
PLANNING COMMISSION AGENDA
Monday, April 25, 2022 at 6:00 p.m.
Caledonia Village Hall – 5043 Chester Lane

- 1. Meeting called to order**
- 2. Roll Call/Introductions**
- 3. Approval of Minutes**
- 4. Citizens' Comments**
- 5. Public Hearing Items**
 - A. None
- 6. Non-Public Hearing Items**
 - A. **CONDITIONAL USE AMENDMENT** – Review a request for a conditional use amendment to expand the use of the existing fueling station and convenience store to include the operation of a U-Haul business located at 7952 USH 41 submitted by Joy Peter, Applicant, Kidangayil Inc. Owner. (Parcel ID No. 104-04-22-07-076-000)
 - B. **CERTIFIED SURVEY MAP** – Review a certified survey map creating three lots for the parcel located on the east side of Chester Lane between 4 Mile Road and Village Hall submitted by David Wade and Joy Mathein, Applicants, Robert Konecko, Owner. (Parcel ID No. 104-04-23-20-124-010)
 - C. **ZONING CODE DISCUSSION** – Review draft Chapter 11, Signs and Chapter 16, Adult Orientated Businesses of the Village of Caledonia Zoning Code.
- 7. Adjournment**

Dated April 22, 2022

Joslyn Hoeffert
Village Clerk

Only Commission members are expected to attend. However, attendance by all Board members (including non-members of the Plan Commission) is permitted. If additional (non-commission) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows: If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body. To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a "meeting" within the meaning of Wisconsin's open meeting law. Nevertheless, only the commission's agenda will be discussed. Only commission members will vote. Board members who attend the commission meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

1. Meeting called to order

President Dobbs called the meeting to order at 6:01p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin.

2. Roll Call/Introductions

Members present: Thomas Knitter, Trustee Weatherston, Nancy Pierce, President Dobbs, and Tim Just.

Absent: Bill Folk was excused. Joseph Minorik was absent.

Also Present: Development Director Peter Wagner, and Trustee Fran Martin

3. Approval of Minutes

Approval of February 28, 2022, meeting minutes.

Motion by Trustee Weatherston

Seconded by Pierce. Motion carried unanimously.

4. Citizens' Comments

President Dobbs – 5C has been tabled.

5. Public Hearing Items

5A. CONDITIONAL USE REVIEW – Review a request for a Conditional Use to allow the indoor storage of twelve commercial vehicles and four trailers associated with a home occupation business located at 7215 Botting Road submitted by Jorge Ornelas, Applicant and Owner. (Parcel ID No. 104-04-22-12-060-000)

Peter Wagner read from his report:

The applicant is requesting a conditional use to allow for the indoor storage of 12 commercial vehicles and 4 commercial trailers associated with a home occupation business that operates at 7215 Botting Road. The A-2 Zoning District allows this type of use as a conditional use.

Currently, the homeowner runs a concrete installation business from his home where commercial vehicles are stored indoors and are utilized offsite Monday through Friday. No business operations occur on the property. Vehicles would leave the property in the morning and return in the evening. The applicant has stated that vehicles will not be traveling to the property throughout the day but rather leave first thing in the morning and return during the evening. The hours the business operates is between 7am and 6pm. The commercial vehicles will consist of the following:

- 1 14' box truck
- 3 dump trucks
- 8 light duty pickup trucks
- 4 utility trailers, not to exceed 16'

The applicant has also stated that the vehicles and trailers would travel south on Botting Road utilizing 6 Mile Road to get to and from project destinations.

**Plan Commission Meeting
Monday, March 28, 2022**

Staff has a concern regarding the operation of non-agricultural businesses in agricultural zoned districts, as they may become a nuisance to neighbors if business operations expand. The applicant has reached out to their neighbors and provided signed testimonials regarding their approval of the request. To address potential nuisances and operations outside of a conditional use, staff included a condition that specifically states if there are three violations in an 18-month timeframe, the conditional use permit will be revoked, and the applicant will no longer be able to utilize the property as outlined in the permit. Due to the location of the property and its proximity to a County Trunk Highway; the utilization of the existing barns for indoor storage for vehicles, staff believes the proposed use is suitable at this location.

Public hearing opened: 6:05 pm

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

In favor:

Sandy DeWalt, 13212 6 ½ Mile Road, spoke in favor of the applicant personally and recounted a story about how he helped the Caledonia Conservancy with a project.

Pete Lovdahl, 7222 Botting Road, urged the Commission to consider the applicant's permit saying he has been a great neighbor and has had no issues with activity on the site and that the property is well-kept.

President Dobbs asked three times if anyone wanted to speak against this proposal.

Against:

None.

Closed public hearing: 6:10pm

5A. Commission Deliberation

None.

Motion by Weatherston to approve and recommend Village Board approval of the Conditional Use allowing a home occupation business to store inside two existing barns, twelve commercial vehicles and four commercial trailers with conditions outlined in Exhibit A for the following reason:

1. The proposed use is allowed through the conditional use review process.

Seconded by Just.

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
President Dobbs	Aye

Motion carried unanimously.

5B. CONDITIONAL USE REVIEW – Review a request for a conditional use to allow the construction and utilization of a 150-foot telecommunication tower located at 8338 Douglas Avenue submitted by Chad Krahel, Applicant, Timothy Christensen, Owner. (Parcel ID No. 104-04-22-01-058-020)

Peter Wagner read from his report:

The applicant is requesting approval of a conditional use and building, site, and operation plans for a wireless communications tower facility located at 8338 Douglas Avenue. The tower will be 150-foot-tall monopole and include a 4-foot lighting rod and located in the western portion of the property. The applicant will lease a 30'x30' equipment area that will be fenced-in as shown on the submitted site plan.

The proposed tower complies with the Title 16, Chapter 9: Mobile Tower Siting regulations of the Village Municipal Code. Engineering had no concerns or issues with the proposed siting of the facility. Due to the rural nature of this area, the proposed tower and equipment area will have little to no negative impact on surrounding area.

Public hearing opened: 6:15 pm

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

In favor:

Michael Long - Representing the Applicant approves the construction of a cell tower on the property. Regarding maintenance, there is a regular scheduled maintenance program under contract for the compound area. The 30' x 30' fenced area served by an access and utility easement using the existing curb cut on the property. The anchor tenant (Dish Network) will be installing their equipment on the tower. His client is fine with all the proposed conditions. Tower will be built to accommodate up to four wireless carriers and anticipate additional carriers at a later date.

President Dobbs asked three times if anyone wanted to speak against this proposal.

Against:

None.

Closed public hearing: 6:19pm

5B. Commission Deliberation

Plan Commission members asked if this property is to be leased, whether the Village will make money on the increased value to the property. Long said the State of Wisconsin assesses towers so there is a local tax for communications towers and would be a separate tax bill. The estimated value is between \$225,000 to \$275,000. Members asked for staff to reach out to the assessor's office for information on property value and taxes.

Motion by Pierce to approve Plan Commission recommending to the Village Board that a conditional use and building, site, and operational plan for the construction of a 150-foot cell tower for the property located at 8338 Douglas Avenue be approved with conditions in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
2. The proposed use will not adversely affect the surrounding property values.

Seconded by Weatherston

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
President Dobbs	Aye

Motion carried unanimously.

5C. CONDITIONAL USE AND BUILDING, SITE, AND OPERATIONS PLAN REVIEW – Review a request for a conditional use and building, site, and operations plan to construct a ±28,638 square-foot speculative commercial building with outdoor storage on the parcel located north of 7301 USH 41 submitted by Matthew Mehring, Applicant, Rose Investments LLC, Owner. (Parcel ID No. 104-04-22-07-097-000)

Withdrawn and tabled for a future date

6. Non-Public Hearing Items

6A. BUILDING, SITE & OPERATIONS REVIEW – Review a building, site, and operation plan for the construction of a ±188,358 square-foot industrial building located on 4 Mile Road, directly south of 13108 4 Mile Road submitted by Likewise Partners LLC, Applicant, Wispark, Owner. (Parcel ID No. 104-04-22-30-015-240)

Peter Wagner read from his report:

The applicant is proposing to construct a ±188,358 square-foot industrial building located on 4 Mile Road, directly south of 13108 4 Mile Road. This building is being constructed as a speculation building, with no proposed tenants, and will be located on the parcel known as Pad C of the Deback Business Park.

The building exterior will be primarily precast concrete panels with glass and metal accents. The building will have a clerestory, having even spaced windows on all four sides of the building to provide natural light into the building. The design of the building meets the minimum design standards for non-residential developments by having a top, middle, and bottom design. This is accomplished using varying shades of gray and blue accents. To draw attention to the building entrances, the building will have canopies above entrance doors and have blue shading. In addition, the blue colored portions of the building will be slightly higher than the rest of the roof line. Building height and setbacks conform with zoning district regulations.

There are two dumpster enclosures designated for the site. They are in the southeast and southwest portion of the site directly south of the building. The enclosures will be constructed of precast concrete panels which is like the materials used on the building. The entrance of the dumpster enclosures face interior to the site with gates consisting of black, vinyl coated, chain-link fencing with privacy slats.

The development will have 136 parking stalls. Depending on the building's use, the applicant has identified 32 future parking stalls. The number of proposed stalls and stall dimensions meet zoning code requirements. In the southern portion of the site, the applicant is proposing 25 semi-tractor trailers parking stalls to accommodate potential industrial uses. Currently, this portion of the site is not part of Pad C. The applicant is in the process of completing a lot line adjustment to allow for the parking stalls. To address this concern, staff included a condition of approval that the applicant will record a lot line adjustment with Racine County prior to submitting building permits. The parking lot will have a combination of light and heavy-duty asphalt pavement with areas of concrete near truck docks and semi-tractor trailer parking.

The submitted photometric plan complies with the Village code lighting requirements that no more than a 0.5 foot-candle be cast at the lot line. Condition 9 outlines requirements for lighting of the development.

Landscaping on the site incorporates a combination of deciduous and evergreen vegetation along with perennials, shrubs, and ornamental grasses. For any parking lot with over 25 stalls, landscaping is required in the parking lot. The parking lot incorporates bump outs which will include a deciduous tree. Along the north portion of the site, there will be a combination of deciduous trees with a row of shrubs near the parking stalls. Staff suggests that the proposed trees located on the parcel lot line be relocated further south as not to encroach on the public right-of-way. Perennials and shrubs will be installed along the building near the entrances. The eastern portion of the site will have plantings and shrubs along the side of the building. The western area of the site will have plantings and shrubs along the side of the building. The southern portion has evergreen trees to help screen the dock doors. The plan exceeds the minimum requirements for landscaping. The Plan Commission does have the discretion to modify the proposed landscaping.

Prior to any building permits being issued, the applicant will need to get approvals for stormwater management, erosion control, and grading plans from Water Utility Department and Engineering Department. The Fire Department indicated no concerns regarding the proposed site plan; however, they will work with the applicant to ensure compliance with sprinkling requirements for this building type.

