

**RESOLUTION NO. 2023-78**

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA TO AUTHORIZE ISSUANCE OF BUILDING PERMITS FOR LOTS 13 AND 14 OF THE GLEN AT WATER'S EDGE SUBDIVISION PRIOR TO INSTALLATION OF THE PAVEMENT AND ACCEPTANCE OF THE SUBDIVISION SYSTEM**

The Village Board of the Village of Caledonia, Racine County, Wisconsin do resolve as follows:

**WHEREAS**, the Village of Caledonia and Cornerstone Development of S.E. Wisconsin, LLC ("Developer") entered into an amended Development Agreement on June 13, 2023 for the development of the subdivision known as The Glen at Water's Edge (the "Development Agreement");

**WHEREAS**, the Development Agreement requires the Developer to begin construction on two model homes immediately and to apply for and obtain building permits for two lots by August 1, 2023;

**WHEREAS**, it is important for the Tax Incremental Finance District No. 5 for the Developer to begin the construction of the model homes on the 30-lot development to get a running start on model openings to the public and to procure as many pre-orders as possible;

**WHEREAS**, the Public Works Committee reviewed the early issuance of building permits on July 10, 2023 and recommended approval subject to nine conditions listed on the Village Engineer's Memo dated July 6, 2023 included hereto as **Exhibit A**; and

**WHEREAS**, the Village of Caledonia Staff recommends that the Village Code of Ordinances be modified to allow the Village Engineer or Public Services Director to review and approve requests for early building permits on a case-by-case basis subject to standards and conditions to be set forth in the ordinances.

**NOW THEREFORE BE IT RESOLVED THAT**, that the Village Board of the Village of Caledonia adopts the findings of the Public Works Committee and the Village Engineer as set forth in the Village Engineer's Memo dated July 6, 2023, attached hereto, and incorporated herein, as **Exhibit A** and authorizes Village Staff to issue the requested permits subject to the conditions listed below:

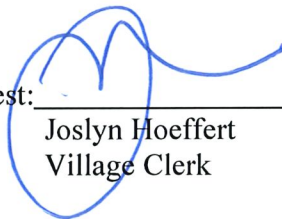
1. The Subdivision Plat has been recorded.
2. The permits are submitted to the Wisconsin Department of Safety and Professional Services online permit system prior to submittal to the Village.
3. The permits are subject to full review by the Village Zoning, Building, and Engineering Departments. Any and all corrections shall be made and reviewed prior to issuing the building permit.

4. Occupancy shall not be granted until the Subdivision System has been accepted by the Village and the public road right-of-way has been paved with the binder layer of asphalt.
5. Any delays to the construction of the subdivision will result in a stop work order being placed on the building permits for Lots 13 and 14.
6. Any damage to the subdivision system or public road right-of-way as a result of the development of Lots 13 and 14 shall be restored and repaired at the Developer's cost.
7. This modification only applies to the building permits for Lots 13 and 14.

Adopted by the Board of Trustees of the Village of Caledonia, Racine County, Wisconsin, this 25 day of July, 2023.

