

Item 24-0591: 10 E. College Ave. The applicant proposes to install wall signs with a cumulative size of five hundred and eighty-one sq. ft.

Board of Zoning Appeals
Mon, May 20, 2024 7:30PM

Paul McCann (BOZ Chair) 09:17

So then finally, if you could read the request for 10 East College Avenue.

Supervisor Kurt Craanen (Inspections) 09:25

The applicant proposes to install wall signs with a cumulative size of 581 square feet, section 25-523(c)(1)(a) of the zoning ordinance limits the size of wall signs to 35% of each wall or 350 square feet.

Paul McCann (BOZ Chair) 09:44

Gentlemen, are you representing that? You come on forward, introduce yourselves.

Sam Schmidt (Dark Horse - Fox Commons) 09:48

My name is Sam Schmidt.

Cole Alsbach (Dark Horse - Fox Commons) 09:52

And I'm Cole Alsbach.

Sam Schmidt (Dark Horse - Fox Commons) 09:53

We're Dark Horse, and we are leading this development.

Paul McCann (BOZ Chair) 09:56

Okay. Okay. So, are there other items outside of what's in your application that you'd like to bring forward? And can you make sure that you address whatever hardship may exist if you're not granted such a request?

Sam Schmidt (Dark Horse - Fox Commons) 10:11

So, yes, we understand the restrictions for signage. Issue is we have a very large building. Our increase is going to be 1.57% of the surface area, and we've broken it up architecturally to look like six different buildings. Within each one of those specific designs—those architectural cuts—they will not be reaching any one of them over 350 feet or 35% of that surface area. The hardship will be that we will be unable to give tenants their signage, and we have an agreement with the city that where we were supposed to keep all of the existing entrances of the first floor intact to create smaller tenant spaces for a more walkable downtown, and that will require signage.

Paul McCann (BOZ Chair) 11:01

So, you're trying to differentiate each—

Sam Schmidt (Dark Horse - Fox Commons) 11:03

Yes.

Paul McCann (BOZ Chair) 11:03

—architectural element to it's—

Sam Schmidt (Dark Horse - Fox Commons) 11:05

It's pretty hard to see in black and white. But it will look—minus Bowl 91, which is sketched out. So, including that, it'll look like seven buildings each one with its own design, different color, and it will look like different buildings. We wanted to do that to match the rest of the downtown. We were born and raised here and saw this giant building in the middle of all these small, beautiful ones. So, we want to break it up. So, it would look more like its neighbors.

Paul McCann (BOZ Chair) 11:35

So, it has seven facades that look like—

Sam Schmidt (Dark Horse - Fox Commons) 11:37

Six. If we count Bowl 91 which was built [around], it will be seven.

Paul McCann (BOZ Chair) 11:42

Okay. Understood. Yeah, it is difficult to tell what it's going to look like from this.

Kelly Sperl (BOZ Member) 11:48

Where's Bowl 91? Where that hatched area is?

Sam Schmidt (Dark Horse - Fox Commons) 11:50

Yes.

Cole Alsbach (Dark Horse - Fox Commons) 11:51

Yeah. So, the hardship of not getting this signage approval would be the ability to attract tenants to those College Ave spaces, like, creating that walkable downtown environment that we wanted to and agreed to in our development agreement with the city. We have to offer that or we should be able to offer them signage, if they're gonna lease the space on College Avenue. That's a big reason they're coming downtown. So, they want to be seen. They want the visibility. It would be a hardship for us to sell that space.

Sam Schmidt (Dark Horse - Fox Commons) 12:21

And understandably so, Lawrence wants to be able to put their shield and their signage on there. They're gonna be having close to 100 students living there. They want to be able to have it in an easy, accessible area for visitors. They're going to have their entrepreneurship business center there, do speeches there. So, they want to easily—be able to find it easily. And then Mosaic will be [occupying?] 35,000 square feet in the back. And they want to make sure that they're easily findable for those who are seeking affordable health care.

Paul McCann (BOZ Chair) 12:53

So, was this was this part of a planned development that the city worked on with these guys? Or is it?

Supervisor Kurt Craanen (Inspections) 13:00

I don't think this is a planned development. I don't know of any different standards. I know, there's not a different standard for the signs.

