

BOARD OF ZONING APPEALS  
MINUTES  
January 27, 2009

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas was held at 1:30 p.m., on January 27, 2009, in the MAPC Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, and Kansas.

The following board members were in attendance:

BICKLEY FOSTER, DWIGHT GREENLEE, STEVE ANTHIMIDES, JOHN MARKER,  
AND BENJAMIN STIFF

Board members absent:

CHARLES YOUNG  
JOSHUA BLICK

City of Wichita staff present:

HERB SHANER – Office of Central Inspection

City of Wichita staff absent:

SHARON DICKGRAFE– Law Department

The following Planning Department staff members were present:

JESS MCNEELY, Secretary.  
YOLANDA ANDERSON, Recording Secretary

GREENLEE We will start the meeting at 1:30PM. We have a quorum. The first thing on our agenda is to approve the minutes of 10/28/2008.

FOSTER I move that the minutes of 10.28.08 be approved.

ANTHIMIDES Seconded

GREENLEE All in favor say Aye?

**Motion carries 5-0 unanimously**

GREENLEE We will now hear case request on BZA2008-69. This is a City variance to the sign code to allow a 1,157 square foot sign that exceeds the 400 square foot limitation in Central Business District Zoning. The owners are Sedgwick County. It is located northeast of Waterman Street and Emporia Avenue at (500 E Waterman).

McNEELY The sign code variance request is to allow an 1157 square foot sign for the Arena. This sign is in the Historic area and its design has been approved by the Historic Board. **BACKGROUND:** The Sign Code limits building signs in CBD Central Business District (“CBD”) zoning to a maximum of 400 square feet in size. The applicant wishes to have a 1,157 square-foot building sign on the south façade of the Downtown Arena and

therefore requests a variance of the sign code (see the attached drawings). The Downtown Arena is a large regional facility; the building is 94 feet tall and 464 feet long. The building is clearly visible from Kellogg/US-54, the primary freeway access route to the Arena. The proposed internally lit sign will be 75 feet above the ground; the applicants desire the sign to be clearly legible from the elevated Kellogg freeway approximately 1,300 feet south of the site. The Arena's south façade will have another 358 square-foot sign at the entry level.

All properties surrounding this site are also zoned CBD. The application area is within the environs of the East Douglas Avenue Historic District and the historic registered Rock Island Depot. North of the site are multi-family residential, office, and various commercial land uses. South of the site are warehousing, office, and other commercial land uses. East of the site is the elevated rail corridor and the historic Union Station, currently used for office and broadcasting purposes. West of the site is the City Transit Station, offices, and various commercial uses. No residences exist south of the Arena, facing the proposed sign. The height of the sign and its placement above a building ledge should mitigate light from the sign affecting the facing properties.

**ADJACENT ZONING AND LAND USE:**

NORTH	CBD	Multi-family residential, office, commercial
SOUTH	CBD	Warehousing, office, commercial
EAST	CBD	Rail corridor, office, broadcasting
WEST	CBD	Transit station, office, commercial

*The five criteria necessary for approval as they apply to variances requested.*

**UNIQUENESS:** It is staff's opinion that this property is unique. The Arena will be the largest public gathering space in downtown and the largest building on the eastern edge of downtown. The Arena will attract visitors from the surrounding region, and will be the largest performance venue in the Wichita area. The site is unique in needing identification from the Kellogg expressway for out-of-town visitors.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for building sign size would not adversely affect the rights of adjacent property owners. All properties facing the proposed sign are zoned CBD and used for commercial and industrial uses, not residences. The height and design of the proposed sign will mitigate the internal lighting from negatively affecting the adjacent properties.

**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 400-square foot building sign size limit would not be visible from Kellogg; out-of-town visitors would not be able to positively identify a 400 square-foot sign from Kellogg.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for a 757 square-foot building sign size increase would not adversely affect the public interest, as adequate visibility of this sign from Kellogg will aid visitors in finding the site. Adequate identification of this public, landmark facility is in the public interest. The proposed sign size is visually proportional to the larger building. The Historic Preservation Board found

the Arena building and signage in the public interest, given the location within historic environs.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for increased building sign size does not oppose the general spirit and intent of the Sign Code. The Sign Code restriction for building sign size does not take into consideration the scale and purpose of buildings such as the Downtown Arena. The spirit and intent of the sign code is for adequate identification of buildings, this variance request is consistent with that spirit and intent.

**RECOMMENDATION:** It is staff's opinion that the requested sign size for the Downtown Arena is appropriate, given the scale and purpose of the building. Should the Board determine that the conditions necessary for the granting of a variance exist, then the Secretary recommends that the variance to permit an increase in the maximum size of a building sign in CBD zoning from 400 to 1,157 square feet be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage 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 the City of Wichita.

Are there any questions of staff? The applicant and the designers are here to speak.

GREENLEE Does board members have any questions?

STIFF How did you come up with the 1157 square foot?

MCNEELY That is a question for the applicants. The desire for the size of the sign was based on the desire for visibility from Kellogg along with proportions to the size of the building.

STIFF Will they be speaking?

McNEELY Yes

FOSTER I need to say, I bank with Intrust but I do not find it a conflict of interest. Jess, when was the last time we had a sign increase in this area?

McNEELY In CBD zoning, we have not have another variance in the last 5 years for building signage size. This is not a common variance request.

GREENLEE Any one else have questions? I also have a banking account with Intrust but I do not view it as a conflict of interest. I will now open discussion with the applicant and agent.

Wes Darnell, I am with the Intrust Architects Design group. I want to address where Jess left off as to the designing of the signage. I first want to thank the board for hearing this request. When we first designed this building, we knew that we would have a large scale. Not knowing what the naming rights would be in the beginning, there were places where signage was planned. When Intrust bought the naming rights, we were pleased because they had a great attitude in that they wanted to do something that was tasteful and worked with the building. The signage that you are looking at has achieved it. We designed the sign as an element of the building because it worked so well. We have an area up there, that dark gray rectangle at the center, which is called the notch. This two dimensional does not perceive it. It actually sits about 15 feet behind the lighted gray wall to each side of it. So it actually steps back in and there is a notch at the upper area where the sign will set out in front. This will float out in front of it. It will be painted to match the colors of the background. It has internally illuminated letters and back lights. We are pleased with the aesthetic affect. The letters are 8 feet high. We think the size is appropriate for the building size. And when the traffic is passing on Kellogg at 60 mph, they can read it from a distance. I brought other photos of similar business with similar signage in a similar size city. This one is from Tulsa. The next one is from Denver. This is one that most of you are familiar with is the Ford Center in Oklahoma City. This is the Quest Center in Omaha. The logo on the letter Q is 20 feet high. I pick out ones that are in our area and built in the past 10 years. This is the Wells Fargo Arena Center in Des Moines. This sign is about 100 feet wide and 8 feet tall. I wanted to give you other venues to give you an idea of other signage that Cities have approved similar to ours. This is in Atlanta on Congress Street. I am giving you images, but this gives you an idea of what you will see when driving past on Kellogg Street. Any questions?

FOSTER        You stated the letters are 8 feet high, right? It was not listed on the drawings.

DARNELL       It should be listed across the top of the drawing.

FOSTER        It does not have any dimensions for the lettering but it does have it for the signage. Anyway, 8 feet is the size. Also, it has on it 4,200 feet visibility. Can you explain it? The staff report indicates that it is 1300 feet from Kellogg. What is the basis of the 4200 square feet of visibility?

DARNELL       The intent was provide a sign consistent with the building scale and size as well as realizing that it would have to be read by someone driving by in a car with a short span to view it. The driving factor was aesthetics and proportion in addition to creating a readable sign.

FOSTER        Don't you think there are standards you can use to determine the sizing for distance?

DARNELL       I am sure there are standards if you are standing still viewing. That is where the 4,200 feet came in. Presumably, if you have a clear line view of this sign from

4,200 feet away, you would still be able to read it.

FOSTER The visual distance is 3 times the distance to Kellogg. You are basing the height on the figure of 4,200 feet?

DARNELL The selection size of the lettering was based on the size of the building aesthetics more than the visibility.

FOSTER That is a good point. If you are using the 1300 feet then 2 feet 5 inches would be the height of the lettering. We are talking about a sign that could be theoretically 3 to 4 times the height necessary to see it from Kellogg.

DARNELL If you were standing still, yes.

STIFF Will there be other signage requested for this building in the future?

DARNELL No, I do not think so but I do not know what will happen later.

GREENLEE I will open up the meeting for the public. Is there anyone that would like to speak? Seeing none, I will return the discussions back over to the Board.

FOSTER I do agree with the applicant that the lettering size is in proportion to the building.

GREENLEE Any other comments?

STIFF I would like to move to accept the finding of fact as set forth in the secretary's report, that all five conditions set out in 2.12.590 B of the City code as necessary for the granting of a variance have been found to exist and that the variance be granted subject to the conditions set out in the secretary's report.

FOSTER Seconded

GREENLEE Any other questions? Seeing none, all in favor say aye?

**Motion Carries 5-0 unanimously.**

GREENLEE Next, we will hear from Office of Central Inspection's Herb Shaner.

SHANER BZA2008-22, it was a variance to increase the height of a free standing sign from 25 feet to 42 feet in "LI" zoning at Kellogg and I-235. It has been installed and it is nice. Next is BZA2008-11, variance for Galachia Medical properties at 600 N. Woodlawn, it was a variance to increase the maximum size of the ground sign from 32 to 120 square feet plus two additional building signs and to increase the maximum size of those signs from 32 to 47.5 feet and 105 square feet and increase the size of directional signage from 6 to 18 square feet in "GO" General Office zoning. The next one was 2008-10, Wesley Medical Center, 550 N Hillside, to increase the maximum size of building sign from 32 to 145 square feet for a Trauma

Center and to allow more than one sign for a major user per building elevation in "GO" General Office. That was permitted and installed. Next one is 2008-27, Wesley Medical Center again, 3232 E. Murdock a variance to authorize 184 and 228 square foot building signs where no additional sign area exists in "B" multi-family zoning, and that is the end of my report.

STIFF I drove by Galachia and the ground sign worked out very well.

GREENLEE That concludes my agenda. Any comments from the Board?

FOSTER Are there any meetings for next month?

McNEELY Yes we have a meeting in February. We have a new member present today named John Marker. He received a brief today, and we welcome him in serving on the Board.

FOSTER Would you please explain that Hoggatt passed away?

McNEELY Yes, unfortunately Mr. Hoggatt passed away; he was a real public servant that served on this board and DAB V. Mr. Longwell was aware that he passed away and appointed his replacement. Mr. Hoggatt passed away on Nov 22, 2008 according to the obituary.

GREENLEE Is there a motion to adjourn?

ANTHIMIDES Motion

STIFF Seconded

2:13 adjournment