

January 28, 2020

Beachview LLC.
30427 Durand Avenue
Burlington, WI 53105

COPY

SUBJECT: B-3, Commercial Service District Conditional Use to raze the existing motel and construct and utilize a $\pm 7,276$ sq. ft. multi-tenant commercial incubator building; 30427 Durand Avenue; Parcel Id. No. 002031934010000; Town of Burlington

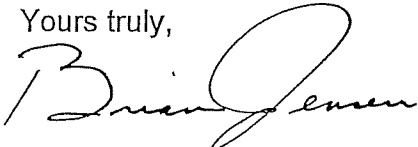
Dear Beachview, LLC.:

The Racine County Economic Development and Land Use Planning Committee (EDLUPC) amended and then approved the subject conditional use at their January 20, 2020, meeting. The amended approval involved the proposed parking area located adjacent to the easement that allows access to the parcels directly to the east. The parking stalls shall be relocated in order to prevent potential obstruction of the easement. The amended conditional use was approved as this use is in accordance with the purpose and intent of Chapter 20 and public health, safety and welfare; this use appears to be permitted by underlying zoning and complies with all other provisions of Chapter 20, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards; and, based on other things going on in the area, the proposed use appears to fit with the uses in the district. A revised site plan relocating the four (4) proposed parking stalls must be submitted to the Development Services office, reviewed and accepted before the issuance of the zoning permit. Once the satisfactory revised site plan is approved, you will be allowed to proceed with the subject project, which will be located at 30427 Durand Avenue, Section 34, Town 3 North, Range 19 East, Town of Burlington.

Attached to this letter is Exhibit A, which lists the conditions of approval established by Racine County. You must comply with all the conditions listed in Exhibit A. **PLEASE BE SURE TO READ EXHIBIT A.**

Additionally, you must obtain approval from the Town of Burlington and comply with any conditions they establish. Failure to comply with the terms and conditions of this approval as listed in Exhibit A or as established by the Town of Burlington could result in the issuance of citation(s) and permit revocation. If you have any comments or questions, do not hesitate to contact this office at 262-886-8440 or via e-mail (Brian.Jensen@RacineCounty.com).

Yours truly,



Brian Jensen
Development Services Superintendent

BDJ

attachment

c: Jeanne Rennie, Town Clerk
Ralph Rice, Town Chair
Brian Graziano, Town Administrator
Mike Dawson, District 21 Supervisor
File

1. The applicant must obtain a zoning permit card from this office after paying a zoning permit fee of \$850.00. 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.
2. Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
3. These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as "Applicant" or "Property Owner") with respect to the uses on the Property.
4. A revised site plan illustrating the repositioning of the four (4) proposed parking stalls next to the access easement for the adjoining properties to the east must be submitted, reviewed and accepted by the Development Services office. The remainder of the proposed project must be located, constructed, and utilized in accordance with the plans and documents received in this office on December 17, 2019, unless otherwise amended herein.
5. The use is strictly for contractors storage and office function. Incidental retail sales will be allowed. However, retail business shall be prohibited as this mix of use will create a safety hazard.
6. Occupancy permits are required for all future tenants. A narrative describing the business and the business name and appropriate occupancy permit fee must be submitted, reviewed and approved by the Development Services office must obtain an occupancy permit.
7. Outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Refuse bins and/or scrap material (recycle) bins must be screened from public view.
8. Hours of operation shall be as submitted, Monday – Saturday 6:30 am to 6:30 pm.
9. This operation shall not located, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gas, 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.
10. The exterior of the addition must be the same as or in harmony with the exterior of the existing building.

11. The EDLUPC reserves the right to require the owner to appear before the Committee to address substantiated complaints involving this operation. The EDLUPC may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.
12. All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.
13. This site must always be kept neat and orderly, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner.
14. Any oil or other hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations.
15. The owner is responsible for keeping noise at the site to a minimum. The Economic Development and Land Use Planning Committee reserves the right to require the owner to appear before the Committee to address substantiated complaints involving this operation. The Committee may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.
16. These units shall not be occupied for overnight sleeping quarters or other human habitation at any time.
17. Any advertising sign on this property must conform to Racine County standards and will require separate zoning permits prior to installation.
18. The property owner or designated agent must work with the Town of Burlington Engineer regarding storm water management and regulations for this site. Compliance with all regulations and requirements, as determined by the Town relative to storm water containment and runoff, is required.
19. The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances (copy attached).
20. This approval will expire October 20, 2020, or, nine months from the Town of Burlington approval, whichever is later, 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 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.
21. The applicant must allow any Town or Racine County employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.

22. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant must comply with all applicable codes and regulations.
23. 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.
24. 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, Beachview, LLC, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
25. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

Art. VII, Div. 4. PERFORMANCE STANDARDS*

Sec. 20-1061. Compliance.

This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site and sanitary, floodland and shoreland regulations, comply with the following performance standards.

(Code 1975, § 7.091)

Sec. 20-1062. Water quality protection.

No residential, commercial, industrial, institutional, or recreational use shall 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. This section shall not apply to uses other than those enumerated in it.

(Code 1975, § 7.092)

Sec. 20-1063. Noise.

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.

(Code 1975, § 7.093)

Sec. 20-1064. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances so as to endanger the use of neighboring premises.

(Code 1975, § 7.094)

Sec. 20-1065. Exterior lighting.

Any lighting source on any use, lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:

- (1) Such 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.
- (2) 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.

(Ord. No. 86-86, § 7.095, 8-26-86)

Sec. 20-1066. Maintenance.

Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in sound conditions, and good repair and appearance at all times.

(Ord. No. 86-86, § 7.096, 8-26-86)

Sec. 20-1067. Odors.

No residential, commercial, industrial, institutional, or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and amendments thereto.

(Ord. No. 93-3, 5-11-93)

Cross reference-Outdoor burning, § 13-51 et seq.

*Cross reference-Schedule of deposits for violation of the provisions in this division, §5-3.

6/29/2021

TO: Racine County Public Works & Development Services

This letter is a formal request for a Conditional Use change. I am asking for changes to be made to the attached B-3 Commercial Services District letter from January 28, 2020. This is in regard to the newly built Commercial building next to and owned by Beachview LLC.

Specifically, We are looking to lease out Units 4 & 5 to Axe Sighted LLC. This Business will run in conjunction to the bar and will offer Axe Throwing as an additional recreational activity. The Beachview has been in operation since 1948 and has built strong community ties since that day. On the Westside of the Beachview there is a small patio area that separates the bar and the commercial unit #5. We are looking to add a door here which will give customers a safe entrance to and from the Axe Throwing Venue. This would be a requested change to the Current use permit as described in item #5.

We are also requesting to change item #8 as described on the current use permit. This change would be specifically for units 4 & 5. Their proposed Hours of Operation would be as follows:

Wednesday & Thursday 5:00pm – 10:00pm

Friday 5:00pm – 12:00am

Saturday 12:00pm – 12:00am

Sunday 12:00pm – 7:00pm

We feel that these hours would be beneficial to the other businesses as well. The other units would have additional parking due to the fact that there is very little overlap in the Operational periods. Axe Sighted LLC (unit 4 & 5) would generally be in operation during periods where the other building businesses are closed. So this would greatly improve the entire parking plan.

Sincerely



George Homeyer

Beachview LLC.

RECEIVED

JUL 02 2021

RACINE COUNTY