

**RESOLUTION NO. 2018-68**

**A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AND UTILIZE A ±66,508 Sq. Ft. INDUSTRIAL BUILDING WITH LOADING, 4011 NICHOLSON ROAD, VILLAGE OF CALEDONIA, RACINE COUNTY, WI; MAJESTIC NORTH DEVELOPMENT INC., OWNER; MASUDA, FUNAI, EIFERT & MITCHELL LTD., AGENT**

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

**WHEREAS**, Applicant requested a conditional use permit to construct and utilize a 66,508 Sq. Ft. Industrial Building With Loading, 4011 Nicholson Road, Village of Caledonia, Racine County, WI; Majestic North Development Inc., Owner; Masuda, Funai, Eifert & Mitchell Ltd., Agent; Parcel No. 104042227017000; and,

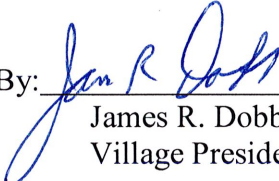
**WHEREAS**, the Village of Caledonia Plan Commission recommended approval of the request, subject to the conditions attached hereto as **Exhibit A**, for the following reasons:

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 6<sup>th</sup> day of August, 2018.

**VILLAGE OF CALEDONIA**

By:   
James R. Dobbs  
Village President

Attest:   
Karie Torkilsen  
Village Clerk

**EXHIBIT A - CONDITIONS  
4011 NICHOLSON ROAD**

1. **Zoning Permit.** The applicant must obtain a zoning permit card from the office of the Village Zoning Administrator after paying a zoning permit fee of \$2,500.00. This card 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 (To construct and utilize a ±66,508 square-foot industrial building with loading docks) shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Service Office on July 3, 2018.
5. **Driveway Access and Road Improvements.** The driveway shown on the Plans will require an access permit from the Village of Caledonia Engineering Department. The driveway and any road improvements must be constructed and paid for in accordance with the 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. **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.
9. **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.
10. **Future Expansion of the Proposed Industrial Building.** The submitted plans identify a future building expansion of the proposed industrial building. Further approval will be required by the

Village of Caledonia Plan Commission and the Village Board for this future building expansion of the proposed industrial building.

11. **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.
12. **Landscaping.** Landscaping at the site must be in compliance with the submitted Landscaping Plan. The landscaping must be fully implemented by September 15, 2019. 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.
13. **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.
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 at 262-886-8440 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.
18. **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.

19. **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.
20. **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.
21. **Reimburse Village Costs.** Applicant shall reimburse 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.
22. **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.
23. **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.
24. **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. More specifically, as explained in Foth's review letter dated July 17, 2018, the site plan, site design and architectural details shall include:
  - A. Add a grouping of landscaping and trees along the southeast boundary line, in open space between wooded areas, to screen the loading docks. Plantings should be at least seven (7) feet in height when planted.
  - B. Any roof top and ground mechanical installations should be screened so as to block the view from adjacent streets and properties. Screening should match or complement the overall theme and materials of the building.
  - C. Refuse area, waste removal areas, storage tanks, storage yards, and exterior work areas shall be screened from view from adjacent properties, using similar grade materials as proposed on the principal structure or a combination of landscaping, grading, or fencing.
  - D. Petitioner shall break up the facades of the structure with sections of wall panel that are a different color and possibly raised higher than the average height shown.
  - E. Pole light bases must be no more than 6 inches in height on the building permit plans.

- F. That lighting spec sheets for all lights must be submitted at building permit time and all lights must be down-cast, cut-off fixtures.
- G. Ensure that all landscaping abutting the residential property lines are shown as a minimum four (4) feet in height and that this is shown on the final approved plans at zoning permit time.
- H. Add trees around the entire perimeter of the parking lot (northeast, east, and south) spaced similar to the trees proposed at the northwest corner of the parking lot.
- I. All general roof top and ground mechanicals should be screened with similar materials to the principal structure.
- J. The current site plan has one entrance off of Nicholson Road and parking to west of the building. Space for a potential future building addition would be located to the east of the proposed building. The petitioner will have to be sure to consider future traffic patterns here for vehicles and trucks.
- K. Work with the Fire Department on proper access by building permit application time.
- L. All parking lot areas shall have curbing.
- M. Signage. Any proposed signage should meet Caledonia codes.
- N. Any other design element the Plan Commission would like to consider to make this use and site adapt to the surrounding neighborhood of uses.

- 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, Majestic North Development Inc.; Masuda, Funai, Eifert & Mitchell Ltd.; ProBio RE LLC 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.