VILLAGE OF MARSHALL
PLANNING COMMISSION MINUTES
May 23, 2012

Chairperson Hensler called the Planning Commission meeting to order at 7:01 p.m. Members present: Arnold, Shepler, Riley, Vick-Peck and Hensler. Kiefer and Krebs were absent.

Others present: Chris Raasch, Erin Ruth-Graef, Joshua Rose, Michelle Hall on behalf of Matt Bluhm, Architect Greg Karns-Arch-Aide LLC.

1. CBRF – Mr. Rose said he was at the Plan Commission meeting a couple of months ago and proposed a CBRF (Community Based Residential Facility). Since his first location didn't seem too popular he has since found a piece of land off of Waterloo Road and Phillips Drive. This is the area known as Paradise Crossings in the Condominium area. He has spoken with Matt Bluhm about the property. Greg provided a draft drawing of what the building is proposed to look like. He is looking at 20 unit building, individual apartments with a kitchen, living and bath areas.

   The issue is the site plan. Mr. Karns has corresponded with Vierbicher on where utilities were located on the property. The storm water drainage will need to be changed. It will need to be re-routed to the north and west. Most likely it should work but new calculations would need to be done first. Everything else works on the property except for the storm water system. Ms. Vick-Peck asked how much they would purchase. They are looking at approximately two of the condo pads.

   They are proposing to have an access off of Waterloo Road, one off Phillips Drive, and a third alternate off of Phillips Drive to the north. There will need to be access issues addressed for the balance of the condominium subdivision. Ms. Vick-Peck asked if there was a reason we didn't allow access on Waterloo Road the first time. We think they were trying to get the gate community feel and never asked for an entrance there. Mr. Hensler said he didn't see a problem with one access off Waterloo Road. Mr. Rose proposed two parking lots; one for employees and then one for family members, he tried to lay it out so the emergency services can have a specific entrance.

   Mr. Hensler said with the cooperation of the developer and how it is going to be laid out he feels it is a great opportunity to see what can be done with this area.

   Mr. Karns said from an infrastructure standpoint they need to determine if the layout can handle the runoff. Mr. Arnold and Mr. Shepler said they would like to see more. Ms. Vick said the storm sewer may be doable around the front. The Civil Engineer thinks it should be possible. Mr. Riley feels we need these types of facilities and would like to see more as well.

   Mr. Rose said he has plans to develop a court yard on the property. He also wants to representative the military branches in the front of this building.

The Commission gave Mr. Rose no guarantees, but feels they should go ahead and start working on their submittals.

2. Sign ordinances regarding Signs & Billboards; Title 13, Article H of the Municipal Code.

Mr. Erin Ruth (GRAEF) was present to assist in the continued discussion of the Village's sign ordinances. He noted concerns from the last Commission's meeting included the proliferation of non-conforming signs, specifically temporary signage such as banners and small ground signs.

The Village was also concerned about recent scenarios where the ordinance forced the commission to deny certain signage proposals. Any proposed amendments were intended to improve aesthetics without increase the administrative burden on Village staff.

The business community expressed concerns as well; those comments are summed up in Mr. Ruth's memo attached to these minutes. The business people wanted the ordinance to be simpler and more flexible.

Mr. Ruth presented proposed sign ordinance amendments which are also outlined in his attached memo. Specific further discussion was held on the following:

1. Shopping Center Sign Restrictions: Currently the code allows 60 square feet of signage and it is suggested to increase it to 200 square feet total. This would be a larger area for a group shopping center, versus an individual business being restricted to 50 square feet. Mr. Raasch said if the 200 square feet is allowed it could help promote the businesses more.
2. Total Surface Display Area Restriction. Keep existing text for size formula and add subparagraph 1. This change would allow additional signage such as graphics and logos. Signage types may be excluded from maximum sign area calculations with approval from the Plan Commission.
3. Number of signs permitted. The code doesn't address the number of ground signs, doesn't limit someone to one of them. This change would allow any number of signs as long as they meet the maximum size requirements. An alternative to the proposed change is to allow signs in excess of 1 only with Plan Commission approval.
4. Temporary sign limitations – reword-must be removed after the event has occurred. Proposed adding temporary commercial signage – specific events-something that happens infrequently. Temporary commercial signage in the interior of window glazing can't cover more than 20% of window area.
5. When is a sign permit required? It appears now that all signs require a permit, even temporary ones. This should be clarified.
6. Portable signs. It was suggested to add that portable signs can be displayed during business hours only. No more than one portable sign may be displayed for any business. They can't be placed in a public right-of-way, except when business building is located on the front property line.
7. The size of temporary signs in the residential district will need to be addressed. Typically portable signs are only allowed in the commercial district.

