

CONDITIONAL USE / SITE PLAN REVIEW APPLICATION

Racine County, Wisconsin

Owner: The Landing Group, LLC

Applicant/Agent: By: Attorney Samantha M. McCoy

Town: Burlington

Zoning district(s): B-3, Commercial Service District

TO THE RACINE COUNTY ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE:

The undersigned requests a conditional use / site plan review permit to (specify use, project, structure, size, etc.)

See attached narrative; in summary, to conduct a winery/distillery business with tasting room, private events and the construction of future buildings utilize existing buildings for associated uses;

AT (site address): 3640 Bieneman Road, Burlington, WI 53105

Subdivision: _____ Lot(s): _____ Block: _____

Parcel # 002 031930009000 Section(s) 30 T 3 N R 19 E

If served by municipal sewer, check here: N/A Sanitary permit #: 580285

Attached are:

- zoning permit application
- 12 SETS: drawn-to-scale site plan that is based on a survey (10 of the 12 should be sized or folded to 8.5" x 11")
- letter of agent status
- hearing/review fee (Fees are non-refundable, & re-publication/amendment fees will be charged where applicable.)
- n/a 3 SETS: landscaping/lighting plan
- 12 SETS: report/cover letter & operations plan
- abutting property owners' names & mailing addresses
- other Narrative

print name: Samantha M. McCoy for The Landing Group, LLC e-mail address: smccoy@godfreylaw.com

address: 354 Seymour Court, Elkhorn, WI telephone #: 262-723-3220

signed: Samantha M. McCoy

STAFF USE ONLY:

BASED ON CURRENT MAPPING, check applicable statement(s) below & underline or circle the word "all" or "partially".

- The property is all / partially located in the Fox River shoreland area.
- The project is all / partially located in the _____ shoreland area.
- The property is all / partially located in the Fox River floodplain.
- The project is all / partially located in the _____ floodplain.
- The property is all / partially located in the wetland.
- The project is all / partially located in the wetland.

RECEIVED
SEP 05 2023
RACINE COUNTY

The applicant is subject to the following Racine County Ordinance provisions (specify article/section):
Article IV Division 18 B-3 Commercial Service District - Section 20-1011
Unclassified, unspecified uses and Sec. 20-1340 Business uses.

Shoreland contract: yes _____ no

Public hearing date: October 16, 2023

Site plan review meeting date: N/A

Submittal received by: Jarman Czuta

Date petition filed: September 5, 2023

cash _____ or check #: 1197

amount received: \$ 475.00

APPLICATION FOR ZONING PERMIT
 RACINE COUNTY, WISCONSIN (Rev. 02/22)

PERMIT NO. _____
 DATE PERMIT ISSUED _____

OWNER The Landing Group LLC
Mailing Address W212 Spring Prairie Rd.
Burlington WI 53105
 City State Zip

APPLICANT Atty. Samantha McCoy
Mailing Address 354 Seymour Ct.
Elkhorn WI 53121
 City State Zip

Phone _____
Email _____

Phone 262-741-1527
Email smccoy@godfreylaw.com

Parcel Id. # 002031930009000 Site Address 3640 Bincman Rd.
 Municipality Burlington Section(s) 30 Town 3 North, Range 19 East
 Lot — Block — Subdivision Name _____ CSM # _____

Proposed Construction/Use to conduct a winery/distillery business with tasting room, private events and the construction of future buildings, utilize existing buildings for associated uses.

New	Principal Bldg.	Size (____ x ____)(____ x ____)(____ x ____)
Addition	Accessory	Area (sq ft) (____)(____)(____)
Alteration	Deck	Peak Ht. (ft.) _____ 100-Yr. Floodplain Elev. _____
Conversion	Sign	Eave Ht. (ft.) _____ Flood Protection Elev. _____
Temporary	Other	Building Ht.-Avg. (ft.) _____

