



N64W23760 Main Street
Sussex, Wisconsin 53089
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AGENDA
VILLAGE OF SUSSEX
PLAN COMMISSION MEETING
6:30 PM TUESDAY, JUNE 21, 2022
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 Sussex Plan Commission, at which a quorum of the Village Board may attend. If a Quorum is present the Chairperson shall state, "Please let the minutes reflect that a quorum of the Village Board is present and may be making comments during public comment or if the rules are suspended to allow so.)

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of May 17, 2022.
3. Consideration and possible action on Permitted Uses and Plans:
 - A. Consideration and possible action on plan of operation for Genesis Eldercare Rehabilitation Services, LLC. (W235 N6350 Hickory Drive).
 - B. Consideration and possible action on plan of operation for SDG Motorsports, LLC. (N63W22621 Main Street)
 - C. Consideration and possible action on architectural plans for expansion of HM Brandt (W232N6575 Waukesha Ave).
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
 - A. Public Hearing and B. consideration on the Plan of Operation and Conditional Use for a new owner at MK Business Inc. (Sussex Mobile) (W232N6116 Waukesha Avenue).
 - C. Public Hearing and D. consideration on the Plan of Operation and Conditional Use for Private Car Hobby (N63W23991 Main Street).
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
6. Other items for future discussion.

No July meeting

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. For additional information or to request this service, contact the Village Clerk at 246-5200.

Trees are to be trimmed, garage is owner occupied, two pine trees might be cut down, racking and outdoor “junk” is being cleaned up, cars will be parked overnight, but there will be cars parked outside overnight-not long term.

Occupancy limited to Mr. Myers, his son, and two others, Commissioner Johnson’s recommendations are no parking on Maple Avenue alongside of the building, there will be a parking plan, outside parking will be limited to licensed and operable vehicles in outside designated spaces. One trailer is allowed, 18’ open, licensed and operable.

A motion by Knapp, seconded by Anderson to adjourn the public hearing until June 21, 2022, and direct staff to prepare a Conditional Use Order for Private Car Hobby (N63W23991 Main Street).
Motion carried 5-0

Consideration and possible action on auxiliary use request for Momentum to have a one-day carnival for families of the day care on September 10, 2022 (W248N5250 Executive Drive).

Brandon Miller, W270N6139 Maple Street, was in attendance to answer questions.

A motion by Knapp, seconded by Anderson to approve the auxiliary use request for Momentum to have a one-day carnival for families of the day care on September 10, 2022 (W248N5250 Executive Drive).
Motion carried 6-0

Consideration and possible action on enlarged pool structure (W245N7486 Stonefield Drive).

Owner was in attendance to answer questions.

A motion by Muckerheide, seconded by Johnson to approve the 388 square foot accessory pool house at W245N7486 Stonefield Drive.
Motion carried 6-0

Consideration and possible action on CSM and Rezoning Ordinance 881 for (N63W24190 Oak Drive)

Property owner was in attendance to answer questions.

A motion by Muckerheide, seconded by Zoellick to recommend approval to the Village Board of the CSM subject to the technical corrections of the Village Engineer and standard conditions of CSM approval and standard conditions of Exhibit A and the Rezoning Ordinance.

A motion by Muckerheide seconded by Anderson to approve scheduling a public hearing for Rezoning Ordinance 881 for (N63W24190 Oak Drive). Commissioner Johnson abstained
Motion carried 5-0

Consideration and possible action on Ordinance 882 Recreating Section 17.0704.A.13 Entitled Relaxation/Floating Pools in the Code of the Village of Sussex.

A motion by Johnson, seconded by Muckerheide to recommend approval of Ordinance 882 to the Village Board changing the starting date to May 1

Motion carried 6-0

Other items for future discussion

None

Adjournment

A motion by LaDonne, seconded by Zoellick by to adjourn the meeting at 7:50p.m. Motion carried 6-0

Respectfully submitted,

Jennifer Moore
Village Clerk

DRAFT



MEMORANDUM

TO: Plan Commission
FROM: Jeremy Smith, Village Administrator
RE: Plan Commission meeting of June 21, 2022
DATE: June 2, 2022

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

02. Minutes of the Plan Commission meeting of May 17, 2022.

03. Consideration and possible action on Permitted Uses and Site Plans:

A. Consideration and possible action on plan of operation for Genesis Eldercare Rehabilitation Services, LLC. (W235 N6350 Hickory Drive).

This site is zoned B-4. General medical services are a permitted use under 17.0419C.3.d. The rehabilitation services for older adults are for residents within the Courtyard Senior Living facility and not open to the general public. They have 1 employee working a few hours per day, M-F to provide for needs of residents in the facility. They will use a room in the facility of about 230 square feet. The site has 74 parking spaces, with 70 required by code and this use requires 1 space. Whenever a business opens the Plan Commission utilizes that opportunity to consider if there are any property issues that need to be addressed. Village staff has no particular concerns at this time.

Policy Question:

1. Are there any concerns with the plan of operation
2. Are there any property maintenance concerns that need to be addressed at this time?

Action Items:

1. Act on the Plan of operation

Staff Recommendation: Staff recommends approval of the plan of operation for Genesis Eldercare Rehabilitation Services, LLC. (W235 N6350 Hickory Drive) subject to the standard conditions of Exhibit A.

B. Consideration and possible action on plan of operation for SDG Motorsports, LLC. (N63W22621 Main Street).

The site is zoned M-1. The manufacturing of metal parts is a permitted use under 17.0422A.4.(e)(1). The 3,035 sq. foot suite will house 1 employee, who does custom parts manufacturing including specialty IHI screw compressor rebuilds. He generally works from 3-9 pm M-T, with later work on Fridays. The space has 9 parking spaces, and this use requires 1 space. Whenever a business opens the Plan Commission considers if there are any property issues that need to be addressed. Village staff has no concerns at this time.

Policy Question:

1. Are there any concerns with the plan of operation
2. Are there any property maintenance concerns that need to be addressed at this time?

Action Items:

1. Act on the Plan of operation

Staff Recommendation: Staff recommends approval of the plan of operation for SDG Motorsports, LLC. (N63W22621 Main Street) subject to the standard conditions of Exhibit A.

C. Consideration and possible action on architectural plans for expansion of HM Brandt (W232N6575 Waukesha Ave).

This site is zoned B-4. General Construction trades are a permitted use in the district under 17.0419A.5.(j). The operation currently parks its vehicles outside and this expansion of a 50' x 80' garage building to allow for more indoor parking and equipment maintenance. The building would be about 8' higher than the current building. The site's current building is 20' by 40'. The new building would be clad in stone, the business already has on site. The screening that was put in place when the business moved in would remain the same. The net result of this addition would be less outside storage.

