

Fruhling, William

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From: Tucker, Matthew  
Sent: Tuesday, July 05, 2011 11:59 PM  
To: Fruhling, William  
Cc: Martin, Al; Eric Marty  
Subject: Signage for Kollege Klub

Follow Up Flag: FollowUp  
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Bill- Al asked me to prepare some background for the Kollege Klub signage request for the UDC, hence this message.

The Kolege Klub is a *restaurant-tavern*, which is not a listed permitted or conditional use in the R6 Zoning District. The use is legal nonconforming, and became so in the late 1970's when the definition of a *restaurant-tavern* was created do distinguish between restaurants that sold alcohol and those that do not.

I'm not sure how long the use has been at this location (1953?), but it would be a good guess to say pre-1966. The use, at the time of the 1966 zoning code adoption, fit into this regulation for R6:

Sec. 28.08(7)(c) 8. Restaurants, drugstores and valet shops in a multiple-family dwelling, provided these uses shall be accessible to the public only through a lobby and no advertisement or display shall be visible from outside the building, except an identification sign which complies with the regulations in Chapter 31 of the Madison General Ordinances and is approved by the Plan Commission at the time the use is approved or by the Director of Planning and Community and Economic Development as provided for in Sec. 28.12(11)(h)2.

When the code was changed to distinctly prohibit restaurants selling alcohol in R6, this use became nonconforming and the subsection above no longer applied. So, the use became a business without distinct zoning regulations, but does have distinct signage regulations.

Note the underlined part of the section above, which relates to allowable signage for similar (non-alcohol sales) businesses. This is not in the sign code, just the zoning code, with a reference to the sign code. in the sign code, the use is allowed a 12 sq. ft. sign. The proposed sign appears to be about 24 sq. ft per side, and both sides are counted here.

The existing channel-letter sign appears to be about 12 sq. ft. or so. I did not find a permit record for it, but I did find a *Code Enforcement worksheet* for an illegal banner back in the 1980's that showed a picture of the sign. I would guess our office considered it a legal sign.

The current awnings are not legal, and we do not have permits on record for these awnings. Although the awnings may meet the allowance for lettering on the valance at any other commercial location, typically these signs would not be allowed because of the language in the Conditional Use cited above, describing "no advertisement or display shall be visible from outside the building" clause. The UDC should not consider these as legal signs, as they never were approved for this building/business. Awnings as shading elements are considered differently than awnings intended for signage purposes.

No other allowable commercial business in a residential building in R6 can have the amount of requested signage by right, and I am not aware of any other instance of an establishment of this type in R6 having this amount of signage by any special approval. The requested signage appears to be introducing a significant exterior commercial aspect to the use, which was originally intended to be accessory to the residential building, and restricted to having signage to a scale appropriate to the accessory nature of the use in the building.

Matt Tucker