

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, DECEMBER 10, 2018

Pledge of Allegiance

Village Board President Sherry Gruhn conducted the Pledge of Allegiance.

Call to Order

Village Board President Sherry Gruhn called the meeting to order at 6:00 p.m.

Roll Call

The following Village Board members were present: Sherry Gruhn, Robert Funk, Daniel Maurice, Terrence McMahon and Steve Nelson. The following Plan Commission members were present: Sherry Gruhn, Douglas Nelson, Barbara Geschke, Aaron Alby and Cory Bartlett. Also present were Brian Shanahan representing Trinity Evangelical Lutheran Church, Daniel Oakes, Dragan Radeta representing In Auto, Yehor Kovtunenکو representing Interstate Truck and Trailer Repair, James Baumgart, Cheryl Baumgart, Silas Seger representing Seger Architecture, Dan Eckerman and Dave Dahlke representing Venture Construction, Jeff Binkert and Mark McClain representing House of Harley, Terry Wingate and Terry Myers representing Logoplaste USA, Alan Jaspersen, Thomas Harmann, Mike Bannon representing DeMark, Kolbe & Brodek, Shelly Schwegel, Matthew Schwegel, Jason Haubrich, Caitlin Sievers representing the Racine Journal Times, Building Inspector James DeLuca, Attorney Christopher Geary, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and approximately five unidentified attendees.

Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

Approval of Minutes

Motion (S. Nelson, Maurice) to approve the November 26, 2018 and November 30, 2018 Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Village Invoices

Motion (Maurice, Funk) to approve payment of Village invoices as presented in the amount of \$110,095.63, MC.

Approval of Stormwater Invoices

Motion (Funk, S. Nelson) to approve payment of Stormwater invoices as presented in the amount of \$31,187.04, MC.

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

Ordinance 2018-14 Providing for the detachment of a portion of the Village of Yorkville, Racine County, Wisconsin, to the Village of Union Grove, Racine County, Wisconsin

Geary stated that this ordinance involves the Trinity Evangelical Lutheran Church properties located at 2908 and 2808 South Colony Avenue (USH 45).

Motion (Bartlett, Alby) to recommend adoption of Ordinance 2018-14 as presented, MC.

Motion (McMahon, S. Nelson) to accept the Plan Commission's recommendation and to adopt Ordinance 2018-14 as presented, motion carried with 5 ayes and 0 noes.

Daniel Oakes subdivision development agreement

Geary stated that a security of \$72,000.00 must be posted by the developer with the Village under the terms of this agreement. Oakes stated that he plans to begin work on the Queens Brook Lane extension in early 2019.

Motion (S. Nelson, Funk) to approve the Daniel Oakes subdivision development agreement as presented, MC.

Site plan application submitted by In Auto, Inc. (with Don's Towing and Truck Service, LLC/Donald Durham as applicant/agent) for site plan approval 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 occupancy of a portion of the existing building and site with a towing, maintenance and truck repair business known as Don's Towing and Truck Service, LLC

Gruhn stated that this application has been withdrawn by the applicant.

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

Site plan application submitted by In Auto, Inc. (with Interstate Truck and Trailer Repair/Yehor Kovtunenکو as applicant/agent) for site plan approval 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 occupancy of a portion of the existing building and site with a truck repair business known as Interstate Truck and Trailer Repair

Madsen stated that the stormwater improvements for this property have been completed per the plans that he previously reviewed and approved.