The building is currently 5' off the side yard and this new building would hold that line, which is allowed with a finding by the Plan Commission

17.0419F.2. Side yard: 10 feet on each side, except one or both side yards may be reduced if the Plan Commission finds that:

- (a) The Site is master planned and provides an efficient use of land,*
- (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,*
- (c) The setback change will encourage pedestrian interaction between buildings.*
- (d) The reduced setback serves to implement the Design Standards and the Downtown Design and Development Plan of the Village.*

The Plan Commission also utilizes this opportunity to consider any property issues that need to be addressed. Village staff has no concerns at this time. Because this is in the B-4, it will need to be reviewed by the ARB.

Policy Question:

1. Are there any concerns with the plan of operation?
2. Are there concerns with the findings to allow 5 feet in keeping with the existing structure?
2. Are there any property maintenance concerns that need to be addressed at this time?

Action Items:

1. Act on the Plan of operation and findings

Staff Recommendation: Staff recommends approval of the architectural plans for expansion of HM Brandt (W232N6575 Waukesha Ave.) and a finding that the sideyard setback for the new structure be at 5' in order for the efficient use of land, the health, welfare, and safety of the public is not harmed by said setback reductions, the setback provides a clean line for pedestrian interaction, and it serves to implement the Downtown and Development plan subject to the standard conditions of Exhibit A and conditioned upon any findings of the ARB.

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

A. Public Hearing on the Conditional Use application for a new owner at MK Business Inc. (Sussex Mobile) (W232N6116 Waukesha Avenue).

The site is zoned B-3 and Gas Stations are a conditional use under 17.0506A.9.b. New owners are taking over the Sussex Mobile Gas Station, which has a Conditional Use permit. Its operations will largely remain the same with the exception of alcohol sales, which has been approved by the Village Board. The ownership change currently requires a new CU public hearing.

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 focus of this public hearing is on the CU Order and the remaining questions from the first public hearing and those items requested by the Plan Commission.

Comments from the previous meeting

Patricia Gregor – W232N6080 Waukesha Avenue – between gas station and pool business. Would like three items addressed – property line fence is in need of repair (replace missing panels, have a solid fence so light doesn't shine through it into the house). Light located by the drive-through shines into property owner windows. Property behind her house is owned by the gas station and through the years it has become an overgrown "junk yard" and needs to be cleaned up.

Petitioner plans on cleaning the lot, can either change the light or make sure it doesn't shine into the house, and will fix the fence. Light can be addressed immediately, fence and overgrown lot will take 90 days to complete once the ownership change is complete.

Plan commission would like to see a plan for the fence repair at the next public hearing.

A motion by Johnson, seconded by Knapp to direct staff to prepare a Conditional Use Order for MK Business Inc. (Sussex Mobil) (W232N6116 Waukesha Avenue) including comments brought forth at the public hearing.

Additionally the fascia is to be repaired and brought into good condition.

The Conditional Use Permit Standards to be met:

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof: a conditional use permit for the subject property is hereby granted. The conditional use permit granted herein shall apply only to the specific use of the Subject Property by MK Business Inc. (or a subsequent ownership group if such group is approved by the Plan Commission) for the following specific uses: gas station, restaurant and outside storage as well as permitted and accessory uses set forth in Section 17.0418 B-3 Highway Business District and auxiliary uses as set forth in 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. This conditional use is granted for MK Business Inc. for the above enumerated uses, subject to the following conditions:
 1. Presentation Compliance. The gas station is approved herein on the Subject Property, and the use thereof shall be used in substantial conformity with the presentation at the Public hearing before the Plan Commission held on May 17, 2022 and June 21, 2022 meetings of the Plan Commission.
 2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in Exhibit "A" attached hereto and incorporated herein as presented at the public hearing.
 3. Plans. The petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions 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 that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.
 - A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as Exhibit B.
 - B. Plan of Operation. The petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as Exhibit C.

- C. Traffic, Access and Loading Plans. The petitioner shall comply with the specific traffic, access, loading, and egress plan on file with the Village Clerk.
 - D. Lighting Plan. The petitioner shall adhere to the lighting plan on file for the subject property. No light rays shall be directed onto neighboring properties.
 - E. Signage Plan. All signage on the subject property shall conform to the requirements set forth in Section 17.0800 of the Village Zoning Ordinance and the Design Standards of the Village of Sussex. No change in signage shall be permitted until approved by the Village Building Inspector.
 - 1. The petitioner is notified that pole signs are not allowed by Village code, and a new pole sign will not be allowed nor any modification to the existing pole sign without PC approval.
 - F. Sewer, Water, Stormwater and Erosion Control Plans. The petitioner shall comply with the sewer, water, stormwater and erosion control plans on file with the Village Clerk.
 - G. Outdoor Storage Plan. No outdoor storage shall be permitted on the subject property with the following specific exceptions:
 - 1. Trash dumpsters limited to the minimum number needed to meet the requirements and screened from view and maintained in a safe and sanitary condition at all times.
 - 2. The storage and sale of propane and existing wood display rack, same size and location shown on the outdoor storage plan submitted and on file with the Village Clerk.
 - 3. No other outside storage or sales of merchandise from the above listed materials (excluding gasoline for vehicle usage) are permitted outside of the building.
 - H. Landscape and Fence Plan. The Plan Commission has specifically requested a fence plan be provided and that the fence be maintained and that the subject property landscaping be maintained. The petitioner shall comply with the fence plan on file with the Village Clerk.
4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
 5. Licenses. The petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
 6. Laws. The petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
 7. Building and Fire Inspection. The petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
 8. Aesthetics. The petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 9.07(11) of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
 9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
 10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained.
 11. Fees and Expenses. The petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the petitioner with copies of all itemized invoices.

12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the petitioner.
13. Complaints. in the event the petitioner receives any complaints with regard to the operation authorized by this conditional use, the petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
14. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the petitioner is given an opportunity to be heard on the matter and, if so rescinded the petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances, as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.
15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and petitioner acknowledging in writing that they have received a copy of this conditional order, 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 restart the application process.
16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate
 - B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.
 - C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this 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 Of Sussex, the County of Waukesha, the State of Wisconsin the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property properly above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - D. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.
 - E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.
 - F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized by the Plan Commission, shall require a new permit and all Village procedures in place at the time must be followed.
 - G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed. The conditional use order may

also be extended to a new owner without a new public hearing if the Plan Commission determines that the new owner will adhere to the terms of the conditional use permit and that no substantial changes to the CU are necessary for the general safety and welfare of the community.

