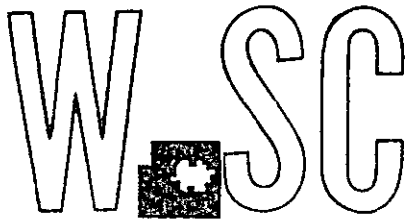


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

FAX (316) 268-4390

Via Christi Regional Medical Center

%Bob Heath — Counsel

818 N. Emporia

Wichita, KS 67214

October 27, 1999

FILE COPY

RE: BZA 23-99 – 1) Variance to increase the size of a building sign from 32 square feet to 355 square feet. 2) Variance to increase the height of a building sign from 30 feet to 88 feet. Generally located at the northeast corner of Harry Street and Clifton (3600 E. Harry).

Dear Mr. Heath:

At its regular meeting on October 26, 1999, the Board of Zoning Appeals considered the above-captioned requests. The action of the BZA was to APPROVE both variance requests.

The action of the BZA is FINAL. Enclosed is a signed copy of the above-referenced BZA Resolution No. 23-99 Variance #1 and BZA Resolution No. 23-99 Variance #2. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Lisa Verts

BZA Assistant Secretary

LV/rs

Cc: Via Christi Regional Medical Center, Director of Facilities, %Bob Copple, 3600 East Harry, Wichita, KS 67218
City of Wichita, %Property Management, Thirteenth Floor, 455 N. Main, Wichita KS 67202
Baughman Company, %Russ Ewy, 315 Ellis, Wichita, KS 67211
Boggs Signs, %Michael Bankston, 319 S. Oak, Wichita, KS 67213
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Yolanda Anderson
File

BZA RESOLUTION NO. 23-99 Variance #1

WHEREAS, City of Wichita (owner); Via Christi Regional Medical Center (lessee), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a building sign from 32 square feet to 355 square feet on property zoned "LC" Limited Commercial and "GO" General Office and legally described as follows:

Lot 1, Block A. St. Joseph Medical Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Harry Street and Clifton (3600 E. Harry)

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 October 26, 1999, 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 owners or the applicant. It is the opinion of staff that this property is unique inasmuch as the building is seven stories tall and is being used as a full-service hospital facility that is considered a single use and therefore is limited to one 32 square foot building sign.

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. 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 scale of the sign on a 7-story building should not impact surrounding properties and will not face toward residential areas.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as a 32 square foot sign would be insufficient to adequately identify this structure, which is located almost 400 feet from Harry Street.

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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the sign would actually serve the public interest by providing adequate building identification. The larger sign could be seen from a sufficient distance to permit planned access to the site on which emergency medical services are provided to the public.

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 the zoning ordinance. 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 regulations, inasmuch as the increased size is congruous with the large building and layout of the site.

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.

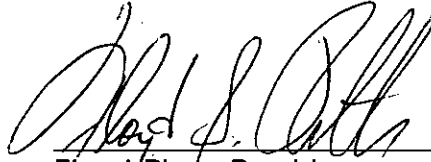
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the size of a building sign from 32 square feet to 355 square feet on property zoned "LC" Limited Commercial and "GO" General Office and legally described as follows:

Lot 1, Block A. St. Joseph Medical Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Harry Street and Clifton (3600 E. Harry Street).

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance in size for a building sign be GRANTED, subject to the following conditions:

1. This increase in sign size to 355 square feet shall be limited to one building sign located near the top of the south façade at the west end of the main hospital building as indicated on the submitted elevation drawing.
2. The larger sign approved by this variance shall be limited to a non-flashing "halo-lit" sign with posterization and shall conform to the submitted elevation drawing and sign design. The posterization shall be the same color and texture of the building facia.
3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of October 1999.



Floyd Pitts, President

ATTEST:



Lisa Verts, Assistant Secretary

BZA RESOLUTION NO. 23-99 Variance #2

WHEREAS, City of Wichita (owner); Via Christi Regional Medical Center (lessee), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a building sign from 30 feet to 88 feet on property zoned "LC" Limited Commercial and "GO" General Office and legally described as follows:

Lot 1, Block A. St. Joseph Medical Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Harry Street and Clifton (3600 E. Harry)

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 October 26, 1999, 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 owners or the applicant. It is the opinion of staff that this property is unique inasmuch as the building is seven stories tall and is being used as a hospital facility that provides emergency medical services to the public.

