

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor DeYoe called the Wednesday, February 24, 2016 Plan Commission meeting to order at 7:00PM.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call for the Wednesday, February 24, 2016 Plan Commission meeting:

Present

Absent

Michele DeYoe, Mayor

Tim Aicher, Ald.

Wayne Dehn

Dave Greenway

Dan Jashinsky

Meghan Johnson

Jim Reiher

David Simon

Roger Dupler, City Planner

Scott Hussinger, Building Inspector

PUBLIC HEARING #1:

Amended Conditional Use

TAX KEY/ADDRESS:

DELC 0793.001.001, 415 South Genesee Street

OWNER/APPLICANT:

Owner: 415 South Genesee Street LLC. Applicant: Johnson Design Inc.

MATTER:

Applicant seeks consideration to amend the existing Conditional Use Permit to accommodate facade modifications to the Delafield Hotel.

DeYoe opened the Public Hearing at 7:01PM.

Peter Davis, Johnson Design, Inc., Oconomowoc, Wisconsin explained the Delafield Hotel project included a change to a new entry that would lead people directly into the restaurant area that would have an industrial eclectic feel inside. The entry and certain windows would be larger with metal panels. Trim, rail colors and style would all be maintained. The project added a unique entrance to the hotel.

DeYoe closed the Public Hearing at 7:02PM.

Special Order of Business: Graphic House Sign Company presentation regarding Electronic Message Boards and presentation by WisDOT representative Tom Strickler.

Mike Johnson, Graphic House, Inc., explained his 34 year experience in the sign industry had allowed him to attend many meetings regarding signage. He was familiar with electronic signage and the changing regulations depending on the interests of each community. While he had no formal presentation, he shared his insights and experience regarding electronic signage. Electronic signage regulations were different in each community and were based on what each community wanted to see within its borders rather than on safety issues. Typical electronic message board signage cost \$20,000 to \$40,000. While not everyone could afford this type of signage, it had proven over the years to be an effective means of advertising. With the advent of LED technology, it had become even more affordable with newer versions that were easier to read and were considered useful as a marketing tool. The life span of the LED lighting depended on the number of hours operated daily. An approximate industry life span was considered to be 10 years with maintenance beginning to be of note in eight to ten years.

Dehn questioned the rate of run in the messages on electronic message boards. Johnson explained it varied. He summarized a federal highway study that noted no effect on driver safety relative to the rate of run in

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message boards. The perception was that this type of signage was a distraction to drivers; however, science did not support this perception. The signage could be regulated but it would not be based on a safety issue. He had conducted extensive research approximately two years ago on accidents attributed to electronic message boards. There were few noted.

Aicher requested information relative to notable electronic signage throughout Wisconsin. Johnson explained that communities highly regulated the rate of change on the message boards; however, the regulations were not enforced. Regulations were often observed for a time and then with the transition of personnel in places that displayed the message board the regulated rates of change were no longer observed establishing a new "norm" for the rate. To avoid this, some communities had established a limit that electronic message boards could only make up 50% of the total signage occupied for a site. A common mistake was over-regulation of the rate of change. He then provided a demonstration of a message in one frame and then in three segmented frames for all present. Typically people observed a three frame message over the course of eight to ten seconds in a sequential manner with each frame allowed visibility for approximately three seconds. When boards were over-regulated to allow a once daily rate of change, sign owners often decreased the size of lettering and increased the number of lines on a message board to get the entire message on the frame so that it could be read all day. In doing this, drivers were required to read the whole message and the message became ineffective because they were either going too fast to be able to read the whole message or they needed to reduce speed to take in the whole message. For this reason, the readability of a sign was considered important when placing signage. Segmented signage typically used one to three seconds per frame. Signage trends demonstrated an average rotation of message about every 6 seconds. Frequently communities were also concerned about sign placement in residential neighborhoods. This often applied to churches located in residential areas. In those cases, communities might consider turning the sign off during the nighttime hours when the lighting could impact a neighboring property. Little regulation of colors used on electronic message boards was noted as well. Industry trends were moving toward full color messages, with reduced animation unless in places like Wisconsin Dells or Las Vegas. Industry trends were designed to enhance the reduction of power, automation of use and readability of the signage. Overall, electronic message board signage was a growing segment in advertising and the City was wise to begin addressing it.

