



# City of Racine

City Hall  
730 Washington Ave.  
Racine, WI 53403  
www.cityofracine.org

## Meeting Minutes - Final City Plan Commission

*Alderman Dennis Wisner  
Mayor John Dickert  
Molly Hall  
Elaine Sutton Ekes  
Vincent Esqueda  
Tony Veranth  
Pastor Melvin Hargrove*

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Wednesday, September 10, 2014

4:30 PM

City Hall, Room 205

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### Call To Order

*Alderman Dennis Wisner called the meeting to order at 4:35 p.m.*

**PRESENT:** 5 - Vincent Esqueda, Tony Veranth, Molly Hall, Melvin Hargrove and Dennis Wisner

**EXCUSED:** 2 - Elaine Sutton Ekes and John Dickert

Others present:

*Brian O'Connell, Director of City Development  
Jill Johanneck, Associate Planner  
Tom Friedel, City Administrator*

### Approval of Minutes for the August 27, 2014 Meeting

A motion was made by Commissioner Hall, seconded by Commissioner Esqueda, to defer the August 27, 2014 minutes to the next meeting. The motion PASSED by a Voice Vote.

### 4:30 P.M. PUBLIC HEARING

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[14-10502](#)

**Subject:** (Direct Referral) Request by Adams Outdoor Advertising for a major amendment to the Regency Mall Planned Development to erect a billboard at 5200 Durand Avenue.

**Recommendation of the City Plan Commission on 9-10-14:** That the request be denied for the following reasons:

1. The proposed billboard degrades one of Racine's premier shopping areas by imposing visual clutter.
2. The proposed billboard negatively impacts the degree of visual repose/retreat citizen should be able to anticipate at Prichard Park or at the residences to the south.
3. The billboard's visual impact may adversely affect residential

property values in the area.

4. The presence of the billboard will likely impede future development of adjacent lands due to the obstructions of sight lines to buildings and other appropriate building signage allowed in the Regency Mall Planned Development.

5. The installation of the billboard is contrary to the objectives of the Regency Mall Planned Development.

6. The design and height of the billboard does not meet the intentions of the current ordinance which was the ordinance intended to be adopted by the City at the beginning of 2013 as demonstrated by the legislative history even though there were errors in the ordinance adoption process.

7. The location of the billboard in a B-2 district does not meet the intentions the City had in early 2013 to no longer allow billboards in the B-2 district as demonstrated by the legislative history even though there were errors in the ordinance adoption process.

**Fiscal Note:** N/A

**Attachments:** [PH Notice - 5200 Durand Avenue](#)

**\*\*A CONTINUANCE OF THE AUGUST 27, 2014 PUBLIC HEARING\*\***

*Director O'Connell advised this is a continuation of the discussion and public hearing from the previous meeting. He briefly ran through the presentation slides for the billboard/advertising sign request at Regency Mall, which is zoned B-2. The sign is a 2-faced billboard, approximately 24 feet in height. Various views of and around the parcel in question were shown.*

*Director O'Connell requested the Public Hearing be re-opened on the item to continue for any public comments, after which Staff will present their recommendation on the item. Alderman Wisner re-opened the public hearing at 4:40 p.m.*

*Mr. Jason Saari spoke for Adams Outdoor. He advised they did not have the opportunity to review any changes made to the Staff recommendations, but brought along copies of their presentation with some changes reflected from the last meeting. He provided a print-out of their PowerPoint presentation and reviewed it with the Commission. Highlights include that they have 44 advertising signs in Racine, almost all located on the east side of the City, which has created a demand on the west side. They have been working with Regency Mall since 2006 on a lease agreement to place an advertising sign on the mall property.*

