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AGENDA
VILLAGE OF SUSSEX
PLAN COMMISSION MEETING
6:30 PM TUESDAY, NOVEMBER 17, 2020
SUSSEX CIVIC CENTER – BOARD ROOM 2nd FLOOR
N64W23760 MAIN STREET

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Sussex Plan Commission, at which a quorum of the Village Board may attend virtually. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments during any portion where the public is allowed to comment or if the rules are suspended to allow them to do so.)

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of October 20, 2020.
3. Consideration and possible action on Permitted Uses and Plans:
 - A. Consideration and possible action on a Plan of Operation and site plan for RG Tree Service LLC (N61W23198 Silver Spring Drive).
 - B. Consideration and possible action on a Plan of Operation and site plan for AAGM Properties LLC (N60W22951 Silver Spring building 6 unit 11 and 12.
 - C. Consideration and possible action on a Plan of Operation, site plan, architectural Plan and lighting plan for an addition for Bevco Engineering (W222N5739 Miller Way).
 - D. Consideration and possible action on a Plan of Operation and site plan for Momentum Early Learning, new owners with interior expansion plan (W248N5250 Executive Drive Suite 400).
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
 - A. Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Michael Schmalz, N60W22951 Silver Spring building 10 unit 20.
 - B. Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Bookin' It, LLC N60W22951 Silver Spring building 9 unit 18.
 - C. Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Mark Bush, N60W22951 Silver Spring building 1 unit 1 and 2.
 - D. Introduction of a Conditional Use, Plan of Operation and site plan for Mike Kaerek N60W22951 Silver Spring building 7 unit 14.
 - E. Consideration and possible action on an amendment to the Conditional Use site plan for Amazon (N53W24700 S. Corporate Circle).
 - F. Notice of administrative renewal of the following Conditional Uses:

Sussex Petro Mart gas/car wash Station (N62W23456 Silver Spring Dr.).

5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne
Chairperson



Jeremy J. Smith
Village Administrator

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Additionally, due to the current Covid-19 pandemic, upon reasonable requests, this meeting may be attended virtually. For additional information or to request this service, contact the Village Clerk at 246-5200.

DISCLAIMER- THE FOLLOWING ARE DRAFT MINUTES FROM
THE PLAN COMMISSION AND ARE
SUBJECT TO CHANGE UPON APPROVAL OF THE PLAN COMMISSION
VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Plan Commission meeting held on October 20, 2020.

President LeDonne called the meeting to order at 6:33 p.m.

Members present: Commissioners Deb Anderson, Mike Knapp, Roger Johnson, Jim Muckerheide, Trustee Scott Adkins and Village President Anthony LeDonne.

Others present: Village Administrator Jeremy Smith, Assistant Village Administrator Kelsey McElroy-Anderson, Village Attorney John Macy, Administrative Services Director Sam Liebert, Deputy Clerk Caren Brustmann and applicants.

A quorum of the Village Board was not present at the meeting.

Consideration and possible action on the minutes on the Plan Commission meeting of September 15, 2020.

A motion by LeDonne, seconded by Adkins to approve the minutes of the Plan Commission meeting of September 15, 2020 as presented. Motion carried 6-0.

Consideration and possible action on Permitted Uses and Plans:

A. Consideration and possible action on a Plan of Operation and site plan for Swingrail LLC N60W22951 Silver Spring building 8 unit 15 and 16.

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The assembly of sporting goods is a permitted use in accordance with Section 17.0422 (A)(4)(f)(4) in the M-1 Industrial District. The owner of Swingrail will use this 3,000 square foot building to assemble, design and ship baseball and softball related equipment. The owners must also follow the declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Plan Commission Comments: None

A motion by Johnson, seconded by Muckerheide to approve the Plan of Operation and site plan for Swingrail LLC N60W22951 Silver Spring building 8 unit 15 and 16 a finding that the use and structures meet the principals of 17.1002(A-H), subject to payment of

any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A. Motion carried 6-0.

Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:

A. Introduction of a Conditional Use, Plan of Operation and site plan for Michael Schmalz, N60W22951 Silver Spring building 10 unit 20.

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and ByLaws established for this Condominium Association for items such as payment of bills and no outside storage.

Plan Commission Comments: None

A motion by LeDonne, seconded by Anderson to schedule the public hearing for November 17th regarding the Conditional Use, Plan of Operation and site plan for Michael Schmalz, N60W22951 Silver Spring building 10 unit 20. Motion carried 6-0.

B. Introduction of a Conditional Use, Plan of Operation and site plan for Bookin' It, LLC N60W22951 Silver Spring building 9 unit 18.

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owners are purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and ByLaws established for this Condominium Association for items such as payment of bills and no outside storage.

Plan Commission Comments: None

A motion by LeDonne, seconded by Anderson to schedule the public hearing for November 17th regarding the Conditional Use, Plan of Operation and site plan for Bookin' It, LLC N60W22951 Silver Spring building 9 unit 18. Motion carried 6-0.

C. Introduction of a Conditional Use, Plan of Operation and site plan for Mark Bush, N60W22951 Silver Spring building 1 unit 1 and 2.

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating the use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium building at the

Venture Space site. The 3,000 square foot building will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Plan Commission Comments: None

A motion by LeDonne, seconded by Muckerheide to schedule the public hearing for November 17th regarding the Conditional Use, Plan of Operation and site plan for Mark Bush, N60W22951 Silver Spring building 1 unit 1 and 2. Motion carried 6-0.

Consideration and possible action on CSM's, Plats, Zoning and Planning Items:

A. Consideration and possible action on a request expansion of a principal structure with a side yard less than 15 feet for property for Josh Tyrrell N62W24055 Sunset Drive.

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned RS-3. Mr. Tyrrell is requesting to enlarge his attached garage, the garage is just over one foot off his west property lot line.

Petitioner Josh Tyrrell was present and provided a project description to the Plan Commission.

Administrator Smith noted in accordance with Section 17.0410 F. 2 (b), the Plan Commission may make a finding to allow a reduced side yard if it meets the requirements of the following:

2. Side Yard

(a). There shall be a side yard on each side of the principal structure of not less than 15 feet in width; or

(b). The Plan Commission may make a finding to allow the expansion/reconstruction of a principal structure such that one side yard is reduced in width if it finds the following:

(1) The principal structure was constructed prior to 1980. *House was constructed in 1956.*

(2) One side yard width remains at least 15 feet in width. *East side yard setback is 16' 1".*

(3) The reduced side yard is the greater of at least 1 foot in width or the narrowest current side yard setback of the existing principal structure or detached garage. *West side yard setback is 1' 2".*

(4) The expansion of the principal structure within the reduced side yard setback does not encroach into the street yard closer than the existing principal structure. *The expansion will not encroach closer to the street yard.*

(5) The expansion does not impact the welfare and safety of the area. *The expansion will not impact the welfare or safety of the area.*

A motion by Johnson, seconded by LeDonne to approve the request for Property owner Josh Tyrrell to tear down existing garage, expand and reconstruct the attached garage and to not encroach any closer to the west lot line than 1' 2" that it meets the requirements of 17.0410 F. 2 (b) 1-5, subject to approval of a building permit and the standard conditions of Exhibit A. Motion carried 6-0.

C. Discussion of Chapter 17 Zoning Code Section 17.0704 A. (2) Accessory buildings

Administrator Smith stated direction was given at the September Plan Commission meeting to have a discussion about shed sizes in the RS-4 Residential District. Each lot within RS-4 zoning shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. The Village currently allows in all districts a shed size maximum of 250 square feet and a height not to exceed 15 feet. Staff surveyed our peer communities of the allowable shed size in their residential districts, (table attached).

President LeDonne indicated a work group will be formed to discuss and provide recommendations to the Plan Commission regarding Chapter 17 Zoning Code Section 17.0704 A. (2) Accessory buildings. Commissioners Knapp, Commissioner Muckerheide and staff will form the work group and will provide recommendations for the January 19th meeting.

Topics for Future Agendas: Commissioner Johnson inquired about future storage buildings being occupied on Silver Spring Drive and other areas within the Village. Administrator Smith noted they are only limited to the M1 zoning district.

Adjournment:

A motion by LeDonne, seconded by Muckerheide to adjourn the meeting at 6:59 pm. Motion carried 6-0.

Respectfully Submitted,

Caren Brustmann
Deputy Clerk



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MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of October 20, 2020
DATE: October 14, 2020

All Code Sections in this memo refer to the Sussex Municipal Code Chapter 17 version dated March 25, 2014 with subsequent amendments thereto.

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of September 15, 2020.**

03. **Consideration and possible action on Permitted Uses and Site Plans:**
A. Consideration and possible action on a Plan of Operation and site plan for Swingrail LLC N60W22951 Silver Spring building 8 unit 15 and 16.

This site is zoned M-1. The assembly of sporting goods is a permitted use in accordance with Section 17.0422 (A)(4)(f)(4) in the M-1 Industrial District. The owner of Swingrail will use this 3,000 square foot building to assemble, design and ship baseball and softball related equipment. The owners must also follow the declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Policy Question:

1. Are there any concerns with the Plan of Operation?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Swingrail LLC N60W22951 Silver Spring building 8 unit 15 and 16 a finding that the use and structures meet the principals of 17.1002(A-H), subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A.

04. **Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:**
A. Introduction of a Conditional Use, Plan of Operation and site plan for Michael Schmalz condominium N60W22951 Silver Spring building 10 unit 20.

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G, and may include any or all of Sections B, C, and D, as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. An impact Report as outlined in Section 17.0506 A or Section 17.0506 B.

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources.

G. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, the proposed operation, and other factors the Plan Commission determines are appropriate when considering a Conditional Use Permit.

A. Conditional Use permits shall have the following process:

1. The Applicant shall meet with Administrator or designee in a pre-application conference to discuss the application and plans.

2. The Applicant applies for a Conditional Use Permit by completing the Village application form. Incomplete applications will not be accepted. If that threshold is met, the Administrator or designee sets the application for introduction to the Plan Commission. If the minimum threshold is not met the application is returned to the petitioner with a rationale for denial.

3. The Administrator or designee introduces the CU application at the next available Plan Commission meeting after completion by the Administrator of the response to the Applicant's Impact Report if applicable under 17.0506 A or 17.0506 B. The application materials are provided to the Plan Commission along with a staff report on the matter outlining critical details of the application and code compliance. The Plan Commission concurs the application is complete and sets forth the application for public hearing or the Plan Commission finds the application incomplete and remands it to the Petitioner for completion.

a) Procedure for a Public Hearing before the Plan Commission:

- 1) Refer to Section 17.1401.
- 2) Any person may appear in person, by agent, or attorney.
- 3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.
- 4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

4. At the public Hearing the Plan Commission will hear from the applicant, Village, and the public on the application's compliance with the standards of the Code. The purpose of the hearing is to gather the record, for the Petitioner to prove with substantial evidence they meet the standards of the code or the public to prove they don't and to address concerns from the public and or Plan Commission and render a decision if appropriate or to determine what remains to be discussed at the next meeting. Only substantial evidence may be considered by the Plan Commission. At the summation of the initial public hearing date the Plan Commission may give the following direction to the petitioner and to the public:

- a) The remaining questions/standards that need to be proved/responded to.
- b) Additional conditions to include in the CU Order that the Plan Commission deems appropriate. The Petitioner will need to prove they can meet those at the adjourned public hearing date.
- c) Direction to staff to prepare the Conditional Use Order or a finding the Petitioner does not meet the standards for approval for consideration at the next meeting. The Plan Commission may also delay either of these directions to hear more evidence at the next meeting, although such delay will result in another adjourned public hearing date for due process purposes.
- d) Adjourn the public hearing to a date certain.

5. At the adjourned public hearing date if the public hearing was extended for additional evidence collection, the Plan Commission will hear from the applicant, Village, and the public on evidence in support or opposition to items from 17.0503 A 4.(A. and B.) and to the CU Order itself. The purpose of the hearing is to gather the record on any additional standards imposed by the Plan Commission from the first public hearing and to gather evidence on the CU Order itself. Only substantial evidence will be considered by the Plan Commission. At the summation of the public hearing the Plan Commission will give direction requesting additional evidence and adjourn the public hearing to a date certain or close the public hearing.

6. After the closing of the public hearing the Plan Commission during its regular meeting or at a subsequent meeting where the agenda item is duly noticed shall discuss the plans and Conditional Use Order or Findings for Denial and act on the agenda item(s). The decision shall be based upon the record from the public hearings. The burden of proof is on the applicant to prove they have met the standards of the Ordinance and those set forth by the Plan Commission during the process. The Plan Commission shall render its written determination and the reasons for the same within 95 days from completion of the public hearing unless an extension is consented to in writing by the applicant. The Clerk shall mail a copy of the determination to the applicant.

7. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or length of approval may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

B. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise specifically authorized to be modified by this Code Variances shall only be granted as provided in Section 17.1200 of this ordinance.

C. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above. The Conditional Use Order may describe changes that can be made without requiring a new permit.

D. Conditional Use Orders shall generally have 5 year terms unless otherwise specified by the Plan Commission. The Orders shall have an administrative renewal process established within the order to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission to remove the Conditional Use Order from automatic renewal if there are concerns with compliance with the CU order or concerns raised by the public about the applicant's operations. If the Plan Commission pulls the CU order from automatic approval the CU order shall remain in effect while the Plan Commission provides due process to the applicant in reviewing the CU Order and its renewal.

E. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in a CU order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the Village Board, County of Waukesha, State of Wisconsin, or the United States of America, or other duly constituted authority. A CU order does not constitute a building permit, nor shall a CU order constitute any other license or permit required by Village Ordinance or law.

17.0506 CONDITIONAL USES

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

5. Finance, Insurance, Real Estate, and Leasing
 - a) Mini-Warehousing, small cubicle storage, and indoor storage facility
 - 1) Mini-Warehousing, small cubicle storage, and indoor storage facility in the M-1 district, if the following items are found: that traffic from the use will not reduce the functionality grade of any nearby intersection(s) without the same being mitigated; that the site is paved where any vehicles will travel, that a report from the Director of Police Services shows no substantial impact to police services or crime in the community from the operation of the facility, and that noise standards of the operations shall be at least 10% lower at the property line than the Village Ordinance. The Plan Commission must also find the design standards of the Village have fully been adhered to, and that the operation are as limited below:
 - 2) Indoor storage facility in the M-1 districts provided that no perishable products, no flammable or explosive materials, and no sales of merchandise or operation of businesses may be conducted within the facility and its sub-leased spaces. The type of facility described in this section is like a mini-warehousing or small cubicle storage, but the rental spaces are all combined together within one larger building that has the appearance of an office/industrial building. The Site for said use must be of such a remote nature that the site operations do not detract from the appearance of the surrounding business park or neighboring properties.

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

1. Educational, Health Services, and Social Services
 - (a) General medical services if use is part of the operation of a permitted manufacturer operation in the same district.
 - (b) Commercial day care centers if the use is part of the operation of a permitted manufacturer operation in the same district and provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, under-ground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
2. Finance, Insurance, Real Estate, and Leasing

- (a) Commercial air, rail, and water transportation equipment rental and leasing.
- (b) Construction, mining, and forestry machinery and equipment rental and leasing.
- 3. General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories
 - (c) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
 - (d) Industrial laundries under permit from the Wastewater Utility.
 - (e) Fitness centers
- 4. Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 - (1) Bakery and flour products
 - (2) Dairy products
 - (3) Fruits, vegetables, and nuts
 - (4) Grains, seed and plant oils, cereal, and chocolate confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
 - (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture, automotive
 - (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
 - (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
 - (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
 - (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
- 5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
- 6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as

- building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
- (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
- (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer operation in the same district.
- (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- 7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 8. Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
- 9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of an industry.
2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
4. Residential quarters for the owner or caretaker.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses
2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

1. Manufacturing/processing of ammonia, asbestos, asphalt (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

1. Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

F. Building Height and Area

1. No building or parts of a building shall exceed 60 feet in height.
2. No building or buildings shall occupy more than 50 percent of the lot area.

G. Setback and Yards

1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 - (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 - (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
2. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single

operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.

3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.
5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.
6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or 17.1000 drabness, in order to realize architectural uniqueness between lots.
3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade

facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Staff has found the application complete and recommends scheduling the Public Hearing.

Policy Question:

1. There are no policy questions this month as this item is on the agenda for scheduling purposes only.

Action Items:

1. Direct staff to schedule the public hearing.

Staff Recommendation: Staff recommends scheduling the public hearing for the November meeting.

B. Introduction of a Conditional Use, Plan of Operation and site plan for Bookin' It, LLC N60W22951 Silver Spring building 9 unit 18.

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owners are purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. An impact Report as outlined in Section 17.0506 A or Section 17.0506 B.

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources.

G. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, the proposed operation, and other factors the Plan Commission determines are appropriate when considering a Conditional Use Permit.

A. Conditional Use permits shall have the following process:

1. The Applicant shall meet with Administrator or designee in a pre-application conference to discuss the application and plans.

2. The Applicant applies for a Conditional Use Permit by completing the Village application form. Incomplete applications will not be accepted. If that threshold is met, the Administrator or designee sets the application for introduction to the Plan Commission. If the minimum threshold is not met the application is returned to the petitioner with a rationale for denial.

3. The Administrator or designee introduces the CU application at the next available Plan Commission meeting after completion by the Administrator of the response to the Applicant's Impact Report if applicable under 17.0506 A or 17.0506 B. The application materials are provided to the Plan Commission along with a staff report on the matter outlining critical details of the application and code compliance. The Plan Commission concurs the application is complete and sets forth the application for public hearing or the Plan Commission finds the application incomplete and remands it to the Petitioner for completion.

a) Procedure for a Public Hearing before the Plan Commission:

1) Refer to Section 17.1401.

2) Any person may appear in person, by agent, or attorney.

3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.

4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

4. At the public Hearing the Plan Commission will hear from the applicant, Village, and the public on the application's compliance with the standards of the Code. The purpose of the hearing is to gather the record, for the Petitioner to prove with substantial evidence they meet the standards of the code or the public to prove they don't and to address concerns from the public and or Plan Commission and render a decision if appropriate or to determine what remains to be discussed at the next meeting. Only substantial evidence may be considered by the Plan Commission. At the summation of the initial public hearing date the Plan Commission may give the following direction to the petitioner and to the public:

a) The remaining questions/standards that need to be proved/responded to:

b) Additional conditions to include in the CU Order that the Plan Commission deems appropriate. The Petitioner will need to prove they can meet those at the adjourned public hearing date.

c) Direction to staff to prepare the Conditional Use Order or a finding the Petitioner does not meet the standards for approval for consideration at the next meeting. The Plan Commission may also delay either of these directions to hear more evidence at the next meeting, although such delay will result in another adjourned public hearing date for due process purposes.

d) Adjourn the public hearing to a date certain.

5. At the adjourned public hearing date if the public hearing was extended for additional evidence collection, the Plan Commission will hear from the applicant, Village, and the public on evidence in support or opposition to items from 17.0503 A 4.(A. and B.) and to the CU Order itself. The purpose of the hearing is to gather the record on any additional standards imposed by the Plan Commission from the first public hearing and to gather evidence on the CU Order itself. Only substantial evidence will be considered by the Plan Commission. At the summation of the public hearing the Plan Commission will give

direction requesting additional evidence and adjourn the public hearing to a date certain or close the public hearing.

6. After the closing of the public hearing the Plan Commission during its regular meeting or at a subsequent meeting where the agenda item is duly noticed shall discuss the plans and Conditional Use Order or Findings for Denial and act on the agenda item(s). The decision shall be based upon the record from the public hearings. The burden of proof is on the applicant to prove they have met the standards of the Ordinance and those set forth by the Plan Commission during the process. The Plan Commission shall render its written determination and the reasons for the same within 95 days from completion of the public hearing unless an extension is consented to in writing by the applicant. The Clerk shall mail a copy of the determination to the applicant.

7. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or length of approval may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

B. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise specifically authorized to be modified by this Code. Variances shall only be granted as provided in Section 17.1200 of this ordinance.

C. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above. The Conditional Use Order may describe changes that can be made without requiring a new permit.

