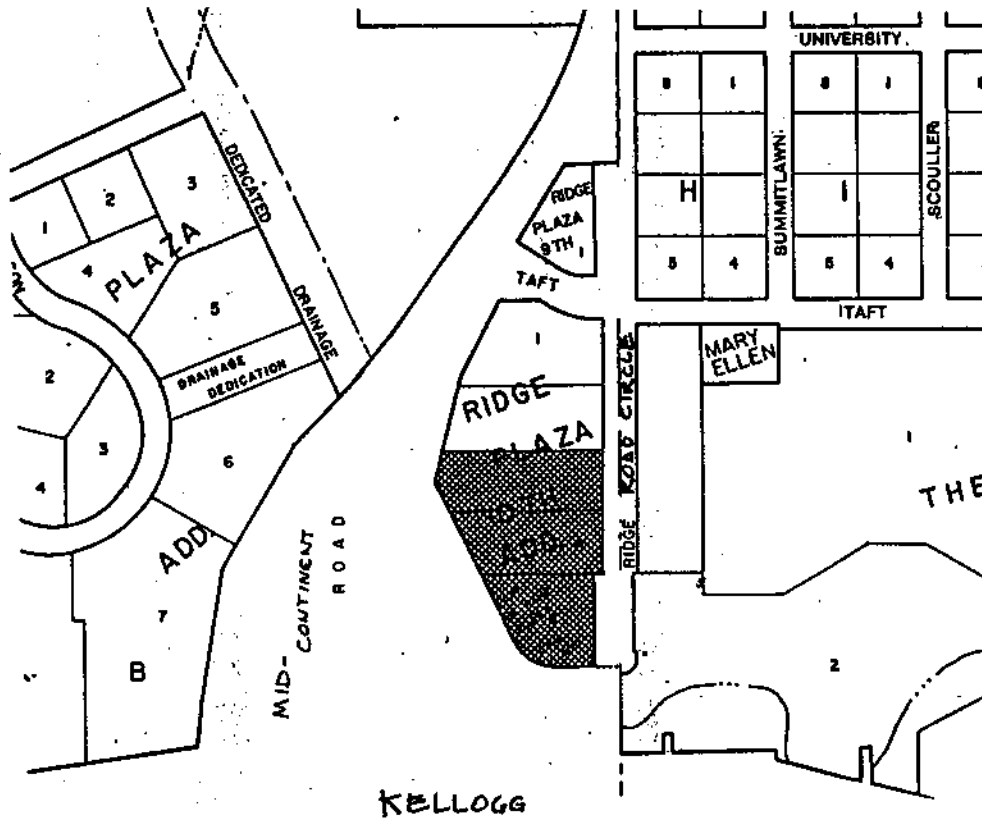
2.26 acres

LOCATION:

Between Ridge Road Circle & Mid-Continent
Road in an area north of Kellogg.

PROPOSED USE:

Eight movie theaters



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.

BACKGROUND: The maximum permitted size of an on-site pole sign is determined by the amount of street frontage and the type of street. Only streets to which the property is permitted vehicular access can be considered when calculating the sign size, although the sign may be located on a street frontage to which there is no access. Access for subject property is only to Ridge Road Circle, which is an "undesig-nated" type of street permitting 1/2-square-foot of sign area per lineal foot of street frontage with a 50-square-foot maximum for any one sign. The site has 527 feet of frontage on Ridge Road Circle which would permit up to 263.5 square feet total for pole signs. The total number of 50-square-foot (or smaller) pole signs permitted by the spacing requirements would be four. One pole sign 328.75 square feet in size is being requested, with placement of the sign to be on the Mid-Continent Road side of the property to which no vehicular access is permitted. The sign will include the name of the theater complex in permanent letters and the names of the movies playing in each of the 8 theaters in 10-inch changeable letters. The proposed sign height is approximately 30 feet.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Undeveloped
SOUTH	----	Drainage and road right-of-way
EAST	"AA" & "C"	One-family dwelling and undeveloped
WEST	----	Drainage and road right-of-way

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as its vehicular access (and hence its basis for sign size) is on Ridge Road Circle, an "undesigned" type of street permitting only 1/2-square-foot of sign area per lineal foot of frontage, although the most visibility of the site will be from adjacent Mid-Continent Road and the Kellogg interchange, which are arterials allowing 2 square feet of sign per lineal foot of frontage.

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 sign is to be located on Mid-Continent Road as far removed from the residences on Ridge Road Circle as possible (approximately 400 feet) and at least the minimum distance required from the light commercial property to the north, which is the only abutting property.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as a 50-square-foot sign would not be a sufficient size to permit the advertisement of all 8 theater shows, nor would four 50-square-foot signs be sufficient or appropriate.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

July 25, 1989

William J. Warren
Cinemas Associates
14215 N. Point Dr.
Wichita, KS 67230

Re: BZA 29-89 - Variance to increase the size of a sign from
50 sq ft. to 328.75 sq. ft. at 535 S. Ridge Road Circle.

Dear Mr. Warren:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 25, 1989. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Randy Phillips, 151 N. Main, Suite 333, 67202
Gary Dunn, Ed Dunn & Sons, 4500 W. Harry, 67209
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the size of a pole sign from 50 square feet to 328.75 square feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 3 and 4, Ridge Plaza 10th Addition, and Lot 4, Ridge Plaza 3rd Addition, all in Wichita, Sedgwick County, Kansas. Generally located between Ridge Road Circle and Mid-Continent Road in an area north of Kellogg (535 S. Ridge Road Circle).

subject to the following conditions:

1. Only one pole sign shall be permitted for this building site (zoning lot) and it shall be located on the Mid-Continent Road frontage at least 15 feet south of the north property line.
2. The sign shall be designed and constructed substantially in compliance with the drawing submitted by the architects for Board review.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1989.


Sharon Ryan, President

ATTEST:


Louise Olivarez, Assistant Secretary

BZA RESOLUTION NO. 29-89

WHEREAS, Cinemas Associates, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a pole sign from 50 square feet to 328.75 square feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 3 and 4, Ridge Plaza 10th Addition, and Lot 4, Ridge Plaza 3rd Addition, all in Wichita, Sedgwick County, Kansas. Generally located between Ridge Road Circle and Mid-Continent Road in an area north of Kellogg (535 S. Ridge Road Circle).

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 July 25, 1989, 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 this property's vehicular access (and hence its basis for sign size) is on Ridge Road Circle, an "undesigned" type of street permitting only 1/2-square-foot of sign area per lineal foot of frontage, although the most visibility of the site will be from adjacent Mid-Continent Road and the Kellogg interchange, which are arterials allowing 2 square feet of sign per lineal foot of frontage; 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 sign is to be located on Mid-Continent Road as far removed from the residences on Ridge Road Circle as possible (approximately 400 feet) and at least the minimum distance required from the light commercial property to the north, which is the only abutting property; 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 a 50-square-foot sign would not be a sufficient size to permit the advertisement of all 8 theater shows, nor would four 50-square-foot signs be sufficient or appropriate; 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 no vehicular visibility will be hindered by the size or placement of the proposed sign, nor will any street right-of-way or utility easement be affected; 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 is to provide adequate signage based on type of street frontage, but the ordinance does not provide for signs on streets which have complete access control; 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.