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3 ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE
4 PLANNING COMMITTEE TO REZONE FROM B-3 COMMERCIAL SERVICE DISTRICT,
5 R-2S SUBURBAN RESIDENTIAL DISTRICT (SEWERED-LARGE LOT) & R-2
6 SUBURBAN RESIDENTIAL DISTRICT (UNSEWERED) TO R-7/PUD MULTI-FAMILY
7 RESIDENTIAL DISTRICT/PLANNED UNIT DEVELOPEMNT OVERLAY DISTRICT

8
9 SECTION 18, T2N, R19E, TOWN OF BURLINGTON

10
11 OWNER: JPS LIMITED, LLC

12
13 APPLICANT: NEW HAVEN DEVELOPMENT, LLC

14
15 AN ORDINANCE TO AMEND that Certain Ordinance Entitled RACINE COUNTY
16 ZONING ORDINANCE adopted December 2, 1969, found on pages 185 to
17 232 of the OFFICIAL PROCEEDINGS OF THE RACINE COUNTY BOARD OF
18 SUPERVISORS FOR THE YEAR 1969 as recodified May 28, 1991, by
19 Ordinance 91-196.

20
21 The County Board of Supervisors of the County of Racine ordains as
22 follows: Amend the Racine County Zoning Ordinance and change the
23 zoning district for the following described lands from B-3
24 Commercial Service District, R-2S Suburban Residential District
25 (Sewered-Large Lot) & R-2 Suburban Residential District (Unsewered)
26 to R-7/PUD Multi-Family Residential District/Planned Unit
27 Development Overlay District

28
29 THAT PART of the northeast ¼ of Section 18, Township 2 North,
30 Range 19 east of the fourth principal meridian, more particularly
31 described as follows:

32 COMMENCE at the northeast corner of said Section 18;

33 THENCE south along the east line of Section 18, 355.88 feet to
34 the place of beginning of a parcel of land hereinafter described;

35 THENCE CONTINUE south along the east line of Section 18,
36 660.82 feet;

37 THENCE north 68°55', 725.21 feet to a point in County Highway
38 P;

39 THENCE north 21°05' east, along said highway, 41.36 feet;

40 THENCE south 87°47'20" east, 304.25 feet;

41 THENCE north 89°16' east, 216.29 feet to the place of
42 beginning.

43 CONTAINING 7.54 acres of land.

44 SUBJECT TO the rights of the public over the westerly side for
45 highway purposes.

46 SAID LAND being in the Town of Burlington, County of Racine
47 and State of Wisconsin.

48
49 -and-
50
51

4 LOT 2 OF CERTIFIED SURVEY MAP NO. 2053, BEING A PART OF the
5 northeast ¼ of Section 18, Township 2 North, Range 19 East of the
6 fourth principal meridian in the Town of Burlington, County of
7 Racine and State of Wisconsin.

8
9 The official Racine County Zoning Map is hereby amended to conform
10 to this ordinance.

11
12 CONCERNING THE PUD, the applicant is responsible for compliance
13 with his testimony and the testimony of his agents given at the
14 March 20, 2006, public hearing and all subsequent public meetings,
15 whereby assurances were given, exhibits were presented, and
16 information was explained and received, all of which are now part
17 of the record.

18
19 THE APPLICANT is also responsible for compliance with the
20 application and various site, grading, and landscaping plans
21 previously filed with Racine County.

22
23 IN ADDITION, the applicant is responsible for compliance with
24 conditions established by the Town of Burlington and the Racine
25 County Economic Development and Land Use Planning Committee.

26
27 THESE CONDITIONS are on file at Racine County Planning and may be
28 amended from time to time.

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31
32 The Racine County Clerk is directed to transmit duplicate copies of
33 this ordinance by registered mail to the Burlington Town Clerk
34 within seven (7) days after this ordinance is adopted.

35
36
37 Respectfully submitted,
38 ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE

39
40
41
42 _____
43 Jeff Halbach, Chair

44 Thomas Pringle, Vice Chair

45
46 _____
47 Q. A. Shakoor, II, Secretary

48 Karen A. Nelson

49
50 _____
51 Mark M. Gleason

52 Michael J. Miklasevich

53
54 _____
55 Robert D. Grove

56

4 VOTE REQUIRED: MAJORITY

5 BOARD ACTION:

6 1st Reading _____

7 Adopted

8 2nd Reading _____

9 For

10 Against

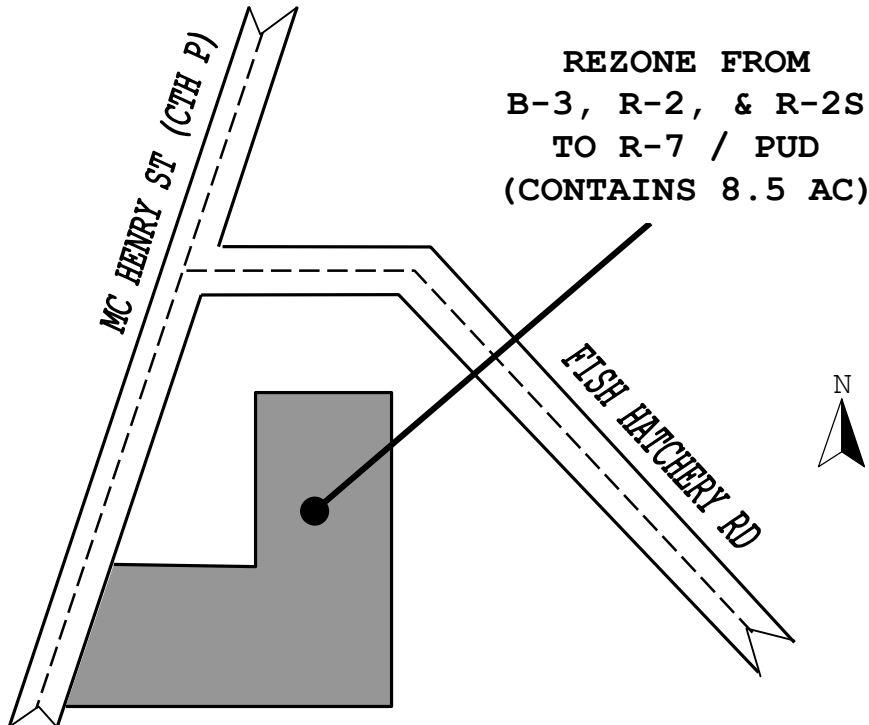
11 Absent

12 The Certificate of Publication, in compliance with State Statutes,
13 is available at Racine County Planning.

14 FISCAL NOTE - NOT APPLICABLE

15 NOTE: to allow a +13,901 sq.-ft., 40-unit assisted living
16 facility and 11 two-family condominium

17 NOTE: The Committee recommended approval of this petition as
18 this use appears to be permitted by underlying zoning and
19 based on the other things going on in the area, the
20 proposed use appears to fit with the uses in the
21 district.
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25



51 SEC 18 - T2N - R19E
52 TOWN OF BURLINGTON
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NEW HAVEN DEVELOPMENT, LLC
APPROVAL CONDITIONS
MARCH 20, 2006

1. **Before beginning this project, the applicant or project manager must obtain a zoning permit card from this office after paying the zoning permit fee(s) of \$110.00.** This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed. Please note that this fee and permit is for the overall site development. Each phase of the 40-unit structure and each two-family dwelling will require separate zoning permits based on the fees in effect at the time the permit(s) is issued.
2. Failure to comply with the terms and conditions stated herein might result in the issuance of citation(s) and/or revocation of this permit.
3. This proposed R-7 PUD must be located and constructed in accordance with the plans received by Racine County Planning on March 20, 2006, as such may be modified through the platting process, and on the plans and documents received on February 21, 2006, subject to all modifications engendered by the March 20, 2006, plans.
4. This approval will expire March 20, 2007, unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not proceed and no construction may begin, unless the Racine County Economic Development and Land Use Planning Committee grants a written extension. Written extension requests must be submitted to this office 30 days before permit/approval expiration.
5. The applicant must allow any Racine County employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
6. Within 60 days of this approval, the applicant must submit a detailed landscape plan to the Planning & Development Department for review and approval. This plan must contain the following information:
 - landscaping materials, natural and artificial
 - location and spacing of existing and proposed plant materials
 - material types identified by botanical and common names and listed on a plant material schedule, with method of transplant specified
 - all trees to be removed should be noted

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- material sizes, in diameter and height, at installation and at maturity
- berm location, height, and footprint, if any
- proposed ground surface treatment (paving, turf, gravel, and grading)
- quantity of each of the planting and artificial materials to be used
- methods of protecting landscaped areas
- irrigation plan, if appropriate, or water outlets

The plan must address the retention of as many of the large existing trees as possible (largely oaks), the screening of the existing residences adjacent to the southeast corner of this development, the screening/enhancement of the south and east faces of the 40-unit building, and the screening of the views of the restaurant's service areas from this development.

7. Cement board siding must be used for each phase of the 40-unit structure.
8. The applicant must comply with the provisions of Article VII, Division 4, Performance Standards or Chapter 20, Zoning, Racine County Code of Ordinances.
9. All road names must be consistent with the Racine County Uniform Street Naming and Numbering System. Only two names will be required for this development. The road names must be reviewed and approved by Racine County Planning. Racine County Planning and Development will assign addresses for all the new residential lots. Two addresses will be assigned to each two-family dwelling and one address will be assigned to the 40-unit building.
10. Any proposed street and yard lights must be equipped with full cut-off luminaires following the lighting practices as found in IESNA RP-8-00.
11. 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.
12. The proposed overall heights of any light standards and the candlefoot power of the lights must be residential in scale.

