

**RESOLUTION NO. 2024-100
VILLAGE OF CALEDONIA**

**A RESOLUTION APPROVING A CONCEPT PLAN FOR THE PROPOSED THOMAS
FARM SUBDIVISION TO ESTABLISH THE BASE DEVELOPMENT YIELD AND
DENSITY AND TO APPROVE THE WAIVERS OF ORDINANCE 14-3-4(c)(4)(b)(ii)
AND 14-3-5(b) ON PARCEL ID NUMBERS
104-04-23-17-077-000 AND 104-04-23-17-081-000**

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

WHEREAS, the applicant, Bear Development LLC on behalf of the Owner, Thomas Tree Plantation LLC, has submitted a Concept Plan, **Exhibit A**, for the Thomas Farm Subdivision to the Village for consideration with a proposed base development yield of 3.46 units per acre based upon a future rezoning of the parcel of land to R-5 and a future Land Use Plan Amendment to go from Low Density to Medium Density Residential; and

WHEREAS, after Staff review of the first Concept Plan submitted for the August 26, 2024 Plan Commission Meeting, the Planning Department prepared a report and attached hereto as **Exhibit B** and incorporated herein by reference. The report provides background information and recommended conditional approval of the concept plan (with a private access road) to establish the base development yield of 3.64 units/acre subject to a series of conditions based on the limited information along with waivers of the 40% Open Space requirement and conservation easement requirement for plats proposed within the sewer and water service area (Sections 14-3-4(c)(4)(b)(ii) and 14-3-5(b) of the Code of Ordinance) for an infill development in order to meet the proposed base development yield; and

WHEREAS, the Village Plan Commission, on August 26, 2024, recommended the item be tabled until next month's meeting to allow the developer time to work with the residents on the layout and make modifications to reduce the number of lots and eliminate the private drive; and

WHEREAS, the Developer hosted a meeting with the abutting property owners prior to the September 30, 2024 Plan Commission meeting and resubmitted a new concept plan, **Exhibit C**, that eliminated the private drive (which created rear loaded lots along 5 Mile Road) and reduced the overall lots from 64 lots to 62 lots. They created additional Right-of-Way that reduced the lots that had driveway access onto 5 Mile Road and increased their average lot size to a size very similar to neighboring subdivisions; and

WHEREAS, the Village Engineer prepared a memo dated September 17, 2024, hereafter **Exhibit D**, for the Village Plan Commission highlighting the differences in the Concept Plans and also recommended conditional approval of both waivers described above resulting in approximately 21% of Common Open Space and approved the Thomas Farm Subdivision Concept Plan density of 3.46 dwelling units per acre based on the limited information and subject to the conditions and recommendations set forth in the Village Engineer's Memo (**Exhibit D**); and

WHEREAS, on September 30, 2024, the Plan Commission recommended the Concept Plan go to the Village Board without any recommendation; and

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Caledonia that the Concept Plan, as proposed in **Exhibit C**, to establish the base development yield subject to a series of 20 conditions along with waivers of the 40% Open Space requirement and conservation easement requirement in the sewer and water service area (Sections 14-3-4(c)(4)(b)(ii) and 14-3-5(b) of the Code of Ordinance) allowing a reduction in Common Open Space to 21% based upon the limited information received to date, is hereby approved for the reasons and requirements set forth in **Exhibit D**, and in compliance with all other applicable Village Ordinances; and

NOW BE IT FURTHER RESOLVED, that based upon the waivers granted herein, the Base Development Yield of 3.46 units per acre (Density) as proposed in **Exhibit C**, based upon the limited information received to date, is hereby approved for the reasons and requirements set forth in **Exhibit D** and contingent upon the property owner applying for rezoning the parcels to R-5 and a Land Use Plan Amendment to Medium Density, which requires a public hearing and further consideration by the Village Board in compliance with Village Ordinance.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 8 day of October, 2024.

