

E-MAIL MEMORANDUM

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

FROM: Shaun T. Maiter
Assistant Development Services Superintendent

SUBJECT: Hribar Land Management, LLC, Owner
Mike Rivecca, Applicant
Parcel Id. # 194032103002000 & 194032103006000
2221 Raymond Avenue

April 14, 2025, Conditional Use to construct and utilize a concrete batch plant, including aggregate storage bins, washout station, and occupancy of two industrial buildings.

DATE: April 3, 2025

Overview:

The subject ±44.75-acre and ±162.3-acre parcels are located at 2221 Raymond Avenue and is serviced by holding tank(s) and private well(s). The portion of the property relevant for this conditional use permit is zoned M-3, Heavy Industrial District. On November 21, 2011, the Racine County Economic Development and Land Use Planning Committee approved a conditional use permit to utilize the above referenced property as a construction equipment truck terminal and repair facility, including limited crushing, temporary stockpiling of recycled materials & outside storage to occupy the site and existing buildings. On January 20, 2014, the Racine County Economic Development and Land Use Planning Committee approved a site plan review to allow Michels Corporation to occupy two buildings and portion of the M-3 zoned area with outside equipment storage. On June 20, 2016, the Racine County Economic Development and Land Use Planning Committee approved a conditional use permit to construct and utilize a gravel parking area for up to 107 trucks/trailers. At this time, the applicant is requesting conditional use approval to construct and utilize a concrete batch plant, including aggregate storage bins, washout station, and occupancy of two industrial buildings. The maximum structure height in the M-3 zoning district is 60-feet and the proposed height of the batch plant is 63-feet; according to Section 20-1111 of the Racine County Code of Ordinances as applicable to the Village of Yorkville, special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks, are exempt from the height limitations of this chapter. With that in mind, the height of the batch plant is allowable due to the height exemption for manufacturing

equipment. The proposed batch plant will have 12 to 18 full-time employees and will have standard operating hours of 6:00am to 5:00pm Monday through Friday, and 6:00am to 12:00pm Saturdays. Occasionally operation would occur outside of standard hours for certain projects. The batch plant construction is proposed to begin upon approval and the plant will be operational by late summer.

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 \$1,000.00. 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. **Washout Station.** Prior to issuance of a zoning permit, a new site plan must be submitted to the Racine County Development Services Office showing that the proposed washout station will be located outside of the 100-year floodplain.
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. Industrial waste 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.
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. **Substantiated Complaints.** The Village of Yorkville reserves the right to require the owner to appear before the Board to address substantiated complaints involving this operation. The Board may direct the owner to implement possible corrective measures

to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.

7. **Compliance with Previous Conditions of Approval.** All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.
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 March 13, 2025, 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. **Hours of Operation.** Hours of Operation shall be 6:00am to 5:00pm Monday through Friday, and 6:00am to 12:00pm Saturday. **Any operation that deviates from these hours of operation will require written authorization from the Village of Yorkville.**
12. **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.
13. **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.
14. **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.

15. **Aggregate Storage.** All aggregate storage must occur within the designated aggregate storage bins as shown on the submitted plan received by the Racine County Development Services Office on March 13, 2025.
16. **Outside Storage.** Except for the vehicle parking area and aggregate storage bins, as shown on the submitted plans, or previously approved areas of outside storage, 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. **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.
22. **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.
23. **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.
24. **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.
25. **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.
26. **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.
27. **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.

28. **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, Hribar Land Management, LLC, Mike Rivecca, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
 29. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
 30. **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 Eberle
File