D. Conditional Use Orders shall generally have 5 year terms unless otherwise specified by the Plan Commission. The Orders shall have an administrative renewal process established within the order to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission to remove the Conditional Use Order from automatic renewal if there are concerns with compliance with the CU order or concerns raised by the public about the applicant's operations. If the Plan Commission pulls the CU order from automatic approval the CU order shall remain in effect while the Plan Commission provides due process to the applicant in reviewing the CU Order and its renewal.

E. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in a CU order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the Village Board, County of Waukesha, State of Wisconsin, or the United States of America, or other duly constituted authority. A CU order does not constitute a building permit, nor shall a CU order constitute any other license or permit required by Village Ordinance or law.

17.0506 CONDITIONAL USES

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a

guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

5. Finance, Insurance, Real Estate, and Leasing

a) Mini-Warehousing, small cubicle storage, and indoor storage facility

- 1) Mini-Warehousing, small cubicle storage, and indoor storage facility in the M-1 district, if the following items are found: that traffic from the use will not reduce the functionality grade of any nearby intersection(s) without the same being mitigated; that the site is paved where any vehicles will travel, that a report from the Director of Police Services shows no substantial impact to police services or crime in the community from the operation of the facility, and that noise standards of the operations shall be at least 10% lower at the property line than the Village Ordinance. The Plan Commission must also find the design standards of the Village have fully been adhered to, and that the operation are as limited below:
- 2) Indoor storage facility in the M-1 districts provided that no perishable products, no flammable or explosive materials, and no sales of merchandise or operation of businesses may be conducted within the facility and its sub-leased spaces. The type of facility described in this section is like a mini-warehousing or small cubicle storage, but the rental spaces are all combined together within one larger building that has the appearance of an office/industrial building. The Site for said use must be of such a remote nature that the site operations do not detract from the appearance of the surrounding business park or neighboring properties.

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

1. Educational, Health Services, and Social Services

- (a) General medical services if use is part of the operation of a permitted manufacturer operation in the same district.
- (b) Commercial day care centers if the use is part of the operation of a permitted manufacturer operation in the same district and provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, under-ground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in

accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.

2. Finance, Insurance, Real Estate, and Leasing
 - (a) Commercial air, rail, and water transportation equipment rental and leasing.
 - (b) Construction, mining, and forestry machinery and equipment rental and leasing.
3. General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories
 - (c) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
 - (d) Industrial laundries under permit from the Wastewater Utility.
 - (e) Fitness centers
4. Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 - (1) Bakery and flour products
 - (2) Dairy products
 - (3) Fruits, vegetables, and nuts
 - (4) Grains, seed and plant oils, cereal, and chocolate confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
 - (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture, automotive
 - (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
 - (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
 - (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
 - (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services

6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
 - (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
 - (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer operation in the same district.
 - (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
8. Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of an industry.
2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
4. Residential quarters for the owner or caretaker.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses
2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

1. Manufacturing/processing of ammonia, asbestos, asphalt (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

1. Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
2. Lot coverage by buildings, accessory structures, surface parking and loading areas,

and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

F. Building Height and Area

1. No building or parts of a building shall exceed 60 feet in height.
2. No building or buildings shall occupy more than 50 percent of the lot area.

G. Setback and Yards

1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 - (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 - (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

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1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose

2. of creating the same products. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.
3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.
5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.
6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or 17.1000 drabness, in order to realize architectural uniqueness between lots.
3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Staff has found the application complete and recommends scheduling the Public Hearing.

Policy Question:

1. There are no policy questions this month as this item is on the agenda for scheduling purposes only.

Action Items:

Agenda

SHED MAXIMUM		
Community	Sq. ft.	Notes
Delafield	150	
Elm Grove	{400}	Must have at least 400 sq. ft. garage and no more than 25% lot coverage with house/garage
Germantown	192	864 without attached garage
Grafton	150	
Hartford	{1500}	No more than 35% of lot coverage with house
Hartland	800	or 20% of rear yard whichever is less
Oconomowoc	720	maximum including garage
C Pewaukee	192	
V Pewaukee	192	
Sussex	250	
AVG.	294	
Median	192	
Menomonee Falls	150	
Slinger	720	
Richfield	192	

Policy Questions:

1. Are there concerns about the amount of open space for each of the lot in the RS-4 zoning?
2. Should a work group be formed to discuss and provide a recommendation to the Plan Commission?

Action Item:

1. Give direction.

Staff Recommendation: Staff recommends the Plan Commission give direction on how to proceed.

06. Other Items for future discussion.

07. Adjournment.

Exhibit "A"

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

The Plan Commission for the Village of Sussex authorizes the Building Inspector to issue a building permit to the Petitioner and approves the general layout, architectural plans, ingress and egress, parking, loading and unloading, landscaping, open space utilization, site plan and plan of operation subject to the following conditions:

1. Presentation compliance. Subject to Petitioner operating the premises at all times in substantial conformity with the presentation made to the Village Plan Commission, as modified or further restricted by the comments or concerns of the Village Plan Commission.

2. Inspection compliance. Subject to the Petitioner submitting to and receiving the approval from the Village Administrator, written proof that the Village Building Inspector and Fire Chief have inspected the subject property and have found that the subject property is in substantial compliance with applicable federal, State, and local laws, statutes, codes, ordinances, policies, guidelines and best management practices, prior to this approval being effective.

3. Regulatory compliance. Subject to the Petitioner and Owner fully complying with all Village, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises, including but not limited to compliance with Section 17.1000 of the Village of Sussex Zoning Code entitled "Site Plan Review and Architectural Control," as determined by Village Staff.

4. Satisfaction of Engineer. Subject to the Developer satisfying all comments, conditions, and concerns of the Village Engineer regarding the Petitioner's application prior to this approval being effective.

5. Required plans. Subject to the Developer submitting to and receiving written approval from the Village Administrator of all of the following plans as deemed necessary by the Village Administrator:

- A. Landscaping plan
- B. Parking plan
- C. Lighting plan
- D. Signage plan
- E. Traffic plan
- F. Grading plan

- G. Tree preservation plan
- H. Open space plan
- I. Water plan
- J. Surface and stormwater management plan
- K. Sewer plan
- L. Erosion control plan
- M. _____
- N. _____
- O. _____
- P. _____

6. Screening of All Dumpsters. Subject to the Petitioner and Owner screening all dumpsters as required by the ordinance to the satisfaction of the Village Administrator.

7. Payment and reimbursement of fees and expenses. Subject to the Petitioner and Owner paying all costs, assessments and charges due and owing to the Village of Sussex either by the Petitioner or imposed on the subject property, including, but not limited to, real estate taxes, personal property taxes, utility bills, special assessments, permit fees, license fees and professional fees which shall include all costs and expenses of any type that the Village incurs in connection with Petitioner's application, including the cost of professional services incurred by the Village (including engineering, legal and other consulting fees) for the review of and preparation of the conditions of approval, attendance at meetings or other related professional services for this application, as well as for any actions the Village is required to take to enforce any of the conditions of this approval due to a violation of these conditions by the Petitioner or the Owner, as authorized by law.

8. Condition if the Property is in the B-4 Central Business District. If the property is in the B-4 Central Business District, the Petitioner shall comply with the standards and conditions found within the Village of Sussex Downtown Design and Development Plan and other plans as may be approved from time to time by the Community Development Authority in its role as a Redevelopment Authority to guide development within the Village's Downtown.

9. Subject to acceptance. The Owner by requesting a permit either directly or through an agent, and accepting the same is acknowledging that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.

10. Any official named in this document can appoint a designee to perform his or her duties.



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of November 17, 2020
DATE: November 12, 2020

All Code Sections in this memo refer to the Sussex Municipal Code Chapter 17 version dated March 25, 2014 with subsequent amendments thereto.

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of October 20, 2020.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation and site plan for RG Tree Service LLC (N61W23198 Silver Spring Drive).**

This site is zoned B-4. The lawn and landscape services is a permitted use in accordance with Section 17.0419 (C)(5)(j) in the B-4 Central Mixed Use Business District. RG Tree Service will purchase the property from Lake Country Lawn Care and use the location as its headquarters for office and storing equipment. The site plan shows the three buildings, the front building along Silver Spring is an office building (1,900 sq. ft.) with two tenants, second building is a block garage (2,400 sq. ft.) and a third building is a metal shed (5,000 sq. ft.). To improve the site the new owner will add parking stalls for employees and plant a line of Arborvitae along the property line abutting the residential homes. Hours of operation are Monday through Friday 8:00 a.m. to 5:00 p.m. The site has sufficient parking for the office building for the tenants. RG Tree adding 9 parking stalls for the 5 employees. There is to no outside storage at this site.

Policy Question:

1. Are there any concerns with the Plan of Operation?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for RG Tree Service LLC (N61W23198 Silver Spring Drive); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

- B. **Consideration and possible action on a Plan of Operation and site plan for AAGM Properties LLC (N60W22951 Silver Spring building 6 unit 11 and 12.**

This site is zoned M-1. The property management services for rental properties is a permitted use in accordance with Section 17.0422 (A)(3)(c) in the M-1 Industrial District. The owner of AAGM Properties will use this 3,000 square foot building for equipment related to his property management company. The owners must also follow the declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Policy Question:

1. Are there any concerns with the Plan of Operation?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for AAGM Properties LLC N60W22951 Silver Spring building 6 unit 11 and 12 a finding that the use and structures meet the principals of 17.1002(A-H), subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation, site plan, architectural plan and lighting for an addition for Bevco Engineering (W222N5739 Miller Way).

This site is zoned BP-1. The manufacturing, designing and assembling of electrical components is a permitted use in accordance with Section 17.0420 (A)(6)(e)(2) in the BP-1 Business Park District. Bevco Engineering has been operating in the Village since 2001, they design, build and warehouse electrical control panels until shipment. They employ 55 people, hours of operations are Monday through Friday 6:00 a.m. to 5:00 p.m. The site has 75 parking stalls and is sufficient to accommodate the 55 employees.

Due to their growing needs they are adding on 13,900 square feet to their existing 25,300 square foot building. The following are comments for the plans for the addition:

Site

- Adding 13 parking stalls
- Addition meets all required setbacks

Architecture

- Building meets height requirements
- Material to be used meets the Design Standards

Lighting

- Lighting plan meets requirements
- Building wall lights should match or blend with existing wall lights

The plans will be reviewed at the December Architectural Review Board meeting.

Policy Question:

1. Are there any concerns with the Plan of Operation and various plans?
2. Are there any comments directed to the ARB?

Action Items:

1. Act on the plan of operation and various plans.
2. Recommend the plans to be reviewed by the ARB.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation, site plan, architectural plan and lighting plan for an addition for Bevco Engineering (W222N5739 Miller Way); a finding that the use and structures meet the principals of 17.1002(A-H), subject to any conditions by the ARB, review by the Village Engineer and the standard conditions of Exhibit A.

D. Consideration and possible action on a Plan of Operation and site plan for Momentum Early Learning, new owners with interior expansion plan (W248N5250 Executive Drive Suite 400).

This site is zoned BP-1. The commercial day care center is a permitted use in accordance with Section 17.0420 (A)(2)(a) in the BP-1 Business Park District. The approved day care facility has been operating in the Village since 2009, recently new owners purchased the business and will soon purchase the multi-tenant building. A change in business ownership and expansion of a business requires Plan Commission approval. The new owners are requesting to expand the day care into the 14,000 empty tenant space formerly occupied by Flabbergast Kids center. The expansion will allow the day care to grow from 10,000 square feet to a 24,000 square foot facility. The licensed day care provides services for infants 6 weeks-12 years and currently are at capacity with 135 children, the expansion will allow them to support 200 children and increase their number of employees to 40-50. Hours of operations are Monday through Friday 6:00 a.m. to 6:00 p.m. The site has 181 parking stalls with 28 allocated to other users and per code they need 85.

Policy Question:

1. Are there any concerns with the Plan of Operation?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan , new owners with an interior expansion plan for Momentum Early Learning (W248N5250 Executive Drive Suite 400); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

04. **Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:**
A. Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Michael Schmalz condominium N60W22951 Silver Spring building 10 unit 20.

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. An impact Report as outlined in Section 17.0506 A or Section 17.0506 B.

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources.

G. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, the proposed operation, and other factors the Plan Commission determines are appropriate when considering a Conditional Use Permit.

A. Conditional Use permits shall have the following process:

1. The Applicant shall meet with Administrator or designee in a pre-application conference to discuss the application and plans.

2. The Applicant applies for a Conditional Use Permit by completing the Village application form. Incomplete applications will not be accepted. If that threshold is met, the Administrator or designee sets the application for introduction to the Plan Commission. If the minimum threshold is not met the application is returned to the petitioner with a rationale for denial.

3. The Administrator or designee introduces the CU application at the next available Plan Commission meeting after completion by the Administrator of the response to the Applicant's Impact Report if applicable under 17.0506 A or 17.0506 B. The application materials are provided to the Plan Commission along with a staff report on the matter outlining critical details of the application and code compliance. The Plan Commission concurs the application is complete and sets forth the application for public hearing or the Plan Commission finds the application incomplete and remands it to the Petitioner for completion.

a) Procedure for a Public Hearing before the Plan Commission:

- 1) Refer to Section 17.1401.
- 2) Any person may appear in person, by agent, or attorney.
- 3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.
- 4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

4. At the public Hearing the Plan Commission will hear from the applicant, Village, and the public on the application's compliance with the standards of the Code. The purpose of the hearing is to gather the record, for the Petitioner to prove with substantial evidence they meet the standards of the code or the public to prove they don't and to address concerns from the public and or Plan Commission and render a decision if appropriate or to determine what remains to be discussed at the next meeting. Only substantial evidence may be considered by the Plan Commission. At the summation of the initial public hearing date the Plan Commission may give the following direction to the petitioner and to the public:

- a) The remaining questions/standards that need to be proved/responded to.
- b) Additional conditions to include in the CU Order that the Plan Commission deems appropriate. The Petitioner will need to prove they can meet those at the adjourned public hearing date.
- c) Direction to staff to prepare the Conditional Use Order or a finding the Petitioner does not meet the standards for approval for consideration at the next meeting. The Plan Commission may also delay either of these directions to hear more evidence at the next meeting, although such delay will result in another adjourned public hearing date for due process purposes.
- d) Adjourn the public hearing to a date certain.

5. At the adjourned public hearing date if the public hearing was extended for additional evidence collection, the Plan Commission will hear from the applicant, Village, and the public on evidence in support or opposition to items from 17.0503 A 4.(A. and B.) and to the CU Order itself. The purpose of the hearing is to gather the record on any additional standards imposed by the Plan Commission from the first public hearing and to gather evidence on the CU Order itself. Only substantial evidence will be considered by the Plan Commission. At the summation of the public hearing the Plan Commission will give direction requesting additional evidence and adjourn the public hearing to a date certain or close the public hearing.

6. After the closing of the public hearing the Plan Commission during its regular meeting or at a subsequent meeting where the agenda item is duly noticed shall discuss the plans and Conditional Use Order or Findings for Denial and act on the agenda item(s). The decision shall be based upon the record from the public hearings. The burden of proof is on the applicant to prove they have met the standards of the Ordinance and those set forth by the Plan Commission during the process. The Plan Commission shall render its written determination and the reasons for the same within 95 days from completion of the public hearing unless an extension is consented to in writing by the applicant. The Clerk shall mail a copy of the determination to the applicant.

7. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or length of approval may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

B. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise specifically authorized to be modified by this Code Variances shall only be granted as provided in Section 17.1200 of this ordinance.

C. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above. The Conditional Use Order may describe changes that can be made without requiring a new permit.

D. Conditional Use Orders shall generally have 5 year terms unless otherwise specified by the Plan Commission. The Orders shall have an administrative renewal process established within the order to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission to remove the Conditional Use Order from automatic renewal if there are concerns with compliance with the CU order or concerns raised by the public about the applicant's operations. If the Plan Commission pulls the CU order from automatic approval the CU order shall remain in effect while the Plan Commission provides due process to the applicant in reviewing the CU Order and its renewal.

E. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in a CU order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the Village Board, County of Waukesha, State of Wisconsin, or the United States of America, or other duly constituted authority. A CU order does not constitute a building permit, nor shall a CU order constitute any other license or permit required by Village Ordinance or law.

17.0506 CONDITIONAL USES

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

5. Finance, Insurance, Real Estate, and Leasing
 - a) Mini-Warehousing, small cubicle storage, and indoor storage facility
 - 1) Mini-Warehousing, small cubicle storage, and indoor storage facility in the M-1 district, if the following items are found: that traffic from the use will not reduce the functionality grade of any nearby intersection(s) without the same being mitigated; that the site is paved where any vehicles will travel, that a report from the Director of Police Services shows no substantial impact to police services or crime in the community from the operation of the facility, and that noise standards of the operations shall be at least 10% lower at the property line than the Village Ordinance. The Plan Commission must also find the design standards of the Village have fully been adhered to, and that the operation are as limited below:
 - 2) Indoor storage facility in the M-1 districts provided that no perishable products, no flammable or explosive materials, and no sales of merchandise or operation of businesses may be conducted within the facility and its sub-leased spaces. The type of facility described in this section is like a mini-warehousing or small cubicle storage, but the rental spaces are all combined together within one larger building that has the appearance of an office/industrial building. The Site for said use must be of such a remote nature that the site operations do not detract from the appearance of the surrounding business park or neighboring properties.

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

1. Educational, Health Services, and Social Services
 - (a) General medical services if use is part of the operation of a permitted manufacturer operation in the same district.
 - (b) Commercial day care centers if the use is part of the operation of a permitted manufacturer operation in the same district and provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, under-ground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
2. Finance, Insurance, Real Estate, and Leasing

- (a) Commercial air, rail, and water transportation equipment rental and leasing.
- (b) Construction, mining, and forestry machinery and equipment rental and leasing.
- 3. General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories
 - (c) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
 - (d) Industrial laundries under permit from the Wastewater Utility.
 - (e) Fitness centers
- 4. Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 - (1) Bakery and flour products
 - (2) Dairy products
 - (3) Fruits, vegetables, and nuts
 - (4) Grains, seed and plant oils, cereal, and chocolate confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
 - (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture, automotive
 - (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
 - (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
 - (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
 - (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
- 5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
- 6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as

- building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
- (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
- (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer operation in the same district.
- (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- 7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 8. Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
- 9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

- 1. Garages for storage of vehicles used in conjunction with the operation of an industry.
- 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- 4. Residential quarters for the owner or caretaker.
- 5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- 6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- 1. Conditional uses as allowed in Section 17.0500 Conditional Uses
- 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

- 1. Manufacturing/processing of ammonia, asbestos, asphalt (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
- 2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
- 3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

- 1. Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
- 2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

F. Building Height and Area

1. No building or parts of a building shall exceed 60 feet in height.
2. No building or buildings shall occupy more than 50 percent of the lot area.

G. Setback and Yards

1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 - (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 - (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
2. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single

operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.

3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.
5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.
6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or 17.1000 drabness, in order to realize architectural uniqueness between lots.
3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade

facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
 - i. A Conditional Use Order; or
 - ii. An Order finding the Petitioner does not meet the standards.

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

If the Plan Commission directs an Order finding the Petitioner does not meet the standards the continued public hearing will allow the Plan Commission to hear testimony on the Denial Order.

Adjourn hearing to December 15, 2020 at 6:30 p.m.

B. Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Bookin' It, LLC N60W22951 Silver Spring building 9 unit 18.

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owners are purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. An impact Report as outlined in Section 17.0506 A or Section 17.0506 B.

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources.

G. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, the proposed operation, and other factors the Plan Commission determines are appropriate when considering a Conditional Use Permit.

A. Conditional Use permits shall have the following process:

1. The Applicant shall meet with Administrator or designee in a pre-application conference to discuss the application and plans.

2. The Applicant applies for a Conditional Use Permit by completing the Village application form. Incomplete applications will not be accepted. If that threshold is met, the Administrator or designee sets the application for introduction to the Plan Commission. If the minimum threshold is not met the application is returned to the petitioner with a rationale for denial.

