

ORDINANCE NO. 2024- XX

AN ORDINANCE TO AMEND ZONING DISTRICTS OF THE ZONING MAP ADOPTED UNDER SECTION 16-2-3 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST TO REZONE FOUR ABUTTING PARCELS CONSISTING OF ±223 ACRES FROM P-2, PARK DISTRICT, M-3, HEAVY MANUFACTURING DISTRICT, AND A-2, AGRICULTURAL DISTRICT TO ALL M-3, HEAVY MANUFACTURING DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT LOCATED AT 3301 USH 41, 3047 USH41, AND TWO PARCELS DIRECTLY EAST OF 3047 USH 41, PARCEL ID NOS. 104-04-22-31-022-000, 104-04-22-31-023-000, 104-04-22-31-024-000 & 104-04-22-31-008-000, VILLAGE OF CALEDONIA, RACINE COUNTY, WI., ASHLEY VENTURES LLC, APPLICANT, HINTZ REAL ESTATE DEVELOPMENT COMPANY, OWNER

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

- A. The request to rezone ±223 acres on abutting parcels located at 3301 USH 41, 3047 USH 41, and two parcels east of 3047 USH 41 from P-2, Park District, A-2, Agricultural District and M-3, Heavy Manufacturing District to all M-3, Heavy Manufacturing District, Village of Caledonia, Racine County, WI. Ashley Ventures LLC, Applicant (the “Applicant”), Hintz Real Estate Development Company, Owner; Parcel Nos.: 104-04-22-31-022-000, 104-04-22-31-023-000, 104-04-22-31-024-000 & 104-04-22-31-008-000, which is legally described on the attached **Exhibit A** (the “Property”) is approved for the following reasons but shall not take effect until the conditions under Par. D of this ordinance are satisfied:
 - 1. The proposed rezoning is consistent with the industrial use recommendation in the 2018, I-94 Corridor Land Use Study.
 - 2. The proposed rezoning is in accord with the 2035 Land Use Plan industrial/business park land use designation for the subject property.
 - 3. The proposed rezoning is in accord with the project plan for Tax Incremental District No. 4.

- B. The request to create a Planned Unit Development Overlay District on ±223 acres on the Property located at 3301 USH 41, 3047 USH 41, and two parcels east of 3047 USH 41 with conditions outlined in **Exhibit B** and a concept development plan illustrated in **Exhibit C** for the following reasons but shall not take effect until the conditions under Par. D of this ordinance are satisfied:
 - 1. The proposed use is allowed by underlying zoning through the planned unit development review process.
 - 2. The proposed planned unit development district is consistent with the 2035 Land Use Plan designating industrial/business park use for the parcels.
 - 3. The proposed rezoning is in accord with the project plan for Tax Incremental District No. 4.

- C. That in order to update the zoning map adopted under Section 16-2-3 of the Code of Ordinances of the Village of Caledonia, the Village Board needs to adopt an ordinance;
- D. That the zoning map be, and hereby is, conditionally amended as follows:

That this ordinance, and any rezoning to M-3 Planned Unit Development is null and void if the following conditions are not complied with:

- 1. **Subject to Acceptance.** Subject to the Applicant and Owner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is null and void, and the same is deemed to not have been approved, and the Owner and Applicant will therefore need to re-commence the application Process; and
- 2. **Time to Satisfy Conditions.** The rezoning to M-3 Planned Unit Development shall not take effect until the Applicant has acquired the Property and if this has not occurred by April 1, 2025, this ordinance shall be null and void.

The Property comprising the ±223 acres on abutting parcels located at 3301 USH 41, 3047 USH 41, and two parcels east of 3047 USH 41 from P-2, Park District, A-2, Agricultural District and M-3, Heavy Manufacturing District to all M-3, Heavy Manufacturing District with a Planned Unit Development (PUD) Overlay District, Village of Caledonia, Racine County, WI, with Parcel No.: 104-04-22-31-022-000, 104-04-22-31-023-000, 104-04-22-31-024-000 & 104-04-22-31-008-000, which are legally described on the attached **Exhibit A**.

- E. That the Village Clerk shall cause the official Zoning Map of the Village of Caledonia to be amended to reflect the amendment to the zoning classification adopted herein once the conditions are met.
- F. That this ordinance shall take effect upon the day after posting or publication in accordance with ordinance and applicable law.

Adopted by the Village Board of the Village of Caledonia this ____ day of May, 2024.