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. 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 all properties to the south, east, and west are commercially developed. Additionally, residents who live to the north will not be able to see the sign from their homes. Furthermore, the lighting of the signs will be limited to internal illumination only and should not add measurably to the illumination already existing in this area.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the applicant has made a substantial investment and established the only full-service hospital serving the south side of the community. Without a building sign similar to the one proposed, this presence would not be easily identified.

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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the requested sign height is in character with the size of the building. The limitations on lighting will keep the sign from being a distraction to motorists or residents in the area.

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 the zoning ordinance. 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 regulations, inasmuch as the intent is to provide adequate, but not excessive signage, for all properties. No provisions are made for building signs on mid-rise or high-rise structures.

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.

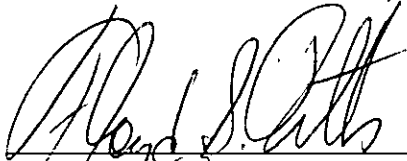
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the height of a building sign from 30 feet to 88 feet on property zoned "LC" Limited Commercial and "GO" General Office and legally described as follows:

Lot 1, Block A. St. Joseph Medical Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Harry Street and Clifton (3600 E. Harry Street).

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance in the height of a building sign be GRANTED, subject to the following conditions:

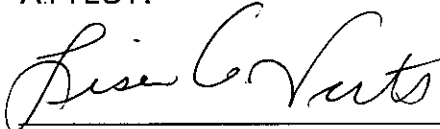
1. The only building sign located above the height limits specified in the sign code shall be installed on the south façade at the west end of the main hospital building as indicated on the submitted elevation drawing.
2. The building sign approved by this variance shall be limited to a non-flashing “halo-lit” sign with posterization and shall conform to the submitted elevation drawing and sign design. The posterization shall be the same color and texture of the building facia.
3. The sign shall be installed within one year of the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of October 1999.



Floyd Pitts, President

ATTEST:



Lisa Verts, Assistant Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 23-99

OWNER/APPLICANT: City of Wichita (owner); Via Christi Regional Medical Center (lessee)

AGENT: Baughman Company, c/o Russ Ewy

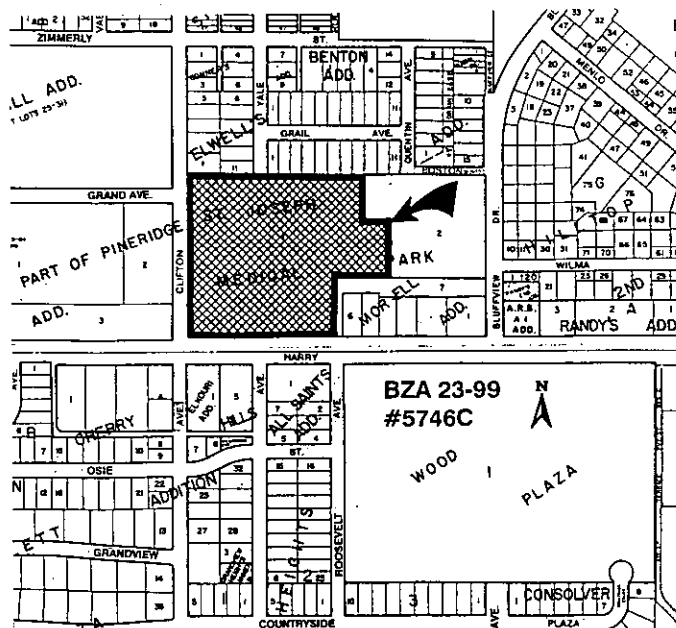
REQUEST:

1. Variance to increase the size of a building sign from 32 square feet to 355 square feet.
2. Variance to increase the height of a building sign from 30 feet to 88 feet.

CURRENT ZONING: "LC" Limited Commercial and "GO" General Office

SITE SIZE: 12.0 Acres

LOCATION: Northeast corner of Harry Street and Clifton (3600 E. Harry Street)



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 State Statutes, are found to exist.

BACKGROUND: The applicant, Via Christi Regional Medical Center, requests a variance to increase the size and height of a building sign for their St. Joseph Campus located at 3600 E. Harry Street. The proposed building sign would be 355 square feet and placed 88 feet above grade on the south façade of the existing 7-story single-use building. This façade is approximately 380 feet north of Harry Street; the area between the building and the street is used for on-site parking. Currently, this building has one building sign that identifies the Emergency Entrance on the west façade. In August 1984, the BZA approved a variance, BZA 52-84, to increase the size of this building sign from the allowable 32 square feet to 64 square feet.

