

**VILLAGE OF MARSHALL
PLAN COMMISSION MEETING MINUTES
JULY 25, 2012**

Chairperson Hensler called the Plan Commission meeting to order at 7:00 p.m. Members present: Arnold, Shepler, Krebs and Hensler. Kiefer, Riley and Vick-Peck were absent. Others present: Mike Burrow, Jenny Burrow, Joanne Cripps, Erin Ruth-GRAEF, Brian Pederson-Redbox, Julie Bergholz and Sue Peck-Clerk/Treasurer.

Pledge of Allegiance

1. Public Hearing: Public comment period on the request by application of Redbox LLC for Kwik Trip, agent Kristi Rhodes to amend Kwik Trip's conditional use permit to allow the placement and the operation of a Redbox DVD Vending machine on the exterior of the Kwik Trip building at 504 Plaza Drive. **A motion was made by Arnold and seconded by Krebs to open the public hearing at 7:02 p.m. Motion carried unanimously.**
 1. Brian Pederson – Redbox representative was present. Currently RedBox have the video rentals in 35 Kwik Trips. He works for Redbox & Kwik Trip as well. They do not rent x-rate movies. Mr. Hensler asked what is the advantage of having outside versus inside. Gives the opportunity to rent 24 hours a day. Their agreement with Kwik Trip is only for placement of the Redboxes on exteriors. Customers use it more if the machine is located outside. 60% of the locations are exterior placements. Mr. Hensler said even though the building is open 24 hours.
 2. Julie Bergholz stated that others have asked her about Redbox and how do they determine where they are located. Is it based on volume; because others have tried to get them? Mr. Pederson said he couldn't speak to the volume or about any other client.
 3. Mr. Hensler said his concern is we have an opportunity with a Kwik Trip that has the availability of being put inside. It was asked if there were no restrictions if another business would be asking for a Redbox. Mr. Pederson suggested that business go to Redbox, he can't answer the question if the business would be able to get them or not. None of the Kwik Trips have Redboxes inside.
 4. Staff Review – Mr. Ruth said he looked at this relative to the zoning district. Did look at parking, there is more than adequate parking. First standard the use should not be detrimental to public welfare – condition should be that nothing obscene can be rented. Aesthetic issues- there is some detrimental but not enough to be denied. From a staff review perspective he recommended site plan approval and that a conditional use permit be granted with the condition of nothing obscene be placed in the box for rent. Furthermore that the State's definition of obscene material should be used.
 5. Last call for testimony. Mr. Pederson stated Redbox maintains the unit and the aesthetics of the machine itself. Mr. Hensler was concerned about loitering and if it becomes a problem he would rather see the machine inside.
2. Close Public Hearing. **Having no further business a motion was made by Arnold and seconded by Shepler to close the hearing at 7:15 p.m. Motion carried unanimously.**

3. Recommendation on the amendment of Kwik Trip's conditional use permit, 504 Plaza Drive for Redbox DVD Vending machine. **A motion was made by Shepler and seconded by Krebs to recommend the amendment of Kwik Trip's conditional use permit by approving the placement of a Redbox vending machine, located outside of the Kwik Trip store at 504 Plaza Drive with the condition that no obscene materials may be displayed or sold as defined per Wisconsin Statutes. Motion carried unanimously.**
4. Consideration on the amended site plan for Kwik Trip, 504 Plaza Drive. **A motion was made by Arnold and seconded by Krebs to amend the site plan for Kwik Trip, per their submittal dated April 4, 2012 to allow for a Redbox vending machine to be placed in front of their building. Motion carried unanimously.**
5. Discussion/recommendation on the out lot off of Riverview Drive being considered a private driveway versus public street and the potential development/improvement to the land to the west of the out lot. Mr. Burrows said they have an accepted offer of the property. They are interested in building a single family residence on the property. It currently is 3 parcels. They would like to propose a driveway on the out lot that leads into the other two parcels. The preliminary site plan was not done by certified survey map. Mr. Hensler said a lot of that land was in the wetlands. Mr. Burrows said part of it is in the wetland. Mrs. Burrow said it is considered RV wetland. The water and sewer would need to be extended across the out lot. They would want to hook up to public utilities. Mrs. Burrows asked who would be responsible for the street extension. Mr. Hensler said generally developers are responsible. Mrs. Burrows said they would prefer to have a driveway with a lesser width.

Mrs. Burrows asked if the concern was safety vehicles accessing. That would be one concern. Mr. Burrows said if the development costs are too high we may not have a taxable piece of property. Mr. Hensler said there is a potential the Village would get some future park land to the south of their property and would want a public street access. Mr. Hensler felt it would be better to leave the out lot as a public street.

Mrs. Burrows said she would like to look at costs and would prefer a driveway. There would need to be a public street extension on the out lot with a cul-de-sac at the end of the street.

6. Final review and discussions on proposed changes to the Village's ordinances regarding Signs & Billboards; Title 13 Article H of the Municipal Code prior to public hearing in August. The commission reviewed further changes to the sign ordinances as previously discussed.
 - Added inflatables to temporary signage.
 - Permits – any sign that is erected or altered was given a definition.
 - Banners over street – can do with the applicable authorized agency.
 - H-8 temporary –non-commercial sign may be displayed.
 - Changed wording of size limits, it is total combined of temporary signs of 25 square feet.
 - Sandwich board signs, can be in right-of-way as long as it doesn't cause an obstruction to pedestrian.
 - Mr. Hensler asked about small temporary signs that aren't sandwich boards. They can't be in the right-of-way. In the future temporary signs would be restricted to the number and amount of times each year. Temporary signs. Mrs. Bergholz said that may be a problem sometimes.
 - Ground signs can be for an extended period of time with plan commission approval.
 - Window signs are permitted without a permit.
 - Banners – if they want more than 30 days would need to get plan commission approval.

- Mrs. Bergholz asked about a banner for a specific event. Community event needs to be removed 5 days after the event.
7. A public hearing was set for September 26, 2012 for public comment on Title 13 Article H, sign ordinance changes.

IDENTIFICATION OF TOPICS FOR FUTURE DISCUSSION AND/OR ACTION

1. Next regular scheduled meeting will be 8/22/12 if needed.

Adjournment

Having no further business a motion was made by Arnold and seconded by Shepler to adjourn at 8:09 p.m. Motion carried unanimously.

Respectfully submitted,

Sue Peck
Clerk-Treasurer