



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

**AGENDA
VILLAGE OF SUSSEX
VIRTUAL PLAN COMMISSION MEETING
6:30 PM TUESDAY, APRIL 21, 2020**

THIS MEETING CAN BE ACCESSED IN ONE OF THE FOLLOWING WAYS:

- 1. BY CALLING 1 312-626-6799 AND ENTERING MEETING ID: 214 973 612
THE MEETING MATERIALS WILL BE AVAILABLE AT
WWW.VILLAGESUSSEX.ORG AND DURING THE MEETING BY
WATCHING CHANNEL 25 THE VILLAGE'S CABLE CHANNEL ON
SPECTRUM CABLE.**
- 2. CLICKING THE FOLLOWING LINK: <https://zoom.us/j/214973612>**

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

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of February 18, 2020 and April 15, 2020.
3. Consideration and possible action on Permitted Uses and Plans:
 - A. Consideration and possible action on a Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).
 - B. Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).
 - C. Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).
 - D. Consideration and possible action on a site plan for Peace Lutheran Church (W240N6145 Maple Avenue).
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
 - A. Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle).
 - B. Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.

- C. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline.
 - D. Consideration and possible action on a CSM for Villas of Brandon Oaks designating the lot lines of the stormwater pond.
 - E. Consideration and possible action on a CSM for Nels Anderson W232N6464 Waukesha Avenue.
 - F. Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.
6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne
Chairperson

Jeremy J. Smith
Village Administrator

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Clerk at 246-5200.

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

Minutes of the Plan Commission meeting held on February 18, 2020.

President Goetz called the meeting to order at 6:30 p.m.

Members present: Commissioners Deb Anderson, Amanda Schauer, David Ray, Annette Kremer, Trustee Scott Adkins and Village President Greg Goetz.

Members excused: Roger Johnson.

Others present: Village Administrator Jeremy Smith, Village Attorney John Macy, Assistant Development Director Kasey Fluett, Village Engineer Judy Neu, Deputy Clerk Linda Steinmetz and applicants.

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

Consideration and possible action on the minutes on the Plan Commission meeting of January 21, 2020.

A motion by Kremer, seconded by Anderson to approve the minutes of the Plan Commission meeting of January 21, 2020 as presented. Motion carried 6-0.

Consideration and possible action on a Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206).

Pam Anagnostopolous spoke on behalf of Fade & Fancy, N64W24050 Main Street, #206. Business to be a full service barber shop offering cuts, beard shaping, nose & ear waxing and scalp treatment; and a full service hair styling salon offering cuts, perms, color, highlight, eyebrow waxing and styling. Ms. Anagnostopolous has worked as a cosmetologist in Sussex for almost 30 years.

Mrs. Fluett reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Fade & Fancy will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 37 stalls are allocated to other users and this user requires three spaces.

Plan Commission had no comments.

A motion by Goetz, seconded by Kremer to approve the Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 6-0.

Consideration and possible action on a Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205).

Teresa Mueller spoke on behalf of Bella Mia Salon, N64W24050 Main Street #205. Business to be a hair salon offering cuts, color, perms, formal styles and facial waxing. Has been doing hair for 18 years, last 4 in Sussex.

Mrs. Fluett reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Bella Mia Salon LLC will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 40 stalls are allocated to other users and this user requires three spaces.

Plan Commission had no comments.

A motion by Kremer, seconded by Anderson to approve the Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 6-0.

Consideration and possible action on a Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201).

Shannon Baker spoke on behalf of Skin 360 Spa & Beauty, N64W24050 Main Street #201. Ms. Baker is a licensed aesthetician. Business to offer cosmetic skin treatments such as facials, superficial chemical peels, body treatments, makeup, lashes and waxing.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The spa treatment services is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Skin 360 Spa & Beauty will occupy 479 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 43 stalls are allocated to other users and this user requires three spaces.

No comments from Plan Commission.

A motion by Schauer, seconded by Adkins to approve the Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A. Motion carried 6-0.

Consideration and possible action on an amendment to a Plan of Operation and site plan for Belfast Station (N64W23246 Main Street).

Bruce Russell spoke on behalf of Belfast Station, N64W23246 Main Street. Business plans to build a bar on the outside deck. Design to look like a caboose to tie in with business theme and tracks located nearby. TV to be mounted inside of the bar. Bar will be enclosed by the 6' fence already surrounding the deck.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The restaurant and bar is a permitted use in accordance with section 17.0419 (C)(1)(c) and (d) in the B-4 Central Mixed Use District. New ownership took over the bar and restaurant in August. The new owner is proposing to add a structure to the deck to serve according to his submittal they will only serve beer. It should be noted that their liquor license allows them to serve more than beer on the patio.

The structure will be about 84 square feet and the exterior will be constructed with siding painted to match the existing building and the roof will have three dimensional asphalt shingles.

The Fire Department will be providing a maximum number of patrons that will be allowed on/in the deck area.

The only site plan amendment being considered at this meeting is the addition to add a structure on the deck to serve from.

Comments from Plan Commission: Plan Commission verified that the bar will be enclosed by fence on deck. Staff stated the maximum patron number will be provided to department by end of week.

A motion by Goetz, seconded by Kremer to approve the amendment to the Plan of Operation and site plan to allow the bar structure on the deck for Belfast Station (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the building inspector approving a permit, subject to the standard conditions of Exhibit A, but that no modification to the fencing of the deck be allowed at this time. Motion carried 6-0.

Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).

Due to applicant being delayed by traffic, Plan Commission agreed to hear presentation at a later point in the meeting.

Introduction of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living facility (W235N6350 Hickory Drive).

David Glazer, 4607 N 109th St., Wauwatosa WI was in attendance. No comments made as this is an introduction of CU.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zone B-4. The community based residential facility (CBRF) is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (B)(3). The Matthews Senior Living group is proposing to construct a 103,999 square foot senior living facility. The facility will have a total of 110 units 58 units for residential care apartments (10-studio, 42-one bedroom and 6-two bedroom) 27 assisted living units and 25 memory care units.

Site

- The site will have 74 parking stalls, the code requires 55 spaces for this type of use.
- Access off Hickory Drive aligns with access to property to the east. Proposing a 6 foot sidewalk along Hickory Drive to connect to Silver Spring sidewalk. Path provided to connect with the bugline trail.
- Pembroke street cul de sac will have a 14 foot wide emergency access road with gate.
- Proposed 24x24 dumpster enclosure and a 20x14 shed, both structures to be constructed with material matching the building.
- All plans are subject to final review by the Village Engineer and obtaining the necessary permits from the DNR.

Architectural

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- The plan meets the Design Standards; 63 trees, 92 evergreens 300 shrubs/flowers.
- 15 foot landscape buffer with some fencing along south side as a buffer for the Hickory Heights residential homes

Sign

- The monument sign does not meet the Design Standards, the sign should have side pillar(s) of material that matches the base.

All plans need to be reviewed by the Architectural Review Board.

The Petitioner will need to prove the standards/conditions in the attached memo 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) in the attached memo reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

Mrs. Fluet stated that staff has found the application complete and recommends scheduling the Public Hearing.

Mr. Smith explained the approval process to applicants.

A motion by Goetz, seconded by Adkins to direct staff to schedule a public hearing for 6:30 pm on March 17, 2020.
Motion carried 6-0.

Convene the public hearing of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

Stephen Hoehnen spoke on behalf of Sussex Bowl, N64W24576 Main Street. Business plans to tear down and rebuild its outdoor storage shed. New shed will be used as an outdoor bar to service the volleyball courts and new fenced area for bag league. Volleyball, bag area and shed will be fenced with same style of fences currently around the volleyball courts. Bar will have electricity. Interior cabinets containing liquor will be lockable as well as all exterior doors on the shed. There are plans to have a bartender stationed at the shed during all volleyball/ bag games so the public no longer has to carry drinks from building to volleyball court area. Picnic tables located in volleyball area. There will be no tables in the bags area.

Comments from the public: None.

Comments from the Plan Commission: Plan Commission verified that the area will be fenced and the shed locked. Will security cameras be located on shed, building or parking lot? Will lighting be added to bag area – additional lighting added to parking lot? Is there a striped crosswalk for pedestrians walking from building to fenced area outside? Commissioner Adkins stated he had concerns regarding pedestrian safety and lack of clear access for the public transporting drinks from the building to the volleyball area or employees transporting alcohol to the outdoor bar. Hours of volleyball area?

Mr. Hoehnen stated there are cameras on building covering the parking lot. He is working with a company to install a better cameras. There are no cameras on the shed at this time but he is willing to add one if the Commission feels there is a need. Additional lighting will not be added to the bags area since they will be finished playing at sunset. Owner does plan to add lighting on the shed. Current lighting in parking lot lights the exit leading to the volleyball courts. There are arrows on pavement which direct traffic flow and a large area marked for pedestrians at doors exiting the building. Volleyball court area/ fence is locked at 10 p.m. Current liquor license allows for consumption of alcohol in the volleyball area, but no outside sales. At this time persons playing volleyball have to go inside the building to purchase drinks. This process has been in place since the early 1990's with no issues.

Staff verified there have been very few issues regarding alcohol consumption at the courts.

Mr. Hoehnen stated he met the Conditional Use Standards as follows:

17.0502 Application

- He has submitted for an amendment to the conditional use for Sussex Bowl.
- Address of the location is N64W24576 Main Street, the building meets the Design Standards in the B-1 district; our use for the building is indoor recreational bowling and outdoor recreational volleyball and outdoor bags tournament area.
- He has 30-35 employees.
- He has paid the required fee and have a receipt.

Mr. Hoehnen stated he has reviewed the impact report and concurred with the following:

- There will be more traffic at our location but not significant enough to change the operation of the roadway or nearby intersections.
- He agrees with the Director of Police Services to keep the building and fenced area locked after hours and all outdoor activity is to end prior to 10:00 p.m.
- Business will take care of all trash and respect the Village Ordinance in regards to property maintenance and zoning issues.

Standards regarding 17.0503 Review and approval:

- Our hours of operations are Monday through Sunday 9 a.m. to bar closure time.
- We understand the parking loading, traffic and highway access of the site.

Standards regarding 17.1002

- A – H have been met since this is an existing approved site.
- Our business is not an impact to the public health, safety or welfare of the Village of Sussex our use is in the spirit of the code and is not detrimental to the surrounding area.
- We will comply with all the provisions of the B-1 District standard and setbacks.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include an outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a fence around the perimeter. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure. Please see the impact report for more information.

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order (with additional conditions) for review at the March 17, 2020 meeting at 6:30 p.m. Conditions to be added to the Conditional Use include: pedestrian orientation to include a lighted crossing with striping and outside activities to end at 10 p.m.

A motion by Goetz, seconded by Kremer to adjourn the public hearing until March 17, 2020 at 6:30 pm.
Motion carried 6-0.

Convene the public hearing for a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

Troy Mleziva, Real Estate Development Manager for Kwik Trip stated they are proposing to construct a new retail convenience store with attached carwash and fueling canopy on the corner of CTH K and Business Drive. Kwik Trip plans to have business open by end of year. Store to be 9050 sq. ft. with one attached carwash bay. Stacking of carwash is on north side of building. Hours of operation will be 24 hours for all uses. Ice machines have been moved inside an enclosure where propane tanks are located. Products sold will be similar to that of existing stores. They plan to have 30-35 full and part time employees. This building is larger than previous buildings and will have additional services such as prepared meals. Architectural plan will consist of a brick façade with metal roof. No asphalt materials are used on building – ecofriendly. Canopy on building is aluminum. Colors will tie in with franchise colors. Mr. Mleziva showed the Plan Commission samples of materials to be used in construction of building. All outside lights are recessed and only shine down, lighting area below. Lights on canopies are also recessed. Ten light poles in parking lot at a height of 18 feet, only shining down. Landscape is around exterior of site and along screening wall. One monument sign to be on screening wall, sign over front door and on three sides of building. There are a series of directional signage around pumps. Kwik Trip concurs with the impact report.

ARB has reviewed and approved the site, architectural, lighting, landscape and sign plans and the following recommendations have been made: add sidewalk access from Business Drive to entrance of the store and the address located on screening wall to the right of the monument sign. Mr. Mleziva

presented plan for sidewalk. Staff stated sidewalk plan met design standards. Mr. Mleziva stated they were agreeable with adding address on wall.

Comments from Plan Commission: Discussion was held on location of sidewalk from Business Drive to entrance of store. Due to slope of property, options were limited and the placement shown on plans is the safest/ closest route to entrance of store and meets design standards. Plan Commission agreed with placement of sidewalk. Inquiry by President Goetz of business practices regarding support of the community. President Goetz stated that the Village encourages sprinkler systems be installed for the safety of the public and employees. Inquired if new store will have sprinklers?

Mr. Mleziva stated Kwik Trip encourages its employees to support/ volunteer at community events. The store leader will be the point of contact for such needs. Regarding sprinkler system, this building is less than 12,000 sq. ft., and state code does not require a sprinkler system. The store minus car wash is only 7,200 sq. ft. There are no plans for a sprinkler system at this location as the building has required exits to accommodate ease of access to exit building in the unlikely event of a fire.

Comments from Public: None

Due to some confusion about location of lot, staff reviewed CSM with Plan Commission.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A)(9) (a) and (b) and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24 hours 7 days a week. In addition to the above services, the store will sell alcohol, the interior layout shows the "Beer Cave" and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

The ARB reviewed the plans at the February 5, 2020 meeting and made the following motion:
A motion by Goetz, seconded by Schauer to approve the site, architectural, lighting, landscape and sign plan for Kwik Trip corner of CTH K and Business Drive with the following conditions:

- *Show a site plan with a pedestrian walkway from Business Drive to the entrance of the store.*
- *Add the address to the screening wall to the right of the monument sign.*

Motion carried.

The request for outside storage is to be limited to the ice machine and propane tanks.

As for all new construction of buildings and uses under a Conditional Use, the Plan Commission has requested that the building have a sprinkler system for the safety and welfare of the public and recognizing the importance of sprinklers in saving lives. Kwik Trip has stated that per code a sprinkler system is not required (letter attached).

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order for review at the March 17, 2020 meeting.

A motion by Goetz, seconded by Kremer to adjourn the public hearing until March 17, 2020 at 6:30 pm.
Motion carried 6-0.

Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).

Stu LaRose of MSI General, W215 E Wisconsin Ave, Nashotah, WI and Mark (architect) spoke on behalf of Prestwick Group, W248N5499 Executive Drive. Company is expanding and plans to add a 33,000 sq. ft. building north of the current building. Additional land has been purchased for the expansion. Phase one includes moving the property line to the north as shown on CSM. Updating the existing building

facade, which includes new paint on the lower 2/3 of panels, adding windows on the east and south side to allow more natural light inside, adding a canopy to current entrance and creating a new entrance on the south/east corner of the building. Additional parking will also be added. Phase two will be construction of the new building to match updated design on current building. Lighting plan: five new poles will be added to the parking area with cut-off light fixtures which keep light within the property lines. Landscaping plan: The property will lose some trees when the parking lot is expanded. Tree plan has been reviewed. Trees/ shrubs will be planted along parking lot and there will be buffers added on the west and east side of property.

Staff informed the Plan Commission of the new issue concerning the dock doors on the south side of the building and truck accessibility to the additional dock door. Engineer is aware and will be working with architect to resolve the turning radius issue.

Comments by Public: None.

Comments by Plan Commission: None.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is expanding their operations of light manufacturing of high-end golf course and community amenities. The expansion would add 33,000 square feet to the north side of the building, front entrance improvements and additional parking. In order for this expansion to occur, they needed additional land and purchased the vacant lot to the north. A CSM is presented for consideration to change the lot lines of the two properties to accommodate the expansion to meet the setbacks. At the March Plan Commission they intend to submit plans for a new building on the vacant lot to the north.

The plans will be reviewed at the March Architectural Review Board.

In accordance with Section 17.0604 B. The Plan Commission may consider multiple driveways if:

The Plan Commission may also permit multiple or circular driveways for reasons other than traffic hazards where lots have a frontage of at least 150 feet and the Plan Commission determines that sufficient separation exists between the driveway locations and the property lines.

Notwithstanding the foregoing, multiple or circular driveways shall not be permitted if they would violate any requirement of this Code or other applicable laws.

The frontage of the property is 540 feet and the addition of the third driveway is 142 feet from the center drive and is 112 feet from the property line.

Plan Commission stated they did not have any concerns regarding the CSM, Plan of Operation or multiple driveways. No comments directed to ARB.

A motion by Goetz, seconded by Kremer to approve the CSM with the addition of cross access easements to the Village Board, and further recommends subject to approval of the CSM by the Village Board. Staff recommends approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the addition to Prestwick Group (W248N5499 Executive Drive); a finding that the multiple drives meet the intent of 17.0604 B for the orderly development of the site, finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer to resolve any issues with the truck turning point at the south dock doors and the standard conditions of Exhibit A. Motion carried 6-0.

Consideration and possible action on items pertaining to Vista Run Development property located west of Hwy 164 and south of Silver Spring more specifically part of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002.

Bryan Lindgren, N27W24025 Paul Ct., Suite 100, Pewaukee spoke on behalf of Vista Run Development. Goal is to create an affordable community blending a variety of housing types. Original plan had seven product types, new plan has six. Plan has eliminated the single family attached residential units and replaced them with traditional single family units. Total number of units has been decreased from 308 to 294. Plan still has walking paths and sidewalks as presented previously. Two story townhome lots will be owned by HOA and will have shared maintenance of exterior. Price point in the low \$300s. Ranch Condominiums will also have shared maintenance and common areas. Price point in the mid \$300s. Plan has increased the number of single family villas. These have small lots with price points in the mid \$300s - \$400s. Larger homes in the Residences and Estates area have price points in the \$400s - \$600s. Plan still has 63 acres of open space. A paved trail has been added to access the Kohl's shopping center. Outlot 8 in northeast corner has been set aside for future development.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached). The Plan Commission had recommended approval of this development on November 19, 2019. Since the November review the developer's engineering firm has discovered some grading issues that changed the stormwater layouts, which caused the Developer to rethink the duplex portion of the project and as a result is making some modifications to the plan. The net result is more single family and less single family attached.

The concept will have 206 single family detached lots with two clubhouses including pools, 58 single family attached condominium with a clubhouse and 30 townhouse with 62 acres of Park and natural space and 6.5 acres of open space to be developed at a later time. The plan has eliminated the duplex product and added more single family, while shifting the townhomes to where the duplex's had been. The smallest lots were increased in size as well.

There are many steps needed to take place in order to get to the final stages of development some of the steps, the Land Use amendment and Rezoning will require a public hearing at the March 24, 2020 Village Board.

Staff was directed to schedule at public hearing at the Village Board meeting on March 24, 2020 at 6 p.m.

Resolution for Land Use amendment from Low Density Single Family Residential, Medium Density Single Family Residential, Recreational to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor Isolated Natural Resource Area.

Mrs. Fluet reviewed the Plan Staff Memo (attached). Since the petitioners have filed a petition to rezone the site it is require the land use map be amended to match the zoning map. The petitioners have filed a petition and are requesting the following change to the land use map:

Portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road; and the approximately 176 acres of the subject properties are currently classified on the Land Use Map as the following:

- Low Density Single Family Residential
- Medium Density Single Family Residential
- Recreational

The exhibit with the Resolution is to amend the approximately 176 acres of the subject properties to be classified as:

- Medium Density Single Family Residential
- Single Family Attached and Two Family Residential
- Recreational
- Agricultural
- Environmental Corridor
- Isolated Natural Resource Area

Staff has prepared a Resolution for consideration at this meeting.

Comments from Plan Commission: None.

A motion by Goetz, seconded by Anderson to recommend approval of the Resolution and for the Plan Commission to recommend to the Village Board the adoption of an Ordinance to amend the Land Use Plan Map, a component of the Comprehensive Plan, for the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor, Isolated Natural Resource Area conditioned upon the approval of the rezoning Ordinance for the subject property, the Preliminary Plat, and the Developer's Agreement. Motion carried 6-0.

Rezone Ordinance, from CR-1 and RS-3 Single Family Residential District to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District.

Mrs. Fluet reviewed the Plan Staff Memo (attached). The petitioners have filed a petition to rezone the approximately 176-acre parcel; since this is a unique subdivision, the site will have different residential zoning districts with a Planned Development Overlay (PDO).

The only change to this PDO from what was previously shown is that we've increased the minimum lot size to 10,000 square feet from the 9,000 previously listed as they've increased the lot sizes and we've eliminated the duplex language.

Comments from Plan Commission: None.

A motion by Goetz, seconded by Kremer to recommend to the Village Board to approve the Ordinance to rezone the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District conditioned upon the approval of the Land Use Map Amendment Ordinance, the Preliminary Plat, and the Developer's Agreement. Motion carried 6-0.

Preliminary Plat.

Mrs. Fluet reviewed the Plan Staff Memo (attached). The Developer has submitted the required Preliminary Plat (PP), the PP has some minor changes from the PP submitted in November. Again the duplexes are removed, and the townhomes were shifted to their previous location. Single Family was added to where the townhomes were originally located. The lots are slightly larger in the smallest lot category, and the pond areas were reconfigured to reflect the adjusted grading.

Plan Commission comments: None.

A motion by Kremer, seconded by Anderson to approve the Preliminary Plat and recommend to the Village Board to approve the Preliminary Plat for Vista Run the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road, subject to the standard conditions of approval for Plats, final review and conditions by the Village Engineer, approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Developer's Agreement, establishing a legal lot or lots for remainder portion of land and buildings for Hickory Hill Farms and subject to the standard conditions of Exhibit A. Motion carried 6-0.

Developers Agreement.

Mrs. Fluet reviewed the Plan Staff Memo (attached). The Developers Agreement is part of the approval process for a new subdivision. The language in the agreement helps establish the responsibility of the developer and time frames to complete items. Key items of the agreement include the extension of the

interceptor sewer system, water main looping, sidewalk and paths, site stabilization on previous farmed lands, safety of access during construction, and other items.

Comments from Plan Commission: None.

A motion by Kremer, seconded by Anderson, to recommend approval to the Village Board of the Developers Agreement for Vista Run subject to approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Preliminary Plat, and to the standard conditions of Exhibit A.

Motion carried 6-0.

Topics for Future Agendas: None.

Adjournment

A motion by Kremer, seconded by Anderson to adjourn the meeting at 8:09 pm.

Motion carried 6-0.

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of January 21, 2020
DATE: February 13, 2020

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of January 21, 2020.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206).**

This site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Fade & Fancy will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 37 stalls are allocated to other users and this user requires three spaces.

Any signage for this building must be reviewed by the Building Inspector.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Fade & Fancy (N64W24050 Main Street unit #206); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205).

This site is zoned B-4. The hair salon is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Bella Mia Salon LLC will occupy 176 square feet in the 15,300 square foot multi-tenant building. Hours of operation will

be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 40 stalls are allocated to other users and this user requires three spaces.

Any signage for this building must be reviewed by the Building Inspector.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Bella Mia Salon LLC (N64W24050 Main Street unit #205); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201).

This site is zoned B-4. The spa treatment services is a permitted use in the B-4 Central Mixed Use District in accordance with Section 17.0419(C)(5)(b). Skin 360 Spa & Beauty will occupy 479 square feet in the 15,300 square foot multi-tenant building. Hours of operation will be Monday through Sunday 8:00 a.m. to 9:00 p.m. all business is by appointment only. This site has 56 parking stalls 43 stalls are allocated to other users and this user requires three spaces.

Any signage for this building must be reviewed by the Building Inspector.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Skin 360 Spa & Beauty (N64W24050 Main Street unit #201); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

D. Consideration and possible action on an amendment to a Plan of Operation and site plan for Belfast Station (N64W23246 Main Street).

This site is zoned B-4. The restaurant and bar is a permitted use in accordance with section 17.0419 (C)(1)(c) and (d) in the B-4 Central Mixed Use District. New ownership took over the bar and restaurant in August. The new owner is proposing to add a structure to the deck to serve according to his submittal they will only serve beer. It should be noted that their liquor license allows them to serve more than beer on the patio.

The structure will be about 84 square feet and the exterior will be constructed with siding painted to match the existing building and the roof will have three dimensional asphalt shingles.

The Fire Department will be providing a maximum number of patrons that will be allowed on/in the deck area.

The only site plan amendment being considered at this meeting is the addition to add a structure on the deck to serve from. The letter mentions the possibility of changing the screened in nature of the deck on the south facing wall, but no plans have been provided for said change and such a change would not be in keeping with the screening required when the deck area was approved for liquor. Please keep in mind there are residents immediately to the south of the property.

