



Wichita-Sedgwick County Metropolitan Area Planning Department

January 26, 2010

LLC Sutton MN c/o Michael Elzufon
2735 Cheshire Lane
Minneapolis, MN 55447

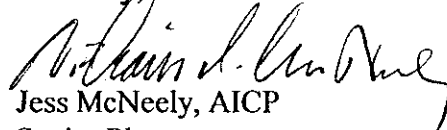
RE: BZA2009-57 City Sign Code variance request to exceed the 400 square foot size limitation for a building sign in CBD Central Business District zoning, generally located south of William and east of Market Street (209 E. William Street).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on January 26, 2010. Also enclosed is an approved elevation drawing. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,


Jess McNeely, AICP
Senior Planner

JMC/yja

Cc Jeff Vanzandt, Law Dept, 1-132
JR Cox, OCI
Kurt Schroeder, OCI
Kathy Morgan, Planning Department
Lavonta Williams, CM District I

BZA RESOLUTION NO. 2009-57

WHEREAS, Sutton MN, LLC c/o Michael Elzufon (Owner/Applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, City Sign Code variance request to exceed the 400 square foot size limitation for a building sign in CBD Central Business District zoning with a 1,200 square foot LED sign, generally located south of William and east of Market Street (209 E. William Street).

Lot 14, 16, and 18, on Market Street, Greiffenstein's Addition to the City of Wichita, Sedgwick County, Kansas.

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 January 26, 2010, 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 conditions that are unique. The Sutton Place Building was built in 1924, and was last renovated in the 1960s. The building is one of the few downtown office buildings taller than 10 stories, and is one of the few tall downtown buildings with clear visibility from the elevated Kellogg Expressway. This building is further unique in that its southern façade has an elevator shaft with few windows (the proposed sign location). The proposed “rebranding” concept is unique to older buildings needing renovation to be marketable.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners. All properties facing the proposed sign are zoned CBD. The vast majority of the properties directly facing the sign, within three blocks, are used for surface parking. Other buildings within view of the proposed sign have larger, temporary banner signs.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the sign code would constitute a hardship upon the applicant. The 400 square foot building sign size limit would not be visible from Kellogg. Likewise, a 400 square foot sign would not have the desired effect within a 14,560 square foot building elevation. A sign on the south façade of this 11-story structure would need to be higher than the four-story building to the south. A 400 square foot sign at the proposed 130-foot height would not have adequate visibility from ground level.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location. Adequate identification and successful redevelopment of this historic building are certainly in the public interest. The proposed sign size is visually proportional to the larger building and is specifically sized to fit on the building’s protruding elevator shaft. The Historic Preservation Board found that the proposed size increase for the sign does not encroach upon, damage or destroy the environs of listed historic structures. One 1,200 square foot sign on this building could be viewed as more in the public interest than 2,912 square feet of signage, or seven 400 square foot LED signs, all of which would be approved under the Sign Code.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the Sign Code regulations. The Sign Code restriction for building sign size does not take into consideration the scale of this specific building, or the concept of multiple building tenants. The spirit and intent of the sign code is for adequate identification of buildings, aesthetically proportional to the given buildings; this variance request is consistent with that spirit and intent.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

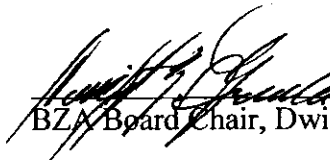
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to exceed the 400 square foot size limitation for a building sign in CBD zoning with a 1,200 square foot building sign, generally located south of William and east of Market Street (209 E. William Street).

Lot 14, 16, and 18, on Market Street, Greiffenstein's Addition to the City of Wichita, Sedgwick County, Kansas.

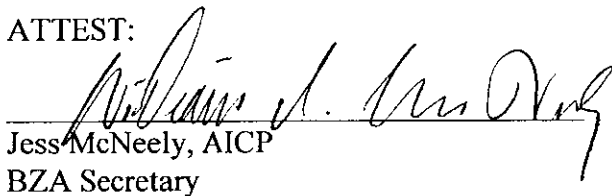
The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved elevation drawing.
2. The 1,200 square foot building sign shall be the only LED sign on the south façade of the building on the site, consistent with the approved elevation drawing.
3. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
4. The sign shall conform to all conditions as approved by the Historic Preservation Board.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 26th Day of January, 2010.