The proposed development complies with Village zoning code regulating the M-3 District. If a future user is not a permitted use in the M-3 District, the tenant will need to get a conditional use permit approved prior to occupancy. Staff recommends approval of the proposed development subject to conditions outlined in Exhibit A.

6A. Commission Deliberation

Plan Commission members asked about the applicant's proposal to include land from an adjacent parcel via a lot line adjustment for additional parking spaces. Wagner said the lot line adjustment is part of the approval, under Condition 3. Members questioned whether the adjustment would adversely affect the storm water management plan. Public Services Director Tony Bunkelman confirmed it would not. Members expressed concerns about an increase of truck traffic on 4 Mile Road and Hwy V. Bunkelman stated the road is Class A Highway from STH 41 to Smerchek Lane and this development shouldn't increase the truck traffic on 4 Mile Rd to Hwy V.

Motion by Weatherston to approve and recommend to the Village Board that a building, site, and operations plan for a ±188,358 square-foot industrial building be approved for the property located on 4 Mile Road, directly south of 13108 4 Mile Road with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed through the building, site, and operation plan review process.
2. This use is consistent with the 2035 Comprehensive Land Use Plan designation of Industrial/Business Park.

Seconded by Knitter.

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
President Dobbs	Aye

Motion carried unanimously.

6B. BUILDING, SITE & OPERATIONS REVIEW – Review a building, site, and operations plan to construct a ±2,880 square-foot, 2-story, bathhouse, inground swimming pool, and expanded pool decking located at 8425 STH 38 submitted by Scott Bender, Applicant, Bear Country Holdings LLC, Owner. (Parcel ID No. 104-04-22-04-017-000)

Peter Wagner read from his report:

The applicant is requesting approval of a ±2,880 square-foot bathhouse, an inground swimming pool, and expanded pool decking around the existing pool located in the central portion of the 222-acre site at 8425 STH 38. Accessory buildings within the P-2 District require a site plan review prior to submitting building permit applications.

The bathhouse will be a 2-story building constructed into a hill located northwest of the existing pool area. This building is required as part of their proposed pool expansion. The first floor of the building will open out at grade to the existing pool area. This area will consist of men's and women's bathrooms and shower facilities. The second floor will be used as a gathering place for entertainment amenities and is accessible at grade to the north. There will be a deck overlooking the pool area from the second floor. Exterior materials include CMU block, vinyl siding, and glass. The second-floor exterior will incorporate two overhead garage doors with windows on the north, south and east elevations. This design to open the building to the outdoors during favorable weather conditions. The proposed building meets required design standards for recreational facilities, setbacks and building height regulations. No landscaping is proposed as part of this project. The location of the building and the existing vegetation will minimize visual impact from the roadway. No lighting is being proposed at this time, however, if lighting were to be installed, it would need to meet the Village standards as identified in Condition 9.

In addition to the bathhouse, the applicant is proposing to construct an inground swimming pool. The location of swimming pool complies with Village Code. Lastly, the applicant is proposing to expand the existing concrete decking around the existing pool. As part of this expansion the applicant will be modifying their drainage system around the pool area to accommodate the expansion. The applicant is working with our Engineering Department to ensure drainage plans comply with Village Code.

6B. Commission Deliberation

None.

Motion by Pierce to approve and recommends that the Village Board approve that the building, site, and operational plan for a ±2,880 square-foot, 2-story, bathhouse, inground swimming pool, and concrete deck expansion located at 8425 STH 38 be approved for the following reasons:

1. The proposed use is allowed by underlying zoning through the building, site & operation plan review process.
2. The proposed use will not adversely affect the surrounding property values.
3. The proposed building is consistent with the existing use on the property.

Seconded by Weatherston

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye

Tim Just	Aye
President Dobbs	Aye

Motion carried unanimously.

6C. BOUNDARY AGREEMENT REVIEW – Review a building, site, and operations plan to construct a ±1,250 square-foot garage and a ±422 square-foot open air shelter located on a commercial site located at 3039 W. 6 ½ Mile Road submitted by Scott Maier, Applicant, Mustafar Group LLC, Owner. (Parcel ID No. 168-04-21-12-038-030)

Peter Wagner read from his report:

The applicant is requesting approval of the existing conditional use permit to allow for the construction and utilization of a ±1,250 square-foot garage and a ±422 square-foot open air shelter located at 3039 W. 6 ½ Mile Road. As part of the Cooperative Boundary Agreement, the Village of Caledonia has the authority to review and approve proposed CSMs, rezones, variances, plats, land use amendments, site plans, and conditional uses.

The proposed development of the site has received approvals from both the Plan Commission and Village Board of Raymond. As a condition of the approval, the applicant was required to get a variance from the Raymond Board of Appeals as it pertained to the street yard setback. The Board of Appeals meeting is scheduled for March 28th. The applicant will have representatives attending both the Caledonia Plan Commission and Raymond Board of Appeals and will inform the Plan Commission if the variance is granted. If not granted a variance, staff recommends not approving the proposed conditional use amendment and site plan since the garage does not meet street yard setback requirements for that zoning district.

The proposed garage will be in the northwestern portion of the site and have direct access to W. 6 ½ Mile Road. Exterior materials for the garage will fiber cement siding that is painted black with three lap boards painted white to create a stripe like the principal building. Incorporating the strip around the building along with the gabled roof creates a sense of top, middle, and bottom building design. Although not required, the proposed garage has no windows. The submitted rendering does not illustrate the white stripe around the building. The garage will have two double garage doors that will face westward. The proposed location does not meet the 100' street yard setback. The garage is setback 30 feet from the street yard lot line, which requires a variance as state earlier in the report. No lighting or ground mechanicals are proposed with this building. The intended use of this building is for indoor storage of company vehicles and possibly the business owner's vehicles.

No landscape plan is proposed as part of these structures. As this building is located so close to the road, landscaping should be incorporated into this development as outlined in the design guidelines for the corridor. Staff recommends the applicant install one tree with two or three shrubs along the north elevation of the building to comply with the design guidelines.

The open-air structure is behind the building located in the rear yard and meets setback requirements. As this is an open-air structure, there aren't any design guidelines to apply. Since the structure is in the rear yard and screened from the right-of-way, staff has no concerns regarding the design of the structure.

6C. Commission Deliberation

Plan Commission Members asked what would be stored in the open-air shelter. Scott Maier, applicant, and representative for Ayers Associates, stated recycled oil stored in plastic containers would be housed in the shelter. Members were concerned with the safety of the storage for containers used to store oil and asked if DNR permits were required. Meyer wasn't sure but said the applicant would be responsible for meeting DNR standards. There was further discussion on safety and security measures.

**Plan Commission Meeting
Monday, March 28, 2022**

Motion by Trustee Weatherston to move the proposed boundary agreement review to the Village Board for consideration pending answers to the concerns of what is to be stored in the open-air shelter.

Seconded by Knitter

ROLL CALL

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
President Dobbs	Aye

Motion carried unanimously.

7. - Adjournment

Motion by to adjourn Trustee Weatherston. Seconded by Knitter. Motion carried unanimously. Meeting adjourned at 6:52 p.m.

Respectfully submitted,
Erika Waege
Public Services Administrative Coordinator



Meeting Date: April 25, 2022

PLAN COMMISSION REPORT

Item No. **6a**

Proposal: Conditional Use Amendment

Description: Review of a request to amend the existing conditional use permit to allow for the operation of a U-Haul business with outdoor storage of trailers and vehicles for the parcel located at 7952 USH 41.

Applicant(s): Joy Peter

Address(es): 7952 Hwy 41

Suggested Motion: That the Plan Commission recommends that the Village Board approve a conditional use amendment to include the operation of a U-Haul business with outdoor storage of equipment as illustrated in the submitted site plan with conditions as shown in Exhibit A for the property located at 7952 USH 41 for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use process.
2. The proposed use appears to be compatible with the existing use on the parcel.
3. The proposed use does not negatively impact the surrounding properties.

Owner(s): Kidangavil Inc.

Tax Key(s): 104-04-22-07-076-000

Lot Size(s): 1.192 acres

Current Zoning District(s): B-4, Planned Business District

Overlay District(s): N/A

Wetlands: ☐ Yes ☒ No

Floodplain: ☐ Yes ☒ No

Comprehensive Plan: Commercial

Background: At the November 2021, Plan Commission meeting, the Plan Commission held the proposed conditional use amendment requesting additional information. The Plan Commission requested a scaled site plan showing the location of vehicles and trailers, fencing along the eastern portion of the site and a gravel pad where U-Haul trailers would be stored on site. Furthermore, the Plan Commission requested a truck modeling plan illustrating how semi-tractors

and trailers and emergency vehicles could safely enter and exit the site if U-haul vehicles and trailers were parked on the site. The applicant searched for an affordable surveyor to create the site plan and truck modeling plan, however, was unsuccessful. The applicant stated he does not want to pay for such plans due to the cost and small revenue generated by the additional business use. As a result, the representative for U-Haul submitted a modified site plan that was submitted in November. The new site plan is the same as the previously submitted plan, however, distances between vehicles, trailers and structures on the site have been labeled. Staff believes what has been submitted does not meet the earlier request from the Plan Commission. Distances on an unscaled map does not provide the necessary documentation that EMS vehicles or other long vehicles, such as RVs or semis, would be able to safely enter and exit the premises with the parked U-Haul vehicles on the site. In addition, the Plan Commission requested a privacy fence be installed on the northeast portion of the site. The revised site plan does not show where on the property the privacy fence is proposed, nor details as to the design or height of the fence.

Based on the submitted site plan, staff believes the applicant has not sufficiently addressed the Plan Commission's concerns regarding the safe site circulation of fueling trucks, emergency vehicles, or other long vehicles entering and exiting the property with U-Haul vehicles parked on the site. If the applicant is amendable to removing the proposed vehicles on the south side of the site, staff believes that the one vehicle parked by the business sign in the northwest corner of the site and the trailers parked on a gravel surface towards the rear of the property will not compromise safe entering and exiting of the site.

If the Plan Commission does not believe the applicant has sufficiently provided documentation demonstrating safe vehicle circulation, then the Plan Commission should not approve the request to amend the existing conditional use to include the operation of a U-Haul business with outdoor storage of equipment located at 7952 USH 41 because the site circulation cannot handle the safe entering and exiting of emergency vehicles, semi-trucks, and other long vehicles with the parking of U-Haul vehicles on the site, and that the proposed site circulation cannot be addressed with appropriate conditions, because the site is too small to accommodate such expanded use.

If the Plan Commission believes the updated site plan adequately demonstrates the safe entering and exiting of semi-trucks, EMS vehicles, and other long vehicles, staff has drafted a suggestion motion approving the proposed conditional use amendment with conditions.