Contractor _____	Est. Value w/Labor \$ _____	ZONING DISTRICT <u>B-3</u>
Existing Nonconforming? <u>N/A</u> ✓	Yes _____ No _____	Yard Setbacks Proposed <u>OK?</u>
Structure in Shoreland? (per map) _____	Yes _____ No _____ ✓	Street-1 st _____
Mitigation or Buffer Needed? _____	Yes _____ No _____ ✓	Street-2 nd _____
Structure in Floodplain? (per map) _____	*Yes _____ No _____ ✓	Side-1 st _____
*Structure's Fair Market Value \$ <u>—</u>	Cumulative % _____	Side-2 nd _____
*>50% of Fair Market Value? <u>N/A</u> ✓	Yes _____ No _____	Shore _____
Structure in Wetland? (per map) _____	Yes _____ No _____ ✓	Rear _____
Substandard Lot? _____	Yes _____ No _____ ✓	Total Acc. Structures _____
BOA Variance Needed? _____	Yes _____ No _____ ✓	Date of Approval _____
Conditional Use/Site Plan Needed? _____	Yes _____ No _____ ✓	Date of Approval _____
Shoreland Contract Needed? _____	Yes _____ No _____ ✓	Date of Approval _____
Additional Zoning Permit Stipulations Listed on Back of this Form? Yes _____ No _____ (If "Yes," see back)		

The applicant hereby acknowledges receipt of notice contained herein and certifies that submitted information/ attachments are true and correct to the best of the knowledge and belief of the signer, and that all construction/ use will be done in accordance with the Zoning Ordinance, applicable stipulations, and Wisconsin laws.

BOA/Conditional Use/Site Plan Pd: \$ 475.00 Samantha M. McCoy 9/18/23
 CC Date/Check#/Cash 1197 Samantha M. McCoy Date
 Shoreland Contract Fee Pd: \$ _____
 CC Date/Check#/Cash _____
 Zoning Permit Fee Pd: \$ _____
 CC Date/Check#/Cash _____
 Other: _____ Pd: \$ _____
 Notes (revisions, extensions, etc.) _____
 _____ Jc _____
 (Staff Initials)

✓ if shoreland erosion review fee is included above Zoning Administrator

Make checks payable to "Racine County Development Services" - Note: ALL FEES ARE NONREFUNDABLE (OVER)

PIN 0020319-30-009000

NARRATIVE/OPERATIONAL PLAN

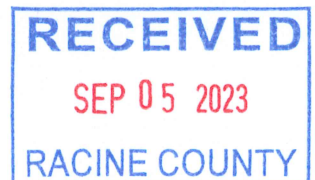
THE LANDING GROUP, LLC

(CONDITIONAL USE)

**SUBJECT PROPERTY:
3640 BIENEMAN ROAD
BURLINGTON, WI 53105
PARCEL ID No. 002 031930009000**

PREPARED BY:

**ATTORNEY SAMANTHA M. MCCOY
GODFREY, LEIBSLE, BLACKBOURN & HOWARTH, S.C.
354 SEYMOUR COURT
ELKHORN, WISCONSIN 53121
TELEPHONE: 262-723-3220
FACSIMILE: 262-723-5121
EMAIL: SMCCOY@GODFREYLAW.COM**



NARRATIVE/OPERATIONAL PLAN (Conditional Use)

The Landing Group, LLC (the "Owner"), is the owner of 3640 Bieneman Road, Town of Burlington (the "Town"), Racine County (the "County"), Wisconsin 53105, legally described in **Exhibit A** attached hereto and incorporated herein and designated as Tax Parcel No. 002 031930009000 (the "Property").

The Property, approximately 47.50 acres of land, is depicted on the attached Plat of Survey dated September 2015 ("Survey"), a copy of which is attached hereto and incorporated herein as **Exhibit B**. The buildings currently located on the Property consist of a house, detached garage, barn, shed, and metal storage building.

The Property is currently zoned B-3, Commercial Service ("B-3"), and the Town of Burlington 2035 Land Use Plan ("Town Land Use Plan") and the Recommended Land Use Plan for the Racine County Planning Area: 2035 ("County Land Use Plan") show the Property as Commercial and Primary Environmental Corridor.

Currently, there is an existing Conditional Use Permit ("CUP") allowing the following uses: a) commercial facility/commercial (premier commercial event facility for weddings, reunions, showers, etc.); b) landscape contractor's office and yard; and c) unspecified use for a future coffee house/shop with baked goods and gift shop, as well as beer and wine tasting events, see the CUP attached hereto and incorporated herein as **Exhibit C**.

The Owner is hereby applying for a conditional use in the B-3 zoning district to allow a Winery/Distillery Business under Sec. 20-1011 Unclassified, Unspecified Uses which states: Unclassified or unspecified uses may be permitted after the economic development and land use planning committee has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district. Sec. 20-1340 Business Uses identifies Brew pubs as a conditional use in the B-3 business district and permits the production of up to 5,000 barrels of beer per year. Because a small Winery/Distillery Business is more similar in character to a Brew Pub than to the manufacturing uses identified in the M-3 heavy industrial district, the Owner requests to be permitted to operate a Winery/Distillery Business in the B-3 business district ("Requested CUP").

