

E-MAIL MEMORANDUM

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

FROM: Shaun T. Maiter
Senior Development Services Specialist

SUBJECT: Primitivo Reynoso, Owner & Applicant
Parcel Id. No. 194032104005000

May 13, 2024, Conditional Use request for storage of landscaping vehicles and equipment associated with a landscaping business known as “Tivo’s Landscaping” including one dump truck to be stored within an existing barn.

DATE: May 3, 2024

Overview:

The subject ±10.46-acre site is currently zoned A-2, General Farming and Residential District II. The subject property is serviced by a Private Onsite Wastewater Treatment System and private well. According to our records, three conditional use permit approvals were granted by the Racine County Planning and Development Committee (and Town of Yorkville) for this property on August 19, 1991, November 21, 1994, and July 15, 1996 (amended August 5, 1996). The conditional use permit approvals authorized the storage of construction vehicles and equipment completely within the 30’ x 50’, 50’ x 80’, and 60’ x 80’ accessory structures. At this time, the applicant is requesting conditional use approval from the Village of Yorkville Board for storage of landscaping vehicles and equipment associated with a landscaping business known as “Tivo’s Landscaping” including one dump truck to be stored within an existing barn. The applicant is requesting to store various trailers for landscaping equipment and dumpsters within a designated area outside of the accessory structures. The applicant also is requesting to store a single dump truck within an accessory structure. All of the surrounding properties are zoned agricultural (A-2, General Farming and Residential District II), and the proposed storage is shielded from public view by existing buildings and natural vegetation.

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.

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2. Storage and maintenance of construction equipment and vehicles, including landscaping vehicles and equipment 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 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. **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.
3. **Substantiated Complaints.** The Village of Yorkville reserves the right to require the owner to appear before the Board to address substantiated complaints involving this operation. The Board may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.
4. **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. Please contact their office at (262) 886-8440.
5. **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. Compliance with all regulations and requirements, as determined by the Village of Yorkville, is required.
6. **Vehicle/Equipment Storage.** Storage of landscaping vehicles and equipment must be located within the designated area as shown on the plans dated April 8, 2024, or within a completely enclosed building. The dump truck must not be stored outside.

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7. **Landscape Material Processing.** There shall be absolutely no processing of raw materials on the property. This shall include but is not limited to soil screening, wood processing, stone crushing, etc.
8. **Stockpiling.** Stockpiling of any landscaping material is strictly prohibited.
9. **Vegetative Buffer.** The existing natural vegetative buffer shall be maintained in order to adequately screen/shield the equipment storage area from public view.
10. **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.
11. **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.
12. **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.
13. **Dust Control.** The applicant must take measures to control all dust on the site, by using watering or other palliative means to keep dust at the absolute minimum.
14. **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.

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15. **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.
16. **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.
17. **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 April 8, 2024, unless otherwise amended herein.
18. **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).
19. **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.
20. **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.
21. **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

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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.

22. **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.
23. **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.
24. **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.
25. **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.
26. **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, Primitivo Reynoso, his heirs, successors, and assigns are responsible for full compliance with the above conditions.
27. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
28. **Recording.** The Village shall have the resolution approving this request 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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