

RESOLUTION NO. 2023-130

**A RESOLUTION OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST FOR A  
CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BIO-SOLIDS STORAGE  
BUILDING FOR THE PROPERTY LOCATED AT 13038 GOLF ROAD AND THE PARCEL  
DIRECTLY EAST OF 13038 GOLF ROAD, APPLICANT, DAN HINTZ, RACINE COUNTY &  
HINTZ REAL ESTATE DEVELOPMENT COMPANY, OWNERS**

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

**WHEREAS**, Dan Hintz, Applicant, requested a conditional use permit to construct a 42'x 720' building for the indoor storage of bio-solids for the parcel located at 13038 Golf Road and the parcel located directly east of 13038 Golf Road, Racine County & Hintz Real Estate Development Company, Owners; Parcel ID Nos.: 104-04-22-31-021-000 & 104-04-22-31-007-000.

**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 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 industrial/business park use for the parcel.

**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: Dan Hintz, Hintz Real Estate Development Company    Approved by Plan Commission: 11/27/23  
Property Address(es): 13038 Golf Road & Lot 7, Golf Road    Approved by Village Board: \_\_\_\_\_  
Parcel ID Nos.: 104-04-22-31-021-000 & 104-04-22-31-007-000

### 1. LEGAL DESCRIPTION

13038 Golf Road (Parcel ID No. 104-04-22-31-021-000)

The east one-hundred ninety-eight (198) feet of the south east one-quarter (1/4) of the north west one-quarter (1/4) of Section Thirty-One (31), Township Four (4) North, Range Twenty-Two (22) East. Said land being in the Village of Caledonia, County of Racine and State of Wisconsin.

Parcel 7 (Parcel ID No. 104-04-22-31-007-000)

The Southwest ¼ of the Southeast ¼ of Section 31, Town 4 North, Range 22 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

Referred to herein collectively as the "Property" or the "Parcels" if plural or individually as a "parcel".

### 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 unless modified as set forth herein.

B. The conditional use as set forth in the application, narrative, and site plans received 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
- 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. The Village may require a letter of credit or bond to be posted to cover the cost of implementing landscaping and to ensure maintenance.
- 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 M-3, Heavy Manufacturing zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code.
- B. Operation of one 72'x420' bio-solids storage building.
- C. Solid waste collection and recycling shall be the responsibility of the applicant.
- D. 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

Parking stall dimensions shall be in accordance with Title 16, Chapter 12 of the Municipal Code.

5. LIGHTING

No outdoor lighting is being approved as part of the conditional use. 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 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.

6. SETBACKS

The minimum setbacks for the proposed bio-solid storage building shall be as follows:

	Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft	40 ft	10 ft
Parking	25 ft	10 ft	10 ft

\*Setbacks are modified to require storage facility to comply with separation distances as set forth under Wisconsin law and specifically under Wisconsin Administrative Code Chapters NR 110 and NR 204. Wis. Adm. Code NR 110.15(3)(d) requires a minimum 1,000-foot separation distance from a residential dwelling whether occupied or unoccupied and from land being developed for commercial or residential use.

# Exhibit A:

## Conditions and Restrictions

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 reapply for a Conditional Use approval prior to recommencing work or construction.

8. HOURS OF OPERATION

The hours of operation shall be 7:00 a.m. to 5:00 p.m. Monday through Friday.

9. ODORS

Property owner is responsible for controlling all odors from the facility. If odors become objectionable, as determined by the Village during the proposed storage of the bio-solids, a misting system or other odor suppressing system must be implemented that meets Wisconsin Department of Natural Resources standards.

10. TRUCKS

Trucks accessing the property that contain biosolids shall be maintained in a watertight condition to prevent spillage of materials on the driveway and roadways on the site.

11. COMPLIANCE

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.

12. BIO-SOLID CONTAINMENT

Internal runoff must be contained and disposed of off-site in compliance with Wisconsin DNR regulations. Any spills associated with the proposed transporting and storage of bio-solids must be cleaned up immediately and disposed of off-site in compliance with Wisconsin DNR regulations. Any sediment or bio-solids must be prevented from being tracked onto public or private roadways. Any sediments or bio-solids reaching a public or private road must be removed by street cleaning (not flushing) before the end of each workday or as determined by the jurisdictional highway authority.

