

**PLEASANT PRAIRIE PLAN COMMISSION MEETING  
VILLAGE HALL AUDITORIUM  
9915 39TH AVENUE  
PLEASANT PRAIRIE, WISCONSIN  
5:00 P.M.  
January 26, 2009**

A regular meeting for the Pleasant Prairie Plan Commission convened at 5:00 p.m. on January 26, 2009. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode; Jim Bandura; John Braig; Larry Zarletti and Judy Juliana. Also in attendance were Mike Pollocoff, Village Administrator; Peggy Herrick, Assistant Village Planner and Zoning Administrator; and Tom Shircel, Assistant Village Planner and Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CORRESPONDENCE.**
- 4. CONSIDER THE MINUTES OF THE JANUARY 12, 2009 PLAN COMMISSION MEETING.**

Larry Zarletti:

Move approval.

Wayne Koessler:

Second, Mr. Chairman.

Tom Terwall:

**MOVED BY LARRY ZARLETTI AND SECONDED BY WAYNE KOESSL TO APPROVE THE MINUTES OF THE JANUARY 12, 2009 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Mike Serpe:

One correction, Tom. I think just John Braig brought up the point about the agenda was in error and I think they gave Wayne the credit for that, so that's the only difference.

John Braig:

We'll go with it.

Mike Serpe:

I'm surprised you didn't catch that, John.

Tom Terwall:

All in favor as accepting the minutes as revised signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

## **5. CITIZEN COMMENTS.**

Tom Terwall:

There's a public hearing. If you're here for that public hearing we'd ask that you hold your comments until it's held. Otherwise, now would be your opportunity to speak. We ask that you come to the microphone and begin by giving us your name and address. Anybody wishing to speak under citizens' comments?

## **6. NEW BUSINESS.**

### **A. PUBLIC HEARING AND CONSIDERATION OF ZONING TEXT AMENDMENTS to amend portions of Sections 420-59, 420-62, 420-64, 420-67, 420-68, 420-76 and 420-78 of the Village Zoning Ordinance related to Sign Special Exceptions.**

Tom Shircel:

Thank you. This is a public hearing in consideration of a zoning text amendment to amend portions of Section 420 which is the zoning code. There will be seven sections looking to be amended.

On December 8, 2008 the Village Plan Commission adopted Resolution #08-22 to have the Village staff evaluate and initiate zoning text amendments related to sign special exceptions.

Section 420-77 of the ordinance sets forth that certain types of signs, that being community banner signs that are suspended across a street, signs for multi-occupant buildings that straddle property lines and signs for nonconforming uses, require a sign special exception permits which are currently reviewed and approved/denied by the Plan Commission.

Just as a couple examples, if you recall late last year it was All Solutions had a sign reviewed and approved, a sign special exception permit by the Plan Commission as the former Cherry building. That was two tax parcels that straddled, a sign that straddled two tax parcels. Similarly, back in

earlier 2008 or 2007 the Village Supper Club on Sheridan Road, which is a nonconforming use, they replaced their free standing sign. That also was a sign special exception that was reviewed and approved by you guys.

The Village staff has evaluated the sign ordinance and is proposing to amend these sections of the zoning ordinance related to sign special exceptions. To be succinct, the proposed amendments to the ordinance removes all references to the Plan Commission having the authority to review those permits and grants instead to the Village staff.

The sections of the zoning ordinance to be amended include 420-59; -62 C.(11) and (13); -64 B. And D.(3); 420-67; 420-68; 420-76 G.(5); and 420-78 T.(6).

The Village staff has determined that sign special exceptions, similar to all other sign permit applications, can be readily and thoroughly reviewed and approved or denied by the Village staff, rather than the Plan Commission. If, through these amendments, the staff obtains the review and approval authority, the sign permitting process for sign special exceptions can be expedited, whereby the petitioner will no longer have to wait for an upcoming Plan Commission meeting for a sign special exception permit determination. Accordingly, this will enable the Plan Commission to further focus on other planning-related issues.

Attached to your memo is the proposed sign special exception amendments. Again, basically they're changing the approval authority from the Plan Commission to the Village staff. With that I'll turn it back to the Commission.

Tom Terwall:

Public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Hearing none, I'm going to open it up to comments and questions from Commissioners and staff and I'll start. Currently is there a fee associated with this application and will it be reduced as a result of the fact that it won't have to come to the Plan Commission?

Tom Shircel:

Yes, there is a fee and I believe that fee is \$80. It's somewhere between \$75 and \$85 I believe.

Tom Terwall:

Was there a publishing requirement for those?

Tom Shircel:

No, there was not.

Tom Terwall:

So that part of it won't change?

Tom Shircel:

Not with these amendments tonight, no.

Tom Terwall:

Is the intent to leave the fee as it is now?

Tom Shircel:

We can take a look into that and come to a determination. We have not thought of that as of yet but that's a good point.

