

RESOLUTION NO. 2021-07

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AN APPROXIMATELY 4,032-SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING AT 4544 JACK PINE LANE, SEC. 31, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID # 194-03-21-31-018-017); WILDWOOD HOLDINGS, LLC, OWNER; JOHN KURT, APPLICANT

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

WHEREAS, Applicant requested a conditional use permit to construct an approximately 4,032-square foot multi-tenant commercial building, at 4544 Jack Pine Lane, Sec. 31, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-31-018-017), and,

WHEREAS, the Village of Yorkville Plan Commission recommended approval of the request, subject to the conditions attached hereto as Exhibit A, for the following reasons:

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.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Yorkville, that the requested conditional use 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 March 8, 2021.

VILLAGE OF YORKVILLE

Ayes: 5

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk

Abstentions: 0

Absences: 0

EXHIBIT A - CONDITIONS

Wildwood Holdings, LLC, Owner

John Kurt, Applicant

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. **Plat of Survey.** Prior to the issuance of a zoning permit, the applicant must provide the Racine County Development Services Department with a Plat of Survey prepared by a Land Surveyor registered in the State of Wisconsin.
3. **Tenants.** Each tenant is required to obtain at a minimum, an occupancy permit prior to occupying any unit in the building. Tenants are restricted to uses allowed in the B-3 zoning district. A zoning permit can be obtained from the Racine County Development Services Office after submitting a copy of the lease agreement for the unit, a written business operation plan, and applicable zoning permit fee at the time of application as displayed in the Racine County Development Services Department Fee Schedule for Village of Yorkville. Note: Certain uses in the B-3 zoning district require approval from the Yorkville Village Board prior to issuance of an occupancy permit per Section 20-556(2) in the Racine County Code of Ordinances as applicable to the Village of Yorkville.
4. **Private Onsite Wastewater Treatment System.** Prior to the issuance of a zoning permit, a sanitary permit must be obtained from the Racine County Development Services Department. Please contact their office at (262) 886-8440. Industrial wastes and wastewater may not be introduced into a plumbing drain system that is served by a POWTS unless approved by the Wisconsin Department of Natural Resources (WDNR) under chapter 214 regulations.
5. **Hours of Operation.** Hours of operation for any future tenant shall be 6:00am – 10:00pm 7 days a week.
6. **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.
7. **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.
8. **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.
9. **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 February 8, 2021, unless otherwise amended herein.

10. **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).
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. **Outside Storage.** Outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Scrap material (recycle) bins must be screened from public view.
13. **Exterior Lighting.** All exterior lighting must 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. The source of such illumination must be arranged, oriented, or shielded in a manner that will not endanger the safety of pedestrian or vehicular traffic.
14. **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.
15. **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.
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, Wildwood Holdings, LLC, John Kurt, his 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. **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.