

ORDINANCE NO. 2020-19

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 ±1.9 ACRES FOR THE PROPERTY AT 5945 ERIE STREET, NE ¼ OF SEC. 21, T4N, R23E, FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT AND REZONE ±18.1 ACRES FOR PROPERTIES LOCATED AT 5919 AND 5915 ERIE STREET, NE ¼ OF SEC. 21, T4N, R23E, FROM P-1, INSTITUTIONAL PARK DISTRICT TO R-8 PUD, PLANNED RESIDENTIAL DISTRICT PLANNED UNIT DEVELOPMENT, VILLAGE OF CALEDONIA, RACINE COUNTY, WI; VILLAGE OF CALEDONIA, OWNER

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

- A. Request to rezone land from: B-1, Neighborhood Business District to R-8 PUD, Planned Residential District, Planned Unit Development, for the parcel located at 5945 Erie Street Parcel ID No. 104-04-23-21-003-000 containing 1.9 acres more or less and rezone land from P-1, Institutional Park District to R-8 PUD, Planned Residential District, Planned Unit Development, for the parcels located at 5919 and 5915 Erie Street, Parcel ID Nos. 104-04-23-21-006-000 and 104-04-23-21-005-000 containing 18.1 acres more or less which is shown on the highlighted map on the attached **Exhibit A** and is legally described on **Exhibit B** is approved subject to the conditions and restrictions set forth in **Exhibit B** for the following reasons:
1. This rezoning will not adversely affect the surrounding property values.
 2. This rezoning is compatible with surrounding uses in the area.
 3. The 2035 Land Use Plan designates this property as High Density Residential. The proposed rezoning is in accord with the 2035 Land Use Plan designation for the subject property.
 4. This rezoning will result in a multi-family development like what is illustrated in **Exhibit B**.
- 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:

The land comprising ±1.9 acres and a part of NE ¼ of Sec. 21 T4N, R23E, of the parcel located at 5945 Erie Street, Village of Caledonia, Racine County, WI with Parcel ID No. 104-04-23-21-003-000 to be rezoned from B-1, Neighborhood Business District to R-8 PUD, Planned Residential District, Planned Unit Development and land comprising ±18.1 acres and part of NE ¼ of Sec. 21 T4N, R23E, for the parcels located at 5919 and 5915 Erie Street, Village of Caledonia, Racine County, WI with Parcel ID Nos. 104-04-23-21-005-000, 104-04-23-21-006-000 to be rezoned from P-1, Institutional Park District to R-8 PUD, Planned Residential District Planned Unit

Development, Village of Caledonia, Racine County, WI; which are highlighted on the attached **Exhibit A**.

- D. 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.
- E. The Planned Unit Development overlay is bound by the conditions and restrictions as described in **Exhibit B**, attached hereto.
- 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, Racine County, Wisconsin, this 16th day of November, 2020.