VILLAGE OF CALEDONIA

By: Thomas R Weatherston
Thomas Weatherston
Village President

Attest: Jennifer Olsen
Jennifer Olsen
Village Clerk

ZONING:

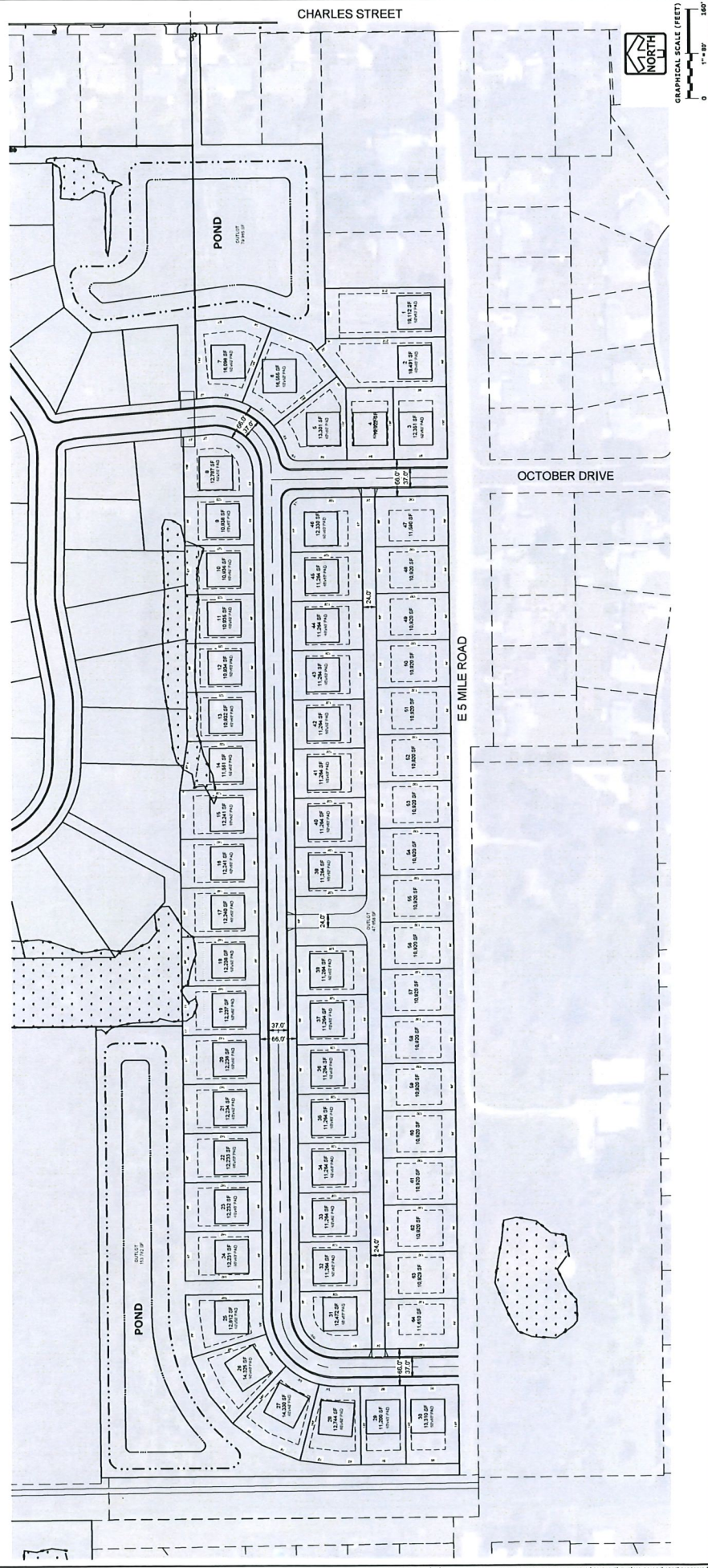
PROPOSED ZONING: R-5 SINGLE FAMILY RESIDENTIAL DISTRICT
 MINIMUM LOT WIDTH: 75 FEET
 MINIMUM LOT DEPTH: 100 FEET
 MAXIMUM BUILDING HEIGHT: 35 FEET