3. The Administrator or designee introduces the CU application at the next available Plan Commission meeting after completion by the Administrator of the response to the Applicant's Impact Report if applicable under 17.0506 A or 17.0506 B. The application materials are provided to the Plan Commission along with a staff report on the matter outlining critical details of the application and code compliance. The Plan Commission concurs the application is complete and sets forth the application for public hearing or the Plan Commission finds the application incomplete and remands it to the Petitioner for completion.

a) Procedure for a Public Hearing before the Plan Commission:

1) Refer to Section 17.1401.

2) Any person may appear in person, by agent, or attorney.

3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.

4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

4. At the public Hearing the Plan Commission will hear from the applicant, Village, and the public on the application's compliance with the standards of the Code. The purpose of the hearing is to gather the record, for the Petitioner to prove with substantial evidence they meet the standards of the code or the public to prove they don't and to address concerns from the public and or Plan Commission and render a decision if appropriate or to determine what remains to be discussed at the next meeting. Only substantial evidence may be considered by the Plan Commission. At the summation of the initial public hearing date the Plan Commission may give the following direction to the petitioner and to the public:

a) The remaining questions/standards that need to be proved/responded to.

b) Additional conditions to include in the CU Order that the Plan Commission deems appropriate. The Petitioner will need to prove they can meet those at the adjourned public hearing date.

c) Direction to staff to prepare the Conditional Use Order or a finding the Petitioner does not meet the standards for approval for consideration at the next meeting. The Plan Commission may also delay either of these directions to hear more evidence at the next meeting, although such delay will result in another adjourned public hearing date for due process purposes.

d) Adjourn the public hearing to a date certain.

5. At the adjourned public hearing date if the public hearing was extended for additional evidence collection, the Plan Commission will hear from the applicant, Village, and the public on evidence in support or opposition to items from 17.0503 A 4.(A. and B.) and to the CU Order itself. The purpose of the hearing is to gather the record on any additional standards imposed by the Plan Commission from the first public hearing and to gather evidence on the CU Order itself. Only substantial evidence will be considered by the Plan Commission. At the summation of the public hearing the Plan Commission will give direction requesting additional evidence and adjourn the public hearing to a date certain or close the public hearing.

6. After the closing of the public hearing the Plan Commission during its regular meeting or at a subsequent meeting where the agenda item is duly noticed shall discuss the plans and Conditional Use Order or Findings for Denial and act on the agenda item(s). The decision shall be based upon the record from the public hearings. The burden of proof is on the applicant to prove they have met the standards of the Ordinance and those set forth by the Plan Commission during the process. The Plan Commission shall render its written determination and the reasons for the same within 95 days from completion of the public hearing unless an extension is consented to in writing by the applicant. The Clerk shall mail a copy of the determination to the applicant.

7. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or length of approval may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

B. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise specifically authorized to be modified by this Code Variances shall only be granted as provided in Section 17.1200 of this ordinance.

C. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above. The Conditional Use Order may describe changes that can be made without requiring a new permit.

D. Conditional Use Orders shall generally have 5 year terms unless otherwise specified by the Plan Commission. The Orders shall have an administrative renewal process established within the order to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission to remove the Conditional Use Order from automatic renewal if there are concerns with compliance with the CU order or concerns raised by the public about the applicant's operations. If the Plan Commission pulls the CU order from automatic approval the CU order shall remain in effect while the Plan Commission provides due process to the applicant in reviewing the CU Order and its renewal.

E. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in a CU order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the Village Board, County of Waukesha, State of Wisconsin, or the United States of America, or other duly constituted authority. A CU order does

not constitute a building permit, nor shall a CU order constitute any other license or permit required by Village Ordinance or law.

17.0506 CONDITIONAL USES

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

5. Finance, Insurance, Real Estate, and Leasing

 a) Mini-Warehousing, small cubicle storage, and indoor storage facility

 1) Mini-Warehousing, small cubicle storage, and indoor storage facility in the M-1 district, if the following items are found: that traffic from the use will not reduce the functionality grade of any nearby intersection(s) without the same being mitigated; that the site is paved where any vehicles will travel, that a report from the Director of Police Services shows no substantial impact to police services or crime in the community from the operation of the facility, and that noise standards of the operations shall be at least 10% lower at the property line than the Village Ordinance. The Plan Commission must also find the design standards of the Village have fully been adhered to, and that the operation are as limited below:

 2) Indoor storage facility in the M-1 districts provided that no perishable products, no flammable or explosive materials, and no sales of merchandise or operation of businesses may be conducted within the facility and its sub-leased spaces. The type of facility described in this section is like a mini-warehousing or small cubicle storage, but the rental spaces are all combined together within one larger building that has the appearance of an office/industrial building. The Site for said use must be of such a remote nature that the site operations do not detract from the appearance of the surrounding business park or neighboring properties.

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

 1. Educational, Health Services, and Social Services

- (a) General medical services if use is part of the operation of a permitted manufacturer operation in the same district.
 - (b) Commercial day care centers if the use is part of the operation of a permitted manufacturer operation in the same district and provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, under-ground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
- 2. Finance, Insurance, Real Estate, and Leasing
 - (a) Commercial air, rail, and water transportation equipment rental and leasing.
 - (b) Construction, mining, and forestry machinery and equipment rental and leasing.
- 3. General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories
 - (c) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
 - (d) Industrial laundries under permit from the Wastewater Utility.
 - (e) Fitness centers
- 4. Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 - (1) Bakery and flour products
 - (2) Dairy products
 - (3) Fruits, vegetables, and nuts
 - (4) Grains, seed and plant oils, cereal, and chocolate confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
 - (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture, automotive
 - (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
 - (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
 - (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper,

- textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
- (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
- 5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
- 6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
 - (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
 - (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer operation in the same district.
 - (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- 7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 8. Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
- 9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

- 1. Garages for storage of vehicles used in conjunction with the operation of an industry.
- 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- 4. Residential quarters for the owner or caretaker.
- 5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- 6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- 1. Conditional uses as allowed in Section 17.0500 Conditional Uses
- 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

- 1. Manufacturing/processing of ammonia, asbestos, asphalt (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this

Ordinance), cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.

2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

1. Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

F. Building Height and Area

1. No building or parts of a building shall exceed 60 feet in height.
2. No building or buildings shall occupy more than 50 percent of the lot area.

G. Setback and Yards

1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 - (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 - (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress,

parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
2. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.
3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.
5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.
6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or 17.1000 drabness, in order to realize architectural uniqueness between lots.

3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
 - i. A Conditional Use Order; or
 - ii. An Order finding the Petitioner does not meet the standards.

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

If the Plan Commission directs an Order finding the Petitioner does not meet the standards the continued public hearing will allow the Plan Commission to hear testimony on the Denial Order.

Adjourn hearing to December 15, 2020 at 6:30 p.m.

C. Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Mark Bush, N60W22951 Silver Spring building 1 unit 1 and 2.

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium building at the Venture Space site. The 3,000 square foot building will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees;

and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. An impact Report as outlined in Section 17.0506 A or Section 17.0506 B.

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources.

G. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, the proposed operation, and other factors the Plan Commission determines are appropriate when considering a Conditional Use Permit.

A. Conditional Use permits shall have the following process:

1. The Applicant shall meet with Administrator or designee in a pre-application conference to discuss the application and plans.

2. The Applicant applies for a Conditional Use Permit by completing the Village application form. Incomplete applications will not be accepted. If that threshold is met, the Administrator or designee sets the application for introduction to the Plan Commission. If the minimum threshold is not met the application is returned to the petitioner with a rationale for denial.

3. The Administrator or designee introduces the CU application at the next available Plan Commission meeting after completion by the Administrator of the response to the Applicant's Impact Report if applicable under 17.0506 A or 17.0506 B. The application materials are provided to the Plan Commission along with a staff report on the matter outlining critical details of the application and code compliance. The Plan Commission concurs the application is complete and sets forth the application for public hearing or the Plan Commission finds the application incomplete and remands it to the Petitioner for completion.

a) Procedure for a Public Hearing before the Plan Commission:

1) Refer to Section 17.1401.

2) Any person may appear in person, by agent, or attorney.

3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.

4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to

the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

4. At the public Hearing the Plan Commission will hear from the applicant, Village, and the public on the application's compliance with the standards of the Code. The purpose of the hearing is to gather the record, for the Petitioner to prove with substantial evidence they meet the standards of the code or the public to prove they don't and to address concerns from the public and or Plan Commission and render a decision if appropriate or to determine what remains to be discussed at the next meeting. Only substantial evidence may be considered by the Plan Commission. At the summation of the initial public hearing date the Plan Commission may give the following direction to the petitioner and to the public:

- a) The remaining questions/standards that need to be proved/responded to.
- b) Additional conditions to include in the CU Order that the Plan Commission deems appropriate. The Petitioner will need to prove they can meet those at the adjourned public hearing date.
- c) Direction to staff to prepare the Conditional Use Order or a finding the Petitioner does not meet the standards for approval for consideration at the next meeting. The Plan Commission may also delay either of these directions to hear more evidence at the next meeting, although such delay will result in another adjourned public hearing date for due process purposes.
- d) Adjourn the public hearing to a date certain.

5. At the adjourned public hearing date if the public hearing was extended for additional evidence collection, the Plan Commission will hear from the applicant, Village, and the public on evidence in support or opposition to items from 17.0503 A 4.(A. and B.) and to the CU Order itself. The purpose of the hearing is to gather the record on any additional standards imposed by the Plan Commission from the first public hearing and to gather evidence on the CU Order itself. Only substantial evidence will be considered by the Plan Commission. At the summation of the public hearing the Plan Commission will give direction requesting additional evidence and adjourn the public hearing to a date certain or close the public hearing.

6. After the closing of the public hearing the Plan Commission during its regular meeting or at a subsequent meeting where the agenda item is duly noticed shall discuss the plans and Conditional Use Order or Findings for Denial and act on the agenda item(s). The decision shall be based upon the record from the public hearings. The burden of proof is on the applicant to prove they have met the standards of the Ordinance and those set forth by the Plan Commission during the process. The Plan Commission shall render its written determination and the reasons for the same within 95 days from completion of the public hearing unless an extension is consented to in writing by the applicant. The Clerk shall mail a copy of the determination to the applicant.

7. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or length of approval may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

B. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise specifically authorized to be modified by this Code Variances shall only be granted as provided in Section 17.1200 of this ordinance.

C. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in

Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above. The Conditional Use Order may describe changes that can be made without requiring a new permit.

D. Conditional Use Orders shall generally have 5 year terms unless otherwise specified by the Plan Commission. The Orders shall have an administrative renewal process established within the order to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission to remove the Conditional Use Order from automatic renewal if there are concerns with compliance with the CU order or concerns raised by the public about the applicant's operations. If the Plan Commission pulls the CU order from automatic approval the CU order shall remain in effect while the Plan Commission provides due process to the applicant in reviewing the CU Order and its renewal.

E. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in a CU order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the Village Board, County of Waukesha, State of Wisconsin, or the United States of America, or other duly constituted authority. A CU order does not constitute a building permit, nor shall a CU order constitute any other license or permit required by Village Ordinance or law.

17.0506 CONDITIONAL USES

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

5. Finance, Insurance, Real Estate, and Leasing

a) Mini-Warehousing, small cubicle storage, and indoor storage facility

1) Mini-Warehousing, small cubicle storage, and indoor storage facility in the M-1 district, if the following items are found: that traffic from the use will not reduce the functionality grade of any nearby intersection(s) without the same being mitigated; that the site is paved where any vehicles will travel, that a report from the Director of Police Services shows no substantial impact to police services or crime in the community from the operation of the facility, and that noise standards of the operations shall be at least 10% lower at the property line than the Village Ordinance. The Plan Commission must also find the design standards of the Village have fully been adhered to, and that the operation are as limited below:

2) Indoor storage facility in the M-1 districts provided that no perishable products, no flammable or explosive materials, and no sales of merchandise or operation of businesses may be conducted within the facility and its sub-leased spaces. The type of facility described in this section is like a mini-warehousing or small cubicle storage, but the rental spaces are all combined together within one larger building that has the appearance of an office/industrial building. The Site for said use must be of such a remote nature that the site operations do not detract from the

appearance of the surrounding business park or neighboring properties.

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

1. Educational, Health Services, and Social Services
 - (a) General medical services if use is part of the operation of a permitted manufacturer operation in the same district.
 - (b) Commercial day care centers if the use is part of the operation of a permitted manufacturer operation in the same district and provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, under-ground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
2. Finance, Insurance, Real Estate, and Leasing
 - (a) Commercial air, rail, and water transportation equipment rental and leasing.
 - (b) Construction, mining, and forestry machinery and equipment rental and leasing.
3. General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories
 - (c) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
 - (d) Industrial laundries under permit from the Wastewater Utility.
 - (e) Fitness centers
4. Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 - (1) Bakery and flour products
 - (2) Dairy products
 - (3) Fruits, vegetables, and nuts
 - (4) Grains, seed and plant oils, cereal, and chocolate confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
 - (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning

- (5) Upholstery of furniture, automotive
- (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
- (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
- (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
- (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
- 5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
- 6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
 - (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
 - (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer operation in the same district.
 - (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- 7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 8. Transportation, and Warehousing as follows:
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 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
- 9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

- 1. Garages for storage of vehicles used in conjunction with the operation of an industry.
- 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.

3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
4. Residential quarters for the owner or caretaker.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses
2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

1. Manufacturing/processing of ammonia, asbestos, asphalt (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

1. Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

F. Building Height and Area

1. No building or parts of a building shall exceed 60 feet in height.
2. No building or buildings shall occupy more than 50 percent of the lot area.

G. Setback and Yards

1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 - (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 - (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
2. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.
3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.
5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.
6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of

the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or drabness, in order to realize architectural uniqueness between lots.

3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and

adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
 - i. A Conditional Use Order; or
 - ii. An Order finding the Petitioner does not meet the standards.

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

If the Plan Commission directs an Order finding the Petitioner does not meet the standards the continued public hearing will allow the Plan Commission to hear testimony on the Denial Order.

Adjourn hearing to December 15, 2020 at 6:30 p.m.

D. Introduction of a Conditional Use, Plan of Operation and site plan for Mike Kaerek N60W22951 Silver Spring building 7 unit 14.

This site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium building at the Venture Space site. The 1,500 square foot building will be used to store personal items. The owners must follow the Declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

The Petitioner will need to prove the following standards/condition during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

The Conditional Use Standards:

17.0502 APPLICATION. Applications for conditional use permits shall be made to the Village on forms furnished by the Village and shall include Sections A, E, F and G. and may include any or all of Sections B, C, and D. as determined by the Administrator:

A. Names and addresses of the applicant, owner of the site, or other appropriate entities or persons implementing the project as required by the Administrator.

B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.

C. A topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.

D. An impact Report as outlined in Section 17.0506 A or Section 17.0506 B.

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources.

G. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, the proposed operation, and other factors the Plan Commission determines are appropriate when considering a Conditional Use Permit.

A. Conditional Use permits shall have the following process:

1. The Applicant shall meet with Administrator or designee in a pre-application conference to discuss the application and plans.

2. The Applicant applies for a Conditional Use Permit by completing the Village application form. Incomplete applications will not be accepted. If that threshold is met, the Administrator or designee sets the application for introduction to the Plan Commission. If the minimum threshold is not met the application is returned to the petitioner with a rationale for denial.

3. The Administrator or designee introduces the CU application at the next available Plan Commission meeting after completion by the Administrator of the response to the Applicant's Impact Report if applicable under 17.0506 A or 17.0506 B. The application materials are provided to the Plan Commission along with a staff report on the matter outlining critical details of the application and code compliance. The Plan Commission concurs the application is complete and sets forth the application for public hearing or the Plan Commission finds the application incomplete and remands it to the Petitioner for completion.

a) Procedure for a Public Hearing before the Plan Commission:

- 1) Refer to Section 17.1401.
- 2) Any person may appear in person, by agent, or attorney.
- 3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.
- 4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

4. At the public Hearing the Plan Commission will hear from the applicant, Village, and the public on the application's compliance with the standards of the Code. The purpose of the hearing is to gather the record, for the Petitioner to prove with substantial evidence they meet the standards of the code or the public to prove they don't and to address concerns from the public and or Plan Commission and render a decision if appropriate or to determine what remains to be discussed at the next meeting. Only substantial evidence may be considered by the Plan Commission. At the summation of the initial public hearing date the Plan Commission may give the following direction to the petitioner and to the public:

- a) The remaining questions/standards that need to be proved/responded to.
- b) Additional conditions to include in the CU Order that the Plan Commission deems appropriate. The Petitioner will need to prove they can meet those at the adjourned public hearing date.
- c) Direction to staff to prepare the Conditional Use Order or a finding the Petitioner does not meet the standards for approval for consideration at the next meeting. The Plan Commission may also delay either of these directions to hear more evidence at the next meeting, although such delay will result in another adjourned public hearing date for due process purposes.
- d) Adjourn the public hearing to a date certain.

5. At the adjourned public hearing date if the public hearing was extended for additional evidence collection, the Plan Commission will hear from the applicant, Village, and the public on evidence in support or opposition to items from 17.0503 A 4.(A. and B.) and to the CU Order itself. The purpose of the hearing is to gather the record on any additional standards imposed by the Plan Commission from the first public hearing and to gather evidence on the CU Order itself. Only substantial evidence will be considered by the Plan Commission. At the summation of the public hearing the Plan Commission will give direction requesting additional evidence and adjourn the public hearing to a date certain or close the public hearing.

6. After the closing of the public hearing the Plan Commission during its regular meeting or at a subsequent meeting where the agenda item is duly noticed shall discuss the plans and Conditional Use Order or Findings for Denial and act on the agenda item(s). The decision shall be based upon the record from the public hearings. The burden of proof is on the applicant to prove they have met the standards of the Ordinance and those set forth by the Plan Commission during the process. The Plan Commission shall render its written determination and the reasons for the same within 95 days from completion of the public hearing unless an extension is consented to in writing by the applicant. The Clerk shall mail a copy of the determination to the applicant.

7. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or length of approval may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

B. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise specifically authorized to be modified by this Code Variances shall only be granted as provided in Section 17.1200 of this ordinance.

C. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above. The Conditional Use Order may describe changes that can be made without requiring a new permit.

D. Conditional Use Orders shall generally have 5 year terms unless otherwise specified by the Plan Commission. The Orders shall have an administrative renewal process established within the order to allow for streamlined renewal of the conditional use order with a provision that allows the Plan Commission to remove the Conditional Use Order from automatic renewal if there are concerns with compliance with the CU order or concerns raised by the public about the applicant's operations. If the Plan Commission pulls the CU order from automatic approval the CU order shall remain in effect while the Plan Commission provides due process to the applicant in reviewing the CU Order and its renewal.

E. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in a CU order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption, or exception to any law, ordinance, order or rule of either the Village Board, County of Waukesha, State of Wisconsin, or the United States of America, or other duly constituted authority. A CU order does not constitute a building permit, nor shall a CU order constitute any other license or permit required by Village Ordinance or law.

17.0506 CONDITIONAL USES

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

5. Finance, Insurance, Real Estate, and Leasing

a) Mini-Warehousing, small cubicle storage, and indoor storage facility

1) Mini-Warehousing, small cubicle storage, and indoor storage facility in the M-1 district, if the following items are found: that traffic from the use will not reduce the functionality grade of any nearby intersection(s) without the same being mitigated; that the site is paved where any vehicles will travel, that a report from the Director of Police

Services shows no substantial impact to police services or crime in the community from the operation of the facility, and that noise standards of the operations shall be at least 10% lower at the property line than the Village Ordinance. The Plan Commission must also find the design standards of the Village have fully been adhered to, and that the operation are as limited below:

- 2) Indoor storage facility in the M-1 districts provided that no perishable products, no flammable or explosive materials, and no sales of merchandise or operation of businesses may be conducted within the facility and its sub-leased spaces. The type of facility described in this section is like a mini-warehousing or small cubicle storage, but the rental spaces are all combined together within one larger building that has the appearance of an office/industrial building. The Site for said use must be of such a remote nature that the site operations do not detract from the appearance of the surrounding business park or neighboring properties.

