

**RESOLUTION NO. 2021-29**

**VILLAGE OF YORKVILLE  
RACINE COUNTY, WISCONSIN**

**A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT TO ELIMINATE CONDITION # 28 OF THE CONDITIONAL USE PERMIT APPROVED BY THE YORKVILLE VILLAGE BOARD ON MAY 11, 2020 FOR THE PROPERTIES LOCATED AT 1925 GRANDVIEW PARKWAY, 2000 GRANDVIEW PARKWAY, AND THE VACANT PARCEL TO THE NORTH OF 1906 GRANDVIEW PARKWAY, SEC. 13 AND SEC. 24, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID #'S 194-03-21-24-001-300, 194-03-21-24-001-030 AND 194-03-21-13-029-017); VILLAGE OF YORKVILLE, APPLICANT; MICHAEL MCKINNEY, AGENT**

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

**WHEREAS**, Applicant/Agent requested a conditional use permit amendment to eliminate Condition # 28 of the conditional use permit approved by the Yorkville Village Board on May 11, 2020 for the properties located at 1925 Grandview Parkway, 2000 Grandview Parkway, and the vacant parcel to the north of 1906 Grandview Parkway, Sec. 13 and Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-24-001-300, 194-03-21-24-001-030 and 194-03-21-13-029-017), 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 reason:

1. The removal of condition #28 does not affect any part of the operation plan for the originally approved conditional use.

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Yorkville, that the requested site plan 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 August 9, 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**  
Village of Yorkville, Applicant  
Michael McKinney, Agent

1. **Zoning Permit.** The applicant must obtain a zoning permit from the Racine County Development Services Office for each industrial building after paying the zoning permit fee of \$2,000.00. Please note: The 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. **Tenants.** Each future tenant of the industrial building must at a minimum obtain site plan review approval from the Village of Yorkville Plan Commission prior to occupying the site. Each tenant must contact the Racine County Development Services Department at (262)-886-8440 to inquire about occupancy requirements.
3. **Traffic Study.** Prior to issuance of the zoning permit, a traffic study deemed adequate by the Wisconsin Department of Transportation must be completed.
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. **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.
6. **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.
7. **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 March 16, 2020, unless otherwise amended herein.
8. **Permits Required for Future Buildings.** Any future buildings or additions will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.
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 (copy attached).
10. **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.
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. **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.
13. **Exterior Lighting.** All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.
14. **Signs.** Any advertising sign on this property must conform to Racine County Ordinance standards and will require a separate zoning permit(s) prior to installation. Contact the Racine County Development Services Office at 262-886-8440 for further information regarding sign permits.
15. **Parking.** Parking must be provided as shown on the submitted site plan. Each automobile parking space must be a minimum of nine feet wide and 180 square feet in area, exclusive of the space required for ingress and egress. Handicapped spaces must be provided in accordance with State requirements. Aisles and spaces must be clearly marked. The driveways serving this operation must be located according to the submitted plan. The driveways and all parking areas must be maintained in an all-weather, dust-controlled condition.
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 Town of Yorkville's prohibition on the outside storage of aged vehicles, wrecked vehicles, or parts vehicles.
17. **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.
18. **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.
19. **Erosion Control.** To help prevent sediment from entering onto an abutting property, drainage way, or road ditch, prior to any earth disturbance activities, temporary diversions must be installed as directed by the Village Engineer.
20. **Construction.** 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 work day or as determined by the jurisdictional highway authority.

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. **Liability.** Racine County and the Village of Yorkville does not warrant that the plans for this project are functionally and/or structurally adequate. Racine County and the Village of Yorkville does not certify that the design is adequate for this site and Racine County and the Village of Yorkville accepts no liability through this approval.
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, Grandview HW III, LLC, Greg Scovitch, their 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. **Traffic Impact Analysis** In the event that the traffic levels related to this development exceed those set forth in the Abbreviated Traffic Impact Analysis, dated May 8, 2020, and submitted to the Plan Commission and Village Board on May 11, 2020 ("ATIA"), the Village may, at its option, conduct independent traffic counts to determine whether an updated or full traffic impact analysis is needed. If the independent traffic counts reflect an increase in traffic attributable to the development as determined by the Village, the Village may charge all or a portion of the cost of such traffic counts back to the Applicant/Property Owner. The Village may require an updated or full traffic impact analysis, in a form approved by the Village's engineers, no more than once every six months during the first two years of operations and no more than once in any 12 month period thereafter. The Applicant/Property Owner shall be responsible for all costs related to the updated or full traffic impact analysis. If any such traffic impact analysis makes recommendations to address traffic impacts caused by the increase in traffic attributable to the development, the Village may require that the Applicant/Property Owner implement, at Applicant/Property Owner's cost, any or all of the recommendations set forth in the updated or full traffic impact analysis or, at the Village's option, the Applicant/Property Owner shall pay a fee in lieu of implementation with the intention that the Village will directly, or through third party contracts, use the fee paid to fund all or a portion of implementing the recommendations. The intention under this paragraph, is for the Applicant/Property Owner to be responsible, including financially responsible, for improvements necessary to address the traffic impacts attributable to the development now and in the future. For the purposes of determining the start date of the two year period of operations, this period of time

shall begin once the Applicant/Property Owner receives its occupancy permit from the Village and delivery operations have begun. The proposed start date of operations shall be submitted to the Village Administrator by the Applicant/Property Owner for review, confirmed by the Village Administrator, and attached to the zoning file for this use.

29. **Union Grove-Yorkville Fire Department Review.** The applicant shall submit their plans to the Union Grove-Yorkville Fire Department for their review and comment.
30. **Recording.** The Village shall have this Resolution recorded with the Racine County Register of Deeds at the applicant's expense.

## **EXHIBIT B - PERFORMANCE STANDARDS**

Village of Yorkville, Applicant  
Michael McKinney, 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.**