

E-MAIL MEMORANDUM

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

FROM: Shaun T. Maiter
Development Services Specialist

SUBJECT: Arch Stanton, LLC, Owner
Industrial VI Enterprises, LLC, Applicant
Parcel Id. No. 194032124005000
2025 51st Drive

July 11, 2022 Conditional Use request to construct a ±256,500 sq. ft. industrial building and a ±325,500 sq. ft. industrial building.

DATE: July 5, 2022

Overview:

The subject ±76.02-acre parcel currently has a single-family residence, with most of the property currently being used for agricultural production. The applicant is proposing a land division that would split the eastern ±40-acres from the parent parcel. The proposed certified survey map shows an 18.20-acre lot, a 20.46-acre lot, and a cul-du-sac. It is important to note that the proposed certified survey map would not meet the requirements set forth in section 20-986(d) of the Racine County Code of Ordinances, as applicable to the Village of Yorkville, which states: "a minimum of 33 feet of all lots must abut upon a public street". The applicant had expressed that the 70-foot wide "access easement" could be transferred to the proposed lot 1 to provide the proposed lot 1 with the required frontage upon a public street. If the 70-foot wide "access easement" is included with the proposed lot 1, the land division would then meet the requirements of the Racine County Chapter 20 Zoning Ordinance, as applicable to the Village of Yorkville. On April 11, 2022, the Village of Yorkville Board approved a rezoning request for the subject property from A-2, General Farming and Residential District II to M-2, General Industrial District. At this time, the applicant is requesting a conditional use to construct a ±256,500 sq. ft. industrial building and a ±325,500 sq. ft. industrial building. The proposed buildings do not have proposed tenants at this time. Any future tenant will be subject to review and approval by the Village of Yorkville Board prior to occupying either industrial building. It is important to note that since the land proposed to be divided from the parent parcel was rezoned to M-2, General Industrial District, only uses allowed in the M-1, Light Industrial and Office District and the M-2, General Industrial District can be approved.

The applicant states that the proposed buildings will be serviced by municipal sewer and water, however the property does not appear to be within the Yorkville Sanitary District and

Yorkville Public Water District. Unless already approved, the applicant will be required to work with the Village of Yorkville to incorporate the proposed lots into the Yorkville Sanitary District and Yorkville Public Water District. Construction of the proposed buildings is projected to start in the fall of 2022, with a completion date projected to be in the third quarter of 2023.

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.** The applicant must obtain a zoning permit from the Racine County Development Services Office for each industrial building after paying a zoning permit fee of \$2000.00 per building (\$4,000.00 total). These 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. **Certified Survey Map.** Prior to the issuance of a zoning permit, the certified survey map is required to be approved by the Village of Yorkville and recorded at the Racine County Register of Deeds Office.
3. **Tenants.** Each tenant must at a minimum obtain site plan review approval from the Village of Yorkville Board prior to occupying the site. Each tenant must contact the Racine County Development Services Department at (262)-886-8440 to inquire about occupancy requirements.
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 June 13, 2022, unless otherwise amended herein.
8. **Stormwater/Grading Plan.** The property owner or designated agent must contact the Village of Yorkville regarding stormwater/grading regulations in relation to any site work for the parking areas. Compliance with all regulations and requirements, as determined by the Village of Yorkville is required.
9. **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.
10. **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.
11. **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.
12. **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).
13. **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.
14. **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.
15. **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.

16. **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.
17. **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.
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. **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.

20. **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.
21. **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.
22. **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.
23. **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.
24. **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, Arch Stanton, LLC, Industrial VI Enterprises, LLC, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
25. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
26. **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
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