- H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- I. 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 fifth year 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 fifth (5) year of the term. 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. 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.
- J. Upon acceptance by petitioner of this conditional use permit, all prior conditional use permits granted to the subject property are hereby revoked and terminated.
- K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.
- L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Comments from the public if any.

Additional Plan Commission conditions:

The Petitioner, Public and Plan Commission will have a chance to present evidence and discuss the Conditional Use Order.

Policy Questions:

1. Are there any further unanswered questions by the Plan Commission or any other items requiring a continuation of the Public Hearing?

Action:

1. Close the public hearing or continue the public hearing with specific information sought by the Petitioner/Public.

B. Consideration and possible action on a Conditional Use, and Plan of Operation for MK Business Inc. (Sussex Mobile) (W232N6116 Waukesha Avenue).

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and plan of operation for MK Business Inc.

Policy Questions: Has the Petitioner provided substantial evidence proving they meet the standards/regulations of the Ordinance, the conditions and standards of the Conditional Use Permit, and the other conditions as set forth by the Plan Commission? If No, the deficiency will need to be detailed.

Has the Petitioner provided substantial evidence with regards to the following Standards/Regulations?

The Application is complete and consistent with 17.0502 Yes or No

The use(s) and plans are compliant with 17.0503 (Review of CU's) Yes or No

The use(s) and plans are compliant with 17.0200 (General Conditions) Yes or No

The uses(s) and plans are compliant with 17.0418 (B-3 Highway District) Yes or No

The uses(s) and plans are compliant with 17. 1000 (Site Plan Review) Yes or No

Has the Petitioner provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A. Yes or No

Has the Petitioner provided substantial evidence with regards to the CU Permit as follows:

A.3.A. Site Plan Standards compliance Yes or No

A.3.B. Plan of Operation compliance Yes or No

A.3.C.-J. Various Plan(s) compliance Yes or No

A.4.-16. CU condition compliance Yes or No

B-L. Administrative CU Condition compliance Yes or No

Action Items:

1. Act on the CU and site plan.

Staff Recommendation: Staff recommends approval of the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation for MK Business Inc (Sussex Mobile) W232N6116

Waukesha Avenue; a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A and fixing the fence, landscaping, and fascia within 90 days or the CU does not go into effect and the petitioner must return to the Plan Commission.

C. Public Hearing on Conditional Use for Private Car Hobby (N63W23991 Main Street)

The Site is zoned B-4 and vehicle repair and restoration is a conditional use under 17.0506A.9.a. The site was previously a commercial garage (approximately 4,000 sq. feet with 6 parking spaces. This use will be for private collector(s) and their hobby car restoration.

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.

Comments from the previous meeting

Holly Cobb – N63W23968 Terrace Drive – Broken glass and garbage needs to be cleaned up. Lighting needs to be addressed.

Clerk Moore read an e-mail into the record from Dan Riegleman N63W23965 Main Street regarding noise and lighting concerns.

Commissioner Johnson recommended existing signage and brackets be removed, racking and materials removed from the back of the building, repair stucco and façade, no outside storage at the rear of the building, no outside parking in the rear of the garage, no overnight outside parking on premises, no parking in front of the former customer entry, no sales of autos or parts from this site, limit times for having front garage door open, submit hazardous substance information to public safety department.

Trees are to be trimmed, garage is owner occupied, two pine trees might be cut down, racking and outdoor “junk” is being cleaned up, cars will be parked overnight, but there will be cars parked outside overnight-not long term.

Occupancy limited to Mr. Myers, his son, and two others, Commissioner Johnson’s recommendations are no parking on Maple Avenue alongside of the building, there will be a parking plan, outside parking will be limited to licensed and operable vehicles in outside designated spaces. One trailer is allowed, 18’ open, licensed and operable.

A motion by Knapp, seconded by Anderson to adjourn the public hearing until June 21, 2022, and direct staff to prepare a Conditional Use Order for Private Car Hobby (N63W23991 Main Street).

Motion carried 5-0

The Conditional Use Permit Standards to be met:

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof: a conditional use permit for the subject property is hereby granted. The conditional use permit granted herein shall apply only to the specific use of the Subject Property by Dean Myers for the following specific uses: car restoration/hobby garage as well as permitted and accessory uses set forth in Section 17.0419 B-4 Central Mixed Use District and auxiliary uses as set forth in 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- B. This conditional use is granted for Dean Myers for the above enumerated uses, subject to the following conditions:
 - 1. Presentation Compliance. The car restoration/hobby garage is approved herein on the Subject Property, and the

use thereof shall be used in substantial conformity with the presentation at the Public hearing before the Plan Commission held on May 17, 2022 and June 21, 2022 meetings of the Plan Commission.

2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in Exhibit "A" attached hereto and incorporated herein as presented at the public hearing.
3. Plans. The petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions 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 that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.
 - A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as Exhibit B.
 - I. Plan of Operation. The petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as Exhibit C.
 - J. Traffic, Access and Loading Plans. The petitioner shall comply with the specific traffic, access, loading, and egress plan which is attached as Exhibit D. This plan allows up to 10 parked vehicles on the paved parking lot area north and south of the building and 1 operable trailer.
 - K. Lighting Plan. The petitioner shall adhere to the lighting plan on file for the subject property. No light rays shall be directed onto neighboring properties.
 - L. Signage Plan. All signage on the subject property shall conform to the requirements set forth in Section 17.0800 of the Village Zoning Ordinance and the Design Standards of the Village of Sussex. No change in signage shall be permitted until approved by the Village Building Inspector.
 - M. Sewer, Water, Stormwater and Erosion Control Plans. The petitioner shall comply with the sewer, water, stormwater and erosion control plans on file with the Village Clerk.
 - N. Outdoor Storage Plan. No outdoor storage shall be permitted on the subject property with the following specific exceptions:
 1. Up to 10 vehicles may be parking on the site, but only on the paved areas shown on the parking plan. The vehicles must be licensed. Per ordinance no parts storage may occur outside. One trailer (operable) may also be on the paved parking areas denoted north and south of the building. The driveway to the secondary garage is not paved and as such may not have any overnight parking.
 - O. Landscape and Fence Plan. The Plan Commission has specifically requested a fence plan be provided and that the fence be maintained and that the subject property landscaping be maintained. The petitioner shall comply with the fence plan on file with the Village Clerk.
10. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
11. Licenses. The petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
12. Laws. The petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
13. Building and Fire Inspection. The petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
14. Aesthetics. The petitioner is required to properly maintain the Subject Property at all times and in full compliance

with the Village Property Maintenance Code, Section 9.07(11) of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.

15. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
 16. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained.
 17. Fees and Expenses. The petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the petitioner with copies of all itemized invoices.
 18. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the petitioner.
 19. Complaints. in the event the petitioner receives any complaints with regard to the operation authorized by this conditional use, the petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
 20. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the petitioner is given an opportunity to be heard on the matter and, if so rescinded the petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances, as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.
 21. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and petitioner acknowledging in writing that they have received a copy of this conditional order, 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 restart the application process.
 22. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.
 - C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this 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 Of Sussex, the County of Waukesha, the State of Wisconsin the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - D. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.
 - E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for

similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.

- F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized by the Plan Commission, shall require a new permit and all Village procedures in place at the time must be followed.
- G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed. The conditional use order may also be extended to a new business owner without a new public hearing if the Plan Commission determines that the new operator will adhere to the terms of the conditional use permit and that no substantial changes to the CU are necessary for the general safety and welfare of the community.
- H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- II. 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 fifth year 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 fifth (5) year of the term. 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. 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.
- M. Upon acceptance by petitioner of this conditional use permit, all prior conditional use permits granted to the subject property are hereby revoked and terminated.
- N. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.

- O. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Comments from the public if any.

Additional Plan Commission conditions:

The Petitioner, Public and Plan Commission will have a chance to present evidence and discuss the Conditional Use Order.

Policy Questions:

1. Is there any further unanswered questions by the Plan Commission or any other items requiring a continuation of the Public Hearing?

Action:

1. Close the public hearing or continue the public hearing with specific information sought by the Petitioner/Public.

D. Consideration and possible action on Conditional Use permit and plan of operation for Private Car Hobby (N63W23991 Main Street)

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and plan of operation for Private Car Hobby.

Policy Questions: Has the Petitioner provided substantial evidence proving they meet the standards/regulations of the Ordinance, the conditions and standards of the Conditional Use Permit, and the other conditions as setforth by the Plan Commission? If No, the deficiency will need to be detailed.

Has the Petitioner provided substantial evidence with regards to the following Standards/Regulations?

The Application is complete and consistent with 17.0502	Yes or No
The use(s) and plans are compliant with 17.0503 (Review of CU's)	Yes or No
The use(s) and plans are compliant with 17.0200 (General Conditions)	Yes or No
The uses(s) and plans are compliant with 17.0419 (B-4 District)	Yes or No
The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)	Yes or No
Has the Petitioner provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.	Yes or No

Has the Petitioner provided substantial evidence with regards to the CU Permit as follows:

A.3.A. Site Plan Standards compliance	Yes or No
A.3.B. Plan of Operation compliance	Yes or No
A.3.C.-J. Various Plan(s) compliance	Yes or No
A.4.-16. CU condition compliance	Yes or No
B-L. Administrative CU Condition compliance	Yes or No

Action Items:

1. Act on the CU and plan of operation.

Staff Recommendation: Staff recommends approval of the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation for Private Car Hobby (N63W23991

Main Street) a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A and fixing the fence, and landscaping within 90 days.

E.Other Items for future discussion.

F.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 ~~no~~ If yes, is this a new CU? YES ~~no~~

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # 246.961.002

Zoning: _____

Address of Tenant Space: W235 N6350 HICKORY DRIVE, SUSSEX, WI 53089

1. Name of Business: Genesis Eldercare Rehabilitation Services, LLC

Business	<u>101 E State Street, Kennett Square, PA 19348</u>	<u>610-612-5681</u>
Address	City, State, Zip	Phone #
<u>610-347-4948</u>	<u>Lynette.Anzalone@GenesisHCC.com</u>	
Fax #	Email address	

2. Business owner contact information:

See attached list of Officers

Contact	<u>101 E State Street, Kennett Square, PA 19348</u>	<u>610-612-5681</u>
Address	City, State, Zip	Phone #
<u>610-347-4948</u>	<u>Lynette.Anzalone@GenesisHCC.com</u>	
Fax #	Email address	

3. Building/Land owner contact information:

CAROLYN JOHNSON, EXECUTIVE DIRECTOR - ENCORE SENIOR LIVING

Contact	<u>W235 N6350 HICKORY DRIVE, SUSSEX, WI 53089</u>	<u>262-646-0253</u>
Address	City, State, Zip	Phone #
	<u>CJOHNSON@ENCORECARES.COM</u>	
Fax #	Email address	

4. Number of Employees/Shifts: 1 Employees 5 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		
9AM - 1 PM	9AM - 1 PM	9AM - 1 PM	9AM - 1 PM	9AM - 1 PM		

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 18 X 13 FT Total square footage 231 SQ. FT
 If applicable list square footage according to 1st floor 231 SQ. FT 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: **Parking provided by Facility**
 Total Number of Parking Spaces _____ Number of spaces needed per code _____
 Number of spaces allocated for employee parking general usage
 Dimensions of parking lot _____ Is parking lot paved? _____

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.

Robert M. Cannon,  4/27/2022
 Name Date
Senior Director of Accounting
 Title or Position

I am aware and approve of the business to be operating in the building owned by The Courtyard at Sussex.

Robert M. Cannon,  4/27/2022
 Name Date
Senior Director of Accounting
 Title or Position



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 # SUXV-0242-013

Zoning: M-1

Address of Tenant Space: N63 W22621 Main St, Sussex, WI 53089

1. Name of Business:

SDG Motorsports LLC

Business
 8005 N 105th St Milwaukee WI, 53224 715-409-9018
 Address City, State, Zip Phone #

Fax # Email address jkloth@sdgmotorsports.com

2. Business owner contact information:

Jesse Kloth

Contact
 8005 N 105th St Milwaukee, WI 53224 715-409-9018
 Address City, State, Zip Phone #

Fax # Email address jkloth@sdgmotorsports.com

3. Building/Land owner contact information:

Mark Heinert (co-owner)

Contact
 540W22690 Sommers Hill Dr Waukesha, WI 53189 (414)-939-4895
 Address City, State, Zip Phone #

Fax # Email address markheinert@yahoo.com

4. Number of Employees/Shifts: 1 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	X	X
3-9pm	3-9pm	3-9pm	3-9pm	3-12pm	TBD	TBD

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: N/A
 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 77.5' x 39.25' Total square footage 3,035 SF

If applicable list square footage according to 1st floor 3,035 SF 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 9 Number of spaces needed per code 1 per 4 patrons
 Number of spaces allocated for employee parking 9
 Dimensions of parking lot 47'x400' 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.