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

1. Educational, Health Services, and Social Services
 - (a) General medical services if use is part of the operation of a permitted manufacturer operation in the same district.
 - (b) Commercial day care centers if the use is part of the operation of a permitted manufacturer operation in the same district and provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, under-ground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
2. Finance, Insurance, Real Estate, and Leasing
 - (a) Commercial air, rail, and water transportation equipment rental and leasing.
 - (b) Construction, mining, and forestry machinery and equipment rental and leasing.
3. General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories
 - (c) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry

- services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
- (d) Industrial laundries under permit from the Wastewater Utility.
- (e) Fitness centers
- 4. Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 - (1) Bakery and flour products
 - (2) Dairy products
 - (3) Fruits, vegetables, and nuts
 - (4) Grains, seed and plant oils, cereal, and chocolate confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
 - (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture, automotive
 - (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
 - (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
 - (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
 - (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
- 5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
- 6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
 - (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
 - (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer operation in the same district.
 - (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.

7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
8. Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of an industry.
2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
4. Residential quarters for the owner or caretaker.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

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1. Conditional uses as allowed in Section 17.0500 Conditional Uses
2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

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2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

1. Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

F. Building Height and Area

1. No building or parts of a building shall exceed 60 feet in height.
2. No building or buildings shall occupy more than 50 percent of the lot area.

G. Setback and Yards

1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures

in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.

(a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:

- (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
- (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
- (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.

3. There shall be a rear yard of not less than 25 feet.

4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
2. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.
3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of

operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.

5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.
6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

17.1002 PRINCIPLES To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

A. No structure, or use shall be established that is counter to the intent of the Design Standards nor shall the same be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village. Structures and uses in the B-4 Central Mixed Use District shall also adhere to the intent of the Downtown Development and Design Plan.

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or drabness, in order to realize architectural uniqueness between lots.

3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

C. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

D. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

E. Structures and uses shall make appropriate use of open spaces and the Plan Commission may require appropriate landscaping and planting screens. All landscaped areas shall provide a mix of climax trees, tall

and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

F. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.

G. Structures and uses shall be provided with adequate services as approved by the appropriate utility and serve to implement the recommendations of Utility and Stormwater Management Plans of the Village.

H. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Plan Commission to allow the same, as described herein.

1. The Plan Commission shall not allow the same unless the Plan Commission first finds either a or b: (a) That the loading dock or overhead door is set back at least 75 feet from the street right-of-way and adequate vehicle turnaround areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door. (b) That the building is on a lot within the M-1 Industrial District and the building has a previously approved loading dock facing the street.

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

Staff has found the application complete and recommends scheduling the Public Hearing.

Policy Question:

1. There are no policy questions this month as this item is on the agenda for scheduling purposes only.

Action Items:

1. Direct staff to schedule the public hearing.

Staff Recommendation: Staff recommends scheduling the public hearing for the December meeting.

E. Consideration and possible action on an amendment to the Conditional Use site plan for Amazon (N53W24700 S. Corporate Circle).

This site is zoned BP-1. Amazon was approved as a Conditional Use by the Plan Commission March 2018, this approval was for lease of half the building and adding parking on the north side of the property. October 2019 a new Conditional Use was granted for leasing the entire 192,000 square foot building and adding more parking to

the north and south of the property. Amazon is proposing a change to the site plan. The request is to modify the configuration of the northern parking lot for additional van parking to improve internal traffic flow and to the east side to stripe the paving area to accommodate 60 van parking stalls each marked with an assigned number for easy locating.

In accordance with the Conditional Use Section A. 3. Plans

The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the specific language of the Conditional use and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein as solely determined by the Plan Commission. If the Plan Commission for the Village of Sussex feels, in its sole discretion, that the amendment or change to any plan contemplated herein is substantial, the amendment or change will require a new permit and all Village procedures in place at the time must be followed.

The Plan Commission needs to find whether or not the change to the plan is not substantial and can amend the plan without a public hearing.

Policy Question:

1. Is the change to the site plan substantial to require a public hearing?

Action Items:

1. Act on the amendment to the site plan.

Staff Recommendation: Staff recommends the Plan Commission make a finding that the amendment to the site plan Conditional Use for Amazon (N53W24700 S. Corporate Circle) is not a substantial change to require a public hearing.

F. Notice of Administrative renewal of the following Conditional Uses:

Conditional Uses are administratively renewed for 5-year periods. When a renewal comes up the Village Administrator or designee will give notice to the Plan Commission of the intent to renew. See renewal language in the Conditional Use Permits attached as Exhibit B. Such renewal does not preclude the Plan Commission from reviewing and or acting on changes up to an including termination of the same during the renewal period per standard rules of the Zoning Code and the CU permit. Unless the Plan Commission requests further review, the following Conditional Uses will administratively renew as of January 1, 2021 until January 1, 2026.

Sussex Petro Mart gas/car wash Station (N62W23456 Silver Spring Dr.)

Conditional Use was granted December 15, 2016 for a gas station and car wash service.

05. Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:

06. Other Items for future discussion.

07. Adjournment.



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? Yes If yes, is this a new CU? Yes

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0245993

Zoning: B4

Address of Tenant Space: N61 W23198 Silver Spring

1. Name of Business:

RG Tree Service LLC

Business

N50W16294 Pin oak ct Menomonee Falls WI 53051

Address

City, State, Zip

Phone #

Fax #

RGtree11c@gmail.com

Email address

2. Business owner contact information:

Eric Geisberger

Contact

N50W16294 Pinoak ct Menomonee Falls WI 53051

Address

City, State, Zip

Phone #

Fax #

RGtree11c@gmail.com

Email address

3. Building/Land owner contact information:

Eric Geisberger

Contact

N50W16294 Pinoak ct Menomonee Falls WI 53051

Address

City, State, Zip

Phone #

Fax #

RGtree11c@gmail.com

Email address

4. Number of Employees/Shifts:

5
Employees

1
Shifts

5. Days of Operation:

Put an X in box that applies:

Hours
Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>8am</u> <u>5pm</u>	<u>8am</u> <u>5pm</u>	<u>8am</u> <u>5pm</u>	<u>8am</u> <u>5pm</u>	<u>8am</u> <u>5pm</u>		

6. Is this an extension of an existing operation? NO
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied 50x100 60x40 Total square footage 7400

If applicable list square footage according to 1st floor _____ 2nd floor X

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
Total Number of Parking Spaces 9 Number of spaces needed per code 5
Number of spaces allocated for employee parking 5
Dimensions of parking lot _____ Is parking lot paved? Yes

13. Signage: What type of signage are you proposing for your business?

None at this time. Will be looked at in future.
If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Eri Menti
Name
Owner
Title or Position

10-15-2020
Date

I am aware and approve of the business to be operating in the building owned by _____.

Name

Title or Position

Date

RG Tree Service LLC

RG Tree Service provides tree care services. Tree removal, Tree pruning, Stump grinding, Tree planting, brush chipping, RG Tree does not sell or produce any items. RG Tree Service would have chipper truck, small dump trucks, chipper, Spider aerial lift, stump grinder, wheel loader and dump trailer on premises. Most all of these units are used on a daily basis. Leave in the morning and come back in the afternoon.

RG Tree Service Impact Report

RG Tree Service will need to park trucks and equipment on trailers that do not fit inside the 2 buildings at N61W23198 Silver Spring Drive Sussex WI 53226. Most trucks are used every day or every other day depending on the job on that particular day. Trucks will leave at 8 am and come back between 3 pm and 5 pm everyday. Except Saturdays and Sundays. Before trucks come back to property they will have there loads dumped off site at a recycle center. The property will not be use for storage of debris. The only impact that I can see would be the partial sight line of the 3 homes on the West property line. I had a drawing made to show a line of Arborvitae planted to correct that problem even if not one.



Village of Sussex

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Sussex does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 83'



Village of Sussex
N64 W23760 Main Street
Sussex, WI 53089
262-246-5200

Print Date: 11/11/2020

I.R. FD.
0.62' E

52
N

(RECORDED AS 100.00')

N. 89° 54' 02" W. 99.73'

I.P.
SET

I.P.
SET

430.40'

I.R. FD.
0.41' W
OF LINE

397.03' TO R.O.W.
385.43' TO ULTIMATE R.O.W.

GRAVEL

SURFACE

168.8'

412.01' TO ULTIMATE R.O.W.
416.31' TO R.O.W.

I.R. FD.
0.27' W
OF LINE

EXIST.
GAR. 24.1'

I.R. FD.
0.74' W
OF LINE

FENCE
ENC.

EXISTING
BLOCK
GARAGE

AREA:

GROSS :
113,816 SQ. FT.
2.6128 AC.

NET:
105,225 SQ. FT.
2.4158 AC.

TO ULTIMATE R.O.W.
103,694 SQ. FT.
2.3805 AC.

ASPHALT

CONCRETE

40.6'

EXISTING
METAL
SHED

41'

SURFACE

CONC.
F.D.V.

S. 00° 21' 07" W.

I.P.
SET

S. 81° 05' 23" E.

(ULTIMATE RIGHT OF WAY LINE)

33.37'

PLACE
OF BEGINNING

3° E
ULTIMATE CENTERLINE

S. 81° 05' 23" E.

SOUTHERLY 33' DEDICATED FOR PUBLIC ROAD PURPOSES PER DOW

260.77'

260.27'

I.P.
SET

62



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? No. If yes, is this a new CU? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: M-1

Address of Tenant Space: N60W22951 Silver Spring Bld 6 11512

1. Name of Business:

AAGM PROPERTIES LLC

Business

N60 W22951 SILVER SPRING DR

Address

City, State, Zip

Phone #

Fax #

Email address

2. Business owner contact information:

GIUSEPPE MILITELLO

Contact

19115 CHAPEL HILL DRIVE BROOKFIELD WI 53045

Address

City, State, Zip

Phone #

Fax #

Email address

3. Building/Land owner contact information:

Contact

Address

City, State, Zip

Phone #

Fax #

Email address

4. Number of Employees/Shifts: 0 0

Employees

Shifts

5. Days of Operation:

Put an X in box that applies:

Hours

Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
/	/	/	/	/	/	/

6. Is this an extension of an existing operation? NO
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? _____
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied _____ Total square footage _____
If applicable list square footage according to 1st floor _____ 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
Total Number of Parking Spaces N/A Number of spaces needed per code N/A
Number of spaces allocated for employee parking N/A
Dimensions of parking lot N/A Is parking lot paved? N/A

13. Signage: What type of signage are you proposing for your business?

NONE

If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Giuseppe Militello
Name

10/28/2020
Date

Title or Position

I am aware and approve of the business to be operating in the building owned by _____.

Name

Date

Title or Position

Print Form

Clear Form

Sussex Village Hall

Date 10 / 28 / 2020

ATT: Kasey Fluet

My name is Giuseppe Militello **AKA "Joe"**

I am purchasing Building 6, Unit 11&12 in the Venture Space Condominium

the name of my company is AAGM properties LLC

the sole purpose of this building is for storing lawn and snow equipment

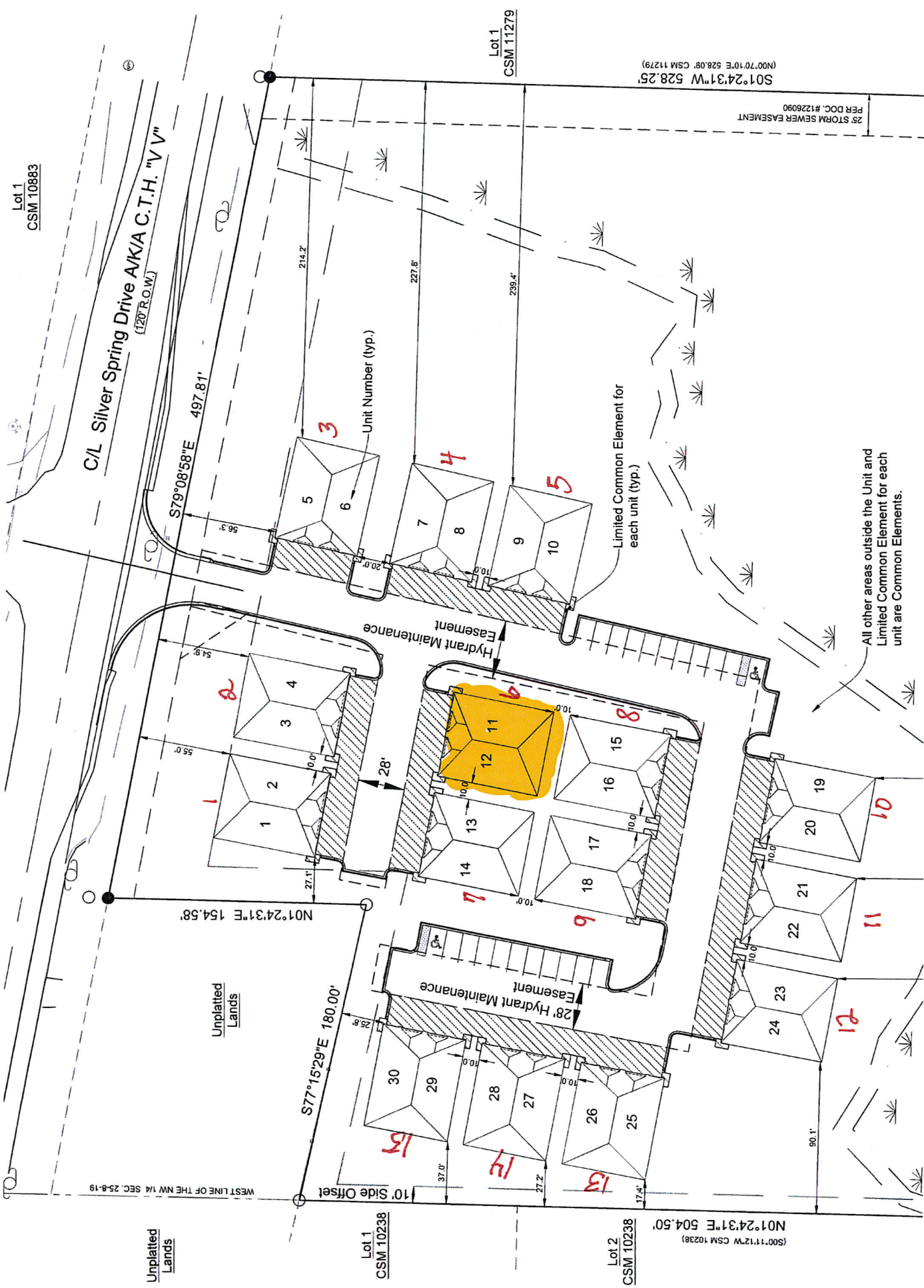
plow truck and other equipment needed for my property management

company.

Name: Joe Militello. PH # 262 744 2025

Lot 1
CSM 10883

C/L Silver Spring Drive A/K/A C.T.H. "V V"
(120' R.O.W.)



Unplatted
Lands

Lot 1
CSM 10238

Lot 2
CSM 10238

N01°24'31"E 504.50'
(S00°11'12"W CSM 10238)

10' Side Offset

N01°24'31"E 154.58'

S77°15'29"E 180.00'

28' Hydrant Maintenance
Easement

Hydrant Maintenance
Easement

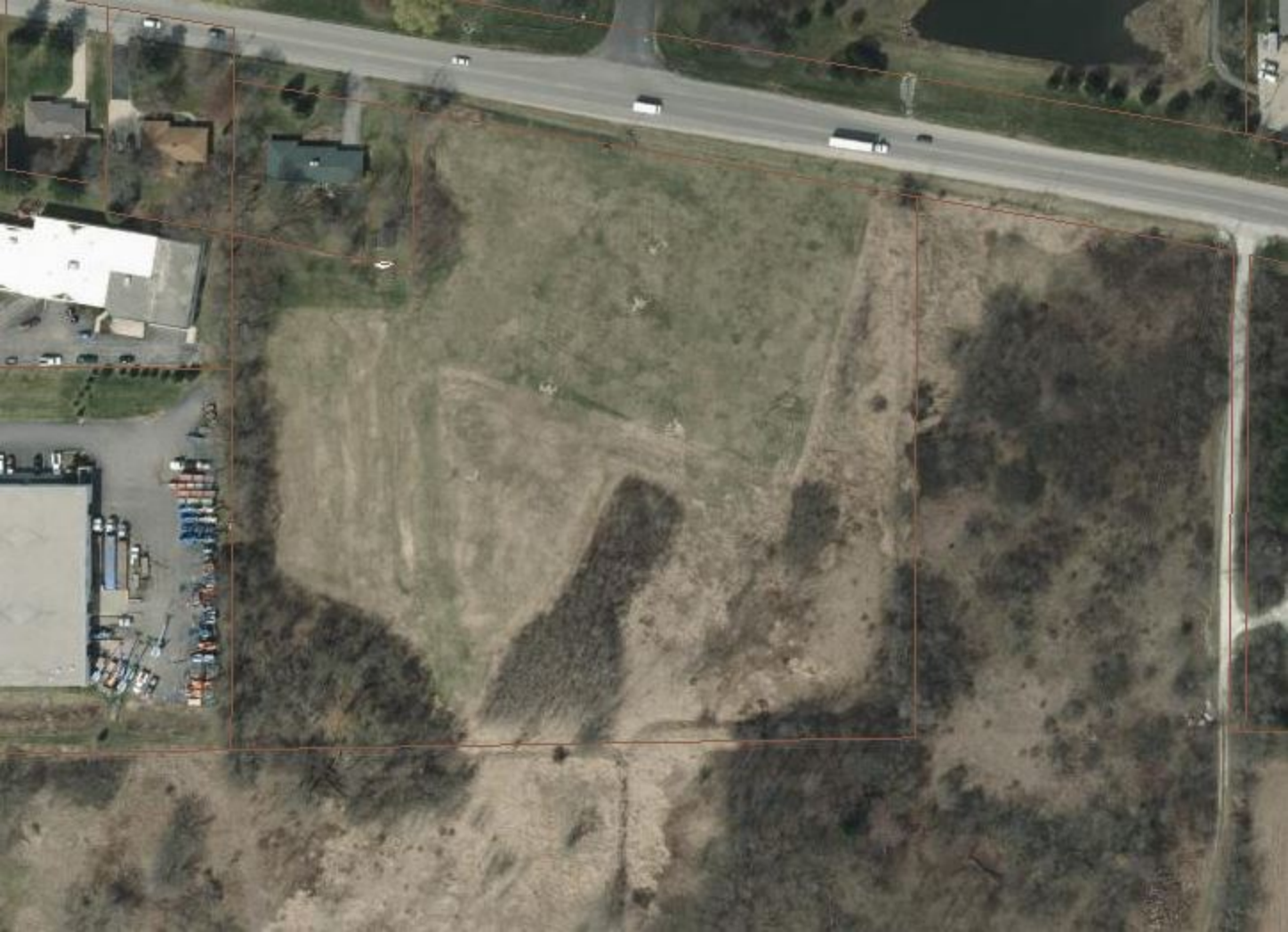
Limited Common Element for
each unit (typ.)

All other areas outside the Unit and
Limited Common Element for each
unit are Common Elements.