**VILLAGE OF CALEDONIA**

By:   
Thomas R. Weatherston  
Village President

Attest:   
Joslyn Hoeffert  
Village Clerk

# MEMORANDUM

Date: July 6, 2023

To: Public Works Committee

From: Ryan Schmidt, P.E.  
Village Engineer



Re: **Request to Issue Early Building Permits – The Glen @ Water’s Edge**

---

## BACKGROUND INFORMATION

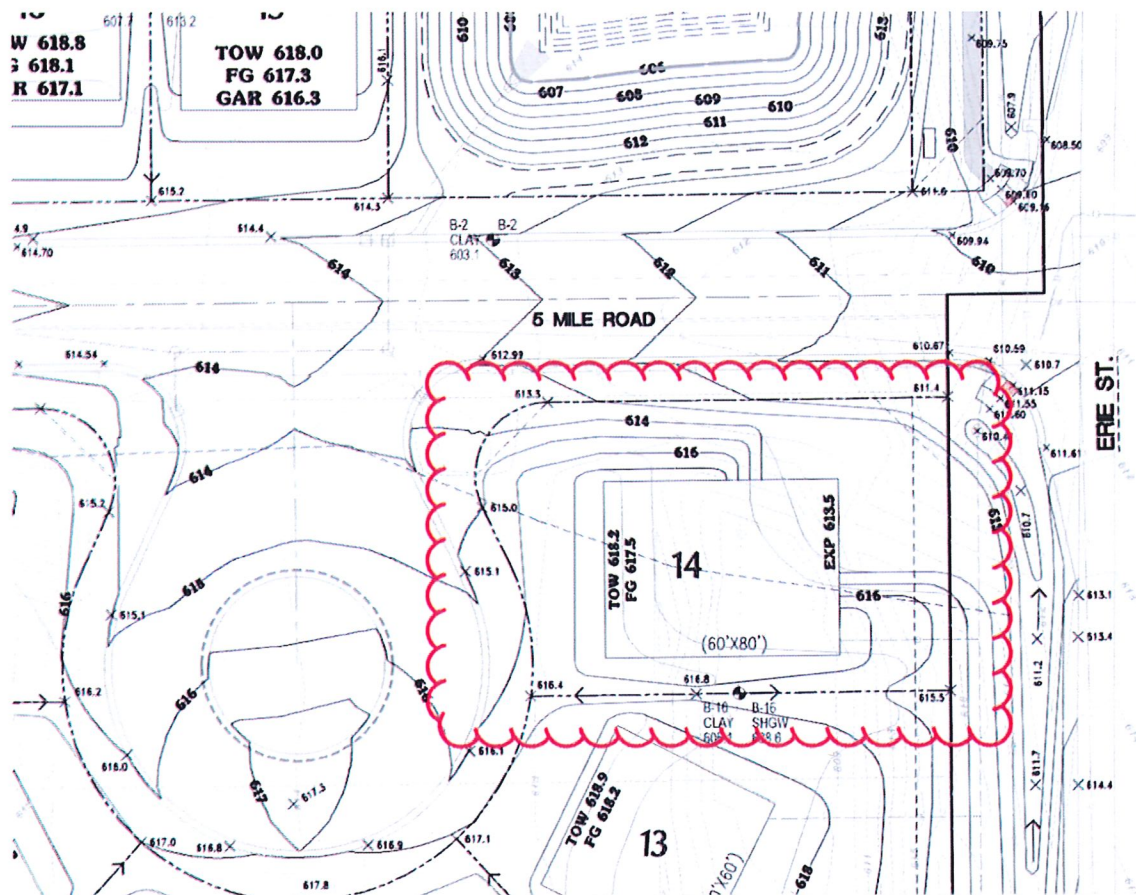
The Engineering Department received a request to allow for the issuance of building permits before the infrastructure has been accepted by the Village and before the pavement has been installed for The Glen at Water’s Edge Subdivision Project. This request is so that the developer can get a head start on model openings to the public and to procure as many pre-sales as possible. The Developer has requested that a “hard surface” be defined as compacted gravel road base and not asphalt.

The typical process of development projects such as these starts with mass grading and storm water infrastructure installation, moves to utility installations, then to pavement installation with additional site grading work beyond the pavement limits. A gravel base is typically placed early in the project to allow construction equipment to navigate the site efficiently and effectively. Title 15-1-6-(f)-(4) requires a property to abut upon an improved and constructed public highway in order to issue building permits. The Developers Agreement, however, requires the subdivision system acceptance to issue building permits. This would include the acceptance of utility as-builts and the “Subdivision System”. Staff is in the process of reviewing this section of Title 15 to require the Director and Village Engineer to review these potential home projects on a “case-by-case basis” for site access.

Staff have reviewed this specific request and are willing to review and issue a building permit for only one property – Lot 14. This lot contains frontage on Erie Street/Waters Edge for the back portion of the lot but will have unimproved portions along the new 5 Mile Road and Lillie Circle. It is not recommended to have dedicated or temporary access off of Waters Edge since the primary access for the construction site will be at 5 Mile Road and there is no access allowed on Waters Edge for these properties. The developer will have to ensure that the house plans meet DSPS online permit submittal review before submittal to the Village, ensure that the development of this property shall not interfere in any way with the progress of the overall development of the project, and that the subdivision plat is recorded prior to the building permit being issued. This includes utility installations, curb, pavement, and any other work that would conflict with the development of the subdivision. If, at any point, the development of the home conflicts with the Village’s best interests for the Subdivision, Staff reserves the right to stop work on the property. An Occupancy Permit will not be issued until the road has been paved and infrastructure accepted. Staff review time on this permit will take a secondary role behind any and all permits that are submitted with a paved and improved public road right-of-way. The Developer’s letter also states “one or two” homes, and the Village is not comfortable with more than one (1) home being built in this fashion.



Staff does not believe this situation applies to all subdivisions. These situations need to be reviewed individually by the Director of Public Services or Village Engineer prior to any variance approvals in the future. Staff expects Title 15 to reflect this in a future revision.



### RECOMMENDATION

Move to recommend approval of a variance to Title 15-1-6-(f)-(4) for Lot 14 in The Glen at Water's Edge Subdivision to allow a Building Permit to be issued before the roads are improved and subdivision system is accepted with the following conditions:

1. The Subdivision Plat has been recorded.
2. Any modifications to the Developers Agreement have been made and accepted as required to comply with the recommended motion.
3. The permit is submitted to DSPS online permit system prior to submittal to the Village.
4. The permit is subject to full review by the Village Zoning, Building, and Engineering Departments. Any and all corrections shall be made and reviewed prior to issuing the building permit.
5. Occupancy will not be issued until the Subdivision System has been accepted by the Village and the public road right-of-way has been paved with the binder layer of asphalt.
6. Any delays to the construction of the subdivision will result in a stop work order being placed on the building permit for Lot 14.

- 7. Any damage to the subdivision system or public road right-of-way as a result of the development of Lot 14 shall be corrected at the Developer's cost.**
- 8. Staff will review building permits which have improved and accepted road rights-of-way before this permit.**
- 9. This variance only applies to the building permit for Lot 14.**