

RESOLUTION NO. 2022-31

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST TO UPDATE THE EXTERIOR LIGHTING PLAN FOR A BUSINESS KNOWN AS “MCLANE FOODSERVICE” AT 1906 GRANDVIEW PARKWAY, SEC. 13 AND SEC. 24, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID #'S 194-03-21-13-029-112 AND 194-03-21-24-001-040); MCLANE FOODSERVICE, INC., OWNER; MICHAEL FINCUTTER, APPLICANT/AGENT

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

WHEREAS, Applicant/Agent requested conditional use permit approval to update the exterior lighting plan for a business known as “McLane Foodservice” at 1906 Grandview Parkway, Sec. 13 and Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-13-029-112 and 194-03-21-24-001-040), 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 reasons:

1. The exterior lighting is necessary to promote the safe flow of tractor/trailers throughout the parking lot and loading dock areas on the property;
2. The updated exterior lighting plan will meet the standards of condition #11 as outlined in the original site plan review approval letter dated July 17, 2007.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Yorkville, that the requested site plan review 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 September 12, 2022.

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

McLane Foodservice, Inc., Owner
Michael Fincutter, Applicant/Agent

1. **Exterior Lighting.** Exterior lighting is intended to promote a safe and attractive character throughout the Village of Yorkville without creating a nuisance to adjacent properties. All exterior lighting must comply with the following standards:
 - Light fixtures must be selected with care to ensure that they are appropriately scaled in relation to their setting and to ensure that they are of a style that is compatible with the character of their immediate environment.
 - Luminaries must be aimed, shielded, or relocated to minimize glare.
 - The maximum allowable light spillover to an adjacent residential property must be 0.5 foot-candles measured at the property line, four feet above grade. For all other types of land uses, the maximum allowable light spillover may be 0.75 average foot-candles, measured in the same manner. Additional light intensity per the submitted plan is permitted at the intersection of the driveway and the public road.
 - Lighting levels must be measured in foot-candles with a portable, direct-reading light meter. The meter sensor must be mounted no more than four feet above the ground line in a horizontal position. Readings must be taken only after the cell has been exposed long enough to provide a constant reading. Measurements must be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings must be compared to the maximum permitted illumination.
 - All lighting wires/cables must be placed underground.
 - Accent lighting should be used to highlight architectural and landscape design elements when appropriate.
 - When any exterior lighting is installed or substantially modified, an exterior lighting plan must be submitted to the Racine County Planning and Development Department in order to determine whether the requirements of this section have been met.
 - Illumination of uses must meet the Illuminating Engineering Society of North America (IES) minimum standards.
 - Pedestrian walkways and parking areas must be illuminated to a sufficient level to provide for security.
2. **Compliance with Previous Conditions of Approval.** All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.
3. **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. Upon written inquiry by the Village of Yorkville Board, the permit holder shall have the burden of presenting credible evidence establishing to a reasonable degree of certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use will be grounds for revocation of the permit.

4. **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.
5. **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).
6. **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.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **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, McLane Foodservice, Inc., their heirs, successors, and assigns are responsible for full compliance with the above conditions.

13. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
14. **Recording.** The Village shall have this Resolution recorded with the Racine County Register of Deeds at the applicant's expense.

EXHIBIT B - PERFORMANCE STANDARDS

McLane Foodservice, Inc., Owner
Michael Fincutter, Applicant/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.