

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, JUNE 11, 2018

Call to Order

Village Board President Peter Hansen called the meeting to order at 6:00 p.m.

Roll Call

The following Village Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Douglas Nelson, Barbara Geschke, Robbie Funk, Dan Maurice and Aaron Alby. Also present were Chris Smith representing Daniels SharpSmart, Don Menhorn representing Stericycle, Brent Ryan representing Morton Buildings, Linda Rieth, Lawrence DempSKI, Shawn Mayer, Daniel Oakes, Dan Oakes, Dragan Radeta representing In Auto, James Lemke, Brian Depies representing Short Elliott Hendrickson, Andrew Baer representing Storage Authority, Ellen Peterson, Steve Scheurman, Brian Fonk, Kirk Weese, Elizabeth Weese, Donna Boyd, Todd Sontag, Gerald Werner representing Wisconsin Sportsman's Association, Caroline Bergs, Jim Fox, Barbara Fox, Yorkville Stormwater Utility District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Clerk-Treasurer Michael McKinney and two unidentified attendees.

Approval of Minutes

Motion (McMahon, Gruhn) to approve the minutes of the May 29, 2018 Village Board meeting as presented, Motion Carried (MC).

Approval of Financial Reports

Motion (Gruhn, McMahon) to approve the May Village and Stormwater financial reports as presented, MC.

Approval of Village Invoices

Motion (McMahon, Gruhn) to approve payment of Village invoices as presented in the amount of \$88,176.54, MC.

Approval of Stormwater Invoices

Hansen noted that no Stormwater invoices were presented for payment.

No formal action was taken by the Village Board on this agenda item.

New and Unfinished Business - Discussion and possible action on all of the following:

Public Hearing – The Village Board held a public hearing to hear public comment on an application submitted by Daniels Sharpsmart, Inc. for a 2018-2019 Solid Waste Disposal, Storage or Treatment Permit to operate a regulated medical waste treatment facility utilizing Autoclave (steam sterilization treatment) technology at 1340 Grandview Parkway (Parcel ID # 018-03-21-13-029-070) in the M-3 (Heavy Industrial) Zoning District

Hansen opened the public hearing at 6:02 p.m.

Chris Smith appeared before the Village Board to discuss this application.

With no other comments forthcoming, Hansen closed the public hearing at 6:04 p.m.

Public Hearing – The Village Board held a public hearing to hear public comment on an application submitted by Stericycle, Inc. for a 2018-2019 Solid Waste Disposal, Storage or Treatment Permit to operate a regulated medical waste treatment facility utilizing Electro-Thermal Deactivation (shredding and thermal inactivation by use of low frequency radio waves) technology at 14035 Leetsbir Road (Parcel ID #'s 018-03-21-24-002-130 and 018-03-21-24-002-120) in the M-3 (Heavy Industrial) Zoning District

Hansen opened the public hearing at 6:04 p.m.

Don Menhorn appeared before the Village Board to discuss this application.

With no other comments forthcoming, Hansen closed the public hearing at 6:07 p.m.

License and permit applications for the period of July 1, 2018, through June 30, 2019

- **Daniels Sharpsmart, Inc., 1340 Grandview Parkway**
 - **Solid Waste Disposal, Storage or Treatment Permit**

Motion (Gruhn, McMahon) to grant a Solid Waste Disposal, Storage or Treatment Permit to Daniels Sharpsmart, Inc., 1340 Grandview Parkway, with no conditions, MC.

- **Stericycle, Inc., 14035 Leetsbir Road**
 - **Solid Waste Disposal, Storage or Treatment Permit**

Motion (McMahon, Gruhn) to grant a Solid Waste Disposal, Storage or Treatment Permit to Stericycle, Inc., 14035 Leetsbir Road, with no conditions, MC.

- **Apple Holler, 5006 South Sylvania Avenue (Agent: A. David Flannery) (Premises: Restaurant, Gift Shop, Orchard Market, Barns, Café and Wooded Picnic Areas)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Jennifer Cruz**
 - **Connor Flannery**
 - **Elyse Flannery**

- Vicki Flannery
- Sharon Gavin
- Angelina Lopez
- Liselotte Schacht
- Samantha Slattery

Geschke asked whether any further complaints were received regarding on-street parking on South Sylvania Avenue adjacent to this business. McKinney stated that he was not aware of any recent complaints.

Motion (Gruhn, McMahon) to grant all licenses applied for by Apple Holler, 5006 South Sylvania Avenue, with no conditions, MC.