Paul McCann (BOZ Chair) 13:05

Okay. Yeah, obviously, that's why we're here. But I was just curious as to why this wasn't pre-approved almost when a—with a development of this size and that in this space. Okay. Understood. Any questions for the...?

Michael Babbitts (BOZ Member) 13:22

I'm struggling just to understand. So, the limit is that, per building, the max signage size is 350 square feet? Okay.

Kelly Sperl (BOZ Member) 13:33

And then in here, it also states that something underneath the hardship that in the staff letter that says it's less than 2% of the facade. Is that at the 500 square feet that they're asking for or the 350 that's allowed?

Supervisor Kurt Craanen (Inspections) 13:48

That was the number Sam gave me, like, it's...

Sam Schmidt (Dark Horse - Fox Commons) 13:50

1.57% is 581 square feet of the overall, because it's just a giant—

Kelly Sperl (BOZ Member) 13:57

Yeah, I understand. Yeah.

Paul McCann (BOZ Chair) 13:59

So, 1.52% of the surface area, because it's—you're going to use 581. Okay. Yeah. And each individual—if these were individual parcels, you're trying to—

Sam Schmidt (Dark Horse - Fox Commons) 14:13

[Indecipherable] break it.

Paul McCann (BOZ Chair) 14:14

But you're trying to respect that as well. Right? You're trying to make sure that it doesn't look ridiculous compared to any other property.

Sam Schmidt (Dark Horse - Fox Commons) 14:21

It actually just so happened to work that way. We didn't know about the signs issue, and yeah, we didn't want to look like just some obnoxious thing on College Avenue, so we spread them out.

Cole Alsbach (Dark Horse - Fox Commons) 14:33

Our intention is not for this to look like a billboard.

Paul McCann (BOZ Chair) 14:36

Sure, sure.

Cole Alsbach (Dark Horse - Fox Commons) 14:37

We want to be able to offer [...] the object and signage.

Paul McCann (BOZ Chair) 14:41

That's nice to get lucky every once in a while. All right. Any other questions? And all of the issue is—is there any issue on the backside of this building? Is there any signage on the Washington Street?

Cole Alsbach (Dark Horse - Fox Commons) 15:00

There will be signage on the back side. We have—we're doing a Fox Commons sign, and that's about 200 square feet. And then the remaining 150 square feet of our max allotment there, Mosaic is planning to put some type of signage up there. I'm not sure what.

Kelly Sperl (BOZ Member) 15:15

So, a variance wouldn't be needed for the backside?

Cole Alsbach (Dark Horse - Fox Commons) 15:18

Not at this moment.

Cole Alsbach (Dark Horse - Fox Commons) 15:19

Yeah. we have no tenants interested. If Mosaic or Lawrence wants more signage back there, possibly, but as of now, no.

Sam Schmidt (Dark Horse - Fox Commons) 15:19

Yeah, yeah.

Paul McCann (BOZ Chair) 15:25

And you don't have the west and you don't have the east right? So, there's nothing there.

Sam Schmidt (Dark Horse - Fox Commons) 15:29

Yeah. And it's also a little bit of a hardship we couldn't spread one out to the left to the right.

Kelly Sperl (BOZ Member) 15:33

So, they—Kurt, they get they get that percentage front and back, correct?

Supervisor Kurt Craanen (Inspections) 15:38

I look at them independently. Yeah.

Kelly Sperl (BOZ Member) 15:41

But is it—is it a per street side? Is that how that goes?

Paul McCann (BOZ Chair) 15:44

Okay. So, you're staying within the limits on the back side? Okay, good. Anything else? If there are no other questions or no other points that you guys want to make, we'll entertain a motion on the variance.

Supervisor Kurt Craanen (Inspections) 15:44

Yes.

Kelly Sperl (BOZ Member) 16:05

I'd like to make a motion to approve this due to the size of that building, and just the awkwardness of the whole thing in being so large in downtown. I like the way they've got it split up and what they're trying to do there to make it look like a like a smaller building.

Scott Engstrom (BOZ Member) 16:23

I'll second.

Paul McCann (BOZ Chair) 16:25

And just as a comment, I would agree that the smaller signs making it looked more like seven units on that property is much more respectful to the look of the downtown, and I think it's a better use than if you had a compliant, huge sign somewhere on the front of that building. Anything else? Any other discussion?