November 2021 ~~~~~

In 1989, the Village approved a conditional use for the operation of an Amoco gas station on the property located at 9752 USH 41. The conditional use approved the construction of fueling pumps and canopy and the conversion of existing service station into a convenient store. The applicant is requesting an amendment to the conditional use to allow for the operation of a satellite U-Haul business which would allow for the rental of a limited number of trucks and trailers.

The applicant provided documentation demonstrating the benefits of creating this type of accessory use with the existing fueling station and that the location along the interstate provides a suitable location for such a use. The expanded use of the site should be secondary to the primary use as a fueling station.

The applicant indicated that this location is suitable due to its proximity to the interstate and provides customers with easy access. The way people rent U-Haul equipment is not through drive-by traffic but rather through the use of technology to locate sites where equipment rentals, pickups, and drop-offs can be conducted. Potential customers would typically look online for available rentals, and if this location was the closest, it would notify the customer if they can pick up or drop off rental equipment. According to the applicant, the number of trucks and trailers would not exceed what is approved through the conditional use as renters are directed to specific sites that can accept drop offs or have equipment available for pick up.

Included with this report, is a proposed site plan layout that illustrates the number of trucks and trailers that would be routinely parked on the site. Staff has concerns with the location of equipment on the site as it relates to the traffic flow of customers, EMS vehicles, and fueling trucks through the site. Staff recommends relocating the vehicles on an improved parking surface on the eastern portion of the site that is currently grassed to mitigate any traffic flow problems that would likely result from having parked vehicles in the travel lanes of the property. The applicant has provided multiple site plans for consideration.

Staff has reviewed and determined that the proposed use is conditionally allowed through the underlying zoning. If the Plan Commission believes that this additional use to the site does not negatively impact the primary use of the site as a fueling station and is a suitable use, staff has drafted a suggested motion with updated conditions of approval:

Exhibit A: Conditions of Approval 7952 USH 41:
Fueling Station, Convenience Store, and U-Haul Truck & Trailer Rental Business

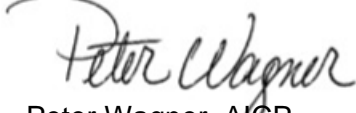
1. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
2. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Agents, and any other users of the Property Owner with respect to the uses on the Property.
3. **Plans.** The operation of the fueling station and convenience store shall be in accordance with the site plan approved August 31, 1989. The proposed operation of truck and trailer rental business (U-Haul) shall be located and utilized in accordance with the plans and documents received on February 7, 2022.
4. **Gas Pump Islands:** the proposed gas pump islands and the conversion of the existing service station may occur as shown on the submitted plans. A canopy may be installed, however, the location of said canopy is subject to the review and approval of the Board of Adjustments and this approval shall not be the basis for a BOA approval of a setback variance for canopy.
5. **Fuel Storage Tanks:** The existing underground fuel storage tanks may be upgraded or replaced subject to compliance with Department of Natural Resources and/or Department of Industry, Labor, and Human Relations rules and regulations.
6. **Parking & Driveway Access:** Driveway access may be located as shown on the submitted plan. A minimum of eight parking spaces shall be provided for the convenience store. These spaces shall be 9'x20' exclusive of the area for ingress and egress. These parking spaces, the driveway, and aprons shall be maintained in an all-weather, hard-surfaced condition. Parking of trucks and trailers related to the U-Haul business are limited to the areas identified in the site plan submitted on October 21, 2021.
7. **Lighting.** Lighting at the site must be 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.

-
8. **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.
 9. **Permits:** The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and license.
 10. **Fencing:** The applicant is responsible for installing a minimum of 85 feet of privacy fencing along the eastern lot to provide a buffer between the residential home and commercial development. Chain-link fencing is not an approved fencing material.
 11. **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.
 12. **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 facade. 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.
 13. **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.
 14. **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.
 15. **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.
 16. **Reimburse Village Costs.** Applicant shall reimburse to the Village all costs incurred by the Village for review of this site plan review 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.
 17. **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.
 18. **Agreement.** Your accepting the site plan review approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval.

Therefore, Joy Peter, Kidangayvil Inc., and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.

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

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Peter Wagner". The signature is written in a cursive, flowing style.

Peter Wagner, AICP
Development Director

Location Map

7952 USH 41



Aerial Map
7952 USH 41



Dear Caledonia Zoning Commission,

During our last meeting you had requested some updates to a site plan along with equipment sizes for the upcoming approval meeting for allowing U-Haul Rentals as part of primary business operations at Joy's Food Mart, 7952 US Hwy 41:

Joy's Food Mart is not trying to make the U-Haul a primary business, it is an added feature to our business to advertise to potential customers and help sell our primary products (fuel, convenience store items).

Revised proposal:

- 1) We request authorization to display one 8' cargo van under sign post on the northwest corner of our parking lot. This would not restrict any traffic flow due to it is basically dead space.
- 2) We request authorization to display 3 trucks along the lot line on the south end of our parking lot. Please note 1 would be a dedicated truck (20' box truck), the other two would be 2 oneway type vehicles ranging from a 10' box truck, 15' box truck, 20' box truck). This would vary due to in and outgoing flow. At times there may only 2 vehicles at this location.
- 3) We request authorization to display maximum 5 trailers to the rear of our lot line. The sizes range from a 8', 10' or 12' trailer, these may vary due to equipment is mainly oneway equipment. At times there may not be any trailers.

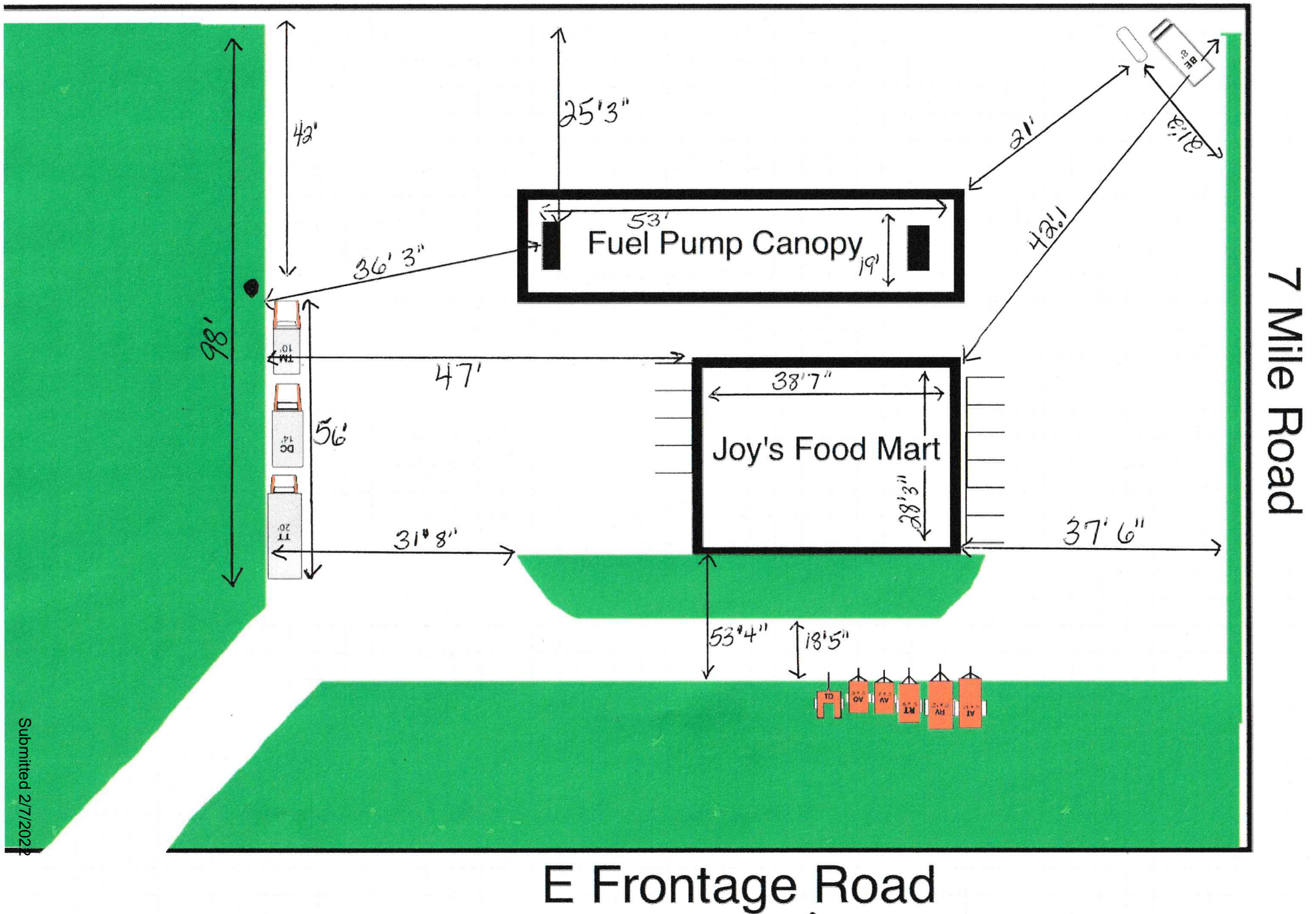
As weather permits, a fence would be installed along the adjacent lot line on the east end of our property line near residence. We would work this out with the owner of this residence. We will install either a fence or hedges at the owners preference. Fence or hedges would be installed once weather permits. We will also install a private drive sign due to customers for our business seem to use her driveway as an entrance to our business.

Regarding area for the trailer display area at the rear of our property facing east. We propose installing gravel in this area, estimated 40' x 12' to accommodate trailers being displayed. We are asking to please consider gravel instead of asphalt, we have done preliminary estimate's with asphalt, cost will be about \$4,000 to \$5,000. With the U-Haul Dealership business, we earn about \$5,000 to \$8,000 per year, the U-Haul Dealership is more used to bring potential customers into our primary business.

Thank you for your consideration.

Sincerely,
Joy Peter (Business Owner)
Mike Schulz (U-Haul Area Manager)

HWY 94/41



SEVEN



Cargo Van

5 Trailers

3 Trucks

Fire Truck Access Route (red arrows)

Amoco Oil Company
200 East Randolph Street
Chicago, IL 60601

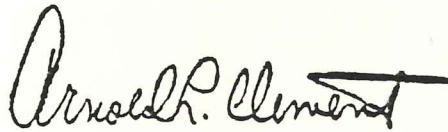
Requests a conditional use permit for the construction of four 4' x 8' gas pump islands, a 24' x 90' 10" canopy over the proposed gas pump islands, and the conversion of the existing service station bays into a convenient store at the southeast corner of Seven Mile Road and East Frontage Road, Section 7, R22E, Town of Caledonia.

approved 8-21-89

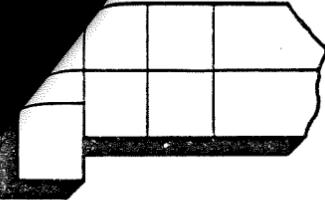
Applicant is subject to Sections 7.036, B-4 Planned Business District; and 7.047 Highway Oriented Uses of the Racine County zoning ordinance.