Motion (Geschke, D. Nelson) to recommend approval of the site plan application submitted by In Auto, Inc. (with Interstate Truck and Trailer Repair/Yehor Kovtunenکو as applicant/agent) for site plan approval 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 occupancy of a portion of the existing building and site with a truck repair business known as Interstate Truck and Trailer Repair, with the following conditions:

- 1. Zoning Permit. The applicant or project manager must obtain a zoning permit card from this office after paying the zoning permit fee of \$156.25. This 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. Compliance. Failure to comply with the terms and conditions stated herein could result in citations being issued and/or the approval/permit being revoked.**
- 3. Expiration. This approval will expire nine (9) months from the date of the Economic Development and Land Use Planning Committee's final approval, or the Village of Yorkville final approval, whichever is later, 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 EDLUPC and 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.**
- 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. 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 November 19, 2018, unless otherwise amended herein.**
- 7. 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).**
- 8. Plan Commission. The Village of Yorkville Plan Commission reserves the right to require the owner to appear before the Committee to address substantiated complaints involving this operation. The Village of Yorkville Plan Commission may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.**

9. **Access.** *The applicant must allow any Village or Racine County employee full and unlimited access to the project site at a reasonable time to investigate the project's construction 20, Zoning, Racine County Code of Ordinances (copy attached).*
10. **Vehicles.** *All vehicles parked on this property must be kept in neat and orderly manner as shown on the plans received by the Racine County Development Services Office dated November 19, 2018. No junk or salvage vehicles, vehicle parts, or material is permitted to be stored on this site.*
11. **Operation Requirements.** *This operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gas, 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. Any oil or other hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations.*
12. **Air Pollution.** *This project must comply with State of Wisconsin air pollution regulations.*
13. **Exterior Lighting.** *All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.*
14. **Property Requirements.** *A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining, and pruning all landscape planting areas; cleaning up litter and emptying trash containers in a timely fashion; sweeping, cleaning, and repairing paved surfaces; replacing broken and vandalized parts; replacing burned out light bulbs; and cleaning, painting, and repairing windows and building facade. This property must be kept free of any accumulation of refuse or debris. Refuse bins must be screened from public view.*
15. **Dust Control.** *The driveway and all parking areas must be maintained in an all-weather, dust-controlled condition.*
16. **Signs.** *Any advertising sign on this property must conform to the Racine County Ordinance standards and will require a separate zoning permit(s) prior to installation.*
17. **Access.** *The applicant must allow any Village or Racine County employee full and unlimited access to the project site at a reasonable time to investigate the project's construction.*

- 18. 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.*
- 19. 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.*
- 20. 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.*
- 21. Reimburse Village Costs.** *Applicant shall reimburse 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.*
- 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, IN Auto Inc, Dragan Radeta, Interstate Truck and Trailer Repair, 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, MC.*

Motion (Funk, McMahon) to accept the Plan Commission's recommendation and to approve the site plan application submitted by In Auto, Inc. (with Interstate Truck and Trailer Repair/Yehor Kovtunenکو as applicant/agent) for site plan approval 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 occupancy of a portion of the existing building and site with a truck repair business known as Interstate Truck and Trailer Repair, with no additional conditions beyond those recommended by the Plan Commission, MC.

Site plan application submitted by In Auto, Inc. (with Service Sanitation Wisconsin, Inc./John Pausma as applicant/agent) for site plan approval 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 occupancy of a portion of the existing building and site with a portable sanitation equipment business known as Service Sanitation Wisconsin, Inc.

Gruhn stated that this application has been withdrawn by the applicant.

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

Conditional use amendment application submitted by In Auto, Inc. (with Dragan Radeta as applicant/agent) for conditional use amendment approval 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 substitution of car sales in an area of the property previously approved for semi-tractor trailer and equipment sales

Dragan Radeta stated that this amendment would allow for the sales of up to 25 cars on the northeast corner of the property, adding that this part of the property was originally designated for truck and equipment sales.

Motion (Alby, D. Nelson) to recommend approval of the conditional use amendment application submitted by In Auto, Inc. (with Dragan Radeta as applicant/agent) for conditional use amendment approval 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 substitution of car sales in an area of the property previously approved for semi-tractor trailer and equipment sales, with no conditions, MC.

Motion (Maurice, Funk) to accept the Plan Commission's recommendation and to approve the conditional use amendment application submitted by In Auto, Inc. (with Dragan Radeta as applicant/agent) for conditional use amendment approval 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 substitution of car sales in an area of the property previously approved for semi-tractor trailer and equipment sales, with no conditions, MC.

