

E-MAIL MEMORANDUM

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

FROM: Shaun T. Maiter
Senior Development Services Specialist

SUBJECT: RTGA, LLC, Owner
Ray Alderman, Applicant
Parcel ID 194032120020002
19101 Spring Street

October 14, 2024, Conditional Use request to construct a $\pm 9,024$ sq. ft. industrial building for the storage of items associated with an existing dairy distribution facility known as *Ray Alderman & Sons, Inc.*

DATE: October 7, 2024

Overview:

The subject ± 1.57 -acre parcel is located at 19101 Spring Street and is proposed to be zoned M-3, Heavy Industrial District. The property is serviced by a private well and holding tank. At this time, the applicant is requesting conditional use approval to construct a $\pm 9,024$ sq. ft. industrial building for the storage of items associated with an existing dairy distribution facility known as *Ray Alderman & Sons, Inc.* The existing dairy distribution facility is located directly south of the subject property at 2209 S. Colony Avenue. The applicant is also proposing an area of semi-trailer parking to the south of the proposed industrial building. Construction is proposed to begin once all approvals are granted, and permits are issued. The submitted site plan shows that the new industrial building has a proposed setback of 10-feet to the side lot line. If the conditional use application is approved by the Village of Yorkville Board, a condition of approval would require the applicant to either obtain variance approval from the Village of Yorkville Board of Appeals for an insufficient side yard setback or re-orient the building and site plan to meet the minimum side yard setback of 20-feet.

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 Permit.** The applicant must obtain a zoning permit from the Racine County Development Services Office after paying a zoning permit fee of **\$1,250.00**. 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. **Site Plan.** Prior to issuance of the zoning permit, the applicant must submit a revised site plan to the Racine County Development Services Office showing that the proposed industrial building will meet the required setbacks for the M-3, Heavy Industrial District; or apply for and obtain variance approval from the Village of Yorkville Board of Appeals for the proposed insufficient 10-foot side yard setback. Please note that variance approval is not guaranteed, and any variance application fee is non-refundable.
3. **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.
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. **Compliance with Previous Conditions of Approval.** All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.
6. **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.
7. **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.
8. **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 August 27, 2024, unless otherwise amended herein.

9. **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).
10. **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.
11. **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.
12. **Drainage.** Do not block or create surface water discharge problems on the adjacent properties. Drain tiles exist on site and may need to be relocated or replaced to maintain drainage on the and neighboring properties. Tile size, elevations, and drainage areas need to be taken into consideration before disturbing the existing tile system.
13. **Stormwater Requirements.** The property owner or designated agent must contact the Village of Yorkville regarding stormwater regulations for the site. Compliance with all regulations and requirements, as determined by the Village of Yorkville is required.
14. **Driveway.** A driveway must be maintained during this project. 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 workday or as determined by the jurisdictional highway authority.
15. **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.
16. **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.

17. **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.
18. **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.
19. **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.
20. **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.

21. **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.
22. **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.
23. **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.
24. **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.
25. **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, RTGA, LLC, Ray Alderman, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
26. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
27. **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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