

SECRETARY'S REPORT

CASE NUMBER: BZA 5-96

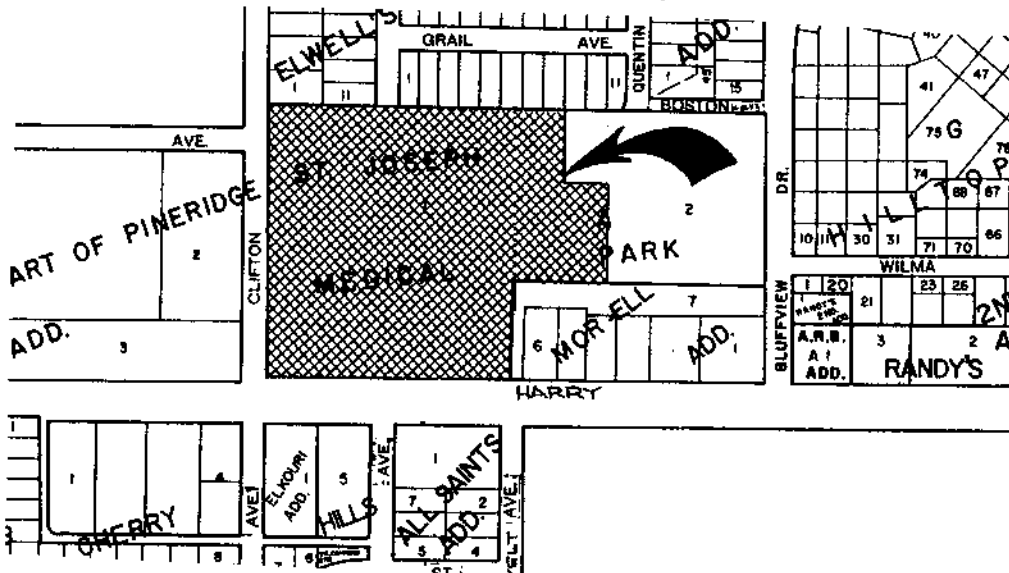
OWNER/APPLICANT: Via Christi Regional Medical Center
AGENT: Phil Meyer, Baughman Company

- REQUEST:
1. Variance to increase the size of a building sign from 32 square feet to 336 square feet.
 2. Variance to increase the number of building signs from 1 to 2.
 3. Variance to increase the height of a building sign from 30 feet to 85 feet.

CURRENT ZONING: "BB" Office & "LC" Light Commercial

SITE SIZE: 12.0 Acres

LOCATION: Northeast corner of Harry Street and Clifton



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, has recently changed its corporate name from St. Joseph Medical Center to Via Christi Regional Medical Center. They now desire to place a building sign on the south face of their current facility located at 3600 E. Harry Street to display their new name and to identify the site to the public. The proposed building sign would be placed 85 feet above grade on the south face of the 7 story building. The building face on which the proposed sign will be located is approximately 380 feet north of Harry Street. The area between the building and Harry Street is being used as a parking lot which serves the use on the site. In August 1984, the BZA approved a variance, BZA 52-84, to increase the size of a building sign from 32 square feet to 64 square feet for this site. That building sign was placed on the west face of the building and it identifies the emergency entrance to the medical center.

The sign code permits illuminated building signs in the "BB" Office District, with the following limits: building signs are not to exceed 32 square feet in size or be greater than 30 feet in height and only one sign is permitted for each major use in the building. Therefore, the applicant must obtain three variances to allow the building sign to be installed: (1) increase the sign from 32 square feet to 336 square feet; (2) increase the number of signs from 1 to 2; (3) increase the height from 30 feet to 85 feet.

These signs restrictions, with only minor changes, have been part of the development regulations since 1974 when the sign code was first adopted. Several recently constructed multi-story buildings, such as the Northrock Inn, the office building at 29th and Rock Road and the American National Bank of Wichita near Kellogg and Rock, as well as 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 face of the building and will be directed toward property that is developed with a parking lot and commercial uses on the south side of Harry Street. The sign will be placed at a height and be at a scale which should not impact the surrounding properties nor existing signs in the area.