BZA Board Chair, Dwight Greenlee

ATTEST:


Jess McNeely, AICP
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. _____
December 29, 2009

SECRETARY'S REPORT

CASE NUMBER: BZA2009-57

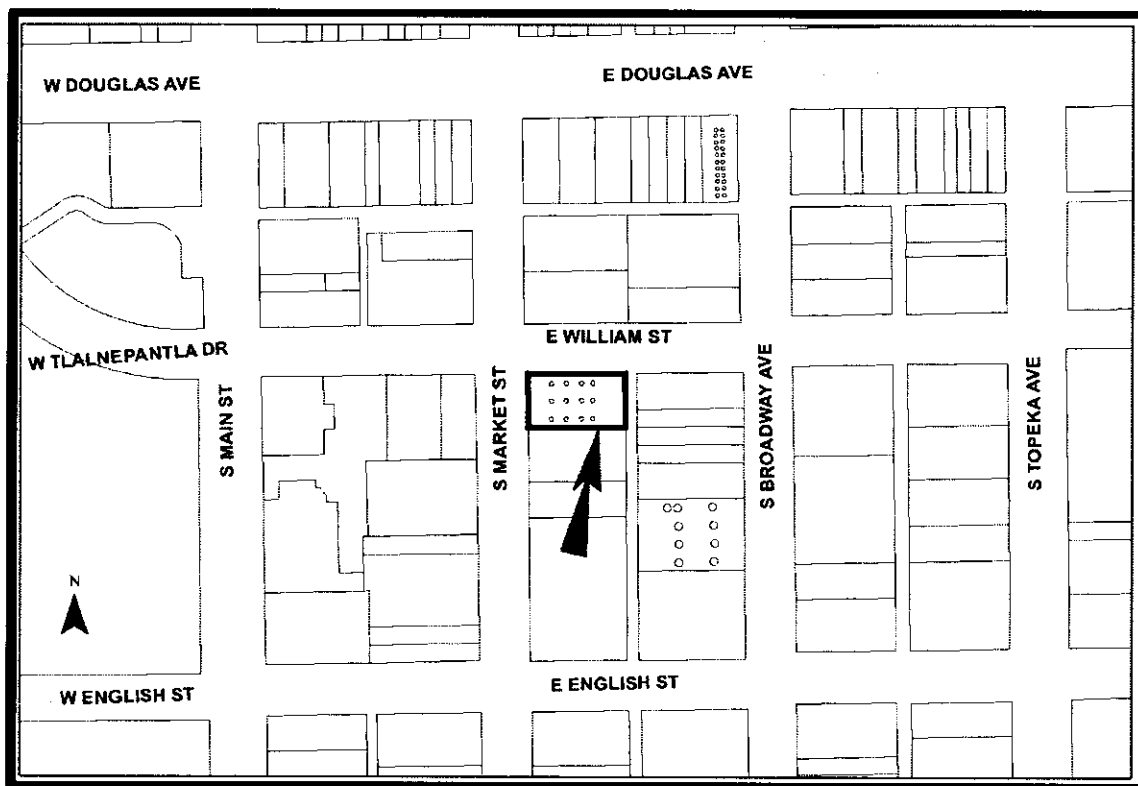
APPLICANT/AGENT: Sutton MN, LLC c/o Michael Elzufon (owner)

REQUEST: City Sign Code variance request to exceed the 400 square foot size limitation for a building sign in CBD Central Business District zoning with a 1,200 square foot sign.

CURRENT ZONING: CBD Central Business District ("CBD")

SITE SIZE: .26 acres

LOCATION: South of William and east of Market Street (209 E. William 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 Sign Code limits building signs in CBD Central Business District ("CBD") zoning to a maximum of 20 percent of a building façade, and then to a maximum of 400 square feet in size per sign. The applicant wishes to install a 30 by 40 foot (1,200 square foot) LED sign on the south façade of the 11-story tall, half-block long building on the site. The sign would be on the protruding elevator shaft, and would be approximately 130 feet above ground level. (See the attached elevation drawings and photo images.) The proposed sign location has visibility from much of downtown, to include the Waterwalk redevelopment area, and from the elevated Kellogg Expressway. Under the Sign Code, the applicant could erect one 400 square foot sign per commercial building tenant, with up to 20 percent of the 14,560 square foot south façade for a total of 2,912 square feet of signage, or up to seven 400 square foot signs. LED signs are permitted by right in the CBD zone, and are regulated for brightness under the Sign Code. The applicants are currently renovating and redeveloping the building, known as "Sutton Place", for commercial and office mixed-use. Part of the applicant's redevelopment concept is temporary office space for various companies doing business in Wichita. LED sign technology can quickly adapt to new and changing tenants. See the attached additional graphics and letter from the applicant.

