

**RESOLUTION NO. 2022-83**

**A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST TO AMEND THE CONDITIONAL USE PERMIT ALLOWING FOR THE OPERATION OF A LANDSCAPE CONTRACTOR'S YARD WITH OUTDOOR STORAGE OF EQUIPMENT AND MATERIALS LOCATED AT 6207 DOUGLAS AVENUE, VILLAGE OF CALEDONIA, RACINE COUNTY, WI; JOHN ANDERSON, APPLICANT, ANDERSON INVESTMENT HOLDINGS 6207, OWNER**

The Village Board for the Village of Caledonia resolves as follows:

**WHEREAS**, John Anderson requested an amendment to the conditional use permit allowing for the operation of a landscape contractor's yard with outdoor storage of related equipment and materials at 6207 Douglas Avenue, Parcel ID No. 104-04-23-18-187-000, Village of Caledonia, Racine County, WI; and,

**WHEREAS**, the Village of Caledonia Plan Commission recommended approval of the request, subject to the conditions attached hereto as **Exhibit A**, and the Village Board considers the proposed use proper for the following reasons:

1. The parcel is currently developed and utilized for a commercial greenhouse and the proposed use is similar in nature.
2. The applicant will submit a building, site, and operations plan prior to the storage of equipment and materials on site.

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Caledonia that the requested conditional use amendment set forth above, is hereby approved for the same reasons set forth above and subject to the conditions recommended by the Plan Commission and set forth herein.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 6 day of September, 2022.

**VILLAGE OF CALEDONIA**

By: James R. Dobbs  
James R. Dobbs  
Village President

Attest: Joslyn Hoeffert  
Joslyn Hoeffert  
Village Clerk

Exhibit A  
Conditions and Restrictions 6201 Douglas Avenue  
Contractor's Yard with Outdoor Storage

Applicant: John Anderson (Anderson Investment Holdings 6207) Approved by Plan Commission: 8/29/2022  
Property Address(es): 6201 Douglas Avenue Approved by Village Board: \_\_\_\_\_  
Parcel ID No.: 104-04-23-18-187-000

1. LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Parcel 1:

That part of the Southeast 1/4 of Section 18, Township 4 North, Range 23 East, in the Village of Caledonia, Racine County, Wisconsin, described as follows: Commence at a point on the South line of said Section located S86°27'52"W, 953.73 feet from the Southeast corner of said Section, said point on the West line of the Chicago & Northwestern Railroad right-of-way; thence N21°15'28"W, 969.84 feet along said right-of-way to the point of beginning of this description; thence S86°09'12"W, 578.24 feet; thence N3°50'48"W, 165.00 feet; thence S86°09'12"W, 150.00 feet; thence N3°50'48"W, 27.98 feet; thence N86°20'32"E, 668.41 feet to the West line of said railroad right-of-way; thence S21°15'28"E, 199.94 feet along said right-of-way to the point of beginning. EXCEPTING THEREFROM that part conveyed in Quit Claim Deed recorded April 15, 2015 as Document No. 2404999. ALSO EXCEPTING THEREFROM land conveyed by deed recorded on March 28, 2022 under Document No. 2624654.

Parcel 2:

That part of the Southeast 1/4 of Section 18, Township 4 North, Range 23 East, in the Village of Caledonia, Racine County, Wisconsin, bounded as follows: Commence at the Southeast corner of the Southeast 1/4 of said Section 18; run thence S86°39'31"W, 943.45 feet on the South line of said Southeast 1/4 to its point of intersection with the Westerly line of right-of-way for the Chicago and Northwestern Railroad Co.; thence N21°03'49"W, 1170.28 feet on said Westerly right-of-way to the point of beginning of this description; run thence S86°39'31"W, 966.85 feet on a line parallel with and 1114.74 feet Northerly from as measured normal to, the South line of said Southeast 1/4 to a point on the centerline of State Trunk Highway 32; thence N27°49'15"W, 105.83 feet on the centerline of said State Highway 32; thence N86°29'31"E, 979.83 feet to a point on the Westerly line of right-of-way of Chicago and Northwestern Railroad Co.; thence S21°03'49"E, 101.40 feet on said Westerly line of right-of-way to the point of beginning of this description. Reserving therefrom the rights of the public in and to the roadway known as State Highway 32. EXCEPTING THEREFROM land conveyed by deed recorded on March 28, 2022 under Document No. 2624655.

Said Parcels containing 197,830 sq. ft./4.54 acres of land, more or less.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the Village of Caledonia Municipal Code are in effect and apply to this conditional use unless modified as set forth herein.
- B. The conditional use as set forth in the application, narrative, and concept site plans received August 5, 2022, are incorporated hereby by reference, and shall be modified to comply with these conditions and restrictions.
- C. A precise detailed site plan for the area affected by the conditional use, shall be submitted to, and approved by, the Plan Commission and Village Board prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
- h) Location(s) and future expansion
- i) Number & type(s) of dwellings
- j) Number of garage & surface parking spaces
- k) Dimensions
- l) Setbacks
- m) Location(s) of loading berth(s)
- n) Location of sanitary sewer (existing & proposed)
- o) Location of water (existing & proposed)
- p) Location of storm sewer (existing & proposed)
- q) Location(s) of wetlands (field verified)
- r) Location(s) and details of sign(s)
- s) Location(s) and details of proposed fences/garages

**Exhibit A**  
**Conditions and Restrictions 6201 Douglas Avenue**  
**Contractor's Yard with Outdoor Storage**

**2) Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

**3) Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
- c) Materials of construction (including colors)

**4) Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
  - d) Photometrics of proposed fixtures

**5) Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

**6) Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

**6) Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission and Village Board for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the Caledonia Utility District Board approval. The Utility District Board approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of these properties.

