

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, MARCH 9, 2020

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:00 p.m.

Roll Call

The following Village Board members were present: Douglas Nelson, Daniel Maurice, Steve Nelson and Cory Bartlett. Robert Funk was absent. The following Plan Commission members were present: Douglas Nelson, Cory Bartlett, Aaron Alby and Timothy DeGarmo. Barbara Geschke was absent. Also present were Krisztina Dommer representing KerberRose, Racine County Economic Development Corporation Business Recruitment Specialist Jordan Brown, Chopper Hribar, Shawn Shaputis representing ShapTech, Michael Willkomm and James Willkomm representing JC Stores, Jason Frank representing RUDIE/FRANK Architecture, Engineer Mark Madsen, Administrator/Clerk Michael McKinney and approximately five unidentified attendees.

Approval of Financial Reports

Motion (S. Nelson, Bartlett) to approve the February Village and Stormwater financial reports as presented, Motion Carried (MC).

Approval of Village Invoices

Motion (Bartlett, Maurice) to approve payment of Village invoices as presented in the amount of \$201,314.57, MC.

Approval of Stormwater Invoices

Motion (S. Nelson, Bartlett) to approve payment of Stormwater invoices as presented in the amount of \$28,689.61, MC.

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

KerberRose professional accounting services proposal

Discussion focused on the need to continue to try to fill the Village's vacant Treasurer position and to consider such an agreement on a short-term basis.

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

2019 Racine County Economic Development Corporation annual report

Jordan Brown appeared on behalf of the Racine County Economic Development Corporation (RCEDC) to provide RCEDC's 2019 annual report.

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

2020 Racine County Economic Development Corporation economic development agreement

Motion (Maurice, S. Nelson) to approve the 2020 Racine County Economic Development Corporation economic development agreement as presented, MC.

Land disturbing construction activity permit application submitted by Karen Kristopeit for 232 South Colony Avenue (USH 45) (Parcel ID # 194-03-21-18-001-000)

Chopper Hribar stated that the purpose of this project is to improve drainage and fill a low spot on the property. Madsen noted that the plans submitted to the Village called for just under one acre of disturbance.

Motion (S. Nelson, Bartlett) to approve the land disturbing construction activity permit application submitted by Karen Kristopeit for the parcel located at 232 South Colony Avenue (USH 45) (Parcel ID # 194-03-21-18-001-000), with no conditions, motion carried with Maurice abstaining.

Site plan application submitted by In Auto, Inc. (with ShapTech, LLC/Shawn Shaputis as applicant/agent) for the parcel located at 2300 North Sylvania Avenue (Parcel ID # 194-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to allow for the occupancy of a portion of the existing building and site with a heavy-duty truck repair and rebuild business known as ShapTech, LLC

Motion (Alby, DeGarmo) to recommend approval of the site plan application submitted by In Auto, Inc. (with ShapTech, LLC/Shawn Shaputis as applicant/agent) for the parcel located at 2300 North Sylvania Avenue (Parcel ID # 194-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to allow for the occupancy of a portion of the existing building and site with a heavy-duty truck repair and rebuild business known as ShapTech, LLC, with the following conditions:

- 1. Zoning Permit. The applicant must obtain a zoning permit card from this office after paying the zoning permit fee of \$250.00. 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. Private Onsite Wastewater Treatment System. Before the issuance of a zoning permit, sanitary approval must be granted from the Racine County Development Services Department. Please contact their office at (262) 886-8440. Industrial wastes and non-domestic 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 citations being issued and/or the approval/permit being revoked.
4. **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 Village of Yorkville or Racine County Development Services Office thirty (30) days before permit/approval expiration.
5. **Compliance with Previous Conditions of Approval.** All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.
6. **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.
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 February 18, 2020, unless otherwise amended herein.
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.
9. **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.
10. **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).
11. **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 and February 28, 2020. No junk or salvage vehicles, vehicle parts, or material is permitted to be stored on this site.

