

**JOINT ARCHITECTURAL BOARD/PLAN COMMISSION MINUTES- AMENDED**  
**MONDAY, MARCH 15, 2021**  
**7:00 PM**  
**BOARD ROOM**  
**MUNICIPAL BUILDING, 210 COTTONWOOD AVE.**

Present: Jeff Pfannerstill, James Schneeberger, Tim Hallquist & Jeff Bierman. David de Courcy-Bower, Ann Wallschlager, Dino Xykis and Building Inspector Hussinger attended via Zoom.  
Others Present: Administrator Rhode, Ryan Amtmann, Ben Nelson, James Siepmann, Jackie Hendricks, Joe Ferguson, Brad Kropp and Deputy Clerk Bushey.

Call to Order- 7:00 pm.

**1. Consideration of a motion to approve the Architectural Board/Plan Commission minutes from January 18, 2021.**

Motion (Hallquist/Schneeberger) to approve the minutes for the Architectural Board/Plan Commission meeting on January 18, 2021. Carried (7-0).

**2. Architectural Board review and consideration of a sign for Paradise Trails Single Family Condominiums, Campus Drive-**

Representative for Neumann Development was present and said the materials for the sign will be the same as the building materials. He said there will be 2 signs one at Wild Oak Road and one at Scenic Road. He said the sign will be a 10 x 6 stone structure, with stacked quartz and raised steel lettering. There will be landscaping beds but landscaping will only be on 1 side. Pfannerstill asked Building Inspector Hussinger if low landscaping is usually required, and he said yes.

Motion (de Courcy-Bower/Wallschlager) to approve the application for a sign for Paradise Trails Single Family Condominiums, Campus Drive. Carried (7-0).

**3. Presentation: Conceptual Plan for Event Center at 415 W. Capitol Drive (Zion Church Property)-**

Chris Miller from Marriot Construction was present and explained the conceptual plan. They are proposing to turn the existing church into an Event Center. The exterior would pretty much stay the same and they would remove the backend and make it more modern. They would also like to build a new house where the existing house is to give guests a place to stay overnight. They are also proposing to replace the existing windows.

Wallschlager asked if they needed to address the house right now and Pfannerstill said this is only a conceptual plan.

Mr. Miller said they are proposing to replace the existing house with a 2-story house with a tuck under garage. He said the 1<sup>st</sup> floor would be living space with bedrooms upstairs and a front porch. Xykis asked if the house would blend in with the church and Mr. Miller said yes. Xykis asked Building Inspector Hussinger what the requirements are and Hussinger replied we would have to see the concept.

de Courcy-Bower said he is excited about the reuse of the church and thinks this is a great proposal however he is concerned about the parking lot/parking.

Pfannerstill said he likes that the church is being saved and all Commissioners like the proposal as well. Bierman asked Mr. Miller if he is aware of the water issue on the property and he said yes, they have a lot of work to do.

#### **4. Plan Commission and Architectural Board review and consideration of an application for site/building modifications for an upgraded drive-thru for Cousins Subs, 525 Cottonwood Ave-**

Brad Krogg and Joe Ferguson were present for Cousins Subs and explained what they are proposing. They said they have been working on the traffic flow and the existing easements. They said they are proposing to reduce the front island and work the traffic control with stop signs. They said they will also be making significant landscaping improvements. Xykis asked about the spacing of the drive thru. Schneeberger said he would like to see bigger caliper trees on the island. There was brief discussion on the speaker location. Pfannerstill asked if there will be areas for customers to park to wait for their order and Mr. Krogg said yes, there will be an area of 3 stalls after they order. There was more discussion on the parking areas. Bierman asked if they see any problem with a blind spot with exiting the drive-thru and Mr. Krogg said no.

Motion (de Courcy-Bower/Xykis) to approve the application for site/building modifications for an upgraded drive-thru for Cousin Subs, 525 Cottonwood Ave. Carried (7-0).

#### **5. Plan Commission review and consideration of a sign ordinance amendment change for political signs-**

Pfannerstill said the Village lawyer suggested the ordinance be amended because this falls under free speech and it would be appropriate to get the law in line with what is being done. Hallquist asked about flags or banners. Administrator Rhode said we do not regulate flag and banners; we do have regulations regarding that.

Wallschlager asked about flag type banners and commented on an issue that came up several years ago.

There was discussion on election vs free speech signs. Rhode said the court has ruled that local government can regulate the size on political signs.

Rhode said the courts made it clear, regardless of court ruling we do not have authority to designate political sign season. There was discussion on a temporary signs (like cub scouts or garage sale) vs free speech.

Rhode said he talked with Police Chief Misko and political signs are usually 2.3 or 2x4 signs. There was more discussion on signs and size.

Rhode said with the recent court rulings it is not an easy thing and Pfannerstill said amending the ordinance gets us closer in line with the courts. Xykis commented that if we do not go in line with the courts then we cannot regulate it and Pfannerstill said that is correct.

de Courcy-Bower commented that he just wants to make sure we are treating all signs the same. Amendment:

Mr. de Courcy-Bower stated that signs can be regulated by a municipality, but that the regulation of signs must be done in a content neutral manner. He did not think that the ordinance as written was content agnostic. For example, he felt that regulating rummage sale signs differently than temporary signs did not meet the content neutral requirement of the US Supreme Court ruling. Mr. de Courcy-Bower expressed that regulation of signs should be practical, necessary, and enforceable.

The proposed ordinance regulates election signs differently than free speech signs. The proposed ordinance limits the size of an election sign, however, does not regulate the size of free speech signs. It also does not limit the number of election signs. The example he gave was the ordinance would limit the size of a "Vote Pfannerstill" sign, but not a "Pfannerstill is Great" sign. He also said someone could put 2 or even 50 signs next to each other than make a sign bigger than the proposed single sign restriction so what was the point in regulating election sign size.

Mr. de Courcy-Bower expressed his opinion that the regulation of election signs differently than free speech signs was unnecessary and possibly unconstitutional.

Mr. Pfannerstill stated that he understood where Mr. de Courcy-Bower was coming from and that he would recommend referring the ordinance to the Village Board with these comments.

Motion (Pfannerstill/Schneeberger) to send approval to the Village Board and with the request whether this should be political signs or message signs. Carried (6-1). de Courcy-Bower opposed. This will now go to the Village Board.

## **6. Announcements-**

-Administrator Rhode said invitations were sent out to all board and committee members to attend the Meet & Greet on Wednesday for the 2 finalists for the Public Works Director position.

-Rhode said during the remodel/construction of the board room, meetings will be held at Library in their new meeting room.

-Rhode said at the March 8<sup>th</sup> Village Board meeting, some residents came and were not happy with recent tree removal in the park and that will be looked into.

## **7. Adjourn**

Motion (Schneeberger/Hallquist) to adjourn. Adjourned at 8:12 pm.

Respectfully submitted by  
Recording Secretary,  
Deidre Bush y, Deputy Clerk