Jesse Kloth 04/26/2022
 Name Date
Business Owner
 Title or Position

I am aware and approve of the business to be operating in the building owned by Sussex Crossings, LLC

Mark Heinert 04/26/2022
 Name Date
Co-Owner
 Title or Position

SDG Business Explanation

SDG Motorsports LLC, specializes in rebuilding IHI screw compressors. We design parts to make them more efficient, rebuild, and refurbish. We do stock our own billet aluminum parts, bearings and lube on site.

The site location of the addition in green.





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 MK Business, Inc.
DATE: May 12, 2022

This impact report for the Conditional Use request for new ownership of the existing Gas Station detailing the impacts of said use to neighboring properties and to Village Services.

SITE LOCATION: W232N6116 Waukesha Avenue **ZONING:** B-3

TRAFFIC AND PARKING IMPACTS:

The anticipated impact to the area is not changing from the ownership change. Roadway challenges at the nearby intersection relate to school traffic and train delays. The Gas Station traffic has minimal impact on the County Highways (VV and F). The site has parking and assigned parking for all operations.

NOISE, ODOR, DUST AND LIGHT IMPACTS:

Noise generated from the operation has not been an issue and this change in ownership is unlikely to impact that status. All direct neighbors are commercial in nature.

The change in ownership will not cause an odor or dust problem and would not likely impact adjacent property owners.

The lighting will remain the same and therefore no additional lighting concerns are present.

SAFETY, CRIME, FIRE PREVENTION IMPACTS:

The Director of Police Services has instructed the owners to follow general safety practices, but otherwise anticipates no significant impacts from the operation.

The Sussex Fire Department 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 within the dumpster area.

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

PROPERTY MAINTENANCE IMPACTS:

The property has a shed that is in some disrepair. The property is generally clean and in keeping with property maintenance standards.

MISCELLANEOUS IMPACTS:

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. Its operation will not result in the need for the Village to fund/hire additional Fire, Police, Public Works, Parks, Library, or Garbage resources.



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? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? yes

Tax Key # 245-914

Zoning: B.B

Address of Tenant Space: w232 N6116 waukeshu Ave Sussex WI 53089

1. Name of Business:

MK Business Inc

Business

w232 N6116 waukeshu Ave Sussex WI 53089

Address

City, State, Zip

Phone #

MKSussexinc@gmail.com

209-595-8514

Fax #

Email address

2. Business owner contact information:

Manpreet Kaur Talbert

Contact

w239 N5996 Maple Ave #131 Sussex WI 53089

Address

City, State, Zip

Phone #

Fax #

Email address

3. Building/Land owner contact information:

Talbert Real Estate LLC

Contact

Address

City, State, Zip

Phone #

Same

Fax #

Email address

4. Number of Employees/Shifts:

3

3

Employees

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>X</u>	<u>X</u>
<u>5-10</u> <u>AM PM</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>5-10</u>	<u>6-9</u> <u>AM-PM</u>

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? yes Do you need an Outdoor Establishment Permit? NO
 If yes, explain: Beer LIQUOR
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? Beer LIQUOR
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 2500 Total square footage 4300
 If applicable list square footage according to 1st floor ✓ 2nd floor NA

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 31 Number of spaces needed per code 31
 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?
N/A this time
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.