Tom Terwall:

And one other question, Tom. If the Zoning Administrator should deny, is there any appeal process at all and what is it?

Tom Shircel:

There is an appeal process. They would go through probably the Village Board to make that determination, because the Zoning Board of Appeals is more for dimensional variances, so the Village Board.

Don Hackbarth:

The same track on the fee thing. If somebody were to put a banner sign up for whatever it is, a month or something, X number of days, 30 days, I don't know what it is, what kind of fee would there be on something like that that would be just very temporary?

Tom Shircel:

A temporary banner that is now handled by the staff and that would be, if it's hung on a building for instance, it would be a \$55 application and permit fee total of \$55.

Don Hackbarth:

I personally think that's kind of high. You may want to look at that again. For just putting up a banner advertising—

Tom Shircel:

We still go through the same review process as a staff whether it's a temporary sign or a permanent sign per se. We still go through the same review process, the same conditions more or less. The same time is basically taken on whether it's a temporary or a permanent sign.

Mike Pollocoff:

That in essence is what the fee is designed to cover the expense of reviewing that so none of that ends up being a taxpayer expense to pick that up. I think maybe I wouldn't be adverse to, and I believe the Board's policy on this is it's got to cover its expenses. If the expense is less because we're not spending as much time getting a staff report together to have it come before the Board then that would be reflected in adjusting a fee. But the review fee, the time that they spend making sure the application is in order, what they're proposing to do is being able to evaluate that against the ordinance, I think that would be the same no matter what. The real time change might be on preparing a report for the Plan Commission to take a look at.

Don Hackbarth:

Tom brings up good points. Vacation Bible School or advertising a daycare center like out at the RecPlex, putting a banner up for 30 days or a week or something like that. I just think fifty bucks is a lot.

John Braig:

Bullet point 2, Section 420-62 C. As it's proposed is not a complete sentence. But I would move approval with the appropriate grammatic corrections by staff.

Mike Serpe:

I'll second that but I have a question also. Tom, any approval that your section makes with reference to these permits this body will never see those, is that correct?

Tom Shircel:

Correct.

Mike Serpe:

I suppose we'll have a problem if somebody objects to it or it's denied then we're going to find out about it. There's an appeal process. So that's the only time we're ever going to see them then. Okay.

Larry Zarletti:

Isn't the reason that it comes before you not as much financial as it is that you want to check the signs to see that they're reasonable? Or, was the fee put in place as a—

Tom Shircel:

I think when it comes to the fees for these sign special exceptions they do take a bit more time to review. If it's a nonconforming use we have to make sure it is a nonconforming use. We just can't jump to that conclusion that it is. So we can take a look at the fees and see if they need to

be adjusted but, as Mike said, they're based on the staff time and how much time it takes to review those. So whether that needs to be brought down in fee I'm not sure.

Larry Zarletti:

I would think some of it should have to do with the cost of the sign. If a person is putting up a banner that costs them \$120 and it's \$55 to get it approved, it sounds pretty steep.

Tom Shircel:

Our fees at this time for signs are not based on the cost of the sign or the size of the sign. It's based on if it's free standing, if it's wall mounted.

Larry Zarletti:

I mean it's probably conversation for another day but I just kind of wanted to get an idea. Thanks.

Mike Serpe:

Decision to grant the permit is that going to be whoever gets the application or is it going to be—

Tom Shircel:

The Zoning Administrator or his or her designee, correct. Commissioner Braig, could you repeat where that non sentence was?

John Braig:

The bullet point item 2, the second paragraph in the change.

Tom Shircel:

In the staff memo or in the ordinance?

John Braig:

In the ordinance.

Tom Shircel:

Noted. Thank you.

Jim Bandura:

A quick question to the staff. What's really going to happen is the Zoning Administrator is going to be taking a look to see that these signs fit the bill, fit the ordinance and fit codes and all of that. Am I correct?

Tom Shircel:

You're exactly correct, just like we would any other sign that does not go before the Plan Commission.

Jim Bandura:

So the onus is going to be on the Zoning Administrator to make sure that these signs work?

Tom Shircel:

That's correct.

Jim Bandura:

For the Village.

Tom Shircel:

Yes.

Jim Bandura:

Regardless of if the Zoning Administrator is different in 2020?

Tom Shircel:

That is correct.

Jim Bandura:

Good.

Tom Terwall:

**IF THERE'S NO FURTHER COMMENTS OR QUESTIONS THERE'S A MOTION JOHN BRAIG AND A SECOND BY MIKE SERPE TO APPROVE. ALL IN FAVOR SIGNIFY BY SAYING AYE.**

Voices:

Aye.

Tom Terwall:

Opposed?

**DON HACKBARTH:**

**AYE.**

**7. ADJOURN.**

John Braig:

So moved.

Wayne Koessl:

Second.

Tom Terwall:

All in favor say aye.

Voices:

Aye.

**Meeting Adjourned: 5:15 p.m.**