

Ordinance No. 2018-09

AN ORDINANCE TO CREATE SECTION 118-707 AND AMEND THE MAP ADOPTED UNDER CHAPTER 118 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE RELATING TO THE REZONING OF THE FOLLOWING PARCELS OF LAND FROM “RM MULTIPLE-FAMILY RESIDENCE DISTRICT” TO “PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT – RM MULTIPLE-FAMILY RESIDENCE DISTRICT” FOR THE DEVELOPMENT KNOWN AS THE GRANARY – A MULTI-FAMILY DEVELOPMENT IN TAX INCREMENTAL DISTRICT NO. 5

RECITALS

WHEREAS, Mammoth Springs Granary LLC has proposed to redevelop land in the Village into a multi-family residential development with 73 units in 5 buildings, with attached and unattached garages, and one commercial building to be Substantially Completed by December 31, 2019 in Tax Incremental District No. 5 for the Village of Union Grove.

WHEREAS, the Village of Union Grove and Community Development Authority have entered into a development agreement with the Applicant for The Granary in Tax Incremental District No. 5 for the development.

WHEREAS, the Community Development Authority reviewed the site plans, landscape plans, architectural renderings and material samples submitted by the Applicant and found the plans and submittals complied with the Village’s Downtown Design Guidelines.

WHEREAS, the Plan Commission reviewed the site plans, landscape plans, architectural renderings, material samples, and associated plans submitted by the Applicant as part of the site and operational plan and the application for a planned unit development and have approved the site and operational plan and have recommended approval of the planned unit development per Resolution No. 2018-14.

The Village Board of the Village of Union Grove, Racine County, Wisconsin, ordains as follows:

1. That the Village Board adopts the same findings and reasons adopted by the Plan Commission in Resolution No. 2018-14.
2. That Section 118-707 of the Code of Ordinances for the Village of Union Grove, be, and hereby is, created to read as follows:

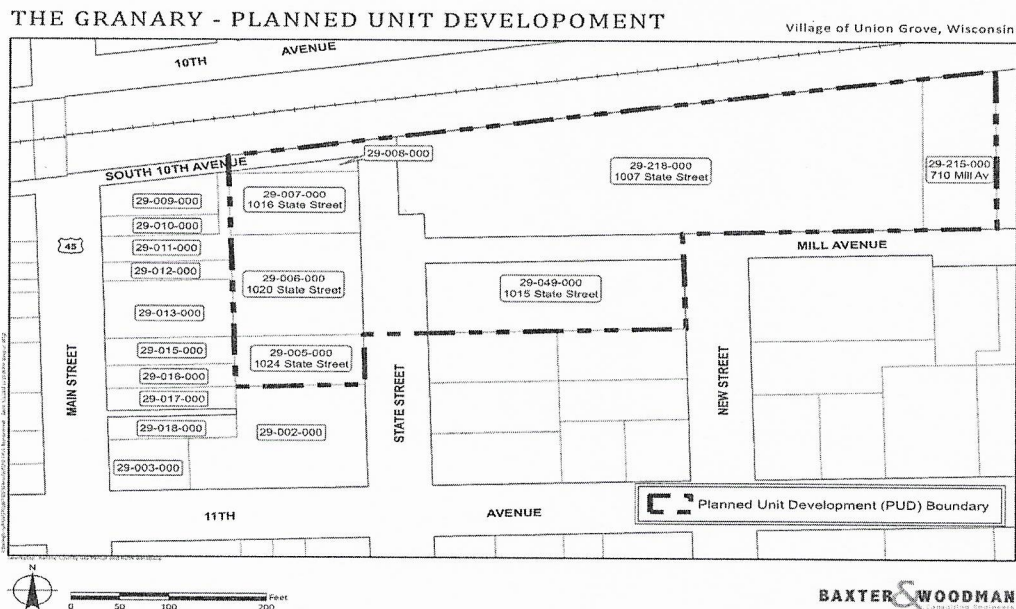
“118-707 The Granary Planned Unit Development.

The following parcels of land are rezoned from “RM Multiple-Family Residence District” to “PUD Planned Unit Development Overlay District – RM Multiple-Family Residence District” to allow for a multi-family development and as depicted below subject to the conditions set forth on Exhibit A which is incorporated herein by reference:

186-03-21-29-007-000	1016 State Street
186-03-21-29-006-000	1020 State Street
186-03-21-29-005-000	1024 State Street
186-03-21-29-218-000	1007 State
186-03-21-29-215-000	710 Mill Avenue
186-03-21-29-008-000	Sliver along State Street
186-03-21-29-049-000	1015 State Street

1016 State Street, 1020 State Street, 1015 State Street, 1007 State Street, 710 Mill Avenue, and the Sliver along State Street shall be combined via the approved certified survey map per Village Board Resolution No. 2018-15 which will be recorded with the Racine County Register of Deeds and then be legally described as follows:

Lots 1, 2 And 3 Of Certified Survey Map No. [] Part Of Block 1 Salisbury's Addition To Union Grove, Part Of Block 4 Salisbury's Second Addition To The Village Of Union Grove, Part Of The Northwest 1/4 And Part Of The Southwest 1/4 Of The Southwest 1/4 Of Section 29, Ownership 3 North, Range 21 East, All Being In The Northwest 1/4 And The Southwest 1/4 Of The Southwest 1/4 Of Section 29, Township 3 North, Range 21 East Of The Fourth Principal Meridian And Being In The Village Of Union Grove, County Of Racine And State Of Wisconsin.