- **Citgo Auto Truck Plaza, 611 South Sylvania Avenue (Agent: Robert F. Basil) (Premises: Auto Truck Plaza)**
 - **Class “B” Beer License**
 - **Operator Licenses**
 - Sean Albrecht
 - Steven Basil
 - Ryan Burch
 - Christine Garvey
 - Jovan Jackson
 - Justin Langenfeld
 - Jerome Michel
 - Ryan Nelson
 - Matthew Strasser
 - Jonathan Witek
 - **Cigarette License**
 - **Gaming Machine License (5 video gaming + 2 miscellaneous)**

Motion (McMahon, Gruhn) to grant all licenses applied for by Citgo Auto Truck Plaza, 611 South Sylvania Avenue, with no conditions, MC.

- **Country Mart, 1920 South Colony Avenue (USH 45) (Agent: Chris Gorman) (Premises: Retail Store)**
 - **Combination Class A Beer and Liquor License**
 - **Operator Licenses**
 - Manjeet Singh
 - **Cigarette License**

Motion (Gruhn, McMahon) to grant all licenses applied for by Country Mart, 1920 South Colony Avenue (USH 45), with no conditions, MC.

- **Fairway Café, Inc., 14101 Washington Avenue (STH 20) (Agent: Peter James Eitel) (Premises: Clubhouse, Pavilion and Beverage Cart)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - Candace Baas
 - Jackie Bianchi

- Nancy Eitel
- Janice Fonk
- Samantha Lemke
- Sarah Schuster
- Cigarette License

Motion (Gruhn, McMahon) to grant all licenses applied for by Fairway Café, Inc., 14101 Washington Avenue (STH 20), with no conditions, MC.

- Highlands Petro, 717 South Sylvania Avenue (Agent: Shari Erskine) (Premises: Travel Store, Iron Skillet and Southwest Corner of Parking Lot [Auto Side])
 - Combination Class B Beer and Liquor License
 - Operator Licenses
 - Lorie DeGuire
 - Tracy Drews
 - Stephanie Faz
 - Baylea Feuker
 - Mary Hoegsted
 - Nakia Hudson
 - Mia Irish
 - Tina Jones
 - Jeanne Klinkhammer
 - Jennifer Lunceford
 - Jana Martino
 - Julie Paulaski
 - Jennifer Risch
 - Stella Teschner
 - Myron Tucker
 - Brandon Williams
 - Gerri Wirtz
 - Elizabeth Woods
 - Cigarette License
 - Gaming Machine License (5 video gaming + 16 miscellaneous)

Motion (McMahon, Gruhn) to grant all licenses applied for by Highlands Petro, 717 South Sylvania Avenue, with no conditions, MC.

- Racine Instinctive Bowmen, 14403 50th Road (Agent: Tom Peterson) (Premises: Bar Room)
 - Combination Class B Beer and Liquor License
 - Operator Licenses
 - Michael Bartol
 - Rebecca Dahlke
 - James Gaastra
 - Larry Radcliff

Motion (McMahon, Gruhn) to grant all licenses applied for by Racine Instinctive Bowmen, 14403 50th Road, with no conditions, MC.

- **Route 20, 14001 Washington Avenue (STH 20) (Agent: Raymond J. Stibeck) (Premises: Restaurant, Bar, Entertainment Building with Mezzanine)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Jenna Christensen**
 - **Ashley Krenzke**
 - **Rochelle Marino**
 - **Rachel McNutt**
 - **Kimberly Parrett**
 - **Rachel Slavik**
 - **Rachel Smith**
 - **Emily Sullivan**
 - **Gaming Machine License (5 video gaming + 2 miscellaneous)**
 - **Class A Dance Hall License**
 - **Annual Special Event Permit**

Motion (Gruhn, McMahon) to grant all licenses and permits applied for by Route 20, 14001 Washington Avenue (STH 20), with no conditions, MC.

- **Rick and Janice Fonk (Harvest View Estates), 15941 Durand Avenue**
 - **Mobile Home Park License**

Motion (Gruhn, McMahon) to grant a Mobile Home Park License to Rick and Janice Fonk (Harvest View Estates), 15941 Durand Avenue, with no conditions, MC.

- **Konstantinos Gianakakis (Esmonds Motel), 4900 South Colony Avenue (USH 45)**
 - **Hotel/Motel License**

Motion (McMahon, Gruhn) to grant a Hotel/Motel License to Konstantinos Gianakakis (Esmonds Motel), 4900 South Colony Avenue (USH 45), with no conditions, MC.