ADJACENT ZONING AND LAND USE:

NORTH	"A" & "LC"	Single Family Homes and Medical Offices
SOUTH	"LC"	Retail (Flower Shops & Fast Foods)
EAST	"BB" & "LC"	Retail (Fast Foods)
WEST	"BB" & "LC"	Medical uses (Clifton Medical Center)

Request No. 1 - Variance to increase size of building sign from 32 square feet to 336 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 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 the sign will be at a scale which when placed on a 7-story structure should not impact surrounding properties and will not be faced toward residential areas.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign ordinance 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 from the street.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest¹but 'would, in fact, serve the public interest by providing adequate building identification 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 sign ordinance inasmuch as the increased size is harmonious with the large building and site and its impact will be lessened because it will be viewed from a great distance.

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 336 square feet shall be limited to one building sign located near the top of the south face of the main hospital building.
2. The larger sign approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated sign.
3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

Request No. 2 - Variance to increase the number of building signs from 1 to 2.

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 yet has only one major use which limits the number of permitted building signs to one.

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, due to the larger size of the building, two signs are not an excessive number and will not detract from adjacent properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant has made a substantial investment in this property to establish the only full-service hospital serving the south side of the community and 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 but would, in fact, serve the public interest by providing adequate building identification from the south.

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 sign ordinance inasmuch as the intent is to provide adequate but not excessive signage for all properties, and a large hospital such as this one, with visibility from several directions, needs more than one building sign to adequately identify its location.

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

1. Only two building signs shall be permitted to be located on this one-tenant building, unless additional variances are justified and granted in the future.
2. The building signs approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated sign.
3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

Request No. 3 - Variance to increase the height of a building sign from 30 feet to 85 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 and the residential properties to the north will not have a sign faced in that direction. 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 sign ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant has made a substantial investment in this property to establish the only full-service hospital serving the south side of the community and 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 building and 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 sign ordinance inasmuch as the intent is to provide adequate but not excessive signage for all properties, but 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 a 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 face of the main hospital building.
2. The building sign approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated sign.
3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

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

March 28, 1996

Via Christi Regional Medical Center
Attn: Bob Heath, Counsel
1109 N. Topeka
Wichita, Ks 67214

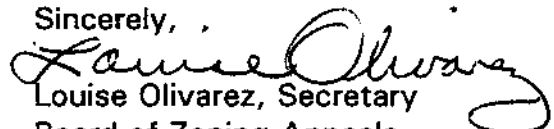
RE: BZA 5-96 Variances to increase the number, height and size of building signs for property zoned "BB" and "LC" and located at 3600 E. Harry Street.

Dear Mr. Heath:

Enclosed are signed copies of three BZA resolutions approved by the Board of Zoning Appeals on March 26, 1996. These resolutions reflect the official action of the Board to grant your requests and they set out the conditions of approval. They are forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely, .


Louise Olivarez, Secretary
Board of Zoning Appeals

Enclosure

cc: Baughman Company, attn: Phil Meyer, 315 Ellis 67211
Morris Dunlap, Miracle Sign Company, 3611 N. Broadway, 67219
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

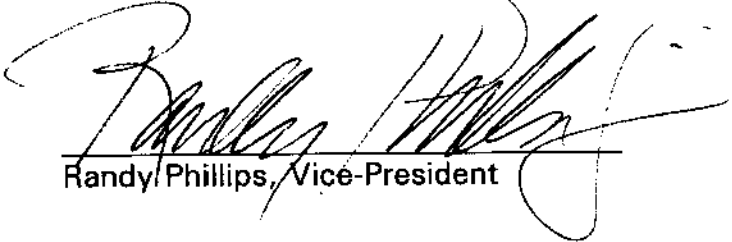
Commercial District) and legally described as follows:

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

subject to the following conditions:

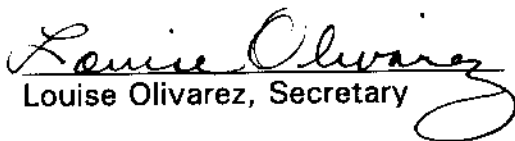
1. This increase in sign size to 336 square feet shall be limited to one building sign located near the top of the south face of the main hospital building.
2. The larger sign approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated sign.
3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of March 1996.