Michael Babbitts (BOZ Member) 16:49

I'd like to discuss just how we bracket this, if it's something that we moved to approve. Understanding there may be a change in tenant and then what would that person be allowed or not be allowed to do would be maybe nice to consider that at this point as part of this. I personally feel that because the elevation appears to be different buildings, I think they could be treated that way, perhaps, with the signage adhering to the code, per a building facade, and that may be determined by us or by someone else. I don't know.

Paul McCann (BOZ Chair) 17:21

Yeah, I agree with the potential for a problem, but I—there's one developer today and has the permission to put 581 square feet. If they want to dedicate that all to one person, I suppose we don't control that—right? The way it's been approved, or the way it's been moved in seconded so far, I don't—I can't imagine you'd want to do that, as the developer, you'd want to give up five signs to make one big one. So, I think there's little risk there. So, I don't know how exactly, you would change the motion to protect from a really bad decision by a successor.

Kelly Sperl (BOZ Member) 18:03

And during the permitting process, I would assume that they're going to determine how many signs will equate up to that number. So once those are up and somebody changes, they have to live with that sign—that sign size unless everybody changes, and now they got, you know, 200 square feet here and lesser here. But I think during that permitting process, that probably solves that. I don't think we can control the future. But—

Paul McCann (BOZ Chair) 18:31

Also, I think photo Mr. Babbitts' point, if the motion included approving the variance as requested and as depicted in the documentation, you'd have a sign on the Fox then a sign on tenant 1, 2, 3, 4, 5, and that would be what would be approved. Is that what? That's kind of what you're—what you're suggesting we do is to nail this down a little bit so that it stays the way it's depicted here and not get bastardized down the road because it's been approved for 581 square feet.

Michael Babbitts (BOZ Member) 19:08

Actually, I think maybe a little bit the opposite. I'm thinking is there a way to look at this because the facade has been designed as six individual structures, as long as that design remains the same that we treat each section individually.

Paul McCann (BOZ Chair) 19:24

But the property is one. So...

Michael Babbitts (BOZ Member) 19:27

I don't know. I'm just trying to—I don't want, you know, a tenant to change and then these guys have a problem.

Paul McCann (BOZ Chair) 19:33

No, I think I agree with you. And I think if we, if we—I don't know that we even need to modify the motion, but if we approve this as depicted here, it is specified what each tenant has for square footage.

Michael Babbitts (BOZ Member) 19:51

Okay.

Kelly Sperl (BOZ Member) 19:53

And I think that—

Paul McCann (BOZ Chair) 19:54

I think that's your intent, and that's what it would stay I don't think you'd want to—if tenant number one wants half again as big a sign, you're not going to steal that from tenant number two, the way....

Cole Alsbach (Dark Horse - Fox Commons) 20:04

No. I'd be concerned about approving it as exactly depicted, because those certain square footages, like—that drawing was pulled back up.

Cole Alsbach (Dark Horse - Fox Commons) 20:17

The section with the arches showed three different signs there, but if we had a larger tenant on the first floor, and they really only needed one, we could give them one sign in the middle, perhaps a tiny bit larger, but still within that footprint of the square footage. We'd like to request the ability to manage that 580 square feet as we see fit throughout the building, or throughout that facade.

Paul McCann (BOZ Chair) 20:17

Yeah.

Kelly Sperl (BOZ Member) 20:42

But it's being presented as trying to bust it up and provide here, provide here, and provide here rather than providing one big block.

Cole Alsbach (Dark Horse - Fox Commons) 20:49

Yes, yes, that is the intention to provide here at each facade, but for these strict dimensions that where those squares are located on each, I'd be cautious.

Kelly Sperl (BOZ Member) 21:04

Well, I think, you know, I think to this—I guess to the point of the discussion, I think, you know, revising the approval process might be a good thing in adding just a word of intent of this, and not presented as is just so we don't get 580 square feet on one spot, you know?

Paul McCann (BOZ Chair) 21:27

Right.

Kelly Sperl (BOZ Member) 21:27

To Michael's point, I think.

Paul McCann (BOZ Chair) 21:29

Yeah. I—and I worry a little bit about making it entirely open because the whole reason for a hardship, as I heard you, is that there are seven distinct, you know, signs that you want to have. So, without that hardship protected, if you will, you might not get approval. So, okay, Kurt, go ahead.