SETBACKS

FRONT/STREET SETBACK: 25 FEET
 SIDE YARD SETBACK: 10 FEET
 REAR YARD SETBACK: 25 FEET

YIELD ANALYSIS:

PROPOSED ZONING: R-5 SINGLE FAMILY RESIDENTIAL DISTRICT
 TOTAL LOTS: 64 LOTS
 TOTAL SITE AREA: 1,294,219 SF (27.64 AC)
 TOTAL LOT AREA: 1,294,219 SF (27.64 AC)
 LOTS: 7,668,273 SF (175.89 AC)
 OUTLOTS: 282,773 SF (6.49 AC)
 UNITS PER ACRE: 3.64



THOMAS FARM- CONCEPT SITE PLAN

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186 | WWW.PINNACLE-ENGR.COM |

PLAN | DESIGN | DELIVER PEGJOB# 3002.00

04/04/2024

Z:\WORK\13011593-00\W\CD\RIGHTS\THOMAS FARM- CONCEPT SITE PLAN.DWG 3/13/2024 10:27 AM



Meeting Date: August 26, 2024

Item No. 6A

PLAN COMMISSION REPORT

Proposal: Concept Plan – Thomas Farm Subdivision

Description: Review a request to approve a base development yield/net density for a concept subdivision plan for 64 residential lots and three Outlots located at the north side of 5 Mile Road, approximately 500 feet west of Charles Street.

Applicant(s): Daniel Szczap – Bear Development, LLC

Address(es): 5 Mile Road

Suggested Motions:

- 1. That the Plan Commission recommends to the Village Board to approve a Modification Waiver from Sec.14-3-4(c)(4)(b)(ii) of Municipal Code for the Concept Subdivision Plat – Thomas Farm Subdivision to allow the subdivision to develop with less than 40% Open Space within the Sanitary Sewer and Water Service Area.**
- 2. That the Plan Commission recommends to the Village Board to approve a Modification Waiver from Sec. 14-3-5(b) of Municipal Code for the Concept Subdivision Plat – Thomas Farm Subdivision to allow the subdivision to develop without Conservation Easements within the Sanitary Sewer and Water Service Area.**
- 3. That the Plan Commission recommends to the Village Board to approve the Net Density of the Proposed Thomas Farm Concept Plan of 3.6 units per acre subject to the 20 conditions listed in Exhibit A of this report.**

Owner(s): Thomas Tree Plantation, LLC (Scott Thomas)

Tax Key(s): 104-04-23-17-077-000 & 104-04-23-17-081-000

Lot Size(s): ±27.64 acres

Current Zoning District(s): R-3, Single-Family Residential District

Overlay District(s): Shoreland-Wetland
Overlay

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Low Density Residential (19,000 SF – 1.49 acres per dwelling unit)

Background: The Planning and Engineering Department received a Concept Subdivision Plan from Bear Development, LLC for Parcel IDs 104-04-23-17-077-000 and 104-04-23-17-081-000. These two properties are located on the north side of 5 Mile Road, approximately 500 feet west of Charles Street.

The Concept Subdivision Plan proposes a 64-lot residential development with three Outlots—two designated for stormwater ponds and one containing a private alley. The plan also includes a dedicated 66-foot Village right-of-way for two local urban subdivision roads. Additional right-of-way dedication will be required for the installation and extension of 5 Mile Road across the Klema Ditch. The combined size of the subject properties is approximately 27.64 acres. These properties are currently unimproved and actively farmed for row crops and nursery stock. Additionally, the subject properties include a "gap" in 5 Mile Road. The Concept Plan and Cover Letter are included as Exhibit B.