The Owner plans to produce and sell wine and spirits on the property; distribute wine and spirits to distributors who will then sell the wine and spirits in grocery stores, local bars and restaurants. The Owner plans to have a tasting room where guests can purchase their products onsite. In the future, they would like to offer light snacks and appetizers in the tasting room. Guests would have the ability to sit out on a patio or walk the grounds and enjoy the scenic property. The Owner would also like to offer private events in a tasting room located inside the Winery/Distillery, such as birthday parties, anniversaries, bridal showers, etc.

The entire Property is subject to the existing CUP and will be subject to the Requested CUP, once it has been approved. A portion of the Property has been utilized for growing the grapes which will be used in the production of wine and a portion of the Property is still used for crops will remain used as tillable acreage and Owner plans on keeping as much of the prairie-looking lands which enhance the natural look of the Property as you can see on the current aerial attached hereto and incorporated herein as **Exhibit D**.

The Requested CUP will allow a portion of the existing building on the Property to be used for the Winery/Distillery. In the future, the Owner plans to build another building to relocate and expand the Winery/Distillery Business, which will have an attached tasting room. The location of the existing building and the proposed future building are noted on the Site Plan attached hereto and incorporated herein as **Exhibit E**.

The Owner will apply for and obtain any local, state, and/or federal licenses needed for the Winery/Distillery business. The Owner will have 2 employees to start but may increase to a total of 12 or more employees, including fulltime and parttime, as the business grows.

There should not be any increase to the noise which may disturb the neighbors but if there is any noise, it will be kept to a level that complies with the Performance Standards of the Racine County Code of Ordinances.

When the Winery/Distillery first starts up, it will produce approximately 1,500 gallons of wine and alcohol, but this amount will increase as demand increases and the business grows. Therefore, the Owner proposes a maximum of 77,500 gallons, which is equivalent to 5000 barrels.

Garbage and waste from the Winery/Distillery will be handled by a private disposal company.

An additional septic system or holding tank, if required by the governing bodies or agencies, will be installed in accordance with the local and county codes. All permits necessary will be obtained from the appropriate authorities.

No additional site lighting will be necessary.

Parking for the Winery/Distillery business will be located next to the building where the business will be operated and will comply with the local and county ordinances.

There is small barn located on the south side of the Property which Owner would like the ability to use in the future for a café/coffee house/cocktail lounge/delicatessen/gift shop type of mix business which would serve non-alcoholic beverages as well as beer, wine, and prepackaged/prepared foods, such as but not limited to, sandwiches, snacks, and baked goods. This business would sell hand crafted items such as candles, soaps, etc. The Owner would submit

a business plan and apply for any permits or licenses with the appropriate authorities as well as meet any state and local regulations prior to converting this building for the business.

The Owner will obtain all necessary federal, state, and local permits, approvals, and licenses as well as comply with all applicable codes and regulations.

The hours of operation for the Winery/Distillery will be Monday through Saturday, 7 a.m. to 9 p.m., or later as Wisconsin law permits now or in the future if amended. These proposed hours of operation would allow for production and vineyard care.

There will not be any revisions to the current landscaping or drainage on the Property to start the Winery/Distillery. Owner will be utilizing part of the current building noted on the Site plan which will be the location for the Winery/Distillery, however, interior work/remodeling will be needed to the building for this operation. Owner will work with the necessary governmental bodies to obtain all necessary approvals and/or permit prior to the commencement of any remodeling work to the building.

Regarding the planned future building location for the Winery/Distillery and tasting room, which is depicted on the Future Site Plan, attached hereto and incorporated here in as **Exhibit F**, the Owner shall obtain any and all approvals or permits necessary from the Town of Burlington and Racine County before beginning any proposed future construction.

The start date for the proposed use will be 30 days after the Owner has received all required approvals for the Winery/Distillery from all local, state and federal authorities.

For reference and informational purposes, an aerial map showing the Property and surrounding properties with zoning is attached hereto and incorporated herein as **Exhibit G**. Currently, the zoning districts for the surrounding properties are R-2, M-2, A-2, in the Town of Burlington and A-1, Rs-1, Rs-2, Rs-3, Rd-2, P-1, FW, FC, SWO in the City of Burlington.