**3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS**

- A. Uses allowed on this property shall be limited to a commercial greenhouse with retail center, a landscape contractor's yard with outdoor storage of related equipment and materials, and those allowed in the B-3, Commercial Service District, and all applicable sections of the Municipal Code. Seasonal storage of recreational vehicles and trailers is prohibited.
- B. Solid waste collection and recycling shall be the responsibility of the applicant.
- C. Removal of snow from off-street parking areas, walks, public sidewalks, private roads, and access drives shall be the responsibility of the applicant. Snow shall not be stored in the public right-of-way.

**4. PARKING AND ACCESS**

- A. The site plan shall include parking stalls with an average of no more than 3.5 parking stalls per 1,000 square feet of institutional building for this development. Parking stall dimensions shall be in accordance with Article VII, Division 5 of the Municipal Code.

# Exhibit A

## Conditions and Restrictions 6201 Douglas Avenue Contractor's Yard with Outdoor Storage

5. LIGHTING

Plans for new outdoor lighting shall be submitted for review and approval by the Electrical Inspector and/or Development Director in accordance with Title 16, Chapter 3, Section 3 of the Municipal Code. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway.

6. SETBACKS

The external setbacks for the planned unit development setbacks shall be at least as follows:

	Street Setback	Rear Setback	Side Setback
Principal Structure	75 ft	25 ft	25 ft
Accessory Structure	25 ft	10 ft	10 ft
Parking	25 ft	10 ft	10 ft

7. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these Conditions and Restrictions within eighteen (18) months from the date of adoption of the resolution authorizing this Conditional Use. This Conditional Use approval shall expire within eighteen (18) months after the date of adoption of the resolution if a building permit has not been issued for this use and substantial work has not commenced. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable Village, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated, or referenced, is mandatory.

9. STORMWATER

The applicant must contact the Village of Caledonia Stormwater Utility District regarding Stormwater regulations for this site. Compliance with all regulations and requirements, as determined by the Village of Caledonia Stormwater Utility District is required. Stormwater management plans shall be submitted for approval and be in compliance with all Village requirements, as determined by the Village Engineer before permits are issued.

10. FIRE DEPARTMENT APPROVAL

Applicant shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.

**Exhibit A**  
**Conditions and Restrictions 6201 Douglas Avenue**  
**Contractor's Yard with Outdoor Storage**

11. CALEDONIA SEWER AND WATER UTILITY DISTRICTS

Applicant must contact the Caledonia Sewer and Water Utility Districts regarding Utility District regulations for this site. Compliance with all regulations and requirements, as determined by the Caledonia Sewer and Water Utility Districts is required. All buildings shall connect to public sanitary sewer and water prior to occupancy.

12. SIGNAGE

The Village's signage requirements are set forth in Title 16 of the Village's Code of Ordinances. Any proposed advertising sign at the site will require a separate sign permit prior to installation. Please contact Village Zoning staff for sign regulations and permit procedures. Banners, balloons, flashing, or animated signs are prohibited.

13. NO ACCUMULATION OF REFUSE AND DEBRIS

Any fence, wall, hedge, yard, space, or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.

14. PROPERTY MAINTENANCE REQUIRED

A complete and thorough maintenance program must be established to insure attractiveness. 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 including removal and replacement of dead or diseased landscaping; cleaning up litter; sweeping, cleaning, and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade. All drives shall be paved with asphalt. Parking areas shall be paved. All drives and parking areas shall be maintained in a dust free condition.

15. 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 adopted by the Village of Caledonia and any conditions established by subsequent Conditional Use Approvals.

16. ACCESS

The applicant must allow any 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, including Titles 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances.

Exhibit A  
Conditions and Restrictions 6201 Douglas Avenue  
Contractor's Yard with Outdoor Storage

18. REIMBURSE VILLAGE COSTS

Applicant shall reimburse the Village all costs incurred by the Village for review of this rezoning and Conditional Use approval 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.

19. AMENDMENTS TO THE CONDITIONAL USE

No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Caledonia's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Caledonia 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.

20. BINDING EFFECT

These conditions bind and are applicable to the Applicant, property owner, successor and assigns, owner's association(s) and any other users of the Property with respect to the uses on the Property.

21. VIOLATIONS & PENALTIES

Any violations of the terms of these conditions and restrictions of this Conditional Use shall be subject to enforcement and the issuance of citations in accordance with Village Code of Ordinances. If the owner, applicant, or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the Village shall have the right to initiate revocation procedures for this Conditional Use, subject to the provisions of paragraph 9 herein. Nothing herein shall preclude the Village from commencing an action in Racine County Circuit Court to enforce the terms of this Conditional Use or to seek an injunction regarding any violation of this Conditional Use or any other Village ordinances.

22. REVOCAION

Should an applicant, its heirs, successors or assigns and any other users of the property fail to comply with the conditions and restrictions of the approval issued by the Village Board, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in the Municipal Code.

23. AGREEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the Village or terminated by mutual agreement of the Village and the owner, and their subsidiaries, related entities, successors, and assigns. Therefore, Racine County; its heirs, successors, and assigns, including all users, future owners, occupants, and owner's association(s), are responsible for full compliance with the above conditions.

24. SUBSEQUENT OWNERS

It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.