25' STORM SEWER EASEMENT
PER D.C. #1226090

S01°24'31"W 528.25'
(N00°70'10"E 528.09' CSM 11279)

Lot 1
CSM 11279





Village of Sussex

DISCLAIMER:

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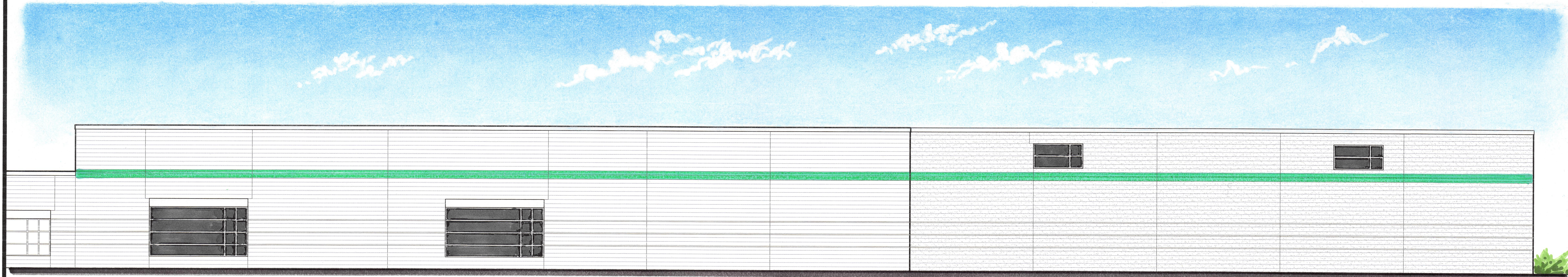


SCALE: 1 = 167'

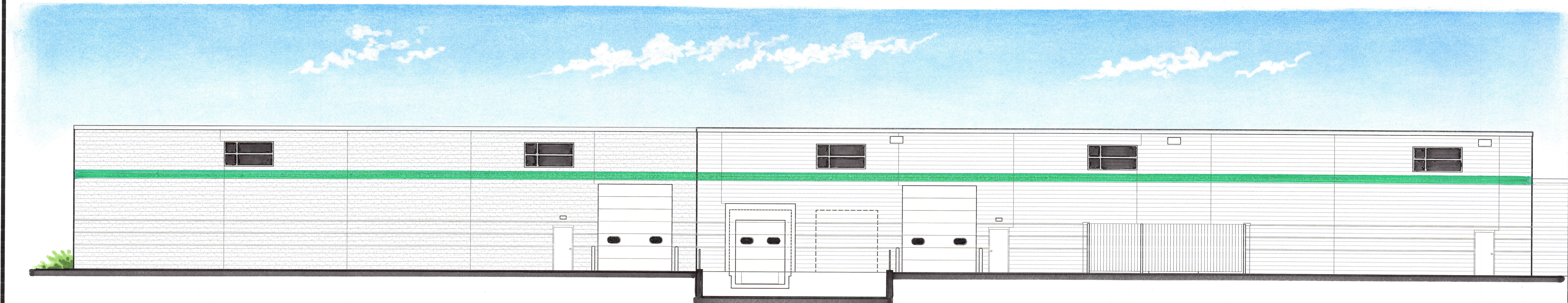


Village of Sussex
N64 W23760 Main Street
Sussex, WI 53089
262-246-5200

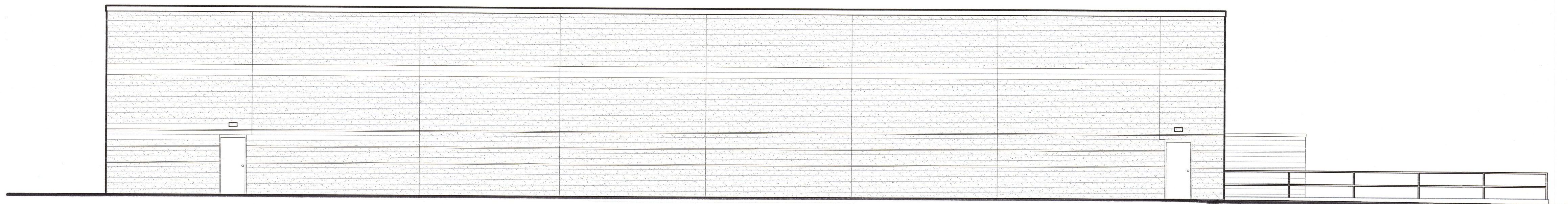
Print Date: 11/11/2020



NORTH ELEVATION

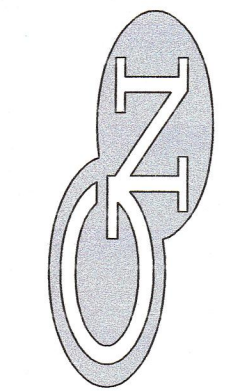


SOUTH ELEVATION



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REVISIONS			
Rev.	Date	Description	By



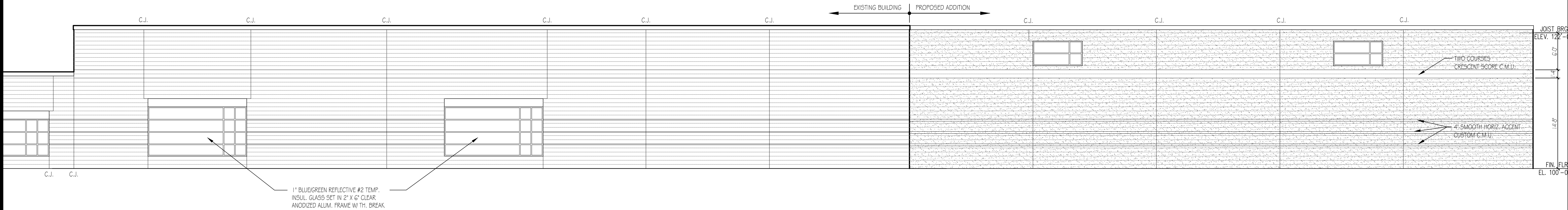
GERALD NELL INC.
W229 N1680 WESTWOOD DRIVE
WAUKESHA, WI 53186-1152
262-513-3750

BEVCO ADDITION
W222N5739 MILLER WAY
SUSSEX, WISCONSIN

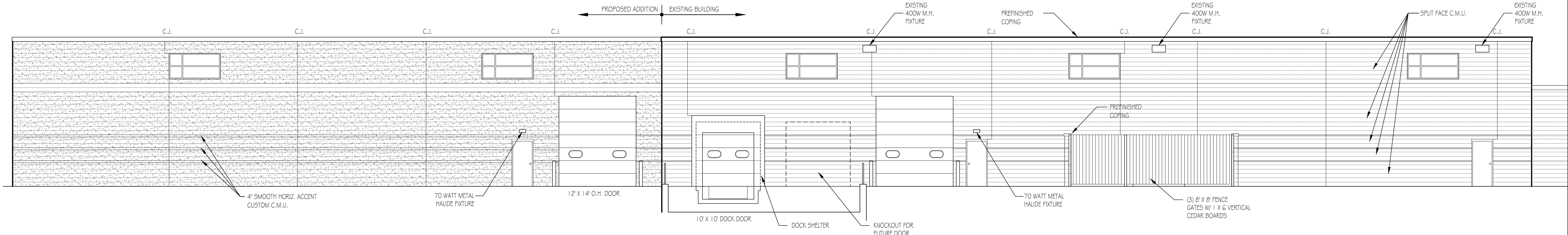
Drawn By
MIF
Date
9-24-20
Scale
1/8" = 1'-0"
Job Number
Sheet Name
EXTERIOR ELEVATIONS
Sheet Number

A4.1

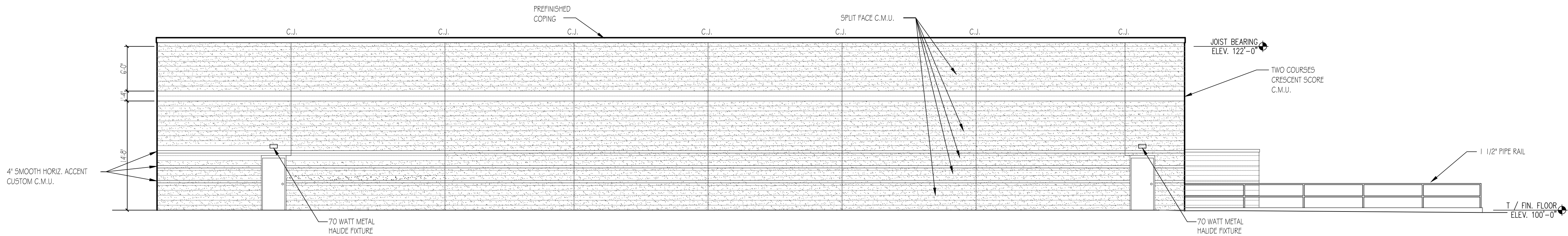
SHEET OF TOTAL SHEETS



NORTH ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

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REVISIONS			
Rev.	Date	Description	By

GERALD NELL INC.

W229 N1680 WESTWOOD DRIVE
WAUKESHA, WI 53186-1152
262-513-3750

BEVCO ADDITION
W222N5739 MILLER WAY
SUSSEX, WISCONSIN

Drawn By
MF

Date
9-24-20

Scale
1/8" = 1'-0"

Job Number

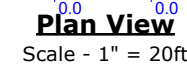
Sheet Name

EXTERIOR ELEVATIONS

Sheet Number

A4.1

SHEET OF TOTAL SHEETS



Note

1. READINGS AT GROUND LEVEL
2. MEASUREMENTS TEN FEET ON CENTER



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? No If yes, is this a new CU? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0244 992 003 Zoning: BP-1

Address of Tenant Space: W222 N5739 MILLER WAY

1. Name of Business:

BEVCO ENGINEERING COMPANY, INC
Business
W222 N5739 MILLER WAY SUSSEX HI 53089
Address City, State, Zip Phone # 262-820-2400
262-820-2599 Email address Cshult@bevcoengineering.com
Fax #

2. Business owner contact information:

Chris Shult
Contact
W222 N5739 MILLER WAY SUSSEX HI 53089
Address City, State, Zip Phone # 262-820-2400
262-820-2599 Email address Cshult@bevcoengineering.com
Fax #

3. Building/Land owner contact information:

Glenbrook CT LLC Chris Shult
Contact
W222 N5739 MILLER WAY SUSSEX HI 262-820-2400
Address City, State, Zip Phone #
262-820-2599 Email address Cshult@bevcoengineering.com
Fax #

4. Number of Employees/Shifts: 55 1
Employees Shifts

5. Days of Operation:

Put an X in box that
applies:
Hours
Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
6-5	6-5	6-5	6-5	6-5		

6. Is this an extension of an existing operation? yes

7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.

8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
If yes, explain: _____

If yes, please obtain and complete permit application.

9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A

10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____

11. Dimension of area to be occupied Approx 14,000 Total square footage 39,000 sq ft

If applicable list square footage according to 1st floor N/A 2nd floor N/A

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:

Total Number of Parking Spaces 75 Number of spaces needed per code 55

Number of spaces allocated for employee parking ALL

Dimensions of parking lot ~40,000 SF Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?

No additional signage will be needed

If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Chris Shult

Name

CEO

Title or Position

10-23-20

Date

I am aware and approve of the business to be operating in the building

owned by Glenbrook CT LLC

Chris Shult

Name

managing member

Title or Position

10-23-20

Date



WAUKESHA
COUNTY TECHNICAL
COLLEGE

800 Main Street
Pewaukee, Wisconsin 53072
www.wctc.edu

We design And build electrical control panels.

Electrical control panels and electrical components are used in the assembly of our products and are stored there until they are put into the panels.

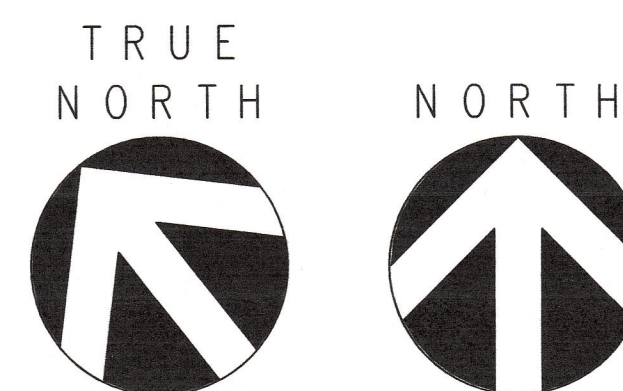
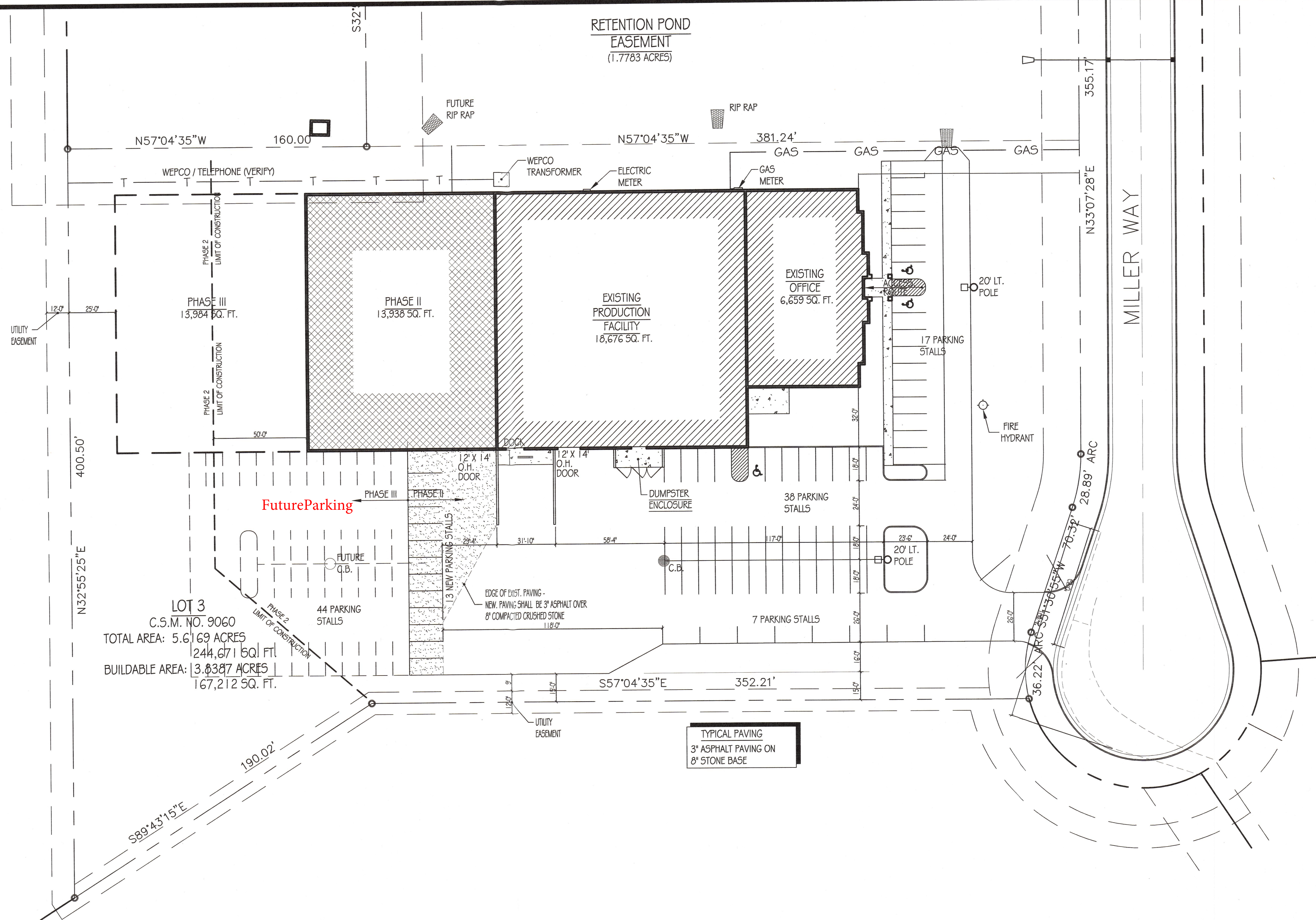
PRELIMINARY
NOT FOR
CONSTRUCTION

CONSTRUCTION DATA

APPLICABLE CODES	2015 IBC WITH WISCONSIN MODIFICATIONS
BUILDING CODE:	SUSSEX ZONING CODE
ZONING CODE:	BP-1
SITE CRITERIA	
ZONING DESIGNATION:	BP-1
BUILDING CRITERIA	
BUILDING OCCUPANCY:	BUSINESS GROUP B, FACTORY GROUP F-1 AND STORAGE GROUP S-2
OCCUPANCY CLASSIFICATION:	FACTORY GROUP F-1
MOST RESTRICTIVE OCCUPANCY:	NONE (PER SECTION 508.3)
REQUIRED OCCUPANCY SEPARATION:	3B
CONSTRUCTION TYPE:	PROVIDED PER NFPA 13 REQUIREMENTS
NUMBER OF STORIES:	75
FIRE PROTECTION:	
MAXIMUM BUILDING HEIGHT (PER IBC):	Is = 3
MAXIMUM ALLOWABLE AREA:	W = [(591 X 30) + (92 X 25)] / 683
SPRINKLER INCREASE:	29.3
WEIGHTED AVERAGE OF WIDTHS:	If = [(6 - 0.25) W] / 30
FRONTAGE INCREASE:	--- X ---
TOTAL:	Aa = At + [(Aa)(Is)] + [(Aa)(If)]
--- S.F.	--- S.F.
BUILDING AREA:	
EXISTING BUILDING:	25,335 S.F.
PROPOSED ADDITION:	13,936 S.F.
TOTAL:	39,273 S.F.
CLASSIFICATION OF WORK:	ADDITION, ALTERATION-LEVEL 2
ZONING CRITERIA	
GENERAL LOT INFORMATION	
LOT AREA:	5.6169 ACRES (244,671 S.F.)
AREA DISTURBED BY CONSTRUCTION:	45 ACRES (19,500 S.F.)
AREA OF NEW IMPERVIOUS SURFACE:	.41 ACRES (18,034 S.F.)
BUILDING / PARKING SETBACKS	
STREET YARD:	40' / 30'
SIDE YARD:	25' / 5'
REAR YARD:	25' / 5'
MAXIMUM BUILDING HEIGHT:	60'
LOT COVERAGE	
BUILDING FOOTPRINT	25,335 S.F.
EXISTING BUILDING:	13,936 S.F.
PROPOSED ADDITION:	39,273 S.F.
TOTAL:	16.1% 75% MAX.
HARD SURFACE AREA	36,924 S.F.
EXISTING PAVING:	4,086 S.F.
PROPOSED PAVING:	41,020 S.F.
TOTAL:	16.7% 25% MIN.
GREEN SPACE AREA:	164,378 S.F.
PARKING	
PARKING REQUIRED	1 SPACE FOR EACH EMPLOYEE FOR THE WORK SHIFT WITH THE LARGEST NUMBER OF EMPLOYEES
55 EMPLOYEES = 55 PARKING STALLS REQUIRED	
PARKING PROVIDED	72 STALLS
STANDARD PARKING STALLS:	3 STALLS
HANDICAPPED STALLS:	75 STALLS
TOTAL:	

SITE PLAN LEGEND

---	PROPERTY LINE
---	SETBACK LINE
---	BURIED GAS MAIN
---	BURIED TELEPHONE
o	FOUND IRON PIPE
o	CATCH BASIN
---	TRENCH DRAIN
o	HYDRANT
o	20' LIGHT POLE
---	EDGE OF TREES
---	ASPHALT PAVING
---	CONCRETE



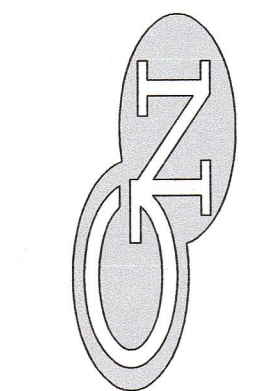
SITE / UTILITY PLAN

1" = 30'-0"

GENERAL NOTES:

- HANDICAPPED SPACES MUST BE PAINTED BLUE PER VILLAGE ORDINANCE

GERALD NELL INC.
W229 N1680 WESTWOOD DRIVE
WAUKESHA, WI 53186-1152
262-513-3750



BEVCO ADDITION
W222N5739 MILLER WAY
SUSSEX, WISCONSIN

Drawn By
MF
Date
9-24-20
Scale
1" = 30'-0"
Job Number

Sheet Name
SITE PLAN

Sheet Number

A1.1

SHEET OF TOTAL SHEETS

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Legend

Plats

Retired Plats

Municipal Boundary_2K

FacilitySites_2K_Labels

Lots_2K

- Lot
- Outlot
- Unit

SimultaneousConveyance

- Assessor Plat
- CSM
- Condominium
- Subdivision

Cartoline_2K

- <all other values>
- EA-Easement_Line
- PL-DA
- PL-Extended_Tie_line
- PL-Meander_Line
- PL-Note
- PL-Tie
- PL-Tie_Line

Road Centerlines_2K

Railroad_2K

TaxParcel_2K

Waterbodies_2K_Labels

Waterlines_2K_Labels

Municipal Boundary_5K

FacilitySites_5K_Labels

Waterbodies_5K_Labels

Waterlines_5K_Labels

Railroad_5K

SimultaneousConveyance

- Assessor Plat
- CSM
- Condominium
- Subdivision

TaxParcel_5K

Notes:

Printed: 11/5/2020



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PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? No If yes, is this a new CU? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0278999036

Zoning: BP1

Address of Tenant Space: W248N5250 Executive Dr, Sussex, WI 53089

1. Name of Business:

Momentum early learning

Business

W248N5250 Executive Dr	Sussex, WI 53089	262-777-1431
Address	City, State, Zip	Phone #
	jmillar@momentumearlylearning.com	

Fax #	Email address
-------	---------------

2. Business owner contact information:

Jennifer Miller

Contact

W270N6139 Maple St	Sussex, WI 53089	262-777-1431
Address	City, State, Zip	Phone #
	jmillar@momentumearlylearning.com	262-777-1431

Fax #	Email address
-------	---------------

3. Building/Land owner contact information:

Same as above

Contact

Address	City, State, Zip	Phone #
Fax #	Email address	

4. Number of Employees/Shifts: 25 (current) 50 (future) 1

Employees Shifts

5. Days of Operation:

Put an X in box that applies:
Hours
Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X		
6am-6pm	6am-6pm	6am-6pm	6am-6pm	6am-6pm		

6. Is this an extension of an existing operation? Yes
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? _____ Do you need an Outdoor Establishment Permit? _____
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? _____
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____
11. Dimension of area to be occupied See building drawings Total square footage 24,000 sq ft
If applicable list square footage according to 1st floor 24,000 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
Total Number of Parking Spaces _____ Number of spaces needed per code _____
Number of spaces allocated for employee parking _____
Dimensions of parking lot _____ Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?

