



Wichita-Sedgwick County Metropolitan Area Planning Department

March 3, 2006

Gary Oborny
Maple I, LLC
300 North Main Street
Wichita, KS, 67202

RE: ZON2006-00012 - Administrative Adjustment to (a) Provision #1, increasing the height of a monument sign from 8-feet to 12-feet and increasing the sign area from 48-square feet to 72-square feet, (b) Provision #7, reducing the front yard landscaping by 50%, while increasing the west side interior yard landscaping by 50%, and (c) Provision #12, reducing the 20-foot landscaping and wall easement to 10-feet and increase the landscaping to evergreen trees every 10-feet, all of P.O. #130, ZON2003-00059, approved "NR" Neighborhood Retail zoning. All in the Auburn Hills Commercial 4th Addition, generally located ¼-mile east of the Maple Street – 135th Street West intersection, on the south side of Maple Street.

Dear Mr. Oborny:

We have reviewed your request for an Administrative Adjustment to the above-referenced Protective Overlay District in regards to provision numbers (#) 1, 7 & 12. In reference to provision #1, you propose to increase the height of your monument sign, located along the property's north, front yard side, Maple Street frontage from 8-feet to 12-feet and to increase the sign area from 48-square feet to 72-square feet. The underlying "NR" zoning of the site allows a maximum height of 22-feet for pole or ground signs and allows a maximum sign area of 96-square feet for multi-tenant lots. Your requested increase in the height of your 8-foot monument sign to 12-feet, would allow a sign that is approximately 54% of the allowed maximum height for a sign in the "NR" zoning district. Your requested increase in the sign area of the monument sign, would allow a sign area that is approximately 75% of the allowed maximum for a sign area in the "NR" zoning district. In both request the increases in height and sign area are appreciatively less than what is the maximum allowed in the site's underlying "NR" zoning.

In reference to provision #7, you propose to reduce the north, front yard landscaping by 50% (along the site's Maple Street frontage) while increasing the site's east, interior side yard landscaping by 50%. Provision #7 states that "Landscaping shall be calculated at 1.5 times the minimum ordinance requirements along the sides of the site abutting residential zoning and the street side." The "Landscaping Ordinance" requires approximately 5,466-square feet along the site's Maple Street frontage. The P.O. increases the

“Landscaping Ordinance” street side landscaping to 8,199-square feet. Your proposed 50% reduction of the street side landscaping leaves 4,099.50-square feet of street side landscaping, which is 75% of the minimum total required by the “Landscape Ordinance”. The “Landscaping Ordinance” also requires a minimum of one shade tree every 40-feet along the site’s east side yard, where it abuts a “SF-5” Single-family Residential zoned single-family neighborhood. The P.O. increases the site’s east side yard landscaping to a minimum of one shade tree every 20-feet. Your proposed 50% increase would result in one evergreen, a minimum of 5-feet tall, every ten-feet along the site’s east, interior side yard. You have stated that a replatting (Recorded with the Register of Deeds, November 23, 2005) of the site has resulting in moving of the original plat’s reserve (sit aside for water retention on the site) from the north, front yard side of the site to the south, rear yard side of the site. You have stated that the replatting of the site will allow the orientation of the site’s proposed building’s front to face the east, interior side yard side of the site rather than the north, front yard side of the site. The additional landscaping that you proposed would in effect act as another solid screening behind the site’s 6-8-foot masonry wall, thus creating a more effective buffer between the eastern abutting residential neighborhood and the site. The site’s proposed building would turn its side to Maple Street, thus reducing its visibility and the need for landscaping to break it up.

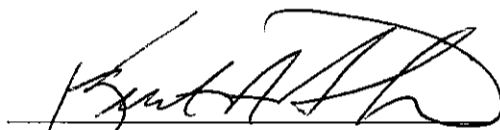
In reference to provision #12, you propose to reduce the 20-foot landscape easement, located on the east, interior side yard, to 10-feet. Although the provision refers to a 20-foot landscape “easement”, the landscape “easement” it is not shown on the plat as an easement nor is it referred to in the plat’s text, thus the requested reduction can be addressed as an adjustment to the P.O. and not through the vacation process. The plat does show a 5-foot wall easement and a 20-foot drainage and utility easement that, per the plat’s text, “...shall remain at established grades or as modified with the approval of the applicable County or City Engineer, and unobstructed to allow for the conveyance of storm water.” The platted 20-foot drainage and utility easement will remain in effect regardless of the reduction of the P.O.’s 20-foot landscape “easement” to 10-feet. The City Storm Water Engineer approves the proposed planting of the evergreens (minimum 5-foot tall) at 10-foot centers, for the entire east side of the site, within the platted 20-foot drainage and utility easement as long as they are planted at the established grade or a grade that has been modified with the approval of the City Engineer. The Storm Water Engineer also wants the applicant’s site engineer to verify that the proposed planting is per the adjusted P.O. and at the established grade or a grade that has been modified with the approval of the City Engineer and as such does not become an obstruction.

On the basis of our review, we find that adjusting provisions 1, 7 & 12 of P.O. #130 as requested will not have an adverse effect on the P.O. or on adjacent properties, nor will it be a substantial deviation from the original plan. We further find that adjusting the P.O. as requested will not have any of the negative impacts listed in Section V-I.6. of the Unified Zoning Code. Our signatures below indicate that an Administrative Adjustment has been granted to permit a multi-tenant monument sign 12-feet in height and having 72-feet of sign area, reducing the street side landscaping by 50% only if the site’s proposed building is oriented with its front facing the east side of the site, as generally shown on the site/concept plan turned in with the application, increasing the east side of the site’s landscaping to one evergreen (minimum of 5-feet tall) at 10-foot centers along the entire east side of the site at the established grade or a grade that has been modified with the approval of the City Engineer and as such does not become an obstruction, as verified by the applicant’s site engineer and that the landscape “easement” be reduced to 10-feet. This adjustment shall not be deemed to alter any other provisions of the P.O. #130.

We will note the adjustment to provisions # 1, 7 & 12 of P.O. #130 as it pertains to all in the Auburn Hills Commercial 4th Addition, in the files in both the Metropolitan Area Planning Department and the Office of Central Inspection. The "Development Application" sign should now be removed from the property.



John L. Schlegel
Director of Planning



Kurt A. Schroeder
Superintendent of Central Inspection

cc: MKEC Engineering Consultants, 411 N. Webb Road, Wichita, KS, 67206
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