Zoning & Land Use: The subject properties are currently zoned R-3 Single Family Residential, with the western edge falling within a Shoreland-Wetland Overlay District due to the proximity of the Klema Ditch. Lot setbacks within this overlay will need to comply with the requirements specified in Ordinance Sec. 16-15-9, Setbacks From The Water. According to the Village's adopted Recommended Land Use Plan: 2035 map, the properties are designated for Low Density Residential use.

The proposed subdivision would require rezoning the subject properties from the R-3 Single Family Residential District to the R-5 Single Family Residential District. The R-5 zoning classification mandates a minimum lot size of 10,890 square feet, with a 75-foot frontage requirement (measured at the setback line), 25-foot front and rear setbacks, and 10-foot side yard setbacks. If the Plan Commission approves the zoning change at a later meeting, the proposed lots will need to conform to these standards. Under the current R-3 zoning, the 17.59 net acres of the subject property could accommodate only 38 lots, resulting in a density of 2.16 units per acre. With the proposed R-5 zoning, the Concept Plan would allow for 3.64 units per acre, aligning with the regulations of the R-5 District.

The proposed rezoning would require an amendment to the Village's Recommended Land Use Plan: 2035 map, changing the designation of the subject properties from Low Density Residential to Medium Density Residential. Currently, the Village's adopted plan designates the future use of these properties as Low Density Residential (19,000 square feet to 1.49 acres). The proposed subdivision, however, has an average lot size of 11,991 square feet, with the smallest lot being 10,920 square feet and the largest 19,112 square feet. This average lot size aligns with the proposed Medium Density Residential designation (6,200 square feet to 18,999 square feet per

dwelling unit) according to the Village's plan. Additionally, the proposed subdivision is within the Sewer and Water Service Area, with surrounding lands to the west, south, and east already designated as Medium Density Residential on the Village's 2035 map. This supports amending the future land use designation of the subject properties from Low Density Residential to Medium Density Residential.

Amending the Recommended Land Use Plan: 2035 and the proposed rezoning will require a public hearing, which will take place during a future Plan Commission meeting alongside the Preliminary Plat review.

Open Space: The ordinance requires 40% Open Space, but the proposed subdivision provides only about 19%. This does not meet the 40% Open Space requirement outlined in Sec. 14-3-4(c)(4)(b)(ii) of the Municipal Code. However, the subdivision is located within the Sewer and Water Service Area, where previous applications have been approved with less than 40% Open Space. A Modification Waiver from Ordinance 14-3-5(b) will also be necessary, allowing the subdivision to develop without Conservation Easements—a waiver that has been granted for other subdivisions in the Sewer and Water Service Area. The Planning and Engineering Departments support granting these Modification Waivers as detailed below:

1. Approving a subdivision with less than 40% Open Space.
2. Approving a subdivision without Conservation Easements.

Engineering/Utilities: The Engineering and Utility Departments have reviewed the Concept Plan for the Thomas Farm Subdivision to ensure it meets Village standards. Further details will be addressed during the Preliminary Plat review. As mentioned earlier, the proposed subdivision falls within the Sanitary Sewer and Water Service Areas. Before Final Plat approval, Civil Engineering Infrastructure Plans, including Sewer and Water extension information, must be submitted, reviewed, and approved by the Caledonia Utility District and the Engineering Department. Additionally, a Stormwater Management Plan will be required and must also be reviewed and approved by the Utility District.

A Certified Survey Map (CSM) is recommended to dedicate the 5 Mile Road Right-of-Way, resolve legal description gaps, and dedicate future utility easements. The 5 Mile Road must be constructed and fully extended to meet Village standards, ensuring the lots meet the frontage requirement. Sewer lines will need to run through a dedicated easement or road reservation south through the Thomas Farm Property along the North Meadows Drive Right-of-Way extension (not included in this Concept Plan). Water lines will need to be looped throughout the subdivision, while remaining separate from the pressure zone west of the Klema Ditch. Additional details have been provided in Exhibit A.