We will be upgrading our current sign and moving more to the center of the building.

If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Jennifer Miller
Name
Owner / Managing member
Title or Position

11/3/2020
Date

I am aware and approve of the business to be operating in the building
owned by Miller Executive LLC.

Jennifer Miller
Name
Owner / Managing Member
Title or Position

11/3/2020
Date

Momentum Early Learning Business Plan Expansion

- Jennifer and Brandon Miller purchased the business of Momentum Early Learning in June 2019.
- We are buying the entire building located at W248N5250 Executive Dr, Sussex, WI 53089.
- We are planning to expand the daycare business into the current empty space next door (old Flabbergast).
- Total construction build will be an additional 14,000 square feet (currently occupy approx 10,000 sq ft)
- We currently are licensed to have 135 children and are at full capacity.
- There is large demand for additional childcare in the area and we already have a waiting list for 2021.
- With the expansion, we will likely be able to support approx 200 total children.
- We will expand from 25 employees to approx 40-50 employees with full children enrollment.
- We anticipate being at full enrollment within the first 1-2 years as we ramp up.
- We provide top notch employment for teachers in the area. Pay better than most (\$15/hr) and offer health and other employee benefits like discounted childcare.
- We provide childcare for children 6 weeks to 12 years old. Each room has a different capacity and we abide by all state rules and regulations pertaining to childcare licensing. We are in good standing with licensing.
- Additional information regarding projected enrollment and business questions below.

2021 End of Year Projection	Children Enrolled	Teachers	Floating Teachers
Cuddly Cuties 1	8	2	2
Cuddly Cuties 2	8	2	
Cuddly Cuties 3	7	2	
Mobile Tykes 1	8	2	1
Mobile Tykes 2	8	2	
Trailblazing Tots 1	8	2	
Trailblazing Tots 2	8	2	
Trailblazing Tots 3	8	2	
Trailblazing Tots 4	4	1	
Chatter Bug 1	12	2	1
Chatter Bug 2	9	2	
Lively Learner 1	16	2	
Lively Learner 2	10	2	2
Creative Explorers 1	20	2	
Creative Explorers 2	10	1	
Little Scholars 1	24	2	
Little Scholars 2	12	1	
Junior Leader 1	18	2	
Junior Leader 2	10	1	
	208	34	6

Classroom	Group	Age
Cuddly Cuties, Mobile Tykes, Trailblazing Tots	Infant / Toddler	6 wk - 24 mth
Chatter Bugs	Two's	24 - 30 mth
Lively Learners	Two's Plus	2 1/2 - 3 yrs
Creative Explorers, Little Scholars	Preschool	3 - 4 yrs
Junior Leaders	4K / PreK	4 - 5 yrs
Junior Leaders	4K / PreK AM ONLY CARE	4 - 5 yrs
School Age	Full-day Care	5 - 12 yrs

- **What assumptions do you have to support projections?**
 - Most of these are answered below. We have multiple children on a wait list and continuously have to turn away children due to us being full. The area is exploding with commercial and retail development, as well as residential housing. All of that is outlined below.
- **Is there excess demand? Or New Demand?**
 - Both. As noted, there are multiple new housing developments going up (new demand) and not currently enough childcare centers in the area to support existing demand.
- **Is new business going to be new business or families changing providers to MEL?**
 - I think this will be a combination. We consistently have families reach out to us trying to change child care providers to ours because they are not happy with the service they are receiving at their current child care center. Unfortunately, we are not able to help out too often because we are currently, and have been at capacity.
 - There are a good amount of new subdivisions going up in the area (listed below).
- **Do you have a wait list? Is there a fee to be on it?**
 - 25 Babies on wait list through July of next year. We are not accepting any new babies until August 2021. There is \$75 nonrefundable deposit to be on our baby wait list.
 - 20 other children on wait list- No fee
- **When will expansion be complete?**
 - Hoping to start enrolling children for January 4, 2021 start date. Depends on when we close, when construction can start, and barring no issues with construction.
- **Are there large companies surrounding providing most of demand?**
 - We are in a great location - off two main roads. We are not reliant on any one or two large companies for most of our demand. We have parents that work at multiple different companies throughout the area and are pretty well diversified (Johnson Controls, GE, Milwaukee Tool, Rockwell, Briggs & Stratton, etc) along with many small business owners.
- **Is the surrounding market growing in size? New School? Neighborhoods?**
 - The area is absolutely exploding with new housing, and the area commissions are all generally very in favor of continuing this growth. New Subdivisions going up in close proximity:
 - Barnwood Conservancy
 - Hillside Ridge
 - Ancient Oaks
 - Celtic Ridge
 - Harvest Ridge

- Twin Pines Farm Phase III
- Haas Farms
- Hillside Ridge

• **How do your offerings outweigh the competitors? What's your competitive advantage?**

- Family owned and operated. Many of the centers around the area are corporate run. Teachers do not like working for Kindercare and others like Bright Horizons due to this.
- Cleanliness – if you walk our centers, you will immediately notice this difference vs other centers.
- Quality of teachers – we pay our teachers more, offer health insurance, and treat them better than our competitors. This drives teacher demand to our center, and this spreads quickly via word of mouth. It also translates into better care for children which parents immediately recognize.
- Higher Standards – more rigorous curriculum, cleaner, better communication, etc.
- Youngstar accredited – this means we go above and beyond what is required by the state. If you'd like more info on Youngstar you can check it out here → <https://dcf.wisconsin.gov/youngstar>
- Individualized curriculum from infancy through Pre-k. Our children are leaps and bounds ahead of their counterparts when it comes to Kindergarten readiness. We constantly get comments from teachers and parents that kids enrolling in kindergarten are way ahead of their peers.

• **Do you access to the qualified labor needed for expansion?**

- Yes. Due to how we pay and treat our teachers, we have a constant stream of applications and turn more teachers away than we would like.
- What benefits will new hires receive to draw in new employees?
 - Above industry-average wage
 - 2-3 weeks of paid vacation
 - Paid Sick Days
 - Child care discount
 - Bonus opportunities
 - Full health benefits offering
 - Soon-to-be 401k offering (we are in the process of starting this up)

• **What will you do to show market that you have larger capacity? Events? Promos?**

- Our primary form of advertising which has proven very effective is social media, primarily Facebook and Instagram. These are targeted ads based on geo location, age, and interests of parents. These ads are generally affordable and effective.
- We will pepper the area and new subdivisions with flyers and direct mail.
- Word of mouth.
- Sign in front of building.

• **Will the business change cost to customers with expansion? Up/Down or Same?**

- No. Our tuition rates will stay the same. We will likely be giving a price increase Jan 2021 which is typical and standard.

• **What is current student to teacher ratio? Will this ratio change with expansion?**

- Ratios are set by the state. They will not be changing with expansion.
 - 0-2 year olds – 1 to 4
 - 2-2.5 – 1 to 6
 - 2.5-3 – 1 to 8
 - 3-4 – 1 to 10
 - 4-5 – 1 to 13
 - 5 year olds - 1 to 15

- Summer camp program – 1 to 17

- **Please provide breakdown of pay for each teacher type and education level needed.**

- Floater
- \$10.50-12/hour
- Education: HS Diploma
- Assistant Teacher
- \$10.50-13.50/hour
- Education: HS Diploma, Required 6 credits of higher education (EC1 and/or EC2)
- Lead Teacher
- \$13-16/hour
- Education: Associate Degree, Bachelor's Degree, or higher education credits in early education

- **What has been employee retention? Good or bad what causes that?**

- We have been able to retain good employees and let go of those that need to be let go. Based on everything laid out above (above avg pay, benefits, etc) we see much less employee turnover than other childcare centers in the area. Grass is not always greener on the other side. We have seen multiple teachers come back to us after they left.



Legend

Plats

Retired Plats

Municipal Boundary_2K

FacilitySites_2K_Labels

Lots_2K

- Lot
- Outlot
- Unit

SimultaneousConveyance

- Assessor Plat
- CSM
- Condominium
- Subdivision

Cartoline_2K

- <all other values>
- EA-Easement_Line
- PL-DA
- PL-Extended_Tie_line
- PL-Meander_Line
- PL-Note
- PL-Tie
- PL-Tie_Line

Road Centerlines_2K

Railroad_2K

TaxParcel_2K

Waterbodies_2K_Labels

Waterlines_2K_Labels

Municipal Boundary_5K

FacilitySites_5K_Labels

Waterbodies_5K_Labels

Waterlines_5K_Labels

Railroad_5K

SimultaneousConveyance

- Assessor Plat
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- Condominium
- Subdivision

TaxParcel_5K

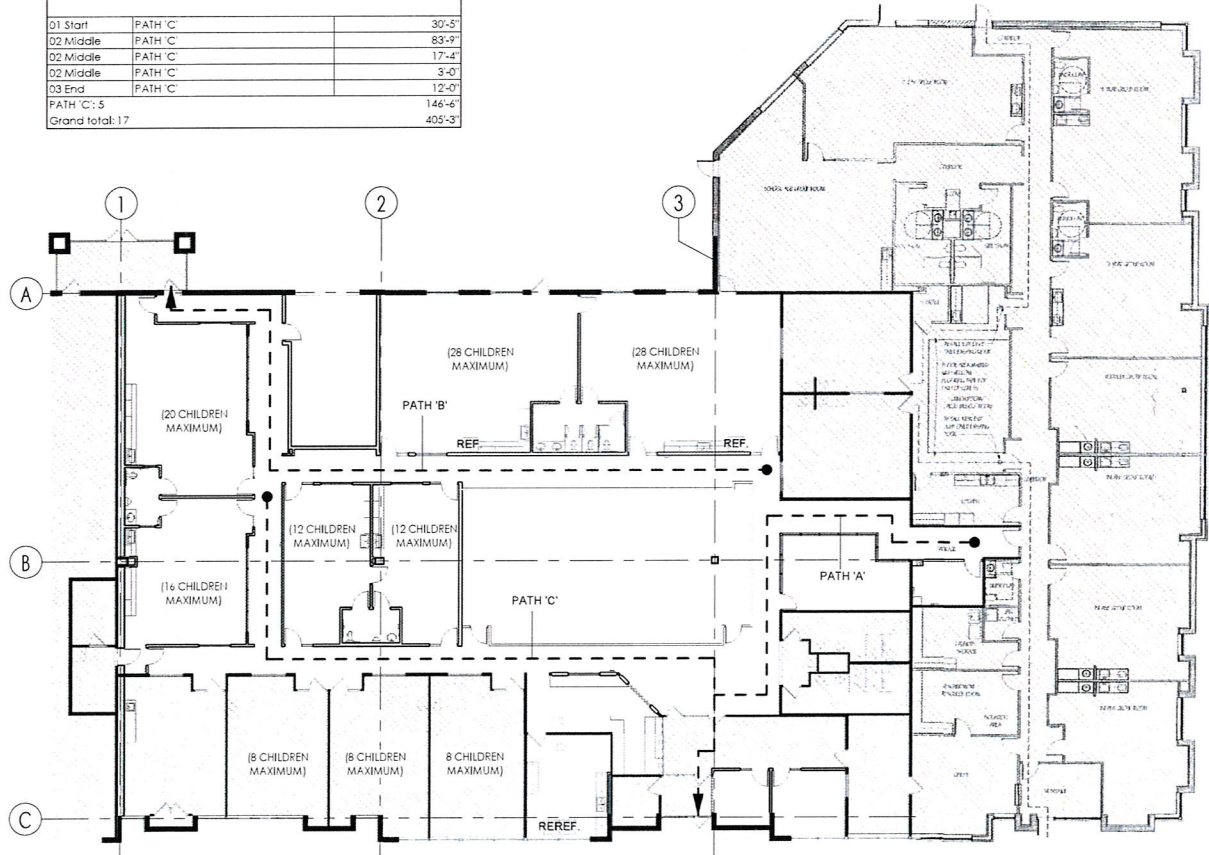
Notes:

Printed: 11/5/2020



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EGRESS DATA		
TYPE	EXIT ROUTE	PATH DISTANCE
01 Start	PATH 'A'	15'-6"
02 Middle	PATH 'A'	5'-0"
02 Middle	PATH 'A'	23'-6"
02 Middle	PATH 'A'	33'-6"
02 Middle	PATH 'A'	9'-9"
02 Middle	PATH 'A'	10'-6"
02 Middle	PATH 'A'	3'-0"
03 End	PATH 'A'	12'-0"
PATH 'A': 8		112'-9"
01 Start	PATH 'B'	93'-0"
02 Middle	PATH 'B'	30'-0"
02 Middle	PATH 'B'	18'-6"
03 End	PATH 'B'	4'-6"
PATH 'B': 4		146'-0"
01 Start	PATH 'C'	30'-5"
02 Middle	PATH 'C'	83'-9"
02 Middle	PATH 'C'	17'-4"
02 Middle	PATH 'C'	3'-0"
03 End	PATH 'C'	12'-0"
PATH 'C': 5		146'-6"
Grand total: 17		405'-3"



1 LIFE SAFETY PLAN
SCALE 1/16" = 1'-0"

CODE ANALYSIS

BUILDING HEIGHTS AND AREA

CONSTRUCTION TYPE:	2B
CONSTRUCTION AREA:	10,605 SF
HEIGHT:	28' - 0"
NUMBER OF STORIES:	1
AUTOMATIC SPRINKLER SYSTEM:	NFPA 13
OCCUPANCY GROUP:	PRIMARY (I-4) DAYCARE SECONDARY (E) EDUCATIONAL ALLOWED MODIFIED
BUILDING HEIGHT:	55'-0" (PER 504.3)
STORY:	3 (PER 504.4)

MEANS OF EGRESS

EXIT DISTANCE ALLOWED:	200' - 0" (TABLE 1017.2)
MAX. DEAD END CORRIDOR:	20' - 0" (PER 1020.4)
MAX. COMMON PATH OF TRAVEL:	75' - 0" (TABLE 1006.2.1)
CORRIDOR RATING:	0 HOURS (TABLE 1020.1)

OCCUPANT LOAD (IBC CHAPTER 10) - (I-4) DAY CARE

ROOM #	ROOM NAME	OCCUPANCY	AREA	FACTOR	NET OR GROSS	CALCULATED LOAD	ACTUAL LOAD
107	LIVELY LEARNERS ROOM	DAY CARE	579 SF	35 SF	NET	16.54	16
112	CHATTER BUGS ROOM	DAY CARE	421 SF	35 SF	NET	12.02	13
114	CHATTER BUGS ROOM	DAY CARE	422 SF	35 SF	NET	12.05	13
127	TRAILBLAZING TOTS	DAY CARE	475 SF	35 SF	NET	13.58	8
128	TRAILBLAZING TOTS	DAY CARE	508 SF	35 SF	NET	14.52	8
129	TRAILBLAZING TOTS	DAY CARE	507 SF	35 SF	NET	14.5	8
TOTAL OCCUPANT LOAD						83.2	64

OCCUPANT LOAD (IBC CHAPTER 10) - (E) EDUCATIONAL

ROOM #	ROOM NAME	OCCUPANCY	AREA	FACTOR	NET OR GROSS	CALCULATED LOAD	ACTUAL LOAD
109	CREATIVE EXPLORERS ROOM	EDUCATIONAL - CLASSROOM	700 SF	20 SF	NET	35.02	20
115	JUNIOR LEADERS ROOM	EDUCATIONAL - CLASSROOM	981 SF	20 SF	NET	49.06	28
117	JUNIOR LEADERS ROOM	EDUCATIONAL - CLASSROOM	988 SF	20 SF	NET	49.42	28
TOTAL OCCUPANT LOAD						133.5	76

EGRESS WIDTH (IBC CHAPTER 10)

SPACE NAME	OCCUPANCY LOAD	STAIR FACTOR	STAIR WIDTH	STAIR PROVIDED	EGRESS FACTOR	EGRESS WIDTH	WIDTH PROVIDED
DAY CARE	177	N/A	N/A	N/A	2'	35.4	108'

SANITARY FIXTURES (IBC CHAPTER 29)

FIXTURE	FACTOR	QUANTITY	REQUIRED	PROVIDED
WATER CLOSETS (I)	1 PER 15	64 PERSONS	5	10
WATER CLOSETS (E)	1 PER 50	76 PERSONS	2	10
URINALS (I)	-	64 PERSONS	-	3
URINALS (E)	-	76 PERSONS	-	3
LAVATORIES (I)	1 PER 15	64 PERSONS	5	8
LAVATORIES (E)	1 PER 50	76 PERSONS	2	8
DRINKING FOUNTAINS (I)	1 PER 100	64 PERSONS	1	1
DRINKING FOUNTAIN (E)	1 PER 100	76 PERSONS	1	1
MOP SINK (I)	-	64 PERSONS	1	1
MOP SINK (E)	-	76 PERSONS	1	1

DRAWING INDEX

G000	TITLE PAGE
G001	PROJECT INFORMATION AND INDEX / LIFE SAFETY PLAN

A001	PROJECT SYMBOLS AND NOTES
A002	ACCESSIBILITY FEATURES (2009 ANSI A117.1)
A005	SCHEDULES AND FINISHES
A010	DOOR TYPES AND SCHEDULES
A020	WALL TYPES AND DETAILS
A021	WALL TYPES AND DETAILS
A022	ACOUSTIC WALL REPORT
A030	DEMOLITION PLAN
A101	CONSTRUCTION PLAN
A201	REFLECTED CEILING PLAN
A301	FINISH PLAN
A401	BUILDING ELEVATIONS
A701	ENLARGED RESTROOM PLANS
A702	RESTROOM ELEVATIONS
A720	INTERIOR ELEVATIONS
A751	CABINET ELEVATIONS AND DETAILS



215 N. WATER STREET, SUITE 250
MILWAUKEE, WISCONSIN 53202
T 414.277.9700 | F 414.277.9705
spsarchitects.com

PROJECT

MOMENTUM EARLY LEARNING EXPANSION

W248N5250 EXECUTIVE DRIVE
SUITE 400
SUSSEX, WI. 53089

CLIENT



REVISIONS

NO.	DESCRIPTION	DATE
-----	-------------	------

INFORMATION

PROJECT ARCHITECT	SPS
PROJECT MANAGER	SRG
PROJECT NUMBER	MCI-20-940.01
ISSUED FOR PERMIT & CONSTRUCTION SET	
DATE	10/21/2020

SHEET

PROJECT INFORMATION AND INDEX /
LIFE SAFETY PLAN

G001

GENERAL CONTRACTOR

McGUIRE CONTRACTORS, INC

N63 W22625 MAIN STREET
SUSSEX, WISCONSIN
CONTACT: STEVE McGUIRE
PHONE: 262.372.3236
FAX: -

ARCHITECTURAL

STEPHEN PERRY SMITH ARCHITECTS

215 N. WATER STREET, SUITE 250
MILWAUKEE, WI 53202
CONTACT: SCOTT CIESLAK
PHONE: 414.277.9700
FAX: 414.277.9705





N64W23760 Main Street

Sussex, Wisconsin 53089

Phone (262) 246-5200

FAX (262) 246-5222

Email: info@villagesussex.org

Website: www.villagesussex.org

MEMORANDUM

TO: Plan Commission

FROM: Jeremy Smith, Village Administrator

RE: Impact Report on Conditional Use Permit for Michael Schmalz

DATE: November 17, 2020

This impact report for the Conditional Use request for indoor storage from Michael Schmalz detailing the impacts of said use to neighboring properties and to Village Services.