The application area is within the environs of several historic buildings, the most notable being the Old City Hall and the Carnegie Library. Both are west of the site and not in view of the proposed sign. Because the site is within historic environs, the Historic Preservation Board heard a request for this sign. The Historic Preservation Board found that the proposed size increase for the sign does not encroach upon, damage, or destroy the environs of listed historic structures. The Historic Preservation Board added a condition that they review the final design integrating the sign structure into the building wall.

Several other signs in the CBD exceed the 400 square foot sign limitation. An example would be the SC Telecom sign which was determined to be more than one sign for the sign permit. The most recent sign size variance granted by the BZA in the CBD would be the Intrust Arena sign, also visible from Kellogg, at 1,157 square feet. It should be noted that the Intrust Arena has an LED sign, similar in size to this request, inside the south facing windows which is not regulated by the Sign Code (as it is inside the building) but is clearly visible from the south. Similarly, glass enclosed skywalks in the CBD have signs exceeding 400 square feet, but are inside the building and did not require a sign permit. Also, numerous legal non-conforming (or grandfathered) signs in the CBD exceed the 400 square foot limitation. Many of these are painted wall signs which have existed for decades, such as the Farmers Bankers Insurance painted sign on N. Market Street, which is similar in size to the proposed Sutton Place sign. Also, temporary banner signs exist in the CBD without the Sign Code size limitations. A current example would be banner signs on the Waterwalk Condo building north and south facades, which are significantly larger than this variance request.

All properties surrounding this site are also zoned CBD. All buildings surrounding the application area are used for offices, similar to the proposed use of the application area. Other surrounding land uses include surface parking and a parking garage west of the site. The nearest residences with a view of the proposed sign is a multi-family residential building over three blocks and 1,400 feet south of the site.

ADJACENT ZONING AND LAND USE:

NORTH	CBD	office, commercial, parking
SOUTH	CBD	office, commercial, parking
EAST	CBD	office, commercial, parking
WEST	CBD	office, commercial, parking

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is staff's opinion that this property could be considered unique. The Sutton Place Building was built in 1924, and was last renovated in the 1960s. The building is one of the few downtown office buildings taller than 10 stories, and is one of the few tall downtown buildings with clear visibility from the elevated Kellogg Expressway. This building is further unique in that its southern façade has an elevator shaft with few windows (the proposed sign location). The proposed "rebranding" concept is unique to older buildings needing renovation to be marketable.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for building sign size would not adversely affect the rights of adjacent property owners. All properties facing the proposed sign are zoned CBD. The vast majority of the properties directly facing the sign, within three blocks, are used for surface parking. Other buildings within view of the proposed sign have larger, temporary banner signs.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant. The 400 square foot building sign size limit would not be visible from Kellogg. Likewise, a 400 square foot sign would not have the desired effect within a 14,560 square foot building elevation. A sign on the south façade of this 11-story structure would need to be higher than the four-story building to the south. A 400 square foot sign at the proposed 130-foot height would not have adequate visibility from ground level. However, if a 400 square foot limitation is a hardship on this property, it is difficult to determine what minimum size of sign would no longer constitute a hardship on the applicant.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a building sign size increase would not adversely affect the public interest, as adequate identification and successful redevelopment of this historic building are certainly in the public interest. The proposed sign size is visually proportional to the larger building and is specifically sized to fit on the building's protruding elevator shaft. The Historic Preservation Board found that the proposed size increase for the sign does not encroach upon, damage or destroy the environs of listed historic structures. One 1,200 square foot sign on this building could be viewed as more in the public interest than 2,912 square feet of signage, or seven 400 square foot LED signs, all of which would be approved under the Sign Code.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased building sign size does not oppose the general spirit and intent of the Sign Code. The Sign Code restriction for building sign size does not take into consideration the scale of this specific building, or the concept of multiple building tenants. The spirit and intent of the sign code is for adequate identification of buildings, aesthetically proportional to the given buildings; this variance request is consistent with that spirit and intent.

RECOMMENDATION: It is staff's opinion that the requested sign size for this office building redevelopment project is appropriate, given the scale of the building and the multiple tenant concept for the building. Several sign variances in the CBD make it clear that a 400 square foot sign limitation does not meet the sign needs of larger, taller, and multiple tenant buildings. This recommendation should note that Downtown Wichita is currently working on a new "Master Plan." Depending on the new Downtown Master Plan recommendations, future amendments to the Sign Code could address adequate sign size in the CBD. If the Board determines that the necessary conditions to grant a variance exist, the Secretary recommends that the variance to exceed the 400 square foot size limitation for a building sign in CBD zoning with a 1,200 square foot building sign be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved elevation drawing.
2. The 1,200 square foot building sign shall be the only sign on the south façade of the building on the site.
3. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

