

Plan Commission Meeting Date: March 22, 2010

PLAN COMMISSION (Agenda Item 5.B.)

AGENDA ITEM:

Recommendation on Request by Subway for Approval of a Sign Permit to Place Wall Signs for Subway on the Water Tower Plaza Building Using Their White and Yellow Corporate Colors.

REQUESTED BY:

The owner of Subway Naveed Shamji

The owner of Water Tower Plaza Bert Slinde

Case No.

Case No. S-002-2010

PERMIT/POLICY ANALYSIS STATEMENT:

Brief Description of Proposal:

The owner of the Subway restaurant at 5105 Monona Drive Naveed Shamji and the owner of the Water Tower Plaza Bert Slinde contacted me recently and said that Subway wanted to relocate to a space in the Water Tower Plaza building, and I met with them to review Subways' plans for signage and to review the standards in the Water Tower Signage Plan. Mr. Naveed Shamji stated that Subway uses white and yellow in their name and he wanted to use those two colors in wall signs made of channel lit letters. The Signage Plans only allow the use of white for wall sign letters, although trademark colors can be used on logos.

The Plan Commission held a prehearing conference at their most recent meeting 3/8/10 to review signage plans submitted for Subway. At the meeting the Plan Commission discussed whether the Subway corporate name and colors comprised their corporate logo and could be allowed to use two colors on the wall sign as allowed in the Signage Plan for Watertower Plaza for logos. There was a mix of opinions but a majority of the Plan Commission felt that this could be allowed if the sign was Subway's registered logo. The Plan Commission discussed the placement of the signs on the west and south elevation and the size of the sign on the south elevation, and requested the following drawings:

- a color photo of the entire front or east façade of the building, showing the existing wall signs, and where the proposed Subway sign would be placed;**
- a revised rendering of where the Subway sign would be placed on the south elevation of the building, reducing the letter size to 24", and moving it closer to the corner.**

The Plan Commission also requested Subway submit a letter stating that the Subway name with the two (2) colors is its registered logo.

Current Policy or Practice

A Signage Plan for Water Tower Plaza was approved by the Plan Commission on April 28, 2008.

Recommendation

Approval of a request by Subway for a Sign Permit to place wall signs for Subway on the Water Tower Plaza Building west and south elevations using their white and yellow corporate colors as proposed, according to Section 13-1-220 of the Monona Municipal Zoning Code is recommended with the following Findings of Facts and Conditions:

Findings of Facts:

1. The approved Signage Plan for Watertower Plaza only allows white for wall sign letters, but allows use of trademark colors for logos. Based on the letter from the Subway Corporation the Subway name in white and yellow colors is their corporate logo and therefore as the logo can be allowed to use their trademark colors of white and yellow.

Conditions:

1. Wall signs approved on the west and south elevations shall be placed on the west and south façades in even horizontal alignment with other wall signs on the façade.

Note: This staff review is not meant to be all inclusive of any other comments and recommendations from staff or the Plan Commission. Additional information may still be requested, and recommendations made by City staff, and the Plan Commission.

FISCAL IMPACT:

None

Reviewed by City Administrator
_____ Yes _____ No

Action Taken: _____
Approval: _____
Disapproval: _____
Tabled: _____
Committee Meeting Date: _____

Item 5.B. Recommendation on Request by Subway for Approval of a Sign Permit to Place Wall Signs for Subway on the Water Tower Plaza Building Using Their White and Yellow Corporate Colors.

Plan Commission Meeting March 22, 2010

Subway at 5105 Monona Drive

Subway restaurant on Monona Drive is currently located at 5105 Monona Drive next to the former Jiffy Lube across from the Monona Golf Course. The owner of the restaurant Naveed Shamji stated that they rent this space and want to relocate to the new Water Tower Plaza at 6000 Monona Drive developed and owned by Bert Slinde.