Accordingly, there will not be a conflict with the current and permitted uses of any of the surrounding properties. The planned Winery/Distillery will not disturb any residences.

The Owner believes that the proposed conditional use will result in a productive use of the Property and will have no adverse impact on the surrounding properties. Also, Owner feels that their plans for the Property will be beneficial to the local businesses and area residents. Therefore, the Owner respectfully requests approval of the Requested CUP.

EXHIBIT A

Legal Description

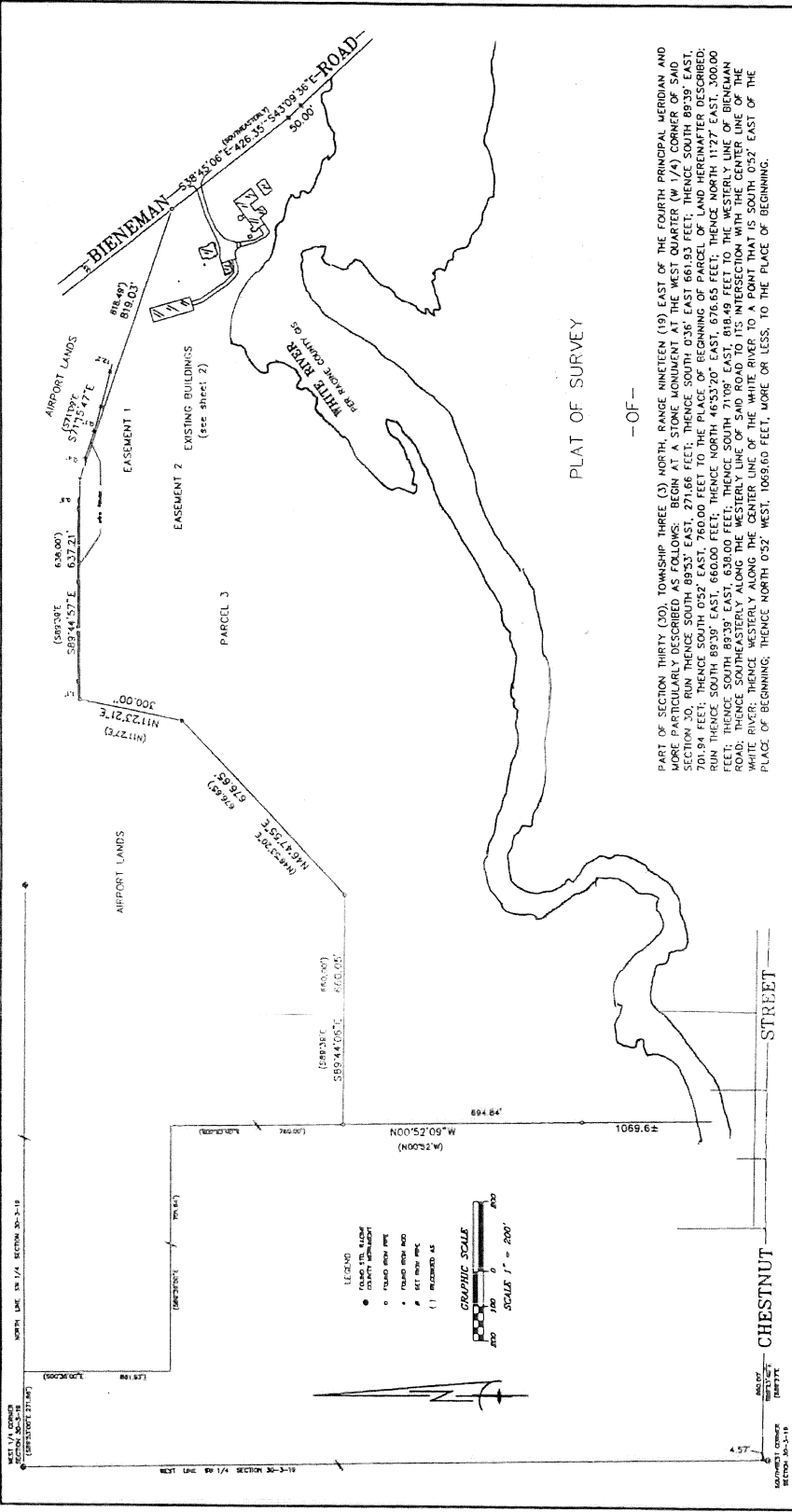
Part of Section Thirty (30), Township Three (3) North, Range Nineteen (19) East of the Fourth Principal Meridian and more particularly described as follows: Begin at a stone monument at the West Quarter (W 1/4) of said Section 30, run thence South 89° 53' East, 271.66 feet; thence South 00° 36' East 661.93 feet; thence South 89° 39' East, 701.94 feet; thence South 00° 52' East, 760.00 feet to the place of beginning of parcel of land hereinafter described; run thence South 89° 39' East, 660.00 feet; thence North 46° 53' 20" East, 676.65 feet; thence North 11° 27' East, 300.00 feet; thence South 89° 39' East, 638.00 feet; thence South 71° 09' East, 818.49 feet to the Westerly line of Bieneman Road; thence Southeasterly along the Westerly line of said road to its intersection with the center line of the White River; thence Westerly along the center line of the White River to a point that is South 00' 52' East of the place of beginning; thence North 00° 52' West, 1069.60 feet, more or less, to the place of beginning, in the Town of Burlington, County of Racine, State of Wisconsin.

