

E-MAIL MEMORANDUM

TO: Michael McKinney (Michael@villageofyorkville.com)
Village of Yorkville Administrator/Clerk

FROM: Shaun Maiter
Development Services Specialist

SUBJECT: Flannery Land Holdings, LLC, Owner
David Flannery, Agent
Parcel Id. No. 194032136011000
5006 S. Sylvania Avenue

June 14, 2021 Site Plan Review request to amend master plan for a commercial/recreational facility known as Apple Holler.

DATE: June 7, 2021

Overview:

The subject ±77.90-acre parcel is located at 5006 S. Sylvania Avenue. The property is zoned B-3, Commercial Service District and is not serviced by municipal sewer and water. On September 16, 2013, the Racine County Economic Development and Land Use Planning Committee approved a site plan review to add three trailers and amend the master site plan for Apple Holler. At this time, the applicant is requesting site plan review approval from the Village of Yorkville Board to amend the master plan for a commercial/recreational facility known as Apple Holler. The current number of total employees is 50, however, during the fall the number of employees doubles. Per a phone conversation with Dave Flannery, the hours of operation typically are 9:00AM – 5:00PM Monday through Thursdays, 9:00AM – 7:00PM Fridays, and 9:00AM – 6:00PM Saturdays, Sundays, Holidays. Certain activities such as hayrides, receptions, campfires, etc. may have hours extending past the normal business hours. The existing restaurant building is serviced by a 20,000-gallon holding tank. The proposed amended master plan shows a “Portable Port-A-John Shelter”. Section 19-54 of the Racine County Utilities Ordinance prohibits the use of portable restrooms unless it meets the requirements of 19-54(2) which states in part: *“Portable restrooms may be allowed for use at temporary construction sites and seasonal truck farming operations when an indoor plumbing system is not available on the premises. In addition, portable restrooms may be used for temporary special events to handle anticipated increase in wastewater flow above the design capacity of the POWTS located at the site.”* If additional holding tank capacity is required at the site due to the existing holding tank not being sized adequately to handle the daily wastewater flow generated, an additional restroom facility/holding tank would be required to accommodate the increase in wastewater flow.

Portable restrooms may be allowed ancillary to an existing Private Onsite Wastewater Treatment System (POWTS), however portable restrooms may not be utilized to downsize the POWTS.

If the Village feels that the proposed use is appropriate approval is recommended as:

1. Based on other things going on in the area, the proposed use appears to fit with the uses in the zoning district.
2. The proposed use is allowed by underlying zoning through the conditional use process.

If the Village feels that the proposed use is appropriate approval is recommended subject to ****DRAFT CONDITIONS****:

1. **Zoning Permits.** Prior to construction of any building on the master plan, the applicant must obtain a zoning permit from the Racine County Development Services Office after paying the applicable zoning permit fee as displayed on the Village Yorkville's Fee Schedule at the time of zoning permit issuance. The cards 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.** Prior to the issuance of a zoning permit, sanitary approval must be obtained from the Racine County Development Services Department for the holding tank which will service the building. 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 chapter 214 regulations.
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. **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. **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.

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 May 28, 2021, 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, as applicable to the Village of Yorkville (copy attached).
9. **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.
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. **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.
12. **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.
13. **Exterior Lighting.** All exterior lighting must be arranged, oriented, or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way. The source of such illumination must be

arranged, oriented, or shielded in a manner that will not endanger the safety of pedestrian or vehicular traffic.

14. **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.
15. **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.
16. **Fire Alarm and/or Sprinkler Plan Review.** If this approval is for an activity that requires fire alarm and/or sprinkler system plan review, written confirmation shall be provided to the Village Administrator/Clerk by Fire Safety Consultants, Inc. stating that the applicant and/or agent has submitted acceptable fire alarm and/or sprinkler system plans to Fire Safety Consultants, Inc. for review pursuant to Chapter 26 of the Village of Yorkville Municipal Code. No building or zoning permit shall be issued for this activity until such time as said confirmation is provided. For the purposes of this condition, the term "building permit" shall mean any permit including, but not limited to, site preparation, building, electrical, plumbing, HVAC, and erosion permits. The applicant must first obtain Fire Safety Consultants, Inc. fire alarm and/or sprinkler system plan approval prior to submitting those plans to the State of Wisconsin for state review. Failure to abide by any part of this condition shall not constitute a basis for an appeal to the Village Board of any sprinkler system and/or fire alarm requirements contained within Chapter 26 of the Village of Yorkville Municipal Code. The building inspector may issue a stop work order if, in his/her opinion, construction cannot proceed any further without impeding the installation of the required fire alarm and/or sprinkler systems.
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. **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. **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, Flannery Land Holdings, LLC, David Flannery, 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.

c: Tim Pruitt, Eileen Zaffiro, Doug Nelson, Mark Madsen
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