Policy Question:

1. Are there any concerns with the amendment to the Plan of Operation and site plan?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the amendment to the Plan of Operation and site plan to allow the bar structure on the deck for Belfast Station (N64W23246 Main Street); a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A, but that no modification to the fencing of the deck be allowed at this time.

E. Consideration and possible action on a CSM, Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group addition (W248N5499 Executive Drive).

This site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is expanding their operations of light manufacturing of high-end golf course and community amenities. The expansion would add 33,000 square feet to the north side of the building, front entrance improvements and additional parking. In order for this expansion to occur, they needed additional land and purchased the vacant lot to the north. A CSM is presented for consideration to change the lot lines of the two properties to accommodate the expansion to meet the setbacks. At the March Plan Commission they intend to submit plans for a new building on the vacant lot to the north.

The following are comments for the plans for the addition:

Site

- Need to record a cross access agreement for the shared parking lot
- Need to provide more details about proposed monument sign at the south drive entrance.
- Adding 134 stalls to the site with an additional 65 to the property to the north.

Architecture

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- The will be adding to the existing landscape and meet the Design Standards; 63 tree/evergreens and 136 shrubs/flowers

The plans will be reviewed at the March Architectural Review Board.

In accordance with Section 17.0604 B. The Plan Commission may consider multiple driveways if:

The Plan Commission may also permit multiple or circular driveways for reasons other than traffic hazards where lots have a frontage of at least 150 feet and the Plan Commission determines that sufficient separation exists between the driveway locations and the property lines.

Notwithstanding the foregoing, multiple or circular driveways shall not be permitted if they would violate any requirement of this Code or other applicable laws.

The frontage of the property is 540 feet and the addition of the third driveway is 142 feet from the center drive and is 112 feet from the property line.

Policy Question:

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

Action Items:

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

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM with the addition of cross access easements to the Village Board, and further recommends subject to approval of the CSM by the Village Board. Staff recommends approval of the Plan of Operation and site plan, architectural plan, lighting plan and landscape plan for the addition to Prestwick Group (W248N5499 Executive Drive); a finding that the multiple drives meet the intent of 17.0604 B for the orderly development of the site, finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and the standard conditions of Exhibit A.

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

A. Introduction of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for The Courtyard at Sussex, Assisted Living facility (W235N6350 Hickory Drive).

This site is zoned B-4. The community based residential facility (CBRF) is a conditional use in the B-4 Central Mixed Use District in accordance with Section 17.0506 (B)(3). The Matthews Senior Living group is proposing to construct a 103,999 square foot senior living facility. The facility will have a total of 110 units 58 units for residential care apartments (10-studio, 42-one bedroom and 6-two bedroom) 27 assisted living units and 25 memory care units.

Site

- The site will have 74 parking stalls, the code requires 55 spaces for this type of use.
- Access off Hickory Drive aligns with access to property to the east. Proposing a 6 foot sidewalk along Hickory Drive to connect to Silver Spring sidewalk. Path provided to connect with the bugline trail.
- Pembroke street cul de sac will have a 14 foot wide emergency access road with gate.
- Proposed 24x24 dumpster enclosure and a 20x14 shed, both structures to be constructed with material matching the building.
- All plans are subject to final review by the Village Engineer and obtaining the necessary permits from the DNR.

Architectural

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- The plan meets the Design Standards; 63 trees, 92 evergreens 300 shrubs/flowers.
- 15 foot landscape buffer with some fencing along south side as a buffer for the Hickory Heights residential homes

Sign

- The monument sign does not meet the Design Standards, the sign should have side pillar(s) of material that matches the base.

All plans need to be reviewed by the Architectural Review Board.

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

The Conditional Use Standards:

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

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

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

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

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

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

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

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

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

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

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

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

The Zoning District Standards Section 17.0419 Central Mixed Use District

B-4 CENTRAL MIXED USE DISTRICT

The B-4 Business District is intended to provide for the orderly and appropriate development of the Central Mixed Use District as designated by the Community Development Authority, in conformance with and to implement "The Downtown Design and Development Plan."

- A. It is the specific intent of the B-4 District to:
1. Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.
 2. Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
 3. Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
 4. Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.

5. Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
6. Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
7. Encourage the creation of connection driveways parallel to Main Street, to the rear of existing and new development, where appropriate, in order to reduce conflicts between downtown commercial traffic and through traffic.
8. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.

B. Lot Area and Width

Lots shall contain sufficient area and width to implement the "Downtown Design and Development Plan," as determined by the Plan Commission and the Architectural Review Board.

C. Permitted Uses in the B-4 District

On any lot in the B-4 district, one or a combination of the following uses is permitted:

1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (d) Bars
 - (e) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, and artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
 - (c) Sports teams, clubs and commercial recreational facilities.
 - (d) Museums, historical sites, zoos, botanical gardens, and marinas
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Vocational rehabilitation services
 - (f) Community food services
 - (g) Religious facilities
 - (h) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (i) Youth, elderly and disability social services and emergency relief services (non-housing) in the B-4 district.
 - (j) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (e) Office equipment rental and leasing
5. General Services
 - (a) Repair and Maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and laundry services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
 - (j) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes
 - (b) Telecommunications services
 - (c) Motion picture and video production
 - (d) Motion picture theaters excluding drive-ins
 - (e) Libraries and archives
 - (f) Newspaper, printers, paper and software publishers, recording studio record production, telecommunications services and data processing.
7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Research and development facilities (non industrial)
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 - (g) Pest control services
 - (h) Veterinary services
 - (i) Offices of holding companies and regional managing offices
8. Public Administration and Government Services
 - (a) Public utility, offices of Federal, State, and Local Governments
 - (b) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
9. Retail Trade

- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
10. Manufacturing/Assembly
- (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
11. Transportation and Warehousing
- (a) Courier, delivery, postal service businesses and U.S. postal Service
12. Housing and Mixed Uses
- (a) Business or professional home offices such as residences of clergymen, architects, landscape architects, professional engineers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
 - (b) Single-family residential detached home and two-family residential dwelling, but only if the use is constructed prior to January 1, 2010. In the event of a disaster these dwellings may be reconstructed.
 - (c) Conversions. A conversion of an existing single family residential detached building into a combination of non-residential and residential uses or all non-residential uses in a single existing building meeting the following requirements:
 - (1) The front facade and front porch of the existing building, if any, shall be preserved and any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials unless the Plan Commission with review and recommendation by the architectural review board determines that the particular façade or front porch is not architecturally significant or if the new proposed façade, front porch, or building addition more appropriately meets the design standards of the Village than the existing structures. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.
 - (2) A single-family detached dwelling may be converted to:
 - (a) A maximum of three non-residential uses with no residential uses, or

- (b) One apartment with up to two non-residential uses.
- (3) Residential units must meet the minimum size and facility requirements found in Section 17.0506(A)(15)(g).
- (4) To encourage a business environment that is compatible with the residential character of the Village, conversions to permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission and Architectural Review Board. Said review and approval shall be concerned with general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."
- (d) A permitted or conditional non-residential use is allowed in accessory buildings located to the rear or side of principal buildings, provided that adequate parking is provided and the non-residential use is owned or operated by a person or entity legally occupying a portion of the principal building.
- (e) Mixed Use Development. Mixed-use development if it meets the following conditions:
 - (1) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:
 - (a) Residential and non-residential uses may be combined on a single parcel in new buildings or a combination of new and existing non-residential building(s).
 - (b) Residential uses on the ground floor of buildings in a mixed use development are allowed if the Plan Commission finds that the overall mixed-use development has sufficient retail/office presence to meet the intent of the Downtown Development and Design Plan.
 - (c) When the mixed use involves a conversion of an existing non-residential building the development must establish and or maintain non-residential uses on the ground level of the building(s) such that the Plan Commission finds that the overall mixed-use development will maintain sufficient non-residential presence to meet the intent of the Downtown Development and Design Plan.
 - (d) On large buildings, variations in facades, canopies, and roof lines to provide contrasts of height, color, texture, and materials are encouraged.
 - (e) Any building facade which is visible from a street or other public place shall be constructed of traditional building materials such as local stone, brick, and wood. The use of these materials on other facades is also encouraged.

- (2) Pedestrian circulation shall be included in the design of the development, with walkways planned for linkage to an existing or future pedestrian network of sidewalks. New sidewalks shall connect to the Bugline Recreation Trail where appropriate and in accordance with the "Downtown Design and Development Plan."
 - (3) A traffic impact study may be required for any development that, in the opinion of the Architectural Review Board or Plan Commission, may generate a traffic volume that may require special mitigation measures.
 - (4) Residential units in mixed use developments shall at a minimum each have one bedroom, one kitchen, and one bathroom. A one bedroom unit shall be at least 600 square feet in size and a two bedroom or larger unit shall be at least 800 square feet in size.
 - (f) Single Family Residential Attached Units, if approved as part of a TIF project plan of the Village.
13. Parking Lots
- (a) Parking Lots without a principal use on the lot are permitted as long as the parking lot supports an adjacent parcels use and is sufficiently screened so as to minimize any impact to any adjacent residential uses.
 - (b) To facilitate traffic circulation:
 - (1) Parking areas for a proposed nonresidential use should be directly connected to nonresidential parking areas on adjacent lots where possible. If a connection cannot be made when the proposed use is constructed, a driveway may be constructed extending to the adjacent property line in a location where a future connection can be made. Cross-easements for access shall be provided where applicable.
 - (2) Driveway access from Main Street or Waukesha Avenue should be limited and shared driveways between abutting lots are encouraged. If only one lot is being developed, a cross-easement to an abutting lot or lots may be offered, and recorded on a plan for the first lot. When such shared driveways are established, no additional driveways shall be permitted to access either lot from Main Street or Waukesha Avenue. Additional driveways may be permitted off a side street or a service street.
 - (c) Shared parking facilities maximize the use of the limited area available for parking within the Central Mixed Use District and should be used wherever possible. When parking facilities are shared, the overall parking requirement may be reduced. The number of residential parking spaces, however, shall not be reduced. It shall be the burden of the applicant to provide documentation that uses sharing parking are complimentary and that the full required number of parking spaces would not be required

D. Permitted Accessory Uses

- 1. Off-street parking and loading. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 2. Detached garages for storage of vehicles used in conjunction with the operation of the principal business or for occupants of the premises.
- 3. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- E. Conditional Uses
1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- F. Dimensional Standards.
- The following standards shall apply to all uses:
1. Build-to Line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used. The build-to line may be adjusted by the Plan Commission if it finds that a change in the build-to line would be consistent with the Downtown Design and Development Plan, and the Design Standards. The build-to line shall not be less than five (5) feet.
 2. Side yard: 10 feet on each side, except one or both sideyards may be reduced if the Plan Commission finds that:
 - (a) The Site is masterplanned 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.
 3. Rear yard: 15 feet.
 4. Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
 5. Setback from the Bugline Recreation Trail right-of-way: 15 feet.
 6. Accessory buildings shall be set back from all property lines at least five (5) feet, except that accessory buildings used for principal uses shall meet all the setback requirements for principal buildings.
 7. Maximum height: 45 feet.
 8. Minimum shoreyard: No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
 9. Parking lot setbacks:
 - (a) From street right-of-way: The setback of the principal or 25 feet, whichever is less. No parking shall be permitted between the front of the principal building and the street line with the following exception: The Plan Commission may allow up to ten (10) percent of the parking to be in the street yard if it finds that the no street yard parking requirement is unfeasible for the site.
 - (b) From rear property lines: ten (10) feet; except that the Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Architectural Review Board's recommendation of a landscape plan that meets the design standards and intent of the Downtown Design and Development Plan.
 - (c) From side property lines: five (5) feet, however no setback is required if shared parking is used and cross-easements are established.
 - (d) From buildings: five (5) feet.
 - (e) Any parking structure that was constructed prior to the date of the original adoption of the parking lot setback requirements for the B-4 Central Mixed Use District in 1990, that does not meet the

current requirements of subsection 17.0419 (F)(9)(a-d), is considered legal non-conforming and does not have to be removed upon performing parking lot restoration work. Extension, expansion, enlargement, reconstruction, substitution, or moving of the parking lot, however, may be subject to said requirements of subsection 17.0419(F)(9)(a-d), as described in Section 17.0900 of this Zoning Ordinance.

10. Property line buffer: A buffer area landscaped with trees and shrubs meeting the intent of the "Downtown Design and Development Plan" and the Village Design Standards, shall be required along all side and rear property lines. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.

G. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

H. Development Design Standards

1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2040 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be Submitted to Plan Commission

1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, architectural and facade treatment, ingress and egress, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."

Section 17.0506 Conditional Uses

17.0506 CONDITIONAL USES

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

B. RESIDENTIAL CONDITIONAL USES

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

3. Housing for the Elderly, including community-based residential facilities, rest homes and nursing homes in the Rm-1 and B-4 districts. Elderly housing shall not exceed a density of more than 17.4 dwelling units per acre in the Rm-1 district or more than 22 units per acre in the B-4 district. Upon recommendation of the Architectural Review Board the Plan Commission may reduce the number of required parking spaces for elderly housing in the B-4 district when parking shared with adjacent businesses is provided, however, parking dedicated to the elderly housing use shall not be less than 0.5 parking spaces per dwelling unit.

Site Plan Review Standards 17.1000

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

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

B. No structure shall be permitted:

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

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

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

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

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

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

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

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

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

Any other standards from Chapter 17 that may be relevant.

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

Policy Question:

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

Action Items:

1. Direct staff to schedule the public hearing.
2. Direct the ARB to review the plans.

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

B. Convene the public hearing of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

This site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include an outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a rope fence around the perimeter. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure. Please see the impact report for more information.

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

The Conditional Use Standards:

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

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

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

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

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

E. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village. Costs incurred by the

Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

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

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

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

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

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

The Zoning District Standards Section 17.0416 B-1 Neighborhood Business District

17.0416 B-1 NEIGHBORHOOD BUSINESS DISTRICT

The B-1 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Bed and breakfast establishments
 - (b) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (c) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Automobile driving school
 - (c) General medical services
 - (d) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive through
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (d) Office equipment rental and leasing
5. General Services
 - (a) Repair and maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) General business offices

6. Information Services
 - (a) Motion picture and video production
7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT.
 - (f) Research and development facilities excluding industrial types
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
8. Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
9. Manufacturing/Assembly
 - (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
10. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
11. Transportation and Warehousing
 - (a) U.S. postal service
 - (b) Courier, delivery, postal service businesses

B. Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of business.
2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
3. Residential quarters for the owner or proprietor, located in the same building as the business.

4. Efficiency and one-bedroom residential apartments on a non ground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.
 5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 6. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Lot Area and Width
1. Lots shall be a minimum of 5,000 square feet in area and shall not be less than 60 feet in width.
 2. Individual business sites in the B-1 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no required minimum site width.
 3. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
- E. Building Height and Area
1. No principal building or parts of a principal building shall exceed 30 feet in height.
 2. The maximum square footage of the principal building shall not exceed 30,000 square feet in size.
- F. Setback and Yards
1. There shall be a minimum building setback of 25 feet from the right-of-way of all streets.
 2. No separation shall be required between business, service or commercial uses. No structure shall be closer than 15 feet to a side lot line.
 3. There shall be a rear yard of not less than 15 feet.
 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. Erosion Control
1. See Chapter 14 of the Municipal Code of the Village.
- H. Development Design Guidelines
1. The Village has established clear land use and design principals, as documented in the Village Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be submitted to Plan Commission
 1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0506

CONDITIONAL USES

- A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:
 2. Arts, Entertainment, and Recreation: Petitioners for conditional uses in the Arts, Entertainment, and Recreation section below must prove if the use involves the discharge of weapons that the building and site design have been established to both prevent any bullet, arrow, or other item from leaving the subject property and prevent anyone unauthorized; from access to where they may be impacted by the discharge of the weapon(s).
 - a) Archery Ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, ice boating, marinas, polo fields, riding academies, and stadiums in the A-1 district provided that the lot area is not less than three (3) acres and all structures are not less than 50 feet from any district boundary.
 - b) Music/theater halls, museums, historical sites, zoological and botanical gardens in the B-1, B-3, and A-1 districts.
 - c) Commercial Recreation Facilities, such as arcades, bowling alleys, dance halls, driving ranges, gymnasiums, lodges, miniature golf facilities, physical fitness and recreational sports facilities, pool and billiard halls, racetracks, rifle ranges, tennis courts, volley ball courts, Turkish baths, swimming pools, and skating rinks, are conditional uses and may be permitted in the B-1,

Site Plan Review Standards 17.1000

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

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

B. No structure shall be permitted:

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

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

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

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

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

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

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

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

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

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

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

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

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

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

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

Adjourn hearing to March 17, 2020 at 6:30 p.m.

C. Convene the public hearing for a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

This site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A)(9) (a) and (b). and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24 hours 7 days a week. In addition to the above services, the store will sell alcohol, the interior layout shows the “Beer Cave” and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

The ARB reviewed the plans at the February 5, 2020 meeting and made the following motion:

A motion by Goetz, seconded by Schauer to approve the site, architectural, lighting, landscape and sign plan for Kwik Trip corner of CTH K and Business Drive with the following conditions:

- *Show a site plan with a pedestrian walk way from Business Drive to the entrance of the store.*
- *Add the address to the screening wall to the right of the monument sign.*

Motion carried.

The request for outside storage is to be limited to the ice machine and propane tanks.

As for all new construction of buildings and uses under a Conditional Use, the Plan Commission has requested that the building have a sprinkler system for the safety and welfare of the public and recognizing the importance of sprinklers in saving lives.

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

The Conditional Use Standards:

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

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

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

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

D. Additional information as may be required by the Plan Commission or Administrator. **{This may come out during the Public Hearing.}**

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

F. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted at the appropriate time to the Department of Natural Resources. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

A. Upon receipt of the application, foregoing data and fees, the Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official

newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission. Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

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

C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the hearing. The Village Clerk shall mail a copy of the determination to the applicant.

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

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

F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

The Zoning District Standards Section 17.0417 B-2 Regional Business District

17.0417 B-2 REGIONAL BUSINESS DISTRICT

The B-2 Regional Business District is intended to provide for the orderly and appropriate development along the STH 164 Corridor, to provide services and retail for the community and surrounding region.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Restaurants, snack stands. For a drive-through the Plan Commission must find that the vehicle stacking will not impact surrounding properties or any public roadway.
 - (c) Bars

- (d) Food service contractors and caterers
- 2. Arts, Entertainment and Recreation Services
 - (a) Artists offices/studios
- 3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) General medical services
 - (c) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (d) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
- 4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, and developer offices
 - (d) Office equipment rental and leasing
 - (e) Rental Centers
- 5. General Services
 - (a) Barber, beauty, nail salons, spa treatment services
 - (b) Personal care and weight loss services
 - (c) Funeral home and funeral services
 - (d) Dry cleaning and laundry services (non-industrial)
 - (e) Travel and visitor services
- 6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes.
 - (b) Motion picture theaters excluding drive-in.
- 7. Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/package beverage and tobacco stores
 - (f) Pharmacy/drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing/shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Department stores, supercenters, warehouse clubs
 - (m) Vehicle parts sales, and vehicle maintenance if the use is less than 25% of the facility and is part of a larger retail operation.
- 8. Public Administration and Government Services

- (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
 - 9. Transportation and Warehousing
 - (a) Courier, delivery, postal service businesses
 - 10. Parking Lots
 - (a) Off street parking lots, excluding multi-level parking garages, are allowed without a primary structure if the Plan Commission finds that the parking lot is part of a larger commercial development where the master plan calls for a building to be placed on the site in the future, but the parking lot is necessary for the overall development and cross access and parking agreements are required by the Plan Commission.
- B. Permitted Accessory Uses
 - 1. Storage sheds for storage of ground maintenance equipment.
 - 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508
- D. Lot Area and Width
 - 1. Lots shall be a minimum of 12,500 square feet in area and shall not be less than 80 feet in width.
 - 2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
 - 3. The requirements of Section (D)(2) above may be met in the district by including area from outlots that serve stormwater or other directly related purposes for the subject parcel, are owned in part by the parcel, and are reasonably expected to remain in open space for perpetuity as determined by the Administrator. If multiple lots are served by one or more outlot(s) in no case shall the greenspace area of the outlot(s) be counted more than once. Each lot which by this subsection is entitled to satisfy the requirements of Section D(2), in part, by land located on an outlot is entitled to use no more than the percentage of the qualifying outlot land that is equal to the percentage of the subject lot compared to the total area of the lands served by the outlot.
- E. Building Height and Area
 - 1. No principal building or parts of a principal building shall exceed 45 feet in height.
 - 2. Buildings larger than 100,000 square feet in area shall have a deed restriction placed against the lot in a form approved by the Village to ensure the building, if it becomes vacant for more than 5 years to be removed from the site and the site returned to a buildable state.
- F. Setback and Yards
 - 1. There shall be a minimum setback of 40 ft. from the road right-of-way.

2. There shall be a rear yard of not less than 25 ft.
3. There shall be a sideyard on each side of the buildings of not less than 25 ft., except as follows.
4. The Plan Commission may reduce setbacks with-in this district outside of a Planned Development Overlay District if it finds that in granting the reduced setbacks:
 - (a) The Site is masterplanned 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 of the Village.
5. No building or structure shall be located closer than 15 ft. to an F-1 Floodway District, F-2 Floodplain Conservancy District, or a LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

H. Development Design Guidelines

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

I. Plans and Specifications to be submitted to Plan Commission

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

1. Pedestrian and Vehicle Access.
 - (a) Property owners will provide cross access easements off-street where feasible.
 - (b) Where feasible and desirable, pedestrian cross access from adjacent building will be encouraged.

And in the Planned Development Overlay Ordinance #833.

17.0506 Conditional Uses

17.0506 CONDITIONAL USES

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

standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

9. Retail Trade
 - a) Vehicle sales, vehicle service, service of vehicle parts, vehicle parts sales including vehicle washing, vehicle repair stations, service of vehicle parts and vehicle parts sales in the B-2, B-3 and B-4 Districts No outside storage shall be permitted for vehicle parts sales even by issuance of a conditional use permit as set forth in 17.0506(A)(15)(e) of this Ordinance. All other outside storage that may be granted by CU shall be on a hard paved surface and shall be screened from view, or in the case of vehicle sales the landscaping shall be aesthetically pleasing to minimize the visual impact of a parking lot of vehicles.
 - b) Gasoline service stations in the B-2 and B-3 districts provided that the use shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.
11. Miscellaneous Items (Towers/Antenna and Outside Storage)
 - a) Commercial Use Outside Storage. Outside storage maybe permitted for commercial uses in the B-1, B-2, B-3, B-4, BP-1, and OP-1, districts. All outside storage areas shall be at least 100 feet from residential, park, and institutional districts located in the Village or adjacent community. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Plan Commission review and approval. Screening shall be a permanent opaque wall matching the materials of the building and may include fencing as deemed appropriate by the Plan Commission. The Plan Commission may allow vegetative screening in part or in whole, where it determines the vegetative screening shall provide sufficient and aesthetically pleasing screening and said screening is appropriate for the type of items being screened from view. The height of the wall necessary shall be sufficient to screen the product(s) in the outside storage area. The Plan Commission shall set the appropriate height of any fencing based upon the site conditions and the types of outdoor storage to be screened. Outside Storage shall not be construed to include the temporary or seasonal outdoor sales or services allowed as part of a Village approved outdoor sales and services permit.

Any other standards from Chapter 17 that may be relevant.

Comments from the public if any.

The Plan Commission continues the public hearing and:

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

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the

CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

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

Adjourn hearing to March 17, 2020 at 6:30 p.m.

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

A. Consideration and possible action on items pertaining to Vista Run Development property located west of Hwy 164 and south of Silver Spring more specifically part of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002.

The Plan Commission had recommended approval of this development on November 19, 2019. Since the November review the developer's engineering firm has discovered some grading issues that changed the stormwater layouts, which caused the Developer to rethink the duplex portion of the project and as a result is making some modifications to the plan. The net result is more single family and less single family attached.

The concept will have 206 single family detached lots with two clubhouses including pools, 58 single family attached condominium with a clubhouse and 30 townhouse with 62 acres of Park and natural space and 6.5 acres of open space to be developed at a later time. The plan has eliminated the duplex product and added more single family, while shifting the townhomes to where the duplex's had been. The smallest lots were increased in size as well.

There are many steps needed to take place in order to get to the final stages of development some of the steps, the Land Use amendment and Rezoning will require a public hearing at the March 24, 2020 Village Board.

1. Resolution for Land Use amendment from Low Density Single Family Residential, Medium Density Single Family Residential, Recreational to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor Isolated Natural Resource Area. .