Certified survey map application submitted by James and Cheryl Baumgart for four vacant parcels on Acorn Trail (Parcel ID #'s 018-03-21-27-023-000, 018-03-21-27-024-000, 018-03-21-27-025-000 and 018-03-21-27-026-001) in the R-2 (Suburban Residential - Unsewered) Zoning District to allow for the reconfiguration of these four parcels into two parcels

James Baumgart stated that soil borings have been completed on each proposed lot. Gruhn stated that the certified survey map will need to include language regarding the maintenance and repair of existing drain tiles on these proposed lots.

Motion (Bartlett, Alby) to recommend approval of the certified survey map application submitted by James and Cheryl Baumgart for four vacant parcels on Acorn Trail (Parcel ID #'s 018-03-21-27-023-000, 018-03-21-27-024-000, 018-03-21-27-025-000 and 018-03-21-27-026-001) in the R-2 (Suburban Residential - Unsewered) Zoning District to allow for the reconfiguration of these four parcels into two parcels, with the following conditions:

- ***That the following language be added to this certified survey map: "Farm field drain tiles may exist on this parcel or any subdivision thereof. If said tiles are damaged or disturbed on this parcel or any subdivision thereof, said tiles must be repaired and/or rerouted by the property owner per State Statutes.";***

and to recommend that waivers be granted for the following sections of the Village of Yorkville Code of Ordinances:

- **Section 28-84(b)(1), which requires that lots be approximately rectangular in shape;**
- **Section 28-84(d)(2), which requires that all parcels without municipal sewer access that are created by certified survey map have at least 300 feet of road frontage as measured at the right-of-way line, MC.**

Motion (Maurice, McMahon) to accept the Plan Commission's recommendation and to approve the certified survey map application submitted by James and Cheryl Baumgart for four vacant parcels on Acorn Trail (Parcel ID #'s 018-03-21-27-023-000, 018-03-21-27-024-000, 018-03-21-27-025-000 and 018-03-21-27-026-001) in the R-2 (Suburban Residential - Unsewered) Zoning District to allow for the reconfiguration of these four parcels into two parcels, with no additional conditions or waivers beyond those recommended by the Plan Commission, MC.

Certified survey map application submitted by James and Cheryl Baumgart for four vacant parcels on Acorn Trail (Parcel ID #'s 018-03-21-27-035-000, 018-03-21-27-034-000, 018-03-21-27-034-010 and 018-03-21-27-039-000) in the R-2 (Suburban Residential - Unsewered) Zoning District to allow for the reconfiguration of these four parcels into two parcels

Motion (D. Nelson, Geschke) to recommend approval of the certified survey map application submitted by James and Cheryl Baumgart for four vacant parcels on Acorn Trail (Parcel ID #'s 018-03-21-27-035-000, 018-03-21-27-034-000, 018-03-21-27-034-010 and 018-03-21-27-039-000) in the R-2 (Suburban Residential - Unsewered) Zoning District to allow for the reconfiguration of these four parcels into two parcels, with the following conditions:

- **That the following language be added to this certified survey map: "Farm field drain tiles may exist on this parcel or any subdivision thereof. If said tiles are damaged or disturbed on this parcel or any subdivision thereof, said tiles must be repaired and/or rerouted by the property owner per State Statutes.";**

and to recommend that waivers be granted for the following sections of the Village of Yorkville Code of Ordinances:

- **Section 28-84(b)(1), which requires that lots be approximately rectangular in shape;**
- **Section 28-84(d)(2), which requires that lots created by certified survey map and not served by public sanitary sewer shall have an area of not less than three acres, exclusive of areas dedicated for public rights-of-way;**
- **Section 28-84(e), which requires that side lot lines be at right angles to straight street lines or radial to curved street lines on which the lots face, MC.**

Motion (McMahon, S. Nelson) to accept the Plan Commission's recommendation and to approve the certified survey map application submitted by James and Cheryl Baumgart for four vacant parcels on Acorn Trail (Parcel ID #'s 018-03-21-27-035-000,

018-03-21-27-034-000, 018-03-21-27-034-010 and 018-03-21-27-039-000) in the R-2 (Suburban Residential - Unsewered) Zoning District to allow for the reconfiguration of these four parcels into two parcels, with no additional conditions or waivers beyond those recommended by the Plan Commission, MC.