VILLAGE OF CALEDONIA

By: James R. Dobbs
James R. Dobbs, Village President

Attest: Karie Pope
Karie Pope, Village Clerk

Exhibit A

Rezoning Map Area for parcels located at 5945, 5919, and 5915 Erie Street

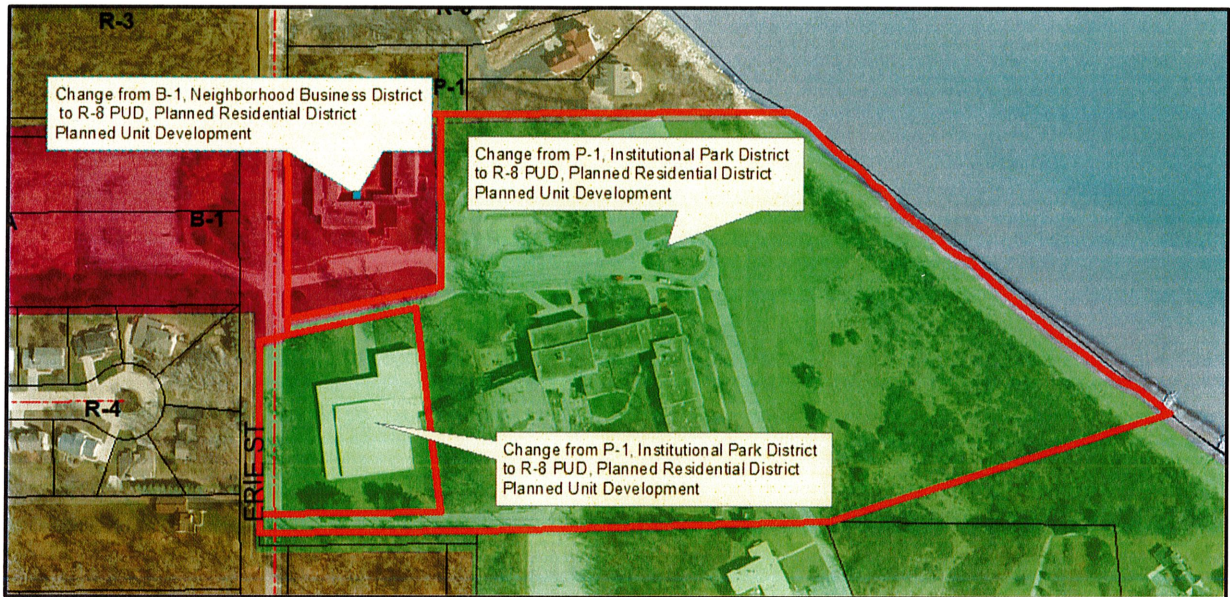


Exhibit B: Water's Edge Place Planned Unit Development (PUD) Conditions & Restrictions

Applicant: CCM-Caledonia LLC

Approved by Plan Commission: _____

Property Address(es): 4915, 4919, & 4945 Erie Street Approved by Village Board: _____

Parcel ID Nos.: 104-04-23-21-003-000, 104-04-23-21-005-000, 104-04-23-21-006-000

1. LEGAL DESCRIPTION

5945 Erie Street (Parcel ID No. 104-04-23-21-003-000)

That part of the Northeast 1/4 of Section 21, Township 4 North, Range 23 East, bounded as follows: Begin at the North 1/4 corner of said Section; run thence South 89°58'39" East 316.00 feet on the North line of said Section; thence South 00°05'51" West 299.37 feet; thence South 78°30'36" West 322.57 feet to the North-South 1/4 line of said Section 21; thence North 00°05'51" East, 363.75 feet on the said North-South 1/4 line to the point of beginning. Reserving therefrom the rights of the public in and to the Westerly 49.5 feet of the above described parcel for roadway purposes. Said land being in the Village of Caledonia, Racine County, Wisconsin.

5919 Erie Street (Parcel ID No. 104-04-23-21-005-000)

That part of the Northeast fractional 1/4 of Section 21, Township 4 North, Range 23 East, bounded as follows: Begin at the North 1/4 corner of said Section 21; thence South along the North and South 1/4 line of said Section, 724.41 feet; thence East parallel with the North line of said Section 1861.6 feet to water's edge of Lake Michigan; thence Northwesterly along said water's edge to the North line of said Section ; thence West along said North line of Section 21, 1088.5 feet to the place of beginning. EXCEPTING THEREFROM land conveyed by deeds as recorded on April 12, 1978 as Document No. 1024958 and as recorded on September 7, 1979 as Document No. 1059987, and ALSO EXCEPTING THEREFROM the following: That part of the Northeast 1/4 of Section 21, Township 4 North, Range 23 East, bounded as follows: Begin at the North 1/4 corner of said Section 21; run thence South 89°58'39" East 316.00 feet on the North line of said Section; thence South 00°05'51" West 299.37 feet; thence South 78°30'36" West 322.57 feet to the North and South 1/4 line of said Section 21; thence North 00°05'51" East 363.75 feet on the said North and South 1/4 line to the point of beginning. ALSO FURTHER EXCEPTING THEREFROM the following: That part of the Northeast 1/4 of Section 21, Township 4 North, Range 23 East, described as follows: Commence at a standard Racine County monument marking the North 1/4 corner of said Section 21; run thence South 00°27'09" East 391.48 feet to the point of beginning of this description; thence North 78°03'39" East 280.93 feet; thence South 06°52'21" East 356.68 feet; thence South 89°28'51" West 315.19 feet; thence North 00°27'09" West 298.87 feet to the point of beginning. Said land being in the Village of Caledonia, Racine County, Wisconsin.