Since the petitioners have filed a petition to rezone the site it is require the land use map be amended to match the zoning map. The petitioners have filed a petition and are requesting the following change to the land use map:

Portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road; and

The approximately 176 acres of the subject properties are currently classified on the Land Use Map as the following:

Low Density Single Family Residential
Medium Density Single Family Residential
Recreational

The exhibit with the Resolution is to amend the approximately 176 acres of the subject properties to be classified as:

Medium Density Single Family Residential
Single Family Attached and Two Family Residential
Recreational
Agricultural
Environmental Corridor
Isolated Natural Resource Area

Staff has prepared a Resolution for consideration at this meeting.

The Plan Commission can adopt the Resolution allowing the scheduling of a public hearing before the Village Board, after which the Village Board may consider an Ordinance to amend the Land Use Plan Map. This process is consistent with the adopted public participation process for Land Use Map amendments of the Comprehensive Plan.

Policy Question:

1. Are there any concerns with the petition?
2. Are there any concerns with the proposed amendment to the land use map?
3. Are there any concerns with the Resolution?

Action Items:

1. Act on the Resolution.
2. Direct staff to schedule a public hearing.

Staff Recommendation: Staff recommends approval of the Resolution and for the Plan Commission to recommend to the Village Board the adoption of an Ordinance to amend the Land Use Plan Map, a component of the Comprehensive Plan, for the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to Medium Density Single Family Residential, Single Family Attached and Two Family Residential, Recreational, Agricultural, Environmental Corridor, Isolated Natural Resource Area conditioned upon the approval of the rezoning Ordinance for the subject property, the Preliminary Plat, and the Developer's Agreement.

2. Rezone Ordinance, from CR-1 and RS-3 Single Family Residential District to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District.

The petitioners have filed a petition to rezone the approximately 176-acre parcel; since this is a unique subdivision, the site will have different residential zoning districts with a Planned Development Overlay (PDO).

The petitioners are requesting to rezone a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road:

FROM:

CR-1 and RS-3 Single Family Residential District

TO:

RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District

The petitioner should address all the conditions as required in Section 17.0435 (D) of the PDO zoning Ordinance. The PDO is intended to allow for a more effective layout of lots, Park space and the uniqueness of the different types of housing options.

Staff has prepared an Ordinance for consideration to rezone the property. The next is for the Plan Commission to recommend to the Village Board and schedule a public hearing.

The only change to this PDO from what was previously shown is that we've increased the minimum lot size to 10,000 square feet from the 9,000 previously listed as they've increased the lot sizes and we've eliminated the duplex language.

Policy Questions:

1. Are there any concerns with the petition?
2. Are there any concerns with the proposed zoning change?
3. Are there any concerns with the Ordinance?

Action Item:

1. Act on the Ordinance.
2. Direct staff to schedule a public hearing.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Ordinance to rezone the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road to RS-2 Single Family Residential District, SFRD-3 Single Family Attached District, Park, with Environmental Overlays and Agricultural with a Planned Development Overlay District conditioned upon the approval of the Land Use Map Amendment Ordinance, the Preliminary Plat, and the Developer's Agreement.

3. Preliminary Plat.

The Developer has submitted the required Preliminary Plat (PP), the PP has some minor changes from the PP submitted in November. Again the duplex's are removed, and the townhomes were shifted to their previous location. Single Family was added to where the townhomes were originally located. The lots are slightly larger in the smallest lot category, and the pond areas were reconfigured to reflect the adjusted grading.

Policy Questions:

1. Are there any concerns with the Preliminary Plat?

Action Items:

1. Act on the Plat.

Staff Recommendation: Staff recommends the Plan Commission approve the Preliminary Plat and recommend to the Village Board to approve the Preliminary Plat for

Vista Run the property, more specifically a portion of SUXV0227999, SUXV0227999004, SUXV0228996 and SUXV0228996002 Silver Spring Road, subject to the standard conditions of approval for Plats, final review and conditions by the Village Engineer, approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Developer's Agreement, establishing a legal lot or lots for remainder portion of land and buildings for Hickory Hill Farms and subject to the standard conditions of Exhibit A.

4. Developers Agreement.

The Developers Agreement is part of the approval process for a new subdivision. The language in the agreement helps establish the responsibility of the developer and time frames to complete items. Key items of the agreement include the extension of the interceptor sewer system, water main looping, sidewalk and paths, site stabilization on previous farmed lands, safety of access during construction, and other items. Please see the agreement for more information.

Policy Questions:

1. Are there any concerns with the Developers Agreement?

Action Items:

1. Act on the Developers Agreement.

Plan Commission - Staff Recommendation: Staff recommends the Plan Commission approve the Developers Agreement for Vista Run subject to approval of the Land Use Map Amendment Ordinance, the PDO Rezoning Ordinance and the Preliminary Plat, and to the standard conditions of Exhibit A.

06. Other Items for future discussion.

07. Adjournment.

Exhibit “A”

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

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

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

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

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

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

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

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

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

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

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

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

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

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



Store Engineering

FAX 608-793-6237

1626 Oak St., P.O. Box 2107
La Crosse, WI 54602

www.kwiktrip.com

Village of Sussex
Kasey Fluett
N64W23760 Main St
Sussex, WI 53089

February 18th, 2019

Fire Protection Summary

Ms. Fluett,

We are writing to summarize our interpretation of the IBC 2015 Building Code/NFPA requirements regarding when a Fire Sprinkler system is required to be installed. See attached code sheet for the requirements of Fire Sprinkler and Fire Alarms based on code requirements. Neither a sprinkler system or a fire alarm system is required by code. Per IBC 903.2.7 An automatic sprinkler system is not required for Group M (Mercantile) fire areas less than 12,000 sf. Our building is only 9,156 sf well under the required. The International Building Code also has also accounted for safety factors in the areas that are required by code as well.

The IBC 2015 was adopted by Wisconsin in the spring/summer of 2019. Wisconsin also has provisions adopted typically each year to update items needed since the IBC Code isn't adopted each year. With all the current versions of the applicable code the 2013 ACT 270 Grandfathered Ordinances was adopted in 2013 and is still applicable. I have attached the Sussex Section (Starts on Page 163) of this ordinance and this is all geared towards educational facilities and buildings with living quarters and high occupancies. Nowhere in this document does it state that "Mercantile" is required to have a sprinkler or alarm system.

The current ordinance for the Village of Sussex has similar language that the IBC and the 2013 ACT 270 but has added in almost all uses that weren't included in the applicable codes and reduced the 12,000 sf requirement to 5,000 sf for Non-Fire Resistive construction. Also, the Village Ordinance added Mercantile to its language as shown below (Village of Sussex Ordinance) to what the IBC and the 2013 ACT 270 language provided.

In the FAQ document, which is a supplement to the 2013 ACT 270 document, the following questions was asked:

4. Can a municipality make changes to an ordinance that was grandfathered under Act 270?

Yes, see 101.02(7r)(c).

101.02(7r)(c) (c) A town, village, or city may amend an ordinance that is enforceable

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.

under par. (b) if all of the following apply:

1. The amendment will not **broaden** the applicability of the ordinance to any building components that are not subject to the ordinance under par. (b) 3.

We feel that with the municipality requesting that we install a fire sprinkler system and fire alarm system based on a lesser square footage than what the current code has specified falls within this exact clarification that is broadens the requirement of no sprinkler required for our building size and use therefore cannot enforce us to install a such system.

Village of Sussex Ordinance Reads:

(2) WHERE INSTALLED. After November 25, 1975, every building constructed, every building structurally altered, every building remodeled, or every building whose use has changed, according to Subsection (8) below, shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part as follows:

(A) This classification includes but is not limited to all factories and workshops, including all places where manual labor is employed, office buildings, telegraph and telephone offices, **mercantile establishments where commodities are bought or sold**, clothes cleaning establishments, warehouses, railroad stations, exhibition buildings, public mausoleums, crematoriums, and places where not more than 100 persons assemble for recreation, entertainment, or dining purposes.

1. Throughout Fire-Resistive buildings exceeding 7,500 square feet gross area or exceeds one level.
2. Throughout Non-Fire-Resistive buildings exceeding 5,000 square feet gross area or exceeds one level.

2013 ACT 270 Language Reads:

Sussex

5.15 GENERAL PROVISION.

(2) STATE CODES ADOPTED. In addition to the regulations, standards and procedures herein set forth, there shall be compliance with provisions of the Wisconsin Administrative Code and regulations of the State Department of Commerce all of which are hereby made a part of this section by reference; provided if there is conflict or ambiguity concerning any of the foregoing, the stricter provision shall apply.

(3) APPLICATION OF CODE.

(a) The provisions of the Fire Prevention Code shall apply equally to new and existing conditions except existing conditions not in strict compliance with the terms of the Fire Prevention Code shall be permitted to continue where the exceptions do not constitute a clear hazard to life or property.

5.16 AUTOMATIC SPRINKLER SYSTEMS.

(2) WHERE INSTALLED. After November 25, 1975, every building constructed, every building structurally altered, every building remodeled, or every building whose use has changed, according to Subsection (8) below, shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part as follows:

(d) This classification includes but is not limited to all public and private schools, universities, colleges, academies, seminaries, libraries, museums and art galleries; including all buildings or parts of buildings used primarily for instructional purposes.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.

(e) This classification includes but is not limited to all residential buildings, health care facilities, hospitals, nursing homes, elderly or retirement complexes, multi-family apartments and condominiums, community based residential facilities, hotels, motels, bed and breakfasts, day care centers, correctional and detention centers.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.

(f) This classification includes but is not limited to all buildings used as high hazardous occupancies, storage occupancies and repair and public garage occupancies.

1. Throughout all Fire-Resistive and Non-Fire-Resistive buildings.

2. Throughout all Fire-Resistive and Non-Fire-Resistive garages used to store transportation vehicles above or below other occupancies.

(g) This classification includes all basements.

1. Throughout all Fire-Resistive and Non-Fire-Resistive basements and cellars when used for manufacture, storage or sale of goods, materials or merchandise.

We understand your concern about wanting to protect the citizens and customers of our municipality and us as a company also feel the same about protecting them. We have almost 30,000 employees at Kwik Trip and almost 75% of them working in our retail stores and if we had concerns that our buildings were unsafe we would be installing them immediately to keep the co-workers safe as well as our guests. This type of building has required exits to accommodate ease of access to exit building in the unlikely event of a fire. For this same reason this building type has not been required to have a sprinkler system at our size. We have been installing deep fryers now in our store but also by code we are then required to have a Type I hood installed with an Ansul Extinguishing system specially formulated for grease

flames. As most are aware a water extinguishing system would only increase a fire caused by grease. Again, this is all regulated by a strict International Commercial Code and State Code.

We are currently building about 50 new stores a year and looking to increase to about 70 stores a year across the three states of Wisconsin, Minnesota, and Iowa. Since 2015 we have constructed and opened 83 stores in the state of Wisconsin and prior to the adoption of IBC 2015 Code we have only done 5 stores with a fire protection system and we haven't constructed one in Wisconsin since last summer when this was adopted. I have included copies of all the documents that were referenced in this letter for reference. Please feel free to contact me at anytime to discuss this letter. We appreciate your consideration of our request.

Sincerely,



Jeff Osgood – Development Manager - Store Engineering - Kwik Trip, Inc.

608-793-5547 - josgood@kwiktrip.com 1626 Oak St | P.O. Box 2107 | La Crosse, WI 54602

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission Virtual Public Hearing held on April 15, 2020.

President Goetz called the public hearing to order at 5:00 p.m.

Members present: Commissioners Annette Kremer, Roger Johnson, Deb Anderson, Amanda Schauer, David Ray, Trustee Scott Adkins and Village President Greg Goetz.

Members excused: None.

Others present: Administrator Jeremy Smith, Asst. Administrator Kelsey McElroy-Anderson, Attorney John Macy, Assistant Development Director Kasey Fluet, Deputy Clerk Linda Steinmetz and applicants.

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

Reconvene the public hearing of an amendment to a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses

Stephen Hoehnen spoke on behalf of Sussex Bowl, N64W24576 Main Street. Business plans to tear down and rebuild its outdoor storage shed. New shed will be used as an outdoor bar to service the volleyball courts and new fenced area for bag league. The petitioner stated he had received and reviewed the conditional use document and agreed with the document as presented.

Comments from the public: None.

Comments from the Plan Commission: None.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached).

A motion by Johnson, seconded by Goetz to close the public hearing. Motion carried 7-0.

Consideration and possible action on a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street).

Mrs. Fluet stated 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 site plan for Sussex Bowl.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the following Standards/Regulations:

- The Application is complete and consistent with 17.0502
- The use(s) and plans are compliant with 17.0503 (Review of CU's)
- The use(s) and plans are compliant with 17.0200 (General Conditions)
- The uses(s) and plans are compliant with 17.0416 (B-1 Business Neighborhood)
- The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)
- The Petitioner provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.

The Plan Commissioners concluded that the Petitioner had provided substantial evidence with regards to the Conditional Use Permit as follows:

- A.3.A. Site Plan Standards compliance
- A.3.B. Plan of Operation compliance
- A.3.C.-H. Various Plan(s) compliance
- A.4.-16. CU condition compliance
- B-L. Administrative CU Condition compliance

A motion by Goetz, seconded by Johnson to approve the Conditional Use and site plan based upon the evidence presented at the Public Hearings for Sussex Bowl (N64W24576 Main Street); a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

Motion carried 7-0.

Adjournment

A motion by Kremer, seconded by Ray to adjourn the public hearing at 5:18 pm. Motion carried 7-0.

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk



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: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of April 15, 2020
DATE: April 8, 2020

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

01. Roll call.

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

A. Reconvene the public hearing of an amendment of a Conditional Use and site plan for Sussex Bowl (N64W24576 Main Street) to add additional outdoor uses.

This site is zoned B-1. The bowling recreational center with outdoor volley ball courts is requesting to amend their conditional use and site plan to include and outdoor bar and bags tournament area. This site has 150 parking stalls with the required 4 stalls designated for handicap parking.

The area for the bags tournament will be located on the grass adjacent to the fenced volley ball courts, this area will be designated by a rope fence around the perimeter. The owner is already allowed to have alcohol at the volleyball court and their request is to extend alcohol to the bags area as well. That issue will require an amendment to their liquor license, which goes before the Finance Committee and Village Board.

The owner will replace their current outdated shed and serve out of the new structure.

The Conditional Use Permit Standards to be met:

A. This conditional use is granted for the Petitioner for the above for the above enumerated uses, incorporating the findings as set forth above and subject to the following conditions:

- (1) Presentation Compliance. The recreational facility such as a bowling alley and other outdoor uses; volleyball courts; bags tournament area and outdoor bar is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearings before the Plan Commission held on February 18, 2020 and March 17, 2020.

- (2) Subject Property. This conditional use permit issued to the Petitioners, shall be limited to the property described in **Exhibit A** attached hereto and incorporated herein and to the site plan presented at public hearing.
- (3) Plans. The Petitioners are required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Village Clerk for 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 specific language of the Conditional use and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein as solely determined by the Plan Commission. If the Plan Commission for the Village of Sussex feels, in its sole discretion, that the amendment or change to any plan contemplated herein is substantial, the amendment or change will require a new permit and all Village procedures in place at the time must be followed.
- A Site Plan. The Petitioners shall maintain the existing site plan, which shall be attached hereto and incorporated herein as **Exhibit A-1**.
- B Plan of Operation. The Petitioners 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 preliminary plans on file and with the presentations at the Meetings. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit B**.
- C Traffic, Access, Loading, and Parking Plans. The Petitioner shall comply with the existing traffic parking, loading, and egress plan for the subject property on file with the Village Clerk.
- D. Lighting Plan. The Petitioner shall maintain the existing lighting plan for the Subject Property on file with the Village Clerk
- E. Signage Plan. The Petitioner must submit a signage plan for the subject property on file with the Village Clerk.
- F. Public Improvements. There are no current public improvements required at this time.
- G. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the specific sewer, water, stormwater, and erosion control plans on file with the Village Clerk.
- H. Fence, Landscaping, Berm, and Open Space Utilization Plan. The Petitioner shall comply with the specific Fence, Landscaping, Berm, and Open Space Utilization Plan for the Subject Property shall be attached hereto and incorporated herein as **Exhibit C**.

- I. Architectural and Building Plan. The Petitioner shall comply with the specific Architectural and Building Plan for the Subject Property on file with the Village Clerk.
- J. Outdoor Storage and Uses Plan. No outdoor storage is permitted. The outdoor uses approved are the volleyball courts, outdoor bar and bags tournament area and any area approved with an outdoor establishment permit. If the Petitioner wishes to have additional outdoor uses they must seek approval from the Plan Commission without a new public hearing unless the Plan Commission determines a public hearing is necessary.
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 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 Plan Commission 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 except for as allowed by Outdoor Establishment Permit under Chapter 4 or Auxiliary Use under Section 17.0710.
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 approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
 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 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.
- 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 final year of the 5 year term of the CU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the CU. If based upon that review the use of the property is compatible with the surrounding areas and the Petitioner is in substantial compliance with all terms of this conditional use agreement, then, in that event, the Conditional Use can be automatically renewed for another 5 year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the Conditional Use, the Petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.
1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.
 2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.
 3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.

- 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.

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.

B. Consideration and possible action on a Conditional Use and site plan for Sussex Bowl (N64W24576 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 site plan for Sussex Bowl.

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 17.0416 (B-1 Business Neighborhood

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 Conditional Use 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.-H. 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 and site plan based upon the evidence presented at the Public Hearings for Sussex Bowl (N64W24576 Main Street); a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

03. Adjournment.

Exhibit “A”

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

Minutes of the Plan Commission Virtual Public Hearing held on April 15, 2020.

President Goetz called the public hearing to order at 6:30 p.m.

Members present: Commissioners Annette Kremer, Roger Johnson, Deb Anderson, Amanda Schauer, David Ray, Trustee Scott Adkins and Village President Greg Goetz.

Members excused: None.

Others present: Administrator Jeremy Smith, Asst. Administrator Kelsey McElroy-Anderson, Attorney John Macy, Assistant Development Director Kasey Fluett, Deputy Clerk Linda Steinmetz and applicant.

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

Reconvene the public hearing of a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

Troy Mleziva, Real Estate Development Manager for Kwik Trip stated they are proposing to construct a new retail convenience store with attached carwash and fueling canopy on the corner of CTH K and Business Drive. Kwik Trip plans to have the business open by end of year. Store to be 9000 sq. ft. with one attached carwash bay. There will be fueling stations for both passenger vehicles and trucks with different entrances for each. Hours of operation will be 24 hours per day for all uses. Products sold will be similar to that of existing stores. Architectural plan will consist of a brick façade with metal roof. All outside lights are recessed and only shine down, lighting area below. There will be no light spillage onto neighboring properties. Lights on canopies are also recessed. Landscape is around exterior of site and along screening wall. Address will be on screening wall. Sidewalk plan has been approved by Village Engineer. One monument sign to be on screening wall, sign over front door and on three sides of building. ARB has approved the site, architectural, lighting, landscape and sign plans.

Commissioner Johnson inquired as to why the sidewalk did not cut through the middle of the wall giving pedestrians a more direct route to the front of the store.

Village Engineer, Judith Neu informed the Commission that the elevation change of the property did not allow for that option if the sidewalk was to meet ADA compliance.

Mr. Mleziva stated they had received and reviewed the conditional use document and agreed with the document as presented.

Comments from the public: Mark Lake thanked the Commission for approving the industrial park development and bringing Kwik Trip to Sussex. Mr. Lake stated the developer is working with the County to get the sidewalk completed as soon as possible.

Comments from the Plan Commission: None.

Mrs. Fluett reviewed the staff memo (copy attached).

A motion by Kremer, seconded by Anderson to close the public hearing.

Motion carried 7-0.

Consideration and possible action on a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

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, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip.

The Plan Commission concluded that the Petitioner had provided substantial evidence with regards to the following Standards/Regulations:

- The Application is complete and consistent with 17.0502
- The use(s) and plans are compliant with 17.0503 (Review of CU's)
- The use(s) and plans are compliant with 17.0200 (General Conditions)
- The uses(s) and plans are compliant with the PDO Ordinance for the Subject Property
- The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)
- Has the Petitioner provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.

The Plan Commissioners concluded that the Petitioner had provided substantial evidence with regards to the Conditional Use Permit as follows:

- A.3.A. Site Plan Standards compliance
- A.3.B. Plan of Operation compliance
- A.3.C.-H. Various Plan(s) compliance
- A.4.-16. CU condition compliance
- B-L. Administrative CU Condition compliance

A motion by Goetz, seconded by Kremer to approve the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and signage plan based upon the evidence presented at the Public Hearings for Kwik Trip corner of CTH K and Business Drive; a condition the sidewalk along CTH K is installed prior to occupancy, a finding the use and structures meet the principals of 17.1002(A-H); subject to the approval of a CSM and the standard conditions of Exhibit A. Motion carried 7-0.

Consideration and possible action on a CSM for Sussex Corporate Park to divide lot 1 Tax Key #SUXV0273999006, to create 3 lots, lot 2 will be the future site of Kwik Trip.

Mrs. Fluet reviewed the memo (copy attached) stating the site is zoned B-2. This CSM is to divide Lot 1 adjacent to Business Drive in the new Sussex Corporate Park to create lot 2 and lot 3 for development. Lot 2 is the future site of the new Kwik Trip.

A motion by Kremer, seconded by Johnson to recommend approval of the CSM to the Village Board to divide Lot 1 Tax Key #SUXV0273999006 in the new Sussex Corporate Park corner of Hwy 164 and CTH K to create 3 lots subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A. Motion carried 7-0.

Adjournment

A motion by Goetz, seconded by Kremer to adjourn the public hearing at 6:53 pm. Motion carried 7-0.

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk



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: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of April 15, 2020
DATE: April 8, 2020

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

01. Roll call.

02. Consideration and possible action on Conditional Use Permits and Plans on the following items:

A. Reconvene the public hearing for a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

This site is zoned B-2 with a Planned Development Overlay. The convenience store, car wash and gasoline service station is a conditional use in accordance with Section 17.0506 (A)(9) (a) and (b). and outside storage Section 17.0506 (A)(11)(a). Kwik Trip is proposing to construct a 9,050 square foot convenience store with attached car wash, gas pumps with canopy and diesel gas with canopy. Kwik Trip will operate 24 hours 7 days a week. In addition to the above services, the store will sell alcohol, the interior layout shows the “Beer Cave” and labeled #16 is the liquor cabinet behind the cash registers. The store will employ 30 to 35 employees. The liquor license and outdoor establishment permit will need to be reviewed by the Village Board.

The Conditional Use Permit Standards to be met:

- A. This conditional use is granted for Kwik Trip Inc. for the above enumerated uses, subject to the following conditions:
1. Presentation Compliance. The vehicle washing, outside storage and 24 hour convenience store/fueling 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 February 18, 2020 and March 17, 2020.
 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 Plan Commission for 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 submit to and receive approval from the Village Plan Commission, pursuant to Section 17.1000, a specific site plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit B**. Any such plan must meet the following minimum requirements or conditions:

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 preliminary plans on file and with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as **Exhibit C**.

1. The hours of operation for the fuel pumps and convenience store will be 24 hours.
2. In order to sell alcoholic beverage items a license from the Village of Sussex is required and all requirements of said license process shall be followed and a license obtained prior to the sale of the same.

C. Traffic, Access and Loading Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific traffic, access, loading, parking and egress plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit D**.

D. Lighting Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific lighting plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit E**.

E. Signage Plan. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific signage plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit F**.

F. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall submit to and receive approval from the Village Engineer specific sewer, water, stormwater, and erosion control plans for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit G**.

G. Public Improvements. The Owner/Developer has submitted and received approval from the Village Board, Waukesha County, State of Wisconsin and other necessary approving agencies for improvements to the public roadway system, sidewalk system, signalization system, street lighting and utility systems, and or other public improvements to provide for the use of the Subject Property. The Petitioner's approvals are subject to the Owner/Developer completing these necessary improvements.

H. Fence, Landscaping, Berm, and Open Space Utilization Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific fence, landscape, berm, and open space utilization plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit H**. Any such plan must meet the following minimum requirements or conditions:

1. Screening brick wall of fuel pumps along CTH K shall be attached hereto and incorporated herein as **Exhibit H-1**.

I. 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 recycling law requirements. The trash dumpsters shall be screened from view and shall be maintained in a safe and sanitary condition at all times.
2. The storage and sale of propane and ice in the style, manner, and location as shown by the outdoor storage plan attached as **Exhibit I**.
3. No other outside storage or sales of merchandise from the above listed materials (excluding fuel for vehicle usage) are permitted outside of the building.

J. Architectural and Building Plans. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific architectural and Building Plan for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentations at the Meetings. The plan(s) shall be attached hereto and incorporated herein as **Exhibit J**.