SITE LOCATION: N60W22951 Silver Spring **ZONING:** M-1

TRAFFIC AND PARKING IMPACTS:

The anticipated impact to the area will be less than two vehicle trips per day to the site location. This will have a negligible impact on County Highway VV. The site has parking and assigned parking for each unit owner.

NOISE, ODOR, DUST AND LIGHT IMPACTS:

Noise generated from the operation is likely to be minimal and nothing is anticipated to cause consistent or peaking noise volumes that would impact adjacent property owners.

The storage of the type of items listed by the owners is not likely to cause an odor or dust problem and would not likely impact adjacent property owners.

The lighting is only that which was approved for the building and therefore no additional lighting concerns are present.

SAFETY, CRIME, FIRE PREVENTION IMPACTS:

The Director of Police Services has instructed the owners keep the building locked, but otherwise anticipates no significant impacts from the operation.

The Sussex Fire Department needs information about the Knox Box to the building, but has no specific concerns about fire impacts from the operation.

There is not likely to be any additional nuisance from said operations and no specific concerns with respect to crime or fire.

HEALTH AND SANITATION IMPACTS:

All trash, debris and recycle materials are disposed of by the owner. A use as proposed by the owner is not likely to produce significant waste streams. The Condo Association must maintain proper waste management so that debris is not allowed to accumulate on site, no matter how limited any individual user's garbage footprint will be.

There is not likely to be any health concerns from the operation as proposed.

PROPERTY MAINTENANCE IMPACTS:

The property has Condominium By-Laws for the owners to comply with regarding Property Maintenance and the owner will be required to adhere to all Village Ordinances.

MISCELLANEOUS IMPACTS:

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. It's operation will not result in the need for the Village to fund/hire additional Fire, Police, Public Works, Parks, Library, or Garbage resources. This site in general does require additional Zoning Administration and storage type operations can lead to property maintenance issues over time.



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? YES If yes, is this a new CU? YES

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? NO

Tax Key # SUXV0242997006

Zoning: M

Address of Tenant Space: N60W22951 SILVER SPRING DR * SUSSEX WI
Bldg. 10 unit 20

1. Name of Business:

N/A
Business

Address City, State, Zip Phone #

Fax # Email address

2. Business owner contact information:

MICHAEL SCHMALZ
Contact

7553 S. CAMBRIDGE DRIVE FRANKLIN WI 414-403-5975
Address City, State, Zip Phone #

SCHMALZ.MSCHMALZ@AOL.COM
Fax # Email address

3. Building/Land owner contact information:

AS ABOVE
Contact

Address City, State, Zip Phone #

Fax # Email address

4. Number of Employees/Shifts: N/A N/A
Employees Shifts

5. Days of Operation:

Put an X in box that applies:

Hours
Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

6. Is this an extension of an existing operation? NO
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? _____ Do you need an Outdoor Establishment Permit? _____
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? _____ If yes, explain: N/A
11. Dimension of area to be occupied 1500 Total square footage 1500

If applicable list square footage according to 1st floor _____ 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:

Total Number of Parking Spaces 2 Number of spaces needed per code _____
Number of spaces allocated for employee parking _____
Dimensions of parking lot _____ Is parking lot paved? _____

13. Signage: What type of signage are you proposing for your business?

NONE
If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

[Signature]
Name MICHAEL J. SCHMALZ

7/17/2020
Date

Title or Position

I am aware and approve of the business to be operating in the building owned by _____.

Name

Date

Title or Position

Print Form

Clear Form

Kasey Fluet

From: schmalzmschmalz@aol.com
Sent: Wednesday, September 23, 2020 8:09 PM
To: Kasey Fluet
Subject: Conditional Use Permit Application
Attachments: Scan.pdf Conditional Use Permit.pdf

Dear Ms Fluet,

Attached is the application for the conditional use permit that should have been forwarded to you in mid July by the sellers agent. I apologize for the confusion but I was led to believe that this was done.

My plan for the unit in the "Venture Space" development is to use it as a "hobby space" I am an automobile collector and needed a space to pursue my passion. Other potential uses include woodworking and home brewing. This is not a business and as I near retirement I hope to spend many hours there enjoying my hobbies. I was led to believe that this would not be a problem by the seller.

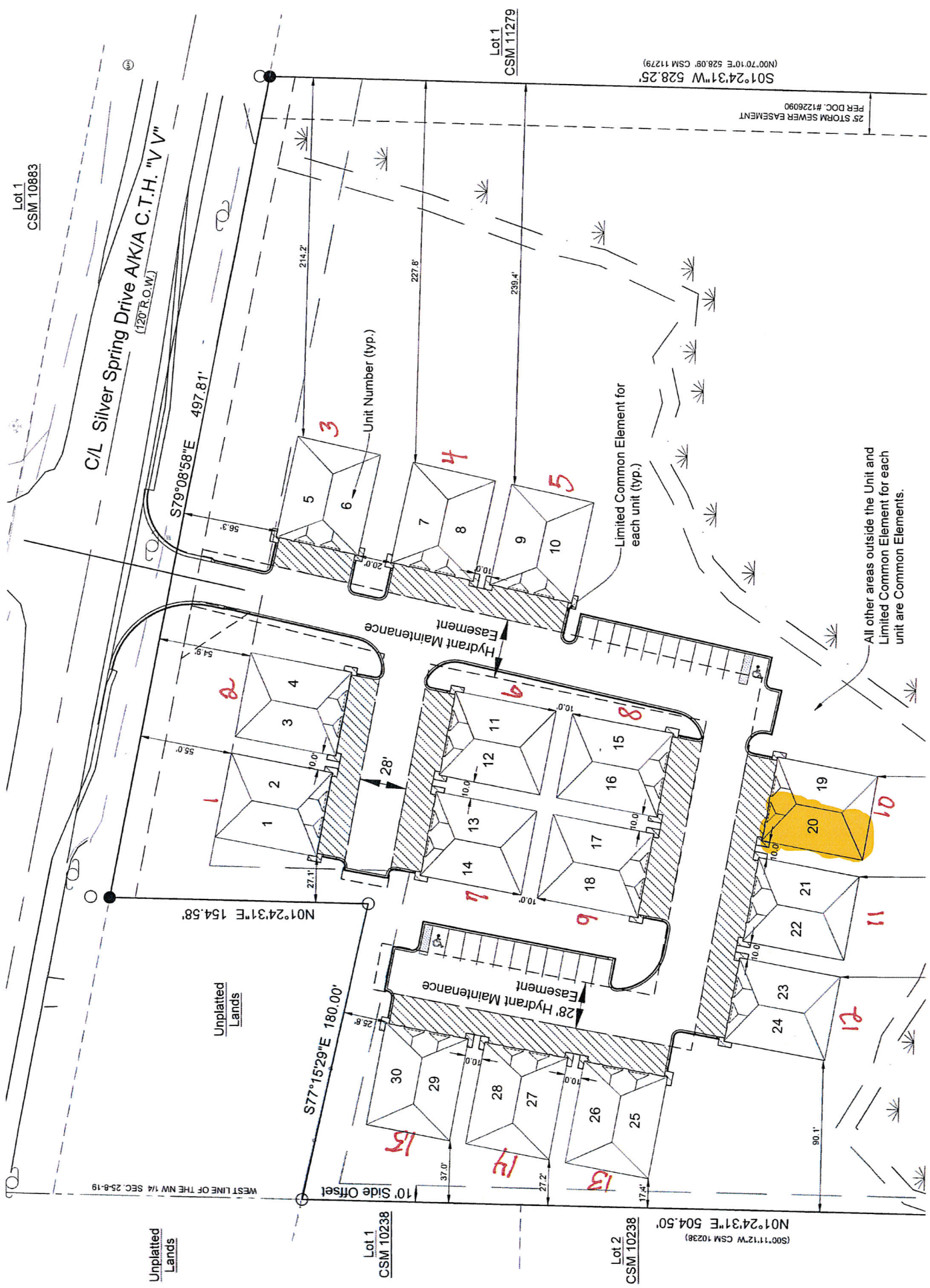
Thank You

Sincerely
Michael J. Schmalz
414-403-5975
schmalzmschmalz@aol.com

Sent from Windows Mail

Lot 1
CSM 10883

C/L Silver Spring Drive A/K/A C.T.H. "V V"
(120' R.O.W.)



Unplanted
Lands

Lot 1
CSM 10238

Lot 2
CSM 10238

N01°24'31"E 504.50'
(S00°11'12"W CSM 10238)

N01°24'31"E 154.58'

S77°15'29"E 180.00'

10' Side Offset

28' Hydrant Maintenance Easement

Hydrant Maintenance Easement

Limited Common Element for each unit (typ.)

All other areas outside the Unit and Limited Common Element for each unit are Common Elements.

25' STORM SEWER EASEMENT
PER DDC #1226090

S01°24'31"W 528.25'
(N00°70'10"E 528.09' CSM 11279)

Lot 1
CSM 11279



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? No If yes, is this a new CU? No

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # TBD, Needs to be Built

Zoning: M1

Address of Tenant Space: N60W22951 Silver Spring Drive Unit #18-VentureSpace Condominiums Bldg. 9 Unit 18.

1. Name of Business:

Bookin' It, LLC

Business

W177N5422 Legend Ct. Menomonee Falls, WI 53051 262-224-9283

Address City, State, Zip Phone #

N/A stanleysaysread@gmail.com

Fax # Email address

2. Business owner contact information:

Elizabeth A. Stanley

Contact

W177N5422 Legend Ct. Menomonee Falls, WI 53051 262-224-9283

Address City, State, Zip Phone #

N/A stanleysaysread@gmail.com

Fax # Email address

3. Building/Land owner contact information:

Elizabeth A. Stanley

Contact

W177N5422 Legend Ct. Menomonee Falls, WI 53051 262-224-9283

Address City, State, Zip Phone #

N/A stanleysaysread@gmail.com

Fax # Email address

4. Number of Employees/Shifts: 0 N/A
Employees Shifts

5. Days of Operation:

Put an X in box that applies:

Hours

Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X	X	X
Accessible Daily	Accessible Daily	Accessible Daily	Accessible Daily	Accessible Daily	Accessible Daily	Accessible Daily
N/A	N/A	N/A	N/A	N/A	N/A	N/A

6. Is this an extension of an existing operation? No
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____
11. Dimension of area to be occupied 1,500 Square Feet Total square footage 1,500 Square Feet
If applicable list square footage according to 1st floor 1,500 Square Feet 2nd floor N/A

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
Total Number of Parking Spaces 2 Number of spaces needed per code 2
Number of spaces allocated for employee parking N/A
Dimensions of parking lot Shared Lot with Association Is parking lot paved? Yes

13. Signage: What type of signage are you proposing for your business?
N/A

If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Elizabeth Stanley 9/13/2020
Name Date
Member
Title or Position

I am aware and approve of the business to be operating in the building
owned by Bookin' It, LLC.

Elizabeth Stanley 9/13/2020
Name Date
Member
Title or Position

Print Form

Clear Form

7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.

Building space to be used by Bookin' It, LLC as a personal family office for volunteer work with libraries and philanthropy and for seasonal storage of personal and recreational vehicles and as a hobby workshop.

Lot 1
CSM 10883

C/L Silver Spring Drive A/K/A C.T.H. "V V"
(120' R.O.W.)

Unplatted
Lands

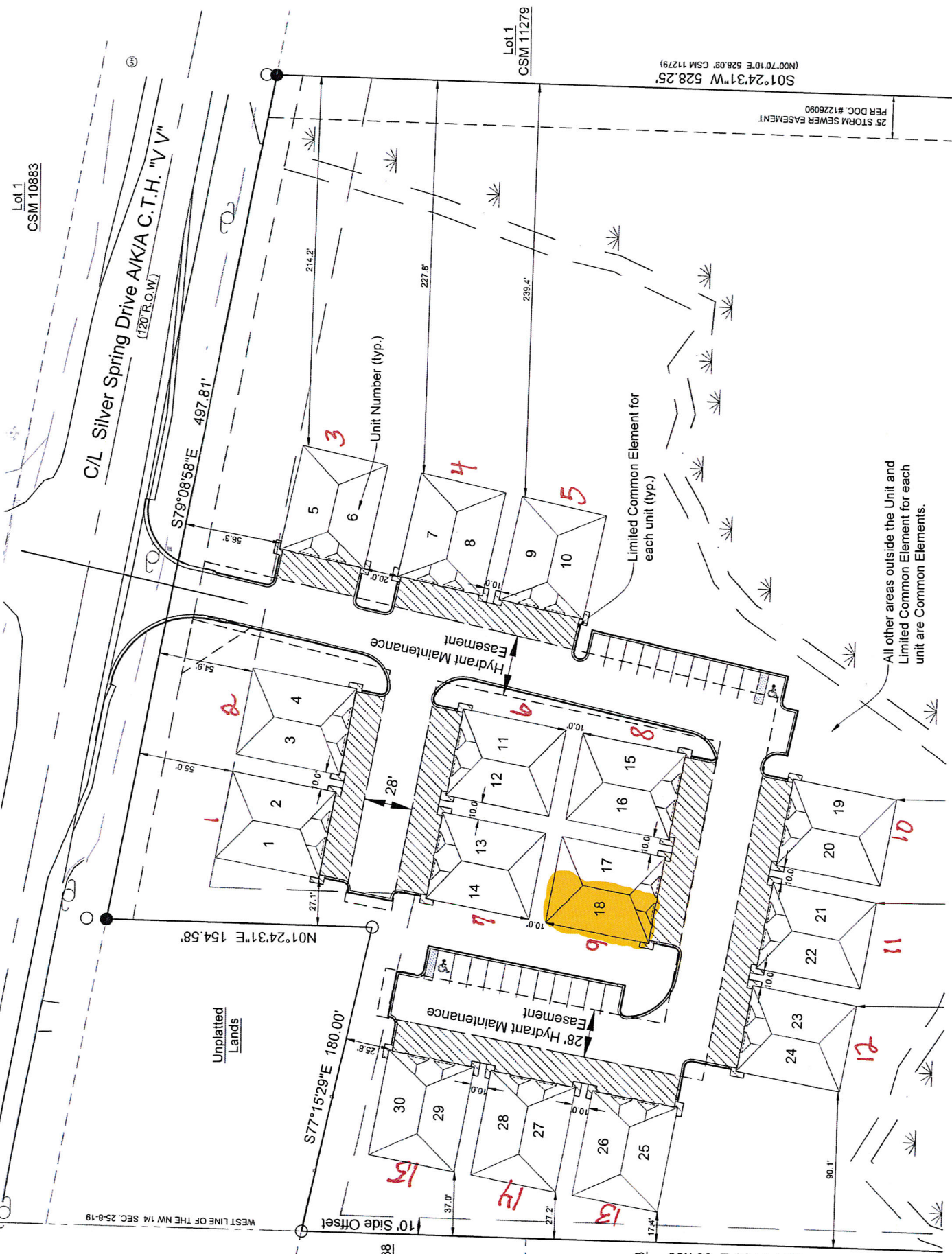
Lot 1
CSM 10238

Lot 2
CSM 10238

Lot 1
CSM 11279

S01°24'31"W 528.25'
(N00°70'10"E 528.08' CSM 11279)

25' STORM SEWER EASEMENT
PER DOC. #1226090



All other areas outside the Unit and
Limited Common Element for each
unit are Common Elements.



N64W23760 Main Street

Sussex, Wisconsin 53089

Phone (262) 246-5200

FAX (262) 246-5222

Email: info@villagesussex.org

Website: www.villagesussex.org

MEMORANDUM

TO: Plan Commission

FROM: Jeremy Smith, Village Administrator

RE: Impact Report on Conditional Use Permit for Bookin' It

DATE: November 17, 2020

This impact report for the Conditional Use request for indoor storage from Bookin' It detailing the impacts of said use to neighboring properties and to Village Services.

SITE LOCATION: N60W22951 Silver Spring **ZONING:** M-1

TRAFFIC AND PARKING IMPACTS:

The anticipated impact to the area will be less than two vehicle trips per day to the site location. This will have a negligible impact on County Highway VV. The site has parking and assigned parking for each unit owner.

NOISE, ODOR, DUST AND LIGHT IMPACTS:

Noise generated from the operation is likely to be minimal and nothing is anticipated to cause consistent or peaking noise volumes that would impact adjacent property owners.

The storage of the type of items listed by the owners is not likely to cause an odor or dust problem and would not likely impact adjacent property owners.

The lighting is only that which was approved for the building and therefore no additional lighting concerns are present.

SAFETY, CRIME, FIRE PREVENTION IMPACTS:

The Director of Police Services has instructed the owners keep the building locked, but otherwise anticipates no significant impacts from the operation.

The Sussex Fire Department needs information about the Knox Box to the building, but has no specific concerns about fire impacts from the operation.

There is not likely to be any additional nuisance from said operations and no specific concerns with respect to crime or fire.

HEALTH AND SANITATION IMPACTS:

All trash, debris and recycle materials are disposed of by the owner. A use as proposed by the owner is not likely to produce significant waste streams. The Condo Association must maintain proper waste management so that debris is not allowed to accumulate on site, no matter how limited any individual user's garbage footprint will be.

There is not likely to be any health concerns from the operation as proposed.

PROPERTY MAINTENANCE IMPACTS:

The property has Condominium By-Laws for the owners to comply with regarding Property Maintenance and the owner will be required to adhere to all Village Ordinances.

MISCELLANEOUS IMPACTS:

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. It's operation will not result in the need for the Village to fund/hire additional Fire, Police, Public Works, Parks, Library, or Garbage resources. This site in general does require additional Zoning Administration and storage type operations can lead to property maintenance issues over time.



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? Yes If yes, is this a new CU? x

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0242997006

Zoning: M-1

Address of Tenant Space: N60W22951 Silver Spring Dr., Units 1 & 2, Sussex, WI

1. Name of Business:

N/A

Business _____

Address _____ City, State, Zip _____ Phone # _____

Fax # _____ Email address _____

2. Business owner contact information:

N/A

Contact _____

Address _____ City, State, Zip _____ Phone # _____

Fax # _____ Email address _____

3. Building/Land owner contact information:

Mark Bush

Contact _____

N35W23687 Auburn Court Pewaukee, WI 53072 608-751-0000

Address _____ City, State, Zip _____ Phone # _____

mbush@krsinvestments.com

Fax # _____ Email address _____

4. Number of Employees/Shifts: n/a n/a

Employees

Shifts

5. Days of Operation:

Put an X in box that applies:

Hours

Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

6. Is this an extension of an existing operation? No
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? n/a
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____
11. Dimension of area to be occupied 50 x 60 Total square footage 3,000
If applicable list square footage according to 1st floor 3,000 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:

Total Number of Parking Spaces 0 Number of spaces needed per code _____
Number of spaces allocated for employee parking 0
Dimensions of parking lot see attached Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?

None.

