

**Village of East Troy Order Granting a Conditional Use
and Prescribing Conditions for a Contractor Yard
Located at 2611 South Executive Drive**

DOCUMENT#: 1053545
12-27-2021 at 12:39 PM
MICHELE JACOBS
REGISTER OF DEEDS
WALWORTH COUNTY, WISCONSIN
Pages: 6 Fee Amount: \$30.00

WHEREAS, MP Systems Inc (hereinafter "property owner") owns the property at 2611 South Executive Drive (hereinafter "subject property") in the Village of East Troy, more particularly described as follows:

LOT 3 CERTIFIED SURVEY NO 4987;

See Exhibit A

WHEREAS, the property owner has submitted a conditional use application pursuant to the Village of East Troy's zoning code for a contractor yard; and

WHEREAS, upon receipt of the petition submitted by the property owner, the Village Clerk properly referred such petition to the Plan Commission; and

WHEREAS, allowing for required public notice, the Plan Commission conducted a public hearing on October 11, 2021 to consider the property owner's request; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the property owner's request; and

WHEREAS, the Plan Commission passed a motion recommending to the Village Board that the petition for conditional use be granted subject to certain conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section 510-157(H) of East Troy's zoning code:

Return to:

Lorri Alexander, Village Clerk
Village of East Troy
2015 Energy Drive
East Troy, WI 53120

Parcel Number: RA498700003

1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
3. The proposed conditional use, in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use would maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use outweigh any and all potential adverse

impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

WHEREAS, the Village Board has carefully reviewed the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. **Authorized uses.** Subject to the terms and conditions of this approval and the sections of the zoning code that apply, the property owner is authorized to operate a contractor yard as set forth herein and subject to the Village's zoning regulations.
2. **Issuance of permit required.** The zoning administrator is authorized to issue the property owner a conditional use permit when all conditions enumerated in section 3 have been satisfied to his or her satisfaction. Such permit is the last approval before the property owner can begin to establish the use as authorized herein.
3. **Initial conditions of approval.** The following conditions shall be satisfied prior to the issuance of the conditional use permit:
 - a. The property owner shall submit a site plan and plan of operation to the Plan Commission for review and obtain approval of the same.
 - b. The property owner is required to accept the terms and conditions of this conditional use order in its entirety in writing. If the property owner does not sign this instrument and return it to the Village Clerk within 9 months of approval, this order is null and void. Prior to such expiration, the property owner may request an extension to this time period and the Village Board may approve an extension with good cause.
 - c. This order must be recorded against the subject property in the Walworth County register of deeds office (only if subsections 3(a) and 3(b) have been satisfied).

In the event that any of the above conditions are not satisfied within 12 months of the date of this approval, this order shall be null and void without any further action by the Village of East Troy.

4. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:
 - a. Following issuance of the conditional use permit set forth in section 3 above, the use as authorized herein must be established within 9 months of such permit.
 - b. The use of the subject property shall be used consistent with this order and all approved plans, including, but not limited to, the site plan and plan of operation.
 - c. The property owner shall not conduct any authorized activity in such a way that exceeds on-site parking as depicted in the approved site plan/plan of operation.
 - d. The property owner shall not conduct any authorized activity in such a way that violates fire-related building capacity standards established by the local fire department or the state of Wisconsin.
 - e. The property owner shall not conduct any authorized activity in such a way as to constitute a public or private nuisance as determined by the Plan Commission.
 - f. The property owner shall provide and maintain potable water and sanitation as may be required by the Village of East Troy and/or Walworth County.

- g. The Plan Commission may unilaterally amend an approved site plan/plan of operation by revising existing provisions or adding new provisions. Such amendment shall be limited in scope to address negative impacts the use is having on surrounding properties and/or the public health, safety, and welfare.
- h. The property owner must at all times be in compliance with all applicable laws, rules, regulations or orders, and ordinances of the federal government, State of Wisconsin, Walworth County, and Village of East Troy.
- i. All buildings on the premises shall comply with all applicable building codes as may be adopted by the Village of East Troy or the state of Wisconsin.
- j. The property owner will maintain the subject property in a clean and neat appearance as determined by the Plan Commission.

5. **Expansion or changes.** The conditional use hereby authorized shall be confined to the subject property without extension or expansion. Any expansion or change in use shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

6. **Modification of property boundary lines.** The property owner shall not change the size and/or shape of the subject property by any means without the approval of the Village Board. If the Village Board determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

7. **Plans and related matters.** Unless otherwise expressly stated herein, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the amendment to be minor and consistent with the conditional use order and permit. Any change in any plan that the Plan Commission feels, in its sole discretion to be substantial, shall require a new approval and all procedures in place at the time must be followed.