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 11.07 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 Plan Commission 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 reasonable 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 (“Staff Members”). The Village Clerk shall provide the Petitioner with copies of all itemized invoices and shall include with such invoices a complete list of the fee rates for all Staff Members.

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/Developer approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.

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 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 (except for any related entity to Petitioner), 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.
- 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. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.

- 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.

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.

B. Consideration and possible action on a Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip at the corner of CTH K and Business Drive.

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, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Kwik Trip.

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 the PDO Ordinance for the Subject Property

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 Conditional Use 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.-H. 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 various plans.

Staff Recommendation: Staff recommends approval of the Conditional Use, Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and signage plan based upon the evidence presented at the Public Hearings for Kwik Trip corner of CTH K and Business Drive; a condition the sidewalk along CTH K is installed prior to occupancy, a finding the use and structures meet the principals of 17.1002(A-H); subject to the approval of a CSM and the standard conditions of Exhibit A.

1. Consideration and possible action on a CSM for Sussex Corporate Park to divide lot 1 Tax Key #SUXV0273999006, to create 3 lots, lot 2 will be the future site of Kwik Trip.

This site is zoned B-2. This CSM is to divide Lot 1 adjacent to Business Drive in the new Sussex Corporate Park to create lot 2 and lot 3 for development. Lot 2 is the future site of the new Kwik Trip.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board to divide Lot 1 Tax Key #SUXV0273999006 in the new Sussex Corporate Park corner of Hwy 164 and CTH K to create 3 lots subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

03. Adjournment.

Exhibit “A”

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

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

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

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

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

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

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

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

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

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

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

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

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

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



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: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of April 21, 2020
DATE: April 14, 2020

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of February 18, 2020, April 15, 2020 and April 16, 2020.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
A. Consideration and possible action on a Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD).

This site is zoned B-4. The general medical services is a permitted use in accordance with Section 17.0419 (C)(3)(d) in the B-4 Central Mixed Use District. Athletico is proposing to open a 3,000 square foot location to service clients for physical, occupational, sports, and work related therapy services. They will have 5 employees, hours of operation will be Monday through Friday 7:00 a.m. to 7:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, this user will require 10 stalls.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Athletico Physical Therapy (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), subject the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD).

This site is zoned B-4. The restaurants and outdoor beer garden are a permitted use in accordance with Section 17.0419 (C)(1)(c) in the B-4 Central Mixed Use District. Apothic will occupy 3,000 square feet and will offer higher-end Mexican cuisine with a full service bar and next door will be Mama Mia's occupying 1,500 square feet for carry out pizza and gelato. Apothic will be on the west side of the building in the end tenant and will be able to utilize the outdoor patio some of which extends into the Old Brooke Square Park for outdoor seating and the beer garden customers. The owner will need to apply for and receive approval by the Finance Committee and Village Board of a liquor license, approval by the Waukesha County Health Department, each year the owner must receive approval for an Outdoor Establishment Permit. Hours of operation will vary for each business, Apothic will offer breakfast and both places will close at the required time according to their liquor license. The site has 123 surface parking stalls, 12 on street parking and 4 off-site parking, with 50 stalls already allocated (40 residential, 10 commercial tenants). This user will require 20 stalls, leaving 69 spaces for the remaining approximately 12,000 square feet of commercial space, which should be sufficient following traditional parking ratios.

The owner has submitted an outdoor patio plan, the plan should be reviewed by the Architectural Review Board and the Village Engineer to address sufficient screening and grading issues between the site and the park.

The developer of the building is submitting a master sign plan for this building to be reviewed by the ARB, once approved all future sign plans for this complex can be approved by the Building Inspector.

Policy Question:

1. Are there any concerns with the Plan of Operations and site plans?
2. Are there any concerns with the property?

Action Items:

1. Act on the plan of operations and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Apothic Restaurant, Beer Garden and Mama Mia's (N63W23675 Main Street Suite # TBD) a finding that the use and structures meet the principals of 17.1002(A-H), and the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan and landscape plan for Prestwick Group-Stirling Building (W248N5565 Executive Drive).

This site is zoned BP-1. The manufacturing and assembling of product is a permitted use in accordance with Section 17.0420 (A)(6) in the BP-1 Business Park District. Prestwick Group is moving a division of their company from Hartland to the vacant lot just north of their headquarters. Prestwick will build a 41,200 square foot building for the Stirling Furnishings operations to locate to. With Prestwick's expansion and the new Stirling

building a shared parking lot will be added creating 199 stalls and a cross access agreement is recorded on CSM #11978. Stirling has 35 employees and hours of operation will be Monday through Thursday 5:00 a.m. to 9:00 p.m.

In accordance with Section 17.0603 F. 6. a waiver must be made for a shared parking lot:

6. Waivers. The Plan Commission may:
 - a. Waive the five (5) foot setback along the side lot line of adjacent businesses and industries when cross-easements are provided to share parking.

The Plan Commission will need to make a determination if a waiver should be granted to allow a less than 5 foot setback along the side lot for the shared business uses.

In addition the following are comments for the plans:

Site

- Shows good pedestrian orientation
- Shared parking access agreement recorded on CSM #11978

Architecture

- Building meets height and required setbacks.
- Material to be used meets the Design Standards.

Lighting

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

Landscape

- Stirling site to have 44 trees/evergreens and 113 shrubs/flowers. Should add two more evergreen trees at the dock door location.

The plans will be reviewed at the April Architectural Review Board.

Policy Question:

1. Are there any concerns with the less than 5 foot setback along the side lot line? Should a waiver be granted?
2. Are there any concerns with the Plan of Operation and various plans?
3. Are there any comments directed to the ARB?

Action Items:

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

Staff Recommendation: Staff recommends the Plan Commission waive the five foot setback based on the CSM with the recorded cross access agreement, recommend approval of the Plan of Operation and site plan, architectural plan, lighting plan and

landscape plan for the Prestwick Group-Stirling Building (W248N5565 Executive Drive); a finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, review by the Village Engineer and the standard conditions of Exhibit A.

D. Consideration and possible action on a site plan for Peace Lutheran Church (W240N6145 Maple Avenue).

This site is zoned I-1. Peace Lutheran Church would like to make some much needed repairs to their parking lot, move the current garage to a new location, add a new dumpster enclosure and change the driveway entrance off Maple Avenue to align with Sumac Lane.

The garage will be relocated from the back of the parking lot to the south side of the parking lot 45 feet from the nearest property line.

The new dumpster enclosure will shift to the north and will be angled to allow for better access for the truck to empty the dumpsters.

The new paved parking lot will be redesigned to square it off at the south end. The new parking lot layout will add more parking stalls, correct drainage issues and islands will be added to allow for additional light poles.

- Lighting must not spill out onto neighboring properties.
- Pole height not to exceed 25 feet, bases are to be buried or if exposed they shall be painted to blend in with the surroundings or have a decorative base.

To help with the flow of traffic at peak times the new driveway entrance will be striped to show right in, left out and right out, this will require the driveway width to be approximately 43 feet wide. In order to have a wider driveway entrance in accordance with Section 17.0604 D. the Plan Commission may make a finding to allow a wider driveway width:

Openings for driveways shall provide adequate access to a public street and shall be at a minimum of 50 feet from a public right of way intersection unless otherwise approved by the Administrator.

No driveway for a one- or two-family dwelling shall be less than 10 feet in width at the street right-of-way line, and no driveway for any other use shall be less than 24 feet in width at the street right-of-way line.

No driveway in the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, and SF-RD-3 districts shall exceed 26 feet in width anywhere in the street yard. Driveways may be widened in the side yard or rear yard, but in no case shall a driveway be constructed closer than three (3) feet to a side or rear lot line.

The Administrator may permit driveways to be wider than 26 feet, but no wider than 32 feet, provided that the driveway does not occupy more than 33 percent of the street yard area.

Driveways in all districts except the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4 and SF-RD-3 districts shall not exceed 32 feet at the street right-of-way line.

Driveways in excess of 32 feet in width or occupying more than 33 percent of the street yard area may be permitted provided that the Plan Commission finds that the wider driveway is necessary to

the sound development of the parcel; and will not create or exacerbate an existing traffic problem. The Plan Commission may require additional landscape buffers when wider driveways are permitted.

Staff has found that aligning the driveway with the road will increase safety and allowing turn lanes will minimize safety hazards as folks leave the site.

Because of all the modifications to the parking lot and site, all improvements will need to follow the code requirements, the parking lot changes will require the installation of curb or barriers unless waived per the following:

17.0603 I.

Curbs or Barriers are required for all parking lots unless specifically waived by the Plan Commission in order to accomplish a goal of a Village Ordinance or duly adopted plan and they shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines; and a minimum of four (4) feet from a fence line, or a line of trees or other landscape material so as to prevent damage to the fence or landscaping.

The Church has concerns that the cost of curb and gutter will make the project unfeasible. Staff has not been able to identify a Village Ordinance or plan that would be supported by waiving the curb and gutter section and the Plan Commission has consistently enforced this requirement with developments. The purpose of the standard is for stormwater management, better pavement conditions, and general standards of the community.

Perhaps for modifications the Plan Commission would use a percentage standard so that the main driveway would be curbed and guttered because this is a modification of the existing site, but the existing parking lot would not as this area already exists with the work being maintenance. There may be other factors the Plan Commission looks to, but consistency and applicability to all users should be the guiding factor on any request for waiving a standard. The Plan Commission does not have to grant the waiver.

Policy Question:

1. Are there any concerns with the driveway width? Should the wider driveway be allowed?
2. Are there any concerns with the parking lot and driveway not having curb and gutter? Should a waiver be granted?

Action Items:

1. Act on the site plan.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the site plan while finding the width of the driveway meets the standards of the code for Peace Lutheran Church (W240N6145 Maple Avenue) and a finding that the use and structures meet the principals of 17.1002(A-H), and subject to review by the Village Engineer and the standard conditions of Exhibit A.

Staff does not have a recommendation on the curb and gutter request at this time.

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

05. **Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:**
A. Consideration and possible action on a request for a second monument sign for Froedtert Health (N64W25307 Prospect Circle).

This site is zoned B-2. Froedtert Health building is currently under construction and requesting to add a secondary small monument sign at the Prospect Circle Drive entrance. The primary monument sign will be located at the corner of Hwy 164 and Prospect Circle and approximately 200 feet to the drive entrance to the parking lot they would like to place this secondary sign. Based on the sign code a site can have more than one monument sign if the Plan Commission determines the following:

In accordance with Section 17.0807 A. the Plan Commission may allow a second sign:

The number of Monument Signs per property shall be determined by the Plan Commission for appropriateness with traffic flow, pedestrian safety, and design of the site, and there shall be no more than two monument signs per property or more than one monument sign per street fronted by the property if the property has two or more street yards unless a conditional use is granted for the property to exceed said limit.

The second sign will have a base of stone to match the building and primary monument sign, it will be internally lit and the size will be 3' 9" x 4', our Design Standards require monument signs to have a pillar(s), because this is a second sign should the pillar(s) be required?

Policy Question:

1. Does a second monument sign help with the traffic flow, pedestrian safety and design of the site?
2. Are there any concerns with the site having more than one monument sign?
3. Are there any concerns with the design of the sign?

Action Items:

1. Act on the sign plan.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the second monument sign for Froedtert Health (N64W25307 Prospect Circle) at the drive entrance of Prospect Circle subject to approval of a the necessary permits and the standard conditions of Exhibit A.

B. Consideration and possible action on a CSM for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road.

This site is zoned M-1. Quad owns both properties and is requesting to change the property line connecting the two properties and will add a shared access easement to allow the building at N63W22777 Main Street, the reason for the request is to possibly sell the Main Street property in the future.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Quad Graphics to adjust property lines at N63W22777 Main Street and W227N6315 Sussex Road subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

C. Consideration and possible action on a CSM for extra territorial review Town of Lisbon Lied's property on CTH F and Townline Road.

This property is in the Town of Lisbon and will stay in the Town of Lisbon. The proposed zoning on the property does not match the Boundary Stipulation so the Village can not approve the CSM.

Policy Question:

1. Are their concerns with the CSM?

Action Items:

1. Act on CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board acknowledgement of the CSM because the zoning of the land doesn't match the requirements of the boundary stipulations; subject to review by the Village Engineer and Exhibit A.

D. Consideration and possible action on a CSM for Villas of Brandon Oaks designating the lot lines of the stormwater pond.

The stormwater pond was originally designed by Belinski to accommodate the Villas of Brandon Oaks and the property to the south. The pond was constructed over lot lines for the two projects. The property to the south was sold and the new subdivision Sussex Preserve is now being developed. The pond has been modified to accommodate the stormwater for the Brandon Oaks and portions of the Sussex Preserve subdivision. The CSM will designate the pond and wetland areas as one outlot in the ownership of the Village consistent with modern Village practices.

Policy Question:

1. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Villas of Brandon Oaks designating the lot lines of the stormwater pond subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

E. Consideration and possible action on a CSM for Nels Anderson W232N6464 Waukesha Avenue.

This site is zoned B-4. Mr. Anderson owns lot W232N6464 and W232N6456 Waukesha Avenue. In August 2019 Mr. Anderson applied for a permit to demolish the house and detached garage on lot W232N6456 Waukesha Avenue, at some point during the demolition he decided to keep the detached garage. Our code does not allow a lot with just a detached garage. Mr. Anderson is requesting to combine the lot. On lot W232N6464 Waukesha Avenue is his principal residence and detached garage, combining the lots would create one lot with a principle structure and two detached garages. The Plan Commission may permit this in accordance with Section 17.0212 B:

B. All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.

Policy Question:

1. Are there any concerns with the combined property to have a principle structure and two additional structures?
2. Are there any concerns with the CSM?

Action Items:

1. Act on the CSM.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for Nels Anderson W232N6464 Waukesha Avenue subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

F. Consideration and possible action on an Ordinance to repeal and recreate the Business Districts pertaining to financial institutions with a drive through.

Staff has prepared a correction for the zoning districts which allow financial institutions as a permitted use and clarifying language for approval of the use with a drive through. Within the B-1, B-2, B-3, B-4, BP-1 and OP-1 the following is proposed in the Ordinance:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

Policy Question:

1. Are there any concerns with the Ordinance?

Action Items:

1. Act on the Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board to approve the Ordinance to repeal and recreate the language in the Business District pertaining to financial institutions with a drive through.

06. Other Items for future discussion.

07. Adjournment.



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV0246986

Zoning: B-4

Address of Tenant Space: N63 W23675 Main Street, Sussex, WI 53089

1. Name of Business:
Athletico Physical Therapy

Business		
N63 W23675 Main Street	Sussex, WI 53089	630-280-2833
Address	City, State, Zip	Phone #
630-280-2933	jennifer.wingelnik@athletico.com	
Fax #	Email address	

2. Business owner contact information:

Tom Beardsley

Contact		
625 Enterprise Drive	Oak Brook, IL 60523	630-575-6208
Address	City, State, Zip	Phone #
	tom.beardsley@athletico.com	
Fax #	Email address	

3. Building/Land owner contact information:

Mammoth Lofts, LLC

Contact		
N63 W23217 Main Street #200	Sussex, WI 53089	262-527-2334
Address	City, State, Zip	Phone #
	kevin@sawalldevelopment.com	
Fax #	Email address	

4. Number of Employees/Shifts: 5 2
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	
7am-7pm	7am-7pm	7am-7pm	7am-7pm	7am-7pm	7am-12pm	

6. Is this an extension of an existing operation? No
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? n/a
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied 40x75 Total square footage 3063
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 3 Number of spaces needed per code _____
Number of spaces allocated for employee parking 0
Dimensions of parking lot As Per Plan Is parking lot paved? yes

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

Signage permit application will be submitted separately

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.

Tom Beardsley
Name
Vice President, Business Development
Title or Position

2/20/20
Date

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

Kevin Sawall
Name
Owner
Title or Position

2/20/20
Date

ATHLETICO

PHYSICAL THERAPY

Better for every body.®

625 Enterprise Drive, Oak Brook, IL 60523

T: 630-280-2833

February 25, 2020

Ms. Kasey Fluet
Assistant Development Director
Village of Sussex
N64W23760 Main Street
Sussex, WI 53089

Dear Ms. Fluet,

Athletico Physical Therapy plans to provide physical therapy, occupational therapy, sports rehabilitation, work rehabilitation, and related services to clients within the community. Athletico is growing within the Milwaukee area and we are excited to build a presence and expand our patient base in the Village of Sussex.

If you should have any questions or need any additional information, please feel free to contact me.

Sincerely,



Thomas Beardsley
Vice President of Business Development







PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: B-4

Address of Tenant Space: N63 W23675 Main Street 101R

1. Name of Business:

Apothic

Business		
N63 W23675 Main Street 101R	Sussex	414-334-9363
Address	City, State, Zip	Phone #
	chaz@hastingswi.com	
Fax #	Email address	

2. Business owner contact information:

Chaz Hastings

Contact		
N116W15841 Main Street	Germaniown	414-334-9363
Address	City, State, Zip	Phone #
	chaz@hastingswi.com	
Fax #	Email address	

3. Building/Land owner contact information:

Sawall Development

Contact		
N63 W23217 Main Street #200	Sussex	262-297-4444
Address	City, State, Zip	Phone #
	arthur@sawalldevelopment.com	
Fax #	Email address	

4. Number of Employees/Shifts: 40 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
X	X	X	X	X	X	X
9am-2pm	9am-2pm	9am-2pm	9am-2pm	9am-2pm	9am-2pm	9am-2pm

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? Liquor Do you need an Outdoor Establishment Permit? yes
If yes, explain: already completed and turned submitted
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? music, outdoor games, outdoor big screen to view sports and music videos
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? no If yes, explain: _____
11. Dimension of area to be occupied _____ Total square footage 11,000
If applicable list square footage according to 1st floor 3,000 2nd floor _____

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

12. Parking:
Total Number of Parking Spaces _____ 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?

kiosk signage with LED changeable text along with allowed building signage

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.

Chaz Hastings
Name
Owner
Title or Position

2/29/20
Date

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

Arthur Sawall
Name
Owner
Title or Position

2/29/20
Date

Executive Summary

Apothic will open during the 2nd qtr. of 2020 in the newest retail development in Sussex, WI. We will be located on the west end of the new Sawall development, which adjoins to the Village of Sussex park next to the Bugline Trail. Apothic will offer higher-end Mexican cuisine with full bar service inside, and an outdoor beer garden. The west end will have 3 large glass garage doors that will open on warmer days. We will also have a 3,000 sq. ft patio, which will include 2 fire pits aside our newly landscaped beer garden in the village park. Directly to the south of the village park is the Bugline trail, which is enjoyed by many walkers, runners and bikers. The unit next door to Apothic will be occupied by Mama Mia's pizza carry out and La Copa award winning gelato. The ownership will be the 2 partners, Scott Carleton and Chaz Hastings, who together have over 15 years of experience in the industry, which includes owning 11 different restaurants. The Mama Mia's side will be partnered with Jodine Paulsen, who currently owns & operates Mama Mia's in Brookfield. Gustavo Bartola is the executive chef for Apothic, specializing in Mexican cuisine. Melaine Kunis is the front of house manager/trainer with 10 years' experience in the restaurant industry. Attached you will find a 3-year proforma for the business. Our mission statement is our core belief: We aim to put a smile on every guest's face through 5-star service, products and entertainment.

Company Description

Apothic is ideally situated in the heart of downtown Sussex. The community is currently underserved in the restaurant industry, and lacks a Mexican restaurant. Within a 10 mile radius, there are approximately 20,000 business employing over 400,000 associates. There is a good mix of white and blue collar jobs in the area, with a median income above the national average for the residents. The quality of our products and service will be our greatest competitive advantage in the market. Apothic will feature an authentic Mexican menu, accented by regional dishes from Chef Gustavo's homeland of Veracruz, Mexico. We will offer 14 craft beers on draft, wine, and a cocktail menu developed by industry experts. A colorful sugar-skull themed logo will adorn the t-shirts, hats and glassware, which will also be available for retail. The large patio and village park will be programed with live music and outdoor games. This will be the largest outdoor restaurant venue in Washington county. Mama Mia's pizza and garlic bread have been a revered treat in Milwaukee since 1954. The gelato offering will be the resurrection of La Copa gelato which produced award winning gelato in Chicago.

Marketing Objectives

Outstanding service along with quality menu items and drinks will be the foremost objective in our marketing strategy. Customer satisfaction is the ultimate goal of our ownership and management team. Building brand awareness is critical to the success of a new restaurant and with the number of established competitors Apothic will differentiate itself in our area through a unique offering of authentic dishes, unique products, live music and games in our beer garden. Our team will handle the in-house execution of Facebook and Instagram which will drive content to attract a wide audience. Other mediums such as Buzzybooth, Zenreach, Untapped, digital billboards and the led programable kiosk signage will ensure that Apothic is reaching out to a broad market.



4100 N. CALHOUN ROAD
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481
DATE: 03/04/20



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: B-4

Address of Tenant Space: N63 W23675 Main Street 102R

1. Name of Business:

Mama Mia's

Business

N63 W23675 Main Street 102R	Sussex	414-334-9363
Address	City, State, Zip	Phone #
	chaz@hastingswi.com	
Fax #	Email address	

2. Business owner contact information:

Chaz Hastings

Contact

N116W15841 Main Street	Germantown	414-334-9363
Address	City, State, Zip	Phone #
	chaz@hastingswi.com	
Fax #	Email address	

3. Building/Land owner contact information:

Sawall Development

Contact

N63 W23217 Main Street #200	Sussex	262-297-4444
Address	City, State, Zip	Phone #
	arthur@sawalldevelopment.com	
Fax #	Email address	

4. Number of Employees/Shifts: 10 2
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
11am-2pm	11am-2pm	11am-2pm	11am-2pm	11am-2pm	11am-2pm	11am-2pm

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? Liquor Do you need an Outdoor Establishment Permit? no
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? _____
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? no If yes, explain: _____
11. Dimension of area to be occupied 61'x17' approximatly Total square footage 1,500
If applicable list square footage according to 1st floor 1,500 2nd floor _____

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

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

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

allowed building signage

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.

Chaz Hastings
Name
Owner
Title or Position

2/29/20
Date

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

Arthur Sawall
Name
Owner
Title or Position

2/29/20
Date

Executive Summary

Apothic will open during the 2nd qtr. of 2020 in the newest retail development in Sussex, WI. We will be located on the west end of the new Sawall development, which adjoins to the Village of Sussex park next to the Bugline Trail. Apothic will offer higher-end Mexican cuisine with full bar service inside, and an outdoor beer garden. The west end will have 3 large glass garage doors that will open on warmer days. We will also have a 3,000 sq. ft patio, which will include 2 fire pits aside our newly landscaped beer garden in the village park. Directly to the south of the village park is the Bugline trail, which is enjoyed by many walkers, runners and bikers. The unit next door to Apothic will be occupied by Mama Mia's pizza carry out and La Copa award winning gelato. The ownership will be the 2 partners, Scott Carleton and Chaz Hastings, who together have over 15 years of experience in the industry, which includes owning 11 different restaurants. The Mama Mia's side will be partnered with Jodine Paulsen, who currently owns & operates Mama Mia's in Brookfield. Gustavo Bartola is the executive chef for Apothic, specializing in Mexican cuisine. Melaine Kunis is the front of house manager/trainer with 10 years' experience in the restaurant industry. Attached you will find a 3-year proforma for the business. Our mission statement is our core belief: We aim to put a smile on every guest's face through 5-star service, products and entertainment.

Company Description

Apothic is ideally situated in the heart of downtown Sussex. The community is currently underserved in the restaurant industry, and lacks a Mexican restaurant. Within a 10 mile radius, there are approximately 20,000 business employing over 400,000 associates. There is a good mix of white and blue collar jobs in the area, with a median income above the national average for the residents. The quality of our products and service will be our greatest competitive advantage in the market. Apothic will feature an authentic Mexican menu, accented by regional dishes from Chef Gustavo's homeland of Veracruz, Mexico. We will offer 14 craft beers on draft, wine, and a cocktail menu developed by industry experts. A colorful sugar-skull themed logo will adorn the t-shirts, hats and glassware, which will also be available for retail. The large patio and village park will be programed with live music and outdoor games. This will be the largest outdoor restaurant venue in Washington county. Mama Mia's pizza and garlic bread have been a revered treat in Milwaukee since 1954. The gelato offering will be the resurrection of La Copa gelato which produced award winning gelato in Chicago.

