

E-MAIL MEMORANDUM

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

FROM: Shaun Maiter
Development Services Specialist

SUBJECT: Mark A. Pocaro, Owner
Brian Lehman, Agent
Parcel Id. No. 194032131035100
19529 Durand Avenue

September 13, 2021, Site Plan Review request to create a fenced outdoor storage area for lawn and garden equipment associated with a business known as "Grove Outdoor Power Equipment"; including a master sign plan.

DATE: September 7, 2021

Overview:

The subject ±13.12-acre parcel is zoned B-3, Commercial Service District and A-3, General Farming District III. There is currently one building on the above referenced property, which is serviced by a holding tank and private well. On November 5, 2014, the Racine County Development Services Office issued a zoning permit for "Grove Outdoor Power" to occupy the building. Grove Outdoor Power Equipment sells and services new and used lawn and garden equipment. There are currently four signs on the property, two of which were installed without zoning approval. In addition, the sign labelled "number 4" on the site plan had not been constructed in accordance with the zoning permit issued by this office on May 28, 2003 and does not meet the minimum required setback of 15-feet to the Durand Road right-of-way. Even though "sign number 4" is located at less than the minimum setback outlined in section 20-1403 for ground signs, per section 20-1403(f) of the Racine County Chapter 20 Zoning Ordinance, as applicable to the Village of Yorkville, as an alternative to the limitations in 20-1403 (1), (2), (3), (4), and (5), a master sign plan may be approved by the Village of Yorkville Board. In total, there are two wall signs, an awning sign, and a ground sign located on the property. Signs number 1, 2, and the addition to sign number 4 were constructed without zoning approval and will be assessed double zoning permit fees, if approved. At this time, the applicant is requesting site plan review approval from the Village of Yorkville Board to create a fenced outdoor storage area for lawn and garden equipment associated with a business known as "Grove Outdoor Power Equipment", including a master sign plan. There are currently two full time employees and one part time employee. Normal hours of operation are 8:00AM – 5:00PM Monday through Friday, 7:00AM – 11:00AM Saturday, Closed Sundays.

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.
3. A master sign plan is allowed 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.** The applicant must obtain two zoning permits (**Fenced Storage Area and Master Sign Plan**) from the Racine County Development Services Office after paying a zoning permit fees of \$250.00 and \$900.00 (\$1,150.00 Total). 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.** Prior to 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.
3. **Hours of Operation.** Hours of active operations shall be 8:00AM – 5:00PM Monday through Friday, 7:00AM – 11:00AM Saturday, Closed Sundays. Any permanent and/or long-term changes to these hours and/or days of operation shall require the approval of a conditional use amendment by the Village Plan Commission and Village Board.
4. **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.
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 August 26, 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.** Storage of lawn and garden equipment inventory must be located in the designated areas shown on the site plan received by the Racine County Development Services office on August 26, 2021. Refuse bins and/or scrap material (recycle) bins must be screened from public view.
12. **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.
13. **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.

14. **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.
15. **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.
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. **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.

Mark A. Pocaro, Owner
Brian Lehman Agent
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20. **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, Mark Pocaro, Brian Lehman, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
21. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
22. **Recording.** The Village shall have this Resolution recorded with the Racine County Register of Deeds at the applicant's expense.

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