Manpreet Kaur - talbot 3/22/22
 Name Date
owner
 Title or Position

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

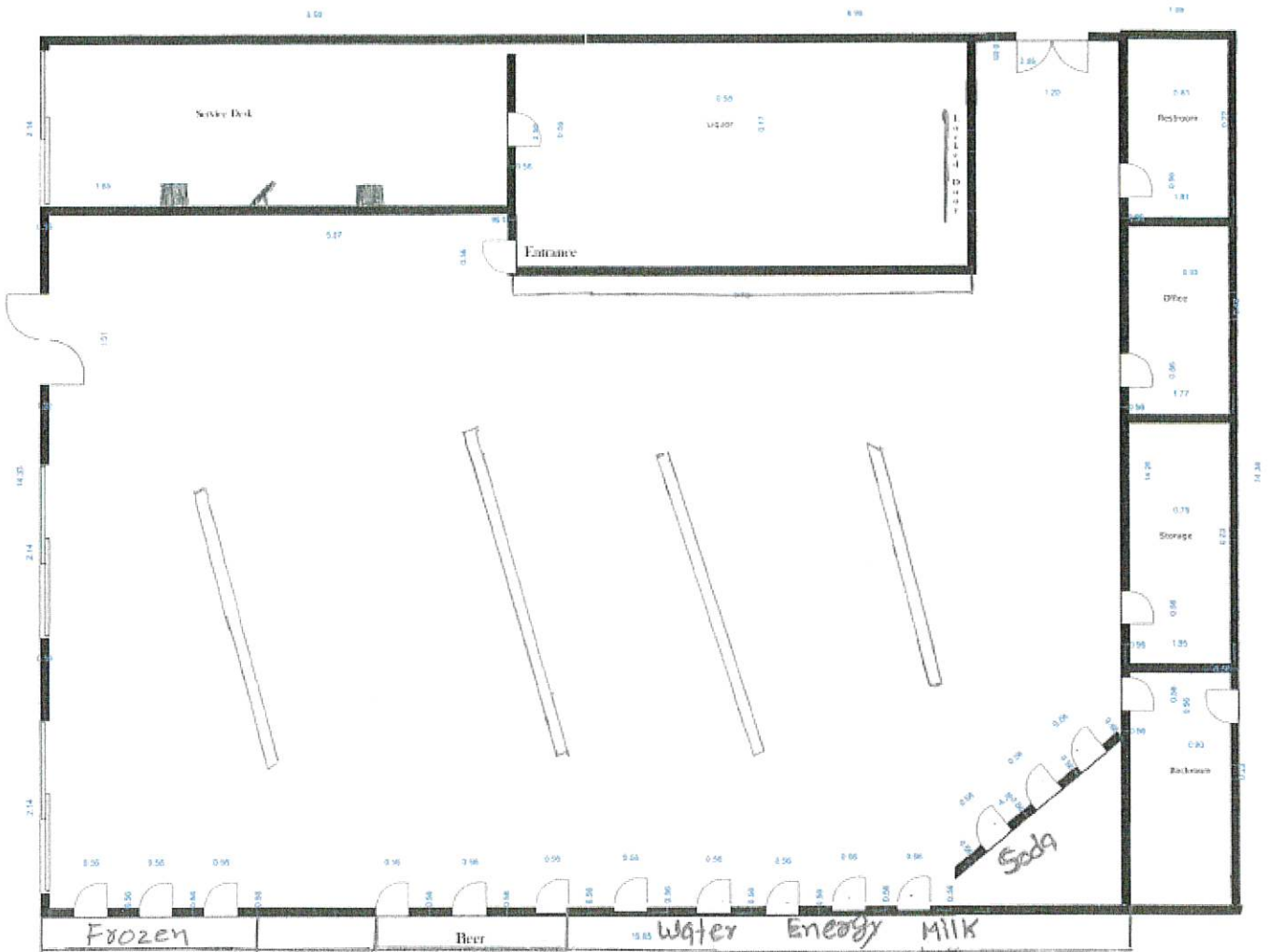
 Name Date

 Title or Position

⑦ It is a convenient store attached to the gas station. We already sell gas, grocery including frozen food, tobacco and cigarettes.

Addition to all this, we wish to add beer and liquor.

Cousins Subs is already there attached to the convenient store and will remain there.



AM Sussex Inc

We will be installing cameras on the beer doors for more visibility.

2022 VILLAGE OF SUSSEX ORDER

GRANTING A CONDITIONAL USE AND PRESCRIBING CONDITIONS FOR MK BUSINESS INC. TO
ALLOW CERTAIN USES AS DESCRIBED HEREIN IN THE VILLAGE OF SUSSEX

WHEREAS, a petition has been filed by Manpreet Kaur Talbert President of MK Business Inc. and the intended purchaser of said AM Sussex (hereinafter "PETITIONER"); and

WHEREAS, the petitioner is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for property commonly referred to as parcel number SUXV0245914, W232N6 11 6 Waukesha Avenue Sussex, Wisconsin, all as described on Exhibit A attached hereto and incorporated herein (hereinafter "SUBJECT PROPERTY"); and

WHEREAS, the petitioner will be purchasing the subject property; and

WHEREAS, the subject property is zoned B-3 highway business district where a gasoline service station in the B-3 district may be permitted as a conditional use in accordance with Section 17.0506(A)(9)(b) of the Village of Sussex Zoning Ordinance; and

WHEREAS, pursuant to Section 17.0506(A)(9)(b) of the Village of Sussex Zoning Ordinance the Plan Commission finds that the gasoline service station shall not cause traffic congestion, as adequate traffic control measures have been taken to ameliorate the traffic concerns; that lighting and glare shall not extend into adjacent residential neighborhoods; that service islands shall comply with the minimum setback requirements of a B-3 Highway business district; and that canopies over the gasoline service islands encroach no more than six feet into any required yard, and do not encroach into a street right-of-way; and

WHEREAS, upon receipt of the application for a conditional use permit filed by the petitioner, the Village Clerk properly referred such petition to the Plan Commission for the Village of Sussex for determination; and

WHEREAS, upon referral of the petition by the Village Clerk, the Plan Commission for the Village of Sussex determined that the application was sufficient to schedule a public hearing, and

WHEREAS, the Mk Business Inc. has followed the public hearing process and the Village had followed the required "Notice of Public Hearing" and mailing of said "Notice of Public Hearing" to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission held a public hearing on May 17, 2022 and June 21, 2022 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Sussex Village Plan Commission, following the public hearing and necessary investigation, having given the matter due consideration, and having based its determination on the effect of granting such conditional use permit on the health, general welfare, safety, and economic prosperity of the Village and specifically of the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties as to noise, dust, smoke, odor, or other similar factors, hereby determines that the use will not violate the spirit or intent of the Zoning Ordinance for the Village of Sussex, will not be contrary to the public health, safety or general welfare of the Village of Sussex, will not be a hazardous, harmful, noxious, offensive, or nuisance by reason of smoke, dust, odor, or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof: a conditional use permit for the subject property is hereby granted. The conditional use permit granted herein shall apply only to the specific use of the Subject Property by MK Business Inc. (or a subsequent ownership group if such group is approved by the Plan Commission as set forth in G.) for the following specific uses: gas station, restaurant and outside storage as well as permitted and accessory uses set forth in Section 17.0418 B-3 Highway Business District and auxiliary uses as set forth in 17.0710 if approved as part of a Plan of Operation and site plan or any amendment thereafter without the necessity of a public hearing; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. This conditional use is granted for MK Business Inc. for the above enumerated uses, subject to the following conditions:
1. Presentation Compliance. The uses set forth above are approved herein on the Subject Property, and the use thereof shall be used in substantial conformity with the presentation at the Public hearing before the Plan Commission held on May 17, 2022 and June 21, 2022 meetings of the Plan Commission.
 2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in Exhibit "A" attached hereto and incorporated herein as presented at the public hearing.
 3. Plans. The petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions 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 that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.
 - A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as Exhibit B.
 - B. Plan of Operation. The petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as Exhibit C.
 - C. Traffic, Access and Loading Plans. The petitioner shall comply with the specific traffic, access, loading, and egress plan on file with the Village Clerk.
 - D. Lighting Plan. The petitioner shall adhere to the lighting plan on file for the subject property. No light rays shall be directed onto neighboring properties.
 - E. Signage Plan. All signage on the subject property shall conform to the requirements set forth in Section 17.0800 of the Village Zoning Ordinance and the Design Standards of the Village of Sussex. No change in signage shall be permitted until approved by the Village Building Inspector.
 1. The petitioner is notified that pole signs are not allowed by Village code, and a new pole sign will not be allowed nor any modification to the existing pole sign without PC approval.
 - F. Sewer, Water, Stormwater and Erosion Control Plans. The petitioner shall comply with the sewer, water, stormwater and erosion control plans on file with the Village Clerk.
 - G. Outdoor Storage Plan. No outdoor storage shall be permitted on the subject property with the following specific exceptions:
 1. Trash dumpsters limited to the minimum number needed to meet the requirements and screened from view and maintained in a safe and sanitary condition at all times.
 2. The storage and sale of propane and existing wood display rack, same size and location shown on the outdoor storage plan submitted and on file with the Village Clerk.
 3. No other outside storage or sales of merchandise from the above listed materials (excluding gasoline for vehicle usage) are permitted outside of the building.
 - H. Landscape and Fence Plan. The Plan Commission has specifically requested a fence plan be provided and that the fence be maintained and that the subject property landscaping be maintained. The petitioner shall comply with the fence plan on file with the Village Clerk.
 4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.