Marketing Objectives

Outstanding service along with quality menu items and drinks will be the foremost objective in our marketing strategy. Customer satisfaction is the ultimate goal of our ownership and management team. Building brand awareness is critical to the success of a new restaurant and with the number of established competitors Apothic will differentiate itself in our area through a unique offering of authentic dishes, unique products, live music and games in our beer garden. Our team will handle the in-house execution of Facebook and Instagram which will drive content to attract a wide audience. Other mediums such as Buzzybooth, Zenreach, Untapped, digital billboards and the led programmable kiosk signage will ensure that Apothic is reaching out to a broad market.







PLAN OF OPERATION

To be used for a business with new construction.

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

(Conditional Use Permits require a Public Hearing)

Address location of new construction W248N5565 Executive Drive, Sussex, WI 53089

Tax Key # 278.999.059 Zoning: BP- 1

1. Name of Business:
The Prestwick Group

Business		
<u>W248 N5499 Executive Drive, Sussex, WI 53089</u>	<u>(800) 505-7926 #1240</u>	
Address	City, State, Zip	Phone #
	<u>mfrick@prestwick-group.com</u>	
Fax #	Email address	

2. Business owner contact information:
The Prestwick Group

Contact		
<u>W248 N5499 Executive Drive, Sussex, WI 53089</u>	<u>(800) 505-7926 #1240</u>	
Address	City, State, Zip	Phone #
	<u>mfrick@prestwick-group.com</u>	
Fax #	Email address	

3. Building/Land owner contact information:
The Prestwick Group

Contact		
<u>W248 N5499 Executive Drive, Sussex, WI 53089</u>	<u>(800) 505-7926 #1240</u>	
Address	City, State, Zip	Phone #
	<u>mfrick@prestwick-group.com</u>	
Fax #	Email address	

4. Number of Employees/Shifts: 35 1 Split shifts
 Employees Shifts

5. Days of Operation:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Put an X in box that applies:	X	X	X	X			
Hours Open for business	5am - 4:30	5am - 4:30	5am - 4:30	5am - 4:30			

* Office employees work 8am - 9:00 / Shop employees work 5am - 3:30

15. What security lighting are you proposing? (Please include on lighting plan)

Wall packs on building facade

16. Is there a need for outside storage? No If yes, explain:

17. Is a Highway access permit needed from the state or County Highway Departments? No

If yes, please attach a copy of the secured permit.

What conditions has the State or County imposed upon your permit?

18. Is there a need for any special type of security fencing? No

If yes, what type?

19. What provisions are you making for fire protection? New Fire Alarm per NFPA

What provisions are your making for a sprinkler system? New Sprinklers

Storage system? N/A

Hydrant stand pipes? N/A

Is there a fire lane shown on your site plan? Yes

Explain: Parking to south and loading docks to east, (also existing paved area to north on water tower lot owned by Village of Sussex.)

20. Surface water drainage facilities and impervious areas, describe and/or include on site plan.

21. Did Wisconsin State Department of Industry Labor and Human Relations approve building plans?

No If yes, explain: Drawings will be submitted for review on 4/13/20

22. Please give a timetable for items to be completed:

Building construction April - Oct. 2020

Paving Sept. - Oct. 2020

Landscaping Sept. - Oct. 2020

Occupancy Oct. 2020

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.

Matt L...
Name

2/20/2020
Date

Vice President - Special Projects
Title or Position

Stirling Furnishings Plan of Operations

Type of Operation

Architectural woodworking manufacturing facility

Materials Used

Wood (primary material), plastic, glass, metal, lighting

Number of Employees – Shop/Office

26 Shop Employees / 9 Office Employees

Hours of Operation

5:00am – 9:00pm (Split shifts)

Type of Products

Store fixtures (customer service areas, cash wraps, wall displays, display tables)

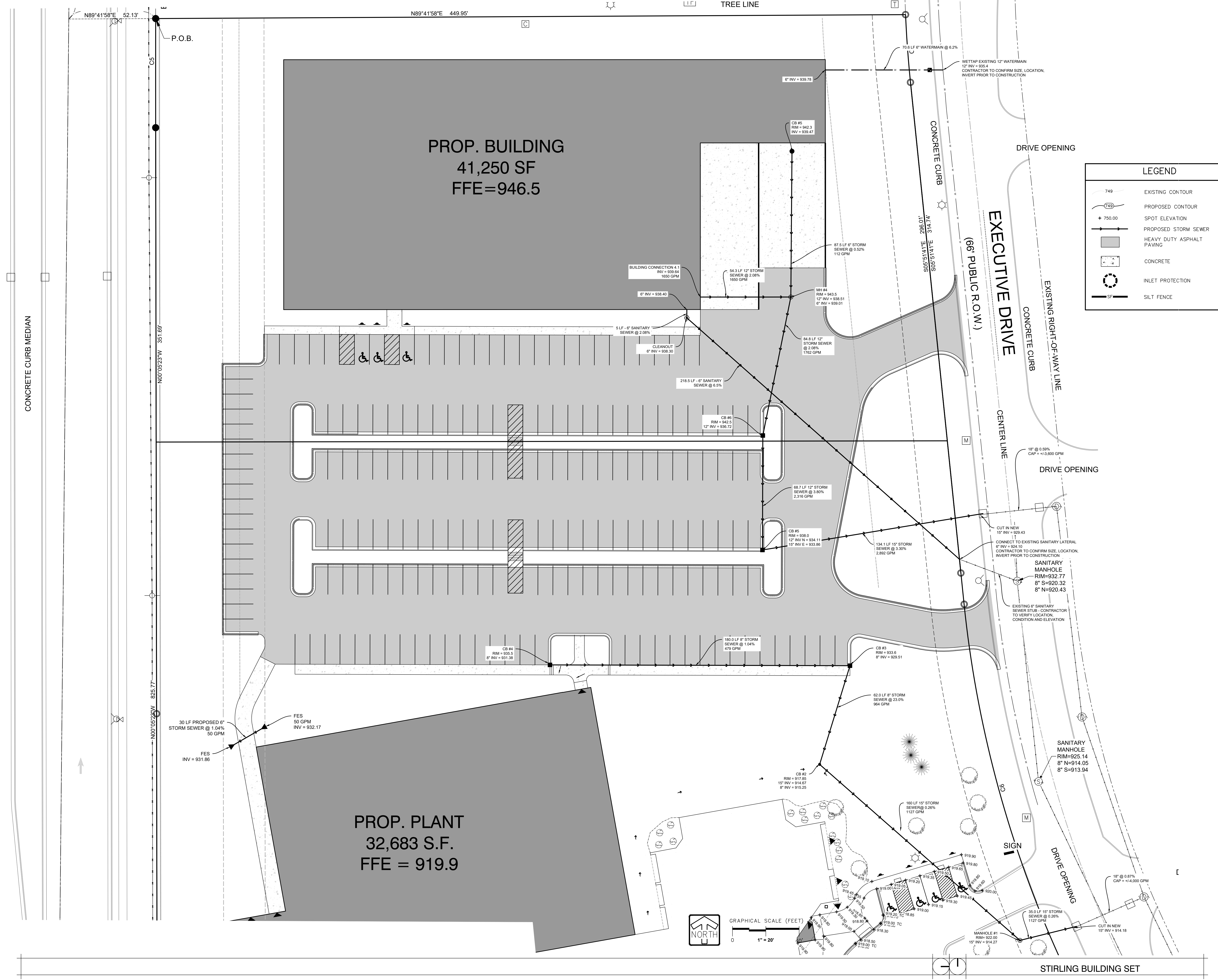
Golf Pro Shop furniture, Architectural woodworking, commercial case work

Our Customers

Retailers, Golf Course Owners, General Contractors

Shipment Methods

LTL, Blanket Wrapped Semi Trailers, Local Couriers



MSI GENERAL CORPORATION
P.O. BOX. 7
OCONOMOWOC, WI 53066
PHONE: 262-367-3661
FAX: 262-367-7390

WWW.MSIGENERAL.COM
SINGLE SOURCE RESPONSIBILITY™

ISSUE DATES:
Proposal: 01/27/2020
Bid: -/-/-/-/-
Contract: -/-/-/-/-
State Submittal / Permit: 01/27/2020
As-Built: -/-/-/-/-

REVISIONS:	
1	-
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	



PROJECT ADDRESS:
PROJECT NAME
The Prestwick Companies
STREET ADDRESS
W248 N5499 Executive Drive
CITY/STATE/ZIP
Sussex, WI 53089

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Architect: ANK Engineer: PEG Reviewed By: PEG
Sheet Title:
UTILITY PLAN

Sheet Number:
C-103
Project Number: P12568
4487

MANAGERS

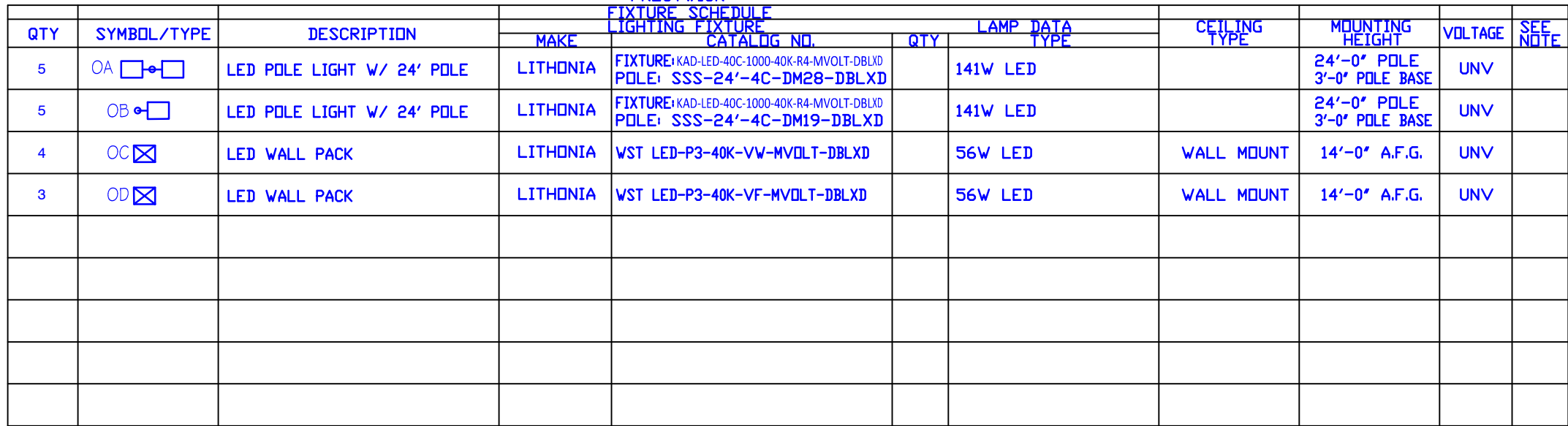
ENGINEERS

CONTRACTORS

ARCHITECTS







1441576 JPN ACC

DRAWN BY:
DATE:
REVISIONS:
SHEET:

The Prestwick Group: Sterling Furnishings
W248 N5499 Executive Drive

Sussex, WI 53089
Preliminary Landscape Plan: Feb. 28, 2020

2433 SLINGER ROAD (262) 644-5488
 RICHFIELD, WI 53076 FAX (262) 644-8621



Kasey,

I've included a summary of intent for you below along with a few additional items.

1. The pavement at Peace Lutheran Church is over 40 years old with many distresses and failures throughout. The benefits of the new pavement system will be:
 - a safer surface
 - reduction in overall slope
 - American's with Disabilities Act (ADA) improvements will take place to bring into compliance
 - Increased number of parking stalls (within the same paved area) through a more efficient layout
 - Drainage improvements

In addition, in speaking with John about conditions at the Church over the winter months, they are having difficulty retaining a snow removal service because the failed and broken portions throughout the parking lot are causing damage to snow removal equipment.









CENTURY
FENCE
WAUKESHA, WISCONSIN
1-800-568-0067





Creative Sign Co.
505 Lawrence Dr.
De Pere, WI 54115
Ph: 920.336.8900
www.greenbaysigns.com

February 12, 2020

Our client, Froedtert Health, is requesting a secondary monument that will be located at the entrance drive of their new health center located at N64W25037 Prospect Circle.

Their primary monument will be located at the intersection of Hwy 64 and Prospect Circle where patients will need to turn onto Prospect Circle in order to access the clinic drive. The reason Froedtert Health is requesting the secondary monument is because:

- Prospect Circle can also be accessed via Waukesha VV / Silver Spring Drive so it would be helpful to have a secondary monument sign that marks the entrance to the health center driveway.
- Since Froedtert is using a significant amount of stone on the clinic exterior, a small monument style sign on a stone base would tie in better with the landscape and surrounding businesses rather than a simpler post and panel style sign.
- There will be a significant amount of landscaping between the primary sign, the building and the secondary monument so the property will not appear to be "cluttered" with signage.

We have supplied a drawing of the proposed design and site plans showing the proposed location of the monument for your review. Please let me know if you have any questions or require additional information.

Thank you,

Andrea Swanson
Sr. Project Manager / Sign Consultant
Creative Sign Company
920.336.8900 Ext. 1018
andrea@creativesigncompany.com
www.creativesigncompany.com

CLIENT: FROEDTERT

REVISION LOG:	INTL	DATE	DESCRIPTION
	---	00/00/0000	DESCRIPTION

SITE MAP



CUSTOMER SIGNATURE FOR DESIGN APPROVAL:

CONCEPTUAL DRAWING ONLY - NOT FOR FABRICATION PURPOSES (SIZES ARE APROX)

This is an original, unpublished drawing by Creative Sign Co, Inc. It is for your personal use, in conjunction with a project being planned for you by Creative Sign Co, Inc. It is not to be shown to anyone outside of your organization nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the expressed written permission of Creative Sign Co, Inc., is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. Creative Sign will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for clients conception of the project and are not to be understood as being exact size or exact scale.

DATE _____

CLIENT: FROEDTERT

LOCATION: N64W25037 PROSPECT CIRCLE, SUSSEX, WI
DRAWN BY: NICOLE P
SALESPERSON: ANDREA S
DATE: 08/01/2019
DESIGN #: D15654
PAGE: 1

REVISION LOG:	INTL	DATE	DESCRIPTION
	---	00/00/0000	DESCRIPTION

MONUMENT

QUANTITY: 1
SIDES: D/F
LIGHTING: GROUND LIGHTING BY OTHERS
CABINET: FABRICATED ALUM (20")
FACE: .125" ALUM
GRAPHICS: DIGITAL PRINT & CUT, 1ST SURFACE
VINYL: PREMIUM W/ GLOSS LAM
FONT: MYRIAD PRO BOLD
MOUNTING: ON TOP OF BASE

CAPS: BY OTHERS
BASE: BY OTHERS

PHOTO EYE: TBD

INSTRUCTION: CSC TO PRODUCE AND INSTALL.

COLORS:

- C-1/P-1 PMS 2747C (FROEDTERT BLUE)
- C-2 PMS 3292C (FROEDTERT GREEN)
- C-3/V-3 WHITE/ORACAL 751-010 WHITE VINYL

CUSTOMER SIGNATURE FOR DESIGN APPROVAL:

DATE

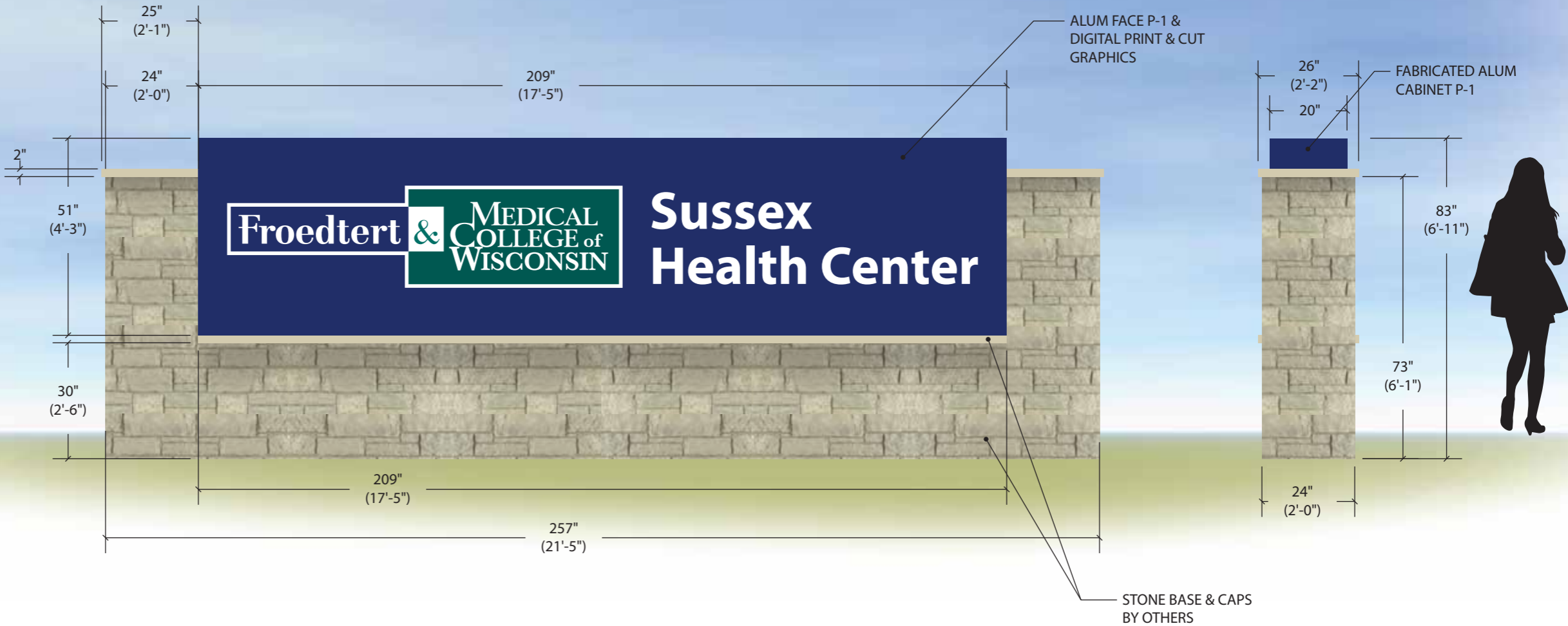
MONUMENT: OPT 1

GROUND LIGHTING BY OTHERS

A
1
DETAIL VIEW
SCALE: 3/8" = 1'

SQ FT: 74.02

A
2
NIGHT VIEW
N.T.S.



CONCEPTUAL DRAWING ONLY - NOT FOR FABRICATION PURPOSES (SIZES ARE APROX)

This is an original, unpublished drawing by Creative Sign Co, Inc. It is for your personal use, in conjunction with a project being planned for you by Creative Sign Co, Inc. It is not to be shown to anyone outside of your organization nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the expressed written permission of Creative Sign Co, Inc., is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. Creative Sign will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for clients conception of the project and are not to be understood as being exact size or exact scale.

CLIENT: FROEDTERT

LOCATION: N64W25037 PROSPECT CIRCLE, SUSSEX, WI
DRAWN BY: NICOLE P
SALESPERSON: ANDREA S
DATE: 08/01/2019
DESIGN #: D15654
PAGE: 1.1a

REVISION LOG:	INTL	DATE	DESCRIPTION
	NP	02/11/2020	ILLUMINATED

MONUMENT

QUANTITY: 1
SIDES: D/F
LIGHTING: LED ILLUMINATED (WHITE)
CABINET: FABRICATED ALUM (12")
RETAINER: 1.5"
FACE: LEXAN
GRAPHICS: DIGITAL PRINT, 1ST & 2ND SURFACE
VINYL: PREMIUM CLEAR W/ GLOSS LAM
FONT: MYRIAD PRO BOLD
MOUNTING: ON TOP OF BASE

REVEAL: 2"

CAP: 1"

PHOTO EYE: TBD

INSTRUCTION: CSC TO PRODUCE AND INSTALL.

COLORS:

C-1/P-1 PMS 2747C (FROEDTERT BLUE)

C-2 PMS 3292C (FROEDTERT GREEN)

C-3 WHITE

CUSTOMER SIGNATURE FOR DESIGN APPROVAL:

DATE



A
1
DETAIL VIEW
SCALE: 1" = 1'



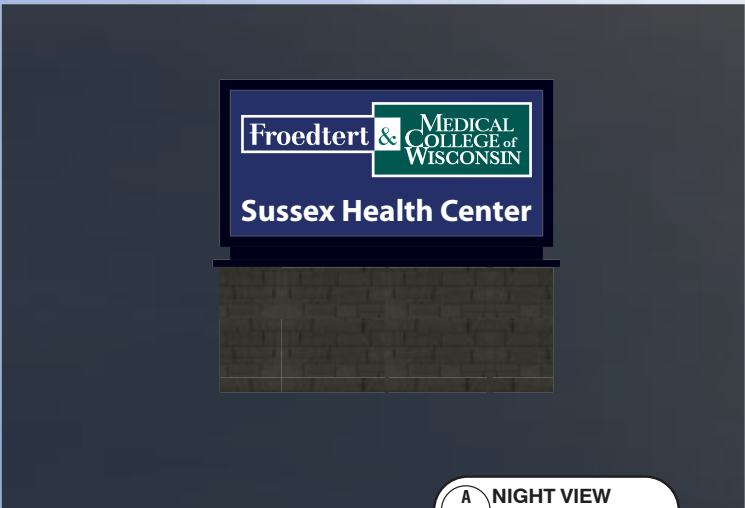
FABRICATED ALUM
CABINET & 1.5" RETAINER P-1

2" REVEAL P-1

1" CAP P-1

STONE BASE
BY OTHERS

A
2
NIGHT VIEW
N.T.S.



Michelle Dempsey

Digitally signed by Michelle Dempsey
DN: C=US,
E=michelle.dempsey@froedtert.com,
O=Froedtert Health, CN=Michelle Dempsey
Date: 2020.02.11 14:30:26-06'00'

CONCEPTUAL DRAWING ONLY - NOT FOR FABRICATION PURPOSES (SIZES ARE APROX)

This is an original, unpublished drawing by Creative Sign Co, Inc. It is for your personal use, in conjunction with a project being planned for you by Creative Sign Co, Inc. It is not to be shown to anyone outside of your organization nor is it to be used, reproduced, copied or exhibited in any fashion. Use of this design or the salient elements of this design in any sign done by any other company, without the expressed written permission of Creative Sign Co, Inc., is forbidden by law and carries a civil forfeiture of up to 25% of the purchase price of the sign. Creative Sign will endeavor to closely match colors, including PMS, where specified. We cannot guarantee exact matches due to varying compatibility of surface materials and paints used. All sizes and dimensions are illustrated for clients conception of the project and are not to be understood as being exact size or exact scale.



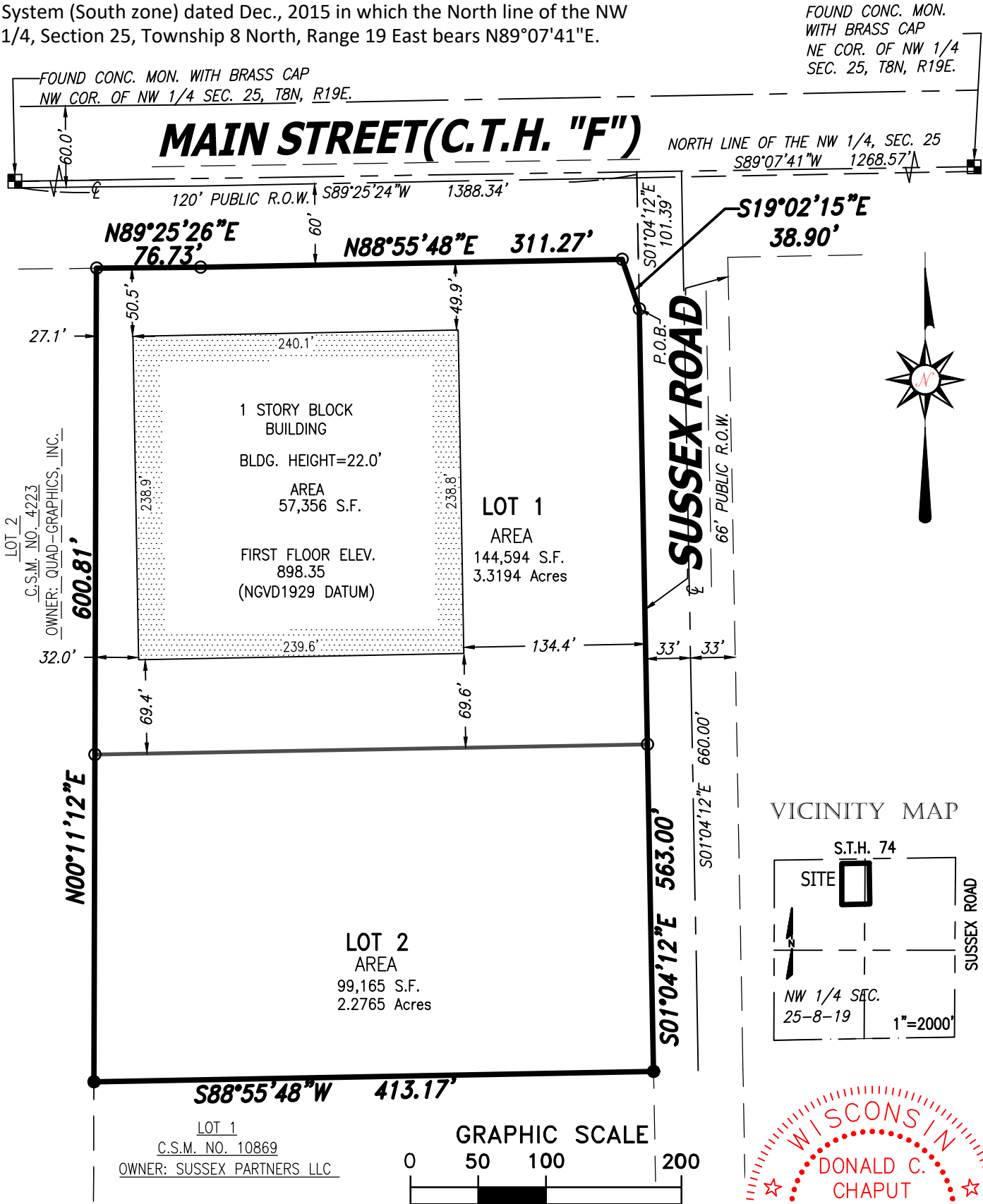
CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

LEGEND

- Owner : QUAD-GRAPHICS INC.
N61W23044 Harrys Way
Sussex, WI 53089-3995
- Indicates found 1" iron pipe
○ Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.

All bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Dec., 2015 in which the North line of the NW 1/4, Section 25, Township 8 North, Range 19 East bears N89°07'41"E.



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Survey No. 3404-dzb
Sheet 1 of 5 Sheets

Being a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

All bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Dec., 2015 in which the North line of the NW 1/4, Section 25, Township 8 North, Range 19 East bears N89°07'41"E.

- Indicates found 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.
- Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.

NOTE: EASEMENTS SHOWN FOR REFERENCE ONLY

FOUND CONC. MON.
WITH BRASS CAP
N COR. OF NW 1/4
SEC. 25, T8N, R19E.

-FOUND CONC. MON. WITH BRASS CAP
NW COR. OF NW 1/4 SEC. 25, T8N, R19E.

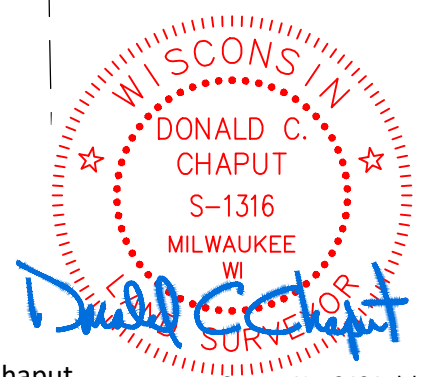


234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputla.com

This instrument was drafted by Donald C. Chaput
 eys.com Professional Land Surveyor S-1316

Survey No. 3404-dzb
Sheet 2 of 5 Sheets



CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
:SS
WAUKESHA COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Northeast corner of said Northwest 1/4 Section, thence South 89°07'41" West along the North line of said Northwest 1/4 Section, 1268.57 feet to a point; thence South 01°04'12" East 101.39 feet along the extended westerly line of Sussex Road to the Point of Beginning of the lands hereinafter described: thence continuing South 01°04'12" East along said westerly line 563.00 feet; thence South 88°55'48" West 413.17 feet; thence North 00°11'12" East 600.81 feet to the southerly line of the S.T.H. "74"; thence North 89°25'26" East along said southerly line 76.73 feet to a point; thence North 88°55'48" East along said southerly line 311.27 feet to a point; thence South 19°02'15" East along said southerly line 38.90 feet to the Point of Beginning.

Said lands as described contains 243,759 square feet or 5.5959 Acres.

THAT I have made the survey, land division and map by the direction of Quad-Graphics Inc., owner.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

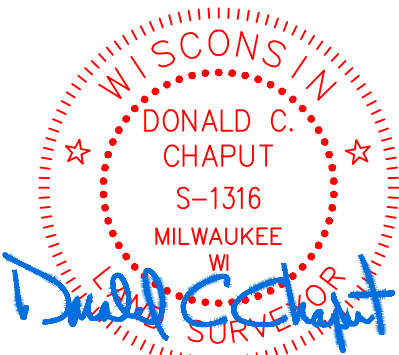
THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the Village of Sussex Code in surveying, dividing and mapping the same.

March 3, 2020

DATE



DONALD C. CHAPUT
PROFESSIONAL LAND SURVEYOR S-1316



CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

CORPORATE OWNER CERTIFICATE

QUAD-GRAPHICS INC., a Wisconsin limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that said limited liability company caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map in accordance with the requirements of the Village of Sussex.

QUAD-GRAPHICS INC., as owner, does further certify that this map is required by S.236.20 or S.236.12 to be submitted to the following for approval or objection: Village of Sussex.

IN WITNESS WHEREOF, the QUAD-GRAPHICS INC. has caused these presents to be signed by the hand of _____, on this _____, day of _____, 2020.

In the presence of: QUAD-GRAPHICS INC.

STATE OF _____ }
COUNTY } :SS

Personally came before me this _____ day of _____, 2020, _____, to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Notary Public,
State of Wisconsin
My commission expires _____
My commission is permanent

CORPORATE MORTGAGEE CERTIFICATE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the above certificate of QUAD-GRAPHICS INC., owner.

IN WITNES WHEREOF, the said _____, has caused these presents to be signed by _____, its _____, at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 2020.

In the presence of:

_____ (Corporate Seal)

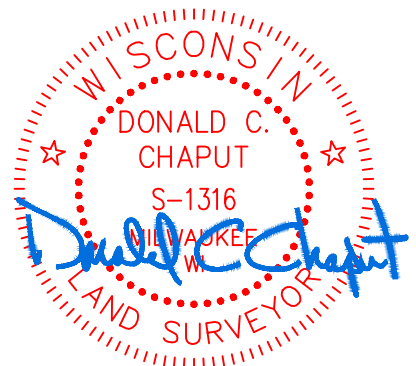
_____ Date

STATE OF _____ }
COUNTY } :SS

Personally came before me this _____ day of _____, 2020, _____, _____, of the above named corporation, to me known to be the persons who executed the foregoing instrument, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public,
State of Wisconsin
My commission expires _____
My commission is permanent
Date: January 23, 2020
Rev: March 3, 2020

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316



CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 7 and Lot 8 of Block 1 of Certified Survey Map No. 3793, located in the Northeast 1/4 & Northwest 1/4 of the Northwest 1/4 of Section 25, Township 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the Village of Sussex on this ____ day of _____, 2020.

GREGORY GOETZ, CHAIRPERSON

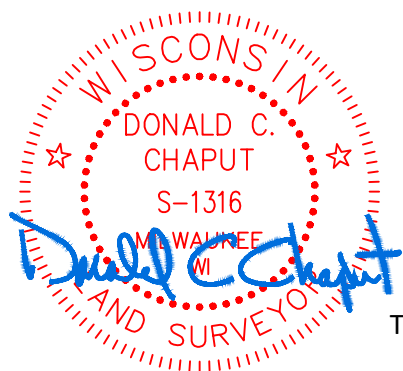
SAM LIEBERT, VILLAGE CLERK

VILLAGE BOARD APPROVAL

APPROVED by the Village Board of the Village of Sussex on ____ day of _____, 2020.

GREGORY GOETZ, PRESIDENT

SAM LIEBERT, VILLAGE CLERK



Date: January 23, 2020
Rev: March 3, 2020

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316



WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

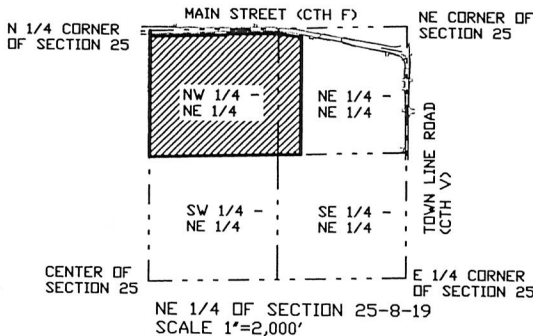
CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

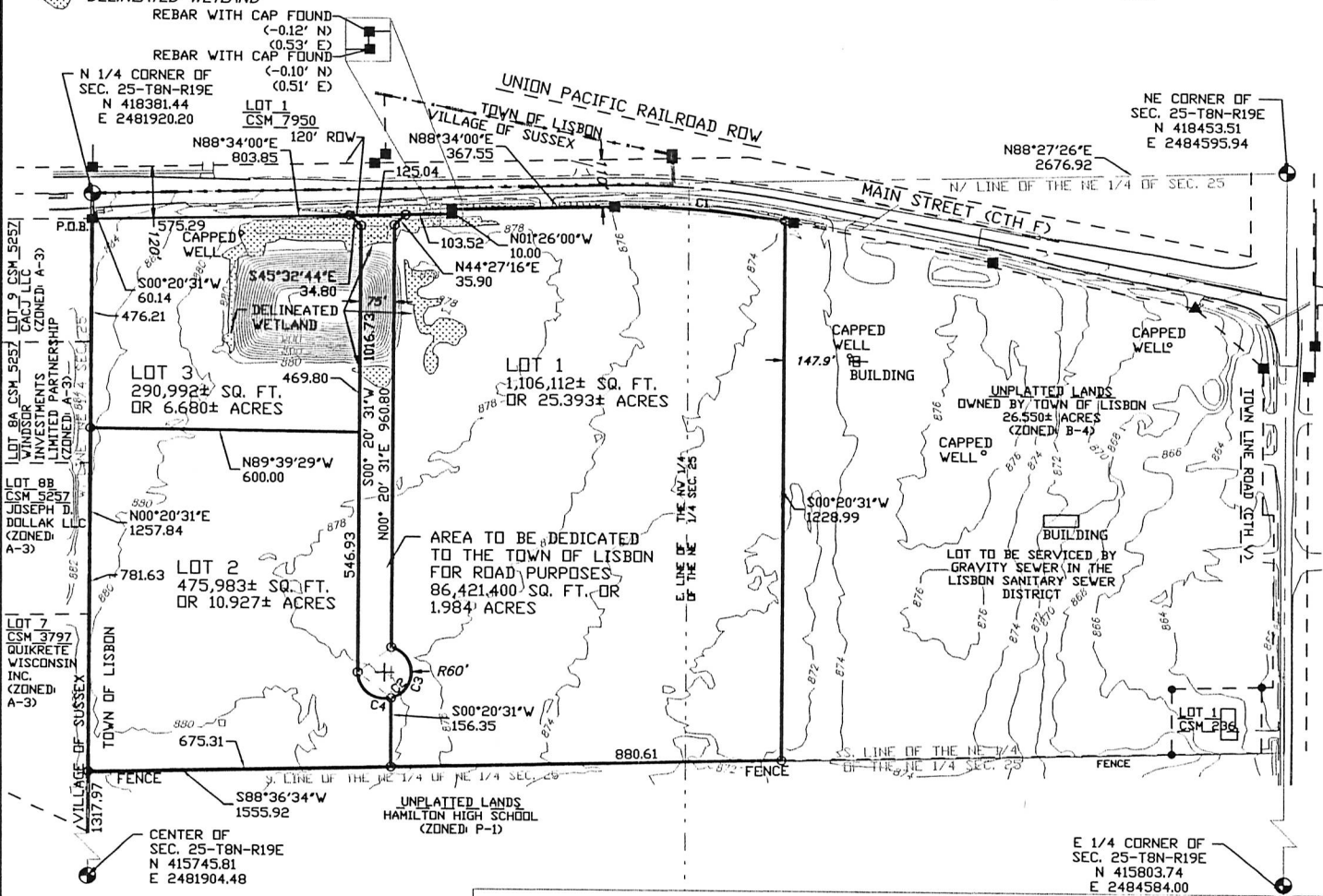
LEGEND

- BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- MAG NAIL FOUND
- (R.A.) DENOTE "RECORDED AS"
- DENOTE SOIL BORING
B & SW = SOIL TEST BORING
P = PROBE TO BEDROCK
TS = TOPSOIL THICKNESS PROBE
- EXISTING CONTOUR GRADE
- DELINEATED WETLAND



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'28"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)

0 200 400
SCALE IN FEET
1" = 400'



Curve Table							
Curve #	Radius	Chord Bearing	Chord Length	Radius Length	Delta	Tangent Bearing IN	Tangent Bearing OUT
C1	1859.86	S85° 28' 53"E	385.70	386.40	011°54'13"	N88° 34' 00"E	S79° 31' 47"E
C2	60.00	N52° 30' 12"E	94.97	267.42	255°22'04"	S00° 11' 14"W	N75° 10' 49"W
C3	60.00	S00° 20' 31"W	116.19	158.17	151°02'42"	S75° 10' 50"E	S75° 51' 52"W
C4	60.00	N51° 58' 27"W	94.77	109.25	104°19'21"	S75° 51' 52"W	N00° 11' 13"E

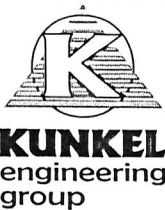
NOTE;

- 1) SEE PAGE 3 FOR EASEMENT AND BUILDING SETBACK INFORMATION
- 2) SEE PAGE 6 FOR VISION CORRIDOR EASEMENT DETAILS
- 3) EXISTING CONTOURS SHOWN ARE PER WAUKESHA COUNTY GIS

Christopher J. Kunkel

CHRISTOPHER J. KUNKEL - WIS REG. NO. S-1755

DATED 13 DAY OF February, 2020



107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

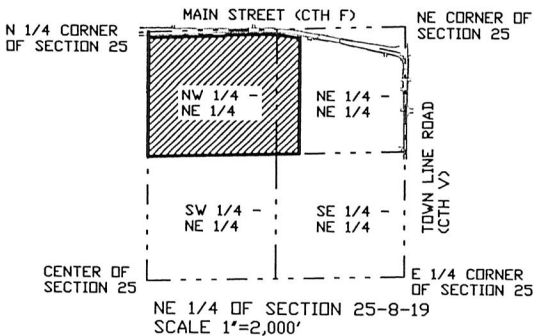
CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

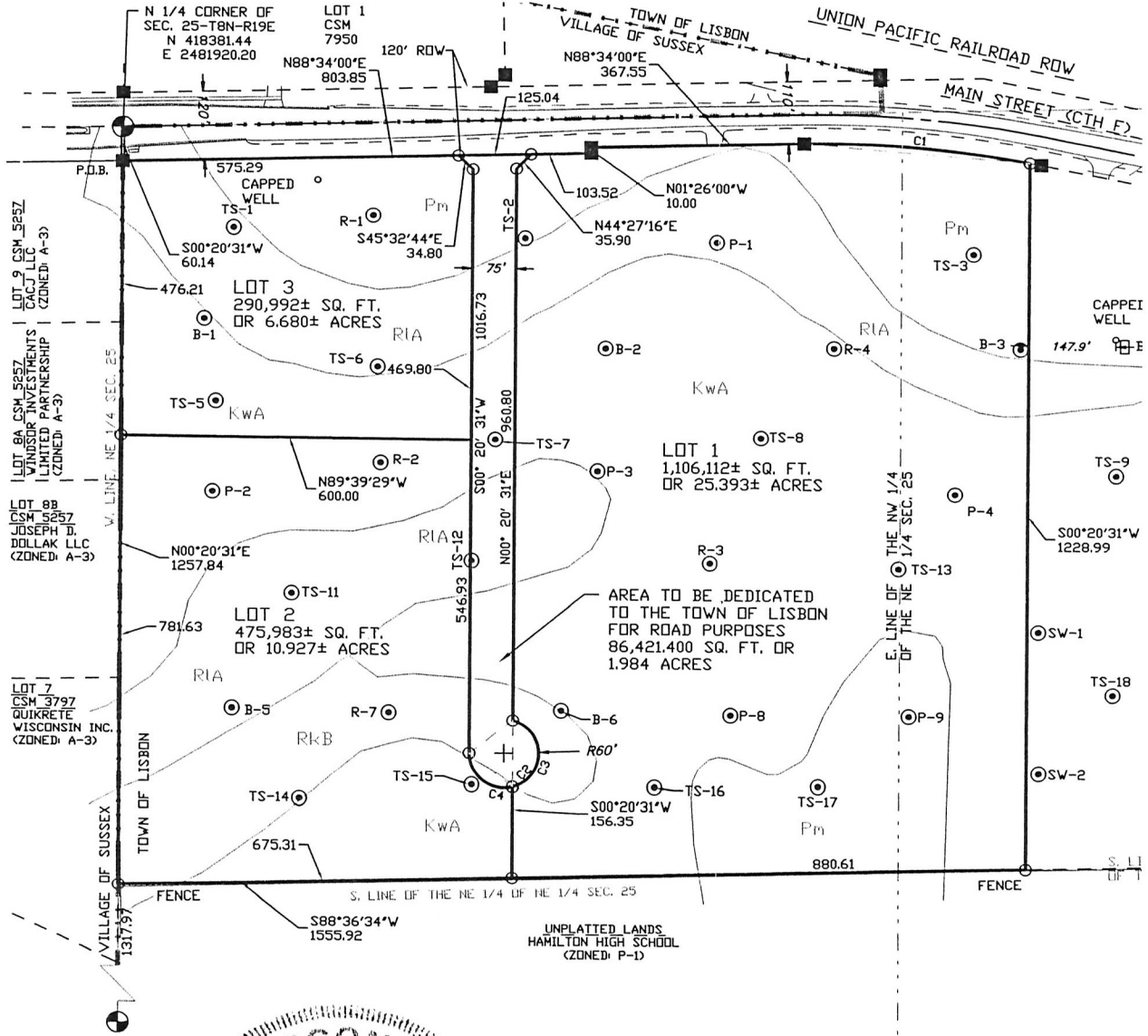
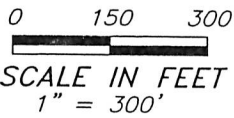
TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

LEGEND

- BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- MAG NAIL FOUND
- MUNICIPAL BOUNDARY
- (R.A.) DENOTE "RECORDED AS"
- DENOTE SOIL BORING
- B & SW = SOIL TEST BORING
- P = PROBE TO BEDROCK
- TS = TOPSOIL THICKNESS PROBE



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'28"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)

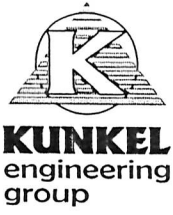


SOILS DATA

- MAP UNIT SYMBOL
- Kwa - KNOWLES SILT LOAM
 - Pm - PELLA SILT LOAM
 - Rk - RITCHIE SILT LOAM
 - RIA - RITCHY SILT LOAM

NOTE;

- EXISTING SOILS INFORMATION SHOWN PER WAUKESHA COUNTY GIS
- SOIL BORINGS DONE REVEALED SHALLOW BEDROCK THROUGHOUT THE SITE



107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



SEALED 2/13/2020

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR

CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

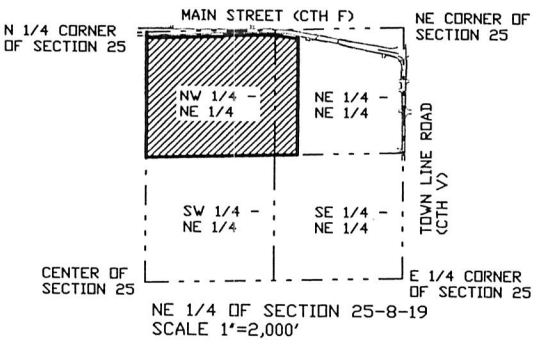
OWNER

TOWN OF LISBON
W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545

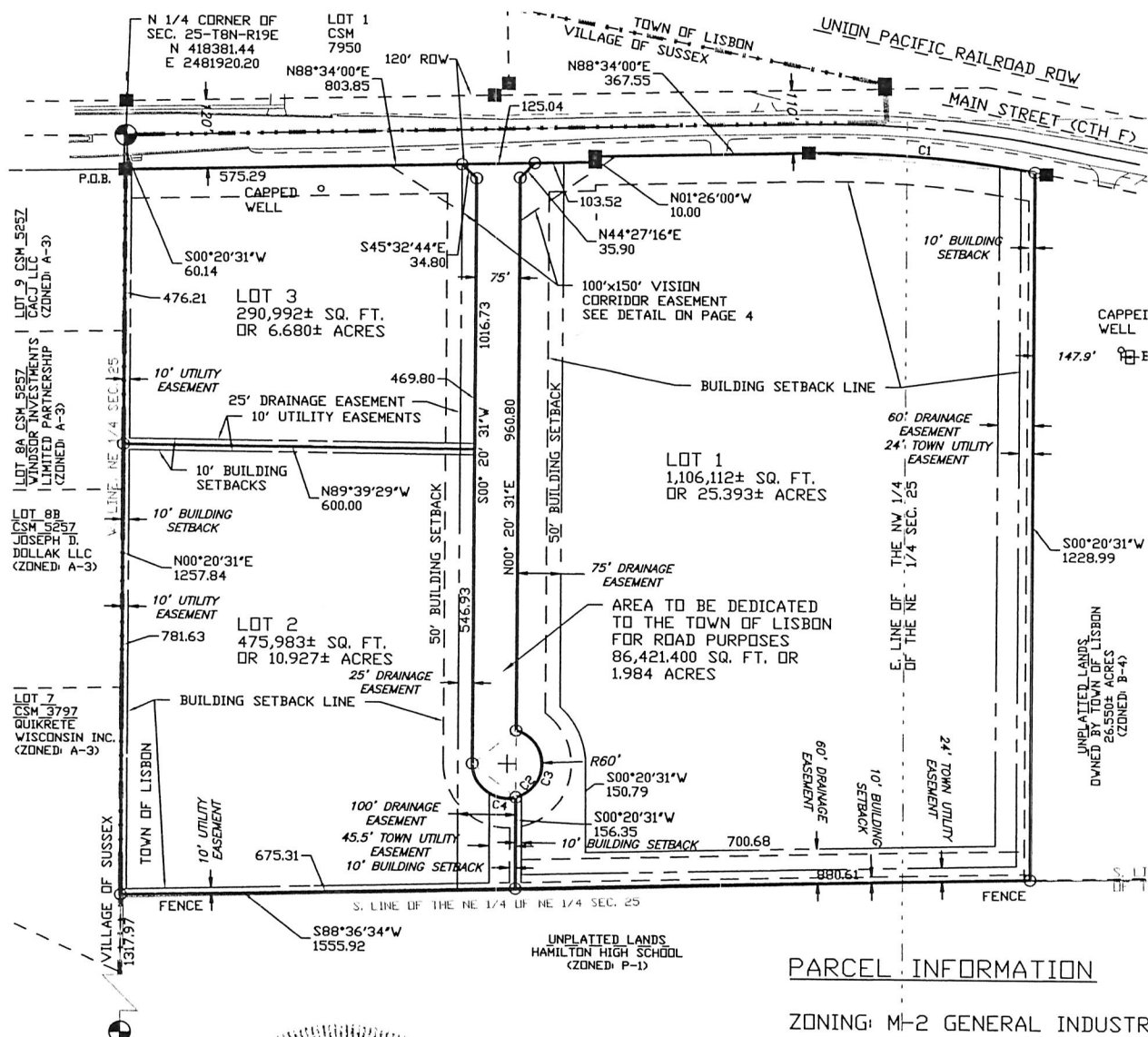
LEGEND

- BRASS CAP IN CONC.
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- MAG NAIL FOUND
- MUNICIPAL BOUNDARY (R.A.) DENOTE "RECORDED AS"

0 150 300
SCALE IN FEET
1" = 300'



REFERENCE BEARING; THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 25, T.8N., R.19E., IS USED AS THE REFERENCE BEARING AND HAS A BEARING OF N88°27'28"E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



PARCEL INFORMATION
ZONING: M-2 GENERAL INDUSTRIAL
BUILDING SETBACKS
PUBLIC ROAD = 50 FEET
SIDE YARD = 10 FEET
REAR YARD = 10 FEET

KUNKEL
engineering group
107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



NOTE;
1) ALL EASEMENT FOR TOWN UTILITIES ARE DEDICATED TO THE TOWN OF LISBON UNLESS OTHERWISE PROVIDED

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Christopher J. Kunkel, Professional Land Surveyor of the State of Wisconsin, do hereby certify that by order of Town of Lisbon I have made a survey of land located in the NW 1/4 and NE 1/4 of the NE 1/4 of Section 25, Town 8 North, Range 19 East, of the Town of Lisbon, Waukesha County, Wisconsin.

