

RESOLUTION NO. 2018-88

**A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA
APPROVING A REQUEST FOR A CONDITIONAL USE TO
CONSTRUCT A ±6,240 SQUARE-FOOT COMMERCIAL BUILDING, FUTURE ±1,280
SQUARE-FOOT OFFICE ADDITION, FUTURE ±3,500 SQUARE-FOOT STORAGE
BUILDING AND UTILIZE THE BUILDINGS AND SITE WITH A LANDSCAPE
CONTRACTORS OFFICE AND YARD, SOUTHWEST CORNER OF 7 ½ MILE ROAD AND
C.T.H. V, SEC. 6, T4N, R22E, VILLAGE OF CALEDONIA, RACINE COUNTY, WI. ROBERT
AND THERESE PROCHASKA REV. TRUST, OWNERS; ERIC ROSS, APPLICANT**

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

WHEREAS, applicant requested a conditional use to construct a ±6,240 square-foot commercial building, future ±1,280 square-foot office addition, future ±3,500 square-foot storage building and utilize the buildings and site with a landscape contractors office and yard, southwest corner of 7 ½ Mile Road and C.T.H. V, Sec. 6, T4N, R22E, Village of Caledonia, Racine County, WI. Robert and Therese Prochaska Rev. Trust, Owners; Eric Ross, Applicant; Parcel No. 104-04-22-06-019-000.

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 15th day of October, 2018.

VILLAGE OF CALEDONIA

By: _____

James R. Dobbs
Village President

Attest: _____

Karie L. Torkilsen
Village Clerk

EXHIBIT A - CONDITIONS

Southwest corner of 7 ½ Mile Road and C.T.H. V; Parcel No. 104-04-22-06-019-000.

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 \$1,500.00 for the proposed ±6,240 square-foot commercial building. 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, Applicant, Agent, and any other users of the Property Owner with respect to the uses on the Property.
4. **Plans.** The proposed operation (To construct a ±6,240 square-foot commercial building, future ±1,280 square-foot office addition, future ±3,500 square-foot storage building and utilize the buildings and site with a landscape contractors office and yard) shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Service Office on August 29, 2018.
5. **Plat of Survey Required.** Prior to the issuance of the zoning permit a Plat of Survey prepared by a Land Surveyor registered in the State of Wisconsin must be submitted to the Racine County Development Services office that illustrates the proposed principal structure building meets the minimum required building setbacks for the proposed B-3 zoning district. The submitted site plan illustrates that the minimum required building setbacks are met but this drawing must be prepared by a Land Surveyor because the proposed lot is less than five acres in size.
6. **Driveway Access and Road Improvements.** The driveway shown on the Plans will require an access permit from the Racine County Engineering Department. The driveway and any road improvements must be constructed in accordance with any Racine County Engineering Department requirements.
7. **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.
8. **Fire Department Approval.** Owner shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.
9. **Private Onsite Wastewater Treatment System.** Before the issuance of a zoning permit, a sanitary permit must be obtained from the Racine County Development Services Department. Please contact their office at (262) 886-8440. Non domestic wastes and wastewater may not be introduced into a plumbing drain system that is served by a POWTS unless approved by the Wisconsin Department of Natural Resources (WDNR) under ch. 214 regulations. Information regarding non-domestic wastewater can be obtained from the WDNR by contacting 1-888-936-7463.

10. **Creation of Parcel.** A parcel of land will be divided from the parent parcel by Certified Survey Map. The proposed Certified Survey Map shall be submitted for review and approval by the Village in accordance with all applicable ordinances and Wisconsin Statutes. The Property owner may be required to dedicate certain rights-of-way and easements necessary to serve the intended use on the property as determined by the County or Village Engineer. After such division is approved, the Conditional Use Permit will run only over the subject lot of the proposed certified survey map approved by the Village. A copy of the recorded Certified Survey Map must be submitted to the Racine County Development Services Office prior to zoning permit issuance.
11. **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.
12. **Future Expansion of the Proposed Commercial Building and Future Storage Building.** The submitted plans identify a future building expansion (office) of the proposed commercial building and a future storage building. Further approval may be required by the Village of Caledonia Plan Commission and the Village Board for this future building expansion of the proposed commercial building and/or the future storage building. Zoning permits will need to be issued for both the future building expansion and the future storage building and will be subject to the zoning permit fees in place at the time of application.
13. **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.
14. **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.
15. **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.
16. **Signage.** The Village's signage requirements are set forth in Title 16 of the Village's Code of Ordinances. The submitted plans illustrate a proposed 6' x 8' ground sign. 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.
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.
20. **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.
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 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.
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. **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. Any conditions imposed by the Village's Planning Consultant shall be incorporated herein and the Applicant shall comply with all such conditions. As discussed at the Plan Commission meeting on September 24, 2018, the applicant must comply with the requirements outlined in the Foth Staff Review dated September 14, 2018. Specifically, the patron portion of the parking lot must be paved within two years of occupancy of the proposed building; on the east side of the proposed building the applicant must initially install landscape plantings verses masonry until the office portion of the proposed building is constructed at which time the office portion of the building must have at least a 3-foot band of masonry installed around the exterior; there must be installed at least a 3-foot band of masonry on the south, west and north side of the proposed building at the time of the initial construction; there must be additional perimeter landscaping installed to better screen the property; slats must be installed in the proposed fence or additional landscape plantings installed to screen the contractors yard. The applicant must receive approval on these items from the Village's Planning Consultant (Foth) prior to zoning permit issuance.
26. **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, Robert and

Therese Prochaska Rev. Trust Dated 7/31/15, Eric Ross and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.

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