13. HAULING ROUTES, ROAD WEIGHT LIMITS; DRIVEWAY

All Village roads have Class "B" weight limits unless waived by the Village Engineer. Golf Road is a Village Road and the Applicant shall be allowed to use Golf Road to access the driveway and exceed Class "B" weight limits for Golf Road only. All applicable weight limit restrictions on other roads shall be in full affect and applied to vehicles associated with this use. The Applicant shall file a plan, for maintaining the driveway in a dust free condition, for review and approval by the Village Engineer. If development occurs on any of these two parcels that brings a public right-of-way or driveway closer to the proposed structure, the Village Engineer may require the Applicant/Property Owner to relocate the driveway, along with the scale, to connect to the closer public right-of-way or shared driveway and to prepare necessary plans and specifications for review and approval by the Village Engineer.

14. 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 Public Services Director before permits are issued.

15. FIRE DEPARTMENT APPROVAL

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

## Exhibit A: Conditions and Restrictions

16. 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. The site is not located within the Caledonia Sewer and Water Service Area. Due to sanitary sewer and watermain not being available, a declaration of restrictive covenants document will need to be executed by the owner prior to any building permits being issued. All buildings shall connect to public sanitary sewer and water when available.
17. 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.
18. NO ACCUMULATION OF REFUSE AND DEBRIS; NO OUTSIDE STORAGE  
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. There shall be no outside storage on this site or the parking of vehicles outside of the structure on this site.
19. 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 or have placed upon them compacted recycled asphalt. All drives and parking areas shall be maintained in a dust-free condition. The fabric material utilized for sides and roofing on the structure shall be maintained in weathertight condition and in good to excellent condition which requires the fabric to be in a tear free and stain free condition.
20. PERFORMANCE STANDARDS  
The applicant 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.
21. 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.
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, including Titles 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances. Applicant shall comply with all requirements under Wisconsin Administrative Code Chapters NR 110 and NR 204 and the requirements of the Wisconsin DNR Permit issued for the sludge storage project - WPDES No. 0025194-4.
23. REIMBURSE VILLAGE COSTS;  
Applicant shall reimburse the Village all costs incurred by the Village for review of this rezoning 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.
24. AMENDMENTS TO CONDITIONAL USE

## Exhibit A: Conditions and Restrictions

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.

25. 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. Because the conditional use encompasses two parcels, both parcels shall remain in common ownership unless otherwise approved by the Village Board. Applicant shall submit evidence of common ownership to the Village prior to permit issuance. This is necessary because the approved legal access to the public right-of-way is by a driveway that provides access to the bio-solids building is on one parcel and the bio-solids building is on the other parcel. The parcels may be combined into one parcel in accordance with Village ordinances.

26. 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 28 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.

**NOTE: VILLAGE STAFF IS WAITING ON ADDITIONAL FEEDBACK FROM APPLICANT ON THIS REVISED DURATION CONDITION**

27. PERMIT DURATION

- a. Duration. The conditional use will expire twenty (20) years following the date of the occupancy permit for the bio-solids storage facility. The Applicant may apply for an extension of the duration of this conditional use permit prior to expiration of the twenty (20) year period of time by submitting a request in writing for an extension at least six (6) months prior to the expiration date of the initial twenty (20) year period. No more than one ten (10) year extension (without a new application and public hearing) may be granted by the Village Board upon request and application of the applicant. An application for extension shall be reviewed by the Plan Commission and the Plan Commission shall make a recommendation to the Village Board. The Village Board shall have the authority to add reasonable conditions to any extension of the permit to address issues that may have arisen in the prior twenty (20) year period of time, as well as address any other concerns raised associated with the extension. However, no such extension or permit renewal will be granted unless this project is in reasonable compliance with the conditions of the then current approval. An on-site evaluation by the Village staff will determine compliance.
- b. Permit Review Check-in. This permit may be reviewed by the Village Plan Commission after ten (10) years. The Village Plan Commission shall have the authority to recommend to the Village Board to add reasonable conditions to address issues that may have arisen in the prior ten (10) year period of time and to address any other concerns raised. Applicant agrees to appear before the Village Plan Commission for this ten (10) year review upon request by the Village.
- c. Lapse of Conditional Use. Excluding the period of construction of the biosolids building and up to the issuance of an occupancy permit, if the conditional use is thereafter discontinued or terminated for a period of twelve (12) consecutive months or eighteen (18) cumulative months in a three (3) year period, the conditional use permit will lapse.
- d. Raze or Repurpose. Once the conditional use permit expires or lapses, under paragraph (a) or (c) above, respectively, the Applicant shall raze the biosolids storage facility in accordance with Village ordinance and restore the site (including seeding and grading as required by Village Ordinances within 6 months of expiration or lapse) unless the Applicant elects to repurpose the biosolids storage facility to some other use in compliance with the zoning applicable to the Property at that time and the then-