Tom Strickler, Wisconsin Department of Transportation, was present to explain state regulatory issues with electronic message boards. The state viewed local authorities as partners in regulation and enforcement. The Department of Transportation (DOT) was concerned only with signs adjacent to a national highway system route, such as interstates or highways connecting to the interstate. A distance of 660 feet from the interstate was sometimes used as a jurisdictional distance standard; however, the visibility in the view corridor often overruled that distance in jurisdictional responsibility. He noted a 1972 document that explained requirements of the federal government relative to the state's role in transportation administration. This document was being updated due to changes in technology with electronic message board signage to ensure state guidelines were being fulfilled. Municipal regulations were legal and enforceable according to the state. The DOT recognized local municipalities' regulatory guidelines on signage as long as they were equal to or greater than the DOT regulations.

The federal highway safety study referenced by Mike Johnson earlier was believed to be related to static billboard (non-moving) messages, such as the Lamar or Clear Channel billboards near Waukesha on I-94, where the message looked to be a billboard and then rotated the entire billboard message. This was different than a segmented message where a driver was trying to read the framed message being displayed as it changed. He then distributed information relative to the Wisconsin Statutes governing State Trunk Highways; Federal Aid, known as 84.30 and the Wisconsin Administrative Code-Transportation Code, known as Trans Code. *(Clerk's note: These documents are attached to the minutes.)*

These documents were a bit ambiguous in how they related to one another, but the signage timing for a fixed message was at least six seconds. A segmented message would not be allowed to appear for less than half a

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second and could not be repeated at less than a two second interval. He specifically noted that a segmented message board was prohibited other than public service use which were time/temperature messages. The DOT did not authorize a traveling (segmented) message board other than for public safety. The state statute took precedence over the Transportation Code. Statute 84.30, Paragraph 4(b)(3)(3) indicated traveling (segmented) message boards were prohibited. He also noted there was no determination on traffic speed relative to determination of signage characteristics. There was no jurisdictional ruling at this time on the luminosity of signage due to difficulty in enforcement. The more lines or letters on a sign the brighter it would be illuminated.

DeYoe thanked Johnson and Strickler for the information provided.

1. Approve Plan Commission meeting minutes of January 27, 2016 meeting.

Hearing no objections, the January 27, 2016 Plan Commission meeting minutes were approved as amended.

2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

No one present wished to speak at this time.

There were no objections; therefore, M. DeYoe stated Citizen's Comments were closed.

3. Consent Agenda

- a. **DELC 0798.018, 622 Genesee Street, Delafield. Owner: Daybreak Prime Meats. Applicant: Innovative Signs, Jamie Dieman.** Applicant seeks approval of amended signage for Daybreak Prime Meats.

- b. **DELC 0793.020.002, 715 Genesee Street, Delafield. Owner: Ace Delafield Properties LLC. Applicant: Cory Willgrubs.** Applicant seeks approval of an amended Business Plan of Operation relocating Delafield Hair and Friends to a new address. Hours of Operation: Weekdays 7:00 A.M. to 10:00 P.M., Saturday and Sunday 7:00 A.M. to 5:00 P.M. with three full-time employees.

- c. **DELC 0798.005, 622 Milwaukee Street, Delafield. Owner/Applicant: Historic Delafield LLC** Applicant seeks approval of a Business Plan of Operation to convert a second story residential unit to office space. Hours of Operation: Weekdays 9:00 A.M. to 5:30 P.M., Saturday 10:00 A.M. to 2:00 P.M. and Sundays by appointment, with four part-time employees.

- d. **DELC 0798.966, 412 Genesee Street, Delafield. Owner: VT Properties, Inc. Applicant: Summer Stage of Delafield, Inc.** Applicant seeks an amended Business Plan of Operation and Signage approval to relocate Summer Stage of Delafield to a new address. Hours of Operation: All days 6:00 A.M. to 10:30 P.M., with one part-time employee and five volunteers.

