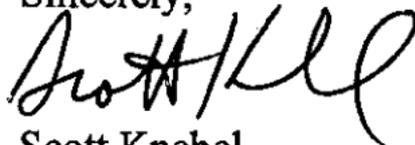


4900 11A

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

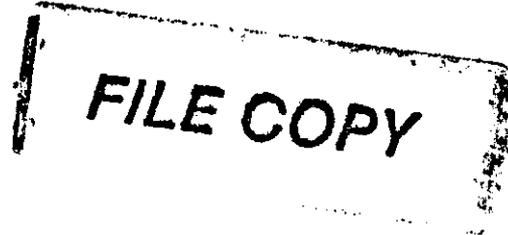


Scott Knebel

Senior Planner

SK/rms

Cc: Judy Manka, Luminous Neon, P O Box 916, Hutchinson, KS 67504-00916  
Susan Schlapp, WCC, District II, Mail Stop 1-13  
Sharon Dickgrafe, Law Department, Mail Stop 1-132  
Herb Shaner, OCI, 1-72



**Wichita-Sedgwick County Metropolitan Area Planning Department**

May 4, 2005

Gary Bue  
Integrated Healthcare Systems Inc.  
3311 E. Murdock  
Wichita, KS 67208

**RE: BZA2005-00013 – Generally located south of 21st Street North and east of K-96.**  
**(District II)**

1. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground sign from 32 square feet to 78 square feet; and
2. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum number of permitted ground signs from one to five; and
3. Variance to Section 24.04.193.3. of the Sign Code to allow individual building signs larger than 32 square feet in area and to increase the total maximum area of building signs from 32 square feet to 334 square feet; and
4. Variance to Section 24.04.193.3. of the Sign Code to increase the maximum height of building signs from 30 feet to 40 feet.

Dear Ladies and Gentlemen:

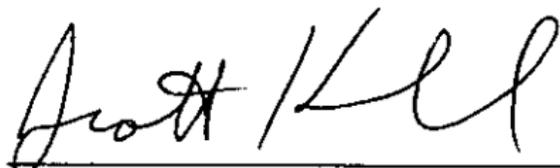
Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on April 26, 2005. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

**ADOPTED AT WICHITA, KANSAS, this 26nd DAY of APRIL 2005.**

A handwritten signature in black ink, appearing to read 'John Rogers', written over a horizontal line.

John Rogers, BZA Board Vice Chair

ATTEST:

A handwritten signature in black ink, appearing to read 'Scott Knebel', written over a horizontal line.

Scott Knebel, BZA Secretary

## BZA RESOLUTION NO. 2005-00013

**WHEREAS**, Integrated Healthcare Systems, c/o Gary Bue (Owner/Applicant); Luminous Neon, Inc. c/o Judy Manka (Agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests

1. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground sign from 32 square feet to 78 square feet; and
2. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum number of permitted ground signs from one to five; and
3. Variance to Section 24.04.193.3. of the Sign Code to allow individual building signs larger than 32 square feet in area and to increase the total maximum area of building signs from 32 square feet to 334 square feet; and
4. Variance to Section 24.04.193.3. of the Sign Code to increase the maximum height of building signs from 30 feet to 40 feet.

on property zoned "GO" General Office legally described as follows:

Lot 1, Block 1, Wichita Clinic Addition, Wichita, Sedgwick County, Kansas. Generally located south of 21st Street North and east of K-96 (1947 Founders 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 April 26, 2005, 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. It is the opinion of the Board that this property is unique, inasmuch as the proposed signage is for one business providing a variety of services within a large medical clinic. Typically, a such a large building would house numerous businesses, and each business would be allowed separate signage with the likely impact of the signage exceeding the impact of the signage proposed by the applicant.

**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 the Board that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the overwhelming majority of the developed properties that will have a direct view of the signage are developed with non-residential uses and the overwhelming majority of the proposed signage is significantly set back from existing residential uses.