Supervisor Kurt Craanen (Inspections) 21:54

This is how I think this will work. When you come in for your application for your permit, you'll provide a rendering. And that will be—it'll be just I'm guessing one sign applicant permit application. Then in the future, things will change of course, tenants will change, they may be want different things. If you just change what's in the, what we—we usually call it a cabinet. Or if you change what is in there, it doesn't matter. But if you change the size or location of them, I think we'd want a different permit, just so we can keep track of that. Because let's say one gets bigger, one gets smaller, we have to make sure cumulatively you're all at 581.

Supervisor Kurt Craanen (Inspections) 21:54

That's flexibility I was alluding to. 33 square feet and we're only 30 square feet are still good? Even though it's broken up slightly different.

Kelly Sperl (BOZ Member) 22:46

As long as it meets the square footage total.

Cole Alsbach (Dark Horse - Fox Commons) 22:48

Right. [...] it's slightly varied.

Scott Engstrom (BOZ Member) 22:52

So just to synthesize all this, and, Kurt, what you're saying is so basically, if we approve the variance that some of that concern will be alleviated through the permitting process—

Paul McCann (BOZ Chair) 23:03

Right.

Scott Engstrom (BOZ Member) 23:03

—for this project.

Paul McCann (BOZ Chair) 23:04

It'd be better defined.

Scott Engstrom (BOZ Member) 23:05

It better defined and probably better suited for the permitting process.

Supervisor Kurt Craanen (Inspections) 23:09

Yes.

Scott Engstrom (BOZ Member) 23:10

Okay.

Supervisor Kurt Craanen (Inspections) 23:10

It would give us some flexibility. The bottom line is they can have 581 square feet total, no matter which way they chop it up.

Scott Engstrom (BOZ Member) 23:18

Yep. Okay.

Paul McCann (BOZ Chair) 23:19

Right, but it needs to be understood and it needs to be clear that the reason that the motion is on the table and has been seconded is because of the discussion of the hardship of multiple tenants needing multiple signs.

Supervisor Kurt Craanen (Inspections) 23:33

You don't want them to come in with one big huge sign.

Kelly Sperl (BOZ Member) 23:35

Right.

Paul McCann (BOZ Chair) 23:36

I don't want the next owner of the property to come in and say, "Well, yeah, we changed their mind; each one of these is going to get a one foot one square foot sign. I'm going to put my name on the building," you know, whatever it might be. It's—the intent here is to provide the feel of six different tenants in this building having an individual identity.

Kelly Sperl (BOZ Member) 24:02

So, with that being said, I think I would like to revise my motion to include the verbiage of the intent of the submittal not necessarily to put it down to the last square feet or square footage of each sign, but the intent of the submittal packet with the individual signs, per Paul's statements, if that continues to support that hardship then.

Scott Engstrom (BOZ Member) 24:27

So, your—I'll second that, and for purpose of discussion just make it clear that your intention isn't to hold them to this depiction. And for the record, the depiction we're referencing is the Fox Cities sign facade depiction of this and so the—it's to memorialize the intent, but not hold them to the specifics as depicted. So, we're incorporating it by reference.

Kelly Sperl (BOZ Member) 24:54

Correct. The specifics of it done during Kurt's permitting process.

Scott Engstrom (BOZ Member) 24:58

Okay.

Paul McCann (BOZ Chair) 24:59

Yeah, and well depend on the inspections department of the permitting process to uphold the integrity of the decision tonight. Okay. Any further discussion? We'll vote on the request.

Paul McCann (BOZ Chair) 25:15

Mr. Sperl?

Kelly Sperl (BOZ Member) 25:16

Aye.

Paul McCann (BOZ Chair) 25:16

Mr. Loosen.

Kevin Loosen (BOZ Member) 25:18
Aye.

Paul McCann (BOZ Chair) 25:18
Mr. Babbitts.

Michael Babbitts (BOZ Member) 25:19
Aye.

Paul McCann (BOZ Chair) 25:19
Mr. Engstrom.

Scott Engstrom (BOZ Member) 25:20
Aye.

Paul McCann (BOZ Chair) 25:21
Four aye votes.

Someone 25:22
Thank you.

Paul McCann (BOZ Chair) 25:23
It's approved. Good luck with your signs and your project.

Kelly Sperl (BOZ Member) 25:31
Good luck.