The above petitions are on file with the office of Planning and Development at the above address and these files are open for public review prior to the hearings, from 8:00 AM to 12:00 noon, and from 12:30 PM to 4:30 PM, Monday through Friday.

Date: August 7, 1989



Planning & Development Director



Racine County
DIVISION OF PLANNING AND DEVELOPMENT
ARNOLD L. CLEMENT — DIRECTOR

14200 Washington Ave.
Sturtevant, WI 53177

(414) 886-8470
Metro Milwaukee 835-2535
Toll Free 800-522-6240

August 31, 1989

PLANNING
886-8470

SANITATION
886-8475

LAND CONSERVATION
886-8479

HOUSING AUTHORITY
636-3405

CODE ADMINISTRATION
886-8475

REAL ESTATE DESCRIPTION
636-3548

Amoco Oil Company
200 East Randolph Street
Chicago, IL 60601

Gentlemen:

On August 21, 1989 the Planning and Development Committee of the Racine County Board of Supervisors approved your request for a conditional use permit for the construction of four 4' x 8' gas pump islands, a 24' x 90' 10" canopy over the proposed gas pump islands, and the conversion of the existing service station bays into a convenient store at the southeast corner of Seven Mile Road and East Frontage Road, Section 7, Range 22 East, Town of Caledonia. This request was approved subject to your compliance with the following conditions.

1. The proposed gas pumps islands and the conversion of the existing service station may occur as shown on the submitted plans. A canopy may be installed, however, the location of said canopy is subject to the review and approval of the Board of Adjustments and this approval shall not be the basis for a BOA approval of a setback variance for canopy.
2. The existing underground fuel storage tanks may be upgraded or replaced subject to compliance with Department of Natural Resources and/or Department of Industry, Labor, and Human Relations rules and regulations.
3. Driveway access may be located as shown on the submitted plan. A minimum of eight parking spaces shall be provided for the convenience store. These spaces shall be 9' x 20' exclusive of the area for ingress and egress. These parking spaces, the driveway, and aprons shall be maintained in an all-weather, hard-surfaced condition.
4. The conditional use permit issued as a part of this approval process shall expire within six months of the date of this letter unless substantial work has commenced pursuant to such grant. No construction may begin after such date unless an extension is granted in writing by the Planning and Development Committee.
5. All exterior lighting shall be arranged, oriented, or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right of way. The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

6. This operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life.

7. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

8. Any advertising sign on this property shall conform to the ordinance standards and shall require a separate zoning permit.

9. The applicant shall allow full and unlimited access to the project site at any reasonable time to any Planning and Zoning office employee who is investigating the project's construction, operation or maintenance.

10. The applicant is responsible for obtaining all necessary federal, state and local permits, approvals and licenses.

The applicant shall obtain a zoning permit card from this office, after paying the required fee of \$40.00. This card shall be displayed in a prominent location in the project site. Also, a copy of these conditions shall be kept at the project site at all times until the project has been completed.

No additions, deletions, or changes may be made to these conditions without the prior approval of the Planning and Development Committee and the Town of Caledonia.

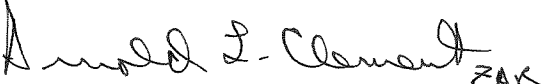
Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand and agree to follow all conditions of this approval. Therefore, Amoco Oil Company is responsible for full compliance with the above conditions.

Additionally, the applicant is advised that Racine County, the local municipalities and the Department of Transportation are engaged in a long term program to separate the I-94 ramps and frontage roads so that the current braided interchanges and direct access to the ramps are eliminated. While there is currently no schedule on when this will occur at Seven Mile Road, the goal is to accomplish the separation at all Racine County interchanges, therefore, at some time you will experience this at your Seven Mile Road locations.

Amoco Oil Company
August 31, 1989 - Page 3

If you have any question, please contact this office.

Yours truly,


Arnold L. Clement

ALC/amk

cc: A. Smith	J. Sweet
R. Wilson	K. Kondrot
G. Griswold	

APPLICATION FOR ZONING PERMIT
RACINE COUNTY, WISCONSIN

APPLICATION NO 89-243 DATE 7-27-89
SANITARY PERMIT NO _____ DATE _____

OWNER Amoco Oil Company
TELEPHONE 312-827-0312
APPLICANT Keith Kondrot
TELEPHONE 312-449-7230

ADDRESS 200 E Randolph St.
Chicago IL 60601
ADDRESS 5390 Mc Dermott Drive
Berkley IL 60163

The undersigned hereby applied for a permit to do the work herein described, and as shown on the reverse side hereof, and hereby agrees that all work will be done in accordance with all the laws of the State of Wisconsin and all the ordinances of the County of Racine, applicable to the following described premises:

LOT TAX KEY NUMBER:
SUBDIVISION NAME BLOCK 004042207076000
SITE ADDRESS Hwy 41 + 7 mile
TOWNSHIP Caledonia SECTION 7 TOWN 4 RANGE 22
PROPOSED CONSTRUCTION AND/OR USE: Convenient Store and relocation
of gas islands

ZONING DISTRICT B-4 NO OF UNITS 1 NO OF STORIES 1 HEIGHT
CLASS OF CONSTRUCTION Steel Fram SIZE BY AREA SQ FT
masonry veneer

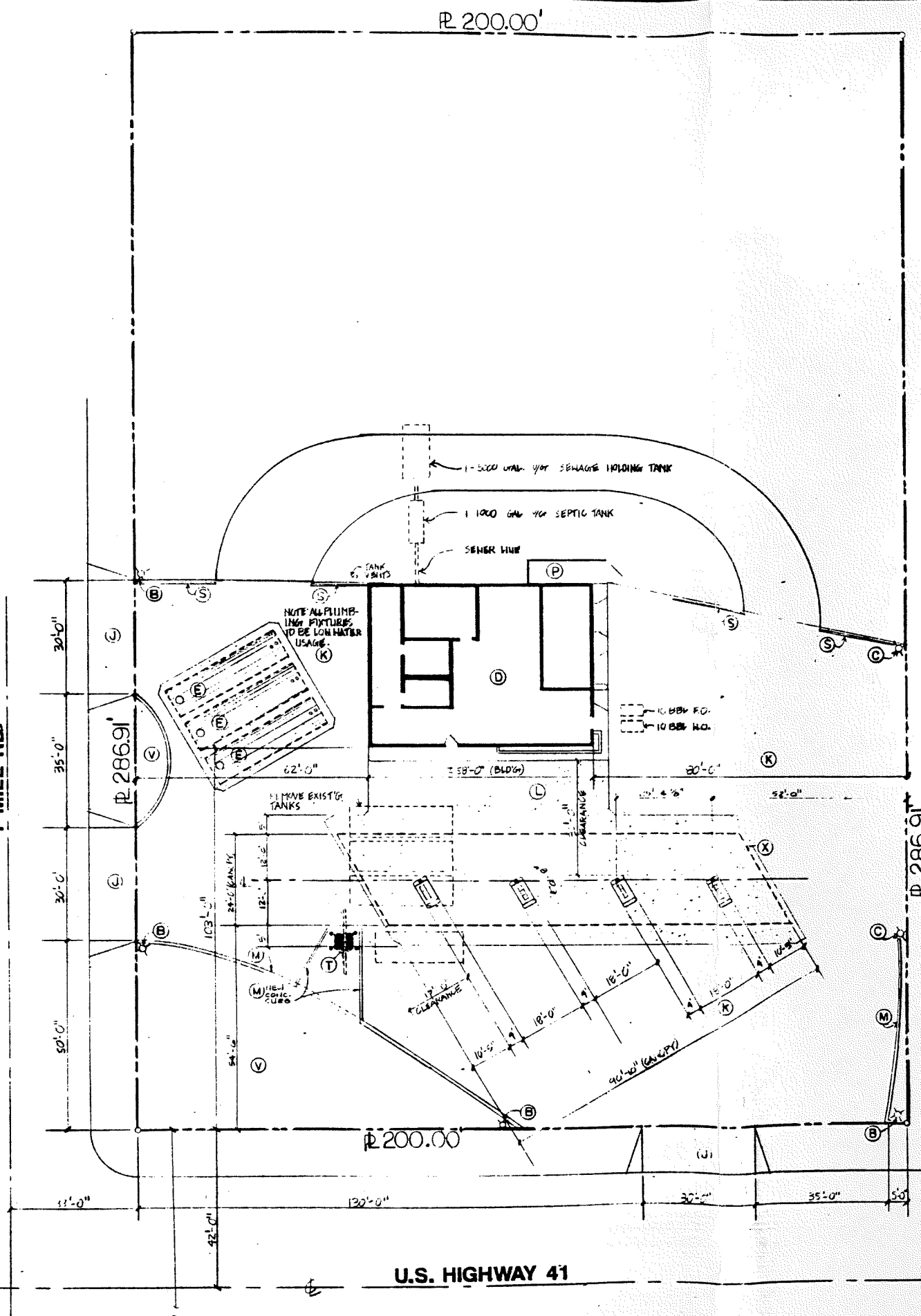
WORK CONSISTS OF: REMARKS:
New Building X Contractor Auto Equip Const.
Addition Estimated Value \$400,000
Repairs Date Permit App.
Alterations Date Permit Issued 9-27-89
Other

Specify

Permit Fee Pd.: 30.00
Cert. of Compliance Pd.: 10.00
TOTAL: \$40.00
Cash Check NO. 2143

Keith Kondrot
(Applicant's Signature)
Warren Draves ynd.
Zoning Deputy
Arnold J. Clement
Zoning Administrator

7 MILE RD.



U.S. HIGHWAY 41

I-94

UNDERGROUND BULK TANKS

STEEL
NON-CORROSIVE MATERIAL

Conditionally

APPROVED

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Donald E. Nelson JUN 7 1989
FIRE PREVENTION DATE

SELF SERVICE PLANS

CONVERSION
INSTALLATION

Conditionally

APPROVED

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Donald E. Nelson JUN 7 1989

SELF-SERVICE OPERATION

1. The observation and control of the self-service dispensing will be a primary responsibility of the attendant on duty.
2. Emergency shut off controls must be clearly identified and within 15 feet of the attendants control station.
3. Nozzle hold-open devices are optional.
4. Instructions for operation of pumps must be conspicuously posted.
5. A 20 BC fire extinguisher must be provided.
6. "NO SMOKING - STOP MOTOR WHILE FUELING" signs must be posted within sight of the operator.

