



## STAFF REPORT

June 20, 2007

**To:** Southwest Consolidated Zoning Board  
**Fr:** Karen Miller, Planner  
**Re:** Application Nos. SW-PDP/FDP-2787(GA) and SW-CU-2788(GA)

### APPLICATION INFORMATION

**Applicant:** Embarq

**Owner:** Johnson County Airport Commission

**Requested Actions/Purpose:** 2) Preliminary and Final Development Plan approval to allow signs to be located on an existing building.  
1) Conditional Use Permit approval to allow two on-premises outdoor advertising signs.

**Legal Description:** A portion of Section 19, Township 14, Range 23

**Location:** 600 New Century Parkway

**Existing Land Use and Zoning:** Office Use/PEC-3, Planned Light Industrial Park District zoning

**Existing Improvements:** Office Building

**Site Size:** Approximately 46 acres

**Proposal:** The request is to place a total of two new signs on the existing 4-story office building as follows:

1. Place an approximately 170 sq. ft. sign on the southeast face of the building. The sign will have dimensions of approximately 5' x 34'. (Refer to drawing titled "Southeast Elevation," attached.)
2. Place an approximately 385 sq. ft. sign on the southwest face of the building. The sign will have dimensions of approximately 14' x 27.5'. (Refer to drawing titled "Southwest Elevation," attached.)
3. Both signs will be internally illuminated.

**Reason for CUP:** Because of their size, the signs are considered to be "Outdoor Advertising Signs" and require a CUP.

**Reason for PDP/FDP:** Article 20 of the Zoning Regulations allows wall signs. However, the New Century AirCenter Preliminary Development Plan adopted in 1995 prohibits wall signs. As

a result, a revised preliminary and final development plan will be required to allow a wall sign at the site.



*Aerial View of Subject Property  
(white star designates Embarq office building)*

## **BACKGROUND INFORMATION**

1994: The property was zoned PEC-3, Planned Light Industrial, as part of the county-wide zoning effort. Prior to 1994, the property was zoned IP-1, Planned Light Industrial.

1995: The Preliminary Development Plan for New Century AirCenter was approved.

## **INFRASTRUCTURE:**

Staff has reviewed the existing infrastructure. There are no infrastructure issues relating to this application.

## STAFF ANALYSIS

### Planning Department Staff:

On-premises outdoor advertising signs are allowed in the PEC-3, Planned Light Industrial Park zoning district upon approval of a Conditional Use Permit. In evaluating this application, Planning staff has considered the regulations, the *Rural Comprehensive Plan* and the applicable laws in Kansas as to whether the proposed use is in the interest of the public health, safety, morals, and the general welfare of the community. Staff has also considered the application with regard to the following criteria:

#### **1. Whether the use would be consistent with the zoning and uses of nearby properties.**

Property surrounding the subject property is zoned PEC-3 or is designated as highway right-of-way. Industrial and business uses are located north of the site. Vacant land/runway area is located east of the site. A residential area within the City of Gardner is located west of the site (across the New Century Parkway). The New Century Parkway interchange onto US Hwy 56 abuts the southern edge of the property.

Because the surrounding zoning is PEC-3 in an industrial use setting, the outdoor advertising signs will be consistent with the zoning and uses of nearby properties.

#### **2. Whether the use is compatible with the character of the neighborhood.**

The AirCenter is a mixed-use development that consists of airport, business and industrial type uses. The subject property is located at the southern entrance of the AirCenter. Wall signs of the proposed size and scale are typically found on multi-story office buildings in such a setting. The proposed wall signs are compatible with the character of the business/light industrial neighborhood.

#### **3. Suitability of the property for uses to which it has been restricted.**

The signage to which the property is restricted (with respect to allowed sizes and locations) does not adequately identify the property. Signs less than 100 sq. ft. are not visible off-site due to the combined impacts of 1) the height of the office building and 2) its large setbacks from New Century Parkway and US Hwy 56.

#### **4. Extent of detrimental effects to nearby parcels should the CUP be approved.**

Effects of the proposed signs could include diminished aesthetics on nearby property.