- e. **DELC 0803.004, 2412 Milwaukee Street, Delafield. Owner: P and K Lodging LLC. Applicant: AmericInn Hotel and Suites.** Applicant seeks and amended Business Plan of Operation and Signage for the former County Pride Inn. Hours of Operation: 24 hours per day, seven days per week, with nine part-time and one full-time employees.

- f. **DELC 0804.994.017, 2720 Heritage Drive, Delafield. Owner: Kensington Development Corp. Applicant: Sally Beauty Supply LLC.** Applicant seeks approval of a Business Plan of Operation for Sally Beauty a beauty supply retailer. Hours of Operation: Monday through Saturday 9:00 A.M. to 9:00 P.M., with two full-time employees and two part-time employees.

Aicher requested Item 3a be removed for clarification.

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Hearing no objections, the Consent Agenda items 3b-3f were approved as presented.

Clarification was provided regarding the signage proposed noting only the panels would be changed.

AICHER MOVED TO APPROVE AMENDED SIGNAGE FOR DAYBREAK PRIME MEATS FOR DELC 0798.018, 622 GENESEE STREET, DELAFIELD. OWNER: DAYBREAK PRIME MEATS. APPLICANT: INNOVATIVE SIGNS, JAMIE DIEMAN AS PRESENTED. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Unfinished Business – None.

5. New Business

- a. **DELC 0793.001.001, 415 Genesee Street, Delafield. Owner: 415 South Genesee Street LLC. Applicant: Johnson Design Inc., Pete Davis.** Applicant seeks consideration to amend the Business Plan of Operation for the Hotel and restaurant and to amend the existing Conditional Use Permit to accommodate facade modifications to the Delafield Hotel and recommend to the Common Council of the same.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Amended Conditional Use - The Delafield Hotel is governed by a conditional use permit and any proposed change to the building requires the Plan Commission to conduct a public hearing before taking any action. The proposed changes are prompted by a desire to modify the interior space of the restaurant. The changes affect the exterior by enlarging the windows on the east and south façade, adding an entrance on the south and replacing the entrance doors on the east. In addition a new sign will be installed. Amended Business Plans of Operation are submitted for both the Hotel and the Restaurant to reflect new ownership. Recommendation: Approval, contingent upon public hearing input and recommend to the Common Council accordingly.

Dupler explained this item included a three-part approval with the change in ownership because the site was governed by a conditional use. Architectural modifications were being done and required amendment due to the conditional use governing the site. The necessary public hearing had been conducted without comment and the neighbors notified without issue. Davis explained no new screening was being proposed; however, the mechanicals currently located on the westerly side of the building were being moved to the southerly side of the building to make the area quieter for hotel tenants. He anticipated completion of the modifications and the restaurant re-opened in April, 2016.

Greenway clarified the plans presented incorrectly identified the view as the south and east side elevations when the views should have been the north and west sides of the hotel. Davis agreed.

Aicher clarified the new doors would allow separate entrance access to the restaurant apart from the hotel entrance. Davis agreed, noting the doors in the new location were intended to improve traffic flow.

JASHINSKY MOVED TO APPROVE AN AMENDED BUSINESS PLAN OF OPERATION FOR THE DELAFIELD HOTEL FOR DELC 0793.001.001, 415 GENESEE STREET, DELAFIELD. OWNER: 415 SOUTH GENESEE STREET LLC. APPLICANT: JOHNSON DESIGN INC., PETE DAVIS AS AMENDED WITH THE CORRECT VIEWS NOTED AND

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TO RECOMMEND TO THE COMMON COUNCIL THE SAME. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

AICHER MOVED TO APPROVE AN AMENDED BUSINESS PLAN OF OPERATION FOR THE DELAFIELD HOTEL FOR A CHANGE IN OWNERSHIP IN THE RESTAURANT FOR DELC 0793.001.001, 415 GENESEE STREET, DELAFIELD. OWNER: 415 SOUTH GENESEE STREET LLC. APPLICANT: JOHNSON DESIGN INC., PETE DAVIS AS AMENDED WITH THE CORRECT VIEWS NOTED AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. DEHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