- 12. Outside Repair. Outside repair 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.**
- 13. 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.**
- 14. Air Pollution. This project must comply with State of Wisconsin air pollution regulations.**
- 15. 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.**
- 16. 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.**
- 17. Dust Control. The driveway and all parking areas must be maintained in an all-weather, dust-controlled condition.**
- 18. Signs. Any advertising sign on this property must conform to the Racine County Ordinance standards, as applicable to the Village of Yorkville and will require a separate zoning permit(s) prior to installation.**
- 19. 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.**
- 20. 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 Department, may be made at a staff level, if authorized by the Department.**

21. 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.

22. 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.

23. 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, ShapTech, LLC, their heirs, successors, and assigns are responsible for full compliance with the above conditions.

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

Motion (S. Nelson, Bartlett) to accept the Plan Commission's recommendation and to approve the site plan application submitted by In Auto, Inc. (with ShapTech, LLC/Shawn Shaputis as applicant/agent) for the parcel located at 2300 North Sylvania Avenue (Parcel ID # 194-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to allow for the occupancy of a portion of the existing building and site with a heavy-duty truck repair and rebuild business known as ShapTech, LLC, with no additional conditions beyond those recommended by the Plan Commission, MC.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a conditional use application submitted by Willkomm Development LLP (with James Willkomm/JC Stores Inc. as applicant/agent) for the parcel located at 820 South Sylvania Avenue (Parcel ID # 194-03-21-13-011-000) in the B-3 (Commercial Service) Zoning District to allow for razing a portion of the existing travel center building and constructing an approximately 15,679-square foot, two-story addition including a food court, two restaurants with drive-through, theater, business offices, and expanding the existing convenience store; and constructing an approximately 2,735-square foot addition to an existing service center building

D. Nelson opened the public hearing at 6:51 p.m.

With no comments forthcoming, D. Nelson closed the public hearing at 6:51 p.m.

Conditional use application submitted by Willkomm Development LLP (with James Willkomm/JC Stores Inc. as applicant/agent) for the parcel located at 820 South Sylvania Avenue (Parcel ID # 194-03-21-13-011-000) in the B-3 (Commercial Service) Zoning District to allow for razing a portion of the existing travel center building and constructing an approximately 15,679-square foot, two-story addition including a food court, two restaurants with drive-through, theater, business offices, and expanding the existing

convenience store; and constructing an approximately 2,735-square foot addition to an existing service center building

Motion (Alby, DeGarmo) to recommend approval of the conditional use application submitted by Willkomm Development LLP (with James Willkomm/JC Stores Inc. as applicant/agent) for the parcel located at 820 South Sylvania Avenue (Parcel ID # 194-03-21-13-011-000) in the B-3 (Commercial Service) Zoning District to allow for razing a portion of the existing travel center building and constructing an approximately 15,679-square foot, two-story addition including a food court, two restaurants with drive-through, theater, business offices, and expanding the existing convenience store; and constructing an approximately 2,735-square foot addition to an existing service center building, with the following conditions:

- 1. Zoning Permit. The applicant must obtain two zoning permits from the Racine County Development Services Office for building after paying the zoning permit fees of \$2,000.00 for the addition to the travel center, and \$1,000 for the addition to the service center (\$3,000.00 total). 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. Tenants. Each new tenant of either commercial building must at a minimum obtain a zoning permit from the Racine County Development Services office prior to occupying the site. Each tenant must contact the Racine County Development Services Department at (262)-886-8440 to inquire about occupancy requirements.***
- 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. 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 February 10, 2020, 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.*
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. **Loading Requirements.** *Adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way. Reference Section 20-1087, Chapter 20, Zoning, Racine County Code of Ordinances as applicable to the Village of Yorkville.*
12. **Hours of Operation.** *Hours of operation shall be 24-hours, 7 days a week.*
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 as applicable to the Village of Yorkville 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. **Parking.** *Parking for automobiles and semis 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.

- 16. 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.**
- 17. 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.**
- 18. 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.**
- 19. Erosion Control. To help prevent sediment from entering onto an abutting property, drainage way, or road ditch, prior to any earth disturbance activities, temporary diversions must be installed as directed by the Village Engineer.**
- 20. Construction. During construction, this site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each work day or as determined by the jurisdictional highway authority.**
- 21. 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.**
- 22. 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.**
- 23. 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 Department, may be made at a staff level, if authorized by the Department.**
- 24. 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.

- 25. 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.**
- 26. 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, Willkomm Development LLP, James J. Willkomm, their heirs, successors, and assigns are responsible for full compliance with the above conditions.**
- 27. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.**
- 28. Sampling Manhole. Applicant shall have a standard sampling manhole installed for the travel center's sanitary lateral at the applicant's expense.**
- 29. Grease Trap Relocation. Applicant shall relocate the travel center's existing 1,000-gallon grease trap at the applicant's expense if access to the grease trap's current location will be restricted by the proposed expansion.***
- 30. Grease Trap Installation. Applicant shall install a second 1,000-gallon grease trap at the applicant's expense for the travel center near the required standard sampling manhole.***
- 31. Sewer and Water Commission Approval. Applicant shall receive approval for this request from the Village's Sewer and Water Commission, MC.***

Motion (Maurice, S. Nelson) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Willkomm Development LLP (with James Willkomm/JC Stores Inc. as applicant/agent) for the parcel located at 820 South Sylvania Avenue (Parcel ID # 194-03-21-13-011-000) in the B-3 (Commercial Service) Zoning District to allow for razing a portion of the existing travel center building and constructing an approximately 15,679-square foot, two-story addition including a food court, two restaurants with drive-through, theater, business offices, and expanding the existing convenience store; and constructing an approximately 2,735-square foot addition to an existing service center building, with no additional conditions beyond those recommended by the Plan Commission, MC.

Resolution 2020-05 Designating and appointing a resident to the Yorkville Long-Range Planning/Ordinance Committee

Motion (Bartlett, Maurice) to adopt Resolution 2020-05 as presented, MC.

Resolution 2020-06 Appointing 2020-2021 election inspectors

Motion (S. Nelson, Bartlett) to adopt Resolution 2020-06 as presented, MC.

Scheduling a spring tire and electronics collection event at the Village's waste and recycling collection site, 19040 Spring Street (CTH C)

Motion (Maurice, S. Nelson) to schedule a spring tire and electronics collection event at the Village's waste and recycling collection site, 19040 Spring Street (CTH C), on Saturday, April 18, 2020, from 8:00 a.m. to 3:00 p.m., MC.

2019-2020 annual Operator License application submitted by Nadia Rightmire

Motion (S. Nelson, Maurice) to grant a 2019-2020 annual Operator License to Nadia Rightmire, with no conditions, MC.

Reports

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

Motion (S. Nelson, Bartlett) to approve and file the Building Inspector's report as presented, MC.

Engineer's Report: Madsen stated that Huddleston-McBride's drain tile location and televising on 67th Drive near 58th Road is still scheduled to proceed

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

Roads/Public Works Committee Report: Funk stated that a dead horse was removed from a ditch near the intersection of 58th Road and 55th Drive.

Village President's Report: D. Nelson stated that he was contacted by a business owner regarding their commercial sewer utility user charges.

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

- That a Long-Range Planning/Ordinance Committee meeting will be held on March 16
- That a Comprehensive Plan Open House will be held on March 31
- That a site inspection has been scheduled to take place later this month on the property located at 17806 Spring Street (CTH C)
- That he was contacted about the potential development of a parcel located on Durand Avenue (STH 11) near I-94
- That Poclair Hydraulics is donating a defibrillator for use at the Union Grove Municipal Center
- That the rezoning request submitted by the Village for the property located at 14520 Braun Road will be considered at the April 13 joint Village Board/Plan Commission meeting

- That data gathering for the 2020 Census is currently underway
- That he was contacted about several proposed alternatives for access to the Yorkville Meadows subdivision

Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

Adjournment

Motion (Maurice, Bartlett) to adjourn, MC. The meeting was adjourned at 7:47 p.m. The next scheduled Village Board meeting is Monday, March 23, 2020, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer

*The applicant received approval for this request from the Village's Sewer and Water Commission on March 17, 2020. At that meeting, the Commission amended conditions 29 and 30 to only require that the applicant install one 2,000-gallon grease trap at the applicant's expense for the travel center near the required standard sampling manhole.