Randy Phillips, Vice-President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 5-96A

WHEREAS, Via Christi Regional Medical Center, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the number of building signs from 1 to 2 on property zoned the "BB" Office District (now GO General Office District) and "LC" Light Commercial District (now LC Limited Commercial District) and legally described as follows:

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

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 March 26, 1996, 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 inasmuch as the building is seven stories tall and is being used as a hospital facility that provides emergency medical services to the public yet has only one major use which limits the number of permitted building signs to one; and

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 inasmuch as due to the larger size of the building, two signs are not an excessive number and will not detract from adjacent properties; and

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

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, but would, in fact, serve the public interest by providing adequate building identification from the south; and

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 sign ordinance inasmuch as the intent is to provide adequate but not excessive signage for all properties, and a large hospital such as this one, with visibility from several directions, needs more than one building sign to adequately identify its location; and

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 number of building

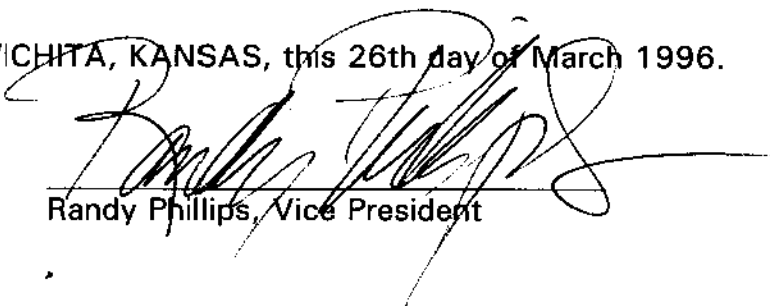
signs from 1 to 2 on property zoned the "BB" Office District (now GO General Office District) and "LC" Light Commercial District (now LC Limited Commercial District) and legally described as follows:

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

subject to the following conditions:

1. Only two building signs shall be permitted to be located on this one-tenant building, unless additional variances are justified and granted in the future.
2. The additional building sign approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated sign.
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 March 1996.


Randy Phillips, Vice President

ATTEST:


Louise Olivarez, Secretary

RESOLUTION NO. 5-96B

WHEREAS, Via Christi Regional Medical Center, 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 85 feet on property zoned the "BB" Office District (now GO General Office District) and "LC" Light Commercial District (now LC Limited Commercial District) and legally described as follows:

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

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 March 26, 1996, 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 inasmuch as the building is seven stories tall and is being used as a hospital facility that provides emergency medical services to the public; and

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 inasmuch as all properties to the south, east, and west are commercially developed and the residential properties to the north will not have a sign faced in that direction. 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; and

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

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, inasmuch as the requested sign height is in character with the building and the limitations on lighting will keep the sign from being a distraction to motorists or residents in the area; and

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 sign ordinance inasmuch as the intent is to provide adequate but not excessive signage for all properties, but no provisions are made for building signs on mid-rise or high-rise structures; and

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.

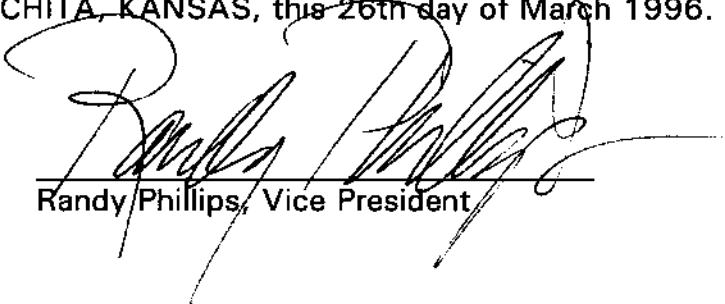
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the height of a building sign from 30 feet to 85 feet on property zoned the "BB" Office District (new GO General Office District) and "LC" Light Commercial District (new LC Limited Commercial District) and legally described as follows:

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

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 face of the main hospital building.
2. The building sign approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated sign.
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 March 1996.



Randy Phillips, Vice President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 5-96C

WHEREAS, Via Christi Regional Medical Center, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of building sign from 32 square feet to 336 square feet on property zoned "BB" Office District (now GO General Office District) and "LC" Light Commercial District (now LC Limited Commercial District) and legally described as follows:

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

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 March 26, 1996, 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 inasmuch as the building is seven stories tall and is being used as a hospital facility that provides emergency medical services to the public; and

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 inasmuch as the sign will be at a scale, which when placed on a 7-story structure, should not impact surrounding properties and will not be faced toward residential areas; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the sign ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 32-square foot sign would be insufficient to adequately identify this structure which is located almost 400 feet from the street; and

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, but would, in fact, serve the public interest by providing adequate building identification from a sufficient distance to permit planned access to the site on which emergency medical services are provided to the public; and

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 sign ordinance inasmuch as the increased size is harmonious with the large building and site and its impact will be lessened because it will be viewed from a great distance; and

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 building sign from 32 square feet to 336 square feet on property zoned the "BB" Office District (now GO General Office District) and "LC" Light Commercial District (now LC Limited