8. Installation of signs. The current language refers that the Village Board is required to make sure it is safe and satisfactory. Mr. Ruth recommended re-wording to read “as determined by commonly accepted best practices and any applicable code.

Mr. Riley asked if there is grandfathering of some of the signs. There would be grandfathering in of some signs that are existing at the time of adoption.

What is the enforceability of the code? Will there be citations, what are the consequences if they don’t comply.

Mr. Ruth said if you do make the changes you will need to have a period of time that you will have more enforcement until they get used to it. Mr. Arnold said the hard part is businesses have a strong feeling on the signs they should give us more information.

It was recommended to put the proposed changes in an ordinance form and have a read through of the ordinance, further discussion and then a public hearing on the proposed changes.

Having no further business a motion was made by Arnold and seconded by Riley to adjourn at 8:25 p.m. Motion carried unanimously.

Respectfully submitted,

Sue Peck
Clerk-Treasurer

5126 West Terrace Drive, Suite 111
Madison, WI 53718-8346
608 / 242 1550
608 / 242-0787 fax
www.graef-usa.com

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MEMORANDUM

TO: Village of Marshall Plan Commission
Sue Peck, Village Administrator

FROM: Erin Ruth, AICP

DATE: May 21, 2012

SUBJECT: Proposed Sign Ordinance Amendments

At the March 2012 Plan Commission meeting, we held a discussion with the commission and members of the Marshall business community regarding the possible amendment of the Village Sign Ordinance.

Village concerns included the proliferation of non-conforming signs, specifically temporary signage such as banners and small ground signs. The Village was also concerned about recent scenarios where the ordinance forced the commission to deny certain signage proposals. Any proposed amendments were intended to improve aesthetics without increasing the administrative burden on Village staff.

The business community expressed several concerns as well, which are summed up as follows:

1. The ordinance should be simpler and more flexible.
2. Any proposed changes should also consider signage in residential areas (for home occupations and residential care facilities).
3. Sketches prepared by GRAEF showing proposed awnings and window signage were considered attractive, but there were questions about the appropriate level of regulation.
4. Regulation of temporary signage should not restrict the ability of non-profits to advertise events, and business owners wanted to maintain some mechanism for advertising daily specials, etc.
5. Any adopted changes should be accompanied by some type of educational component to alert the business community of new rules and expectations.

GRAEF has prepared the following draft of proposed amendments based on the shared concerns of the Village and the Marshall business community. Text proposed to be deleted is ~~struckthrough~~, and text proposed to be added is highlighted. Additional notes and explanations are *italicized*.

PROPOSED SIGN ORDINANCE AMENDMENT DRAFT

(Ordinance elements not shown are intended to remain the same.)

Sec. 13-1-103 (a) (2): Area and Content – Nonresidential. For nonresidential buildings, a single identification sign, not exceeding nine (9) square feet in area ~~and indicating only the name and address of the building~~ may be displayed. On a corner lot, two (2) such signs shall be permitted.

Note: Allows greater freedom of sign content for non-residential facilities in residential areas, such as CBRF or similar facilities. The Plan Commission may wish to consider allowing slightly larger signage, however size should be limited to ensure compatibility with residential surroundings. Another alternative is to keep the 9 sq. ft. limit for home occupations (due to the fact that the property is primarily residential) but allow larger signage, perhaps up to 12 sq. ft. for residential facilities such as a CBRF.

Sec. 13-1-104 (f): Sign Projection Restrictions. No sign shall project over any part of any ~~street~~ public right of way except where a business structure is located on the front property line. In such case, a sign may not extend more than four (4) feet into any ~~street~~ public right of way.

Note: Change aids enforceability and consistency. Public R.O.W. lines are drawn on plats, while curb lines may not be. Curb lines may change over time. Other elements of this ordinance relate setbacks to right of way line.

Sec. 13-1-104 (g): ~~Removal of Signs at Termination of Business.~~ ~~At the termination of a business, commercial or industrial enterprise, all signs shall forthwith be removed from the public view. Responsibility of violation shall reside with the property owner according to the latest official tax roll listings.~~

Note: Maintenance and repair of dilapidated signage is covered elsewhere in the ordinance. Immediate removal signage at business closing may enhance sense of vacancy in business district to passers-by. In some cases the removal of the sign may expose stains, etc. on the wall that are actually less attractive than the sign itself.