8. **Inspection.** The property owner shall allow Village of East Troy staff, officials, and other authorized agents to inspect the subject property, at any reasonable time and for any proper purpose related to compliance with this conditional use order.

9. **Discontinuance.** Should the conditional use be discontinued in use for 365 consecutive days the use shall be terminated as set forth in the Village of East Troy's zoning regulations.

10. **Private rights.** This approval is given under the Village of East Troy's zoning regulations and is not to be interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.

11. **Interpretation.** If any aspect of this conditional use order is in conflict with any other aspect of the conditional use order, the more restrictive provisions shall be controlling, as determined by the Plan Commission.

12. **Other permits.** This order shall not be deemed to constitute a building permit, or constitute any other license or permit required by Village ordinance, or other local, state, or federal law.

13. **Severability.** In the event a court of competent jurisdiction determines that a paragraph or phrase of this conditional use order is unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use order and the remainder shall continue in full force and effect.

14. **Heirs, successors, and assigns.** This conditional use order shall be binding upon the property owner

Conditional use order for a contractor yard located at
2611 South Executive Drive, Village of East Troy

Page 4

and their heirs, successors, and assigns. Upon a change in ownership, the property owner shall notify the Village Clerk.

15. **Ongoing review.** This conditional use may be reviewed by the Plan Commission with notice to the property owner at any time upon complaint or upon Plan Commission initiative. If it is determined that the authorized use is no longer compatible, or that the provisions of this approval have not been complied with, the Village Board may revoke or amend this order after recommendation by the Plan Commission and holding of a public hearing.

16. **Amendment.** The property owner may propose an amendment to this conditional use order at anytime by submitting a written petition to the Village Clerk, which shall be reviewed pursuant to the requirements in effect at the time of application.

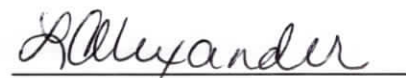
17. **Violation.** Any violation of this order may be treated as a violation of East Troy's zoning regulations and each day of each violation of each condition herein shall be treated as a separate violation.

Approved this 18th day of October, 2021

BY THE VILLAGE BOARD OF THE VILLAGE OF EAST TROY


Scott Seager, Village President

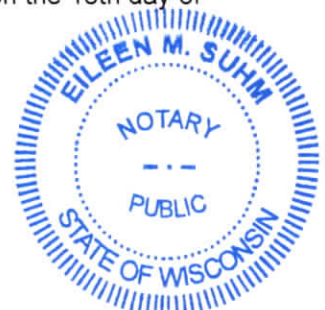
Attest:


Lorri Alexander, Village Clerk

STATE OF WISCONSIN, WALWORTH COUNTY

Personally came before me this 15th day of November 2021 the persons described above, Scott Seager, Village President, and Lorri Alexander, Village Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be such Village President and Village Clerk of the Village of East Troy and acknowledged that they executed the foregoing instrument as such officers of said municipal corporation by its authority and pursuant to the authorization by the Village Board from their meeting on the 18th day of October 2021.


NOTARY PUBLIC
8/9/2023
My Commission Expires:



Conditional use order for a contractor yard located at
2611 South Executive Drive, Village of East Troy

Page 5

Acceptance by Property Owner

I, KENNETH W. PHELPS, verify that I am an authorized agent for MP Systems Inc and that MP Systems Inc accepts the terms stated herein.

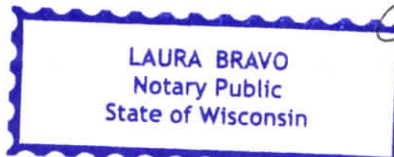
Dated this 29th day of OCTOBER, 2021

Kenneth W. Phelps

_____, authorized agent for MP Systems Inc

STATE OF WISCONSIN, Waukesha COUNTY

Personally, came before me this 29th day of October, 2021, the above-named person, Kenneth Phelps, to me known to be the person who executed the foregoing instrument and acknowledged the same.



Laura Bravo

NOTARY PUBLIC

11/24/2022

My Commission Expires:

Drafter by:
Tim Schwecke
CiviTek Consulting LLC

EXHIBIT A

Legal Description Lot 3 Certified Survey No 4987:

LOT 3 CERTIFIED SURVEY NO 4987 RECORDED AS DOC #4987 WCR. LOCATED IN NE1/4 SEC 32 & SW1/4 SEC 29 T4N R18E; 748787 SQ FT.; VILLAGE OF EAST TROY; OMITTING RA314100001