

RESOLUTION NO. 2023-129

A RESOLUTION OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A 73-UNIT SENIOR-LIVING APARTMENT BUILDING FOR THE PROPERTY LOCATED DIRECTLY EAST OF 5333 DOUGLAS AVENUE, ALF MCCONNELL, APPLICANT; ALFRED G. MCCONNELL TRUST AGREEMENT DATED AUGUST 5, 1993, OWNER

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

WHEREAS, Alf McConnell, Applicant, requested a conditional use permit to allow the construction and operation of a 73-unit senior-living apartment building for the property located directly east of 5333 Douglas Avenue, Alfred G. McConnell Trust under trust agreement dated August 5, 1993, Owner; Parcel ID No.: 104-04-23-20-102-131.

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 reason:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
2. The proposed use is consistent with the 2035 Land Use Plan designating high density residential land use for the parcel.
3. The Proposed use is consistent with the approved Planned Unit Development Overlay District regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Caledonia that the requested conditional use 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 12 day of December 2023.

VILLAGE OF CALEDONIA

By: Thomas R Weatherston

Thomas Weatherston
Village President

Attest: Megan O'Brien

Megan O'Brien
Village Deputy Clerk

Exhibit A: Conditions and Restrictions

Applicant: McConnell Trust Alfred G.
Property Address(es): Douglas Avenue
Parcel ID No.: 104-04-23-20-102-131

Approved by Plan Commission: November 27, 2023
Approved by Village Board:

1. LEGAL DESCRIPTION

BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3057 IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 23 EAST, IN THE VILLAGE OF CALEDONIA, RACINE COUNTY, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE S 00°28'33" E ALONG THE EAST LINE OF SAID 1/4 SECTION, 601.48 FEET; THENCE S 89°11'18" W, 1049.75 FEET TO THE POINT OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE S 00°05'36" W, 362.70 FEET; THENCE N 89°11'18" E, 60.01 FEET; THENCE S 00°05'38" W, 19.21 FEET; THENCE S 47°14'44" W, 152.30 FEET; THENCE N 45°50'52" W, 300.41 FEET; THENCE N 00°22'56" W, 271.36 FEET; THENCE N 89°11'18" E, 269.83 FEET, TO THE POINT OF BEGINNING. CONTAINING 108,378 SQUARE FEET 2.488 ACRES 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 permit unless modified as set forth herein.

B. The conditional use as set forth in the application, narrative, and concept site plans received November 16, 2023, are incorporated hereby by reference and shall be modified to comply with these conditions and restrictions. 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
- i) Location(s) and future expansion
- ii) Number & type(s) of dwellings
- iii) Number of garage & surface parking spaces
- iv) Dimensions
- v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

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

- 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 Village's Public Services Director for approval, if required. The Caledonia Utility District 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 those allowed in the RM-1, Multi-Family Residential zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code.
- B. Construction and operation of a 73-unit senior-housing building.
- C. Solid waste collection and recycling shall be the responsibility of the Owner.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads, and access drives shall be the responsibility of the Owner. Snow shall not be stored in the public right-of-way.

4. PARKING AND ACCESS

- A. Parking areas shall be in accordance with Title 16, Chapter 12 of the Municipal Code.

5. LIGHTING

Plans for new outdoor lighting shall be submitted for review and approval by the Village Electrical Inspector and/or Village Development Director in accordance with Title 16, Chapter 10, Section 4 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. Lighting on the vacuum booms will be turned off when the business is not open for business.

6. SETBACKS

The external setbacks shall be at least as follows:

	Street Setback	Rear Setback	Side Setback
Principal Structure	35 ft	50 ft	20 ft
Accessory Structure	35 ft	25 ft	10 ft
Parking	15 ft	0 ft	0 ft

Exhibit A: Conditional Use Permit Conditions and Restrictions

7. TIME OF COMPLIANCE

The Owner shall commence work in accordance with these Conditions and Restrictions within two (2) years from the date of adoption of the resolution authorizing this Conditional Use. This Conditional Use approval shall expire in two (2) years 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 Owner 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 Owner 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 Public Services Director, before permits are issued.

10. FIRE DEPARTMENT APPROVAL

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

11. CALEDONIA SEWER AND WATER UTILITY DISTRICTS

Owner 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 advertising 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 of 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 facade. All drives shall be paved with asphalt or cement. Parking areas shall be paved. All drives and parking areas shall be maintained in a dust-free condition.

15. PERFORMANCE STANDARDS

Exhibit A:

Conditional Use Permit

Conditions and Restrictions

The Owner must comply with the provisions of Title 16, Chapter 10, Section 4 of the Municipal Code, as adopted by the Village of Caledonia and any conditions established by subsequent Conditional Use Approvals.

16. ACCESS
The Owner must allow any Village or Racine County 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 Owner is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The Owner 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.
18. REIMBURSE VILLAGE COSTS
Owner shall reimburse the Village for 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 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 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 Owner, 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, the Owner, 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.

Exhibit A:
Conditional Use Permit
Conditions and Restrictions

24. SUBSEQUENT OWNERS

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