**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 the Board that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the Sign Code would permit signage in excess of the amount requested by the applicant were the property occupied by multiple businesses rather than a single medical clinic. Additionally, the subject property is located along an elevated freeway and without the proposed size and height of building signs, the traveling public would have difficulty locating the appropriate exit from the freeway for the business.

**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 the Board that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale in relation to the size of the property and proposed business, and has minimal lighting.

**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 the Board that the granting of the variances requested would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier to locate the facility and the services provided within the facility while balancing these identification needs with the needs for high-quality community aesthetics.

**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, pursuant to Section 2.12.590.B, Code of the City of Wichita, variances be granted as follows:

1. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground sign from 32 square feet to 78 square feet; and
2. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum number of permitted ground signs from one to five; and
3. Variance to Section 24.04.193.3. of the Sign Code to allow individual building signs larger than 32 square feet in area and to increase the total maximum area of building signs from 32 square feet to 334 square feet; and
4. Variance to Section 24.04.193.3. of the Sign Code to increase the maximum height of building signs from 30 feet to 40 feet.

on property zoned “GO” General Office legally described as follows:

Lot 1, Block 1, Wichita Clinic Addition, Wichita, Sedgwick County, Kansas. Generally located south of 21st Street North and east of K-96 (1947 Founders Circle).

**The variances are hereby GRANTED, subject to the following conditions:**

1. All signage on the subject property shall conform to the requirements of the Sign Code except that variances are granted to permit one ground sign along Founders Circle with a maximum area of 78 square feet, five total ground signs for a single business along Founders Circle, two building signs with a maximum area of 66.32 square feet, one building sign with a maximum area of 201.33 square feet, and three building signs at a maximum height of 40 feet.
2. The signs permitted by the variances shall be placed in the general locations illustrated on the approved site plan and shall be of a design, size, and height illustrated on the approved elevation drawings.
3. Ground signs shall not be permitted along the K-96 frontage.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variances, unless such time period is extended by the BZA.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variances, unless such time period is extended by the BZA.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

**SECRETARY'S REPORT**

**FILE COPY**

CASE NUMBER: BZA2005-00013

OWNER/APPLICANT: Integrated Healthcare Systems, Inc. c/o Gary Bue

AGENT: Luminous Neon, Inc. c/o Judy Manka

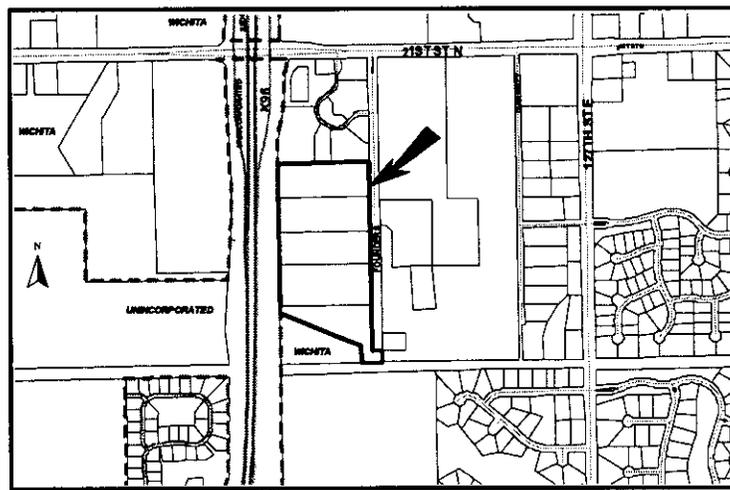
REQUEST:

1. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground sign from 32 square feet to 78 square feet; and
2. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum number of permitted ground signs from one to five; and
3. Variance to Section 24.04.193.3. of the Sign Code to allow individual building signs larger than 32 square feet in area and to increase the total maximum area of building signs from 32 square feet to 334 square feet; and
4. Variance to Section 24.04.193.3. of the Sign Code to increase the maximum height of building signs from 30 feet to 40 feet.