Access: The Applicant proposes to dedicate a 66-foot Right-of-Way for local subdivision roads and to complete 5 Mile Road across the Klema Ditch. The Concept Plan includes two access points onto 5 Mile Road, which is designated as a principal thoroughfare in the Village of Caledonia. To match the existing 5 Mile Road sections to the east and west, a 70-foot Right-of-Way will be required. Additionally, an access point will be established to the north to connect with the preliminary plat of Audubon Arboretum.

To minimize driveway entrances on 5 Mile Road, lots 47-64, which front 5 Mile Road, are proposed to have alley-loaded garages. Attached garage structures must fit within the buildable footprint of each lot to comply with the proposed zoning. The private alley, which will be within an Outlot, will

be owned and maintained by the HOA and must be capable of supporting garbage and fire truck traffic. No access must be shown along the entire frontage of lots 47-64 on 5 Mile Road.

Environmental: The subject properties include WDNR-delineated wetlands, located primarily along the northern portion of the site. These wetlands will be contained within one of the proposed Outlots designated for a stormwater pond and will also be present in the rear yards of 10 of the proposed lots. Disturbance of these delineated wetlands is prohibited unless approved by the DNR. It is recommended to adjust the lot layout along the northern boundary to minimize the impact on the wetlands on each lot. There are no Primary or Secondary Environmental Corridors on the property as identified by SEWRPC.

If the Plan Commission is comfortable with the proposed, staff has drafted three separate suggested motions subject to the conditions listed in Exhibit A below. There are two for modification waivers and one for the Concept Plan Base Development Yield.

Prepared by:



Todd Roehl
Planner/Zoning Administrator

Respectfully submitted:



Peter Wagner, AICP
Development Director

Exhibit A

Conditions of approval for the proposed Concept Subdivision Plan:

1. Approval of Modification Waivers from Sec. 14-3-4(c)(4)(b)(ii) and Sec. 14-3-5(b) of Municipal Code.
2. The Developer applies for an amendment to the Recommended Land Use Plan: 2035 map to change the designation of the subject property from Low Density Residential to Medium Density.
3. The Developer applies for a rezoning from R-3 Single Family Residential District to R-5 Single Family Residential District.
4. The Thomas Farm Subdivision must conform to all Ordinances in Title 9, 14, and 18 of Municipal Code.
5. The Developer submits for review and approval of Sanitary Sewer, Watermain, and a Storm Water Management Plan by the Caledonia Utility District.
6. The Developer submits for review and approval of the Site Grading, Drainage and Road Construction Plans by the Engineering Department, Utility District, and Village Board.
7. The Developer submits sewer and water extension plans for approval to the Wisconsin DNR and Racine Wastewater Utility.
8. The Developer executes a Pre-Development Agreement with appropriate securities for the proposed subdivision.
9. The Developer provides a Report of Title, Survey, and Phase 1 ESA prior to the Preliminary Plat as required by Ordinance 14-3-3(b)(5).
10. The Developer provides the necessary Sewer and Water easements on the abutting Thomas Plantation parcel to install sewer and/or water by CSM or other means.
11. The Developer resolves the gap in legal descriptions along the borders of this parcel.
12. The Developer resolves the lot line issue along Lots 8-19 which includes lands from the proposed Audubon Arboretum via CSM or other means.
13. The Developer dedicates a minimum 70' Right-of-Way for 5 Mile Road and aligns it appropriately across the Klema Ditch to the West to resolve the offset centerlines.
14. No Access Restrictions are applied to Lots 3, 30, and 47-64 along 5 Mile Road and 50' in each direction at all intersections.
15. The Developer provides 25'x25' Vision Triangle Easements at all intersections and 15'x15' Vision Triangle Easements at the alley access intersections.
16. The Developer shall review Lots 9-15 and 17-19 to either mitigate the wetlands from the buildable footprint of the lot or alter the lots to avoid the wetlands.
17. The Developer shall provide a 10' asphalt pedestrian trail along the east side of the Klema Ditch from 5 Mile Road to the Olympia Brown School Property.
18. Prior to construction of any infrastructure or earthmoving activities, the Developer shall obtain a Land Disturbance Permit from the Village of Caledonia.
19. Obtain any and all State or County Permits as required (DNR NOI, etc)
20. Any Village Board action is based on the limited information submitted to date and the Base Development Yield/Net Density is subject to adjustments.

Exhibit B

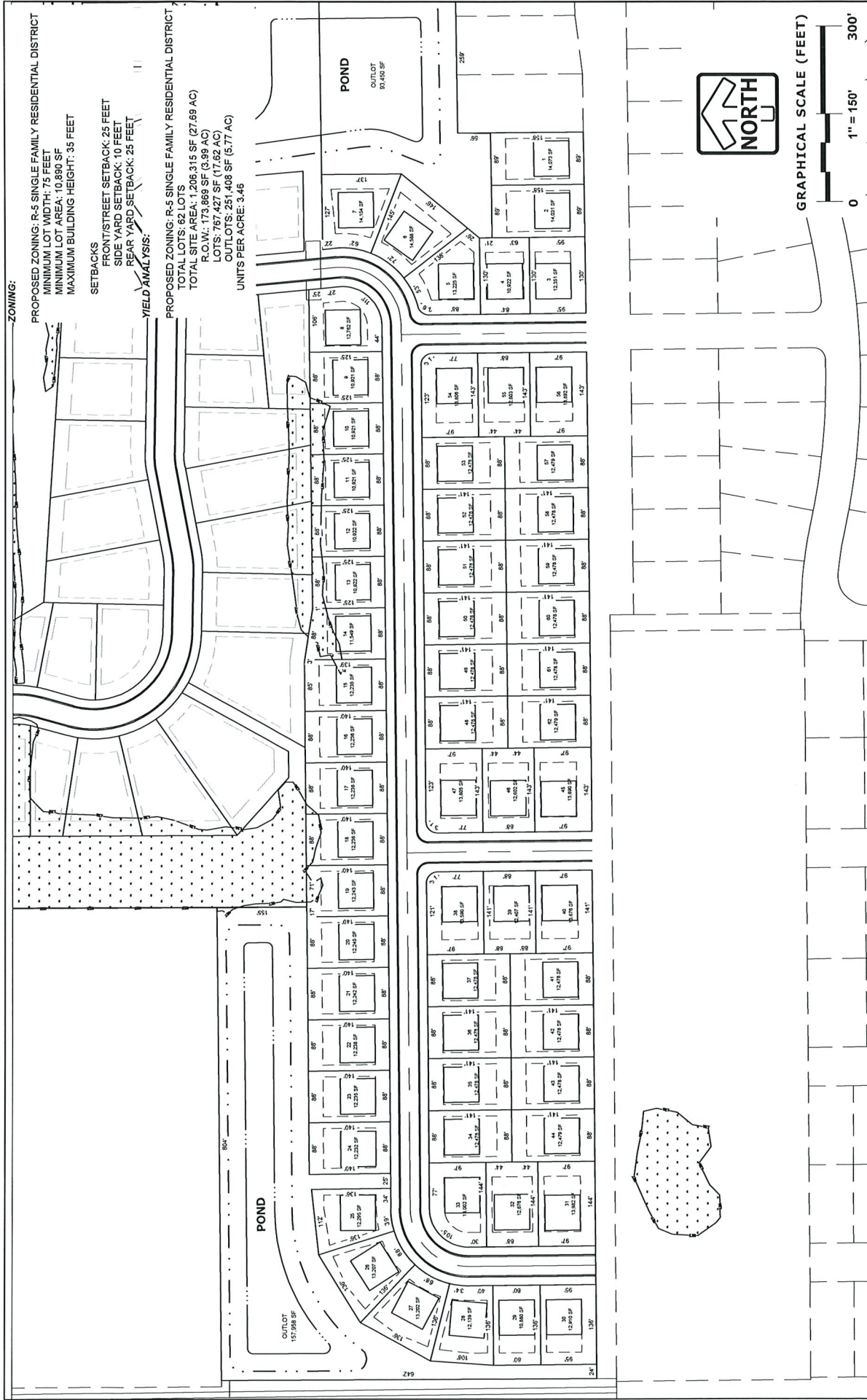
ZONING:

PROPOSED ZONING: R-5 SINGLE FAMILY RESIDENTIAL DISTRICT
MINIMUM LOT WIDTH: 75 FEET
MINIMUM LOT AREA: 10,890 SF
MAXIMUM BUILDING HEIGHT: 35 FEET

SETBACKS
FRONT STREET SETBACK: 25 FEET
SIDE YARD SETBACK: 10 FEET
REAR YARD SETBACK: 25 FEET

YIELD ANALYSIS:

PROPOSED ZONING: R-5 SINGLE FAMILY RESIDENTIAL DISTRICT
TOTAL LOTS: 62 LOTS
TOTAL SITE AREA: 1,206,315 SF (27.69 AC)
R.O.W.: 173,869 SF (3.99 AC)
LOTS: 767,427 SF (17.62 AC)
OUTLOTS: 251,408 SF (5.77 AC)
UNITS PER ACRE: 3.46



THOMAS FARM- LAYOUT

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186 | WWW.PINNACLE-ENGR.COM |

PLAN | DESIGN | DELIVER

PEG JOB# 957.00

09/12/2024

MEMORANDUM



Date: September 12, 2024

To: Plan Commission
Village Board

From: Ryan Schmidt, P.E.
Village Engineer

A handwritten signature in blue ink, appearing to read "Ryan Schmidt".

Re: **Amended Concept Plan – Thomas Farm Subdivision**
Parcel ID's 104-04-23-17-077-000 & 104-04-23-17-081-000
Applicant – Bear Development LLC (Dan Szczap)
Owner – Thomas Tree Plantation, LLC (Scott Thomas)

Recommended Motions:

1. That the Plan Commission recommends to the Village Board to approve a Modification Waiver from Sec.14-3-4(c)(4)(b)(ii) of Municipal Code for the Concept Subdivision Plat – Thomas Farm Subdivision to allow the subdivision to develop with less than 40% Open Space within the Sanitary Sewer and Water Service Area.
2. That the Plan Commission recommends to the Village Board to approve a Modification Waiver from Sec. 14-3-5(b) of Municipal Code for the Concept Subdivision Plat – Thomas Farm Subdivision to allow the subdivision to develop without Conservation Easements within the Sanitary Sewer and Water Service Area.
3. That the Plan Commission recommends to the Village Board to approve the Net Density of the Proposed Thomas Farm Concept Plan of 3.46 units per acre based on the limited information to date and subject to the 20 conditions listed in Exhibit A of this report.

UPDATED INFORMATION

The Plan Commission tabled the Thomas Farm Concept Plan on August 26, 2024, and requested the developer to amend the Concept Plan to include Plan Commission and Resident feedback. The updated and attached Concept Plan, included as **Exhibit B**, has the same conditions as the Plan Commission Report dated 8-26-2024 with the following changes and modifications:

- Reduced from 64 to 62 proposed lots.
- Removed the alley and added a new public road extension to load homes off interior street.
- Increased average lot size to 12,378 sq. ft. and primary frontages along 5 Mile Road to be like the neighbors across the street.
- Updated the Density to 3.46 Units per Acre.
- Updated the Open Space to 21% from the original 19%.

Staff still supports the original proposal based on the original PC Report submitted with the Concept Plan on August 26th. Village Ordinance 18-1-4-(d)(3)(b), which discusses Access Control, requires that land lying along principal thoroughfares (such as 5 Mile Road) may be divided into lots, but the frontage must be on a Local Road. This was achieved through the initial submittal by requiring rear loaded lots on a private drive.

The new concept does not fully satisfy the Ordinance as written, but the Developer has worked with Village Staff to limit the number of lots that were given access onto 5 Mile Road as an alternative if the Plan Commission and Village Board disagree with the rear loaded concept.

The Concept Plan has modified the lot numbering so that any reference on the original Plan Commission Report does not accurately reflect the current proposal. The conditions in the attached Exhibit A include the amended lot numbers which will require access restriction from 5 Mile Road.

This proposed concept should take into consideration the already approved Preliminary Plat of the Audubon Arboretum which is directly connected to the north. The proposed Thomas Farm concept acts almost as an extension of the Audubon Arboretum Plat. The combined data for Audubon Arboretum and Thomas Farm (as proposed) would yield the following:

- 182 Lots with Average Lot Size of 14,325 sq.ft. (0.33 acres)
- Open Space of 25%
- Net Density of 3.02 units per acre.
- Gross Land Size = 88 acres

Village Staff has reviewed both proposals. Should the Plan Commission want to continue with the original concept plan as submitted at the August 26, 2024 Plan Commission Meeting, Staff recommends the three (3) motions are made as listed on the PC Report dated 8-26-2024.

Should the Plan Commission want to move forward with the newly amended concept with the updated information as provided in the Village Engineer's Report dated 9-12-2024, Staff recommends the three (3) motions as listed at the top of the page subject to the 20 conditions attached in Exhibit A.

Exhibit A

Conditions of approval for the proposed Concept Subdivision Plan:

1. Approval of Modification Waivers from Sec. 14-3-4(c)(4)(b)(ii) and Sec. 14-3-5(b) of Municipal Code.
2. The Developer applies for an amendment to the Recommended Land Use Plan: 2035 map to change the designation of the subject property from Low Density Residential to Medium Density.
3. The Developer applies for a rezoning from R-3 Single Family Residential District to R-5 Single Family Residential District.
4. The Thomas Farm Subdivision must conform to all Ordinances in Title 9, 14, and 18 of Municipal Code.
5. The Developer submits for review and approval of Sanitary Sewer, Watermain, and a Storm Water Management Plan by the Caledonia Utility District.
6. The Developer submits for review and approval of the Site Grading, Drainage and Road Construction Plans by the Engineering Department, Utility District, and Village Board.
7. The Developer submits sewer and water extension plans for approval to the Wisconsin DNR and Racine Wastewater Utility.
8. The Developer executes a Pre-Development Agreement with appropriate securities for the proposed subdivision.
9. The Developer provides a Report of Title, Survey, and Phase 1 ESA prior to the Preliminary Plat as required by Ordinance 14-3-3(b)(5).
10. The Developer provides the necessary Sewer and Water easements on the abutting Thomas Plantation parcel to install sewer and/or water by CSM or other means.
11. The Developer resolves the gap in legal descriptions along the borders of this parcel.
12. The Developer resolves the lot line issue along Lots 8-19 which includes lands from the proposed Audubon Arboretum via CSM or other means.
13. The Developer dedicates a minimum 70' Right-of-Way for 5 Mile Road and aligns it appropriately across the Klema Ditch to the West to resolve the offset centerlines.
14. No Access Restrictions are applied to Lots 3, 30-31, 40, 45, and 56 along 5 Mile Road and 50' in each direction at all intersections.
15. The Developer provides 25'x25' Vision Triangle Easements at all intersection.
16. The Developer shall review Lots 9-15 and 17-19 to either mitigate the wetlands from the buildable footprint of the lot or alter the lots to avoid the wetlands.
17. The Developer shall provide a 10' asphalt pedestrian trail along the east side of the Klema Ditch from 5 Mile Road to the Olympia Brown School Property.
18. Prior to construction of any infrastructure or earthmoving activities, the Developer shall obtain a Land Disturbance Permit from the Village of Caledonia.
19. Obtain any and all State or County Permits as required (DNR NOI, etc)
20. Any Village Board action is based on the limited information submitted to date and the Base Development Yield/Net Density is subject to adjustments.