## Exhibit A: Conditions and Restrictions

applicable Village Code of Ordinances. If any repurpose of the facility for a different use requires a conditional use permit under applicable zoning and the Village's Code of Ordinances, the Applicant shall submit an application for any required new conditional use, including a public hearing thereof, prior to any action by the Village Plan Commission and Village Board.

e. Prohibited. So long as the conditional use permit is in place, in no case shall the facility be converted to, or utilized for or as, a containment for outside storage of any kind, whether partially or fully exposed to the weather elements.

f. Letter of Credit / Surety. The Village may require a letter of credit or other surety in an amount sufficient to secure the payment of costs for any razing and restoration which may be required under paragraph (d) above, which shall be posted by Applicant thirty (30) days prior to expiration of the conditional use permit or within thirty (30) days after lapse of the conditional use permit and upon the Village's request and, in the event Applicant fails to raze the structure on the Parcel within the timeframe set forth in paragraph (c), the Village of Caledonia may, in its sole discretion, contract with a third-party and have the structure(s) razed and charge the costs of such razing as a lien against both or one of the Parcels as a special charge or special assessment. Applicant hereby waives all rights to notice and hearing prior to the occurrence of such razing and the imposition of such special charge or special assessments on the tax roll and as a lien against the Parcels in accordance with Wisconsin law.

### 28. REVOCAATION

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.

### 29. 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, Dan Hintz, and Hintz Real Estate Development Company; 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.

### 30. SUBSEQUENT OWNERS

It is the property owner's responsibility to inform any subsequent owner or operator of these conditions. The Village may require that the final conditions of the conditional use approval be recorded at the office of the Racine County Register of Deeds at Owner's cost. Proof of recording shall be submitted to the Zoning Administrator office prior to the issuance of the permit.

### 31. LETTERS OF CREDIT

Any letter of credit posted shall be for a time period specified by the Village Zoning Administrator and shall contain a provision requiring written notice to the Village at least 60 days prior to expiration. Applicant shall ensure that any letter of credit that is posted shall be extended or replaced prior to any expiration date so long as the use is still active on the Property. If the Applicant fails to extend or replace the letter of credit prior to expiration, such inaction shall be grounds for default and the Village shall be entitled to draw on the letter of credit for the full value and hold the cash as a deposit to pay for the costs of whatever improvement or requirement the letter of credit was meant to guaranty.

### 32. RAZING OF EXISTING STRUCTURES ON 13038 GOLF ROAD (PARCEL ID NO. 104-04-22-31-021-000)

Applicant shall raze the existing structure(s) on the Parcel located at 13038 Golf Road. Applicant shall apply to the Village of Caledonia for the raze permit for the existing structures on the Parcel. Applicant shall raze all structure(s) on the Property in compliance with the Village requirements within ninety (90) days of permit issuance and prior to the occupancy permit is issued for the bio-solids storage building. The Village may require a letter of credit or other surety to secure such razing. In the event Applicant fails to raze the structure on the Parcel within said timeframe, the Village of Caledonia may, in its sole discretion, contract with a third-party and have the structures razed and charge the costs of such razing

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as a lien against both Parcels as a special charge or special assessment. Applicant hereby waives all rights to notice and hearing prior to the occurrence of such razing and the imposition of such special charge or special assessments on the tax roll and as a lien against the Parcels in accordance with Wisconsin law.

33. CONDITION PRECEDENT

The Village acknowledges that the conditions of the CUP set forth herein are contingent (in addition to other contingencies set forth in this list of conditions of approval) and conditioned upon Applicant acquiring fee title to the Parcel currently owned by Racine County (PIN: 104-04-22-31-021-000), which, if authorized by Racine County, the Village will acquire from Racine County and then convey to Applicant pursuant to an Option to Purchase with Addendum which is being considered and approved simultaneously with the conditional use permit.