5. Licenses. The petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
 6. Laws. The petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
 7. Building and Fire Inspection. The petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
 8. Aesthetics. The petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 9.07(11) of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
 9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
 10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained.
 11. Fees and Expenses. The petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the petitioner with copies of all itemized invoices.
 12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the petitioner.
 13. Complaints. in the event the petitioner receives any complaints with regard to the operation authorized by this conditional use, the petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
 14. No Nuisance. The Village reserves the right to rescind its approval of this conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the petitioner is given an opportunity to be heard on the matter and, if so rescinded the petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances, as applicable, regarding the use of the Subject Property as though no conditional use permit was granted.
 15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and petitioner acknowledging in writing that they have received a copy of this conditional order, 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 restart the application process.
 16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.

- C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this 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 of Sussex, the County of Waukesha, the State of Wisconsin the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject properly above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
- D. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.
- E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.
- F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.
- G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed. The conditional use order may also be extended to a new owner without a new public hearing if the Plan Commission determines that the new owner will adhere to the terms of the conditional use permit and the Plan Commission determines there are no substantial changes proposed to the CU and the Plan Commission determines that the change of ownership/operation will not impact the general safety and welfare of the community.
- H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- I. 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 fifth year 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 fifth (5) year of the term. 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. 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.

- J. Upon acceptance by petitioner of this conditional use permit, all prior conditional use permits granted to the subject property are hereby revoked and terminated.
- K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.
- L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Sussex, and let copies be sent to the proper Village authorities and the petitioner.

Approved this 21 Day of June 2022

BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Village President

Village Clerk

ACCEPTANCE

I hereby accept all the terms and conditions of the Conditional Use permit and shall follow the same.

MK Business Inc.

EXHIBIT A

Legal Description

LOT 1 CERT SURV 7978 VOL 69/82 REC AS DOC# 2110891 PT NE1/4 SEC 26 TSN
R19E :: DOC# 4182062

SUXV0245914 W232N6116 Waukesha Avenue

EXHIBIT B
SITE MAP



EXHIBIT C PLAN OF OPERATION

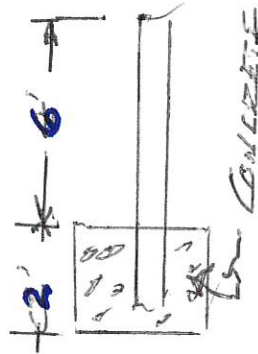
SILVER SPRING

X — 4 — X — 4 — X — 4 — X — 4 — X
LIGHT IN QUESTION

MOBILE
GAS
STATION

MK BUSINESS INC.
W232 W6116
SUSSEX WI 53089

4x4x8 POST



PLACE NEW POST AS REQUIRED

REMOVE
DEBRIS

REPLACE
ROTTEN
POSTS
AS
REQUIRED

REPLACE TWO
PANELS

WAUKESHA AVE

MANPREET KAUR

JUNE 21, 2022



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 Hobby Cars
DATE: May 12, 2022

This impact report for the Conditional Use request for Collector Car rebuilding detailing the impacts of said use to neighboring properties and to Village Services.

SITE LOCATION: N63W23991 Main Street **ZONING:** B-4

TRAFFIC AND PARKING IMPACTS:

The anticipated impact to the area will be less than five vehicle trips per day to the site location. This will have a negligible impact on Main Street. The site has parking stalls and it is recommended that vehicle parking be maintained in the parking stalls in the front and rear of the building only.

NOISE, ODOR, DUST AND LIGHT IMPACTS:

Noise generated from the operation is likely to be less significant than when the facility was a general retail service garage, but there could still be loud noise if metal is being grinded or other car work is being performed. It is recommended that the service doors remain down while work is occurring to minimize noise impact to neighbors.

No outside storage is allowed except the parking of functioning vehicles. All parts and materials will be stored inside the building.

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 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 and waste products will need to remain inside until garbage pick up time or a dumpster enclosure will need to be built. No items are to remain outside.

There is not likely to be any health concerns from the operation as proposed. There is not a paint booth so if painting of parts is to be done, proper building upgrades will likely be necessary.

PROPERTY MAINTENANCE IMPACTS:

The property and building is in need of some maintenance (paint, rusted signage, landscaping, etc.)

MISCELLANEOUS IMPACTS:

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. Its 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 car maintenance 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 # _____

Zoning: _____

Address of Tenant Space: N63W23991 Main Stret Sussex WI 53089

1. Name of Business:
Private Car Hobby

Business
N63W23991 Main Stret Sussex WI 53089 262-894-0383
Address City, State, Zip Phone #
dvmarmydad@hotmail.com
Fax # Email address

2. Business owner contact information:
Dean Myers

Contact
403 Sheffield rd Waukesha WI 53186
Address City, State, Zip Phone #
dvmarmydad@hotmail.com
Fax # Email address

3. Building/Land owner contact information:
Jason Lemke

Contact
414-750-0422
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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
7am	7am	7am	7am	7am	7am	7am
9pm	9pm	9pm	9pm	9pm	9pm	9pm

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? _____
 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? none
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 Whole Building Total square footage 4,000sq ft
 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 6 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?
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.

DEAN MYERS 3-24-02
 Name Date
owner
 Title or Position

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

 Name Date

 Title or Position

2022 VILLAGE OF SUSSEX ORDER

GRANTING A CONDITIONAL USE AND PRESCRIBING CONDITIONS FOR DEAN MYERS TO
ALLOW CERTAIN USES AS DESCRIBED HEREIN IN THE VILLAGE OF SUSSEX

WHEREAS, a petition has been filed by Dean Myers and the intended operator of a Car Restoration Hobby Garage (hereinafter "PETITIONER"); and

WHEREAS, the petitioner is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for property commonly referred to as parcel number SUXV0246970001 N63W23991 MAIN ST Sussex, Wisconsin, all as described on Exhibit A attached hereto and incorporated herein (hereinafter "SUBJECT PROPERTY"); and

WHEREAS, the subject property is zoned B-4 Central Mixed Use district where a car repair/hobby garage in the B-4 district may be permitted as a conditional use in accordance with Section 17.0506(A)(9)(a) of the Village of Sussex Zoning Ordinance; and

WHEREAS, pursuant to Section 17.0506(A)(9)(a) of the Village of Sussex Zoning Ordinance the Plan Commission finds that the no outside storage shall be permitted for part sales and the other outside storage allowed by this CU shall be on a hard paved surface and if not screened by view for the vehicles has sufficient landscaping to minimize the visual impact of the parked vehicles; and

WHEREAS, pursuant to Section 17.0506(A)(15)(e) all outside storage is a conditional use and location of items and screening will only be in the designated areas and under the terms from the CU permit.