SITE PLAN

SCALE: 1/16" = 1'-0"

Donald E. Nelson
State of Wisconsin
Chief, Petroleum Inspection
608-266-8076

LEGEND

LIGHTING	REQ.
A. ISLAND	
B. PERIMETER	2
C. PERIMETER	2
D. BUILDING TYPE	
D.1. INTERSTATE PARK	
D.2. INTERSTATE PARK	
D.3. INTERSTATE PARK	
D.4. INTERSTATE PARK	
D.5. INTERSTATE PARK	
D.6. INTERSTATE PARK	
D.7. INTERSTATE PARK	
D.8. INTERSTATE PARK	
D.9. INTERSTATE PARK	
D.10. INTERSTATE PARK	
D.11. INTERSTATE PARK	
D.12. INTERSTATE PARK	
D.13. INTERSTATE PARK	
D.14. INTERSTATE PARK	
D.15. INTERSTATE PARK	
D.16. INTERSTATE PARK	
D.17. INTERSTATE PARK	
D.18. INTERSTATE PARK	
D.19. INTERSTATE PARK	
D.20. INTERSTATE PARK	
D.21. INTERSTATE PARK	
D.22. INTERSTATE PARK	
D.23. INTERSTATE PARK	
D.24. INTERSTATE PARK	
D.25. INTERSTATE PARK	
D.26. INTERSTATE PARK	
D.27. INTERSTATE PARK	
D.28. INTERSTATE PARK	
D.29. INTERSTATE PARK	
D.30. INTERSTATE PARK	
D.31. INTERSTATE PARK	
D.32. INTERSTATE PARK	
D.33. INTERSTATE PARK	
D.34. INTERSTATE PARK	
D.35. INTERSTATE PARK	
D.36. INTERSTATE PARK	
D.37. INTERSTATE PARK	
D.38. INTERSTATE PARK	
D.39. INTERSTATE PARK	
D.40. INTERSTATE PARK	
D.41. INTERSTATE PARK	
D.42. INTERSTATE PARK	
D.43. INTERSTATE PARK	
D.44. INTERSTATE PARK	
D.45. INTERSTATE PARK	
D.46. INTERSTATE PARK	
D.47. INTERSTATE PARK	
D.48. INTERSTATE PARK	
D.49. INTERSTATE PARK	
D.50. INTERSTATE PARK	
D.51. INTERSTATE PARK	
D.52. INTERSTATE PARK	
D.53. INTERSTATE PARK	
D.54. INTERSTATE PARK	
D.55. INTERSTATE PARK	
D.56. INTERSTATE PARK	
D.57. INTERSTATE PARK	
D.58. INTERSTATE PARK	
D.59. INTERSTATE PARK	
D.60. INTERSTATE PARK	
D.61. INTERSTATE PARK	
D.62. INTERSTATE PARK	
D.63. INTERSTATE PARK	
D.64. INTERSTATE PARK	
D.65. INTERSTATE PARK	
D.66. INTERSTATE PARK	
D.67. INTERSTATE PARK	
D.68. INTERSTATE PARK	
D.69. INTERSTATE PARK	
D.70. INTERSTATE PARK	
D.71. INTERSTATE PARK	
D.72. INTERSTATE PARK	
D.73. INTERSTATE PARK	
D.74. INTERSTATE PARK	
D.75. INTERSTATE PARK	
D.76. INTERSTATE PARK	
D.77. INTERSTATE PARK	
D.78. INTERSTATE PARK	
D.79. INTERSTATE PARK	
D.80. INTERSTATE PARK	
D.81. INTERSTATE PARK	
D.82. INTERSTATE PARK	
D.83. INTERSTATE PARK	
D.84. INTERSTATE PARK	
D.85. INTERSTATE PARK	
D.86. INTERSTATE PARK	
D.87. INTERSTATE PARK	
D.88. INTERSTATE PARK	
D.89. INTERSTATE PARK	
D.90. INTERSTATE PARK	
D.91. INTERSTATE PARK	
D.92. INTERSTATE PARK	
D.93. INTERSTATE PARK	
D.94. INTERSTATE PARK	
D.95. INTERSTATE PARK	
D.96. INTERSTATE PARK	
D.97. INTERSTATE PARK	
D.98. INTERSTATE PARK	
D.99. INTERSTATE PARK	
D.100. INTERSTATE PARK	
D.101. INTERSTATE PARK	
D.102. INTERSTATE PARK	
D.103. INTERSTATE PARK	
D.104. INTERSTATE PARK	
D.105. INTERSTATE PARK	
D.106. INTERSTATE PARK	
D.107. INTERSTATE PARK	
D.108. INTERSTATE PARK	
D.109. INTERSTATE PARK	
D.110. INTERSTATE PARK	
D.111. INTERSTATE PARK	
D.112. INTERSTATE PARK	
D.113. INTERSTATE PARK	
D.114. INTERSTATE PARK	
D.115. INTERSTATE PARK	
D.116. INTERSTATE PARK	
D.117. INTERSTATE PARK	
D.118. INTERSTATE PARK	
D.119. INTERSTATE PARK	
D.120. INTERSTATE PARK	
D.121. INTERSTATE PARK	
D.122. INTERSTATE PARK	
D.123. INTERSTATE PARK	
D.124. INTERSTATE PARK	
D.125. INTERSTATE PARK	
D.126. INTERSTATE PARK	
D.127. INTERSTATE PARK	
D.128. INTERSTATE PARK	
D.129. INTERSTATE PARK	
D.130. INTERSTATE PARK	
D.131. INTERSTATE PARK	
D.132. INTERSTATE PARK	
D.133. INTERSTATE PARK	
D.134. INTERSTATE PARK	
D.135. INTERSTATE PARK	
D.136. INTERSTATE PARK	
D.137. INTERSTATE PARK	
D.138. INTERSTATE PARK	
D.139. INTERSTATE PARK	
D.140. INTERSTATE PARK	
D.141. INTERSTATE PARK	
D.142. INTERSTATE PARK	
D.143. INTERSTATE PARK	
D.144. INTERSTATE PARK	
D.145. INTERSTATE PARK	
D.146. INTERSTATE PARK	
D.147. INTERSTATE PARK	
D.148. INTERSTATE PARK	
D.149. INTERSTATE PARK	
D.150. INTERSTATE PARK	
D.151. INTERSTATE PARK	
D.152. INTERSTATE PARK	
D.153. INTERSTATE PARK	
D.154. INTERSTATE PARK	
D.155. INTERSTATE PARK	
D.156. INTERSTATE PARK	
D.157. INTERSTATE PARK	
D.158. INTERSTATE PARK	
D.159. INTERSTATE PARK	
D.160. INTERSTATE PARK	
D.161. INTERSTATE PARK	
D.162. INTERSTATE PARK	
D.163. INTERSTATE PARK	
D.164. INTERSTATE PARK	
D.165. INTERSTATE PARK	
D.166. INTERSTATE PARK	
D.167. INTERSTATE PARK	
D.168. INTERSTATE PARK	
D.169. INTERSTATE PARK	
D.170. INTERSTATE PARK	
D.171. INTERSTATE PARK	
D.172. INTERSTATE PARK	
D.173. INTERSTATE PARK	
D.174. INTERSTATE PARK	
D.175. INTERSTATE PARK	
D.176. INTERSTATE PARK	
D.177. INTERSTATE PARK	
D.178. INTERSTATE PARK	
D.179. INTERSTATE PARK	
D.180. INTERSTATE PARK	
D.181. INTERSTATE PARK	
D.182. INTERSTATE PARK	
D.183. INTERSTATE PARK	
D.184. INTERSTATE PARK	
D.185. INTERSTATE PARK	
D.186. INTERSTATE PARK	
D.187. INTERSTATE PARK	
D.188. INTERSTATE PARK	
D.189. INTERSTATE PARK	
D.190. INTERSTATE PARK	
D.191. INTERSTATE PARK	
D.192. INTERSTATE PARK	
D.193. INTERSTATE PARK	
D.194. INTERSTATE PARK	
D.195. INTERSTATE PARK	
D.196. INTERSTATE PARK	
D.197. INTERSTATE PARK	
D.198. INTERSTATE PARK	
D.199. INTERSTATE PARK	
D.200. INTERSTATE PARK	
D.201. INTERSTATE PARK	
D.202. INTERSTATE PARK	
D.203. INTERSTATE PARK	
D.204. INTERSTATE PARK	
D.205. INTERSTATE PARK	
D.206. INTERSTATE PARK	
D.207. INTERSTATE PARK	
D.208. INTERSTATE PARK	
D.209. INTERSTATE PARK	
D.210. INTERSTATE PARK	
D.211. INTERSTATE PARK	
D.212. INTERSTATE PARK	
D.213. INTERSTATE PARK	
D.214. INTERSTATE PARK	
D.215. INTERSTATE PARK	
D.216. INTERSTATE PARK	
D.217. INTERSTATE PARK	
D.218. INTERSTATE PARK	
D.219. INTERSTATE PARK	
D.220. INTERSTATE PARK	
D.221. INTERSTATE PARK	
D.222. INTERSTATE PARK	
D.223. INTERSTATE PARK	
D.224. INTERSTATE PARK	
D.225. INTERSTATE PARK	
D.226. INTERSTATE PARK	
D.227. INTERSTATE PARK	
D.228. INTERSTATE PARK	
D.229. INTERSTATE PARK	
D.230. INTERSTATE PARK	
D.231. INTERSTATE PARK	
D.232. INTERSTATE PARK	
D.233. INTERSTATE PARK	
D.234. INTERSTATE PARK	
D.235. INTERSTATE PARK	
D.236. INTERSTATE PARK	
D.237. INTERSTATE PARK	
D.238. INTERSTATE PARK	
D.239. INTERSTATE PARK	
D.240. INTERSTATE PARK	
D.241. INTERSTATE PARK	
D.242. INTERSTATE PARK	
D.243. INTERSTATE PARK	
D.244. INTERSTATE PARK	
D.245. INTERSTATE PARK	
D.246. INTERSTATE PARK	
D.247. INTERSTATE PARK	
D.248. INTERSTATE PARK	
D.249. INTERSTATE PARK	
D.250. INTERSTATE PARK	
D.251. INTERSTATE PARK	
D.252. INTERSTATE PARK	
D.253. INTERSTATE PARK	
D.254. INTERSTATE PARK	
D.255. INTERSTATE PARK	
D.256. INTERSTATE PARK	
D.257. INTERSTATE PARK	
D.258. INTERSTATE PARK	
D.259. INTERSTATE PARK	
D.260. INTERSTATE PARK	
D.261. INTERSTATE PARK	
D.262. INTERSTATE PARK	
D.263. INTERSTATE PARK	
D.264. INTERSTATE PARK	
D.265. INTERSTATE PARK	
D.266. INTERSTATE PARK	
D.267. INTERSTATE PARK	
D.268. INTERSTATE PARK	
D.269. INTERSTATE PARK	
D.270. INTERSTATE PARK	
D.271. INTERSTATE PARK	
D.272. INTERSTATE PARK	
D.273. INTERSTATE PARK	
D.274. INTERSTATE PARK	
D.275. INTERSTATE PARK	
D.276. INTERSTATE PARK	
D.277. INTERSTATE PARK	
D.278. INTERSTATE PARK	
D.279. INTERSTATE PARK	
D.280. INTERSTATE PARK	
D.281. INTERSTATE PARK	
D.282. INTERSTATE PARK	
D.283. INTERSTATE PARK	
D.284. INTERSTATE PARK	
D.285. INTERSTATE PARK	
D.286. INTERSTATE PARK	
D.287. INTERSTATE PARK	
D.288. INTERSTATE PARK	
D.289. INTERSTATE PARK	
D.290. INTERSTATE PARK	
D.291. INTERSTATE PARK	
D.292. INTERSTATE PARK	
D.293. INTERSTATE PARK	
D.294. INTERSTATE PARK	
D.295. INTERSTATE PARK	
D.296. INTERSTATE PARK	
D.297. INTERSTATE PARK	
D.298. INTERSTATE PARK	
D.299. INTERSTATE PARK	
D.300. INTERSTATE PARK	
D.301. INTERSTATE PARK	
D.302. INTERSTATE PARK	
D.303. INTERSTATE PARK	
D.304. INTERSTATE PARK	
D.305. INTERSTATE PARK	
D.306. INTERSTATE PARK	
D.307. INTERSTATE PARK	
D.308. INTERSTATE PARK	
D.309. INTERSTATE PARK	
D.310. INTERSTATE PARK	
D.311. INTERSTATE PARK	
D.312. INTERSTATE PARK	
D.313. INTERSTATE PARK	
D.314. INTERSTATE PARK	
D.315. INTERSTATE PARK	
D.316. INTERSTATE PARK	
D.317. INTERSTATE PARK	
D.318. INTERSTATE PARK	
D.319. INTERSTATE PARK	
D.320. INTERSTATE PARK	
D.321. INTERSTATE PARK	
D.322. INTERSTATE PARK	
D.323. INTERSTATE PARK	
D.324. INTERSTATE PARK	
D.325. INTERSTATE PARK	
D.326. INTERSTATE PARK	
D.327. INTERSTATE PARK	
D.328. INTERSTATE PARK	
D.329. INTERSTATE PARK	
D.330. INTERSTATE PARK	
D.331. INTERSTATE PARK	
D.332. INTERSTATE PARK	
D.333. INTERSTATE PARK	
D.334. INTERSTATE PARK	
D.335. INTERSTATE PARK	
D.336. INTERSTATE PARK	
D.337. INTERSTATE PARK	
D.338. INTERSTATE PARK	
D.339. INTERSTATE PARK	
D.340. INTERSTATE PARK	
D.341. INTERSTATE PARK	
D.342. INTERSTATE PARK	
D.343. INTERSTATE PARK	
D.344. INTERSTATE PARK	
D.345. INTERSTATE PARK	
D.346. INTERSTATE PARK	
D.347. INTERSTATE PARK	
D.348. INTERSTATE PARK	
D.349. INTERSTATE PARK	
D.350. INTERSTATE PARK	
D.351. INTERSTATE PARK	
D.352. INTERSTATE PARK	
D.353. INTERSTATE PARK	
D.354. INTERSTATE PARK	
D.355. INTERSTATE PARK	
D.356. INTERSTATE PARK	
D.357. INTERSTATE PARK	
D.358. INTERSTATE PARK	
D.359. INTERSTATE PARK	
D.360. INTERSTATE PARK	
D.361. INTERSTATE PARK	
D.362. INTERSTATE PARK	
D.363. INTERSTATE PARK	
D.364. INTERSTATE PARK	
D.365. INTERSTATE PARK	
D.366. INTERSTATE PARK	
D.367. INTERSTATE PARK	
D.368. INTERSTATE PARK	
D.369. INTERSTATE PARK	
D.370. INTERSTATE PARK	
D.371. INTERSTATE PARK	
D.372. INTERSTATE PARK	
D.373. INTERSTATE PARK	
D.374. INTERSTATE PARK	
D.375. INTERSTATE PARK	
D.376. INTERSTATE PARK	
D.377. INTERSTATE PARK	
D.378. INTERSTATE PARK	
D.379. INTERSTATE PARK	
D.380. INTERSTATE PARK	
D.381. INTERSTATE PARK	
D.382. INTERSTATE PARK	
D.383. INTERSTATE PARK	
D.384. INTERSTATE PARK	
D.385. INTERSTATE PARK	
D.386. INTERSTATE PARK	
D.387. INTERSTATE PARK	
D.388. INTERSTATE PARK	
D.389. INTERSTATE PARK	
D.390. INTERSTATE PARK	
D.391. INTERSTATE PARK	
D.392. INTERSTATE PARK	
D.393. INTERSTATE PARK	
D.394. INTERSTATE PARK	
D.395. INTERSTATE PARK	
D.396. INTERSTATE PARK	
D.397. INTERSTATE PARK	
D.398. INTERSTATE PARK	
D.399. INTERSTATE PARK	
D.400. INTERSTATE PARK	
D.401. INTERSTATE PARK	
D.402. INTERSTATE PARK	
D.403. INTERSTATE PARK	
D.404. INTERSTATE PARK	
D.405. INTERSTATE PARK	
D.406. INTERSTATE PARK	
D.407. INTERSTATE PARK	
D.408. INTERSTATE PARK	
D.409. INTERSTATE PARK	
D.410. INTERSTATE PARK	
D.411. INTERSTATE PARK	
D.412. INTERSTATE PARK	
D.413. INTERSTATE PARK	
D.414. INTERSTATE PARK	
D.415. INTERSTATE PARK	
D.416. INTERSTATE PARK	
D.417. INTERSTATE PARK	
D.418. INTERSTATE PARK	
D.419. INTERSTATE PARK	
D.420. INTERSTATE PARK	
D.421. INTERSTATE PARK	
D.422. INTERSTATE PARK	
D.423. INTERSTATE PARK	
D.424. INTERSTATE PARK	
D.425. INTERSTATE PARK	
D.426. INTERSTATE PARK	
D.427. INTERSTATE PARK	
D.428. INTERSTATE PARK	
D.429. INTERSTATE PARK	
D.430. INTERSTATE PARK	
D.431. INTERSTATE PARK	
D.432. INTERSTATE PARK	
D.433. INTERSTATE PARK	
D.434. INTERSTATE PARK	
D.435. INTERSTATE PARK	
D.436. INTERSTATE PARK	
D.437. INTERSTATE PARK	
D.438. INTERSTATE PARK	
D.439. INTERSTATE PARK	
D.440. INTERSTATE PARK	
D.441. INTERSTATE PARK	
D.442. INTERSTATE PARK	
D.443. INTERSTATE PARK	
D.444. INTERSTATE PARK	
D.445. INTERSTATE PARK	
D.446. INTERSTATE PARK	
D.447. INTERSTATE PARK	
D.448. INTERSTATE PARK	
D.449. INTERSTATE PARK	
D.450. INTERSTATE PARK	
D.451. INTERSTATE PARK	
D.452. INTERSTATE PARK	
D.453. INTERSTATE PARK	
D.454. INTERSTATE PARK	
D.455. INTERSTATE PARK	
D.456. INTERSTATE PARK	
D.457. INTERSTATE PARK	
D.458. INTERSTATE PARK	
D.459. INTERSTATE PARK	
D.460. INTERSTATE PARK	
D.461. INTERSTATE PARK	
D.462. INTERSTATE PARK	
D.463. INTERSTATE PARK	
D.464. INTERSTATE PARK	
D.465. INTERSTATE PARK	
D.466. INTERSTATE PARK	
D.467. INTERSTATE PARK	
D.468. INTERSTATE PARK	
D.469. INTERSTATE PARK	
D.470. INTERSTATE PARK	
D.471. INTERSTATE PARK	
D.472. INTERSTATE PARK	
D.473. INTERSTATE PARK	
D.474. INTERSTATE PARK	
D.475. INTERSTATE PARK	
D.476. INTERSTATE PARK	
D.477. INTERSTATE PARK	
D.478. INTERSTATE PARK	
D.479. INTERSTATE PARK	
D.480. INTERSTATE PARK	
D.481. INTERSTATE PARK	
D.482. INTERSTATE PARK	
D.483. INTERSTATE PARK	
D.484. INTERSTATE PARK	
D.485. INTERSTATE PARK	
D.486. INTERSTATE PARK	
D.487. INTERSTATE PARK	
D.488. INTERSTATE PARK	
D.489. INTERSTATE PARK	
D.490. INTERSTATE PARK	
D.491. INTERSTATE PARK	
D.492. INTERSTATE PARK	
D.493. INTERSTATE PARK	
D.494. INTERSTATE PARK	
D.495. INTERSTATE PARK	
D.496. INTERSTATE PARK	
D.497. INTERSTATE PARK	
D.498. INTERSTATE PARK	
D.499. INTERSTATE PARK	
D.500. INTERSTATE PARK	