VILLAGE OF CALEDONIA

By: _____
Thomas Weatherston
Village President

Attest: _____
Jennifer Olson
Village Clerk

Exhibit A: Rezone Map with Legal Descriptions

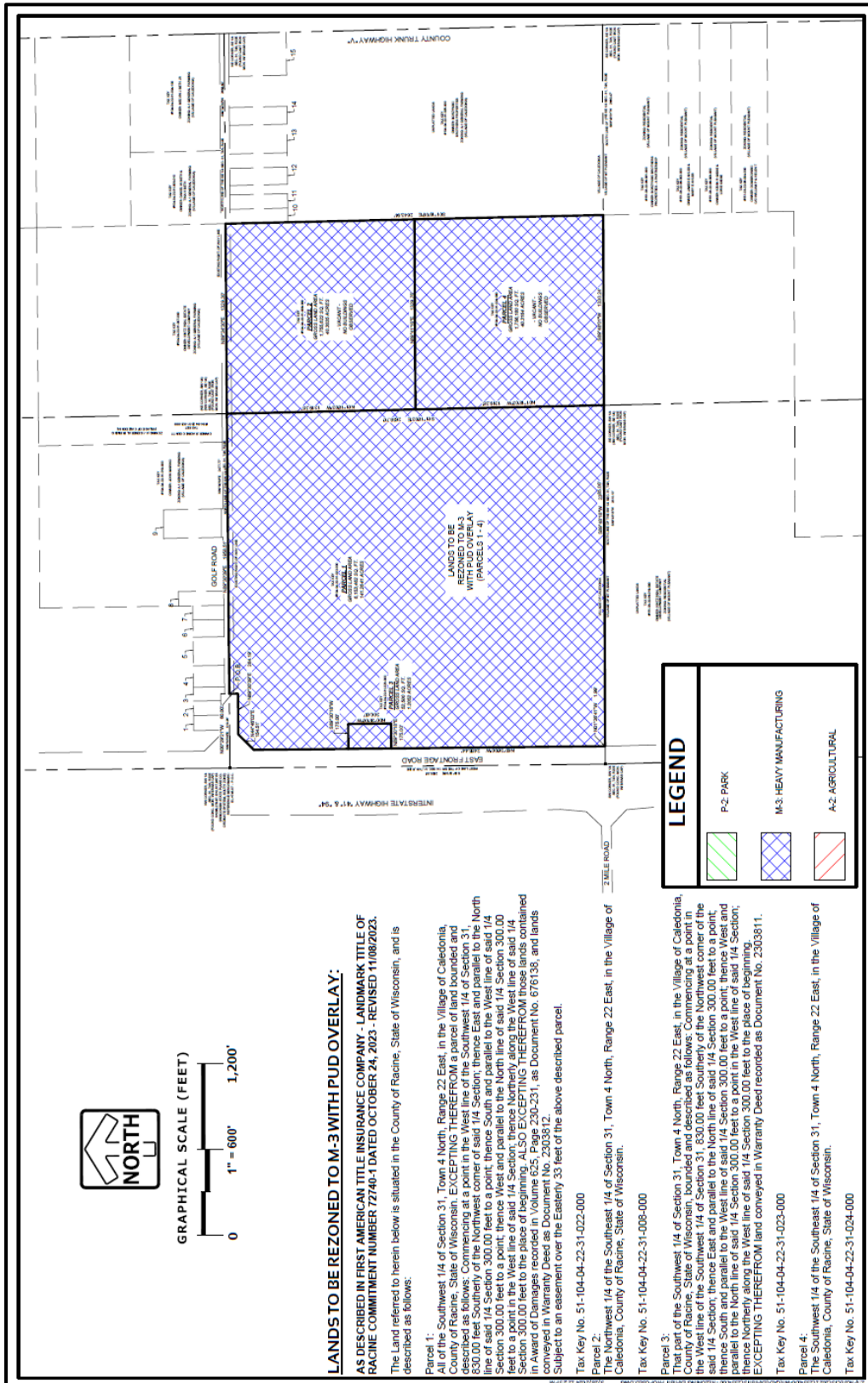


EXHIBIT B:
Planned Unit Development (PUD) Conditions & Restrictions
South Hills Commerce Center Development

Applicant: Ashley Ventures LLC

Approved by Plan Commission: 4/29/2024

Property Address(es): 3047 USH 41, 3301 USH 41, Golf Rd Approved by Village Board: _____

Parcel ID Nos.: 104-04-22-31-022-000, 104-04-22-31-023-000, 104-04-22-31-024-000 & 104-04-22-31-008-000

1. LEGAL DESCRIPTION

Parcel 1: 3047 USH 41 (Parcel ID No. 104-04-22-31-022-000)

All of the Southwest 1/4 of Section 31, Town 4 North, Range 22 East, in the Village of Caledonia, County of Racine, State of Wisconsin. EXCEPTING THEREFROM a parcel of land bounded and described as follows: Commencing at a point in the West line of the Southwest 1/4 of Section 31, 830.00 feet Southerly of the Northwest corner of said 1/4 Section; thence East and parallel to the North line of said 1/4 Section 300.00 feet to a point; thence South and parallel to the West line of said 1/4 Section 300.00 feet to a point; thence West and parallel to the North line of said 1/4 Section 300.00 feet to a point in the West line of said 1/4 Section; thence Northerly along the West line of said 1/4 Section 300.00 feet to the place of beginning. ALSO EXCEPTING THEREFROM those lands contained in Award of Damages recorded in Volume 625, Page 230-231, as Document No. 676138, and lands conveyed in Warranty Deed as Document No. 2303812. Subject to an easement over the Easterly 33 feet of the above described parcel.