If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Mark B...
Name
DW...
Title or Position

10-12-2020
Date

I am aware and approve of the business to be operating in the building owned by _____

Name

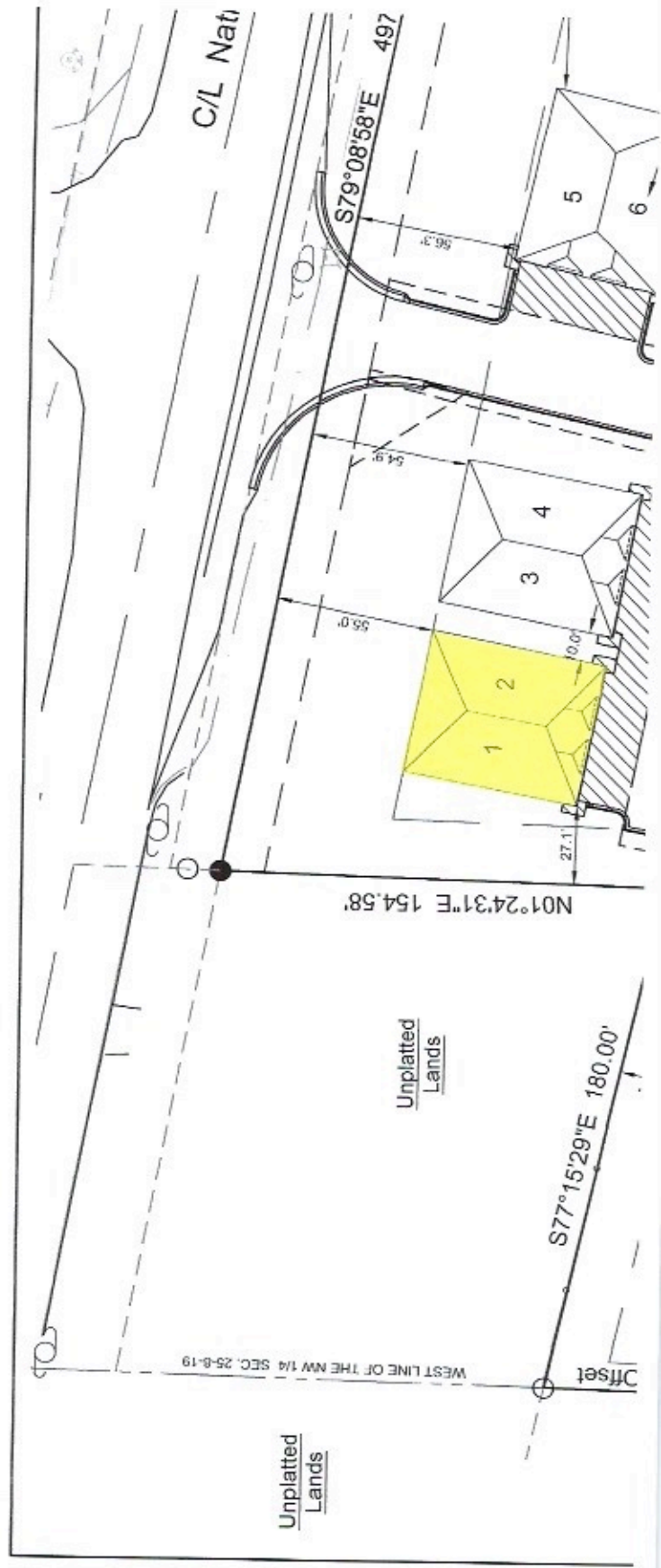
Title or Position

Date

Print Form

Clear Form

The site will be used for storage of and routine maintenance of classic cars. Applicant will ensure that the property is used in a manner that is consistent with all local ordinances and rules.





N64W23760 Main Street

Sussex, Wisconsin 53089

Phone (262) 246-5200

FAX (262) 246-5222

Email: info@villagesussex.org

Website: www.villagesussex.org

MEMORANDUM

TO: Plan Commission

FROM: Jeremy Smith, Village Administrator

RE: Impact Report on Conditional Use Permit for Mark Bush

DATE: November 17, 2020

This impact report for the Conditional Use request for indoor storage from Mark Bush detailing the impacts of said use to neighboring properties and to Village Services.

SITE LOCATION: N60W22951 Silver Spring **ZONING:** M-1

TRAFFIC AND PARKING IMPACTS:

The anticipated impact to the area will be less than two vehicle trips per day to the site location. This will have a negligible impact on County Highway VV. The site has parking and assigned parking for each unit owner.

NOISE, ODOR, DUST AND LIGHT IMPACTS:

Noise generated from the operation is likely to be minimal and nothing is anticipated to cause consistent or peaking noise volumes that would impact adjacent property owners.

The storage of the type of items listed by the owners is not likely to cause an odor or dust problem and would not likely impact adjacent property owners.

The lighting is only that which was approved for the building and therefore no additional lighting concerns are present.

SAFETY, CRIME, FIRE PREVENTION IMPACTS:

The Director of Police Services has instructed the owners keep the building locked, but otherwise anticipates no significant impacts from the operation.

The Sussex Fire Department needs information about the Knox Box to the building, but has no specific concerns about fire impacts from the operation.

There is not likely to be any additional nuisance from said operations and no specific concerns with respect to crime or fire.

HEALTH AND SANITATION IMPACTS:

All trash, debris and recycle materials are disposed of by the owner. A use as proposed by the owner is not likely to produce significant waste streams. The Condo Association must maintain proper waste management so that debris is not allowed to accumulate on site, no matter how limited any individual user's garbage footprint will be.

There is not likely to be any health concerns from the operation as proposed.

PROPERTY MAINTENANCE IMPACTS:

The property has Condominium By-Laws for the owners to comply with regarding Property Maintenance and the owner will be required to adhere to all Village Ordinances.

MISCELLANEOUS IMPACTS:

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. It's operation will not result in the need for the Village to fund/hire additional Fire, Police, Public Works, Parks, Library, or Garbage resources. This site in general does require additional Zoning Administration and storage type operations can lead to property maintenance issues over time.



PLAN OF OPERATION

To be used for a business with changes or new business in an existing building.

Is this request to be considered for a Conditional Use? ☒ If yes, is this a new CU? ☒

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # Unit 14 Bldg 7

Zoning: M-1

Address of Tenant Space: _____

1. Name of Business:

MICHAEL KAEREK

Business

Address

City, State, Zip

Phone #

Fax #

Email address

2. Business owner contact information:

MICHAEL KAEREK

Contact

N 30 W 28875 West Lakeside Dr.

Address

City, State, Zip

Phone #

Rosowhe Wis 53072

Fax #

Email address

3. Building/Land owner contact information:

SAME

Contact

Address

City, State, Zip

Phone #

Fax #

Email address

4. Number of Employees/Shifts:

0

Employees

0

Shifts

5. Days of Operation:

Put an X in box that applies:

Hours

Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<u>24-7</u>						

6. Is this an extension of an existing operation? NO
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises. None Storage only
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? _____
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? NO
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied 25' x 60' Total square footage 1500
If applicable list square footage according to 1st floor 1500 2nd floor _____

Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
Total Number of Parking Spaces 2 Number of spaces needed per code 2
Number of spaces allocated for employee parking 0
Dimensions of parking lot N/A Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business? None

If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

I have reviewed a copy of the Zoning Ordinance in the Village of Sussex and hereby agree to abide by the same, as well as any and all terms and conditions of any permit issued pursuant to this application.

I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Michael J. Kane
Name

10-29-2020
Date

Title or Position

I am aware and approve of the business to be operating in the building owned by Michael J. Kane

Name

10-29-2020
Date

Title or Position

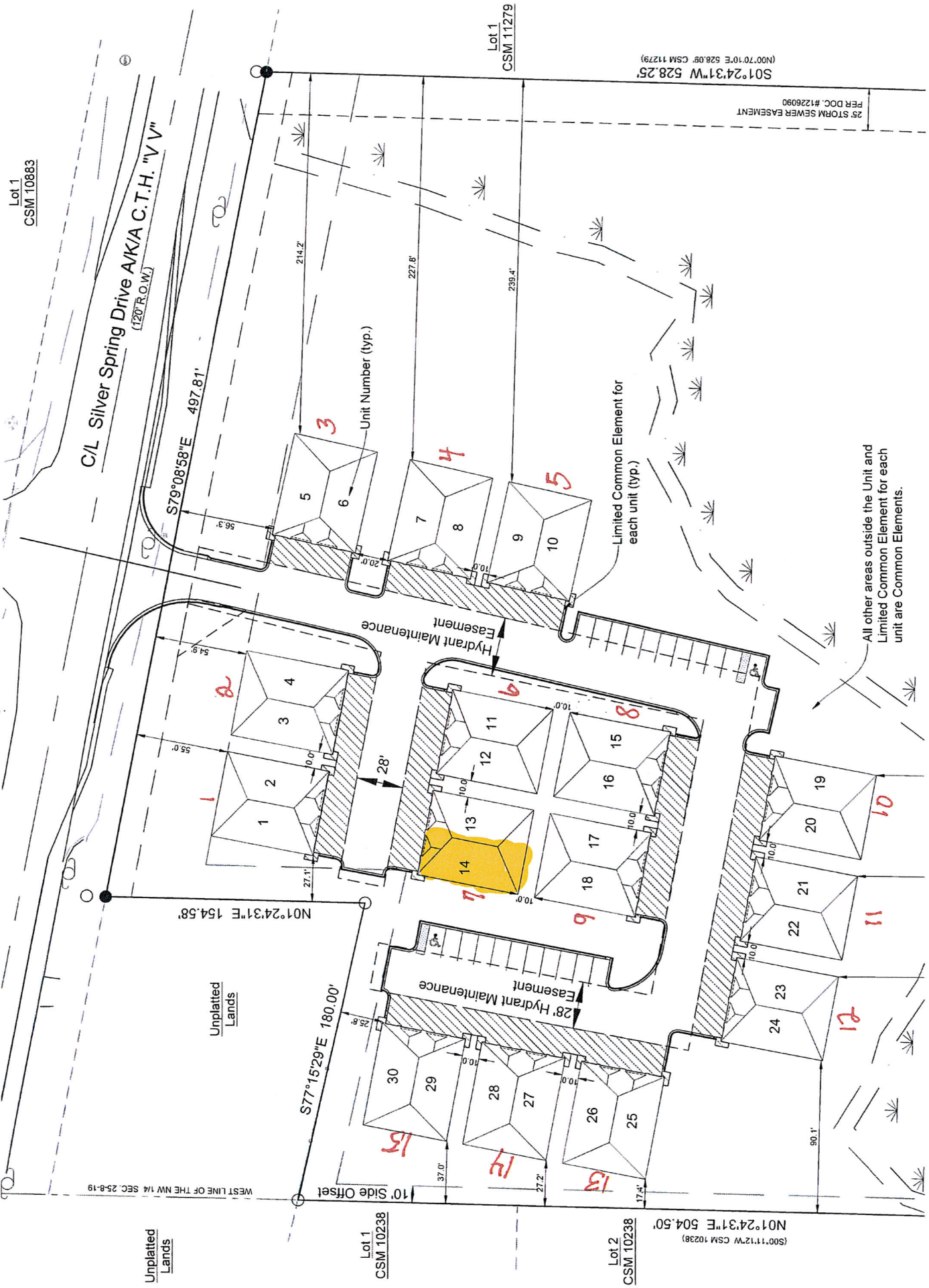
Print Form

Clear Form

To the Village of Sussex Plan Commission

I am purchasing unit 14 building 7 and will use the 1,500 square feet for personal storage of items, such as an RV and boats.

Mike Kaerek



Lot 1
CSM 10883

Lot 1
CSM 11279

Lot 1
CSM 10238

Lot 2
CSM 10238



Village of Sussex

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Sussex does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 333'



Village of Sussex
N64 W23760 Main Street
Sussex, WI 53089
262-246-5200

Print Date: 11/11/2020

October 26, 2020

VIA E-MAIL & MAIL

kfluet@villagesussex.org

Ms. Kasey Fluet
Assistant Development Director
Village of Sussex
N64 W23760 Main Street
Sussex, WI 53089

RE: ***Conditional Use Permit Amendment Request for Site Plan Minor Modifications
for the Amazon Delivery Station at N53 W24700 S. Corporate Circle in the
Village of Sussex, WI***

Dear Kasey:

As you know, Amazon.com.Services, Inc. ("Amazon" or "Petitioner") has engaged architects Progressive AE and civil engineers Spaceco Inc. who, together with attorneys Davis & Kuelthau, s.c., have designed several site plan changes for Amazon's existing facility at N53 W24700 S. Corporate Circle.

Pursuant to Sections A.3 and G. of the 2019 Village of Sussex Order Granting a Conditional Use and Prescribing Conditions for Amazon.com.Services, Inc., we submit this letter to request that the Plan Commission approve the site plan changes as minor modifications.

Although the Conditional Use was approved in 2019 and Amazon has operated pursuant to the site plan configuration for approximately the past year, the modifications described below will allow for better onsite traffic flow and operational efficiency. As shown on the Overall Geometric Plan (**Sheet OVL-GM**) accompanying this letter, Amazon requests the following site plan changes:

1. Minor reconfiguration of curbs and paving in the northwestern portion of the northern parking area to allow for additional van parking, better onsite traffic flow and relocation of van queuing;
2. Replacing the van queuing and loading area on the east side of building with van parking spaces but still preserving the mature landscaping buffer along the east property line; and

Phone 414.278.0700 Direct 414.225.1484 Fax 414.278.3684
111 E. Kilbourn Avenue Suite 1400, Milwaukee, WI 53202
brandall@dkattorneys.com

BROOKFIELD | GREEN BAY | MILWAUKEE

www.dkattorneys.com

3. Connecting the new van parking area on the east side of building to the northern parking area to accommodate and improve onsite internal traffic flow.

See **Sheet OVL-GM** (various Callout Notation Details); *see also* Site Concept (**Sheet SC-2**).

Importantly, because the overall capacity and number of trips (van and employees) at the facility will not increase as a result of these modifications, Amazon will remain compliant with the Traffic Impact Analysis dated September 13, 2019 by Traffic Analysis & Design, Inc. that remains on file. Accordingly, no amendment is proposed to the operational provisions of the Conditional Use.

Amazon further confirms that two key operational provisions of the Conditional Use will not change such that they are depicted on these proposed plans. First, the new van parking area on the east side of building will include numbered stalls so that drivers can quickly find their assigned vans. See **Sheet OVL-GM** (Callout Notation Details). Second, the onsite internal traffic flow pattern will generally remain the same including the right turn only exiting maneuver to Corporate Circle. See **Sheet SC-2** (Legend - color-coded traffic flow direction notations; Callout Notation Detail - right turn only sign posted).

Even with these site plan changes, Amazon still meets the minimum 25% standard for open space as the site will have 26.5% open space coverage. See **Sheet OVL-GM** (Note #1). Amazon will also preserve the mature landscaping buffer along the east property line. See **Sheet OVL-GM** (Callout Notation Details).

Sheets OVL-GM and SC-2 are being transmitted as electronic files by email and standard size copies will be mailed with the original letter along with our review fee check in the amount of \$250.00. Spaceco will send a set of full size, scale copies of the plan sheets under separate cover.

In conclusion and on behalf of Amazon, we respectfully request that the Plan Commission approve the site plan changes as minor modifications.

Very truly yours,

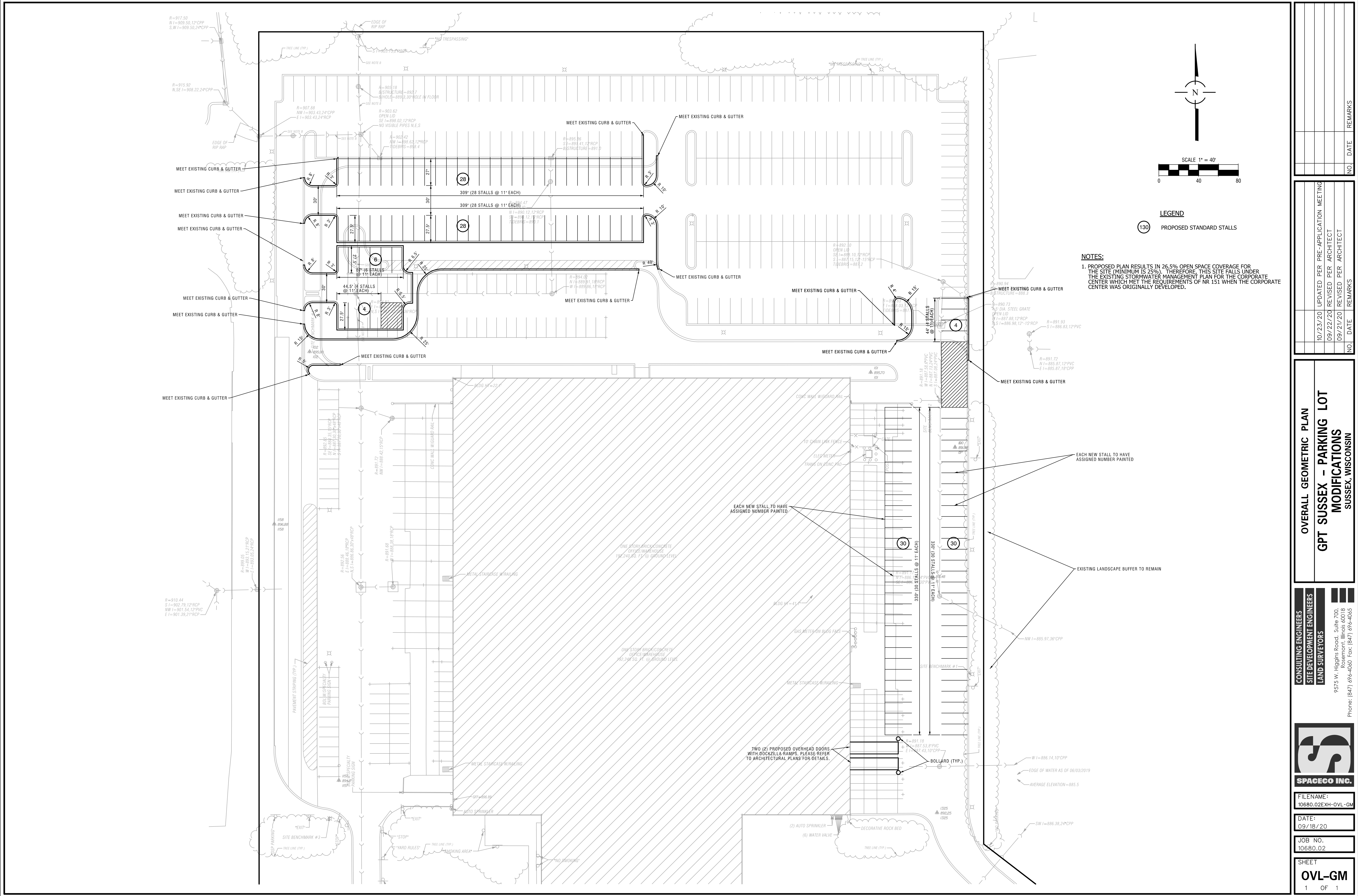
Davis & Kuelthau, s.c.



Brian C. Randall

BCR:las
Enclosures/Attachments

cc: Mr. Brian Krajniak, Amazon (via email, with attachments)
Mr. John Ellis, Progressive AE (via email, with attachments)
Mr. Sean McGovern, Spaceco Inc. (via email, with attachments)



OVERALL GEOMETRIC PLAN			
GPT SUSSEX - PARKING LOT MODIFICATIONS			
SUSSEX, WISCONSIN			
CONSULTING ENGINEERS	10/23/20	UPDATED PER PRE-APPLICATION MEETING	REMARKS
SITE DEVELOPMENT ENGINEERS	09/22/20	REVISED PER ARCHITECT	
LAND SURVEYORS	09/21/20	REVISED PER ARCHITECT	
9575 W. Higgins Road, Suite 700, Rosemont, Illinois 60018 Phone: (847) 696-4060 Fax: (847) 696-4065	DATE	NO.	
FILENAME:	DATE:	JOB NO.	
10680.02EXH-OVL-GM	09/18/20	10680.02	
SHEET			
OVL-GM			
1 OF 1			



Exhibit B

This conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the conditional use is approved. During the final year of the 5 year term of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the Petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.
2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.
3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.