5915 Erie Street (Parcel ID No. 104-04-23-21-006-000)

That part of the Northeast 1/4 of Section 21, Township 4 North, Range 23 East, described as follows: Commence at a standard Racine County monument marking the North 1/4 corner of said Section 21; run thence south 00°27'09" East 391.48 feet to the point of beginning of this description; thence North 78°03'39" East 280.93 feet; thence South 06°52'21" East 356.68 feet; thence South 89°28'51" West 315.19 feet; thence North 00°27'09" West 298.87 feet to the point of beginning. Said land being in the Village of Caledonia, Racine County, 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 plans dated October 19, 2020 are 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, including condominium plat, 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.
- 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 Utility Director and Public Works Director for approval, if required. The Village's Utility Director's and Public Works Director's approval must be received prior to the issuance of any building permits.
- E. The Applicant shall comply with the Development Agreement between the Applicant, Cardinal Capital Management, Inc., and the Village dated as of September 21, 2020 (the "Development Agreement"). Pursuant to the Development Agreement, applicant shall enter into a subsequent 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 Village and Utility Districts and the Village. 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 so as 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 phase prior to the issuance of occupancy permits for that phase. The Village may require a letter of credit or bond to be posted to ensure implementation and maintenance. Landscaping shall comply with Title 16 of the Village's Municipal Code. The Landscape Plan shall follow the Village of Caledonia planting requirements.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. There shall be a maximum of three (3) 6-story multifamily buildings (maximum height 95') and a maximum of sixty-four (64) townhomes (maximum height 45'), with a total maximum of 280 units. Each unit will have a minimum of 3,127 square feet per unit. Accessory buildings, garages, a clubhouse, and a pool are permitted so long as they are compliant with all applicable provisions of the Municipal Code, these conditions and restrictions and applicable permits are applied for and obtained before construction.
- B. The proposed development will incorporate a minimum of 20% of the development area as privately owned common 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 clubhouse and pool shall be constructed as part of the initial phase of the planned unit development and must be completed prior to or concurrent with the issuance of occupancy permits for any residential buildings.

4. PARKING AND ACCESS

- A. A Traffic Impact Analysis (TIA) shall be performed and submitted to the Public Works Director 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 Public Works Director.
- B. The site plan shall include a minimum of 505 parking stalls with an average of no less than 1.8 parking stalls/unit for this development. Parking stall dimensions shall be in accordance with Article VII, Division 5 of the Municipal Code. Parking shall include underground, garage and surface parking.
- C. A cross-access easement relocating an access easement that runs to the benefit of the property to the south shall be provided to the Village prior to the issuance of any permits for any phase of this planned unit development and such easement shall be mapped and described on the certified survey map required for the properties. The easement shall be recorded with the Racine County Register of Deeds at the time of recording of the certified survey map.
- D. An easement providing access to the Village's lift station along the southern boundary line for the properties shall be granted to the Village prior to the issuance of any permits for any phase of this planned unit development and such easement shall be mapped and described on the certified survey map required for the properties. The form of the easement shall be in a form approved by the Village's Utility Director and shall be recorded with the Racine County Register of Deeds at the time of the recording of the certified survey map..

5. LIGHTING

Plans for new outdoor lighting shall be submitted for review and approval by the Electrical Inspector and Development Director in accordance with Title 16, Chapter 3, Section 3 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 external setbacks for the planned unit development setbacks shall be at least as follows:

	Street Setback	Rear Setback	Side Setback
Principal Structure	30 ft	75 ft	10 ft
Accessory Structure	30 ft		

Parking	25 ft	15 ft	15 ft
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7. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions within eighteen (18) months from the date of adoption of the ordinance authorizing this Planned Unit Development. This Planned Unit Development approval shall expire within eighteen (18) months after the date of adoption of the ordinance if a building permit has not been issued for this use and substantial work has not commenced. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

8. OTHER REGULATIONS

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.

9. INTERNAL PRIVATE DRIVEWAY NETWORK

The driveways in this planned unit development shall be private. The 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.

10. 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.

11. FIRE DEPARTMENT APPROVAL

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

12. 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.

13. DEMOLITION; BLUFF STABILIZATION

The Applicant shall apply for all necessary raze permits and raze all existing structures in compliance with Village and State requirements prior to any building permits being issued for the planned unit development. The Applicant shall comply with all Village's, Racine County, State of Wisconsin and Federal (Army Corps of Engineers) bluff stabilization requirements and shall prepare such plans and obtain all necessary permits for such work. All required stabilization and revetment treatments shall be completed and accepted by the regulating agency prior to building permits being issued on the properties.

14. 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 are prohibited.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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 Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
22. 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.
23. VIOLATIONS & PENALTIES

Any violations of the terms of this 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. If the owner, applicant or operator of the Planned Unit Development 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 Planned Unit

Development, subject to the provisions of paragraph 9 herein. 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.

24. REVOCATION

Should an applicant, its heirs, successors or assigns and any other users of the properties including any owner's association(s), fail to comply with the conditions and restrictions of the approval issued by the Village Board, the Planned Unit Development approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in the Municipal Code.

25. 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, CCM-Caledonia, LLC; 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.

26. SUBSEQUENT OWNERS

It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.