

E-MAIL MEMORANDUM

TO: Michael McKinney (Michael@villageofyorkville.com)
Village of Yorkville Administrator/Clerk

FROM: Shaun Maiter
Senior Development Services Specialist

SUBJECT: Willkomm Development, LLP, Owner
Michaels Signs, Inc, Applicant
Parcel Id. No. 194032113011000
820 S. Sylvania Avenue

September 11, 2023, Site Plan Review Amendment request to amend master sign plan and replace "Sign B" with a 24-foot tall pole sign.

DATE: August 31, 2023

Overview:

The subject ±12.92-acre parcel is located at 820 S. Sylvania Avenue. The subject parcel is zoned B-3, Commercial Service District and is serviced by municipal sewer and water. September 14, 2020, the Village of Yorkville Board approved a site plan review to create an overall master sign plan for the entire site. At this time, the applicant is requesting an amendment to the aforementioned site plan review approval to amend the master sign plan to replace "Sign B" with a 24-foot-tall pole sign. The proposed pole sign exceeds the maximum allowable height for a pole sign of 20-feet. An amendment to the master sign plan is required due to the proposed pole sign not meeting the requirements of Section 20-1403 (5) of the Racine County Code of Ordinances, as applicable to the Village of Yorkville. Section 20-1403(9)(f) states: *"As an alternative to limitations in subsections (1), (2), (3), (4), and (5) above, the parcel owner may submit a master sign plan to the zoning administrator for review and to the Village Board for approval. This master sign plan must indicate the type, construction, location, size and height of each proposed sign on the site. Approval of the master sign plan is required before issuance of the permit for the proposed sign on the property. After approval of a master sign plan, no sign shall be erected, placed, altered, moved, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In cases of any conflict between the provision of such a plan and any other provisions of this chapter, the chapter shall control."*

If the Village feels that the proposed use is appropriate approval is recommended as:

1. The proposed amendment to the master sign plan is allowed through the conditional use process.

2. Based on the use of the property, surrounding uses, and proximity to I-94, the proposed 24-foot-tall pole sign appears to fit with uses in the immediate area.

If the Village feels that the proposed use is appropriate approval is recommended subject to ****DRAFT CONDITIONS****:

1. **Zoning Permit.** The applicant must obtain a zoning permit from the Racine County Development Services Office after paying a zoning permit fee of \$150.00. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
3. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as “Applicant” or “Property Owner”) with respect to the uses on the Property.
4. **Expiration.** This approval will expire nine (9) months from the date of the Village of Yorkville’s final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Yorkville grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.
5. **Previous Conditions of Approval.** All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.
6. **Plans.** The proposed project shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Services Office on August 25, 2023, unless otherwise amended herein.
7. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville (copy attached).
8. **Exterior Lighting.** Any changes to the existing exterior lighting on the property shall meet the provisions of Section 20-1065 of Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville. Any exterior lighting installed prior to December 15, 2022 must remain in conformance with the approved exterior lighting plan on record. If any exterior lighting installed prior to December 15, 2022 was not part of an approved exterior lighting plan, the exterior lighting must continue to be arranged, oriented, or shielded in a manner that direct radiation or glare from such source does not

penetrate adjacent or nearby parcels or the public right-of-way, and will not endanger the safety of pedestrian or vehicular traffic.

9. **Signs.** Any advertising sign on this property must conform to Racine County Ordinance standards as applicable to the Village of Yorkville and will require a separate zoning permit(s) prior to installation. In addition, no additional signs shall be erected, placed, altered, moved, painted, or maintained, except in conformance with the master sign plan, and such plan may be enforced in the same way as any provision of Racine County Ordinance Standards as applicable to the Village of Yorkville. Contact the Racine County Development Services Office at 262-886-8440 for further information regarding sign permits.
10. **Fire Alarm and/or Sprinkler Plan Review.** If this approval is for an activity that requires fire alarm and/or sprinkler system plan review, written confirmation shall be provided to the Village Administrator/Clerk by Fire Safety Consultants, Inc. stating that the applicant and/or agent has submitted acceptable fire alarm and/or sprinkler system plans to Fire Safety Consultants, Inc. for review pursuant to Chapter 26 of the Village of Yorkville Municipal Code. No building or zoning permit shall be issued for this activity until such time as said confirmation is provided. For the purposes of this condition, the term "building permit" shall mean any permit including, but not limited to, site preparation, building, electrical, plumbing, HVAC, and erosion permits. The applicant must first obtain Fire Safety Consultants, Inc. fire alarm and/or sprinkler system plan approval prior to submitting those plans to the State of Wisconsin for state review. Failure to abide by any part of this condition shall not constitute a basis for an appeal to the Village Board of any sprinkler system and/or fire alarm requirements contained within Chapter 26 of the Village of Yorkville Municipal Code. The building inspector may issue a stop work order if, in his/her opinion, construction cannot proceed any further without impeding the installation of the required fire alarm and/or sprinkler systems.
11. **Drain Tiles.** Do not break or damage any underground tile. If encountered, any underground agricultural tile line must be rerouted or fixed. If any underground tile is encountered that has anything but clean water flowing through it, contact Racine County Development Services at (262) 886-8440 to investigate.
12. **Erosion Control.** To help prevent sediment from entering onto an abutting property, drainage way, or road ditch, prior to any earth disturbance activities, temporary diversions must be installed as directed by the Village Engineer.
13. **Access.** The applicant must allow any Racine County or Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.

14. **Compliance with Law.** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations.
15. **Amendments to Conditional Use Permit.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Yorkville's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Yorkville or the Racine County Development Services office in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
16. **Reimburse Village Costs.** Applicant shall reimbursement to the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.
17. **Agreement.** Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Willkomm Development, LLP, Michaels Signs, Inc, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
18. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
19. **Recording.** The Village shall have the resolution approving this request recorded with the Racine County Register of Deeds at the applicant's expense.

c: Tim Pruitt, Eileen Zaffiro, Doug Nelson, Mark Madsen
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