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13. A Chapter 236 subdivision plat must be prepared for approval according to Town of Burlington regulations and Racine County Code of Ordinances, Chapter 18, Subdivisions.
14. Any subdivision name sign must be located according to Racine County Code of Ordinances, Chapter 20, Zoning. The sign must be a ground-mounted, landscaped monument sign. If the sign is lighted, it must be illuminated either internally or by shielded, top-mounted, down-directed white lighting. A separate zoning permit is required for each subdivision sign.
15. The proposed roads in this development will be private. However, the site owner is responsible for constructing the roads according to the Town of Burlington's road construction rules and standards. The applicant must obtain a permit for the connection to County Trunk Highway (CTH) P from the Racine County Public Works Department and must construct that connection as directed by the Public Works Department.
16. The applicant is responsible for implementing the erosion-control plan as shown/described on the March 20, 2006, plan and for the maintenance of all erosion-control practices.
17. Grading, filling, and removing topsoil or other earthen materials are prohibited, except in conjunction with the construction of residences and the 40-unit structure, the construction of roads, the installation of utilities, the construction of driveways serving properly located residences and the large building, the establishment of drainage facilities (ditches, waterways, etc.) approved by the Town of Burlington, or with the specific approval of the Racine County Planning Division.
18. Gazebos, pavilions or other minor structures that might be located within the designated open space in this subdivision for use by the homeowners' association will require separate zoning permits. Fees will be based on the fee schedule in effect at the time of permit application.
19. The proposed erosion-control measures (silt fences) must be installed according to best management practices. The silt fences must be installed before any earth disturbance activities occur. Storm water/sediment basins, if any, must be installed before other earth-disturbance activities occur so as to help trap sediment-laden water. Keep as much of the existing vegetation in place during construction. Do not grade the entire site at once. If possible, develop the site in phases.

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20. A minimum of three inches of topsoil must be on the surface of all areas that will be vegetated prior to seeding. Permanent seeding must be completed within seven days after grading. All road ditches must be seeded, fertilized, mulched, and in some instances should have erosion-control netting or sod. The ditches must have side slopes of 3:1 or flatter. If final grading of the road ditches is delayed until the road surface is installed, a temporary seeding of winter wheat or perennial ryegrass must be sown at a rate of five pounds per 1,000 square feet of disturbed areas in the ditches. If construction starts later this Fall, dormant seeding must be applied to the disturbed areas and re-seeding of those areas must be done next Spring, if the seed does not germinate. All seeding must be completed no later than September 15, 2007. Use the standard Department of Transportation's mixtures for seeding. In some of the natural areas, native prairie and wildflowers should be re-established.
21. Keep all stockpiles out of drainage ways. These stockpiles must be temporarily seeded within seven days after formation and must have side slopes of 2:1 or flatter. Temporary seeding must consist of five pounds of perennial ryegrass per 1,000 square feet of area. If the stockpile is to be a permanent pile, a minimum of four inches of topsoil must be on the surface prior to seeding with permanent grass.
22. Any declaration of covenants, conditions, and restrictions for this development must be submitted to Racine County Planning and Development for review and approval within 120 days of this approval.
23. The driveways and all parking areas serving this project must be maintained in an all-weather, dust-controlled condition.
24. The submitted plans show a driveway from this site to the parking area of the existing restaurant. In order to provide this cross-access, the applicant must prepare and submit a cross-access agreement to the Racine County Planning and Development Department for review and approval. Once this department approves the agreement, the applicant must record it with the Racine County Register of Deeds. He must then submit a copy of the recorded document to this department to be included in the file. A copy of a model agreement is included for your information. During the construction of the required improvements to CTH "P," the applicant is encouraged to work with the restaurant to remove its south driveway onto CTH "P."
25. Storm water drainage review is the Town of Burlington's responsibility, and a complete drainage plan for this entire site must be submitted to the Town of Burlington construction or grading on the project site until the Town has submitted written notification to Racine County Planning of their review and approval of the drainage plan.

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26. Setbacks for this development must be as shown on the March 20, 2006, plan.
27. 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.
28. The applicant must obtain all necessary federal, state, and local permits, approvals, and licenses. He must comply with all applicable codes and regulations.
29. 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 or private roadways. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each work day or as determined by the jurisdictional highway authority.
30. 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 and emptying trash containers in a timely fashion; sweeping, cleaning, and repairing paved surfaces; replacing broken and vandalized parts; replacing burned out light bulbs; and cleaning, painting, and repairing windows and building facade.
31. No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Racine County Economic Development and Land Use Planning Committee's and the Town of Burlington's prior approval. All addition, deletion, and/or change requests must be submitted to this office in writing.
32. Your accepting this approval/permit and beginning the project means that you have read, understand, and agree to follow all conditions. Therefore, JPS Limited, Limited Liability Corporation, New Haven Development and Limited Liability Corporation and their officers, heirs, successors, and assigns are responsible for full compliance with these conditions.
33. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
34. All utilities must be constructed underground.