Pre-application conference regarding proposed development of the property located immediately to the south of 2638 North Sylvania Avenue (Parcel ID # 018-03-21-01-002-001)

Silas Seger stated that the proposed use of this property will be a relocated Harley-Davidson dealership with a riding academy. He noted that the dealership would be housed in a three-story, approximately 58,000-square foot building, which may be expanded in the future by up to approximately 35,500 square feet. He stated that this project would include up to 149 vehicle parking spaces and a minimum of forty motorcycle spaces. He noted that the riding academy would occupy approximately 60,000 square feet of the site. He stated that plans at this time are for an April 2019 construction start date. Jeff Binkert stated that this project will cost \$6 million, adding that this facility will have 22-30 employees. Bartlett noted the proposed height of the facility as it relates to the existing height limitation in the property's current zoning district. Madsen stated that these plans would need to take into account drainage from North Sylvania Avenue and where the Wisconsin Department of Transportation would allow access to the property from North Sylvania Avenue.

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

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a conditional use application submitted by CenterPoint Properties Trust (with MSI General/Ben Freeland as applicant/agent) for conditional use approval for the property located at 1221 Grandview Parkway (Parcel ID # 018-03-21-13-029-052) in the M-3 (Heavy Industrial) Zoning District to allow for the occupancy of a portion of the existing industrial building at this address with a plastics manufacturer known as LogoPlaste

Gruhn opened the public hearing at 6:36 p.m.

Terry Myers stated that LogoPlaste produces plastic containers for SC Johnson. He noted that LogoPlaste plans to relocate to this facility early in 2019 from their current facility in Illinois. He stated that this facility will have two production lines and will produce 10 million containers per month. He noted that this facility will use two 40-foot tall, funnel shaped silo-like towers for storage of plastic base material. He stated that these towers will be screened from view. He noted that this facility will run in three shifts and employ 22-30 people. He stated that this facility will generate approximately 85-90 decibels of noise, adding that the plastic source material will be moved via air vent.

Gruhn noted that the Village's water and sewer utility manager reviewed this request and did not have any objections to it based upon the information provided to him.

An unidentified attendee asked whether this facility has an adequate fire suppression system given the flammability of the materials used at the facility. Myers stated that this system is currently in place in the facility.

With no other comments forthcoming, Gruhn closed the public hearing at 6:54 p.m.

Conditional use application submitted by CenterPoint Properties Trust (with MSI General/Ben Freeland as applicant/agent) for conditional use approval for the property located at 1221 Grandview Parkway (Parcel ID # 018-03-21-13-029-052) in the M-3 (Heavy Industrial) Zoning District to allow for the occupancy of a portion of the existing industrial building at this address with a plastics manufacturer known as LogoPlaste

Motion (D. Nelson, Alby) to recommend approval of the conditional use application submitted by CenterPoint Properties Trust (with MSI General/Ben Freeland as applicant/agent) for conditional use approval for the property located at 1221 Grandview Parkway (Parcel ID # 018-03-21-13-029-052) in the M-3 (Heavy Industrial) Zoning District to allow for the occupancy of a portion of the existing industrial building at this address with a plastics manufacturer known as LogoPlaste, with the following conditions:

1. **Zoning Permit.** *The applicant must obtain a zoning permit card from the Racine County Development Services Office after paying a zoning permit fee of \$156.25. This 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. **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 November 12, 2018, unless otherwise amended herein.*
7. **Permits Required for Future Buildings.** *Any future buildings or additions will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.*
8. **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).*