Commencing at the NW corner of the NE 1/4 of Section 25, T8N, R19E, Waukesha County, Wisconsin;
thence S0°20'31"W along the West line of said 1/4 section a distance of 60.14 feet to a point in the southerly right of way line of Main Street (CTH F) and point of beginning;
thence N88°34'00"E, along said southerly right of way line, a distance of 803.85 feet to a point;
thence N1°26'00"W, along an offset in said southerly right of way line, a distance of 10.00 feet to a point;
thence N88°34'00"E, along said southerly right of way line, a distance of 367.55 feet to a point;
thence easterly along a curve to the right having a radius of 1859.86 feet, a central angle of 11°54'13", an arc length of 386.40', and chord of 385.70' bearing S85°28'54"E, to a point;
thence S0°20'31"W, a distance of 1228.99 feet to a point;
thence S88°36'34"W a distance of 1555.92 feet to a point in the west line of said 1/4 section;
thence N0°20'31"E along the West line of said 1/4 section a distance of 1257.84 feet to the point of beginning.

Said parcel contains 1,959,509± square feet or 44.984± acres, more or less

I further certify that this map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land; that I have complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the subdivisions regulations of the Town of Lisbon and Village of Sussex, in surveying, dividing and mapping the same, to the best of my knowledge and belief.

Dated this 13 day of February, 2020



Christopher J. Kunkel, PLS S-1755

TOWN BOARD APPROVAL CERTIFICATE;

Resolved that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Town Board.

All conditions have been met as of the _____ day of _____, 2020

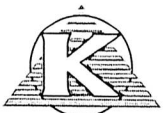
Dated: _____ Signed _____

Joseph Osterman, Town Chairman

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Town Board of the Town of Lisbon

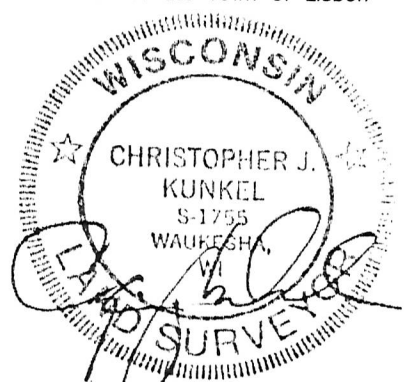
Dated: _____ Signed _____

Rick Goeckner, Town Clerk



KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454



SEALED 2/13/2020
DRAFTED BY N.A.C. 2/3/2020

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

A PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 25 IN THE TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Plan Commission.

Approved as of the _____ day of _____, 2020

Dated: _____ Signed _____
Joseph Osterman, Town Chairman

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Plan Commission of the Town of Lisbon

Dated: _____ Signed _____
Rick Goeckner, Town Clerk

EXTRATERRITORIAL VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Village Board of the Village of Sussex.

All Conditions have been met as of the _____ day of _____, 2020

Dated: _____ Signed _____
Gregory Goetz, Village President

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Village Board of the Village of Sussex.

Dated: _____ Signed _____
Sam Liebert, Administrative Services Director

EXTRATERRITORIAL PLAN COMMISSION APPROVAL CERTIFICATE:

APPROVED, that the Certified Survey Map, in the Town of Lisbon, is hereby approved by the Village of Sussex Plan Commission.

Approved as of the _____ day of _____, 2020

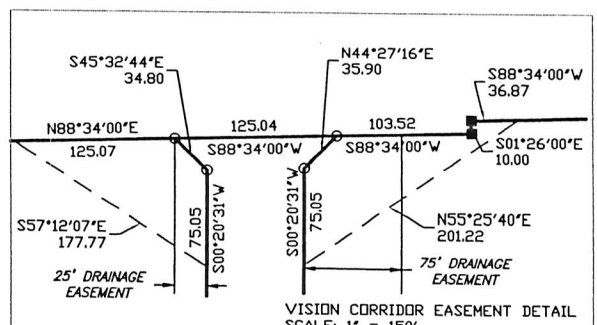
Dated: _____ Signed _____
Gregory Goetz, Chairman

Dated: _____ Signed _____
Sam Liebert, Administrative Services Director



KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454





CERTIFIED SURVEY MAP NO.

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN. NE. CORNER OF THE SE 1/4

OVERALL DETAIL SHEET

PIPING LEGEND:

- - INDICATES "SET" 0.750" O.D. X 18" LONG REINFORCING BAR WEIGHING 1.502 LBS. PER LINEAL FOOT.
- - INDICATES "FOUND" 1.25" IRON ROD FOUND (UNLESS STATED OTHERWISE)

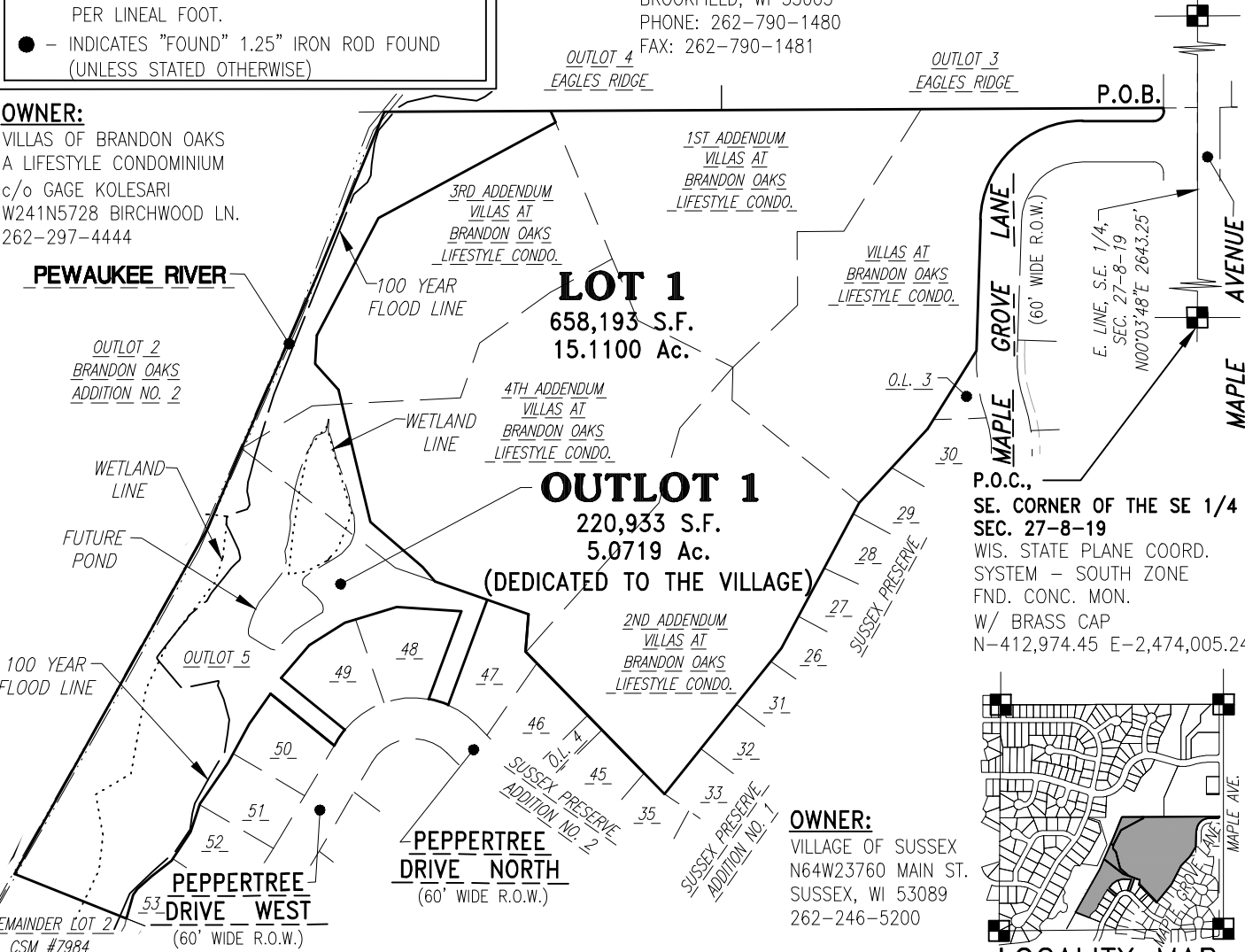
PREPARED BY:

TRIO ENGINEERING, LLC
4100 N. CALHOUN RD SUITE 300
BROOKFIELD, WI 53005
PHONE: 262-790-1480
FAX: 262-790-1481

WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE
FND. CONC. MON.
W/ BRASS CAP
N-415,617.44 E-2,474,008.16

OWNER:

VILLAS OF BRANDON OAKS
A LIFESTYLE CONDOMINIUM
c/o GAGE KOLESARI
W241N5728 BIRCHWOOD LN.
262-297-4444



CURVE TABLE:

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	15.00	90°00'00"	23.56	21.21	N45°03'48"E	S89°56'12"E	N00°03'48"E
C2	150.00	88°16'02"	231.08	208.90	S45°55'47"W	N89°56'12"W	S01°47'46"W
C3	130.00	13°16'50"	30.13	30.06	N73°15'59"W	N66°37'34"W	N79°54'24"W
C4	130.00	9°07'08"	20.69	20.67	S35°07'42"W	S39°41'16"W	S30°34'08"W

LOCALITY MAP:

S.E. 1/4, SEC. 27,
T. 8 N., R. 19 E.
SCALE: 1"=2000'



SCALE: 1"=250'



NOTES:

- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-27), IN WHICH THE EAST LINE OF THE S.E. 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, BEARS N00°03'48"E.
- THE OUTLOT IS TO BE DEDICATED TO THE VILLAGE OF SUSSEX.
- ALL ELECTRIC, TELEPHONE, AND COMMUNICATION DISTRIBUTION LINES AND LATERALS INCLUDING CATV CABLES, CONSTRUCTED AFTER THE RECORDING OF THIS CERTIFIED SURVEY MAP SHALL BE PLACED UNDERGROUND.
- WETLANDS BOUNDARIES SHOWN HEREON WERE FIELD DELINEATED BY BRIAN LENNIE OF STANTEC CONSULTING, INC. (A WDNR CERTIFIED ASSURED DELINEATOR) ON AUGUST 25, 2014.
- ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.

DRAFTED THIS 14th DAY OF FEBRUARY, 2020 REVISED 3-2-20.
THIS INSTRUMENT WAS DRAFTED BY TED R. INDERMUEHLE, S-3119

JOB NO. 07-011-974-03
SHEET 1 OF 9

CERTIFIED SURVEY MAP NO. _____

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

MAPLE AVENUE

(83' WIDE R.O.W.)

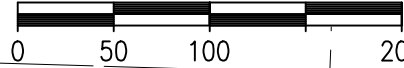
P.O.C.,
SE. CORNER OF THE SE 1/4
SEC. 27-8-19
WIS. STATE PLANE COORD.
SYSTEM - SOUTH ZONE
FND. CONC. MON.
W/ BRASS CAP
N=412,974.45 E=2,474,005.24

PIPING LEGEND:

- - INDICATES "SET" 0.750" O.D. X 18" LONG REINFORCING BAR WEIGHING 1.502 LBS. PER LINEAL FOOT.
- - INDICATES "FOUND" 1.25" IRON ROD FOUND (UNLESS STATED OTHERWISE)

NORTH

SCALE: 1"=100'



MAPLE GROVE LANE

(60' WIDE R.O.W.)

N01°47'46"E 192.45
S01°47'46"W 192.45

VILLAS AT
BRANDON OAKS
LIFESTYLE CONDO.

LOT 1
658,193 S.F.
15.1100 Ac.

1ST ADDENDUM
VILLAS AT
BRANDON OAKS
LIFESTYLE CONDO.

2ND ADDENDUM
VILLAS AT
BRANDON OAKS
LIFESTYLE CONDO.

3RD ADDENDUM
VILLAS AT
BRANDON OAKS
LIFESTYLE CONDO.

4TH ADDENDUM
VILLAS AT
BRANDON OAKS
LIFESTYLE CONDO.

WATERMAIN
EASEMENT PER DOC
NO. 3324461

OUTLOT 1
220,933 S.F.
5.0719 Ac.

(DEDICATED TO THE VILLAGE)

CERTIFIED SURVEY MAP NO. _____

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

MAPLE GROVE LANE
(60' WIDE R.O.W.)

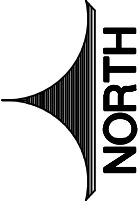
PIPING LEGEND:

○

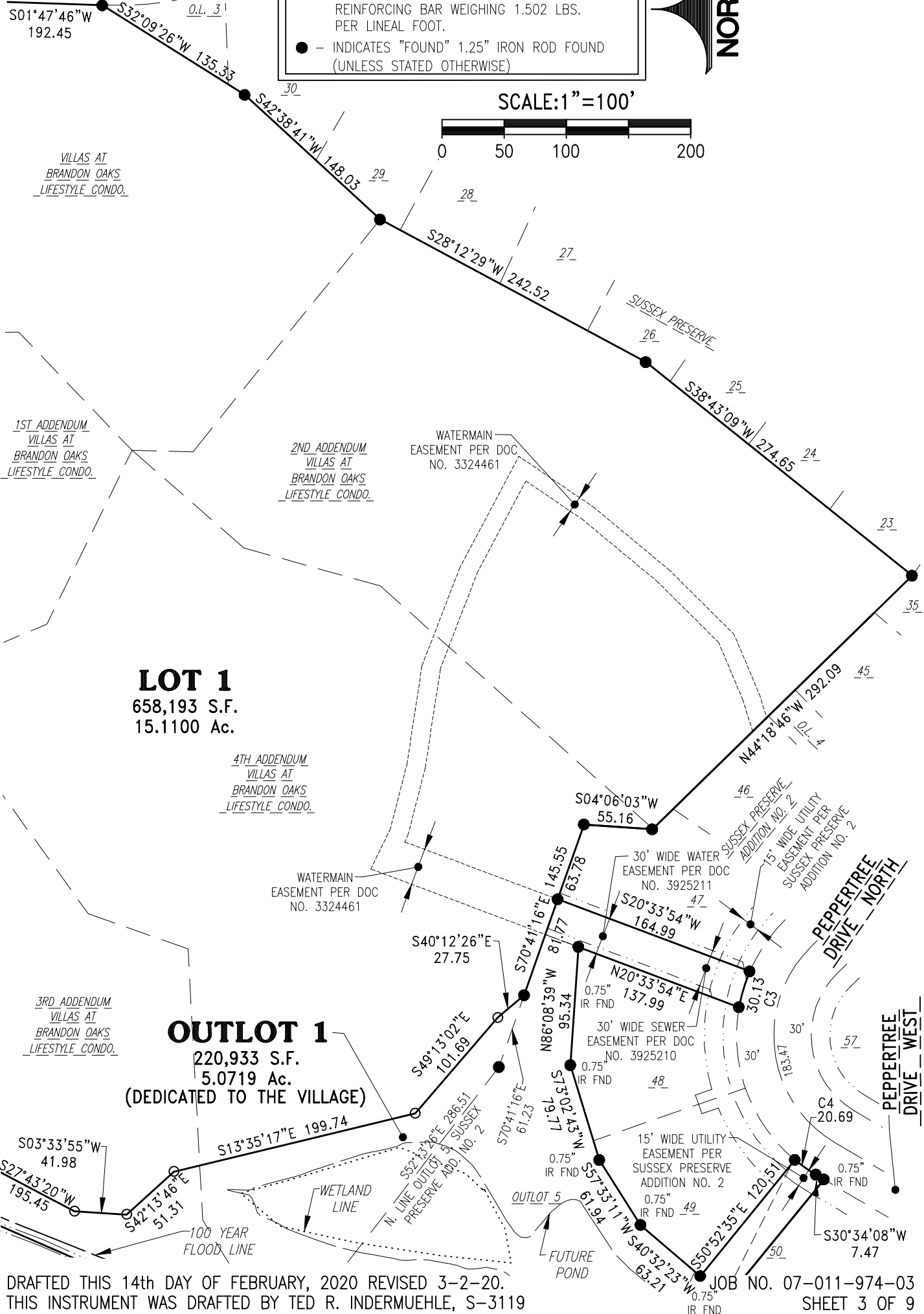
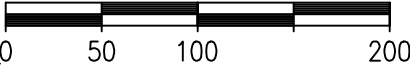
INDICATES "SET" 0.750" O.D. X 18" LONG REINFORCING BAR WEIGHING 1.502 LBS. PER LINEAL FOOT.

●

INDICATES "FOUND" 1.25" IRON ROD FOUND (UNLESS STATED OTHERWISE)



SCALE: 1"=100'



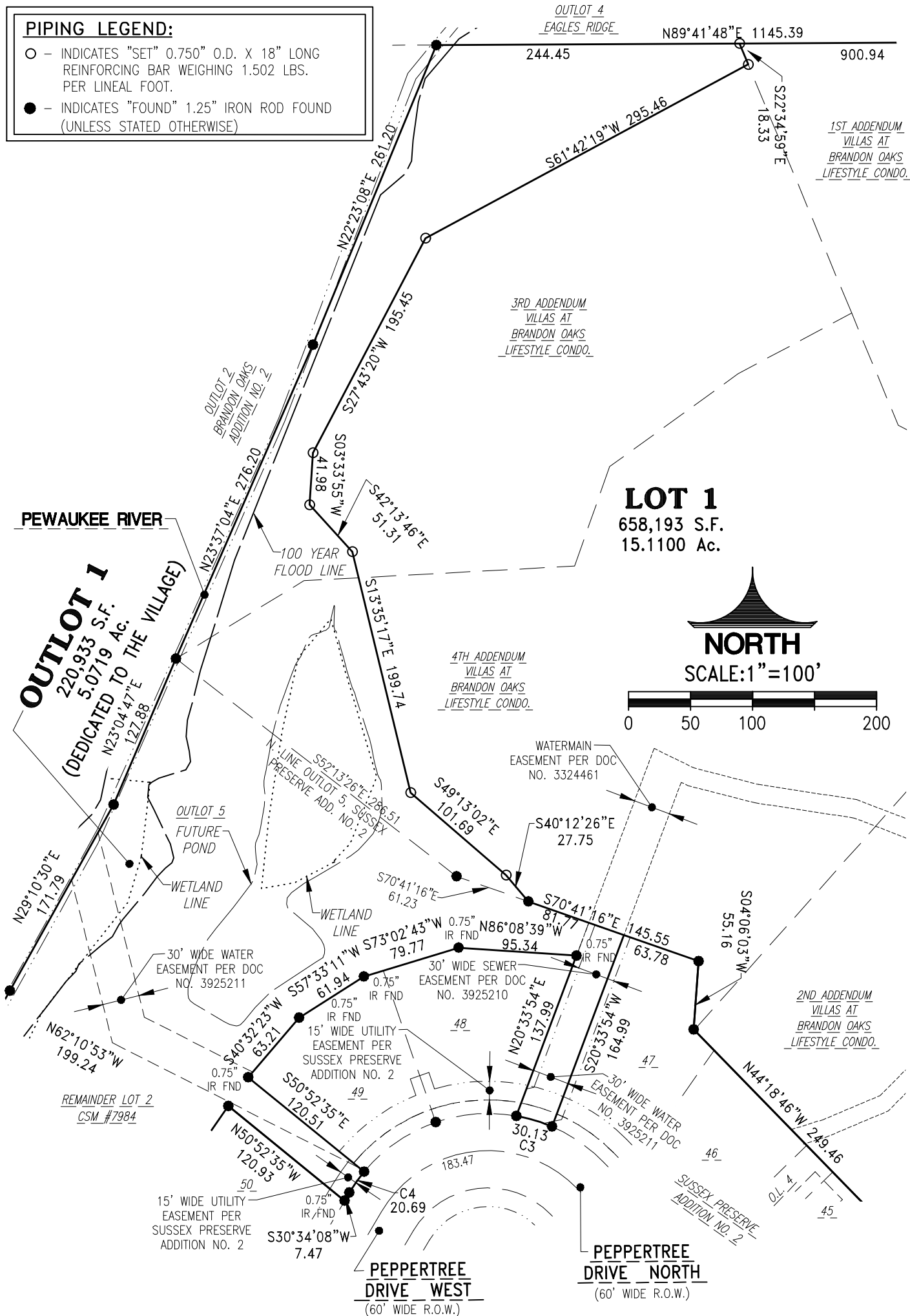
H:\C900\974\07011-01\Survey\CSM\530CSM01.dwg

CERTIFIED SURVEY MAP NO.

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

PIPING LEGEND:

- - INDICATES "SET" 0.750" O.D. X 18" LONG REINFORCING BAR WEIGHING 1.502 LBS. PER LINEAL FOOT.
- - INDICATES "FOUND" 1.25" IRON ROD FOUND (UNLESS STATED OTHERWISE)



CERTIFIED SURVEY MAP NO.

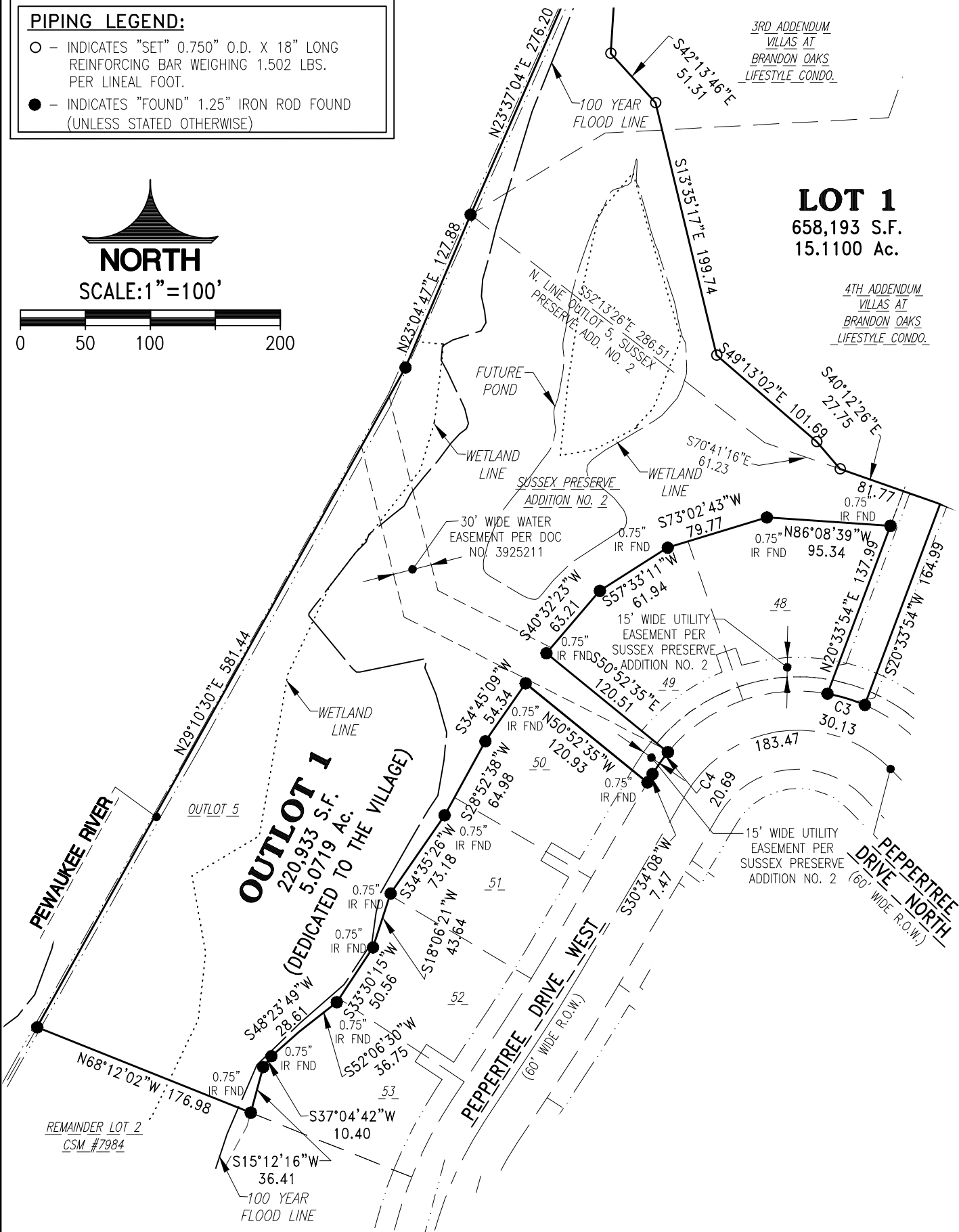
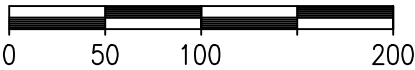
BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