3. That Chapter 118 of the Code of Ordinances for the Village of Union Grove, relating to zoning, and the Zoning Map be, and hereby are, amended as set forth below:

- A. The zoning map be updated to change the zoning from "RM Multiple-Family Residence District" to "PUD Planned Unit Development Overlay

District – RM Multiple-Family Residence District” for the parcels set forth in section 2 of this Ordinance.

B. The Village Clerk shall cause the official Zoning Map of the Village of Union Grove to be amended to reflect the revision to the zoning classification adopted herein.

3. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted this 29th day of May, 2018.

VILLAGE OF UNION GROVE

By: Michael Aimone
Michael Aimone
Village President

Attest: Jill M. Firkus
Jill M. Firkus
Village Clerk/Treasurer

EXHIBIT A

CONDITIONS OF APPROVAL THE GRANARY PLANNED UNIT DEVELOPMENT

1. **The applicant must obtain zoning permit cards from the Village of Union Grove after paying required zoning permit fees. Each building/structure will require a separate zoning permit.** These cards must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. Failure to comply with the terms and conditions stated herein could result in the issuance of citations) and/or revocation of this permit.
3. The proposed buildings must be located, constructed, and utilized in accordance with the plans and documents received by the Village Clerk on May 22, 2018 that provides for five buildings that include a total of 73 units, unless otherwise amended herein except that the Village Engineer and Village Building Inspector, in consultation with the Village Administrator and Zoning Administrator, may require minor modifications to such plans as may be necessary based on site conditions and/or Village or State Code requirements. All costs associated with the construction of the proposed building and associated and necessary improvements shall be borne by the applicant. The plan sheets include but are not limited to:
 - Development Plan dated May 22, 2018
 - Proposed Site Plan dated May 22, 2018
 - Existing Site Plan dated May 22, 2018
 - Lighting and Photometrics Plan dated May 22, 2018
 - Landscaping Plan dated May 22, 2018
 - Architectural Renderings/Materials/Façade Plans dated May 22, 2018
4. These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Applicant and Property Owner with respect to the uses on the Property.
5. This approval will expire nine (9) months from the date of the Village of Union Grove'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 Union Grove grants a written extension. Written extension requests must be submitted to the Village of Union Grove thirty (30) days before permit/approval expiration.
6. All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building sites or lots without detrimentally affecting activity on adjacent sites or lots or traffic on streets and highways. Lighting at the site must be in compliance with the submitted Site Lighting and Photometrics Plan. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway.

7. Any development name signs must be located per the Village of Union Grove Code and requirements. A separate zoning permit is required for each sign.
8. If needed, only clean fill may be used for this project. Fill material may not contain sod, brush, roots, or other perishable material. No re-bar, asphalt, scrap wood, or other types of construction debris will be permitted as fill material. Rock particles larger than three-fourths of the layer thickness must be removed from the material before compacting with the fill.
9. The minimum street, rear and side yard setbacks for this development are as set forth in the approved Plans.
10. Parking at the site must be in compliance with the submitted Plans. All driveways shall be paved and marked as directed by the Village Engineer.
11. Landscaping at the site must be in compliance with the approved Plan. The Landscaping Plan shall be fully implemented by the sooner of the issuance of the occupancy permit or October of 2019.
12. Trees along the East and South property lines must be preserved to the extent possible.
13. During construction, this site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public streets. Any sediment reaching a public street must be removed by street cleaning (not flushing) before the end of each work day or as determined by the Village of Union Grove.
14. 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; cleaning up litter; screening of garbage and recycling receptacles, removal of garbage and recycling refuse from the premises on a weekly (or more frequently if needed) sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade. A copy of such written maintenance program shall be filed with the Village prior to occupancy.
15. The applicant must comply with all Village stormwater and public sanitary sewer and water ordinances and regulations for the site. All utilities must be constructed underground.
16. The Village of Union Grove does not warrant that the plans for this project are functionally and/or structurally adequate. The Village of Union Grove does not certify that the design is adequate for this site and the Village of Union Grove accepts no liability through this approval.
17. The Applicant, property owner or designated agent must comply with all directives of the Village Engineer.

18. The property owner or designated agent must contact the WI Department of Transportation and must comply with all regulations and requirements of the WI Department of Transportation.
19. The applicant must comply with the provisions of the Performance Standards of Chapter 118 – Zoning Code, specifically Sections 118-916 to 118-924 (copy attached).
20. The applicant must allow any Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
21. 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 the Village's Code of Ordinances and all notices, orders and site closure documents issued by the Wisconsin Department of Natural Resources and/or the Wisconsin Department of Trade, Agriculture and Consumer Protection.
22. No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Union Grove's prior approval. All additions, deletions, and/or change requests must be submitted to the Village's Zoning Administrator in writing.
23. The applicant's accepting this approval/permit and beginning the project means that you have read, understand, and agree to follow all conditions. Therefore, Mammoth Springs Granary, LLC and its members, agents, successors, and assigns are responsible for full compliance with these conditions.
24. The Applicant and Property Owner, including their successors and assigns, must comply with the Development Agreement with the Village and the Community Development Authority of the Village.
25. It is the applicant's responsibility to inform any subsequent owner or operator of the premises of these conditions.
26. Any adjacent sidewalks, 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 and planters must be maintained in an attractive and structurally sound manner. Applicant and Property Owner shall keep all driveways clear of snow and ice. All sidewalks and pathways in the development and adjacent thereto shall be cleared of snow and ice on a daily basis.
27. The applicant's accepting this approval/permit and beginning the project means that you have read, understand, and agree to follow all conditions. Therefore, Mammoth Springs Granary, LLC and its members, agents, successors, and assigns are responsible for full compliance with these conditions.
28. Prior to beginning construction on the project, the Applicant shall acquire fee simple interest in all parcels of land comprising the planned unit development, except for public right-of-way.