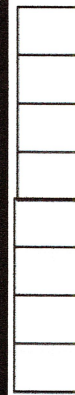
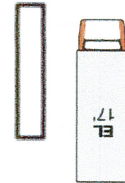
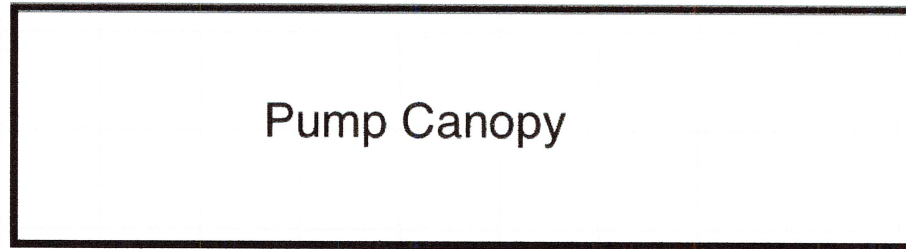
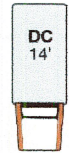
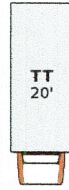
PROPOSED AMOCO MODIFICATION

U.S. HWY #41 & 7 MILE RD.
CALEDONIA, WISCONSIN

SITE PLAN

SCALE: 1/16" = 1'-0"	DRAWN BY: GEORGE GARRONAS
DATE: 2-14-89	CHECKED BY: JIMMY TREGAN
Approved: _____	NAME: _____ DATE: _____
Project Manager: _____	DISTRICT NO. _____
Manager Engineering: _____	
Manager Capital Investment: _____	
Director of Marketing: _____	
Regional Vice President: _____	
No. B-15582	
DO NOT SCALE. USE DIMENSIONS ONLY	

HWY 194/41



7 Mile Road

7 Mile Road



E Frontage Road

HWY I94/41

Pump Canopy

Small Truck

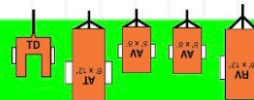
Joy's Food Mart

Option 2

7 Mile Road

7 Mile Road

E Frontage Road



HWY I94/41

Pump Canopy

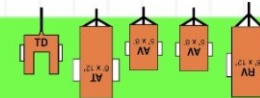
Joy's Food Mart

Option 3

7 Mile Road

7 Mile Road

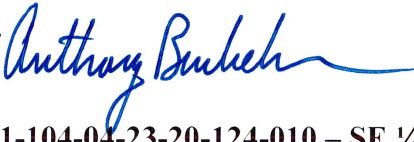
E Frontage Road



MEMORANDUM

Date: Wednesday, April 20, 2022

To: Plan Commission

From: Anthony A. Bunkelman P.E. 
Public Services Director

Re: Konecko CSM – Parcel ID 51-104-04-23-20-124-010 – SE ¼ of Section 20, T4N, R23E, Chester Lane Village of Caledonia, Racine County, WI – Robert Konecko Owner – David Wade & Joy Mathein Applicant

The Engineering Department has received a draft Certified Survey Map (CSM) from David Wade & Joy Mathein. The Konecko property is located on the East side of Chester Lane between 4 Mile Road and the Village Hall. The existing property is approximately 1.25 acres in size and has 330 feet of frontage along Chester Lane. This property was part of a CSM (Lots 2, 3, & 4) in 2004, which was not recorded. Mr. Wade & Ms. Mathein are proposing to develop the proposed lots with duplex homes in the future.