9. **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. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining, and pruning all landscape planting areas; cleaning up litter and emptying trash containers in a timely fashion; sweeping, cleaning, and repairing paved surfaces; replacing broken and vandalized parts; replacing burned out light bulbs; and cleaning, painting, and repairing windows and building facade.*
10. **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. Any oil or other hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations.*
11. **Exterior Lighting.** *All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.*
12. **Signs.** *Any advertising sign on this property must conform to Racine County Ordinance standards and will require a separate zoning permit(s) prior to installation. Contact the Racine County Development Services Office at 262-886-8440 for further information regarding sign permits.*
13. **Parking.** *Parking must be provided as shown on the submitted site plan. Each automobile parking space must be a minimum of nine feet wide and 180 square feet in area, exclusive of the space required for ingress and egress. Handicapped spaces must be provided in accordance with State requirements. Aisles and spaces must be clearly marked. The driveways serving this operation must be located according to the submitted plan. The driveways and all parking areas must be maintained in an all-weather, dust-controlled condition.*
14. **Outside Storage.** *Except for the vehicle parking area as shown on the submitted plans, outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Refuse bins and/or scrap material (recycle) bins must be screened from public view. This includes the Village of Yorkville's prohibition on the outside storage of aged vehicles, wrecked vehicles, or parts vehicles.*
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. **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.

- 17. 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.**
- 18. 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.**
- 19. 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.**
- 20. 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.**
- 21. Reimburse Village Costs. Applicant shall reimburse 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.**
- 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, CenterPoint Properties Trust, MSI General, Ben Freeland, Logoplaste, 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. MC.**

Motion (McMahon, S. Nelson) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by CenterPoint Properties Trust (with MSI General/Ben Freeland as applicant/agent) for conditional use approval for the property located at 1221 Grandview Parkway (Parcel ID # 018-03-21-13-029-052) in the M-3 (Heavy Industrial) Zoning District to allow for the occupancy of a portion of the existing industrial building at this address with a plastics manufacturer known as LogoPlaste, with no additional conditions beyond those recommended by the Plan Commission, MC.

Yorkville Meadows Subdivision development agreement

Geary stated that this agreement has been updated to include language regarding the early start of home construction on Lot 3 in this subdivision. Alan Jasperson noted that a thicker subbase will need to be placed under the proposed roadway due to the existing soil conditions. He added that the Wisconsin Department of Transportation still needs to approve the subdivision plat before it can be recorded.

Motion (S. Nelson, Funk) to approve the Yorkville Meadows Subdivision development agreement as presented, MC.

Pre-application conference regarding proposed division of the property located at 14132 56th Road (Parcel ID # 018-03-21-24-003-000)

Alan Jasperson stated that the property owner wishes to divide this parcel into three and sell the proposed northernmost lot to an adjacent property owner. He noted that this proposed parcel would be landlocked, since a one-foot wide strip separates it from the Leetsbir Road right-of-way. Mike Bannon stated that he has attempted to contact the owner of that strip to discuss whether the owner would sell that strip to his client to eliminate the landlocked status of this proposed parcel. Jasperson stated that there are no plans to develop this proposed parcel at this time. Madsen stated that the applicant could classify this proposed parcel as an outlot on a certified survey map.

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

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a conditional use application submitted by Matthew Schwegel (with Shelly Schwegel as applicant/agent) for conditional use approval for the property located at 15521 50th Road (Parcel ID # 018-03-21-11-014-020) in the A-2 (General Farming and Residential II) Zoning District to allow for the occupancy of an existing outbuilding at this address with a crafting and team-building workshop business known as The 1898 at Yorkville, LLC

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

Geary stated that the Village Board and Plan Commission would need to differentiate this proposed use from other potential uses that may seek conditional use approval under an unclassified or unspecified zoning designation. DeLuca discussed various issues that may need to be addressed by the applicant, such as emergency lighting and bathroom facilities.

The Village Board and Plan Commission discussed whether issues related to requests such as this could be eliminated in the future by expanding the definition of home occupations in the Village's zoning code to include accessory buildings.

An unidentified attendee expressed support for this proposed use.