#### **5. Length of time the property has remained vacant as zoned.**

The subject site is not vacant.

**6. Relative gain to the public health, safety and welfare as opposed to the hardship imposed upon the landowner by denying the request.**

A goal of the Zoning Regulations is to control the amount of signage allowed per business establishments. However, as indicated previously, due to the large setbacks and building height, larger scale signs are required to adequately identify the office building. The hardship imposed on the applicant by denying this request outweighs the gain to the public if this request is denied.

**7. Whether the use is in keeping with the Comprehensive Plan.**

This property is within the New Century AirCenter Comprehensive Compatibility Plan area of the Rural Comprehensive Plan. The plan designates this property as “Airport Industrial Park” and includes “light industrial, office/showroom, warehouse/distribution and commercial-support land uses”, among other uses. The proposed use complies with the land use designation of the plan.

**PRELIMINARY AND FINAL DEVELOPMENT PLAN**

Article 20 of the Zoning Regulations allows wall signs and restricts their area to no more than 10 percent of the signable wall area. The wall signs proposed are less than 10 percent of the signable wall area. However, the New Century AirCenter Preliminary Development Plan adopted in 1995 prohibits wall signs. As a result, a revised preliminary and final development plan will be required to allow wall signs at the site.

The multi-story office building is a rather unique occurrence at the New Century AirCenter. Wall signs of the proposed size and scale are typically found on multi-story office buildings in such a setting. Due to the large setbacks and building height, larger scale wall signs are required to adequately identify such office buildings.

**Environmental Department Staff:** Sewers serve the site.

**Public Works Department Staff:** No comments.

## **RECOMMENDATIONS**

### **CUP Recommendation**

Planning staff recommends **approval** of a Conditional Use Permit to allow two on-premises outdoor advertising signs with the following stipulations:

1. The term of the permit shall not exceed 10 years commencing on the date of Board of County Commissioners approval.
2. Development of the site shall be in conformance with the applicant's site plan and elevations, attached hereto as Exhibit A, except as modified by these stipulations.
3. The sign located on the southeast building face shall be restricted to an area of no greater than 170 sq. ft.
4. The sign located on the southwest building face shall be restricted to an area of no greater than 385 sq. ft.
5. If illuminated, the signs shall be internally illuminated in accordance with Article 20 of the Zoning Regulations.

### **Reasons for CUP Recommendation**

1. Because the surrounding zoning is PEC-3 in an industrial use setting, the outdoor advertising signs will be consistent with the zoning and uses of nearby properties.
2. The AirCenter is a mixed-use development that consists of airport, business and industrial type uses. Wall signs of the proposed size and scale are typically found on multi-story office buildings in such a setting. The proposed wall signs are compatible with the character of the business/light industrial neighborhood.
3. The signage to which the property is restricted (with respect to allowed sizes and locations) does not adequately identify the property. Signs less than 100 sq. ft. are not visible off-site due to the combined impacts of a) the height of the office building and b) its large setbacks from New Century Parkway and US Hwy 56. The hardship imposed on the applicant by denying this request outweighs the gain to the public if this request is denied.
4. The proposed use complies with the land use designation of the New Century AirCenter Comprehensive Compatibility Plan of the Rural Comprehensive Plan.

### **Preliminary and Final Development Plan Recommendation**

Planning staff recommends Preliminary and Final Development Plan approval to allow signs to be located on an existing building.

### **Reasons for Preliminary and Final Development Plan Recommendation**

1. The multi-story office building is a rather unique occurrence at the New Century AirCenter. Wall signs of the proposed size and scale are typically found on multi-story office buildings in such a setting. Due to the large setbacks and building height, larger scale wall signs are required to adequately identify such office buildings.

2. Article 20 of the Zoning Regulations allows wall signs and restricts their area to no more than 10 percent of the signable wall area. The wall signs proposed are less than 10 percent of the signable wall area allowed by Article 20 of the Zoning Regulations.

Enclosures: Vicinity Map  
Written Narrative  
Site Plan and Elevations