

**RESOLUTION NO. 2018-30**

**A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AND UTILIZE A ±4,517 SQUARE-FOOT GAS STATION AND CONVENIENCE STORE KNOWN AS CASEY'S GENERAL STORE, NORTHEAST CORNER OF 4 MILE ROAD AND CHARLES STREET, SEC. 21, T4N, R23E, VILLAGE OF CALEDONIA, RACINE COUNTY, WI; RKC REAL ESTATE LLC, OWNER, ARC DESIGN RESOURCES INC, AGENT**

The Village Board for the Village of Caledonia resolves as follows:

**WHEREAS**, Owner and Agent have requested a conditional use to construct and utilize a ±4,517 square-foot gas station and convenience store known as Casey's General Store, northeast corner of 4 Mile Road and Charles Street, Sec. 21, T4N, R23E, Village of Caledonia, Racine County, Wisconsin; and,

**WHEREAS**, the Village of Caledonia Plan Commission recommended approval of the request, subject to the conditions attached hereto as **Exhibit A**, for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use process.
2. Based on other things going on in the area, the proposed use appears to fit with other structures and uses in the area.

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Caledonia that the requested conditional use set forth above, is hereby approved for the same reasons set forth above and subject to the same conditions and contingency imposed by the Village Plan Commission.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 16<sup>th</sup> day of April, 2018.

**VILLAGE OF CALEDONIA**

By:  \_\_\_\_\_

James R. Dobbs  
Village President

Attest:  \_\_\_\_\_

Karie Torkilsen  
Village Clerk

## EXHIBIT A - CONDITIONS

### Casey's General Store, Northeast Corner of 4 Mile Road and Charles Street

1. **Zoning Permits.** The applicant must obtain zoning permit cards from the office of the Village Zoning Administrator after paying the zoning permit fees of \$1070.00 (gas station convenience store), \$250.00 (canopy), \$300.00 (wall sign), \$200.00 (monument sign) and \$200 (canopy signs) \$2020.00 (Total). 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.
2. **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.
3. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Agent, and any other users of the Property Owner with respect to the uses on the Property.
4. **Plans.** The proposed operation shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Service Office on December 12, 2017 and March 14, 2018.
5. **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.
6. **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.
7. **Fire Department Approval.** Owner shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.
8. **Driveway Access Approval Required.** The submitted plans illustrate a driveway access from 4 Mile Road and also a driveway access from Charles Street. The owner or a designated agent must contact the Village of Caledonia Engineering Department regarding the Charles Street access. The owner or a designated agent must contact the Racine County Highway Engineering Division regarding the 4 Mile Road access. The owner or designated agent must comply with any requirements of the Village of Caledonia Engineering Department and the Racine County Highway Engineering Division.

9. **Parking.** Parking at the site must be in compliance with the 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. There must be no parking associated with the proposed use within the right-of-way of Charles Street or 4 Mile Road.
10. **Landscaping.** Landscaping at the site must be in compliance with the submitted Landscaping Plan. The Village may require a letter of credit or bond to be posted to ensure implementation and maintenance. Landscaping shall comply with Title 16. The landscaping plan shall follow the Village of Caledonia planting requirements.
11. **Lighting.** Lighting at the site must be in compliance with the submitted Lighting Plan. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway.
12. **Signage.** The proposed wall sign, monument sign and canopy signs at the site must be located and constructed in compliance with the submitted documents. Zoning permits are required for the proposed signs and proper zoning permit fees must be paid. Banners, balloons, flashing or animated signs are prohibited. As discussed at the Plan Commission meetings the proposed monument sign must not be located within the vision clearance triangle and the plans must reflect this.
13. **Trash Enclosure.** The brick trash enclosure must be constructed and located as illustrated on the submitted plans. Any dumpster and/or recycle container must be stored within this trash enclosure and screened from public view.
14. **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.
15. **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.
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. **Expiration.** This approval will expire six (6) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no c substantial work has commenced, the project may not occur unless the Village of Caledonia Plan Commission and the Village Board grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.
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 14, 16 and 18 of the Village of Caledonia Code of Ordinances.
20. **Reimburse Village Costs.** Applicant shall reimburse to the Village all costs incurred by the Village for review of this conditional use 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 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.
22. **Traffic Impact Analysis (TIA).** The Village of Caledonia Engineering Department and/or the Racine County Engineering Department requires a Traffic Impact Analysis (TIA) for the proposed development. The Traffic Impact Analysis must address traffic impact on both Charles Street and Four Mile Road (CTH G). Prior to Zoning Permit issuance, a Traffic Impact Analysis (TIA) for the proposed development, must be submitted and approved by the Village of Caledonia Engineering Department and the Racine County Engineering Department or written documentation from the Village of Caledonia Engineering Department and the Racine County Engineering Department must be submitted to the Racine County Development Service office indicating that a Traffic Impact Analysis (TIA) is not required at this time. To the extent the TIA recommends infrastructure improvements, the Property Owner shall construct and pay for all such improvements to Village and Racine County right-of-way unless otherwise approved by the Village and Racine County. Pending final review by Racine County, Casey's contribution toward future traffic improvements at and near the intersection is expected to be approximately \$8,000 to \$10,000.

23. **Fencing and/or Landscape Screening.** As discussed at the Plan Commission meetings a fence and/or landscape screening must be installed along or near the north lot line as a buffer.
24. **Hours of Operation.** As discussed at the Village Board meeting on April 16, 2018, the hours of operation for the proposed Casey's General Store must be 5:00 a.m. – 10:00 p.m. Any expansion of these hours of operation will require approval by the Plan Commission and Village Board as an amendment of the conditional use. There shall be no use of the gas pumps outside of the approved hours of operation.
25. **Agreement.** Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, RKC Real Estate LLC, Arc Design Resources Inc., Casey's General Store and their heirs, successors, and assigns, including tenants, 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.
27. **Lighting Plan.** Prior to Zoning Permit issuance, Applicant shall submit a lighting plan for operational and non-operational hours for review and approval by the Zoning Administrator, Village Public Works Director, Fire Chief and Police Chief.