The existing parcel is currently vacant.

The draft CSM proposes to create 3 lots. All 3 lots are proposed for duplex (two family) homes in the near future. The lots are proposed to be approximately 0.38 acres, 0.38 acres, and 0.49 acres in size.

The Zoning of the existing parcel is R-6. R-6 zoning requires a minimum of 100' of frontage and a minimum of 10,000 square feet of area. The proposed lots meet and exceed the minimum zoning requirements.

The CSM is located within the Sanitary Sewer & Water Service Areas. Sanitary Sewer and Watermain are available to the proposed lots within Chester Lane. The proposed lots do not have laterals to them at this time and laterals will need to be extended to the lots. The owner will need to obtain Road Opening Permits for each lot for the installation of the sewer and water laterals.

Access for the 3 proposed lots is to be from Chester Lane. The owner will need to obtain Right of Way Access Permits prior to any accesses being installed.

The drainage of the draft CSM according to the Master Drainage Plan is to the North and East (M-16-10) for the approximate 1.25 acres. Based on a field review, it appears that the front of the lots drain to the North to the Klema Ditch and the back of the lots sheet flow to the East. As part of the proposed development of these lots, a Site Grading Plan and a Storm Water Management Plan will need to be submitted, reviewed, and approved. It has been discussed that the storm water pond on the Village Hall site can be used as a Regional Storm Water Basin. As part of the development of a Storm Water Management Plan for this CSM, the necessary capacity needed for the storm water runoff for these lots shall be provided. In addition, a cost share agreement / maintenance agreement will need to be entered into with the property owners for expanding the Village Storm Water Pond as part of the Public Safety Building.

In looking at the Wisconsin DNR Surface Water Data Viewer there are no mapped wetlands shown on the site. The Surface Water Data Viewer also indicates that there may be hydric soils to the East end of the property that may be conducive to wetlands on the site. A Wetland Delineation should be performed as part of the Storm Water Management Plan. Any Wetlands will need to be shown on the CSM.

Move to conditionally approve the Konecko CSM on parcel 51-104-04-23-20-124-010 subject to the following:

- 1. An updated CSM document is provided from a registered land surveyor.**
- 2. The Zoning setbacks & Minimum Frontage requirements for the R-6 Zoning District are listed on the CSM and the setback lines are shown on the lots.**
- 3. Sanitary Sewer and Water laterals will need to be installed to the lots. A plan for the lateral installation shall be submitted, reviewed, and approved. Road Opening Permits will also need to be obtained.**
- 4. A Storm Water Management Plan and a Master Site Grading Plan for the lot of the CSM will need to be submitted, reviewed, and approved by the Caledonia Utility District.**
- 5. A cost share agreement / maintenance agreement will need to be executed for the expansion of the Village Storm Water Pond.**
- 6. Place a 12' Drainage & Utility Easement along the North and East lot lines.**
- 7. A Wetland Delineation will need to be performed and all Wetlands will need to be shown on the CSM. The Wetland Delineation Report shall be submitted with the Final CSM.**
- 8. The CSM is subject to the Land Division per Lot fee.**
- 9. The Owner agrees to execute any and all agreements and make the necessary deposits the approval of the CSM.**
- 10. The Final CSM is submitted and recorded within 1 year of approval by the Village Board.**

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 4 NORTH,
RANGE 23 EAST, IN THE TOWN OF CALEDONIA, RACINE COUNTY, WISCONSIN.





Meeting Date: April 25, 2022

Item No. **6c**

PLAN COMMISSION REPORT

Proposal: Status Review Zoning Code Revisions

Description: Review proposed draft Chapters 11 & 16 of the Village Zoning Code.

Applicant(s): Village of Caledonia

Address(es): n/a

Suggested Motion: No action required.

Background: When the Town of Caledonia became the Village of Caledonia in 2005, the Village adopted Racine County's Zoning Code as their own. Since that time, the Village has amended its code several times and has created zoning code Title 16. As a result, staff has had to reference both Title 16 of the Village Code and Racine County's Zoning Code that was adopted in 2005 when applying the zoning code for development projects and code enforcement. This split in regulations is difficult for developers, residents, and businesses to understand what the rules and regulations are for the Village. Staff has been working on merging the two code sections into one unified Village code Title. This process has been more time consuming than originally anticipated.

Staff has prepared draft Chapters 11 & 16 for review and discussion. Chapter topics for discussion will be:

- Chapter 11: Signs
- Chapter 16: Adult Oriented Businesses

The purpose of this agenda item to review and discuss the content of the chapters and answer questions or take suggestions as to what should be and not be included in these chapters. These chapters were not revised, but rather reformatted to our current Title/Section/Chapter format. No action is required at this time. Over the next few Plan Commission meetings, staff will be presenting new chapters for your review and input. It is anticipated that the Title 16 will include eighteen chapters. Some of the chapters have few, if any, changes, and others will have significant changes or reorganization than what currently exists. Once all the chapters have been reviewed by the Plan Commission, the next step will be to present it to the Legislation and Licensing Committee for review. Once the Legislation and Licensing Committee is comfortable with the revised zoning code, it will come back before the Plan Commission for a public hearing and recommendation to the Village Board. Staff anticipates final adoption of the revised code will be done in September 2022. At that time, staff will work with our software firm that licenses Zoning Hub and bring the zoning code online.

Chapter 11: Sign Chapter Code Changes:

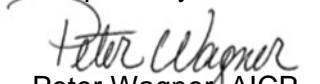
- Deleted the regulation limiting the overall total of sign area to 1,200 square feet except for multi-tenant shopping centers which were allowed an additional 500 square feet of area for each anchor tenant.
- Deleted Obsolete Signs section requiring vacant commercial, industrial, agricultural, or institutional establishments remove their signs within 30 days of vacating the site.
- Deleted the requirement that if a wall sign is over 32 square feet, the applicant is required to submit a rendering illustrating how the sign will be seen at 150 to 300 feet away.

-
- Increased maximum monument and pole sign size from 32 square feet to 64 square feet.
 - Added Temporary Sign Regulations.
 - Amended the Freestanding Sign regulations to increase minimum setback of signs from 1-foot to 5 feet from the property line for freeway signs, agricultural signs, home occupation signs, and monument signs. Poles sign setbacks were increased to 15 feet from the property line.

At the time of this report, staff received information on a court case regarding temporary signs and how they are to be regulated. As a result, staff will bring a revised Chapter 11 to the Plan Commission meeting.

When staff first introduced the idea of creating a specific chapter pertaining to adult oriented businesses, we provided information of how Racine County approached the issue. Since that time, staff has drafted a Village zoning chapter addressing this type of use and has provided it in this report for your review.

Respectfully submitted:


Peter Wagner, AICP
Development Director

TITLE 16 CHAPTER 16 ADULT ESTABLISHMENT USES (M-3)

SEC. 16-16-1 Intent and Findings of fact.

(a) Intent.

- (1) The intent of this ordinance is to regulate adult establishments and related activities to protect the health, safety, morals, and general welfare of the citizens of the Village of Caledonia, to further preserve the quality of family life as well as the rural characteristics of the Village, to prevent adverse and deleterious effects contributing to the blight and downgrading of portions of the Village, to avoid the effects of adult entertainment upon minors and the violation of the civil rights of many persons partaking in such entertainment, mitigate criminal activity and disruption of public peace associated with Adult Establishments, and also to prevent the unsanitary and unhealthful conditions associated with such establishments. This regulation will establish reasonable and uniform provisions to regulate adult establishments within the Village of Caledonia.
- (2) It is not the intent or effect to restrict or deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market.
- (3) It is not the intent or effect to limit or restrict the lawful activities permitted under Wis. Stat. Ch. 125, "Alcohol Beverages" and the Municipal Code of the Village of Caledonia. By the enactment of this chapter, the Village Board does not intend to give any explicit, implicit, or tacit approval or condone any activity relating to adult entertainment.
- (4) The board intends to control the impact of the secondary effects enumerated in Sec. 16-16-1(b) in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; and preserve the property values and character of surrounding neighborhoods and areas.
- (5) It is not the board's intent to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult establishments while providing an outlet for First Amendment protected activities.
- (6) In order to minimize and control the secondary effects of adult establishments upon the Village and Racine County, it is the board's intent to prevent the concentration of adult establishments within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of adult establishments.

(b) Findings of fact.

- (1) The board finds that adult establishments as defined in this chapter require special zoning in order to protect and preserve the health, safety, and welfare of Village.

- (2) Based on its review of report to the American Center for Law and Justice on the Secondary Impacts of Sexual Oriented Businesses; and based on its review of National Law Center Summaries of SOB Land Use Studies; and based on studies conducted in St. Croix County, Wisconsin; New Hanover County, North Carolina; Town and Village of Ellicottville, Cattaraugus County, New York; City of Garden Grove, California; Newport News, Virginia; and based on the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Colman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), the board finds that there is convincing evidence that the secondary effects of adult establishments include an increased risk of:
 - a. Prostitution,
 - b. High-risk sexual behavior and sexually transmitted diseases,
 - c. Human Trafficking
 - d. Crime, especially sex-related crimes, and
 - e. Other deleterious effects upon existing business and surrounding residential areas, and decreased property values.
- (3) Based on its review of "Playing for Keeps," 2002 Racine County Economic Development Study, the 2010 Racine County Economic Development Plan, Village 2035 Comprehensive Plan, and the Tax Incremental Financing District #4 Project Plan dated July 21, 2014, the board finds that Interstate 94 corridor is an area that is very important to the economic development of the Village and Racine County and should be protected from the secondary effects of adult establishments for the benefit of the health, safety and welfare of the community.
- (4) Based on its review of the Commercial district Economic Development Playbook for Caledonia Study conducted by the Community Land Use and Economic Group, LLC, the Board finds that the Douglas Avenue Corridor and its proximity to the most populated areas of the Village and its need for redevelopment is very important to the economic development of the Village and should be protected from the secondary effects of adult establishments for the benefit of the health, safety and welfare of the community.