AICHER MOVED TO APPROVE AN AMENDED BUSINESS PLAN OF OPERATION FOR THE DELAFIELD HOTEL FOR A CHANGE IN OWNERSHIP IN THE RESTAURANT FOR DELC 0793.001.001, 415 GENESEE STREET, DELAFIELD. OWNER: 415 SOUTH GENESEE STREET LLC. APPLICANT: JOHNSON DESIGN INC., PETE DAVIS AS AMENDED WITH THE CORRECT VIEWS NOTED WITH THE DETERMINATION BASED ON THERE BEING NO NEGATIVE EFFECT ON THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY AND OF THE IMMEDIATE NEIGHBORHOOD IN WHICH SUCH USE WOULD BE LOCATED, INCLUDING SUCH CONSIDERATIONS AS COMPATIBILITY WITH EXISTING USES, PROBLEMS OF FIRE AND POLICE PROTECTION, TRAFFIC MOVEMENT AND CONTROL, WATER, SANITATION AND UTILITIES, IMPACT (AESTHETICALLY OR OTHERWISE) ON SURROUNDING PROPERTY VALUES, NOISE, DUST, SMOKE, ODOR AND SUCH OTHER FACTORS APPROPRIATE TO THE GRANTING OF A CONDITIONAL USE AND TO RECOMMEND TO THE COMMON COUNCIL THE SAME. JOHNSON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Zoning and Ordinance Revision

- a. Discussion regarding interpretation and enforcement of 17.70(3) Electronic signs.

TAKEN FROM PLANNER DUPLER'S STAFF REPORT: Electronic Signs - The Plan Commission will be presented with a demonstration of an electronic message board at the meeting. The purpose of the demonstration will be to determine an appropriate rate of change for regulation of such electronic sign media. The Plan Commission may wish to consider application of two different applications of rate change, one for the I-94 corridor and one for the remainder of the City. In addition to the demonstration, a representative of WisDOT will be available to address State regulations and the application of signs directed toward State Highways. Specifics of allowable messaging are included in an email from Mr. Tom Strickler for consideration. **Recommendation: Determine the appropriate rate of change desired for electronic signs and provide staff with direction to modify the ordinance regulations.**

Simon clarified the limitations of electronic signage in the downtown area. It would be important to gather feedback from downtown business owners about the use of electronic message board signage in the downtown area. Dupler agreed to share this information with the business Chamber of Commerce prior to the next Commission meeting to gather feedback. The historic downtown boundaries were clarified as being Cushing School to the south, St. John's Northwestern Military Academy to the north on both sides of Genesee Street, Dopkins Street on the west and Oneida Street on the east for Milwaukee and Main streets. DeYoe suggested discussion of the expansion of the downtown historic area in the future.

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Discussion ensued regarding the timing allowed on the electronic message board signage per the current City ordinance as well as the issue of fatigue in viewing a sign so frequently it becomes overlooked in regulation. Limited expansion of sign message color options should be part of future discussions on signage. Consideration should also be given to making the electronic signage a percentage of overall sign space occupied. A suggestion was made to consider writing the regulations that referenced the state regulations and/ or statutes so that when those documents were updated, the City's regulations were automatically updated as well for consistency.

Various Commissioners noted segmented electronic message boards were prohibited along the interstate corridor in the City. Strickler explained he frequently stopped at businesses to explain the signage regulations as a means of enforcement and control over an area. DeYoe requested Commissioners review the information shared by Strickler prior to the next Commission meeting.

7. Reports of City Officials:
Clerk

1. Plan Commission Meeting Dates & Deadlines
Meeting: March 30, 2016
Regular submittal deadline: March 16, 2016
Public Hearing submittal deadline: March 2, 2016

b. Planner

Dupler noted two public hearings slated for the next Plan Commission meeting agenda.

c. Building Inspector

The total number of permits to date was 51 with one commercial occupancy permit this month.

8. Correspondence – None

9. Adjournment

There was no further business; therefore, the Wednesday, February 24, 2016 Plan Commission meeting adjourned at 8:16PM.

Minutes Prepared By:

Accurate Business Communications, Inc.