For informational purposes: 002 03-19-30-009-000.

EXHIBIT B

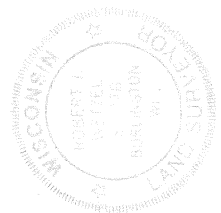
Plat of Survey from 2015

See attached.



SURVEY FOR: TIM RICHTER
SURVEY LOCATION: 3640 BIENEMAN ROAD

NOTE: REFER TO A CURRENT TITLE REPORT FOR EASEMENTS AND RESTRICTIONS THAT MAY AFFECT THE USE OF THIS SITE.



THIS IS NOT AN ORIGINAL COPY
UNLESS THE SEAL IS RED
Robert J. Metzler
ROBERT J. METZLER 8951-01

B.W. SURVEYING, INC.
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225

POINTS 892-14, SHOT WITH
ROBOT IN 2013/03/24

DATE	REVISED
JULY 29, 2015	SEPTEMBER 15, 2015
DRAWN BY:	BY:
RM/dm	8951
CHECKED BY:	DRAWING NO.:
8951	8951-01
SHEET 1	OF 2

EXHIBIT C

Existing Conditional Use

See attached.



RACINE COUNTY

PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

14200 Washington Avenue, Sturtevant, WI 53177-1253

Phone: (262) 886-8440 Fax: (262) 886-8480

Jonathan Delagrave
County Executive

Julie A. Anderson
Director of Public Works & Development Services

November 5, 2015 (Amended Condition #10 – May 11, 2016)

The Landing Group, LLC
c/o Timothy R. Richter
W212 Spring Prairie Road
Burlington, WI 53105

SUBJECT: B-3 Conditional Use (Proposed) to occupy existing buildings & site to use as a venue for weddings, reunions, corporate functions and other similar events, for a landscaping contractors yard and office, greenhouse, snow-plowing removal business, coffee house/shop, beer and wine tasting events and for temporary storage building; 3640 Bieneman Road, 3640 Bieneman Road, Parcel Id No. 002031930009000

Dear Mr. Richter:

The Racine County Economic Development and Land Use Planning Committee approved the subject conditional use at their October 19, 2015, meeting. The Committee granted approval as the proposed use IS NOT hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the County and its communities; the proposed use is compatible with the area, underlying zoning permits it, and, based on the other things going on in the area, the proposed use fits with the uses in the district. You will be allowed to proceed with the subject project, which will be located at 3640 Bieneman Road, Section 30, Town 3 North, Range 19 East, in the 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 of the conditions listed in Exhibit A. **PLEASE BE SURE TO READ EXHIBIT A.** You have obtained approval from the Town of Burlington Planning Commission and await final approval from the Town Board, and you must comply with any conditions they established. 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@goRacine.org).

Yours truly,

Handwritten signature of Julie A. Anderson in black ink.