- **Global Hotels, Inc. dba Quality Inn, 910 South Sylvania Avenue**
 - **Hotel/Motel License**

Motion (McMahon, Gruhn) to grant a Hotel/Motel License to Global Hotels, Inc. dba Quality Inn, 910 South Sylvania Avenue, with no conditions, MC.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on proposed Ordinance No. 2018-04 To Create Chapter 55 of the Code of Ordinances for the Village of Yorkville, Racine County, Wisconsin, relating to Zoning and the Village Board of Appeals

Hansen opened the public hearing at 6:16 p.m.

Hansen stated that the Board of Appeals will not include any members of the Village Board.

Pruitt stated that this ordinance would adopt Racine County's existing zoning ordinance as of today, adding that any additional changes made to these ordinances by Racine County

would also need to be approved by the Village Board before they would take effect in the Village.

With no other comments forthcoming, Hansen closed the public hearing at 6:21 p.m.

Ordinance No. 2018-04 To Create Chapter 55 of the Code of Ordinances for the Village of Yorkville, Racine County, Wisconsin, relating to Zoning and the Village Board of Appeals

Motion (Funk, Maurice) to recommend adoption of Ordinance No. 2018-04 as presented, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to adopt Ordinance No. 2018-04 as presented, MC.

Site plan application submitted by the Rieth Family Trust/Linda Rieth (with Morton Buildings, Inc./Brent Ryan as applicant/agent) for the parcel located at 1909 53rd Drive (Parcel ID # 018-03-21-11-001-010) in the A-2 (General Farming and Residential II) Zoning District to allow for the razing of three accessory buildings and the construction of a 36-foot by 64-foot (2,304-square foot) post frame accessory building

Motion (Geschke, Nelson) to recommend approval of the site plan application submitted by the Rieth Family Trust/Linda Rieth (with Morton Buildings, Inc./Brent Ryan as applicant/agent) for the parcel located at 1909 53rd Drive (Parcel ID # 018-03-21-11-001-010) in the A-2 (General Farming and Residential II) Zoning District for the razing of three accessory buildings and the construction of a 36-foot by 64-foot (2,304-square foot) post frame accessory building, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the site plan application submitted by the Rieth Family Trust/Linda Rieth (with Morton Buildings, Inc./Brent Ryan as applicant/agent) for the parcel located at 1909 53rd Drive (Parcel ID # 018-03-21-11-001-010) in the A-2 (General Farming and Residential II) Zoning District for the razing of three accessory buildings and the construction of a 36-foot by 64-foot (2,304-square foot) post frame accessory building, with no conditions, MC.

Reconsideration of the April 9, 2018 conditions of approval of the certified survey map application submitted by the Lawrence E. Dempski Living Trust (with Shawn Mayer as applicant/agent) for the parcel located at 17808 58th Road (Parcel ID # 018-03-21-21-021-300) in the A-2 (General Farming and Residential II) Zoning District to permit division of this 49.83-acre parcel into a 34.337-acre parcel and a 15.493-acre remnant parcel

Pruitt stated that, based upon the Village's existing land division ordinances, the two parcels created by this certified survey map could not be divided again until 2024.

Motion (Nelson, Geschke) for the Plan Commission to reconsider the April 9, 2018 condition of approval of this certified survey map application stating that "a deed restriction be filed with the Racine County Register of Deeds that prohibits any further division of the 15.493-acre remnant parcel", MC.

Motion (Gruhn, Hansen) for the Village Board to reconsider the April 9, 2018 condition of approval of this certified survey map application stating that “a deed restriction be filed with the Racine County Register of Deeds that prohibits any further division of the 15.493-acre remnant parcel”, motion carried with McMahon voting no.

Motion (Maurice, Geschke) to recommend lifting the April 9, 2018 condition of approval of this certified survey map application stating that “a deed restriction be filed with the Racine County Register of Deeds that prohibits any further division of the 15.493-acre remnant parcel”, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission’s recommendation and to lift the April 9, 2018 condition of approval of this certified survey map application stating that “a deed restriction be filed with the Racine County Register of Deeds that prohibits any further division of the 15.493-acre remnant parcel”, MC.