Sign Proposal

The owner of the Subway restaurant Naveed Shamji and the owner of the Water Tower Plaza Bert Slinde contacted me recently and said that Subway wanted to relocate to a space in the Water Tower Plaza building, and I met with them to review Subways' plans for signage and to review the standards in the Water Tower Signage Plan. Mr. Shamji stated that Subway uses white and yellow in their name and he wanted to use those two colors in wall signs made of channel lit letters. The Signage Plans only allow the use of white for wall sign letters, although trademark colors can be used on logos.

The following plans were submitted on March 1, 2010:

- a completed Sign Permit Application form;
- a letter of application;
- color drawings and photos with dimensions of the wall signs proposed for the west and the south facades of the building.

Signage Plan for Water Tower Plaza

A comprehensive Signage Plan for Water Tower Plaza was approved by the Plan Commission on April 28, 2008. A copy is attached.

Plan Commission Meeting Prehearing Conference 3/8/10

The Plan Commission held a prehearing conference at their most recent meeting 3/8/10 to review signage plans submitted for Subway. At the meeting the Plan Commission discussed whether the Subway corporate name and colors comprised their corporate logo and could be allowed to use two colors on the wall sign. There was a mix of opinions but a majority of the Plan Commission felt that this could be allowed if the sign was Subway's registered logo. The Plan Commission discussed the placement of the signs on the west and south elevation and the size of the sign on the south elevation, and requested the following drawings:

- a color photo of the entire front or east façade of the building, showing the existing wall signs, and where the proposed Subway sign would be placed;

-a revised rendering of where the Subway sign would be placed on the south elevation of the building, reducing the letter size to 24", and moving it closer to the corner.

The Plan Commission also requested Subway submit a letter stating that the Subway name with the two (2) colors is its registered logo.

A copy of the draft minutes from the meeting 3/8/10 is listed below.

Planning and Community Development Coordinator Paul Kachelmeier said that the comprehensive signage plan for Water Tower Plaza allows for two different kinds of signs, channel lit letters and diabond panel letters. He said the owner of Subway on Monona Drive is interested in relocating to this building and that the signage he is requesting is a bit different from the signage plan approved for the building. He said that he is unable to approve the proposed signage plan and that the owner would like the Plan Commission to interpret the Water Tower Plaza signage plan.

Mr. Naveed Shamji appeared and stated he is the owner of Subway at 5105 Monona Drive, and he described his proposed signage plan. He said that Subway is in dire need of relocation and that Water Tower Plaza is an ideal place for this relocation. He said the plan would be to put up two signs, one on the south wall and one on the west wall facing Monona Drive. He said that Subway would like their colors to be represented with the sign being white and yellow. He said that other sites in Water Tower Plaza have been approved to display their trademark colors in their logos, and that Subway's registered trademark logo is its name. He said that the Subway corporation wanted white and yellow with a green outline, and that he went back to corporate and got them to compromise with white and yellow lettering with a black outline instead of green.

Mr. Homburg said that every business has a color that they want to put into their sign and the reason that the Water Tower Plaza signage plan has white lettering as a regulation is to create a consistent look on the building. He said he didn't know why this proposal would be any different. He said that the font and arrow is great, but incorporating yellow colored lettering is a whole new issue.

Mr. Shamji presented the Plan Commission with a copy of a letter given to him from the Subway Corporate office. He said that because Subway is a franchise he has no say as a store manager and that if Subway isn't allowed to display their colors the corporation will not allow him to move to Water Tower Plaza. He said he would love to stay in Monona, but it is up to the Subway franchise. He said they've already compromised on the green outline issue.

Mr. Dorschel said that in this case he thinks the Subway name is more akin to being a logo and that the proposed sign does not bother him. He said the logo is pretty consistently carried through on their locations and that it appears on their stationary.

Aldm. Busse said that he agreed with Mr. Dorschel and that the Subway lettering would fall under the trademark logo in his opinion. He said he is less concerned about the

coloring issue than he is about the proposed 36" sign on the south end. He asked what the maximum size permitted was.

Planning and Community Development Coordinator Paul Kachelmeier said the maximum limit is 24" for all signs.

Mr. Homburg suggested the south sign be 24" and be slid closer to the front of the store on the south wall over the side door. He said this would be easier to read from Monona Drive and would give customers direction to the store entrance in front.

Mr. Shamji said he agreed that the 36" on the side might look out of place with 24" lettering in front and said that the rendering provided to the Plan Commission was incorrect and so the south wall sign would be closer to the front of the store, but still on the brick façade (not over the side door).

Mr. Grady said that even if the lettering was all white people would be able to identify the restaurant from the font. He said there are more Subways than any other restaurant in the world and they are very identifiable. He said he would suggest sticking with the approved signage plan for Water Tower Plaza in this decision as other tenants have been able to work with the plan.

Mr. Shamji said he will bring this up to Subway Corporate but that they've been very adamant about keeping the sign with white and yellow coloring. He said that Subway Corporate has told him that they will find him a place in Madison if need be.

Ms. Kuzma said that she didn't see the coloring as an issue and that she interpreted the lettering as a logo. She said she liked the idea of moving the sign on the south wall toward the door.

Ms. Rohr said she agreed with Ms. Kuzma as she understood that signs in the development are supposed to be all white, but that she sees Subway's sign as its logo. She also agreed with Mr. Homburg to move the sign over the door on the south wall.

Mr. Shamji said the only way to have the sign over the door is to change the lettering to 18 inches, otherwise the sign would be too long.

Chair Thomas summarized that four commissioners were in agreement with Mr. Dorschel's assessment that the yellow in Subway is part of the logo and would be acceptable. She said everyone on the Commission agrees that the south wall sign must be 24" in height.

Mr. Shamji said he will create a mock up of a 24" sign over the door on the south wall to see if it is doable, and if it is not will provide a mock up of the sign closer to the front on the brick façade.

Planning and Community Development Coordinator Paul Kachelmeier said he would put this item on the agenda for action for the meeting in two weeks.

Chair Thomas said if the Plan Commission is going to allow a two color sign the Commission will need something on record stating that the color is part of the logo.

Mr. Homburg requested the applicant to obtain a letter from Subway stating that the name is its logo.

Aldm. Busse requested a photo be submitted showing the signs showing the entire stretch of Water Tower Plaza.

Sign Specs for Proposed Signs

The letter of application from the owner of Subway Naveed Shamji states that Subway would like for him to use the "Subway" registered trademark with Subway colors. These are SUB in white and WAY in yellow. He states that Subway's legal department has informed him that "Subway" is its registered trademark logo and there is no other logo that Subway uses. He states that Subway is very adamant that this color scheme be used or they will not allow him to move.

West Facade

Type:	Wall sign
Message area:	10' 9 3/8" x 29 7/16" = 26 sq. ft.
Colors:	SUB in white and WAY in yellow
Materials:	Plex face channel letters
Lighting:	Internally lit
Location:	On brick façade, horizontally in line with other wall signs on the building.

South Facade

Type:	Wall sign
Message area:	10' 9 3/8" x 29 7/16" = 26 sq. ft.
Colors:	SUB in white and WAY in yellow
Materials:	Plex face channel letters
Lighting:	Internally lit
Location:	On brick façade, centered above first window.

At the Plan Commission meeting 3/8/10 there was discussion of the size and the placement on the wall of the sign proposed on the south building elevation. As listed above the size has been changed from 3' letters to basically 24" letters, and the location moved closer to the west side of the building.

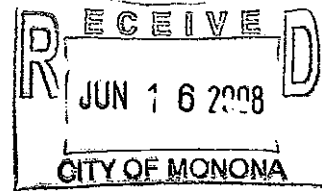
The owner of Subway Naveed Shamji has also submitted a color photo of the entire façade of the building to show how the proposed signs would look in relation to the

existing wall signs, and to show that the proposed signs would be in line with existing signs.

Compliance with Signage Plan

As discussed at the prehearing conference 3/8/10 the proposed Subway wall signs do not comply with the standards of the Water Tower Plaza Signage Plan for colors, as only white is allowed for wall sign colors and white and yellow are proposed on the Subway wall sign. As stated above if the Subway name with the white and yellow colors is their registered official logo, the Plan Commission consensus was that the two colors could be allowed under the Watertower Signage Plan as a logo.

Naveed Shamji stated that he will be able to bring a letter from Subway regarding their logo as requested by the Plan Commission to the meeting Monday 3/22/10.



WATERTOWER PLAZA

SIGN CRITERIA

6000 MONONA DR

ALUMINUM OR ALUMINUM DIABOND BOARD SIGNAGE

- BLACK BACKGROUND/PAINTED OR VINYL
- LETTERING IN SILVER
- RAISED OR PRINTED COPY
- LOGO'S -NOT TO EXCEED: 24" X 24"
COLORS LIMITED TO TRADEMARK
- LIGHTING TO BE GOOSENECK ABOVE SIGNAGE
PANEL-LIGHTING SUPPLIED BY LANDLORD
- PANELS ARE TO BE 3' HIGH; LETTERING NOT TO
EXCEED MAXIMUM HEIGHT OF 2'; MAXIMUM
LENGTH TO BE DETERMINED BY SPACE
RENTED/PURCHASED

CHANNEL LETTERS ON RACEWAY

MAXIMUM 24" CHANNEL LETTERS

- RACEWAY: PMS TO MATCH FASCIA
- RETURNS-BLACK TRIM-BLACK
- INTERNALLY LIT FRONT WHITE LED LETTERS
(Gooseneck lights may not be allowed above channel
letters)
- FACE COLORS: WHITE OR PERFORATED BLACK
- LOGO: ON RACEWAY:BLACK RETURNS BLACK
TRIM; FACES LIMITED TO TRADEMARK COLORS
SIZE NOT TO EXCEED 24" X 24"

OVERALL SIGNAGE NOT TO EXCEED

West Fascia =400 Sq Ft

South Fascia=75 Sq Ft

Channel Letters or Diabond Panels may be placed anywhere in the Approved Sign Band but Sections of the building with the same continuous façade and exterior building material must have the same style of signage.

CRITERIA FOR BUILDING FASCIA

- 1-1 THIS GOVERNS THE DESIGN, CONSTRUCTION, INSTALLATION AND REPAIRS OF ALL SIGNS TO BE INSTALLED BY OWNER OR BY TENANT PER LEASE. WATERTOWER PLAZA - (HEREON REFERRED AS LANDLORD) SHALL MAKE ALL FINAL AND CONTROLLING DETERMINATIONS CONCERNING ANY QUESTION OF INTERPRETATION OF THIS SIGN POLICY.
- 1-2 IT IS INTENDED THAT THE SIGNAGE OF STORES IN THE WATERTOWER PLAZA SHALL BE DESIGNED AND EXECUTED IN A MANNER TO RESULT IN AN ATTRACTIVE AND COORDINATED TOTAL EFFECT. LETTERING SHALL BE WELL PROPORTIONED AND A DESIGN, SPACING AND LEGIBILITY SHALL BE A MAJOR CRITERION FOR APPROVAL BY LANDLORD.
- 1-3 TENANTS AND OWNERS SHALL BE ALLOWED TO IDENTIFY THE PREMISES BY ERECTING ONE (1) SIGN WHICH SHALL BE ATTACHED DIRECTLY TO THE BUILDING FASCIA. (1) ADDITIONAL SIGN MAY BE GRANTED UPON SPACE OF TENANT/ OWNER PER LANDLORD APPROVAL IF SIGNAGE FALLS WITHIN CITY ZONING REGULATIONS.
- 1-4 THE CONTENT OF ALL SIGNAGE SHALL BE LIMITED TO IDENTIFICATION OF TENANT/OWNER.
- 1-5 THE DIABOND PANELS AND CHANNEL LETTERS SHALL BE HORIZONTALLY ALIGNED WITHIN THE APPROVED SIGN BAND WITH THE CHANNEL RACEWAYS CENTERED WITH THE DIABOND PANELS.
- 1-6 ALL LETTERING SHALL BE IN THE FORMAT OF THE TENANT/OWNERS REGISTERED BUSINESS NAME AND LOGO.

STOREFRONT AND ENTERANCES

- 2-1 TENANTS/OWNERS ARE RESPONSIBLE FOR UNIFORM IDENTIFICATION SIGNAGE ON ENTRANCE DOORS. THIS SHALL BE OF 1ST SURFACE, WHITE VINYL AT TENANT/OWNERS' EXPENSE. SIGNAGE ALLOWED IS NAME, LOGO AND HOURS. TENANT/OWNER SHALL NOT POST ANY ADDITIONAL SIGNAGE ON ENTRANCE DOORS WITHOUT APPROVAL BY LANDLORD.
- 2-2 NO ADDITIONAL WINDOW GRAPHICS WITHOUT LANDLORD APPROVAL. TENANTS/OWNERS SHALL NOT BE PERMITTED TO OPEN FOR BUSINESS WITHOUT APPROVED REQUIRED SIGNAGE OR AN AGREEMENT WITH LANDLORD ON THE DATE OF INSTALLTION.

MONUMENT SIGN

3-1 THE MOUMENT SIGN WILL BE THE RESPONSIBILTYY OF THE LANDLORD.

3-2 TENANT/OWNERS OF THE OFFICE UNITS WHICH ARE DISCRIBED AS THE UPPER BACK UNITS, MAY HAVE (1) TENANT SPACE WHICH WILL INCLUDE NAME ONLY ON EACH SIDE OF THE MONUMENT AT TENANT/OWNER EXPENSE.

REMOVAL

3-1 TENANT/OWNERS WILL RESPONSIBLE FOR ALL REMOVAL OF SIGNAGE AND REPAIRS TO BUILDING UPON VACANCY UPON LANDLORDS SPECIFICATION. REMOVAL TO BE WITHIN 2WKS OF VACATING UNLESS OTHERWISE NOTED

ADDITIONS:

CHANNEL LETTERS ON BRICK COLUMNS:

MUST BE ON MODIFIED RACEWAY WITH ONLY 2" OF RACEWAY PROTRUDING FROM THE FACE OF THE BRICK WITH LETTERS NO DEEPER THAN 6" WITH A MAXIUM PROTRUSION OF 8".

RACEWAY SATIN PAINT:

***MATTHEWS (MP06569) ON BRICK COLUMNS
MATTHEWS (MP03433) ON FLAT FACE BRICK
CENTER FRONT AND RIGHT FRONT FASCIA
MATTHEWS (MP11661) ON FRONT FASCIA
NORTH END AND FRONT FASCIA SOUTH END***

DIABOND PANELS:

MUST BE ON A REVERSE CHANNEL WITH PANEL EDGES FOLDED (PAN) TO HIDE CHANNEL AND NO FRONT MOUNTNG SCREWS

A motion was made by Mr. Homburg, seconded by Ms. Devenish, for approval of a Comprehensive Signage Plan for wall signs and a sign permit for a landscape ground sign and wayfinding sign, as proposed for Watertower Plaza, according to Section 13-1-220 of the Monona Municipal Code, with the following conditions:

1. All wall signs shall be limited to the signage band shown in the Signage Plans and shall not exceed a maximum of 400 sq. ft. for the west side façade and 75 sq. ft. for the south side facade.
2. If the signs produce glare or if there are complaints about lighting from drivers the illumination shall be reduced as required by the Plan Commission.
3. The 34" high wayfinding sign is allowed as a directional sign in order to assist clients in locating the entrance to the second floor tenants that are in the back of the building.
4. A landscaping plan for the landscape ground sign shall be submitted for staff review and approval.
5. The location of the landscape ground sign shall be reviewed by staff before the sign is erected in order to ensure that the sign is set back enough from the sidewalk so that it does not interfere with the reconstruction of Monona Drive.
6. The height of all of the diabond panels shall be 3 ft. with signage area a maximum of 2 ft. high.
7. All logos shall be a maximum of 2 ft. x 2 ft.
8. On page two of the Signage Criteria, item 1-3 shall be changed to read "tenants and owners shall be *allowed* to identify the premises...;" item 1-4 shall read "content of all signage shall be *limited to* identification of tenant/owner;" and the words "upper case or lower case" shall be deleted from item 1-6.
9. The applicant shall work with City staff to refine the wording on the wayfinding sign.

The motion carried.

Planning and Community Development Coordinator Paul Kachelmeier asked about colors on the logos.

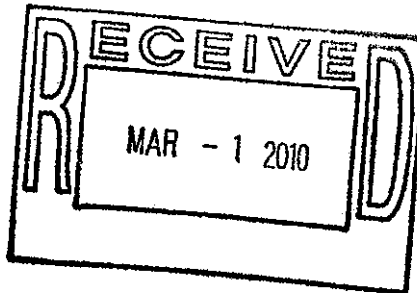
CITY OF MONONA

Sign Permit Application and Inspection Report

Name of Applicant: Naveed Shami
 Address: 5105 Monona Dr.
 Property Address: 6000 ~~Wal~~ Monona Dr.
 Phone Number: 608-609-0607
 Property Owner: Bert Slinde
 Address: _____
 Phone Number: 608 209 3131
 Sign Contractor: Bob Hacker
 Phone Number: 262 679 2500 x 2301

Place photo here after sign

erection or of sign violation.



**A sign permit may be granted to any tenant or lessee acting as agent of the owner, however, such applicant shall be held responsible and liable to prove his right for such permit, if contested by any aggrieved party.*

Type of Sign: Wall sign

Height: _____ Dimensions: _____ Total Sq.Ft.: _____
 (from ground level to top of sign)

Lighting: _____ Cost of sign and erection: _____

Signature of Applicant: _____ Date: _____

Date Approved: _____ By: _____

Permit Number: _____ Permit Fee: _____

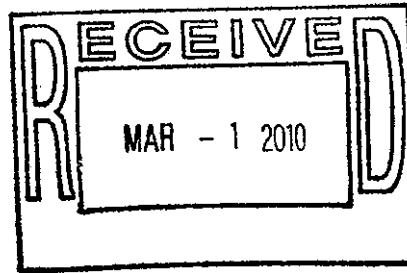
Inspection Report Date: _____ Time: _____

Findings: _____

Inspector: _____

All freestanding signs 20 feet tall or greater shall be required to submit sign construction plans stamped by a certified engineer to the City Building Inspector for approval.
 All illuminated signs shall require an electrical permit from the City Building Inspector.

Dear Representatives of Monona,



I am currently trying to move my Subway sandwich shop to Water Tower Plaza on Monona Dr. As a franchisee of subway I have many restrictions and policies I must adhere. This has been a daunting task, which both I and Bert Slinde have been working on since April of last year. We have all but worked out two issues with the move.

The first issue: Subway would like for us two use the "SUBWAY" registered trademark with Subway colors. The S U B in white and W A Y in yellow. As I understand the building site has been approved for all white channel letters, for the exception of trademark colors for the logo. Subways' legal department has informed me that "SUBWAY" is its registered trademark logo. There is no other logo that subway uses. No symbol such as McDonalds gold arches or the Capital Q for Quiznos subs. The registered trademark "SUBWAY" is on everything. It is on the uniforms, plastic bags, straws, napkins and pizza boxes. In this case the word "SUBWAY" in white and yellow is the logo. I have provided a rendering which shows the placement and specs. Subway is very adamant that this color scheme be used or they will not allow me to move and have scouted several Madison locations for me to move too. I much rather stay in Monona.

The Second issue: Placing a 24inch Sign on the "south facing" wall looked disproportionate on such a huge canvas. Since the subway is such a short name, I was hoping you would accept my request to place a 36inch sign on the south wall. I have rendering which shows a 36in high sign.

Bert Slinde has approved all of the requests above. I really look forward to meeting with you all soon.

Thank you,

Naveed Shamji