Sec. 13-1-104 (h): Shopping Center Sign Restrictions. In a shopping center or industrial park, one free-standing identification sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. The area of said sign shall not exceed ~~sixty (60)~~

~~square feet~~ twenty (20) square feet per business or two-hundred (200) square feet total. Said sign shall not be permitted within ~~twenty (20)~~ three (3) feet of the right of line of the street.

Note: Existing limitation results in individual business signage that is quite small and difficult to read, especially given the added required setback.

Sec. 13-1-104 (i): Total Surface Display Area Restrictions. < Keep existing text for size formula and add subparagraph 1 as follows >

(1) The following signage types may be excluded from maximum sign area calculations if approved by Plan Commission.

(a) Awnings with text or logos located above ground floor windows or entries.

(b) Permanent lettering or logos painted directly onto window or door glazing. Such painted signage must leave the glazing substantially transparent.

(c) Logos and text on umbrellas located in any outdoor seating area that is allowed by the Village Zoning Ordinance.

(d) Painted murals on side non-street or rear building elevations. Murals are not allowed on any street elevation. Murals shall contain graphics or logos in addition to text. Secondary product advertising shall be limited to no more than 20% of said mural.

Note: This change allows opportunity for additional signage in formats that tend to be more creative and attractive.

Sec. 13-1-104 (j): ~~**Projection of Signs Mounted on Buildings Restricted.** Business and industrial signs mounted on buildings shall not be permitted to project more than four (4) feet beyond the property line.~~

Note: This subsection is redundant given the regulations of subsection (f).

Sec. 13-1-104 (k): Number of Signs Permitted.

~~(1) No more than one (1) business or industrial sign shall be permitted on the front façade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one (1) business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.~~

~~(2) Multi-tenant buildings shall be allowed only one (1) of the following types of signs for each tenant for advertising purposes:~~

~~(a) Projecting sign~~

~~(b) Wall sign. The maximum size of each sign shall be determined by dividing the total surface display area set forth in Article H, Section 13-1-104 (1) for the building by the number of tenants.~~

(1) No more than one (1) ground sign per street frontage.

(2) Any number of wall, projecting, canopy, and electronic message signs meeting the requirements of these regulations are permitted such that the total area of such signage meets the maximum size requirements of Sec. 13-1-104(i).

Note: This change allows multiple building signs per façade with no restrictions other than the total maximum size. An alternative to subsection (2) is to allow signs in excess of 1 only with Plan Commission approval.

Sec. 13-1-105 (a): Temporary Sign Limitations.

(1) All temporary signs such as real estate, construction site, and political signs shall be removed within ten (10) days after ~~their use has discontinued~~ the event has occurred (i.e. real estate has sold, building construction has finished, election has been held).

(2) Temporary signs may be placed on a property, but shall not be located on a public right of way terrace, and shall not interfere with driveway vision clearance.

(3) Temporary commercial signage shall provide notice of a specific event such as a grand opening or going out of business sale, and such signage shall be installed no more than 2 weeks prior to the event and shall be removed immediately following the event. No more than one (1) such sign is permitted per property.

(4) Temporary commercial signage temporarily affixed to the interior of window glazing shall be exempt from (3) above if such signage obstructs no more than 20% of window area.

Note: These changes attempt to limit proliferation of temporary ground signs and banners, by limiting such signage to specific events. Commercial temporary signage advertising daily specials, etc. may be placed on the interior of windows with some limitation per subsection (4).

Another issue that is not clear in the Village Ordinance is whether temporary signs require a permit. This should be specifically addressed either here or under Sec. 13-1-102.

Sec. 13-1-105 (c): Portable Signs.

~~(1) Such signs shall be limited in use to thirty (30) days at a time, and not more frequently than three (3) times per year at any one location.~~

(2) The maximum size shall be twenty-five (25) square feet on each face, back to back.

(3) Signs shall be displayed during business hours only.

(4) No more than one portable sign may be displayed for any business.

(5) Portable signs shall not be placed in a public right of way, except when business building is located on the front property line.

Note: Changes remove duration limitation that would be difficult to track and enforce, while adding restrictions related to number, location, and hours of use.

Sec. 13-1-110 (a): Installation. All signs shall be properly secured, supported, and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework , braces, anchors, and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory ~~to the Village Board~~ as determined by commonly accepted best practices and any applicable code.

Note: This seems to imply a safety/structural engineering role for the Village Board to ensure sign safety, when no such role is intended.