

ORDINANCE NO. 2019-10

AN ORDINANCE TO AMEND ZONING DISTRICTS OF THE ZONING MAP ADOPTED UNDER SECTION 20-212 OF THE RACINE COUNTY CODE OF ORDINANCES AS ADOPTED BY THE VILLAGE OF CALEDONIA UNDER SECTION 16-1-1(A) OF THE CODE OF ORDINANCES OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST TO REZONE ±15.2 ACRES FROM R-3 SUBURBAN RESIDENTIAL DISTRICT (SEWERED) AND R-4 URBAN RESIDENTIAL DISTRICT I TO R-7 MULTIFAMILY RESIDENTIAL DISTRICT/PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR THE PURPOSE OF SENIOR APARTMENT BUILDINGS – SW ¼ OF SEC. 20, T4N, R23E -- THIS PROPERTY IS LOCATED ON A VACANT PARCEL DIRECTLY NORTH OF THE EXISTING PARKVIEW CAMPUS, VILLAGE OF CALEDONIA, RACINE COUNTY, WI. PARKVIEW COMMONS LLC, OWNER; ALF MCCONNELL, APPLICANT

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

A. Request to rezone ±15.2 acres from R-3 Suburban Residential District (Sewered) and R-4 Urban Residential District I to R-7 Multifamily Residential District/PUD Planned Unit Development Overlay District providing for phased development of senior apartment buildings that each require separate conditional use applications and approvals, located in the SW ¼ of Sec. 20, T4N, R23E, vacant parcel directly north of the existing Parkview Campus, Village of Caledonia, Racine County, WI. Parkview Commons LLC, Owner; Alf McConnell, Applicant; Parcel Id. No. 104042320091000 (see **Exhibit A**) is approved for the following reasons:

1. The rezoning is approved subject to the overall 15.2 acres of PUD not exceeding the density requirements of the R-7/PUD zoning district consisting of the following:
 - 1 unit per 3,000 SF of land area (12.1 units/acre) for two (2) bedroom units
 - 1 unit per 2,500 SF of land area (14.5 units/acre) for one (1) bedroom units
 - 1 unit per 2,000 SF of land area (18.1 units/acre) for efficiency units
2. All future structures will require future CUP approvals requiring review of site planning, landscaping, lighting, architecture, and as to how they fit into the overall Parkview Development and surrounding neighborhood.
3. This rezoning will not adversely affect the surrounding property values.
4. The subject property is adjacent to the adjacent existing Parkview Campus and the development associated with this approval will be an extension thereof.
5. Adjacent properties to the south are currently zoned R-7/PUD.
6. The 2035 Land Use Plan designates the subject property as High Density Residential and this application is consistent with such designation (less than 6,200 square feet per dwelling unit).

B. That in order to update the zoning map adopted under Section 20-212 of the Racine County Code of Ordinances adopted by the Village of Caledonia under Section 16-1-1(a) of the Code of Ordinances of the Village of Caledonia, the Village Board needs to adopt an ordinance;

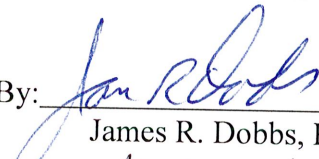
C. That the zoning map be, and hereby is, amended as follows:

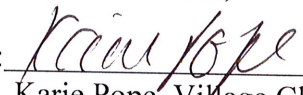
1. The land comprising ±15.2 acres SW ¼ of Sec. 20, T4N, R23E, a vacant parcel directly north of the existing Parkview Campus, Village of Caledonia, Racine County, WI Parkview Commons LLC, Owner; Alf McConnell, Applicant; Parcel Id. No. 104042320091000 as depicted on **Exhibit A** be rezoned from R-3 Suburban Residential District (Sewered) and R-4 Urban Residential District I TO R-7 Multifamily Residential District/PUD Planned Unit Development Overlay District and such PUD shall be subject to all of the conditions as set forth in attached **Exhibit B**;
2. This PUD of senior apartment buildings will be built in phases and is subject to the overall 15.2 acres of PUD not exceeding the density requirements of the R-7/PUD zoning district consisting of the following:
 - 1 unit per 3,000 SF of land area (12.1 units/acre) for two (2) bedroom units
 - 1 unit per 2,500 SF of land area (14.5 units/acre) for one (1) bedroom units
 - 1 unit per 2,000 SF of land area (18.1 units/acre) for efficiency units
3. All senior apartment buildings and all structures will require future Conditional Use applications and approvals requiring review of site planning, landscaping, lighting, architecture, and as to how they fit into the overall Parkview Development and surrounding neighborhood.
4. All buildings and structures are required to comply with all minimum setback and other minimum requirements established by the Village of Caledonia from time-to-time as part of the Conditional Use process.
5. 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.