Parcel 2: USH 41 (Parcel ID No. 104-04-22-31-008-000)

The Northwest 1/4 of the Southeast 1/4 of Section 31, Town 4 North, Range 22 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

Parcel 3: 3301 USH 41 (Parcel ID No. 104-04-22-31-023-000)

That part of the Southwest 1/4 of Section 31, Town 4 North, Range 22 East, in the Village of Caledonia, County of Racine, State of Wisconsin, bounded and described as follows: Commencing at a point in the West line of the Southwest 1/4 of Section 31, 830.00 feet Southerly of the Northwest corner of the said 1/4 Section; thence East and parallel to the North line of said 1/4 Section 300.00 feet to a point; thence South and parallel to the West line of said 1/4 Section 300.00 feet to a point; thence West and parallel to the North line of said 1/4 Section 300.00 feet to a point in the West line of said 1/4 Section; thence Northerly along the West line of said 1/4 Section 300.00 feet to the place of beginning. EXCEPTING THEREFROM land conveyed in Warranty Deed recorded as Document No. 2303811.

Parcel 4: Golf Road (Parcel ID No. 104-04-22-31-024-000)

The Southwest 1/4 of the Southeast 1/4 of Section 31, Town 4 North, Range 22 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

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 planned unit development unless modified as set forth herein.
- B. The planned unit development concept plan as set forth in the application, narrative, and concept site plan dated March 28, 2024 is incorporated hereby by reference and shall be modified to comply with these conditions and restriction. A precise detailed site plan for the area affected by the Planned Unit Development and phasing plan, 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) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Dimensions
 - iii) Setbacks
- g) Location(s) of loading dock(s)
- h) Location of sanitary sewer (existing & proposed)
- i) Location of water (existing & proposed)
- j) Location of storm sewer (existing & proposed)
- k) Location(s) of wetlands (field verified)
- l) Location(s) and details of sign(s)
- m) 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

Note: Lot dimensions and size requirements do not apply to Outlots within the PUD Overlay District

- 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 Director of Public Services and Village Engineer for approval, if required. The Village's Director of Public Services and Village Engineer's approval must be received prior to the issuance of any building permits.
- E. Prior to construction activities or site work occurring on the Property, the Applicant shall enter into a Development Agreement between the Applicant, Ashley Ventures LLC, and the Village (the "Development Agreement"). Pursuant to the Development Agreement, applicant shall enter into a simultaneous agreement with the Village that addresses the anticipated on-site and off-site infrastructure including but not limited to private driveways, site grading and erosion controls, stormwater improvements, public sanitary sewer and water services by the Village Sewer Utility District and Water Utility District to implement the planned unit development in accordance with the Village's Code of Ordinances. The Applicant agrees to contract with or otherwise arrange with said Utility Districts for the furnishing of public sewer and water services to the Project. All such work shall be pursuant to plans and specifications approved by the Utility Districts and the Village. The applicant acknowledges and agrees that it is responsible for all costs of on-site construction and installation of improvements required by the Village and Utility Districts in accordance with the Village's Code of Ordinances. These agreements are required to ensure the construction or installation of public or other improvements required in Item 1 above, and/or as specified by these conditions and restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of these properties.
- G. For each phase of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with the approved plan, shall be installed for each building prior to the issuance of occupancy permits for that building. The Village may require a letter of credit or bond to be posted to ensure implementation and maintenance and may issue a temporary occupancy permit when weather or unforeseen conditions delay the installation of complete and final landscaping. Landscaping shall comply with Title 16 of the Village's Municipal Code. The Landscape Plan shall meet the Village of Caledonia planting requirements.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on these parcels shall be limited to those allowed in the M-3, Heavy Manufacturing Zoning District and all applicable sections of the Municipal Code.
- B. The proposed development will incorporate a minimum of 20% of the entire development area as open space.
- 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.

E. The Floor Area Ratio for each building in each development phase shall be calculated using only the first floor and shall not exceed 75%.

