

RESOLUTION NO. 2018-56

A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A ±18,630 SQUARE FOOT MULTI-TENANT BUILDING FOR SEMI-TRACTOR/TRAILER AND EQUIPMENT SERVICE, MAINTENANCE, SALES, LEASING, OUTSIDE PARKING, AND DISPLAY, AT 4730 HIGHWAY 41, SEC. 30, T4N, R22E, VILLAGE OF CALEDONIA, RACINE COUNTY, WI; IN AUTO INC/DR INVESTMENTS 5231 LLC, OWNER; NATHAN REMITZ, APPLICANT

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

WHEREAS, Applicant requested a conditional use permit to construct and utilize a ±18,630 square foot multi-tenant building for semi-tractor/trailer and equipment service, maintenance, sales, leasing, outside parking, and display, at 4730 Highway 41, Sec. 30, T4N, R22E, Village of Caledonia, Racine County, WI; and,

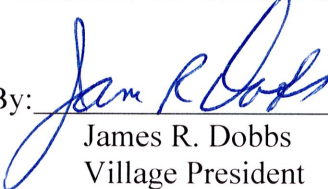
WHEREAS, the Village of Caledonia Plan Commission recommended approval of the request, subject to the conditions attached hereto as **Exhibit A**, for the following reasons:

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 2nd day of July, 2018.

VILLAGE OF CALEDONIA

By: 
James R. Dobbs
Village President

Attest: 
Karie L. Torkilsen
Village Clerk

**EXHIBIT A - CONDITIONS
IN AUTO INC/DR INVESTMENTS 5231 LLC**

1. Zoning Permits. The applicant must obtain a zoning permit card from the office of the Village Zoning Administrator after paying the zoning permit fee of \$2500.00 for the ±18,630 square-foot multi-tenant commercial building. It should also be noted that the submitted plans illustrate two monument signs and various wall signs. Zoning permits and appropriate fees are also required prior to the installation of these monument or wall signs. 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 April 25, 2018 and the revised plans received on June 18, 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 driveway access from the East Frontage Road. The owner or a designated agent must contact the Wisconsin Department of Transportation (DOT) regarding the East Frontage Road access. The owner or designated agent must comply with any requirements of the Wisconsin Department of Transportation (DOT).
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. Semi-tractor and trailer parking must also be in compliance

with the submitted plans. All parking spaces shall be clearly marked. The driveway and all parking areas must be maintained in a hard-surfaced, dust-free condition. Screening of parking areas shall be maintained as shown on Village-approved plans.

10. Landscaping. Landscaping at the site must be in compliance with the submitted revised Landscaping Plan received on June 18, 2018. 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. Landscaping shall be maintained in a living condition and any landscaping that dies or is otherwise removed shall be immediately replaced.
11. Lighting. Lighting at the site must be in compliance with the submitted revised Lighting Plan received on June 18, 2018. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway. Following installation, owner shall contact Village for an inspection to insure that lighting was properly installed.
12. Signage. The proposed monument signs and wall 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.
13. Trash Enclosure. A trash enclosure must be constructed and utilized at the subject site. 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. Based on the high-profile location of the building and consistent with the requirement imposed on abutting uses, all drives shall be paved with asphalt or other hard surface. Parking areas shall be paved or have placed upon them compacted recycled asphalt. All drives and parking areas shall be maintained in a hard-surfaced, 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

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 requires a Traffic Impact Analysis (TIA) for the proposed development. 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 Wisconsin Department of Transportation (DOT) or written documentation from the Village of Caledonia Engineering Department and the Wisconsin Department of Transportation (DOT) 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 or DOT right-of-way unless otherwise approved by the Village and the DOT.
23. Caledonia Utility District. The property owner or designated agent must contact the Caledonia Utility District regarding Utility District regulations for this site. Compliance with all regulations and requirements, as determined by the Caledonia Utility District is required.
24. Multi-tenant building use. The submitted plans identify multi-tenant use of the proposed building. The building is being constructed without any specific future tenants known. Therefore this conditional use permit is issued for the building only. Further approvals will be required by the Village of Caledonia Plan Commission and the Village Board to authorize tenants of the proposed building as they become known. Future tenants shall be required to comply with all applicable zoning requirements that are then in effect. Under the current zoning code, future

tenants are required to obtain conditional use permits prior to occupancy. Future tenants will be responsible for complying with the conditional use permitting process, including submitting the required application(s), application fee(s), submittal(s), operational plan(s), etc. A public hearing is also required. The Village specifically reserves the right to impose such conditions on future tenants as are warranted based on each individual tenant's proposed use of the property, which may include, without limitation by enumeration, new or modified operational restrictions and/or new or modified site improvements, landscaping, etc. To the extent that any conditions imposed on a future tenant of the site are incompatible or inconsistent with the present conditions, the more restrictive conditions shall control. At a minimum, an occupancy permit is required for each tenant in the proposed building even if no conditional use permit is required under the circumstances.

25. 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 Foth Infrastructure and Environment, LLC in consultation with the Zoning Administrator and Village Engineer. The Village engages Foth Infrastructure and Environment, LLC to conduct a review of the application and provide a written recommendation/report to the Village for review by the Village Zoning Administrator, Engineer, Attorney and Village Board for compliance with the Cooperative Plan, including but not limited to the requirements for improvements specified under Exhibit K of the Cooperative Plan and to incorporate appropriate recommendations into the final conditions for this conditional use permit. As discussed at the Plan Commission meeting on June 25, 2018, the applicant must work with the Village Planning Consultant (Foth) to ensure compliance with the requirements outlined in the Foth Memo dated June 18, 2018. See attached copy of the Foth Memo dated June 18, 2018.
26. No Outside Storage Allowed. Outside storage of vehicle parts, tires, etc. is not allowed at the site.
27. Wetland Compliance. The submitted plans indicate that some wetlands will be filled at the subject site as part of the development of the subject site. Prior to issuance of the zoning permit approval from the Wisconsin Department of Natural Resources (WI-DNR) and/or Army Corps of Engineers (ACOE) must be submitted to the Racine County Development Services office indicating that the proposed wetland fill has been approved.
28. Parking/Storage/Maintenance. The semi-tractors and trailers must be parked and stored in the areas designated on the submitted plans. All semi-tractor and trailer maintenance must be conducted inside of the proposed commercial building.
29. Vehicle Ingress and Egress. Vehicles may not, at any time, back onto this site from the public road. All vehicular turning and backing movements must be done within the confines of the subject property.
30. Hazardous Fluids Storage and Containment. Any oil or hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations. Any oil or hazardous fluids must be disposed of in an environmentally sound manner.

31. No Damaged or Inoperable Vehicles Allowed at the Site. No wrecked, smashed or damaged vehicles are allowed to be parked/stored outside at the subject site.
32. No Vehicle Salvage Activity Allowed at the Site. No vehicle salvage activity is allowed at the subject site.
33. Security Fence. If a security fence is to be installed at the subject site the security fence must meet ordinance standards and a zoning permit must be obtained for the security fence prior to installation.
34. 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, IN Auto Inc, DR Investments 5231 LLC, Nathan Remitz and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.
35. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.