RESOLUTION NO. 2022-07

VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN

A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO OCCUPY AN EXISTING COMMERCIAL BUILDING AND YARD WITH A PLUMBING BUSINESS KNOWN AS "NORTHERN MECHANICAL, LLC" AT 14706/14708 WASHINGTON AVENUE (STH 20), SEC. 12, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID # 194-03-21-12-065-000); HABU PROPERTIES, LLC, OWNER; VOGE PROPERTIES, LLC, APPLICANT/AGENT

THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, RESOLVES AS FOLLOWS:

WHEREAS, Applicant/Agent requested a conditional use permit to occupy an existing commercial building and yard with a plumbing business known as "Northern Mechanical, LLC" at 14706/14708 Washington Avenue (STH 20), Sec. 12, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-12-065-000), and,

WHEREAS, the Village of Yorkville Plan Commission recommended approval of the request, subject to the conditions attached hereto as Exhibit A and the performance standards attached hereto as Exhibit B, for the following reasons:

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

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Yorkville, that the requested conditional use set forth above is hereby approved for the same reasons set forth above and subject to the same conditions and contingency imposed by the Village of Yorkville Plan Commission.

This Resolution was adopted by the Yorkville Village Board on March 14, 2022.

VILLAGE OF YORKVILLE

Ayes: 5

Nays: Ø

Abstentions: Ø

Absences: Ø

By: _____
Douglas Nelson, President

Attest: _____
Michael McKinney, Administrator/Clerk

EXHIBIT A - CONDITIONS
HABU Properties, LLC, Owner
Voge Properties, LLC, Applicant/Agent

1. **Zoning Permit.** **The applicant must obtain a zoning permit from the Racine County Development Services Office after paying a 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.** 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. **Stormwater/Grading Plan.** The property owner or designated agent must contact the Village of Yorkville regarding stormwater/grading regulations in relation to the expansion of the storage yard as shown on the submitted plan. Compliance with all regulations and requirements, as determined by the Village or Yorkville is required.

4. **Hours of Operation.** Hours of operation shall be 6:00AM – 5:00PM Monday through Friday.

5. **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.

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. **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.

8. **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 14, 2022, unless otherwise amended herein.

9. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville (copy attached).

10. **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.

11. **Operation Requirements.** The operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be

harmful to human, animal, plant, or aquatic life. 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. **Outside Storage.** Except for the outside parking of commercial vehicles and/or equipment, which is restricted to the portion of the property directly behind the commercial building as shown on the submitted site plan, or in the designated proposed recycled asphalt parking area, outside storage is prohibited. Refuse bins and/or scrap material (recycle) bins must be screened from public view.

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. **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.

15. **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.

16. **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.

17. **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.

18. **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.

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 Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.

21. **Reimburse Village Costs.** Applicant shall reimburse the Village for 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 acceptance of this 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, Habu Properties, LLC, Voge Properties, LLC, Scott Voge, their heirs, successors, and assigns are responsible for full compliance with the above conditions.

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

24. **Setbacks.** The proposed recycled asphalt area for future trailer and/or equipment parking on the northeast corner of the property shall be set back a minimum of 5 (five) feet from the east property line to accommodate the planting of a vegetative landscaping screen of arbor vitae trees along said property line.

25. **Drain Tile.** The owner shall reconstruct, relocate or replace any tile line which may be disturbed by the development of a lot created by a minor subdivision so as to provide for the continued operation of such tile line as before development of such lot. The lot owner shall be responsible for the future maintenance, operation, and replacement of all private storm/surface water facilities, including drain tiles whether previously mapped or subsequently discovered.

26. **Erosion Control.** Appropriate erosion control measures, such as silt fencing, shall be used to alleviate the impact of sediment erosion or runoff on surrounding properties while construction of the proposed recycled asphalt area for future trailer and/or equipment parking on the northeast corner of the property is taking place.

27. **Stormwater Runoff Remediation.** The applicant shall take steps to ensure that stormwater runoff from the proposed recycled asphalt area for future trailer and/or equipment parking on the northeast corner of the property does not adversely affect the properties to the north or east.

28. **Recording.** The Village shall have this Resolution recorded with the Racine County Register of Deeds at the applicant's expense.

EXHIBIT B - PERFORMANCE STANDARDS
HABU Properties, LLC, Owner
Voge Properties, LLC, Applicant/Agent

DIVISION 4. - PERFORMANCE STANDARDS [15]

Footnotes:
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Cross reference - Schedule of deposits for violation of the provisions in this division, § 5-3.

Sec. 20-1061. - Compliance.

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary, floodland and shoreland regulations, comply with the following performance standards.
(Code 1975, § 7.091)

Sec. 20-1062. - Water quality protection.

No residential, commercial, industrial, institutional or recreational use shall 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. This section shall not apply to uses other than those enumerated in it.
(Code 1975, § 7.092)

Sec. 20-1063. - Noise.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.
(Code 1975, § 7.093)

Sec. 20-1064. - Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances so as to endanger the use of neighboring premises.
(Code 1975, § 7.094)

Sec. 20-1065. - Exterior lighting.

Any lighting source on any use, lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:

(1) Such lighting shall 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.
(2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(Ord. No. 86-86, § 7.095, 8-26-86)

Sec. 20-1066. - Maintenance.

Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in sound conditions, good repair and appearance at all times. (Ord. No. 86-86, § 7.096, 8-26-86)

Sec. 20-1067. - Odors.

No residential, commercial, industrial, institutional or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and amendments thereto.
(Ord. No. 93-3, 5-11-93)
Cross reference - Outdoor burning, § 13-51 et seq.

Sec. 20-1068. - Reserved.

Editor's note - Ord. No. 2011-131S, adopted April 10, 2012, repealed § 20-1068 which pertained to floodproofing and derived from Ord. No. 94-155, § 11, adopted Nov. 10, 1994.

Secs. 20-1069 - 20-1085. - Reserved.