PIPING LEGEND:

- - INDICATES "SET" 0.750" O.D. X 18" LONG REINFORCING BAR WEIGHING 1.502 LBS. PER LINEAL FOOT.
- - INDICATES "FOUND" 1.25" IRON ROD FOUND (UNLESS STATED OTHERWISE)



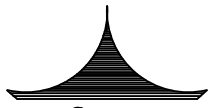
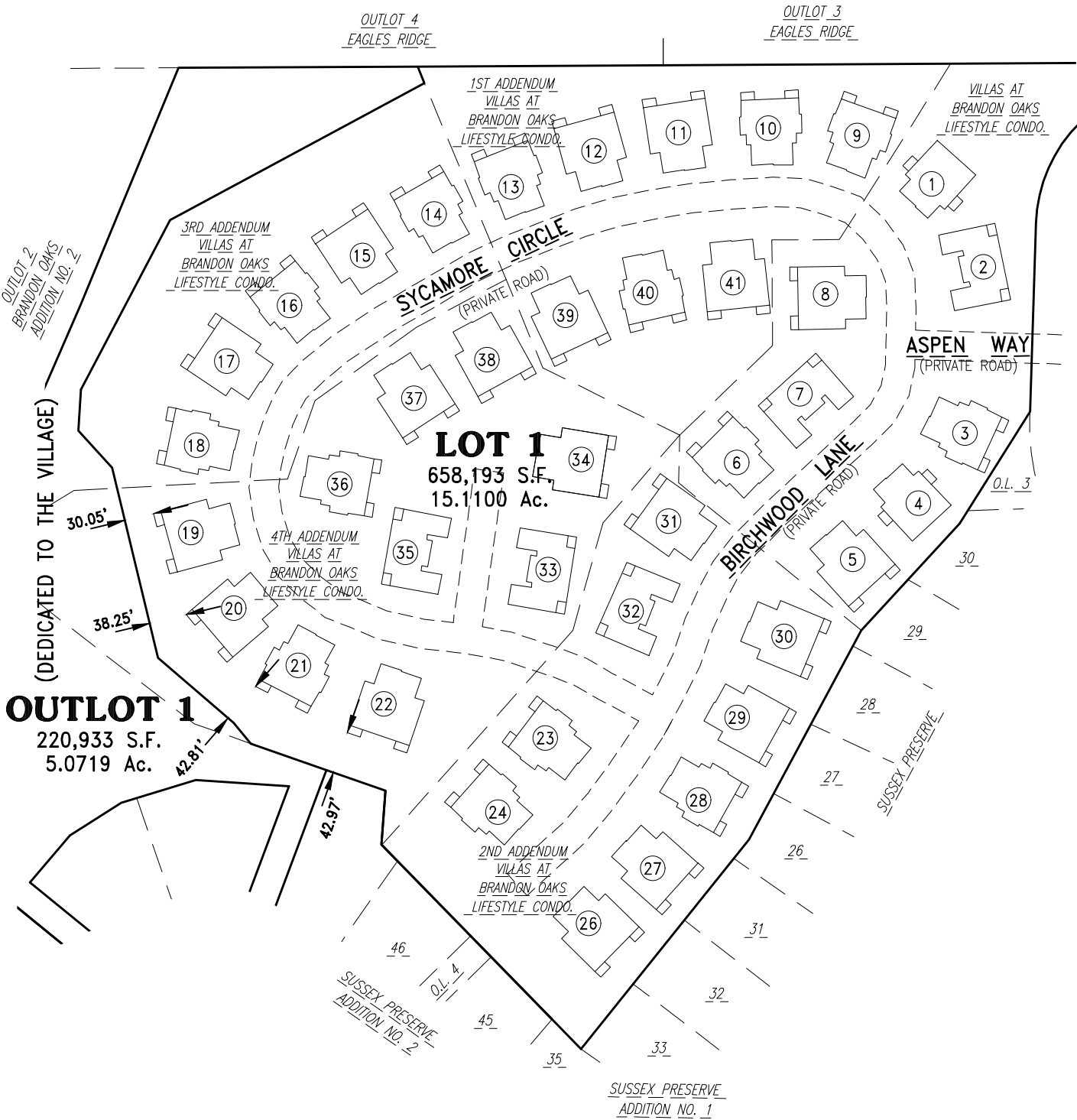
SCALE:1"=100'



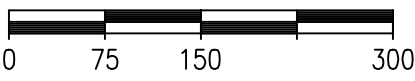
CERTIFIED SURVEY MAP NO. _____

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

CONDO DETAIL SHEET



NORTH
SCALE: 1"=150'



DRAFTED THIS 14th DAY OF FEBRUARY, 2020 REVISED 3-2-20.
THIS INSTRUMENT WAS DRAFTED BY TED R. INDERMUEHLE, S-3119

JOB NO. 07-011-974-03
SHEET 6 OF 9

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

[illegible]

Being all that part of Villas At Brandon Oaks a Lifestyle Condominium, and the First, Second, Third, and Fourth Addendum to The Villas At Brandon Oaks a Lifestyle Condominium, and Outlot 5 of Sussex Preserve Addition No. 2, Being located in a part of the Southeast 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 27, Town 8 North, Range 19 East, in The Village Of Sussex, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Thence South 00°03'48" West along said West line, 4.58 feet to a point; Thence Southwesterly 23.56 feet along the arc of a curve whose center lies to the Northwest, whose radius is 15.00 feet, whose Central Angle is 90°00'00" and whose chord bears South 45°03'48" West 21.21 feet to a point on the North Right-of-Way line of "Maple Grove Lane"; Thence North 89°56'12" West along said North line, 103.91 feet to a point; Thence Southwesterly 231.08 feet along the arc of a curve whose center lies to the Southeast, whose radius is 150.00 feet, whose Central Angle is 88°16'02" and whose chord bears South 45°55'47" West along said North line, 208.90 feet to a point on the West line of said Right-of-Way; Thence South 01°47'46" West along said West line, 192.45 feet to a point on the West line of "Sussex Preserve"; Thence South 32°09'26" West along said West line, 135.33 feet to a point; Thence South 42°38'41" West along said West line, 148.03 feet to a point; Thence South 28°12'29" West along said West line, 242.52 feet to a point; Thence South 38°43'09" West along said West line, 274.65 feet to a point on the North line of "Sussex Preserve Addition NO. 1"; Thence North 44°18'46" West along said North line, 292.09 feet to a point on the North line of "Sussex Preserve Addition NO. 2"; Thence North 04°06'03" East along said North line, 55.16 feet to a point; Thence North 70°41'16" West along said North line, 63.78 feet to a point; Thence South 20°33'54" West 164.99 feet to a point on the North Right-of-Way line of "Peppertree Drive North"; Thence Northwesterly 30.13 feet along the arc of a curve whose center lies to the South, whose radius is 130.00 feet, whose Central Angle is 13°16'49" and whose chord bears North 73°15'59" West along said North line, 30.06 feet to a point; Thence North 20°33'54" East 137.99 feet to a point; Thence North 86°08'39" West 95.34 feet to a point; Thence South 73°02'43" West 79.77 feet to a point; Thence South 57°33'11" West 61.94 feet to a point; Thence South 40°32'23" West 63.21 feet to a point; Thence South 50°52'35" East 120.51 feet to a point on the Westerly Right-of-Way of "Peppertree Drive North"; Thence Southerly 20.69 feet along the arc of a curve whose center lies to the East, whose radius is 130.00 feet, whose Central Angle is 09°07'07" and whose chord bears South 35°07'42" West along said West line, 20.67 feet to a point on the Westerly Right-of-Way of "Peppertree Drive West"; Thence South 30°34'08" West along said Westerly line, 7.47 feet to a point; Thence North 50°52'35" West 120.93 feet to a point; Thence South 34°45'09" West 54.34 feet to a point; Thence South 28°52'38" West 64.98 feet to a point; Thence South 34°35'26" West 73.18 feet to a point; Thence South 18°06'21" West 43.64 feet to a point; Thence South 33°30'15" West 50.56 feet to a point; Thence South 52°06'30" West 36.75 feet to a point; Thence South 48°23'49" West 28.61 feet to a point; Thence South 37°04'42" West 10.40 feet to a point; Thence South 15°12'16" West 36.41 feet to a point; Thence North 68°12'02" West 176.98 feet to a point on the East line of "Outlot 2 of Brandon Oaks Addition NO. 2"; Thence North 29°10'30" East along said East line, 581.44 feet to a point; Thence North 23°04'47" East along said East line, 127.88 feet to a point; Thence North 23°37'04" East along said East line, 276.20 feet to a point; Thence North 22°23'08" East along said East line, 261.20 feet to a point on the South line of "Outlot 4 of Eagles Ridge" North 89°41'48" East along said South line, 1145.39 feet to the point of beginning of this description.

That I have made such survey, land division and map by the direction of **Village of Sussex and Villas of Brandon Oaks a Lifestyle Condominium Owners Association**, owners of said lands.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Sussex in surveying, dividing and mapping the same.

Dated this _____ day of _____, 20____.

Ted R. Indermuehle, P.L.S.
Professional Land Surveyor, S-3119
TRIO ENGINEERING, LLC
4100 N. Calhoun Rd. Suite 300
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

Drafted this 14th Day of FEBRUARY, 2020. REVISED 3-2-20. Job. No. 07-011-974-03
THIS INSTRUMENT WAS DRAFTED BY TED R. INDERMUEHLE, S-3119 SHEET 7 OF 9

CERTIFIED SURVEY MAP NO. _____

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION:

As owner, **VILLAS OF BRANDON OAKS A LIFESTYLE CONDOMINIUM OWNERS ASSOCIATION**, a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation has caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Sussex, this _____ day of _____, 20 ____.

VILLAS OF BRANDON OAKS

Gabe Kolesari, President

STATE OF WISCONSIN)
) ss
COUNTY OF)

Personally came before me this _____ day of _____, 20____, Gabe Kolesari, President of the above named Corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such President of said Corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Corporation, by its authority.

Print Name: _____
Notary Public, _____ County, WI
My commission expires: _____

CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

The **VILLAGE OF SUSSEX**, a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations, Chapter 18 of the Village of Sussex, this _____ day of _____, 20 ____.

In witness whereof, the said Village of Menomonee Falls, has caused these presents to be signed by:

Gregory Goetz, Village President

Sam Liebert, Village Clerk

CERTIFIED SURVEY MAP NO. _____

BEING ALL THAT PART OF VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND THE FIRST, SECOND, THIRD, AND FOURTH ADDENDUM TO THE VILLAS AT BRANDON OAKS A LIFESTYLE CONDOMINIUM, AND OUTLOT 5 OF SUSSEX PRESERVE ADDITION NO. 2, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved that the Certified Survey map, in the Village of Sussex, Villas of Brandon Oaks a Lifestyle Condominium Owners Association and the Village of Sussex, owners, is hereby approved by the Village Board.

All conditions have been met as of this _____ day of _____, 20____.

Date: _____

Gregory Goetz, Village President

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Village Board of the Village of Sussex.

Date: _____

Sam Liebert, Village Clerk

PLAN COMMISSION APPROVAL CERTIFICATE:

Approved, that the Certified Survey Map, in the Village of Sussex, Villas of Brandon Oaks a Lifestyle Condominium Owners Association and the Village of Sussex, owners, is hereby approved by the Plan Commission.

Approved as of this _____ day of _____, 20____.

Date: _____

Gregory Goetz, Chairperson

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Plan Commission of the Village of Sussex.

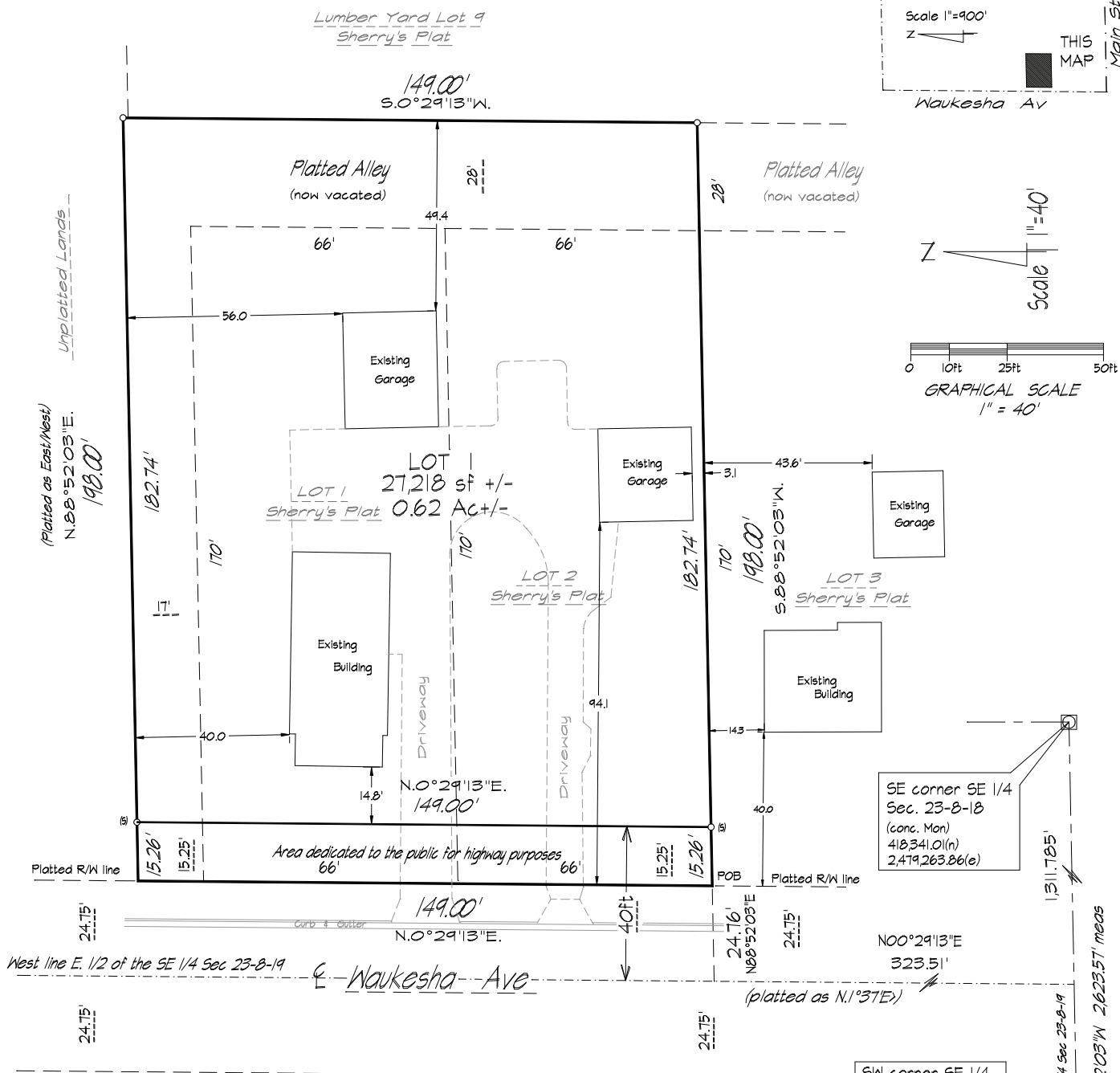
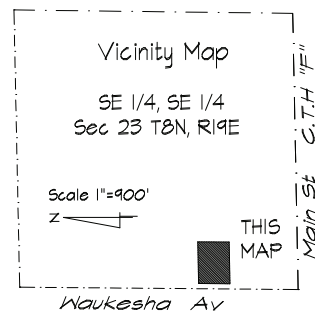
Date: _____

Sam Libert, Village Clerk



CERTIFIED SURVEY MAP

Being Lot 1 and Lot 2 and that part of the vacated alley in Document 4210200, all being part of Sherry's Plat of the Village of Templeton, being a recorded subdivision of part of the SE 1/4 of the SE 1/4 of Section 23, Town 8 North, Range 19 East, lying and being in the Village of Sussex, County of Waukesha and state of Wisconsin.



SE corner SE 1/4
Sec. 23-B-18
(conc. Mon)
418,341.01(n)
2,479,263.86(e)

SW corner SE 1/4
Sec. 23-B-18
(conc. Mon)
418,289.16(n)
2,476,641.08(e)

Owner: Nels H Anderson Land and Cattle
Revocable Living Trust
W232N6464 Waukesha Ave
Sussex, WI. 53089-3239
(262) 490-0432

Zoning: Central Mixed Business (B-4)
Tax Key # SUXV0236001
Tax Key # SUXV0236002

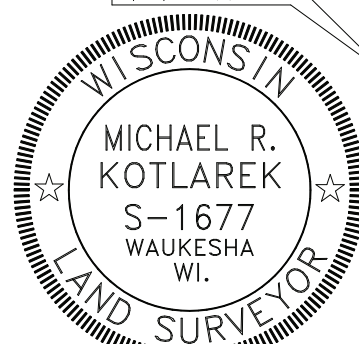
Denotes 1"x1/8" iron pipe survey
markers set weighing not less
than 1.13lbs per linear foot.

Denotes 3/4" OD iron pipe survey
markers found.

Horizontal datum is based on the
Wisconsin State Plane Coordinate
system Grid, South Zone (NAD-27)
and all bearings are referred to Grid
North. The South line of the SE 1/4 of
Section 23, T8N, R19E assumed bearing
N.88°52'03"E. for mapping purposes.

All measurements have been made to the
nearest one-hundredth of a foot.

This instrument was drafted by Michael R. Kotlarek



March 17, 2020
Revised April 15, 2020

Sheet 1 of 3



BENCHMARK LAND SURVEY TECHNOLOGY
Full Land Surveying Services
(262) 658-1686 - surveyor@execpc.com
N80W28352 Keesus Rd, Hartland, WI, 53029

CERTIFIED SURVEY MAP_____

Being Lot 1 and Lot 2 and that part of the vacated alley in Document 4210200, all being part of Sherry's Plat of the Village of Templeton, being a recorded subdivision of part of the SE 1/4 of the SE 1/4 of Section 23, Town 8 North, Range 19 East, lying and being in the Village of Sussex, County of Waukesha and state of Wisconsin.

SURVEYOR'S CERTIFICATE

I, Michael R. Kotlarek, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided Lot 1 and Lot 2 and that part of the vacated alley in Document 4210200, all being part of Sherry's Plat of the Village of Templeton, being a recorded subdivision of part of the SE 1/4 of the SE 1/4 of Section 23, Town 8 North, Range 19 East, lying and in the Village of Sussex, County of Waukesha and state of Wisconsin. Being more particularly described as follows: being at the SE corner of said Section 23; thence S.88°52'03"W. along the south line of said section a distance of 1311.785 feet to the SW corner of the SE 1/4, of the SE 1/4, of said Section; thence N.0°29'13"E. along the west line of the East 1/2 of the SE 1/4 of section a distance of 323.51 feet; thence N.88°52'03"E. parallel with the south line of said section a distance of 24.76 feet to the east line of Waukesha Avenue as platted, said point being the SW corner of said Lot 2, said point being the point of beginning; thence N.0°29'13"E. parallel with said west line and along the east line of said Waukesha Avenue a distance of 149.00 feet to the NW corner of said Subdivision; thence N.88°52'03"E. along the north line of said Subdivision a distance of 198.00 feet to the NW corner of "Lumber Yard Lot" as platted in said Subdivision, also known as Lot 9; thence S.0°29'13"W. along the west line of said Lot a distance of 149.00 feet; thence S.88°52'03"W. 198.00 feet to the point of beginning. Containing 29,490 square feet (0.62 acres) of land, more or less.

I have made such survey land division and map by the direction of Nels H. Anderson Land and Cattle Revocable Living Trust, owner of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the Village of Sussex Land Division Ordinance in surveying and mapping the land within the certified survey map.



Revised April 15, 2020

Michael R. Kotlarek, March 17, 2020
Professional Land Surveyor S-1677

CERTIFIED SURVEY MAP_____

Being Lot 1 and Lot 2 and that part of the vacated alley in Document 4210200, all being part of Sherry's Plat of the Village of Templeton, being a recorded subdivision of part of the SE 1/4 of the SE 1/4 of Section 23, Town 8 North, Range 19 East, lying and being in the Village of Sussex, County of Waukesha and state of Wisconsin.

OWNER'S CERTIFICATE

Nels H. Anderson Land and Cattle Revocable Living Trust, as owner, does hereby certify that he has caused the land described on this certified survey map to be surveyed, mapped, dedication and divided as represented on this certified survey map and does further certify that this certified survey map is required by Chapter 235 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. Village of Sussex

IN WITNESS WHEREOF, the said Nels H. Anderson Land and Cattle Revocable Living Trust has caused these presents to be signed by Nels H. Anderson, Sole Representative of said Trust at City of Sussex, Waukesha County, State of Wisconsin on this _____ day of _____, 2020

In the presence of: Nels H. Anderson Land and Cattle Revocable Living Trust, owner of said land.

Nels H. Anderson, Sole Representative

STATE OF WISCONSIN)
WAUKESHA COUNTY) ss

Personally came before me this _____ day of _____, 2020 Nels H. Anderson, as the Sole Representative of Nels H. Anderson Land and Cattle Revocable Living Trust, to me know to be the person who executed the foregoing instrument, and to me known to be such Representative of said Trust and acknowledged that he executed the foregoing instrument as such officer as the deed of said Trust, by it's authority

Notary Public

Name: _____

My Commission Expires: _____

PLAN COMMISSION APPROVAL

Approved and accepts dedication as shown hereon, by the Plan Commission of the Village of Sussex on this _____ day of _____, 2020

Date _____ Gregory Goetz, Chairman _____

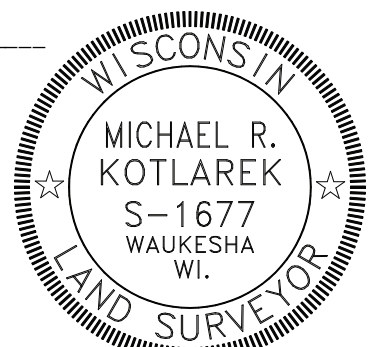
Date _____ Samuel Liebert, Secretary _____

VILLAGE BOARD APPROVAL

Approved and accepts dedication as shown hereon, by the Village Board of the Village of Sussex on this _____ day of _____, 2020

Date _____ Gregory Goetz, Chairman _____

Date _____ Samuel Liebert, Secretary _____



March 17, 2020

Revised April 15, 2020



BENCHMARK LAND SURVEY TECHNOLOGY
Full Land Surveying Services
(262)658-1686 - surveyor@execpc.com
N80W28352 Keesus Rd, Hartland, WI, 53029

This instrument was drafted by Michael R. Kotlarek

Sheet 3 of 3



ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE
SECTION 17.0416 A. 4. (a), SECTION 17.0417 A. 4. (a), SECTION 17.0418 A. 4. (a)
SECTION 17.0419 C. 4. (a), SECTION 17.0420 A. 4. (a) and SECTION 17.0421 A. 4. (a)
CHAPTER 17 ZONING CODE ORDINANCE OF THE
VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code to repeal and recreate Sections pertaining to permitted uses for Financial Service Institutions; and

WHEREAS, the Village of Sussex Plan Commission has initiated said ordinance to provide clarification of language and necessary changes due to new State Laws; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on _____, 2020, as required by Section 17.1305 of the Village of Sussex Zoning Ordinance, after providing due notice as required by Section 17.1400 of the Village of Sussex Zoning Ordinance; and

WHEREAS, following the public hearing, and upon due consideration of the recommendation from the Plan Commission, the Village Board finds that the public necessity, convenience, welfare and good zoning practice requires that the amendment to the zoning ordinance be granted as recommended by the Plan Commission;

WHEREAS, the Village Board Members are committed to aligning the Village of Sussex Zoning Code with opportunities to support growth that meet current needs without jeopardizing public safety or welfare.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. To repeal and recreate B-1 Neighborhood District Section 17.0416 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 2. To repeal and recreate B-2 Regional Business District Section 17.0417 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 3. To repeal and recreate B-3 Highway Business District Section 17.0418 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 4. To repeal and recreate B-4 Central Mixed Use District Section 17.0419 C. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 5. To repeal and recreate BP-1 Business Park District Section 17.0420 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 6. To repeal and recreate OP-1 Office Park District Section 17.0421 A. 4. (a) to read as follows:

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, ~~excluding drive through.~~ For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.

SECTION 7. SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2020

VILLAGE OF SUSSEX

Gregory L. Goetz, Village President

ATTEST:

Sam Liebert, Village Clerk

Published and/or posted this _____ day of _____, 2020