In 1996 the applicant changed its corporate name from St. Joseph Medical Center to Via Christi Regional Medical Center. In that same year, they applied for and received Board of Zoning Appeals approval to increase the size, number, and height of building signs (BZA 5-96); essentially the same application as the one presented here. One of the conditions on that decision was that the sign be installed within one year or the resolution granting the variance would become null and void. For various reasons, Via Christi failed to meet this condition, necessitating this request.

The sign code permits illuminated building signs in the "GO" General Office District, with the following limits: building signs are not to exceed 32 square feet in size; not be greater than 30 feet in height; and only one sign per elevation is permitted for each major use in the building. Therefore, the applicant must obtain two variances to allow the new building sign to be installed: (1) increase the sign from 32 square feet to 355 square feet; and (2) increase the height from 30 feet to 88 feet.

These sign restrictions, with only minor changes, have been part of the development regulations since 1974, when the sign code was first adopted. Several multi-story buildings, such as the Northrock Inn at 29th and Rock Road, the American National Bank of Wichita near Kellogg and Rock, and the Riverside Health System Hospital have obtained variances to permit building signs at heights and sizes greater than allowed by the code.

The building sign will be located on the south façade of the building and will be directed toward property that is developed as on-site parking north of Harry Street and commercial uses on the south of Harry Street. The applicant has submitted a site plan and sign design for the proposed sign. The sign, which will read "Via Christi – St Joseph Campus," will be 80 feet long with letters that are 4 feet 4 inches tall (lower case letters are smaller) and will be "halo-lit" with posterization behind each word of the sign for reflective purposes.

The applicant will also be placing a small cross emblem sign on the west façade at the top of the building. The City of Wichita Sign Code exempts logo signs or emblems of a religious organization that do not include advertising language. No variance is required for this emblem sign.

ADJACENT ZONING AND LAND USE:

NORTH "LC" & "TF-3" – Single Family Homes and Medical Offices
SOUTH "LC" – Retail (Flower Shops and Fast Food)
EAST "GO" & "LC" – Retail (Fast Food)
WEST "LC" & "B" – Medical Offices (Clifton Medical Center)

Variance #1: Variance to increase the size of a building sign from 32 square feet to 355 square feet.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the building is seven stories tall and is being used as a full-service hospital facility that is considered a single use and therefore is limited to one 32 square foot building sign.

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 scale of the sign on a 7-story building should not impact surrounding properties and will not face toward residential areas.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as a 32 square foot sign would be insufficient to adequately identify this structure, which is located almost 400 feet from Harry Street.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the sign would actually serve the public interest by providing adequate building identification. The larger sign could be seen from a sufficient distance to permit planned access to the site on which emergency medical services are provided to the public.

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 regulations, inasmuch as the increased size is congruous with the large building and layout of the site.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance in size for a building sign be GRANTED, subject to the following conditions:

1. This increase in sign size to 355 square feet shall be limited to one building sign located near the top of the south façade at the west end of the main hospital building as indicated on the submitted elevation drawing.

2. The larger sign approved by this variance shall be limited to a non-flashing "halo-lit" sign with posterization and shall conform to the submitted elevation drawing and sign design. The posterization shall be the same color and texture of the building facia.
3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

Variance #2: Variance to increase the height of a building sign from 30 feet to 88 feet.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the building is seven stories tall and is being used as a hospital facility that provides emergency medical services to the public.

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 all properties to the south, east, and west are commercially developed. Additionally, residents who live to the north will not be able to see the sign from their homes. Furthermore, the lighting of the signs will be limited to internal illumination only and should not add measurably to the illumination already existing in this area.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the applicant has made a substantial investment and established the only full-service hospital serving the south side of the community. Without a building sign similar to the one proposed, this presence would not be easily identified.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the requested sign height is in character with the size of the building. The limitations on lighting will keep the sign from being a distraction to motorists or residents in the area.

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 regulations, inasmuch as the intent is to provide adequate, but not excessive signage, for all properties. No provisions are made for building signs on mid-rise or high-rise structures.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance in the height of a building sign be GRANTED, subject to the following conditions:

1. The only building sign located above the height limits specified in the sign code shall be installed on the south façade at the west end of the main hospital building as indicated on the submitted elevation drawing.
2. The building sign approved by this variance shall be limited to a non-flashing "halo-lit" sign with posterization and shall conform to the submitted elevation drawing and sign design. The posterization shall be the same color and texture of the building facia.
3. The sign shall be installed within one year of the resolution granting this variance shall become null and void.