WHEREAS, upon receipt of the application for a conditional use permit filed by the petitioner, the Village Clerk properly referred such petition to the Plan Commission for the Village of Sussex for determination; and

WHEREAS, upon referral of the petition by the Village Clerk, the Plan Commission for the Village of Sussex determined that the application was sufficient to schedule a public hearing, and

WHEREAS, Dean Myers has followed the public hearing process and the Village had followed the required "Notice of Public Hearing" and mailing of said "Notice of Public Hearing" to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission held a public hearing on May 17, 2022 and June 21, 2022 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Sussex Village Plan Commission, following the public hearing and necessary investigation, having given the matter due consideration, and having based its determination on the effect of granting such conditional use permit on the health, general welfare, safety, and economic prosperity of the Village and specifically of the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties as to noise, dust, smoke, odor, or other similar factors, hereby determines that the use will not violate the spirit or intent of the Zoning Ordinance for the Village of Sussex, will not be contrary to the public health, safety or general welfare of the Village of Sussex, will not be a hazardous, harmful, noxious, offensive, or nuisance by reason of smoke, dust, odor, or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof: a conditional use permit for the subject property is hereby granted. The conditional use permit granted herein shall apply only to the specific use of the Subject Property by Dean Myers (or a subsequent ownership group if such group is approved by the Plan Commission as set forth in G.) for the following specific uses: car restoration/hobby garage as well as permitted and accessory uses set forth in Section 17.0419 B-4 Central Mixed Use District and auxiliary uses as set forth in 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. This conditional use is granted for Dean Myers for the above enumerated uses, subject to the following conditions:

1. Presentation Compliance. The uses set forth above are approved herein on the Subject Property, and the use thereof shall be used in substantial conformity with the presentation at the Public hearing before the Plan Commission held on May 17, 2022 and June 21, 2022 meetings of the Plan Commission.
2. Subject Property. This conditional use permit issued to the Petitioner, shall be limited to the property described in Exhibit "A" attached hereto and incorporated herein as presented at the public hearing.
3. Plans. The petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village of Sussex in order for this CU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions 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 that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.
 - A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as Exhibit B.
 - B. Plan of Operation. The petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as Exhibit C.
 - C. Traffic, Access and Loading Plans. The petitioner shall comply with the specific traffic, access, loading, and egress plan which is attached as Exhibit D. This plan allows up to 10 parked vehicles on the paved parking lot area north and south of the building and 1 operable trailer.
 - D. Lighting Plan. The petitioner shall adhere to the lighting plan on file for the subject property. No light rays shall be directed onto neighboring properties.
 - E. Signage Plan. All signage on the subject property shall conform to the requirements set forth in Section 17.0800 of the Village Zoning Ordinance and the Design Standards of the Village of Sussex. No change in signage shall be permitted until approved by the Village Building Inspector.
 - F. Sewer, Water, Stormwater and Erosion Control Plans. The petitioner shall comply with the sewer, water, stormwater and erosion control plans on file with the Village Clerk.
 - G. Outdoor Storage Plan. No outdoor storage shall be permitted on the subject property with the following specific exceptions:
 1. Up to 10 vehicles may be parking on the site, but only on the paved areas shown on the parking plan. The vehicles must be licensed. Per ordinance no parts storage may occur outside. One trailer (operable) may also be on the paved parking areas denoted north and south of the building. The driveway to the secondary garage is not paved and as such may not have any overnight parking.
 - H. Landscape and Fence Plan. The Plan Commission has specifically requested a fence plan be provided and that the fence be maintained and that the subject property landscaping be maintained. The petitioner shall comply with the fence plan on file with the Village Clerk.
4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
5. Licenses. The petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.

6. Laws. The petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
 7. Building and Fire Inspection. The petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
 8. Aesthetics. The petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Section 9.07(11) of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
 9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
 10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained.
 11. Fees and Expenses. The petitioner, upon issuance of this conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this conditional use permit. The Village Clerk shall provide the petitioner with copies of all itemized invoices.
 12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this conditional use permit must be paid by the petitioner.
 13. Complaints. in the event the petitioner receives any complaints with regard to the operation authorized by this conditional use, the petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
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 15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and petitioner acknowledging in writing that they have received a copy of this conditional order, 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 restart the application process.
 16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the conditional use permit as the Plan Commission for the Village of Sussex deems appropriate
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.
- C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this 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 of Sussex, the County of Waukesha, the State of Wisconsin the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject properly above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

- D. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.
- E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission for the Village of Sussex.
- F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized by the Plan Commission, shall require a new permit and all Village procedures in place at the time must be followed.
- G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed. The conditional use order may also be extended to a new owner without a new public hearing if the Plan Commission determines that the new owner will adhere to the terms of the conditional use permit and the Plan Commission determines there are no substantial changes proposed to the CU and the Plan Commission determines that the change of ownership/operation will not impact the general safety and welfare of the community.
- H. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- I. 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 fifth year 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 fifth (5) year of the term. 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.

I. 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. 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.

- J. Upon acceptance by petitioner of this conditional use permit, all prior conditional use permits granted to the subject property are hereby revoked and terminated.
- K. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.
- L. If any paragraph or phrase of this conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Sussex, and let copies be sent to the proper Village authorities and the petitioner.

Approved this 21 Day of June 2022

BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Village President

Village Clerk

ACCEPTANCE

I hereby accept all the terms and conditions of the Conditional Use permit and shall follow the same.

Dean Myers

EXHIBIT A

Legal Description

LOT 1 CSM #11781 VOL 118/245 REC AS DOC #4369270 PT NW1/4 OF NW1/4 SEC 26 T8N R19E

SUXV0246970001 N63W23991 MAIN ST

EXHIBIT B
SITE MAP



EXHIBIT C PLAN OF OPERATION

Parking Plan (10 spaces on private property) up to 5 in front and 5 in rear. One trailer in the rear lot only. No overnight parking on gravel as the code requires all parking to be paved.

