

**ORDINANCE NO. 2022-05**

**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 ±32.0203 ACRES OF LAND FROM THE B-3 (COMMERCIAL SERVICE), M-2 (GENERAL INDUSTRIAL) AND A-2 (GENERAL FARMING AND RESIDENTIAL II) ZONING DISTRICTS TO THE B-5 (HIGHWAY BUSINESS) ZONING DISTRICT, PART OF THE S½ OF THE NE¼ OF SEC. 01, T3N, R21E, FOR THE PARCEL LOCATED AT 2502 NORTH SYLVANIA AVENUE (WEST FRONTAGE ROAD) AND A PORTION OF THE PARCEL LOCATED AT 2626 49<sup>TH</sup> DRIVE (PARCEL ID #'S 194-03-21-01-003-000 AND 194-03-21-01-002-000), FOR THE CONSTRUCTION OF A ±9,999-SQUARE FOOT COMMERCIAL BUILDING ON THESE PARCELS FOR THE SALES, SERVICE, MAINTENANCE AND LEASING OF TRUCKS, TRAILERS, RECREATIONAL VEHICLES AND EQUIPMENT, AND THE CONSTRUCTION OF A PARKING AREA TO BE UTILIZED AS A TRUCK TERMINAL; 2502 SYLVANIA, LLC AND TCTS, LLC, OWNER; DRAGAN RADETA, APPLICANT/AGENT**

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

- A. 2730 Sylvania Ave LLC (“Applicant”) has proposed to occupy a portion of an existing building on this parcel with a trailer sales and service business known as “TrailersPlus” (“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 ±32.0203 acres from the B-3 (Commercial Service), M-2 (General Industrial) and A-2 (General Farming and Residential II) Zoning Districts to the B-5 (Highway Business) Zoning District; part of the S½ of the NE¼ of Sec. 01, T3N, R21E, for the parcel located at 2502 North Sylvania Avenue (West Frontage Road) and a portion of the parcel located at 2626 49<sup>th</sup> Drive (Parcel ID #'s 194-03-21-01-003-000 and 194-03-21-01-002-000). The property to be rezoned is shown and legally described on the Applicant’s survey document, as prepared by Quam Engineering, LLC, consisting of four pages, with a last revision date of March 2, 2022, 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 B-5 zoning district appears to fit with surrounding uses, as the proposed ±32.0203-acres that are being requested to be zoned B-5, Highway Business District are in close proximity to other similar uses.
  3. The proposed rezoning is in compliance with the Industrial and Commercial designations for the subject properties 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 ±9,999-square foot commercial building on these parcels for the sales, service, maintenance and leasing of trucks, trailers, recreational vehicles and equipment, and the construction of a parking area to be utilized as a truck terminal 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 11<sup>th</sup> day of April, 2022.

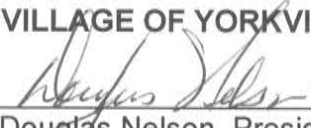
Ayes: 5

Nays: 0

Abstentions: 0

Absences: 0

**VILLAGE OF YORKVILLE**

By:   
Douglas Nelson, President

Attest:   
Michael McKinney, Administrator/Clerk

**Village of Yorkville**  
**Notice of Newly Enacted Ordinances**

Please take notice that, on Monday, April 11, 2022, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2022-03, entitled "An Ordinance amending 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."
- Ordinance 2022-04, entitled "An Ordinance amending 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 ±40.22978 acres of land from the A-2 (General Farming and Residential II) Zoning District to the M-2 (General Industrial) Zoning District, part of the N½ of the NW¼ of Sec. 24, T3N, R21E, for the parcel located at 2025 51<sup>st</sup> Drive (Parcel ID # 194-03-21-24-005-000); Arch Stanton LLC, Owner; Brian Lilly, Applicant."
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These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15<sup>th</sup> Avenue, Union Grove, Wisconsin 53182, or through the Village's website at [www.villageofyorkville.com](http://www.villageofyorkville.com). The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney  
*Administrator/Clerk*

# Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive week(s); That the first publication was on the 21<sup>st</sup> day of April, 2022; The last publication was on the 21<sup>st</sup> day of April, 2022.

Signed \_\_\_\_\_

By Denelle Janssen, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

21 day of April 2022

Notary Public, State of Wisconsin

My commission expires 12/20/26

KAREN WHITTINGTON  
Notary Public  
State of Wisconsin

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Michael McKinney  
Administrator/Clerk

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WNAXLP - 416499)