

RESOLUTION NO. 2019-78

**A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA
APPROVING A REQUEST FOR AN AMENDMENT TO THE CURRENT CONDITIONAL USE
PERMIT ISSUED TO OCCUPY A PORTION OF THE SITE AT 7213 HWY 41 BY AN ONLINE
VEHICLE AUCTION PLATFORM FOR USED VEHICLES / HRIBAR HOLDINGS LLC,
OWNER / COPART INC., APPLICANT**

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

WHEREAS, Copart, Inc. requested to amend its current conditional use permit, which was expiring, to allow an additional 5 years to occupy a portion of the existing site with an online vehicle auction platform for used undamaged and damaged vehicles, 7213 Hwy 41, Hribar Holdings LLC, Owner / Copart Inc., Applicant; Parcel ID No.: 104-04-22-07-100-000.

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

1. The proposed use is allowed by applicable zoning via the conditional use process; and,
2. Based on other things going on in the area, and subject to the attached reasonable conditions that are supported by substantial evidence, including that raised during the public hearing, the use appears compatible with current uses in the area; and,
3. If, upon expiration of the current approval, the applicant applies to continue the conditional use, the Village reserves the right to re-examine the use based on the circumstances that are then existing; and,
4. Any application for an amendment to the duration or scope of the conditional use that is made during the term of this approval shall be subject to the same procedures as are applicable to applications for a new conditional use.

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 conditions recommended by the Plan Commission and set forth herein.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 3rd day of September, 2019.

VILLAGE OF CALEDONIA

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

Attest: Karie Pope
Karie Pope
Village Clerk

770272.001 (599)

Exhibit A: Conditions of Approval

1. **Zoning Permit.** The applicant must obtain a zoning permit card from the office of the Village Zoning Administrator after paying the zoning permit fee of \$250.00 to continue to occupy a portion of the existing site with an online vehicle auction platform for used undamaged and damaged vehicles. The Zoning permit 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, 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 July 25, 2017, the revised parking lot layout that was distributed by the applicant at the Plan Commission meeting on August 28, 2017 and the plans and documents received by the Racine County Development Services Office on June 27, 2019.
5. **Hours of Operation.** The hours of operation of the proposed Copart contractor's yard must be between 7:30 a.m. – 6:00 p.m. Monday through Friday only.
6. **Annual Well Report.** Applicant must conduct groundwater testing at the property by September 16, 2019, and at least annually thereafter, and must submit the findings of each such test to the Village. If any well test indicates that there are any sources of contamination attributable to the operation of the applicant, action must be taken by the property owner and/or Applicant to remedy this contamination. In addition, the Village may impose such additional conditions on the operation as are warranted to address the contamination or may terminate the use if no such conditions can adequately address the contamination. If the owner or operator fails to provide the Village with an annual groundwater testing report, the Village may undertake such testing and charge back the cost of such testing as a special charge against the property.
7. **Slatting in the Fencing.** Eight foot green slats must be installed and maintained for the full length of the existing north cyclone fence (approximately 540 feet) within 60 days of approval.
8. **Annual Environmental Testing and Report.** The property owner and/or the Applicant must have an annual environmental site assessment (Phase 1) conducted for the land utilized by the Applicant and associated report prepared.

A copy of this report must be submitted to the Village on an annual basis. If the annual environmental site assessment (Phase 1) indicates that there are any sources of contamination attributable to the operation of the applicant, action must be taken by the property owner and/or the Applicant to remedy this contamination. In addition, the Village may impose such additional conditions on the operation as are warranted to address the contamination or may terminate the use if no such conditions can adequately address the contamination. If the owner or operator fails to provide the Village with an annual environmental site assessment (Phase 1) report, the Village may commission the assessment and charge back the cost of such testing as a special charge against the property.

9. **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.
10. **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.
11. **Hazardous Materials and Environmental Protection.** All aspects of the submitted Environmental Safety Plans must be followed relative to Process and Requirements, Ground and Stormwater Protection and Prohibited Activities.
12. **Parking.** Parking at the site must be in compliance with the submitted plans. All parking of undamaged and damaged vehicles associated with Copart Inc. must be conducted in the proposed parking lot as outlined on the submitted site plan. Each conventional vehicle 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. The property owner or operator must by September 1, 2019 and at least annually thereafter, arrange with the Village Fire Department for an inspection of the property and must immediately implement any changes the Fire Department deems appropriate to protect against any threat of fire or other hazard.
13. **Landscaping.** Landscaping at the site must be in compliance with the previously approved Landscaping Plan received by the Racine County Development Services Office on September 17, 2015.

14. **Lighting.** Lighting at the site must be installed and maintained in compliance with the previously approved 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. In addition, the property owner or operator must, within 30 days of the date of this approval, provide the Village with documentation from a qualified lighting expert or contractor certifying that all current lighting complies with the previously approved Lighting Plan.
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. **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.
17. **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.
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 14, 16 and 18 of the Village of Caledonia Code of Ordinances.

21. **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.
22. **Amendments to Conditional Use Approval.** 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. **Previous Conditional Use Requirements.** All applicable conditions from the previous conditional use approvals for Hribar Holdings LLC and subsequent amendments outlined in Resolutions Nos. 2014-29, 2015-82, 2017-20 and 2017-80 shall remain in effect, unless otherwise amended herein.
24. **Duration of Conditional Use.** This conditional use approval is intended to be temporary and will expire **August 5, 2024**. No sooner than 6 months before this expiration, the applicant must appear before the Plan Commission and Village Board to request additional time to extend the conditional use approval, if this is their desire, or this activity must cease and the conditional use approval is no longer valid unless additional time is granted by the Village of Caledonia Plan Commission and the Village Board. Nothing herein prevents the Village Board from denying an extension of the temporary use beyond the term of five years based on changes in on-site or off-site conditions, including changes in use on-site and changes in the development of the surrounding parcels that would make a continuation of this temporary conditional use incompatible with the new development surrounding it.
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, Hribar Holdings LLC, Copart Inc. 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. **Road Reservation Areas.** Nothing herein shall prohibit the Village from exercising its rights under the Road Reservation and Easement Agreement, recorded as Document No. 2431997, at the Racine County Register of Deeds (the "Road Reservation"). The Village may exercise its rights under the Road Reservation during the term of this temporary conditional use permit and the property owner and permit owner shall remove any uses under this conditional

use permit from the Road Reservation area immediately to allow the dedication of the Road Reservation area. In addition, if the property owner or permit holder seeks to extend this temporary conditional use beyond the term set forth under Condition No. 24, the Village, in its sole discretion, may determine this extension to be land development and require that one and/or both of the areas reserved under the Road Reservation permit should be dedicated for public right-of-way and constructed to Village standards based on site conditions on or off this property, impacts from this conditional use, and/or vehicular traffic caused by this conditional use.

28. **Tree Installation.** No less than twenty, eight-foot evergreen trees, spaced approximately twenty to twenty-five feet apart along the north edge of the stormwater pond, must be installed within 60 days of the date of this approval. Any such trees that subsequently die or are otherwise removed must be immediately replaced by trees meeting the minimum requirements of this paragraph.
29. **No Vehicle Parts Allowed to Be Sold.** No salvage yard activity such as selling parts of vehicles, associated with the Copart operation, from the site is allowed. All vehicles that are stored at the site must be sold in their entirety as a whole unit not sold in portions or parts.