D. 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, Racine County, Wisconsin,
this 5th day of August, 2019.

VILLAGE OF CALEDONIA

By: 
James R. Dobbs, President

Attest: 
Karie Pope, Village Clerk

770272.137 (7-31-19)

Exhibit A

Rezoning Map Area from R-3 Suburban Residential District (Sewered) and R-4 Urban Residential District I TO R-7 Multifamily Residential District/PUD Planned Unit Development Overlay District

MAP NEEDED

Legal Description

Tax Key: 104042320091000

BEING A PART OF THE NORTHEAST 1/4 AND NORTHWEST 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 SOUTHEAST CORNER OF SAID 1/4 SECTION; THENCE N 00°28'33" W ALONG THE EAST LINE OF SAID 1/4 SECTION, 2053.54 FEET; THENCE S 89°11'18" W 50.00 FEET TO THE POINT OF BEGINNING; THEN CONTINUE S 89°11'18" W 1774.24 FEET TO THE RIGHT-OF-WAY OF S.T.H. 32; THENCE N 42°46'50" W ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID S.T.H. 41.65 FEET; THENCE N 89°11'18" E 200.58 FEET; THENCE N 00°28'33" W 53.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 4 1/2 MILE ROAD; THENCE N 89°11'18" E ALONG SAID SOUTH RIGHT-OF-WAY LINE 66.00 FEET; THENCE S 00°28'33" E 232.75 FEET; THENCE N 89°11'18" E 273.28 FEET; THENCE N 00°28'33" W 113.87 FEET; THENCE N 89°11'18" E 948.78 FEET; THENCE N 00°28'33" W 118.88 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 4 1/2 MILE ROAD; THENCE N 89°11'18" E ALONG SAID SOUTH RIGHT-OF-WAY LINE 66.00 FEET; THENCE S 00°28'33" E 265.75 FEET; THENCE N 89°11'18" E 247.63 FEET; THENCE S 00°28'33" E 295.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 662,871 SQUARE FEET OR 15.217 ACRES MORE OR LESS

EXHIBIT B
PUD CONDITIONS – PARKVIEW

Rezoning ±15.2 acres from R-3 Suburban Residential District (Sewered) and R-4 Urban Residential District I to R-7 Multifamily Residential District/PUD Planned Unit Development Overlay District providing for phased development of senior apartment buildings that each require separate conditional use permit applications and approvals, located in the SW ¼ of Sec. 20, T4N, R23E, vacant parcel directly north of the existing Parkview Senior Living Community, Village of Caledonia, Racine County, WI. Parkview Commons L.L.C., Member; Alf McConnell, Applicant; Parcel Id. No. 104042320091000

CONCEPTUAL PLAN

No formal approval has been given regarding the conceptual master plan submitted at the time of application. However, approval of the overall rezoning to PUD does set the process for future conditional use permit applications for phases of buildings and structures. The proposed master site plan submitted with the application did not address proper density of the R-7/PUD requirements, is not accepted and will be altered upon future submittals of CUPs to ensure compliance with the maximum density requirements. The master site plan dated July 29, 2019 is accepted for purposes of showing that driveway or road access to 4 ½ Mile Road was not requested as part of the Application that includes Parkview V. Firelanes to 4 ½ Mile Road would be permissible if requested by the Village fire department.. The specific site details for any future buildings and structures as illustrated on the July 29, 2019 master site plan are not approved by this ordinance and require separate applications, procedures and approvals as per Condition No. 1 below.

CONDITIONAL USE PERMIT

1. **GENERAL CONTINGENCIES:**

This PUD of senior apartment buildings will be built in phases and is subject to the overall 15.217 acres of PUD not exceeding the density requirements of the R-7/PUD zoning district consisting of the following:

- 1 unit per 3,000 SF of land area (12.1 units/acre) for two (2) bedroom units
- 1 unit per 2,500 SF of land area (14.5 units/acre) for one (1) bedroom units
- 1 unit per 2,000 SF of land area (18.1 units/acre) for efficiency units

All buildings and structures will require future Conditional Use Permit approvals requiring review of site planning, landscaping, lighting, architecture, and as to how they fit into the overall Parkview Development and surrounding neighborhood.

2. **Zoning Permit.** The applicant must obtain a zoning permit card from the office of the Village Zoning Administrator after paying a zoning permit fee prior to any building permit being issued. Additional buildings associated with future phases of the development will be subject to zoning permit fees in effect at the time of zoning permit issuance. These cards must be displayed in a prominent location at the project

site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.

3. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
4. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and any other users of the Property Owner with respect to the uses on the Property.
5. **Plans.** The proposed concept site plan for senior apartment buildings does not address proper density of the R-7/PUD requirements. Future development of this site will be required to comply with the R-7 density requirements and the location of buildings, structures, driveways, landscaping and other improvements will be established by future applications and the public hearing process of the Conditional Use Permits. Future buildings will be of the same or similar quality of construction of those currently existing at Parkview Senior Living Community.
6. **Future Approvals Required By the Village.** Further approval will be required by the Village of Caledonia Plan Commission and the Village Board for buildings and structures that are a part of the phased development.
7. **Road Access and Road Improvements.** All private driveways, road connections and road improvements must be constructed, maintained and paid for by Property Owner in accordance with the requirements of the Village of Caledonia ordinances and Engineering Department. Access to Village roads requires an access permit from the Village of Caledonia Engineering Department. No driveways or road connection to 4 ½ Mile Road were requested for the Parkview V application. Fire lanes to 4 ½ Mile Road would be permissible if requested by the Village fire department.
8. **Internal Private Driveway Network.** Cross-access easements are required to provide access to the public rights-of-way from this development to and through the existing Parkview development parcels to the south. The form of cross-access easement shall be approved by the Village of Caledonia Public Works Director and Zoning Administrator and shall be recorded with the Racine County Register of Deeds prior to occupancy of any building associated with the subject phase. The driveways in this development shall be private and all driveways shall be part of the cross-access easement system. The property owner or applicant is responsible for construction and maintenance of these driveways. Any portion of the proposed private driveways to be constructed to service a particular phase of the development must be constructed to standards acceptable to the Village of Caledonia before occupancy of any building associated with the subject phase is approved.
9. **Stormwater.** The property owner or designated agent 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.

10. **Fire Department Approval.** Property Owner shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.
11. **Caledonia Sewer and Water Utility Districts.** The property owner or designated agent 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.
12. **Engineering Department.** The property owner or designated agent must contact the Village of Caledonia Engineering Department and must comply with all regulations and requirements of the Village of Caledonia Engineering Department.
13. **Surface Parking.** Surface parking at the site must be in compliance with any approved submitted plans. All employee and visitor parking must be conducted in the proposed parking lot as outlined on the submitted site plan. Each parking space shall be a minimum of nine feet wide and 180 square feet in area exclusive of the space required for ingress and egress. Handicapped spaces shall be provided in accordance with State requirements. All parking spaces shall be clearly marked. The driveway and all parking areas must be maintained in an all-weather, dust-controlled condition. This approval recognizes that any future proposed senior apartment buildings will have underground parking in addition to above ground parking.
14. **Perimeter Landscape Screening.** The submitted plans and documents reference that a landscape buffer of evergreen trees will be installed along the northern boundary of the subject property. This landscape buffer will include mostly evergreen trees but may also include some deciduous trees for aesthetic purposes. In addition, berms illustrated on the revised Landscape Plan submitted at the April 29, 2019 Plan Commission meeting must be installed in conjunction with the perimeter landscape buffer. All landscaping shall be determined as part of each Conditional Use Permit and site plan review process. The Village must review and approve said Landscape Plans. The Village may require a letter of credit or bond to be posted to ensure implementation. Landscaping shall comply with Title 16. The Landscape Plan shall follow the Village of Caledonia planting requirements.
15. **Lighting.** The Village staff must review and approve all final Lighting Plans. Lighting at the site must be in compliance with Village of Caledonia lighting requirements. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway.
16. **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 zoning permit prior to installation. Please contact Village Zoning staff for advertising

sign regulations and permit procedures. Banners, balloons, flashing or animated signs abutting public roads are prohibited.

17. **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.
18. **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.
19. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances (a copy is attached), as adopted by the Village of Caledonia and any conditions established by subsequent Conditional Use Approvals.
20. **Expiration.** This approval will expire twenty-four (24) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Caledonia Plan Commission and the Village Board grants a written extension pursuant to Sec. 20-984 of the Racine County Code of Ordinances as adopted by the Village of Caledonia. Written extension requests must be submitted to the Village Planning & Zoning Department thirty (30) days before permit/approval expiration. Failure to commence substantial work may result in the Village taking action to rescind such PUD zoning approvals.
21. **Access.** The applicant 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.
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.
23. **Reimburse Village Costs.** Applicant shall reimburse the Village all reasonable costs reasonably 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.

24. **Amendments to Conditional Use Permit.** 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. **Sewer and Water.** All buildings shall connect to public sanitary sewer and water prior to occupancy. The Zoning Administrator may modify the timing of connection as a minor amendment.
26. **Site Plan and Title 16 Review.** The final site plan and site design and architectural details required under Title 16 of the Village's Code of Ordinances shall be reviewed and approved for compliance by the Village's Planning Consultant (Foth) in consultation with the Zoning Administrator and Village Engineer.
27. **Agreement.** Your acceptance 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, Parkview Commons L.L.C.; and its successors, and assigns, are responsible for full compliance with the above conditions.
28. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
29. **First Floor Elevations.** That the first floor elevation of any proposed Parkview expansion buildings will not be any higher than the existing first floor elevation of the existing residence directly to the north.