4. PARKING AND ACCESS

- A. A Traffic Impact Analysis (TIA) shall be performed and submitted to the Village Engineer for review prior to the submission of applications for Plan Commission review of site, building, landscaping, lighting, and similar plans. Required roadway improvements and modifications identified in the TIA shall be the responsibility of the applicant and all such improvements shall be installed prior to issuance of any occupancy permits and in accordance with a schedule established by the Village Engineer. Temporary occupancy permits may be issued when weather, contractor delays, or unforeseen conditions delay the installation of complete and final roadway improvements and modifications.
- B. Parking lot requirements shall follow regulations outlined in Title 16, Chapter 12; Off-Street Parking unless specifically stated in these conditions and restrictions.
- C. Parking spaces for customers and employees shall be no less than 162 square feet in area and stall dimensions of no less than 9'x18'.
- D. Parking lots for customers and employees greater than 50 spaces are required to have one parking lot island or bump-out for every 20 parking stalls.
- E. Driveway Width: Commercial vehicle access driveways can exceed the 35-foot width maximum if supported by turning movements approved by staff.

5. LIGHTING

- A. 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 any public roadway. Abutting lots that share common parking areas or private drives are exempt from Section 16-10-4(b)(1) requirements.

6. SETBACKS

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

| | Street Setback | Rear Setback | Side Setback |
|----------------------|----------------|--------------|--------------|
| Principal Structures | 40 ft | 30 ft | 25 ft |
| Accessory Structures | 40 ft | 30 ft | 25 ft |
| Parking | 10 ft | 0 ft | 0 ft |

7. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions within twenty-four (24) months from the date of adoption of the ordinance authorizing this Planned Unit Development. This Planned Unit Development approval shall expire within twenty-four (24) months from whichever is sooner, the date of ownership transfer to Ashley Ventures LLC or December 31, 2024 if

substantial work has not commenced. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

8. 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.

9. FIRE DEPARTMENT APPROVAL

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

10. 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.

11. SIGNAGE

The Village's signage requirements are set forth in Title 16 of the Village's Code of Ordinances Any modifications to these regulations are permitted as specified in this section. Any proposed advertising sign at the site will require a separate sign permit prior to installation.

Proposed "Freeway Signs" will be limited to a maximum of 450 square feet in area on one side and 900 square feet on all sides.

The overall development is permitted six business park monument signs as located on the concept plan dated March 28, 2024. These signs shall not exceed 10 feet in height, 150 square-feet in size on one side or 300 square feet on all sides.

12. 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. Outdoor storage shall be prohibited unless specifically allowed in conjunction with a separately Village approved and issued conditional use permit for an individual lot on the Property.

13. 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.

14. PERFORMANCE STANDARDS
The applicant must comply with the provisions of Chapter 16, Chapter 10, Section 4 of Village Code of Ordinances, and any conditions established by subsequent Conditional Use Approvals.
15. 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. If the Village is required to obtain any federal or state permits for offsite construction for the development, Applicant shall comply with said permit requirements and conditions.
16. REIMBURSE VILLAGE COSTS
Applicant shall reimburse the Village all costs incurred by the Village for review of this rezoning and PUD Planned Unit Development Overlay District 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 for this development and PUD all reimbursements to the Village shall be paid and current prior to acceptance of public infrastructure improvements.
17. AMENDMENTS TO PLANNED UNIT DEVELOPMENT
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 Development Director, may be made at a staff level, if authorized by the Development Director.
18. 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.
19. VIOLATIONS & PENALTIES
It shall be unlawful to construct, develop or use any structure or develop or use any land, water or air in violation of any provisions or conditions of this PUD planned unit development approval or order of the Village regarding compliance with conditions of approval. Any violations of the terms of the conditions and restrictions of this Planned Unit Development shall be subject to enforcement and the issuance of citations in accordance with Village Code of Ordinances. Nothing herein shall preclude the Village from commencing an action in Racine County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other Village ordinances.
20. RECISSION: FAILURE TO BEGIN DEVELOPMENT
If no substantial construction has commenced within Phase 1 of the PUD Planned Unit Development Agreement under Par. 2(E), the Village may petition the Village Board of Trustees for the purpose of rescinding the planned unit development overlay designation so as to allow the land in question to revert to its underlying zoning. The Village shall provide the applicant with notice of such petition and an opportunity to respond. If the planned unit development overlay district is rescinded, the planning and development office shall remove the district from the official zoning map. Those zoning regulations applicable before the creation of the district shall then be in effect and no vested rights in the planned unit development overlay district shall be deemed to have accrued. . The process for recission of an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in the Municipal Code of Ordinances.

21. AGREEMENT

Your acceptance as applicant of the rezoning/PUD Planned Unit Development Overlay District/Zoning Permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Ashley Ventures LLC; and its successors, and assigns, if any, as the Developer of the South Hills Commerce Center, are responsible for full compliance with the above conditions.

22. SUBSEQUENT OWNERS

It is the property owner's responsibility to inform any subsequent owner or operator of these conditions; any subsequent owner shall be exclusively responsible for compliance with the terms outlined herein.

EXHIBIT C: Concept Development Plan South Hills Commerce Center