Julie A. Anderson
Public Works & Development Services Director

JAA/ni

attachment

cc: Adelheid Streif, Town Clerk
Diane Baumeister, Town Administrator
Ralph Rice, Town Chairman
Theodore N. Johnson, Attorney at Law
File

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 of \$125.00 for the event uses and \$125.00 for the landscaping use (total: \$250.00).** 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 citations being issued and/or the approval/permit being revoked.
3. This approval will expire nine (9) months from the date of the Economic Development and Land Use Planning Committee's final approval unless substantial work has commenced following such grant, or, nine months from the Town of Burlington approval, whichever is latest. If this office determines that no substantial work has commenced, the project may not occur unless the EDLUPC and Town of Burlington grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.
4. 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.
5. The proposed venue for events such as weddings, family reunions, corporate functions and other similar events along with the landscaping and snow removal uses must be located and utilized in accordance with the plans and documents received in this office on September 22, 2015.
6. The future uses, such as greenhouse, shop, wine and beer tasting, conversion of existing shed for business purposes, or future buildings, may require further Committee site plan review approval by the Economic Development and Land Use Planning Committee and the Town of Burlington.
7. The owner is responsible for keeping noise at a reasonable level allowed by Town and County ordinances. 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.
8. No overnight camping is allowed on this property.
9. The existing single-family residence may be used for overnight accommodations for event or party participants.
10. Business event hours shall be, Monday – Wednesday 9:00 a.m. to 9:00 p.m.; Thursday 9:00 a.m. – 10:00 p.m.; Friday – Saturday 9:00 a.m. – 12:00 a.m. Music will end at 10:30 p.m., with guest departure by 11:00 p.m. and staff departure by 12:00 a.m. **Sunday 9:00 a.m. – 6:00 p.m.**
11. Business hours for the landscaping use shall be Monday – Saturday, 6:00 a.m. – 9:00 p.m. Hours and days for the snow removal business will be during the winter months and times/days will vary dependent on the weather.

12. Retail sales of landscape products from this site are prohibited.
13. Landscape plantings are an important part of an attractive industrial area. Landscape plantings have functional as well as aesthetic characteristics that can improve a commercial area. Tree and shrub plantings can provide shade and shelter; act as wind breaks, limited noise buffers, and visual screens; assist in channeling pedestrian and vehicular traffic. The applicant must consider these concepts as the required landscape plan is designed.
14. Within 90 days of receiving this letter, a lighting plan must be submitted to this office for review and approval. This plan must also be submitted to the Wisconsin Department of Transportation Bureau of Aeronautics and the Town of Burlington for their review. The lighting plan must adhere to the following requirements:
 - 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 and highways.
 - Parking lots and driveways may be illuminated by freestanding fixtures (poles) that do not exceed 25 feet in height, with cut-off light sources to assure that the lights are not seen from the street or adjacent parcels.
 - Lighting may not be located on building roofs. Any lights affixed to a building must be oriented downward at no more than a 45-degree angle from the vertical so as to light only areas of the site. No wall-mounted lights are permitted on the front or street sides of buildings.
 - The front and street sides of buildings may be illuminated by ground-mounted lights. Such lighting must be soft in tone and must not result in drawing inordinate attention to the building.
 - Lights may neither flash nor pulsate, nor may they be so bright as to impair or hinder vision on public streets or adjacent building sites or otherwise constitute a nuisance.
 - Mixing lighting types (i.e. sodium vapor, incandescent, mercury vapor, metal halide, etc.) should be avoided.
 - Integration of similar lighting fixtures is encouraged.
15. Any advertising sign on this property must conform to Racine County Ordinance standards and will require a separate zoning permit(s) prior to installation. Contact the Racine County Development Services Office at 262-886-8440 for further information regarding sign permits.
16. This site must be kept neat and orderly at all times, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner.
17. The property owner or designated agent must notify Emergency Services for the Town of Burlington regarding this site. Compliance with all regulations and requirements, as determined by the Emergency Services Department, is required.
18. This operation shall not locate, 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.

19. The applicant must obtain on-site sanitary disposal approval from Racine County Development Services before a zoning permit will be issued. **Contact Racine Co Development Services (262) 886-8440 for information regarding this process before coming in for the permit.**
20. The property owner or designated agent must contact the Town of Burlington regarding stormwater regulations for the site. Compliance with all regulations and requirements, as determined by the Town, is required.
21. Future additions or uses will require a minimum site plan review and approval by the Economic Development and Land Use Planning Committee and the Town of Burlington.
22. 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).
23. 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.
24. The applicant must obtain all necessary federal, state, and local permits, approvals, and licenses. He must comply with all applicable codes and regulations.
25. **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.
26. Racine County does not warrant that the plans for this project are functionally and/or structurally adequate. Racine County does not certify that the design is adequate for this site and Racine County accepts no liability through this approval.
27. Your accepting this approval/permit and beginning the project means that you have read, understand, and agree to follow all conditions. Therefore, The Landing Group, LLC, and their successors and assigns are responsible for full compliance with these conditions.
28. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.