Pre-application conference regarding a proposed certified survey map for the parcel located at 15107 2 Mile Road and the undeveloped parcel located immediately to the west of this parcel on 2 Mile Road (Parcel ID #'s 018-03-21-02-001-010 and 018-03-21-02-001-002)

Daniel Oakes appeared before the Village Board and Plan Commission to discuss this agenda item. He stated that this certified survey map would divide an approximately 41.49-acre parcel into a 5.02-acre parcel and an approximately 35.43-acre remnant parcel and an approximately 39.85-acre parcel into a 9.70-acre parcel and an approximately 30.58-acre remnant parcel. He noted that he would build a home on the 9.70-acre parcel and may consider selling the 5.02-acre parcel in the future. Pruitt stated that this certified survey map will create four parcels, which would otherwise require a subdivision plat under the Village’s land division ordinances.

Pruitt noted that none of the parcels created by this proposed division would become part of the Stonecrest Shores subdivision, even though the two smaller parcels would have road access provided from the subdivision by an extension of Queens Brook Lane. He stated that this road extension would require approval of a development agreement between the applicant and the Village. McKinney listed a series of waivers that would be required if the Village Board and Plan Commission were to approve this request as submitted. Madsen stated that it would be left to the Village Board’s discretion as to whether to require that wetlands on any of the proposed parcels be located and included on this certified survey map. The Village Board and Plan Commission did not have any objections to this proposal based upon this discussion.

No formal action was taken by the Village Board on this agenda item.

Pre-application conference regarding proposed development of two vacant parcels located immediately to the west of the parcel located at 19411 Washington Avenue (STH 20) (Parcel ID #'s 018-03-21-07-001-022 and 018-03-21-07-001-023)

Dan Oakes appeared before the Village Board and Plan Commission to discuss this agenda item. He stated that he recently purchased these parcels and has plans to grade, clean out the pond, and build at least one speculative building on them. He noted that he would need to get permits for grading the property and cleaning out the pond from the

Wisconsin Department of Natural Resources. He stated that he will need to confirm whether the Wisconsin Department of Transportation would require acceleration or deceleration lanes on Washington Avenue (STH 20). He noted that the Madsen was involved with putting together engineering plans for this property in the past and asked whether the Village Board would object to him working on this project until it was completed. The Village Board did not have any objections to Madsen's future involvement on this project. The Village Board and Plan Commission did not have any objections to this proposal based upon this discussion.

No formal action was taken by the Village Board on this agenda item.

Site plan application submitted by In Auto, Inc. (with Dragan Radeta as applicant/agent) for the parcel located at 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to allow for the incorporation of equipment sales, leasing and maintenance at the site and for filling in of 0.22 acres of wetland to allow for expansion of the existing parking lot and display area

Dragan Radeta appeared before the Village Board and Plan Commission to discuss this application. The following information was provided on this application:

- That the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers have approved his request to fill in a wetland area, which is intended to improve drainage on the southeast corner of the property
- That this request would allow for parking of an additional 10 tractor-trailer combinations on the front of the property
- That equipment sales would include the sale of used semi-trucks and heavy equipment
- That equipment maintenance would also include maintenance on equipment that he does not own
- That hours of operation for equipment maintenance would be daily from 6:00 a.m. to 10:00 p.m.

James Lemke addressed the Village Board and Plan Commission regarding local drainage issues. He stated that development in the area is damaging local drain tiles, which impacts drainage on his property.

Madsen stated that local drainage is an issue due to failed tiles. The Village Board and Plan Commission discussed several options for addressing issues with drain tiles, including expanding the authority of the Yorkville Stormwater Utility District to include management of large drain tiles and requiring that all new certified survey maps include language holding the owners of the properties created by certified survey maps responsible for locating and maintaining tiles on those properties.

Hansen requested that Madsen conduct a site visit on the property upon completion of any improvements to ensure that they have been completed according to the submitted plans.

Motion (Geschke, Funk) to recommend approval of the site plan application submitted by In Auto, Inc. (with Dragan Radeta as applicant/agent) for the parcel located at 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District for the incorporation of equipment sales, leasing and maintenance at the site and for filling in of 0.22 acres of wetland to allow for expansion of the existing

parking lot and display area, including adoption of the parking and display plan submitted to the Racine County Development Services Department on May 14, 2018, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the site plan application submitted by In Auto, Inc. (with Dragan Radeta as applicant/agent) for the parcel located at 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District for the incorporation of equipment sales, leasing and maintenance at the site and for filling in of 0.22 acres of wetland to allow for expansion of the existing parking lot and display area, including adoption of the parking and display plan submitted to the Racine County Development Services Department on May 14, 2018, with no conditions, MC.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a request submitted by Jon and Kay Erickson (with Storage Authority/Andrew Baer as applicant/agent) for the following for the property located at 18917 Spring Street (CTH C) (Parcel ID # 018-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts:

- Amendment of the Village of Yorkville's Land Use Map and Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 for 9.36 acres proposed to be transferred by lot line adjustment from the existing parcel located at this address to the parcel located to the west at 19031 Spring Street (CTH C) from the Agricultural/Rural Residential/Open Land classification to the Commercial classification
- Rezoning of said 9.36-acre section from the A-2 (General Farming and Residential II) Zoning District to the B-3 (Commercial Service) Zoning District
- Conditional use approval to allow for the expansion of the existing Storage Authority operation located at 19031 Spring Street (CTH C) onto said 9.36-acre section for the purpose of constructing an additional 27 self-service storage buildings on said section

Hansen opened the public hearing at 7:23 p.m.

Brian Depies and Andrew Baer appeared before the Village Board and Plan Commission to discuss this request. The following information was provided on this request:

- That security fencing for this proposed expansion would not extend into the wooded area to the south
- That runoff from this proposed expansion would not run south onto any of the adjacent properties, adding that this drainage would run via overland flow to a stormwater retention area on-site to the northeast that would not be the responsibility of the Village to maintain
- That access to this proposed expansion from the north would be limited to an emergency access-only driveway coming from Spring Street (CTH C)
- That no septic system is planned for this proposed expansion
- That this proposed expansion would not include any outdoor storage

Jim Fox, 17707 58th Road, expressed concerns regarding excessive erosion on this site and drainage from this site

Ellen Peterson, 2701 Martin Drive, expressed concerns regarding the impact that drainage from this proposed expansion will have on properties to the south

Steve Scheurman, 18828 Martin Drive, asked whether a swale will be installed to carry runoff away from this proposed expansion.

Baer stated that a swale would be installed, adding that the swale would not be completed by the Wisconsin Department of Transportation until their work on the remainder of the property located at 18917 Spring Street (CTH C) is completed.

Madsen stated that the proposed stormwater retention area is designed to hold excess runoff and slowly release it over the course of 24 to 48 hours.

With no other comments forthcoming, Hansen closed the public hearing at 7:42 p.m.

Resolution 2018-13 Recommending approval of an amendment to the Village of Yorkville's Land Use Map and Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 as it pertains to a 9.36-acre section of Tax Parcel ID # 018-03-21-20-040-000, located at 18917 Spring Street (CTH C), within the Village of Yorkville, Racine County, Wisconsin, from the Agricultural/Rural Residential/Open Land classification to the Commercial classification

The Village Board and Plan Commission discussed the potential impact of approving this request when the sale of the subject parcel has not been finalized. Pruitt stated that any changes would still take effect regardless of the status of the sale of the property, adding that action on this request could be tabled until such time as the transfer of this property is complete. Andrew Baer stated that he did not believe that the financing for this transfer would be approved until this request was approved by the Village.

Motion (Nelson, Geschke) to adopt Resolution 2018-13 as presented, MC.

Motion (Gruhn, Hansen) to adopt Resolution 2018-13 as presented, including incorporation of the staff memo provided by the Racine County Development Services Department regarding the rationale for adopting said resolution, motion carried with McMahan voting no.

Ordinance 2018-05 To adopt an amendment to the Village of Yorkville's Land Use Map and Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 as it pertains to a 9.36-acre section of Tax Parcel ID # 018-03-21-20-040-000, located at 18917 Spring Street (CTH C), within the Village of Yorkville, Racine County, Wisconsin, from the Agricultural/Rural Residential/Open Land classification to the Commercial classification

Motion (Hansen, Gruhn) to adopt Ordinance 2018-05 as presented, motion carried with McMahan voting no.

Resolution 2018-14 Recommending approval of rezoning of a 9.36-acre section of Tax Parcel ID # 018-03-21-20-040-000, located at 18917 Spring Street (CTH C), within the Village of Yorkville, Racine County, Wisconsin, from the A-2 General Farming and Residential II District to the B-3 Commercial Service District

Motion (Geschke, Nelson) to adopt Resolution 2018-14 as presented, motion carried with Alby, Maurice and Funk voting no.

Ordinance 2018-06 To amend the Zoning Map referenced in Section 20-212 of the Racine County Zoning Code, as adopted by the Village of Yorkville under Section 55-1 of the Village's Code of Ordinances, by approving a request to rezone a 9.36-acre section of Tax Parcel ID # 018-03-21-20-040-000, located at 18917 Spring Street (CTH C), within the Village of Yorkville, Racine County, Wisconsin, from the A-2 General Farming and Residential II Zoning District to the B-3 Commercial Service Zoning District, and to create Section 55-3 of the Code of Ordinances for the Village of Yorkville pertaining to a listing of approved amendments to the Village's Zoning Map

Pruitt stated that this ordinance will also create a section within the Village's zoning code addressing how approved amendments to the Village's zoning map are listed.

Motion (Gruhn, Hansen) to adopt Ordinance 2018-06 as presented, motion carried with McMahan voting no.

Conditional use application submitted by Jon and Kay Erickson (with Storage Authority/Andrew Baer as applicant/agent) for the property located at 18917 Spring Street (CTH C) (Parcel ID # 018-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts to allow for expansion of the existing Storage Authority operation located at 19031 Spring Street (CTH C) onto the 9.36 acres proposed to be transferred by lot line adjustment from the parcel located at 18917 Spring Street (CTH C) to the parcel located to the west at 19031 Spring Street (CTH C) for the purpose of constructing an additional 27 self-service storage buildings on said 9.36-acre section

Pruitt stated that the current property owner could opt to keep the subject property and place storage units on it if this conditional use request was approved.

Motion (Geschke, Nelson) to recommend approval of the conditional use application submitted by Jon and Kay Erickson (with Storage Authority/Andrew Baer as applicant/agent) for the property located at 18917 Spring Street (CTH C) (Parcel ID # 018-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts to allow for expansion of the existing Storage Authority operation located at 19031 Spring Street (CTH C) onto the 9.36 acres proposed to be transferred by lot line adjustment from the parcel located at 18917 Spring Street (CTH C) to the parcel located to the west at 19031 Spring Street (CTH C) for the purpose of constructing an additional 27 self-service storage buildings on said 9.36-acre section, with the following conditions:

- 1. Zoning Permits. The applicant must pay for and obtain zoning permit cards from the Development Services Office before the construction of any proposed self-service storage facility buildings. These cards must be displayed in a prominent location at the project site, and a copy of the conditions must be kept at the project site at all times until the project has been completed. At this time the zoning permit fee for the proposed 4,800 square foot self-service storage facility buildings is \$668.75 each and the zoning permit fee for the proposed 5,600 and 6,000 square foot self-service storage facility buildings is \$937.50 each. (Please**

note that this approval recognizes that all of the proposed self-service storage facility buildings may not be constructed at once and any proposed future buildings are subject to the zoning permit fee in effect at the time of permit issuance.)

- 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. Compliance with Previous Conditions of Approval.** *All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.*
- 5. 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.*
- 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 May 14, 2018, unless otherwise amended herein.*
- 7. Prohibitions.** *Auto repair and painting are prohibited on this site.*
- 8. Permits Required for Future Buildings.** *Any future buildings will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.*
- 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. Property Requirements.** *This site must be kept neat and orderly at all times, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner. Storage of hazardous or otherwise flammable materials in the storage units is prohibited.*
- 11. Operation Requirements.** *The operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life.*
- 12. Building Use Restrictions.** *These buildings shall not be occupied for overnight sleeping quarters or other human habitation at any time. No business activity other than the rental of storage units shall be conducted on the premises. No storage of propane, gasoline or similar fuels or flammable solvents; or storage tanks for such products is permitted in these structures.*
- 13. Security.** *Security of this site is the responsibility of the site owners.*
- 14. Building Exterior.** *The exterior colors of this building, including doors, shall be the same as or shall be in harmony with the exterior colors of the existing buildings on this site.*
- 15. Stormwater Requirements.** *The property owner or designated agent must contact the Village of Yorkville regarding stormwater regulations for the site. Compliance with all regulations and requirements, as determined by the Village of Yorkville is required.*

16. **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.*
17. **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.*
18. **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.*
19. **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.*
20. **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.*
21. **Combination of Lots.** *Prior to the issuance of the first Zoning Permit the proposed 9.36-acre parcel that is adjacent to the existing long-standing self-service storage facility must be combined into one parcel/lot or combined to be in compliance with zoning regulations as determined by the Village Zoning Administrator. The parcel/lot combination document will be processed by the Racine County Register of Deeds office. Proof of the parcel/lot combination must be submitted to the Village Zoning Administrator at the Racine County Development Services office prior to zoning permit issuance. If for any reason, all lots are not combined into one parcel, such lots shall remain under a single common ownership and a deed restriction to this effect shall be recorded as a part of any lot combination.*
22. **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, Jon and Kay Erickson, MABKGPNB, LLC, Andrew Baer, their heirs, successors, and assigns are responsible for full compliance with the above conditions.*
23. **Subsequent Owners.** *It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.*
24. **Site Plan.** *The applicant shall submit a site plan to the Village for the Village Engineer's review and approval at the applicant's expense, which shall include plans for grading, drainage, stormwater and erosion control, MC.*

Motion (Gruhn, Hansen) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Jon and Kay Erickson (with Storage Authority/Andrew Baer as applicant/agent) for the property located at 18917 Spring Street (CTH C) (Parcel ID # 018-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts to allow for

expansion of the existing Storage Authority operation located at 19031 Spring Street (CTH C) onto the 9.36 acres proposed to be transferred by lot line adjustment from the parcel located at 18917 Spring Street (CTH C) to the parcel located to the west at 19031 Spring Street (CTH C) for the purpose of constructing an additional 27 self-service storage buildings on said 9.36-acre section, with no additional conditions beyond those recommended by the Plan Commission, motion carried with McMahon voting no.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a rezoning application submitted by Richard and Janice Fonk (with Brian Fonk as applicant/agent) for the parcel located at 15941 Durand Avenue (STH 11) (Parcel ID # 018-03-21-26-016-000) in the A-2 (General Farming and Residential II) Zoning District to allow for rezoning of a 2.28-acre parcel proposed to be created by certified survey map from the A-2 (General Farming and Residential II) Zoning District to the R-7 (Multi-Family Residential) Zoning District

Hansen opened the public hearing at 8:13 p.m.

Brian Fonk appeared before the Village Board and Plan Commission to discuss this request. Fonk stated that the purpose of the proposed rezoning is to permit the construction of one eight-family apartment building on a proposed 2.28-acre parcel to be created via certified survey map. He noted that he would consider building a second eight-family apartment building on this proposed parcel in the future. Madsen recommended that the applicant update the certified survey map to show the buildings near the proposed property lines to ensure that those buildings are not encroaching on the proposed property lines.

Kirk Weese, 15910 Durand Avenue (STH 11), spoke in opposition to this proposal, citing concerns regarding added traffic volume and that he did not want to live near an apartment complex.

Donna Boyd, 15941 Durand Avenue (STH 11), spoke in opposition to this proposal, citing concerns regarding the impact of this proposal on property taxes and the safety of children living in the mobile home community while this project would be ongoing.

Elizabeth Weese, 15910 Durand Avenue (STH 11), spoke in opposition to this proposal, citing concerns that allowing one apartment building will lead to the construction of more apartment buildings.

Todd Sontag, 15844 Durand Avenue (STH 11), spoke in opposition to this proposal, citing concerns that this proposal is a result of the Foxconn project.

One unidentified individual spoke in opposition to this proposal, citing concerns regarding the proximity of this use to the existing mobile home community.

Gerald Werner, Wisconsin Sportsman's Association, 16010 Durand Avenue (STH 11), asked how many mobile homes could be constructed on a two-acre parcel.

Fonk stated that the proposed 2.28-acre parcel will be much more open with the existing buildings on it demolished and replaced with the proposed apartment building. He added that

it would take approximately six months to complete construction of this proposed building. He noted that the sewer system serving the mobile home park is a municipal sewer utility.

Hansen stated that the mobile home park is currently designated as medium-density residential on the Village's land use plan.

With no other comments forthcoming, Hansen closed the public hearing at 8:39 p.m.

Certified survey map application submitted by Richard and Janice Fonk (with Brian Fonk as applicant/agent) for the parcel located at 15941 Durand Avenue (STH 11) (Parcel ID # 018-03-21-26-016-000) in the A-2 (General Farming and Residential II) Zoning District to allow for division of this approximately 9.87-acre parcel into parcels of 2.28 acres and approximately 7.59 acres in size

Funk stated that this certified survey map should include a note stating that no wetlands are present on this property if none are found.

Motion (Hansen, Nelson) to recommend tabling this request, MC.

Motion (Gruhn, McMahon) to accept the Plan Commission's recommendation and to table this request, MC.

Resolution 2018-15 Recommending approval of rezoning of a 2.28-acre section of Tax Parcel ID # 018-03-21-26-016-000, located at 15941 Durand Avenue (STH 11) within the Village of Yorkville, Racine County, Wisconsin, from the A-2 General Farming and Residential II Zoning District to the R-7 Multi-Family Residential Zoning District

Ordinance 2018-07 To amend the Zoning Map referenced in Section 20-212 of the Racine County Zoning Code, as adopted by the Village of Yorkville under Section 55-1 of the Village's Code of Ordinances, by approving a request to rezone a 2.28-acre section of Tax Parcel ID # 018-03-21-26-016-000, located at 15941 Durand Avenue (STH 11) within the Village of Yorkville, Racine County, Wisconsin, from the A-2 General Farming and Residential II Zoning District to the R-7 Multi-Family Residential Zoning District

Motion (Geschke, Maurice) to recommend tabling Resolution 2018-15 and Ordinance 2018-07, MC.

Motion (Gruhn, Hansen) to accept the Plan Commission's recommendation and to table Resolution 2018-15 and Ordinance 2018-07, MC.

67th Drive drainage issues

Gruhn stated that she was contacted by the property owner at 3303 67th Drive regarding the condition of the ditch along 67th Drive. She noted that the Racine County Public Works Department replaced a drain tile in the ditch last year but had not fully restored the ditch, adding that the property owner would like to bring in dirt and landscape his property in the front yard but is waiting to do so until the ditch is restored. Madsen stated that as long as the landscaping work is done outside of the Village's right-of-way, it would not create an issue

for the drainage there. The Village Board recommended that the Village contact the Racine County Public Works Department about restoring this ditch.

No formal action was taken by the Village Board on this agenda item.

Quote for 53rd Drive road damage repair

McMahon stated that he has not received a quote for the repair of road damage on 53rd Drive.

No formal action was taken by the Village Board on this agenda item.

Quote for North Raynor Avenue shoulder repair

McKinney stated that he received an estimate from the Racine County Public Works Department in the amount of \$10,000.00 for shoulder repair on North Raynor Avenue between Plank Road (CTH A) and Washington Avenue (STH 20).

Motion (McMahon, Gruhn) to approve the estimate submitted by the Racine County Public Works Department in the amount of \$10,000.00 for shoulder repair on North Raynor Avenue between Plank Road (CTH A) and Washington Avenue (STH 20), MC.

57th Drive speed and engineering study results

McKinney stated that he has not received the results of the 57th Drive speed and engineering study from Traffic Engineering Services.

No formal action was taken by the Village Board on this agenda item.

Reports

Building Inspector's Report: The Building Inspector was not present to provide his report to the Village Board.

Motion (Hansen, Gruhn) to approve and file the Building Inspector's report as presented, MC.

Engineer's Report: Madsen reported to the Village Board on the following:

- That he received a quote from Huddleston - McBride Land Drainage Co. in the amount of \$3,600.00 for drain tile investigation on the north side of Braun Road between 57th Drive and the East Branch of the Root River Canal. He added that, depending on what is found during this investigation, a new tile may need to be installed that runs the full distance to the East Branch of the Root River Canal.

Motion (Hansen, Gruhn) to approve the quote as submitted by Huddleston-McBride Land Drainage Co. in the amount of \$3,600.00 for drain tile investigation on the north side of Braun Road between 57th Drive and the East Branch of the Root River Canal, MC.

- That a stormwater inlet and section of curb located on Grandview Parkway in front of the property located at 1906 Grandview Parkway has deteriorated and will need to be replaced
- That he and Hansen met with Poclain Hydraulics representatives regarding their request to install a second driveway at their facility located at 1300 Grandview Parkway. He noted that the Village would require a \$4,000.00 cash bond to be posted related to the installation of this driveway.

Yorkville Stormwater Utility District Report: Stephen Nelson noted that he had no information to report to the Village Board.

Clerk's Report: McKinney reported to the Village Board on the following:

- That a joint community shred event with the Village of Union Grove has been scheduled for Saturday, June 16 from 9:00 a.m. to 11:00 a.m. at the Union Grove Municipal Center, 925 15th Avenue
- That South Sylvania Avenue is scheduled to reopen on June 18
- That WE Energies has submitted an application to the Wisconsin Public Service Commission regarding their proposed Lakeshore Lateral project
- That the following requests will appear on the July 9 joint Village Board/Plan Commission meeting agenda:
 - 2908/2808 South Colony Avenue (USH 45) detachment request
 - 2808 North Sylvania Avenue drainage easement relocation request
 - 15516 Ives Grove Road certified survey map

Other – Comments, questions and suggestions

Maurice stated that there are a lot of tractor-trailers and dump trucks traveling on 58th Road.

Adjournment

Motion (Nelson, Gruhn) to adjourn, MC. The meeting was adjourned at 9:06 p.m. The next scheduled Village Board meeting is Monday, June 25, 2018, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer