

**PLAN COMMISSION
RESOLUTION NO. 2023-01**

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

A RESOLUTION OF THE PLAN COMMISSION OF THE VILLAGE OF YORKVILLE RECOMMENDING APPROVAL OF 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, RACINE COUNTY, WISCONSIN, RELATING TO THE REZONING OF ±85 ACRES OF LAND FROM THE A-2 GENERAL FARMING AND RESIDENTIAL DISTRICT II TO THE C-2 UPLAND RESOURCE CONSERVATION DISTRICT, ON THREE UNADDRESSED PARCELS LOCATED TO THE WEST, NORTH AND PARTIALLY TO THE EAST OF THE PARCEL LOCATED AT 14700 50TH ROAD, SEC. 01, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID #'S 194-03-21-01-006-040, 194-03-21-01-006-030 AND 194-03-21-01-006-010), TO ACCOMMODATE A 15-PARCEL CLUSTER SUBDIVISION; TNG 27, LLC, OWNER; NANCY WASHBURN/RAYMOND LEFFLER, APPLICANT/AGENT

THE VILLAGE PLAN COMMISSION OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, RESOLVES AS FOLLOWS:

RECITALS

WHEREAS, the Village of Yorkville (“Village”), pursuant to Wisconsin Statutes §§ 62.23 and 61.35, created a Village Plan Commission; and

WHEREAS, TNG 27, LLC (“Applicant”) proposed a 15-lot conservation subdivision known as Yorkshire Highlands (“Development”); and

WHEREAS, the Village approved the Applicant’s Final Plat for this Development on May 9, 2022; and

WHEREAS, on December 14, 2020 a duly noticed public hearing as to the proposed rezoning of the land identified below was held, and the Plan Commission subsequently approved Resolution 2021-01 on March 8, 2021 recommending adoption by the Village Board of a conditional zoning ordinance; and

WHEREAS, on December 14, 2020, the Village Board approved Ordinance 2021-02 approving the requested zoning amendment of the subject parcel, subject to various conditions to be satisfied by December 31, 2021; and

WHEREAS, the December 31, 2021 date was extended by the Village Board, at the request of the Applicant, to June 30, 2022; further, that because the conditions were not satisfied by that date, the ordinance by its terms became null and void and the Applicant is reapplying for approval of the required rezoning ordinance; and

WHEREAS, to accommodate its proposed conservation subdivision, the Applicant has re-applied to rezone ±85 acres of land from the A-2 General Farming and Residential District II to the C-2 Upland Resource Conservation District, on three unaddressed parcels located to the west, north and partially

to the east of the parcel located at 14700 50th Road, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-01-006-040, 194-03-21-01-006-030 and 194-03-21-01-006-010). The property to be rezoned is shown and legally described on the Applicant's Final Plat as prepared by Pinnacle Engineering Group consisting of two pages, with last revision date of September 21, 2021, which is incorporated herein by reference as though fully set forth herein; and

WHEREAS, on January 9, 2023, a duly noticed public hearing as to the proposed rezoning of the land identified above was held; and

WHEREAS, the Village, after consultation with the Applicant and Village staff, is recommending the use of a conditional rezoning approach to enable the development process to continue pending the receipt of final approvals that will be needed by the ultimate developer.

NOW THEREFORE IT IS RESOLVED that the Plan Commission finds that the proposed rezoning of the above-described land from the A-2 General Farming and Residential District II to the C-2 Upland Resource Conservation District is appropriate for the following reasons:

1. This rezoning will not adversely affect the surrounding property values and is consistent with the existing adjacent land uses.
2. The proposed rezoning appears to fit with adjacent uses, as the proposed ±85-acres that are being requested to be zoned to the C-2 Upland Resource Conservation District are adjacent to Stonecrest Shores Subdivision to the west and other Agricultural, Rural Residential and Open Land uses to the north, east and south.
3. The proposed rezoning is in compliance with the Agricultural, Rural Residential and Open Land designation 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."

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Village Board enact an Ordinance conditionally approving the requested rezoning and conditionally amending the Village zoning map for the Village, subject to the following conditions:

1. **Land Division.** Subject to the Development satisfying all conditions that may be imposed by the Village and all other approving and objecting authorities in approving the final plat, and further subject to recording the final plat as approved by the Village on May 9, 2022, in the office of the Racine County Register of Deeds.
2. **Village Engineer's Recommendations.** Subject to compliance with all of the recommendations of the Village Engineer as set forth in his letters dated December 7, 2020 and January 27, 2021.
3. **Drain Tile Study.** Subject to compliance with all recommendations of the Plan Commission and Village Board relative to the Existing Agricultural Drain Tile Investigation Plan as prepared by Huddleston McBride and dated December 17, 2020, as set forth in detail in the Village Engineer's recommendations set forth above.
4. **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.

5. **Time to Satisfy Conditions.** Subject to the Owner and Applicant satisfying all aforementioned conditions by January 8, 2024, unless extended by the Village Board.
6. **Conditional Use Permit.** Subject to the applicant receiving re-approval from the Village for a Conditional Use Permit (“CUP”) for a 15-lot cluster residential development and agreeing to comply with all conditions of the CUP approval.
7. **Stormwater and Recreational, Non-Motorized Multi-Purpose Easement.** The applicant shall establish a 75-foot-wide stormwater and recreational, non-motorized multi-purpose easement along the subject properties’ entire frontage on the East Branch of the Root River Canal, shall depict said easement on the final plat for this subdivision, and shall reference said easement in the subdivision’s development agreement, restrictive covenants, and grant of conservation easement.

This Resolution was adopted by the Yorkville Plan Commission on January 9, 2023.

**VILLAGE OF YORKVILLE
PLAN COMMISSION**

Ayes: 3

By: /s/ Douglas Nelson
Douglas Nelson, Chair

Nays: 0

Attest: /s/ Michael McKinney
Michael McKinney, Secretary

Abstentions: 0

Absences: 2