

**RESOLUTION NO. 2023-34**

**VILLAGE OF YORKVILLE  
RACINE COUNTY, WISCONSIN**

**A RESOLUTION APPROVING A CONDITIONAL USE REQUEST TO CONVERT THE EXISTING COMMERCIAL BUILDING AT THIS ADDRESS INTO A MULTI-TENANT BUILDING AND TO OCCUPY A PORTION OF THE BUILDING WITH A TOBACCO AND VAPE SALES BUSINESS AT 734 SOUTH SYLVANIA AVENUE (WEST FRONTAGE ROAD), SEC. 13, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID # 194-03-21-13-010-030); 734 S. SYLVANIA AVENUE, LLC, OWNER; BIREN PATEL, APPLICANT/AGENT**

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

**WHEREAS**, Applicant/Agent requested conditional use permit approval to convert the existing commercial building at this address into a multi-tenant building and to occupy a portion of the building with a tobacco and vape sales business at 734 South Sylvania Avenue (West Frontage Road), Sec. 13, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-13-010-030), 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 conversion of a single tenant commercial building to a multi-tenant commercial building 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 site plan review 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 December 11, 2023.

**VILLAGE OF YORKVILLE**

Ayes: 5

Nays: Ø

Abstentions: Ø

Absences: Ø

By: \_\_\_\_\_

Douglas Nelson, President

Attest: \_\_\_\_\_

Michael McKinney, Administrator/Clerk

**EXHIBIT A - CONDITIONS**  
734 S. Sylvania Avenue, LLC, Owner  
Biren Patel, 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 \$1,000.00. 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. **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.
3. **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.
4. **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.
5. **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 October 19, 2023 and October 25, 2023, unless otherwise amended herein.
6. **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).
7. **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.
8. **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.
9. **Exterior Lighting.** Any changes to the existing exterior lighting on the property shall meet the provisions of Section 20-1065 of Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville. Any exterior lighting installed prior to December 15, 2022 must remain in conformance with the approved exterior lighting plan on record. If any exterior lighting installed prior to December 15, 2022 was not part of an approved exterior lighting plan, the exterior lighting must continue to be arranged, oriented, or shielded in a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way, and will not endanger the safety of pedestrian or vehicular traffic.
10. **Hours of Operation.** Hours of operation shall be 9:00am – 9:00pm, 7 days a week.

11. **Drain Tile.** 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. **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.
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.
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, 734 S Sylvania Avenue, LLC, Biren Patel, 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 the resolution approving this request recorded with the Racine County Register of Deeds at the applicant's expense.

## **EXHIBIT B - PERFORMANCE STANDARDS**

734 S. Sylvania Avenue, LLC, Owner  
Biren Patel, 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.**