SEC. 16-16-2 Uses.

- (a) *Principal Uses.* The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult establishments, as defined in this chapter, are entitled to certain protections, including the opportunity to locate in villages governed by the zoning code. Therefore, an adult establishment shall be an allowed principal use in the M-3 zoning districts and shall be a prohibited use in any other zoning district. The adult establishment may locate in the specified district only if an adult establishment license has been granted by a Village and all the requirements of this Chapter and the applicable zoning district's regulations are met.

- (b) *Accessory uses.* Any accessory use authorized by the underlying zoning district may be an accessory use to an adult establishment. In no case shall an adult establishment be an accessory use to any principal use designed by any section of this Chapter.

SEC. 16-16-3 Regulations applicable to all adult establishments.

- (a) *Location requirement.* No permit shall be granted where the public entrance of the proposed adult establishment is within one thousand (1,000) feet of a residential use, residential district, house of worship, school, day care center, playground, public park, recreation area, library, museum, Interstate 94, or Douglas Avenue. In the case of an area zoned residential, the distance shall be measured from the nearest point on the residential district zoning boundary line. From an area not zoned residential but used for residential purposes, the measurement shall be taken from the public entrance of the adult establishment to the nearest entrance of the building in residential use. From schools, houses of worship, day care centers, libraries, and museums, the distance shall be measured from the public entrance of the adult establishment to the main public entrance of the protected use. From playgrounds, public parks, recreation areas, and schools, houses of worship and day care centers with playgrounds or recreation areas, the distance shall be measured from the public entrance of the adult establishment to the nearest property line of the playground, public park, or recreation area. Along Interstate 94, or Douglas Avenue, this distance is measured from the outside highway right-of-way line, including frontage road(s).
- (b) *Hours of operation.* No adult establishment shall be open for business at any time between the hours of 2:00 a.m. and 12:00 noon.
- (c) *Animals.* No animals, except only for seeing-eye dogs required to assist the blind, shall be permitted at any time at or in any adult establishment or permitted premises.
- (d) *Restricted access.* No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of adult establishment employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the permitted premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
- (e) *Exterior display.* No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," from any sidewalk, public or private right-of-way, or any property other than the lot on which the permitted premises is located. No portion of the exterior of an adult establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed by this

chapter with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

- (f) *Sign limitations.* All signs for adult establishments shall be flat wall signs. The business may have only one (1) non-flashing business sign which may only indicate the name of the business and identify it as an adult establishment and which shall not be larger than four (4) feet by four (4) feet. Temporary signs shall not be permitted in connection with any adult establishment.
- (g) *Noise.* No loudspeakers or sound equipment audible beyond the adult establishment shall be used at any time.
- (h) *Manager's stations.* Each adult establishment shall have one (1) or more manager's stations. The interior of each adult establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one (1) manager's station to every part of each area, except restrooms, of the establishment to which any adult establishment patron is permitted access for any purpose. The cashier's or manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.
- (i) *Adult booths prohibited.* Adult booths shall be prohibited in all adult establishments.
- (j) *No loitering policy.* The adult establishment shall clearly post and enforce a no loitering policy.
- (k) *Age limit restrictions.* The adult establishment shall clearly post and enforce age-limit restrictions. A one-square-foot sign shall be placed on each public entrance which shall state "Admittance to adults only" and may include other pertinent business information.
- (l) *Measuring disbursement distances.* The distances in this section shall be measured by following a straight line, without regard to intervening structures, from the public entrance (existing or proposed) of an adult establishment to the nearest point of the protected use as described below.
- (m) *Adequate parking.* One (1) parking space per one hundred fifty (150) square feet of total gross floor area shall be provided in a lighted area on the permitted premises of an adult establishment.
- (n) *Spacing requirement.* No more than one (1) adult establishment may be located on any one (1) parcel and the location of any one (1) adult establishment shall be at least one thousand (1,000) feet from the establishment of any other adult establishment. This distance shall be measured from the public entrance of one (1) adult establishment to the public entrance of the other adult establishment.

- (o) *Display windows prohibited.* All points of access into structures containing adult establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior.
- (p) *Residential quarters not allowed.* No residential quarters shall be allowed on a premises with an adult establishment.
- (q) *Stages.* All live performers in an adult establishment shall perform only on a stage elevated no less than thirty-six (36) inches above floor level. There shall be a metal railing attached to the floor by bolts surrounding the stage which shall keep patrons at least forty-eight (48) inches from the stage. There shall also be a metal railing attached to the floor by bolts at the end of the stage

SEC. 16-16-4 Required information and documents.

- (a) *Demographics.*
 - (1) *Individuals.*
 - a. Applicant's legal name, all of the applicant's aliases, and the applicant's age;
 - b. Applicant's business address.
 - (2) *Corporations.*
 - a. Applicant corporation's complete name and official business address;
 - b. Legal names, all aliases, the ages, and business addresses of all of the directors, officers, and managers of the corporation and of every person owning or controlling more than twenty-five (25) percent of the voting shares of the corporation;
 - c. Applicant corporation's date and place of incorporation and the objective for which it was formed;
 - d. Proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Wisconsin;
 - e. Name of the registered corporate agent and the address of the registered office for service of process.
 - (3) Partnerships (general or limited), joint ventures, or any other type of organization where two (2) or more persons share in the profits and liabilities of the organization.
 - a. Applicant organization's complete name and official business address;

- b. Legal name, all aliases, the ages, and business addresses of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

(4) *Land trusts.*

- a. Applicant land trust's complete name;
 - b. Legal name, all aliases, and the business address of the trustee of the land trust;
 - c. Legal name, all aliases, the ages, and business addresses of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust;
 - d. The interest, if any, that the land trust holds in the permitted premises.
- (b) If a corporation or partnership is an interest holder that shall be disclosed pursuant to subsections (a)(2) and (3), then such interest holders shall disclose the information required in said subsections with respect to their interest holders.
 - (c) The general character and nature of the applicant's business.
 - (d) The length of time that the applicant has been in the business of the character specified in response to subsection (c) above.
 - (e) The location (including street address and legal description) and telephone number of the premises for which the adult establishment permit is sought.
 - (f) The specific name of the business that is to be operated under the adult establishment permit.
 - (g) The identity of each fee simple owner of the permitted premises.
 - (h) A diagram showing the internal and external configuration of the permitted premises, including all doors, windows, entrances, exits, the fixed structural internal features of the permitted premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms.

Note: A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clearly the various interior dimensions of all areas of the permitted premises and to

demonstrate compliance with the provisions of this chapter. The approval or use of the diagram required pursuant to this subsection shall not be deemed to be, and may not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

- (i) The specific type(s) of adult establishment(s) that the applicant proposes to operate on the permitted premises.
- (j) A copy of each adult establishment's permit, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to subsection (a) or (b) above.
- (k) The name of the individual(s) who shall be the day-to-day, on-site manager(s) of the proposed adult establishment.
- (l) The application fee, site plan review fee, and zoning permit fee in the amount as adopted by resolution or in the annual Village budget.
- (m) Any other information the zoning administrator may reasonably require to apply the requirements of this chapter.
- (n) The zoning administrator reserves the right to require a survey from a surveyor licensed by the State of Wisconsin to determine the spacing requirements under this chapter.
- (o) A site plan, landscaping plan, zoning permit application, and letter of agent status, if necessary, as required by site plan review application requirements adopted by the planning and development department.

SEC. 16-16-5 Incomplete applications returned.

Any application for an adult establishment that does not include all of the information and documents required pursuant to this chapter, as well as the required fees, shall be deemed to be incomplete and shall not be acted on by the zoning administrator who shall give the applicant a written notification and explanation of such action pursuant to this section.

SEC. 16-16-6 Applicant cooperation required.

An applicant for an adult establishment permit shall cooperate fully in the inspections and investigations conducted by the Village of Caledonia. The applicant's failure or refusal to:

- (1) Give any information reasonably relevant to the investigation of the application;
- (2) Allow the permitted premises to be inspected;

- (3) Appear at any reasonable time and place, or
- (4) Otherwise cooperate with the investigation and inspection required by this chapter; shall constitute an admission by the applicant that the applicant is ineligible for an adult establishment permit and shall be grounds for denial of the permit by the zoning administrator.

SEC. 16-16-7 Time for issuance or denial.

The zoning administrator shall, within thirty (30) days after submittal of a completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue or deny an adult establishment permit pursuant to the provisions of this chapter.

SEC. 16-16-8 Standards for issuance or denial of permit.

- (a) *Issuance:* The zoning administrator shall issue an adult establishment permit to an applicant if the zoning administrator finds and determines all of the following:
 - (1) All information and documents required by this chapter for issuance of an adult establishment permit have been properly provided.
 - (2) No person identified in the application may:
 - a. Have been denied an adult establishment permit within twelve (12) months immediately preceding the date of the application;
 - b. Be a person whose adult establishment permit has been revoked within twelve (12) months immediately preceding the date of the application; or
 - c. Be a person whose adult establishment permit is under suspension at the time of application.
 - (3) The adult establishment and the permitted premises comply with all requirements under this chapter and the applicant has obtained a license required for the adult establishment by the village, if any.
 - (4) The applicant has signed the permit he or she has received indicating his or her acceptance of the conditions of the permit.
- (b) *Denial:* If the zoning administrator determines that the applicant has not met any one (1) or more of the conditions set forth in this section, then the zoning administrator shall deny issuance of the adult establishment permit and shall give the applicant a written notification and explanation of such denial.

- (c) *License deemed to be issued:* If the zoning administrator does not issue or deny the adult establishment permit within thirty (30) days after the properly completed application is submitted, then the adult establishment permit applied for shall be deemed to have been issued.

SEC. 16-16-9 Enforcement.

- (a) A violation of any conditions or an adult establishment permit is a violation of this chapter.
- (b) Notwithstanding any other remedy, a violation of any conditions or an adult establishment permit shall be grounds for revocation of the adult establishment permit.

SEC. 16-16-10 Continued conforming status.

An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of the adult establishment permit, if a protected use is located within one thousand (1,000) feet of the adult establishment.

SEC. 16-16-11 Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.