CURRENT ZONING: "GO" General Office

SITE SIZE: 32.7 acres

LOCATION: South of 21<sup>st</sup> Street North and east of K-96 (1947 Founders Circle)



**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 is developing a large medical clinic on over 32 acres zoned "GO" General Office and located south of 21<sup>st</sup> Street North and east of K-96 at 1947 Founders Circle. Since only a single business will be located on the subject property, the Sign Code permits one 100 square-foot ground sign along 21<sup>st</sup> Street, one 32 square-foot ground sign along Founders Circle, building signs on each building elevation with no sign larger than 32 square feet in area and 30 feet in height with the total area of all building signs not exceeding 32 square feet, and an unlimited number of directional signs not exceeding six square feet in area each. However, the applicant is proposing one 100 square-foot ground sign along 21<sup>st</sup> Street, one 78 square-foot ground along Founders Circle, four 22.67 square-foot ground signs along Founders Circle, two 66.32 square-foot building signs at 40 feet in height, one 201.33 square-foot building sign at 40 feet in height, and five directional signs not exceeding square feet in area each (see attached site plan and elevation drawings).

Were the subject property to be developed multiple businesses instead of a single business all of the proposed signage could be permitted by right except for the size and height of building signs proposed. Additionally, were the property developed with multiple businesses, significantly larger and taller signs than proposed could be permitted by right, including multiple ground signs along K-96. Therefore, the applicant has requested four variances of the Sign Code to provide for a tailored sign package for a single large tenant on the subject property while maintaining the spirit and intent of the sign regulations (see attached written justification). The four variances requested are:

1. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground sign from 32 square feet to 78 square feet; and
2. Variance to Section 24.04.193.1. of the Sign Code to increase the maximum number of permitted ground signs from one to five; and
3. Variance to Section 24.04.193.3. of the Sign Code to allow individual building signs larger than 32 square feet in area and to increase the total maximum area of building signs from 32 square feet to 334 square feet; and
4. Variance to Section 24.04.193.3. of the Sign Code to increase the maximum height of building signs from 30 feet to 40 feet.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC"	Shopping center
SOUTH	"SF-5"	Cemetery
EAST	"SF-5"	School, single family residence
WEST	"SF-5"	Undeveloped

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

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as the proposed signage is for one business providing a variety of services within a large medical clinic. Typically, a such a large building would house numerous businesses, and each business would be allowed separate signage with the likely impact of the signage exceeding the impact of the signage proposed by the applicant.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the overwhelming majority of the developed properties that will have a direct view of the signage are developed with non-residential uses and the overwhelming majority of the proposed signage is significantly set back from existing residential uses.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the Sign Code would permit signage in excess of the amount requested by the applicant were the property occupied by multiple businesses rather than a single medical clinic. Additionally, the subject property is located along an elevated freeway and without the proposed size and height of building signs, the traveling public would have difficulty locating the appropriate exit from the freeway for the business.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale in relation to the size of the property and proposed business, and has minimal lighting.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variances requested would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier to locate the facility and the services provided within the facility while balancing these identification needs with the needs for high-quality community aesthetics.

**RECOMMENDATION:** It is staff's opinion that the proposed signage is appropriate. Should the Board determine that conditions necessary to the granting of the variances exist, then it is the recommendation of the Secretary that the variances to increase the size and number of ground signs and to increase size and height building signs be GRANTED, subject to the following conditions:

1. All signage on the subject property shall conform to the requirements of the Sign Code except that variances are granted to permit one ground sign along Founders Circle with a maximum area of 78 square feet, five total ground signs for a single business along Founders Circle, two building signs with a maximum area of 66.32 square feet, one building sign with a maximum area of 201.33 square feet, and three building signs at a maximum height of 40 feet.
2. The signs permitted by the variances shall be placed in the general locations illustrated on the approved site plan and shall be of a design, size, and height illustrated on the approved elevation drawings.
3. Ground signs shall not be permitted along the K-96 frontage.