*Mr. Saari's summary continued with their history with this sign: Adams had applied for an advertising sign on August 20, 2013, and received the permit on September 4, 2013. Shortly after that, the check and application were been returned to them, with a statement that the permit was cancelled per City Development as of September 5th, 2013. They were advised by City Development that the ordinance was changed in the fall of 2012, and that advertising signs were now prohibited in the B-2 zoning district. Upon their review of the ordinance changes that were made, Adams disagreed with Staff on whether or not they were allowed in that district. They were told by the City the next step was to take the matter to court. They filed a court action, and in an attempt to resolve the matter they applied on behalf of Regency Mall to amend the mall conditional use permit to allow a billboard/advertising sign. The sign*

would be 12-feet x 25-feet, or 300 square feet in size. It is a single pole design to be used primarily for commercial advertising. When unsold, it may be used for non-profit advertising at no charge. He stated Alderman Hart is in support of the amendment. He mentioned Staff is treating this as a major amendment, however they feel it is a minor amendment, based on reference to Section 114-155 (b) of the zoning ordinance. A review of previous minor amendments around the mall over the last few years was provided. They would like their sign to be treated similar to other minor amendments made around the mall, and not considered detrimental to the area. Mr. Saari noted that the mall owner, CBL, has 15 advertising signs on their properties throughout the U. S. He went on to advise that Adams has other billboards/advertising signs in shopping centers in Madison and throughout the country. He disagrees with Staffs opinion that mall signage degrades mall properties.

Mr. Saari indicated there will be a minimal visual impact, and stated the City has failed to provide data or justification for denial in Staff report items No. 1-4. Their understanding of mall signage for Regency, based on the original mall CUP, is that only the Director of Planning needs to approve signage, and that there are no limitations as to the type of signage permissible under the CUP; therefore Adams request should be a minor amendment.

Mr. Saari went on to address the standards for conditional uses, providing their response to each standard. Next, he stated that the establishment, maintenance, and operation of the conditional use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare; that studies show advertising signs do not impede traffic safety; and that advertisers are held to high design standards. Additionally, the establishment of the conditional use will not impede normal and orderly development in the district, as the surrounding properties are fully developed and the sign fits into the existing development. Also, there are adequate utilities, access roads, and drainage in place; that an existing driveway will be used to access the sign, electricity to the sign can be easily provided, and there will be no impact on existing utilities. That the proposal is not contrary to the existing land use plan for the City as signs are allowed and the mall property is not expected to change in the near or long-term future. Further, that the conditional use will comply with applicable regulations in the district which it is located as there is a variety of signage at the mall, that signage was not contemplated in the original CUP, and they feel that their sign is a low-impact commercial use.

Public hearing closed at 4:50.

Director O'Connell resumed discussion, advising the Commission members they received Staff recommendations which have been slightly elaborated from the previous meetings recommendations. His intention was to review the minor changes with the Commission, as well as review the standards of a conditional use. Director O'Connell read through standards 1 through 7 as outlined in Section 114-154 of the Zoning Ordinance. These are the standards that Adams referenced and summarized their stance on in their presentation.

Following a review of the standards, the reasons and responses were outlined. To summarize the standards and reasons Staff based their review and ultimate recommendation for denial, the correlation between the two was noted and is as follows:

1. Reason 1 addresses standard 1.
2. Reason 2 addresses standards 1 and 2.
3. Reason 3 addresses standards 2 and 3.
4. Reason 4 addresses standard 3.

5. Reason 5 addresses standard 6.
6. Reason 6 addresses standard 6 and 7.
7. Reason 7 addresses standard 7.

1. Adam's states that 'signage is prevalent at the mall'. This is correct, however Regency Mall sign standards do provide a limit on outlot signage; that it not exceed six feet in height. Target did receive an exception, but is advertising for a business within the mall PUD. Also, it is not stated in the mall sign standards that billboards/advertising signs are permitted. To not hold outlot signage to the six foot maximum height would be considered a major change to the Regency Mall PUD.
2. Adams states the mall is commercial use and signage is a similar use. This is true, but as accessory to a use present within the mall development. There is a difference in advertising products or services not on the mall property versus those available at the mall. Staff sees it as a significant departure to the mall regulations, and not similar to prior conditional uses, to consider a billboard/advertising sign as it would an "off premise" business sign.
3. Adams states that the surrounding properties are fully developed and that the billboard/advertising sign will not impede orderly development and improvement of surrounding properties. This is incorrect in that the space where the billboard/advertising sign is proposed is a vacant lot, ready for development.
4. Staff does not challenge Adams findings for this standard.
5. Staff does not challenge Adams findings for this standard.
6. Adams states the advertising sign/billboard is not in conflict with the current land use plan. This is incorrect. Outlot signage is limited to six feet in height, and nowhere in the Regency Mall sign standards does it state billboard/advertising signs are permitted. Considering them to be permitted would be a major change to the mall planned development.
7. Adams states that 'no signage was contemplated in the original CUP'. This is incorrect. Documents recorded with the Register of Deeds office detail standards for building and outlot signage. Outlot signage may be no higher than six feet. Nowhere in the standards is it stated that billboards/advertising signs are allowed. As stated under No. 6, said consideration would be a major change to the mall planned development.

Staff's recommendation is that the Plan Commission move to recommend the denial of the request to amend the Regency Mall planned unit development conditional use to install a billboard/advertising sign at 5200 Durand Avenue for the reasons listed:

1. The proposed billboard degrades one of Racine's premier shopping areas by imposing visual clutter.
2. The proposed billboard negatively impacts the degree of visual repose/retreat citizens should be able to anticipate at Prichard Park or at the residences to the south.
3. The billboards visual impact may adversely affect residential property values in the area.
4. The presence of the billboard will likely impede future development of adjacent lands due to the obstructions of sight lines to buildings and other appropriate building signage allowed in the Regency Mall planned development.
5. The installation of the billboard is contrary to the objectives of the Regency Mall planned development. Signs on the property should relate to stores and businesses located directly on the property.
6. The design and height of the billboard does not meet the intentions of the current ordinance which was the ordinance intended to be adopted by the City at the beginning of 2013 as demonstrated by the legislative history, even though there were errors in the ordinance adoption process. This is reference to the legal process initiated by Adams Outdoor when the application was first rejected.

7. The location of the billboard in a B-2 district does not meet the intentions the City had in early 2013 to no longer allow billboards in the B-2 district as demonstrated by the legislative history even though there were errors in the ordinance adoption process.

Commissioner Hall asked about sign content based on the artist rendering slide. Mr. Saari advised that is correct, it would advertise goods and services available off of the premises. She also asked if any alternatives have been discussed. Mr. Saari advised Adams applying for an amendment to the mall's conditional use be a compromise, and that other discussions for compromise have been had and are on-going, and he referred to Atty. Sutton Ekes, who is representing the City in possible litigation concerning this application, to comment. Director O'Connell concurred with Mr. Saari that discussions have been on-going and that currently the City Plan Commission is the correct forum for discussion. The final action will depend on the Common Council, and ultimately based on how Adam's proceeds after the Council decision is made.

Commissioner Hargrove asked if discussions have already been held 'behind closed doors' to try to compromise on a decision. Director O'Connell advised there are well defined issues at this point, and Plan Commission's recommendation is needed at this time. He mentioned things like significant changes in sign height and location were not up for compromise. Mr. Saari advised lowering of the sign may be an opportunity, but they have worked for seven years to find this site and they will not change on this location. Director O'Connell clarified that we would be looking to lower the sign to the six feet allowable, and Mr. Saari advised they would need to maintain their standard sign face, which is their global standard. Alderman Wisner clarified this item still needs to go to the Common Council where there will be more discussion.

Commissioner Hall provided Adams an opportunity to respond to what she sees is the strongest reason for denial, which is she does not see this sign fitting seamlessly into the existing look of the mall. Mr. Saari stated one way would be able to show pictures of their billboards/advertising signs around mall areas from different places around the country. He noted they are open to doing a landscape plan, doing structural amenities around the sign to make it match with the development, but the sign face that needs to remain standard. The rest of the sign could be different.

Commissioner Hargrove asked about discussion with the owners of the mall, and referenced reason No. 5 that the installation of the billboard is contrary to the objectives of the mall. Was the mall in favor of the sign? Mr. Saari advised they were, and there is a contract in place pending this approval. Director O'Connell stated there are sign guidelines for the mall, and the staff interpretation and ordinance requirements indicate this request is not consistent with those regulations.

**A motion was made by Commissioner Veranth, seconded by Commissioner Hall, that item 14-10502, a request by Adams Outdoor Advertising for a major amendment to the Regency Mall planned development to erect a billboard at 5200 Durand Avenue be denied based on Staff recommendations. Alderman Wisner asked to be recorded as voting aye. Commissioner Sutton Ekes had previously excused herself from the meeting.**

## **Administrative Business**

None.

## **Adjournment**

*Alderman Wisser adjourned the meeting at 5:10 p.m. without objection.*