With no other comments forthcoming, Gruhn closed the public hearing at 7:50 p.m.

Conditional use application submitted by Matthew Schwegel (with Shelly Schwegel as applicant/agent) for conditional use approval for the property located at 15521 50th Road (Parcel ID # 018-03-21-11-014-020) in the A-2 (General Farming and Residential II)

Zoning District to allow for the occupancy of an existing outbuilding at this address with a crafting and team-building workshop business known as The 1898 at Yorkville, LLC

Motion (Bartlett, Alby) to recommend approval of the conditional use application submitted by Matthew Schwegel (with Shelly Schwegel as applicant/agent) for conditional use approval for the property located at 15521 50th Road (Parcel ID # 018-03-21-11-014-020) in the A-2 (General Farming and Residential II) Zoning District to allow for the occupancy of an existing outbuilding at this address with a crafting and team-building workshop business known as The 1898 at Yorkville, LLC, with the following conditions:

- 1. Zoning Permit. The applicant must obtain a zoning permit card from the Racine County Development Services Office after paying a quadruple zoning permit fee of \$625.00. 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. Private Onsite Wastewater Treatment System. Before the issuance of a zoning permit, sanitary approval must be obtained from the Racine County Development Services Department. Please contact their office at (262) 886-8440. Industrial wastes and wastewater may not be introduced into a plumbing drain system that is served by a POWTS unless approved by the Wisconsin Department of Natural Resources (WDNR) under ch. 214 regulations. Information regarding non-domestic wastewater can be obtained from the WDNR by contacting 1-888-936-7463.*
- 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. 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.*
- 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. Plan Commission. The Village of Yorkville Plan Commission reserves the right to require the owner to appear before the Committee to address substantiated complaints involving this operation. The Village of Yorkville Plan Commission may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.*

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 November 13, 2018, unless otherwise amended herein.*
8. **Hours of Operation.** *Business hours shall be Monday through Friday 5:30 pm – 9:00 pm, Saturday and Sunday 11:00 am – 5:00 pm.*
9. **Emergency Services.** *The property owner or designated agent must contact the Emergency Services, Village of Yorkville regarding Emergency Department regulations for this site. Compliance with all regulations and requirements, as determined by the Emergency Services Department is required.*
10. **Permits Required for Future Building Use.** *Any future expansion into another building will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.*
11. **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).*
12. **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.*
13. **Exterior Lighting.** *All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.*
14. **Signs.** *Any advertising sign on this property must conform to Racine County Ordinance standards and will require a separate zoning permit(s) prior to installation. Contact the Racine County Development Services Office at 262-886-8440 for further information regarding sign permits.*
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 building used for this project is functionally and/or structurally adequate. Racine County and the Village of Yorkville accepts no liability through this approval.

20. Reimburse Village Costs. Applicant shall reimburse 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. 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, Matthew Schwegel, Shelly Schwegel, their heirs, successors, and assigns are responsible for full compliance with the above conditions.

22. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

23. Annual Review. This conditional use approval shall be subject to an annual review by the Village Board and Plan Commission. The application for this review shall be submitted to the Racine County Development Services office in a timely fashion for review at the Village Board and Plan Commission's regularly scheduled December meeting.

24. Limit on Attendees. No more than 20 (twenty) event attendees (excluding the applicant and applicant's agent) shall be allowed on the premises at any time.

25. On-Street Parking. No on-street parking shall be permitted at any time on either 50th Road or 53rd Drive by event attendees and during events.

26. Premises Description. The approved conditional use is only allowed in the 900-square foot garage/studio building on the property, as identified in the application submitted to the Racine County Development Services office on November 13, 2018.

27. Building Inspector Requirements. The applicant shall comply with the orders of the Village's building inspector to address any code-related issues that result from this conditional use approval.

28. Recording of Approval Letter. The applicant shall record the approval letter issued by the Village of Yorkville for this conditional use with the Racine County Register of Deeds, MC.

