

ORDINANCE NO. 2022-03

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

AN ORDINANCE TO AMEND THE RACINE COUNTY CODE OF ORDINANCES AS ADOPTED BY THE VILLAGE OF YORKVILLE UNDER SECTION 55-1(A) OF THE CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE RELATING TO THE REZONING OF ±12.18 ACRES OF LAND FROM THE B-3 (COMMERCIAL SERVICE) ZONING DISTRICT TO THE M-3 (HEAVY INDUSTRIAL) ZONING DISTRICT, PART OF THE S½ OF THE NE¼ OF SEC. 24, T3N, R21E, THE PARCEL LOCATED AT 2200 SOUTH SYLVANIA AVENUE (WEST FRONTAGE ROAD) (PARCEL ID # 194-03-21-24-002-000), TO CONSTRUCT A ±399,900-SQUARE FOOT INDUSTRIAL BUILDING ON THIS PARCEL; DAVID BORZYNSKI AND JOSEPH BORZYNSKI, OWNER; WANGARD PARTNERS, INC./MARK LAKE, APPLICANT

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

- A. Wangard Partners, Inc./Mark Lake (“Applicant”) have proposed to construct a ±399,900-square foot industrial building on this parcel (“Development”).
- B. On April 11, 2022, a duly-noticed public hearing as to the proposed rezoning of the land identified below was held.
- C. On April 11, 2022, a Village of Yorkville Plan Commission recommendation in favor of the proposed rezoning was received, subject to the conditions set forth below.
- D. To accommodate its proposed Development, the Applicant has applied to rezone ±12.18 acres from the B-3 (Commercial Service) Zoning District to the M-3 (Heavy Industrial) Zoning District; part of the S½ of the NE¼ of Sec. 24, T3N, R21E, the parcel located at 2200 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-24-002-000). The property to be rezoned is shown and legally described on the Applicant’s survey document, as prepared by The Sigma Group, consisting of two pages, with no known last revision date, which is incorporated herein by reference as though fully set forth herein. This request to rezone the above-described land is conditionally approved for the following reasons:
 1. This rezoning will not adversely affect the surrounding property values and is consistent with the uses found in the I-94 corridor in the Village of Yorkville.
 2. The proposed M-3 zoning district appears to fit with surrounding uses, as the proposed ±12.18 acres that are being requested to be zoned M-3, Heavy Industrial District, are in close proximity to other similar uses.

3. The proposed rezoning is in compliance with the Industrial designation for the subject property in the Village's adopted comprehensive plan and land use map as contained in the document entitled "2020-2050 Village of Yorkville Comprehensive Plan."
 4. The Village of Yorkville Plan Commission has recommended approval of the rezoning request.
- E. That in order to update the zoning map of the Racine County Zoning Code as adopted by the Village of Yorkville under Section 55-1(a) of the Code of Ordinances of the Village of Yorkville, the Village Board needs to adopt an ordinance.
- F. That the zoning map be, and hereby is, conditionally amended as set forth above. That this ordinance is null and void if the following conditions are not complied with:
1. **Subject to Acceptance.** Subject to the Applicant acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Owner and Applicant will therefore need to re-commence the application process.
 2. **Time to Satisfy Conditions.** Subject to the Owner and Applicant satisfying all aforementioned conditions by December 31, 2023, unless extended by the Village Board.
 3. **Conditional Use Permit.** Subject to the applicant receiving approval from the Village for a Conditional Use Permit ("CUP") for the construction of a ±399,900-square foot industrial building on this parcel and agreeing to comply with all conditions of the CUP approval.
- G. That upon satisfaction of all of the above conditions, the Village Clerk shall cause the official Zoning Map of the Village of Yorkville to be amended to reflect the revision to the zoning classification adopted herein.
- H. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

- I. This ordinance shall take effect upon adoption and publication as provided by law, and subject to the conditions stated above. This ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 11th day of April, 2022.

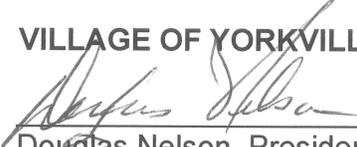
VILLAGE OF YORKVILLE

Ayes: 5

Nays: Ø

Abstentions: Ø

Absences: Ø

By: 
Douglas Nelson, President

Attest: 
Michael McKinney, Administrator/Clerk