

E-MAIL MEMORANDUM

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

FROM: Shaun T. Maiter
Senior Development Services Specialist

SUBJECT: CATP, LLC, Owner
BL Signs and Lakhbir Singh, Applicants
Parcel Id. No. 194032113003000
611 S. Sylvania Avenue

December 9, 2024 Conditional Use Request to establish a master sign plan and construct a 100-foot tall pole sign.

DATE: December 6, 2024

Overview:

The subject parcel is located at 611 S. Sylvania Avenue and zoned B-3, Commercial Service District. On February 17, 1992, the Racine County Planning and Development Committee approved a conditional use permit to construct a gas/diesel station and a convenience store (CITGO Quik Mart) at the subject property. On February 26, 1992, the Town of Yorkville Board approved the conditional use permit to construct a gas/diesel station and a convenience store (CITGO Quik Mart) at the subject property. Two conditional use extensions were granted by the Racine County Planning and Development Committee on November 2, 1992 and July 12, 1993. Please note that the aforementioned approvals also accounted for the restaurant space within the building at the subject property. On December 9, 2013, the Tow of Yorkville Board approved a conditional use permit for the construction of a fenced-in compressed natural gas fueling system. On December 16, 2013, the Racine County Economic Development and Land Use Planning Committee approved a conditional use permit for the construction of a compressed Natural Gas fuel facility. At this time, the applicant is requesting conditional use approval from the Village of Yorkville Board to establish a master sign plan and construct a 100-foot tall pole sign. The proposed 100-foot tall sign would be constructed in the same location as the presently existing 45-foot tall CITGO sign, which is currently \pm 13-feet from the right-of-way of STH 20 and \pm 40-feet from the right of way of the I-94 exit ramp. Section 20-1403(5) states that pole signs must not be closer than 25-feet to the road right-of-way, and that when a pole sign is proposed within 100-feet of the right-of-way of an interstate freeway, the sign may be up to 35-feet in height, both of which this sign is deviating from. Section 20-1403(9)(f) states that as an alternative to limitations in subsections 20-1403(1), (2), (3), (4), and (5), the parcel owner may submit a master sign plan to the zoning administrator for review and to the Village Board for approval. Given the height of the proposed pole sign, and the proximity to the right-of-ways of

STH 20 and the I-94 exit ramp, it would be suggested that the Village Board consider the following:

1. Requiring an engineering certification showing that the proposed pole sign is designed to collapse within a smaller area than the setback to the road right-of-way.
2. Although the proposed pole sign does not necessarily project above a public right-of-way, the proposed pole sign is in very close proximity to heavily traveled roadways and a public gas station parking lot. Section 20-1361(12) of the Racine County Code of Ordinances, as applicable to the Village of Yorkville, states the following: *"If a permitted sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit must be conditioned on the sign owner agreeing to hold the Village Harmless and obtaining and maintaining in force liability insurance for such a sign in an amount of at least One Million Dollars (\$1,000,000) per occurrence per sign or such greater amount as the Village may reasonably determine."*

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

1. The proposed 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 100-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 the zoning permit fee of \$250.00. The 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. **Structural Analysis.** Prior to issuance of a zoning permit, the applicant shall submit an engineering certification showing that the proposed pole sign is designed to collapse within a smaller area than the setback to the road right-of-way.
3. **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.
4. **Compliance with Previous Conditions of Approval.** All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.

5. **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.
6. **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.
7. **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 October 30, 2024, unless otherwise amended herein.
8. **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.
9. **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 (copy attached).
10. **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.
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. **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.
14. **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.
15. **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.
16. **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.
17. **Liability.** Racine County and the Village of Yorkville does not warrant that the plans for this project are functionally and/or structurally adequate. Racine County and the Village of Yorkville does not certify that the design is adequate for this site and Racine County and the Village of Yorkville accepts no liability through this approval.
18. **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.

19. **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, CATP, LLC, BL Signs, LLC, Lakhbir Singh, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
20. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
21. **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, Douglas Nelson, Mark Madsen
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