Motion (Maurice, McMahon) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Matthew Schwegel (with Shelly

Schwegel as applicant/agent) for conditional use approval for the property located at 15521 50th Road (Parcel ID # 018-03-21-11-014-020) in the A-2 (General Farming and Residential II) Zoning District to allow for the occupancy of an existing outbuilding at this address with a crafting and team-building workshop business known as The 1898 at Yorkville, LLC, with no additional conditions beyond those recommended by the Plan Commission, MC.

Geary stated that the annual review of this approved use would not require a public hearing.

Resolution 2018-28 Amending the Village of Yorkville's 2018 General Fund annual budget

Motion (Gruhn, Funk) to adopt Resolution 2018-28 as presented, MC.

Racine County professional services agreement for zoning related services for 2019

The Village Board requested that the Racine County Development Services Department provide reports to the Village in March, June and September detailing the application fees received to-date.

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

Resolution 2018-29 Approving the professional services agreement with Racine County for zoning related services for 2019

Motion (S. Nelson, Funk) to adopt Resolution 2018-29 as presented, MC.

Stray Animal Collection and Transport Officer resignation

McKinney stated that the Village's current Stray Animal Collection and Transport Officer is resigning at the end of the year. He noted that he did find one individual that is interested in providing those services to the Village at a cost of \$130.00 per pickup, adding that the Village of Union Grove has already approved entering into an agreement with this individual. The Village Board discussed whether to move ahead with an agreement with this individual as a Village employee or on a contract basis.

Motion (S. Nelson, Maurice) to instruct the Clerk-Treasurer to contact Jodie Hoffmann-Ruffalo to pursue an agreement with her for Stray Animal Collection and Transport on a contract basis, or, if necessary, as a Village employee, MC.

Two Mile Road/Raymond Avenue (CTH U) intersection safety upgrades

The Village Board discussed a request from the Town of Raymond to install intersection approach rumble strips on Two Mile Road in each direction at Raymond Avenue (CTH U). McKinney stated that he could reach out to local firms to get quotes for this work.

Motion (Maurice, S. Nelson) to instruct the Clerk-Treasurer to solicit quotes for installing intersection approach rumble strips on Two Mile Road in each direction at its intersection with Raymond Avenue (CTH U) and to contact the Town of Raymond to determine whether they would still like to proceed with this work based upon the quotes provided, MC.

Reports

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

Motion (Gruhn, Funk) 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 his office has begun work on plans for next year's repaving of 67th Drive between 52nd Road and Plank Road (CTH A)
- That he has not received a timeframe from Huddleston-McBride Land Drainage Co. for when drain tile location and televising will begin on 67th Drive near 58th Road. Gruhn requested that Madsen contact a resident on 67th Drive regarding ditch drainage.

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

Roads/Public Works Committee Report: McMahon provided a summary of the meeting that the Committee had with the Racine County Public Works Department to discuss winter operations. He noted that the Committee appointed Funk as the Village's liaison with the Racine County Public Works Department.

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

- That the following meetings will be held yet in December:
 - January 16 Yorkville Village Board, Plan Commission, Sewer and Water Commission, and Long-Range Planning/Ordinance Committee meeting
 - December 17 Long-Range Planning/Ordinance Committee meeting
- That the Board of Appeals issued a variance for the property located at 16010 Durand Avenue (STH 11)
- That he contacted a consultant to discuss potential alternatives related to hiring a Village Administrator
- That he received an email from the Village of Rochester regarding a resolution they adopted related to the future status of State Highways 11 and 20
- That he was contacted regarding a proposed gas station to be located at the intersection of County Line Road (CTH KR) and South Sylvania Avenue
- That he received an email from a resident requesting that Village ordinances be amended to allow for the use of all-terrain and utility task vehicles on Village roads
- That he and Gruhn met with representatives from a local consulting firm to discuss the process municipalities must go through prior to adopting impact fees

Adjournment

Motion (Maurice, D. Nelson) to adjourn, MC. The meeting was adjourned at 8:51 p.m. The next scheduled Village Board meeting is Wednesday, December 26, 2018, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer