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**AGENDA
VILLAGE OF SUSSEX
PLAN COMMISSION MEETING
6:30 PM TUESDAY, JULY 21, 2020
SUSSEX CIVIC CENTER – BOARD ROOM 2nd FLOOR
N64W23760 MAIN STREET**

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

- 1. BY CALLING 1 312-626-6799 AND ENTERING MEETING ID: 876 4679 7811 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://us02web.zoom.us/j/87646797811>**

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 June 16, 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 EXIT Realty Results (N64W24678 Main Street Suite 1).
 - B. Consideration and possible action on a Plan of Operation and site plan for Shannon Real Estate LLC condominium N60W22951 Silver Spring building 10 unit 19.
 - C. Consideration and possible action on a Plan of Operation and site plan for KLM Machining condominium N60W22951 Silver Spring building 12 unit 23 and 24.
4. 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 a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).

- B. Consideration and possible action on a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).
 - C. Introduction of a Conditional Use, Plan of Operation and site plan for Tim Carberry condominium N60W22951 Silver Spring building 2 unit 3.
 - D. Introduction of a Conditional Use, Plan of Operation and site plan for Jim Carberry condominium N60W22951 Silver Spring building 2 unit 4.
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
- A. Consideration and possible action on a CSM for Sussex Town Center to adjust Lot 1 and Lot 2 property lines.
 - B. Consider and possible action on an Ordinance to repeal and recreate sideyard setbacks for Single Family Residential Districts RS-3 Section 17.0410 (F)(2) and RS-4 Section 17.0411 (F)(2).
 - C. Consideration and possible action on a second amendment of the Developers Agreement for Highland Business Park by owners Sussex Corporate Park LLC.
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 June 16, 2020.

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

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

Members excused: Michael Knapp and Annette Kremer.

Others present: Assistant Development Director Kasey Fluet, Village Attorney John Macy, Village Engineer Judy Neu, Admin. Asst. Lori Niswonger, 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 May 19, 2020.

A motion by Anderson, seconded by LeDonne to approve the minutes of the Plan Commission meeting of May 19, 2020 as presented. Motion carried 5-0

Consideration and possible action on a on a Plan of Operation and site plan for Protouch Products (N56W24790 North Corporate Circle Unit B).

Petitioner was not present.

Correction to unit #, site is N56W24790 North Corporate Circle Unit B.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned BP-1. The internet sales mail order business is a permitted use in the BP-1 Business Park District in accordance with Section 17.0420(A)(8)(a). Protouch Products will package and repack items into different unit sizes and ship them to customers. They will occupy 5,000 square feet in the 39,120 square foot multi-tenant building. Hours of operation will be Monday through Sunday 5:00 a.m. to 1:00 a.m. This site has 72 parking stalls 33 stalls are allocated to other users and this user requires four spaces.

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

Plan Commission Comments: None

A motion by Johnson, seconded by Anderson to approve the Plan of Operation and site plan for Protouch Products (N56W24790 North Corporate Circle Unit B); 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 5-0

Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan, landscape plan and sign plan for Dunkin'/Baskin Robbins (W249N6478 STH 164).

Nikoletta Scarlatis spoke on behalf of Dunkin'/Baskin Robbins, W246N6478 STH 164.

Site: The Kardo Group is planning to build a one story, combination Dunkin'/Baskin Robbins store on Lot 2. Store size is 1,835 sq. ft. to be placed in middle of Lot 2, facing the frontage road. Business will share access with Taco Bell and extend the sidewalk from Taco Bell to their location. Stacking for drive-through is 7 with overflow in the parking lot.

Architecture: Design is the new modern Dunkin'/ Baskin Robbin combo building with charcoal veneer to include Lannon Stone on the exterior. Dumpster enclosure material will match the building. Roof top units will be screened from view.

Lighting: Plan has been designed to prevent spillage onto neighboring properties. They are attempting to get the same light poles as Taco Bell.

Landscape: Designers worked with staff to understand the landscape requirements and have designed the landscaping to meet code.

Sign: Most signs are on the building and follow typical signage per Dunkin' standards. The monument sign has been designed to meet Village code and will have Lannon Stone to match the building.

Plan Commission Comments: Commission Johnson stated the monument sign should have the businesses address on it to meet code. Ms. Scarlatis stated they will add the address to the monument sign. Commissioner Muckerheide was concerned with the closeness of the new building to the existing Taco Bell. Concerned about traffic flow. Village Engineer Neu reviewed the drawings and measurements between buildings with Plan Commission and explained that the businesses have different peak periods which will impact traffic and when the drive-throughs are in use. No other comments.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-2. The restaurant with drive through is permitted in the B-2 Regional Business District in accordance with Section 17.0417 (A)(1)(b) subject to the Plan Commission must find that the vehicle stacking will not impact surrounding properties or any public roadway. Dunkin'/Baskin Robbins is a franchise chain to offer drive through and in stores service for the Dunkin' brand items. The Baskin Robbins will be in store service and some menu items available at the drive through. Hours of operations will be Monday through Sunday 4:00 a.m. to 12:00 a.m.

Site

- Stacking for drive through accommodates 7 cars with no impact to surrounding properties or public roadway.
- Provides good pedestrian orientation.
- Need to provide more details about proposed monument sign location.
- There is sufficient parking with 27 stalls.

Architecture

- Building meets height and required setbacks.
- Dumpster enclosure material to match building.
- Roof top units are to be screened from view.
- 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 landscape plan meets the Design Standards; 18 trees and 148 shrubs/flowers.

Signage

- Meets the code requirements.
- Monument sign meets the Design Standards.

The plans will be reviewed at the July Architectural Review Board. The site plan does encroach in the southeast corner on the adjacent undeveloped lot. A CSM or quit claim between the properties needs to occur to square off the lot as proposed.

A motion by Johnson, seconded by Anderson to approve of the Plan of Operation and site plan, architectural plan, lighting plan, landscape plan and sign plan for Dunkin'/Baskin Robbins (W249N6478 STH 164); a finding that the use and structures meet the principals of 17.1002(A-H), and subject to any conditions by the ARB, a CSM or Quit Claim between properties needs to occur to square off the lot as proposed, review by the Village Engineer and the standard conditions of Exhibit A. Motion carried 5-0

Convene the public hearing of a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).

Pete Meissner spoke on behalf of Harvest View Farms Inc, N67W25913 Silver Spring Dr. Site has been a working farm for 80 years. Owner plans to sell 176 acres of the land to Neumann Development and keep 2.4 acres for farming operations. Mr. Meissner wishes to square off the site he owns by moving his lot line to the south and west which will enable him to include the farm office on his lot. The lot lines were drawn many years ago when the property was part of Lisbon and those lot lines run through some of the silos and outbuildings. By squaring off the lot, it will go from 1.54 to 2.4 acres and eliminate the lot line issues.

This farm primarily harvests wheat, corn and soybeans and there are no plans to change those operations in the near future. Farm currently has 100 head of cattle and sell approximately 10 per month. Farm has one full time employee.

Mr. Meissner's goal is to work with Neumann Development as the site is developed to meet all the requirements of the conditional use, including adding a berm of trees between the farm and new subdivision (plan attached).

We have reviewed the impact report with no issue and paid all fees.

Bryan Lindgren spoke on behalf of Neumann Development: Developer will be adding the landscaped buffer between the farm and new development. The area south of Sussex Creek will continue to be retained by the owners and become a wetland area except for the pond which will not be part of the wetlands.

Comments from the public: None

Comments from Plan Commission: Commissioner Johnson stated he had no concerns with buffer, but had concerns with number of farm buildings on site. He is requesting that an inventory be taken of buildings, to be included in conditional use. This will set a standard when these buildings are grandfathered in, and staff know what is there. Also, CU to have language stating no additional buildings can be added without permission of the Plan Commission.

Mrs. Fluett reviewed the Plan Staff Memo (copy attached); stating this site is zoned CR-1. The zoning of the farm as CR-1 residential was placed on the property to meet the requirement of the Wisconsin Statutes, the zoning must match the Land Use designation. The owners of the property want to sell 176 acres of the land to a developer and keep 2.4 acres for farming operations. Farming includes processing various agricultural crops and buildings associated with the management of the operations. Some of the buildings and silos on the property do not meet the setback requirements making the use legal non-conforming. In accordance with Section 17.0507 a legal non-conforming use may be granted a conditional use.

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

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order to include the following conditions, for review at the July 21, 2020 meeting at 6:30 p.m.

Conditions to be added to the Conditional Use include: Landscaped buffer between farm and development, inventory of farm buildings on site and language stating no additional buildings without review by Plan Commission.

A motion by LeDonne, seconded by Anderson to adjourn the public hearing until July 21, 2020 at 6:30 pm.
Motion carried 5-0

Consideration and possible action on request for an accessory building exceeding 250 square feet for David and Jennifer Barnish (W238N7651 Hidden Oaks Dr.).

David Barnish, W238N7651 Hidden Oaks Dr addressed the Commission. Owner is installing an in-ground pool and wishes to build a structure to tie in with the pool area. Building will have a 16x10 ft. storage area with bathroom and an overhang area to provide shaded entertainment space. The plans have been approved by their HOA. Structure is nearly identical to other pool houses in this subdivision. Materials will match those on existing home and area will be landscaped.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned CR-1. The accessory building is a permitted use in this district in accordance with Section 17.0704 (A)(2), the accessory building the homeowner would like to build is larger than 250 square feet. The owner is requesting to build a 416 square foot building, 160 square feet will be an enclosed structure with a bathroom and storage area and 256 square feet will be an open space area with an outdoor living area to include a gas fire table. The Plan Commission may allow this based on 17.0704: On larger lots, the Plan Commission may, at its discretion, permit more than one accessory structure or may permit a structure exceeding 250 square feet in area when it determines that more than one such structure or a larger structure is necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.

The size of the owner's lot is just over an acre, 44,420 square feet. The Majestic Heights Homeowners Association has approved the improvements. Staff feels the proposed building and addition of a pool fits the neighborhood and the lot.

Plan Commission Comments: Commission Adkins asked how this building compares in size to others in the community. Mr. Barnish replied that is was the same size as other pool houses in the neighborhood and smaller than the one on Lot 40.

A motion by LeDonne, seconded by Muckerheide to approve the 416 square foot accessory building for the property located at W238N7651 Hidden Oaks Drive subject to the conditions of Exhibit A.
Motion carried 5-0

Consideration and possible action on a Final Plat for Woodland Trails Subdivision east of Coldwater Creek Subdivision and south of Plainview Road.

Eric Obarski spoke on behalf of Neumann Development and presented the Woodland Trails final plat of phase one with 27 lots. Development is west of the approved Woodland Preserve development. This is first 27 lots of a multi-phased development.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached) stating this site is zoned RS-3 with a Planned Development Overlay. The approval of this Plat is for the 27 single-family lots. Building permits may be issued once staff is satisfied all the conditions of the Developers Agreement have been met, the Plat meets the conditions of the rezone ordinance granted March 12, 2019, the requirements of Chapter 18 are met and once the Plat is recorded with the Registry of Deeds.

Plan Commission Comments: None

A motion by LeDonne, seconded by Anderson to recommend to the Village Board approval of the Final Plat for Woodland Trails subject the approval of the Restrictive Covenant, the standard conditions of Plat approval, obligations of the Developers Agreement have been met and any conditions by the Village Engineer.
Motion carried 5-0

Topics for Future Agendas: None.

Adjournment

A motion by LeDonne, seconded by Anderson to adjourn the meeting at 7:10 pm.

Motion carried 5-0

Respectfully Submitted,

Linda Steinmetz
Deputy Clerk

DRAFT



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MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of June 16, 2020
DATE: June 10, 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 May 19, 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 Protouch Products (N56W24790 North Corporate Circle Unit D).

This site is zoned BP-1. The internet sales mail order business is a permitted use in the BP-1 Business Park District in accordance with Section 17.0420(A)(8)(a). Protouch Products will package and repack items into different unit sizes and ship them to customers. They will occupy 5,000 square feet in the 39,120 square foot multi-tenant building. Hours of operation will be Monday through Sunday 5:00 a.m. to 1:00 a.m. This site has 72 parking stalls 33 stalls are allocated to other users and this user requires four 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 Protouch Products (N56W24790 North Corporate Circle Unit D); 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, site plan, architectural plan, lighting plan, landscape plan and sign plan for Dunkin'/Baskin Robbins (W249N6478 STH 164).

This site is zoned B-2. The restaurant with drive through is permitted in the B-2 Regional Business District in accordance with Section 17.0417 (A)(1)(b) subject to the Plan Commission must find that the vehicle stacking will not impact surrounding properties or any public roadway. Dunkin'/Baskin Robbins is a franchise chain to offer drive through and in stores service for the Dunkin' brand items. The Baskin Robbins will be in store service and some menu items available at the drive through. Hours of operations will be Monday through Sunday 4:00 a.m. to 12:00 a.m. The store size will be 1,835 square feet, the following are comments for the plans:

Site

- Stacking for drive through accommodates 7 cars with no impact to surrounding properties or public roadway.
- Provides good pedestrian orientation.
- Need to provide more details about proposed monument sign location.
- There is sufficient parking with 27 stalls.

Architecture

- Building meets height and required setbacks.
- Dumpster enclosure material to match building.
- Roof top units are to be screened from view.
- 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 landscape plan meets the Design Standards; 18 trees and 148 shrubs/flowers.

Signage

- Meets the code requirements.
- Monument sign meets the Design Standards.

The plans will be reviewed at the July Architectural Review Board. The site plan does encroach in the southeast corner on the adjacent undeveloped lot. A CSM or quit claim between the properties needs to occur to square off the lot as proposed.

Policy Question:

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

Action Items:

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

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the Plan of Operation and site plan, architectural plan, lighting plan, landscape plan and sign plan for Dunkin'/Baskin Robbins (W249N6478 STH 164); 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.

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

A. Convene the public hearing of a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).

This site is zoned CR-1. The zoning of the farm as CR-1 residential was placed on the property to meet the requirement of the Wisconsin Statutes, the zoning must match the Land Use designation. The owners of the property want to sell 176 acres of the land to a developer and keep 2.4 acres for farming operations. Farming includes processing various agricultural crops and buildings associated with the management of the operations. Some of the buildings and silos on the property do not meet the setback requirements making the use legal non-conforming. In accordance with Section 17.0507 a legal non-conforming use may be granted a conditional use.

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 17.0404 CR-1 Conservancy Residential District

17.0404

CR-1 CONSERVANCY-RESIDENTIAL DISTRICT

The CR-1 Conservancy-Residential District is intended to preserve, protect, enhance, and restore significant woodlands, areas of rough topography, and related scenic areas while providing for low-density residential development that will not disturb important ecosystems. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the wooded areas of the Village.

A. Permitted Uses

1. Agricultural uses when conducted in accordance with County Conservation Standards.
2. General farm buildings: barns, silos, sheds, and storage bins.
3. Preservation of scenic, historic, and scientific areas.
4. Forest management.
5. Park and recreation areas.
6. Single-family dwellings.

B. Permitted Accessory Uses

1. Home occupations and professional home offices.
2. Gardening, tool, and storage sheds incidental to the residential use.
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.
4. 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.

D. Lot Area and Width

1. Lots shall have a minimum area of 40,000 square feet and shall be not less than 150 feet in width, except the minimum lot width for any lot having frontage on a cul-de-sac bulb may be reduced down to 100 feet should the Plan Commission make a finding that such a lesser width will provide for an adequate building envelope.
2. Each CR-1 district lot shall maintain 80 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

1. No building or parts of a building shall exceed 50 feet in height.
2. The total minimum finished living area of a one-story dwelling shall be 2,200 square feet; and the total minimum finished living area of a two-story or bi-level dwelling shall be 2,600 square feet.
3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,600 square feet.
4. A tri-level dwelling shall have a minimum finished living area of 2,600 square feet.
5. The upper two levels of a tri-level dwelling shall be fully finished.

6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
 8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.
- F. Setback and Yards
1. There shall be a minimum building setback of 50 feet from the street right-of-way.
 2. There shall be a side yard on each side of the principal structure of not less than 30 feet in width.
 3. There shall be a rear yard of not less than 50 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. Modified Subdivision Improvements
1. In an effort to maintain the rural/conservancy appearance within the CR-1 district, subdivision standards may be modified in such a manner that streets with 26 feet of paved surface and mountable curbs may be constructed; no sidewalks shall be required; no fences shall be permitted within the minimum required street setback area; drainage shall be accommodated in roadside ditches, and where necessary, retention/detention basins shall be employed to manage stormwater runoff. Heavy vegetation shall be encouraged in front yard areas so as to minimize the view of homes by passing traffic.

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:

17.0507 LEGAL NONCONFORMING USES

- A. Legal nonconforming uses may be granted conditional use status upon petition of the owner where such use is determined to not be any of the following:
1. Adverse to any of the following:

- a) public health,
 - b) safety, or
 - c) welfare;
- 2. In conflict of the spirit or intent of this chapter; or
- 3. Otherwise detrimental to the community and particularly the surrounding neighborhood.

Site Plan Review Standards 17.1000

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

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

B. No structure shall be permitted:

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

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

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

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

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

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

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

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

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

Any other standards from Chapter 17 that may be relevant.

The Petitioner should address how they intend to screen the lot from the abutting residential use. Per the impact report a landscape plan should be established along the southern property line to complete this screening activity.

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 July 21, 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 request for an accessory building exceeding 250 square feet for David and Jennifer Barnish (W238N7651 Hidden Oaks Dr.).

This site is zoned CR-1. The accessory building is a permitted use in this district in accordance with Section 17.0704 (A)(2), the accessory building the homeowner would like to build is larger than 250 square feet. The owner is requesting to build a 416 square foot building, 160 square feet will be an enclosed structure with a bathroom and storage area and 256 square feet will be an open space area with an outdoor living area to include a gas fire table.

The Plan Commission may allow this based on:

17.0704 ACCESSORY USE REGULATIONS

Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein. An accessory use building permit shall be required where specifically noted in this Section. Accessory uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this Ordinance may be modified for accessory uses as follows:

- A. Accessory Uses and Detached Accessory Structures shall be permitted in the rear yard only, unless otherwise specified. Accessory structures shall not occupy more than 20 percent of the rear yard in all districts except the business and manufacturing districts where such uses and structures shall not occupy more than 50 percent of the rear yard area. When permitted in the side or front yard, accessory structures shall not occupy more than 10 percent of the yard area.
- (2) Accessory buildings, such as garden or utility sheds, playhouses, or gazebos, upon the issuance of a building permit. Accessory buildings shall be located at least 10 feet from the principal structure; shall be placed on a pad of concrete, asphalt, wood, or metal; shall not exceed 250 square feet in area; shall be located not closer than five (5) feet to a lot line; and shall not exceed 15 feet in height. Any accessory building housing a motor vehicle shall be placed on a concrete floor or pad. No more than one accessory building shall be erected on a lot in an Rs-1, Rs-2, Rs-3, Rd-1, or Rd-2 Residential District. **On larger lots, the Plan Commission may, at its discretion, permit more than one accessory structure or may permit a structure exceeding 250 square feet in area when it determines that more than one such structure or a larger structure is necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.**

The size of the owner's lot is just over an acre, 44,420 square feet. The Majestic Heights Homeowners Association has approved the improvements. Staff feels the proposed building and addition of a pool fits the neighborhood and the lot.

Policy Questions:

1. Are there any concerns with the accessory building?

Action Item:

1. Act on the request for the accessory building.

Staff Recommendation: Staff recommends approval of the 416 square foot accessory building for the property located at W238N7651 Hidden Oaks Drive subject to the conditions of Exhibit A.

B. Consideration and possible action on a Final Plat for Woodland Trails Subdivision east of Coldwater Creek Subdivision and south of Plainview Road.

This site is zoned RS-3 with a Planned Development Overlay. The approval of this Plat is for the 27 single-family lots. Building permits may be issued once staff is satisfied all the conditions of the Developers Agreement have been met, the Plat meets the conditions of the rezone ordinance granted March 12, 2019, the requirements of Chapter 18 are met and once the Plat is recorded with the Registry of Deeds.

Policy Question:

1. Are there any concerns with the Plat?

Action Items:

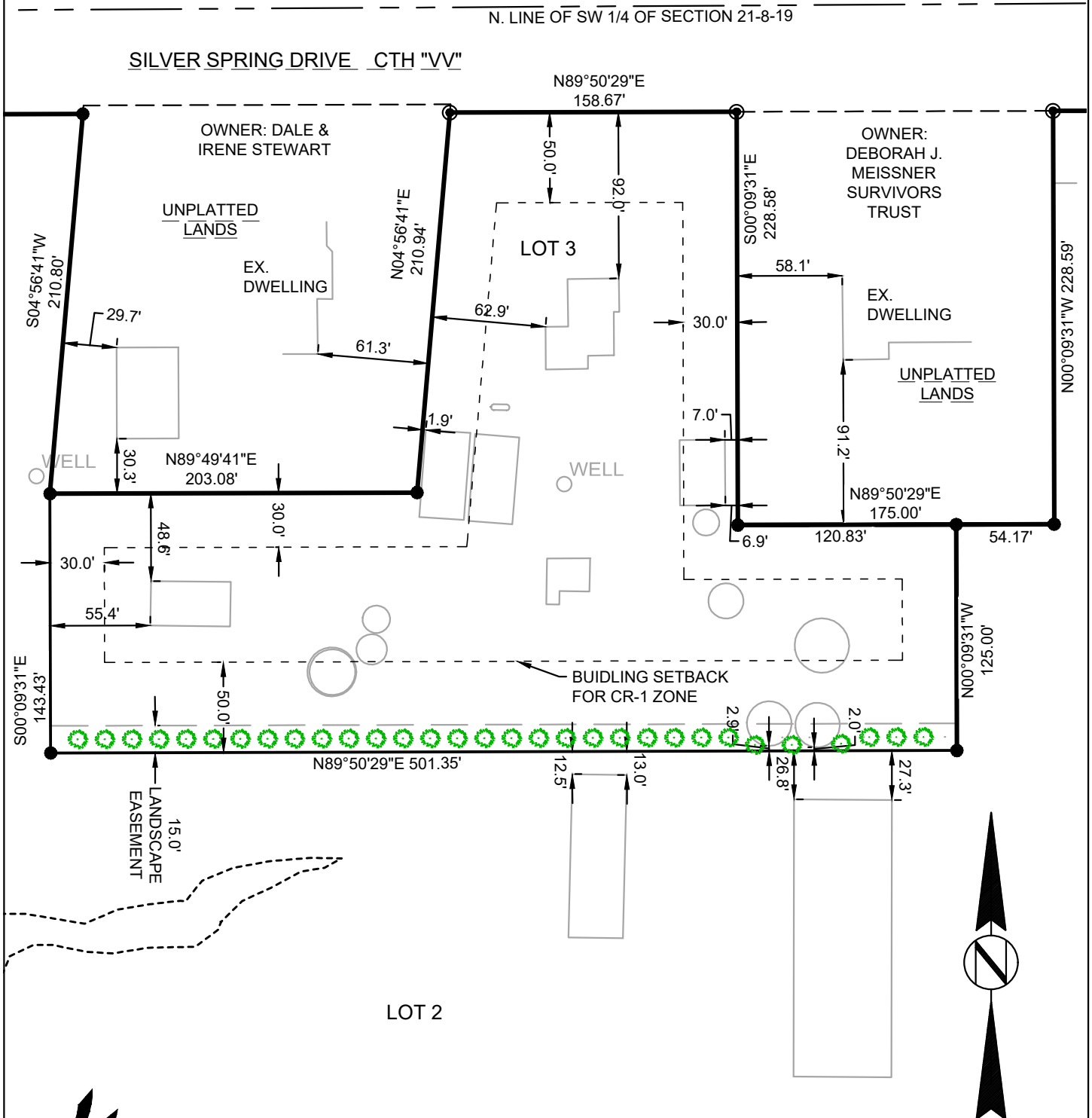
1. Act on the Plat.

Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board approval of the Final Plat for Woodland Trails subject the approval of the Restrictive Covenant, the standard conditions of Plat approval, obligations of the Developers Agreement have been met and any conditions by the Village Engineer.

06. Other Items for future discussion.

07. Adjournment.

EXHIBIT



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com

SCALE: 1" = 80'

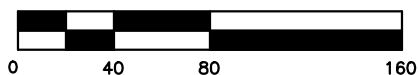


Exhibit “A”

Village of Sussex Plan Commission

Standard Conditions of Approval Plan of Operation and Site Plan

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

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

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

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

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

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

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

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

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

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

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

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

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



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of July 21, 2020
DATE: July 15, 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 June 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 EXIT Realty Results (N64W24678 Main Street Suite 1).

This site is zoned B-1. The real estate office is a permitted use in accordance with Section 17.0416 (A)(4)(c) in the B-1 Neighborhood Business District. Exit Realty Results is leasing 1,637 square feet of space at the complex known as the Wessex Centre, in the former Amy B. Hair Salon suite. EXIT Realty is a residential real estate franchise, the hours of operation are Monday through Friday 9:00 a.m. to 3:00 p.m., any after hours are by appointment only. They will have 4 to 5 employees. This site has 87 marked parking stalls, with 71 allocated to other users, by code this user requires 7 stalls. The site has additional pavement that is not currently stripped which could be utilized for parking.

This complex has a master sign plan, 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 EXIT Realty Results (N64W24678 Main Street Suite 1) 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 Shannon Real Estate LLC condominium N60W22951 Silver Spring building 10 unit 19.

This site is zoned M-1. The property maintenance services for rental properties is a permitted use in accordance with Section 17.0422 (A)(3)(c) in the M-1 Industrial District. The owner of Shannon Real Estate LLC is purchasing a 1,500 square foot condominium unit for his equipment for his business. The owners must also follow the declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for Shannon Real Estate LLC condominium N60W22951 Silver Spring building 10 unit 19 a finding that the use and structures meet the principals of 17.1002(A-H), subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A.

C. Consideration and possible action on a Plan of Operation and site plan for KLM Machining, Inc. condominium N60W22951 Silver Spring building 12 unit 23 and 24.

This site is zoned M-1. The CNC machining manufacturer is a permitted use in accordance with Section 17.0422 (A)(4)(e) in the M-1 Industrial District. KLM Machining, Inc. located in the Sussex Industrial Park is purchasing a 3,000 square foot condominium building for storage of tools, equipment and overflow product from the business. The owners must also follow the declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Policy Question:

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

Action Items:

1. Act on the plan of operation and plans.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation and site plan for KLM Machining, Inc. condominium N60W22951 Silver Spring building 12 unit 23 and 24 a finding that the use and structures meet the principals of 17.1002(A-H), subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A.

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

A. Reconvene the public hearing of a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).

This site is zoned CR-1. The zoning of the farm as CR-1 residential was placed on the property to meet the requirement of the Wisconsin Statutes, the zoning must match the Land Use designation. The owners of the property want to sell 176 acres of the land to a developer and keep 2.4 acres for farming operations. Farming includes processing various agricultural crops and buildings associated with the management of the operations. Some of the buildings and silos on the property do not meet the setback requirements making the use legal non-conforming. In accordance with Section 17.0507 a legal non-conforming use may be granted a conditional use.

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 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 operating farm 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 June 16, 2020 and July 21, 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 which is shown in **Exhibit A-2**.
- D. Lighting Plan. The Petitioner shall maintain the existing lighting plan for the Subject Property on file with the Village Clerk
- E. Signage Plan. There is no current signage plan.
- 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. Once approved the plan 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.
 - 1. This property has 13 structures: 6 silos, 3 garages, 2 sheds, 1 two story house and 1 office. Several of these structures do not meet the setbacks required in the zoning district, but through this Legal-Non Conforming CU said structures as established on the property at the time of adoption of this ordinance are considered legal non-conforming. Any additional buildings to the site will require Plan Commission review.
- J. Outdoor Storage and Uses Plan. Outside Storage shall be limited to the site plan in **Exhibit A-1**. Only items related to the business operation are allowed to be stored. This plan may be amended by approval of the Village Administrator from time to time and the Village Administrator shall look to the impacts caused from the changed storage onto adjoining properties.

- 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.

Comments from the public if any.

Additional Plan Commission conditions:

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

Policy Questions:

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

Action:

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

B. Consideration and possible action on a Legal Non-Conditional Use, Plan of Operation and site plan for Harvest View Farms Inc. (N67W25913 Silver Spring Drive).

Staff has prepared a legal non-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 Harvest View Farms.

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 & 17.0507 (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. 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 Harvest View Farms Inc. (N67W25913 Silver Spring Drive); a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

C. Introduction of a Conditional Use, Plan of Operation and site plan for Tim Carberry condominium N60W22951 Silver Spring building 2 unit 3.

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

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

The Conditional Use Standards:

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

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

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

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

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

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

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

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

17.0503 REVIEW AND APPROVAL.

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

A. Conditional Use permits shall have the following process:

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

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

3. The Administrator or designee introduces the CU application at the next available Plan Commission meeting after completion by the Administrator of the response to the Applicant's Impact Report if applicable under 17.0506 A or 17.0506 B. The application materials are provided to the Plan Commission along with a staff report on the matter outlining critical details of the application and code compliance. The

Plan Commission concurs the application is complete and sets forth the application for public hearing or the Plan Commission finds the application incomplete and remands it to the Petitioner for completion.

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

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

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

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

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

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

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

B. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses unless otherwise

specifically authorized to be modified by this Code Variances shall only be granted as provided in Section 17.1200 of this ordinance.

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

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

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

17.0506 CONDITIONAL USES

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

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

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

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

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

A. Permitted Uses

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

- (4) Grains, seed and plant oils, cereal, and chocolate confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
- (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture, automotive
- (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
- (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
- (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
- (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
- 5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
- 6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
 - (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
 - (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer operation in the same district.
 - (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- 7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 8. Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
- 9. Parking Lots

- (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

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

C. Conditional Uses

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

D. Certain Incompatible Uses Prohibited

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

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

E. Lot Area and Width

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

F. Building Height and Area

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

G. Setback and Yards

- 1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
- 2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 - (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and

- (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

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

J. Plans and Specifications to be Submitted to Plan Commission

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

K. Waiver of Setback and Yard Requirements.

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

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
2. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.
3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.
5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to

enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.

6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

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

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

B. No structure shall be permitted:

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

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

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

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

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

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

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

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

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

Any other standards from Chapter 17 that may be relevant.

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

Policy Question:

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

Action Items:

1. Direct staff to schedule the public hearing.

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

D. Introduction of a Conditional Use, Plan of Operation and site plan for Jim Carberry condominium N60W22951 Silver Spring building 2 unit 4.

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

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

The Conditional Use Standards:

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

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

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

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

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

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

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

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

17.0503 REVIEW AND APPROVAL.

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

A. Conditional Use permits shall have the following process:

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

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

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

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

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

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

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

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

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

d) Adjourn the public hearing to a date certain.

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

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

7. Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or length of approval may be required by

the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

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

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

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

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

17.0506 CONDITIONAL USES

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

5. Finance, Insurance, Real Estate, and Leasing

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

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

Ordinance. The Plan Commission must also find the design standards of the Village have fully been adhered to, and that the operation are as limited below:

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

The General Provisions of Chapter 17.0200

The Zoning District Standards 17.0400

17.0422

M-1 INDUSTRIAL DISTRICT

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

A. Permitted Uses

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

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

- (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
- (b) Courier, delivery, postal service businesses
- (c) Household and office goods moving company
- 9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.

B. Permitted Accessory Uses

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

C. Conditional Uses

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

D. Certain Incompatible Uses Prohibited

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

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

E. Lot Area and Width

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

F. Building Height and Area

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

G. Setback and Yards

- 1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
- 2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:

- (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 - (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
3. There shall be a rear yard of not less than 25 feet.
 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

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

J. Plans and Specifications to be Submitted to Plan Commission

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

K. Waiver of Setback and Yard Requirements.

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

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

their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.

6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Site Plan Review Standards 17.1000

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

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

B. No structure shall be permitted:

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

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

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

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

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

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

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

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

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

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

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

Any other standards from Chapter 17 that may be relevant.

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

Policy Question:

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

Action Items:

1. Direct staff to schedule the public hearing.

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

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

A. Consideration and possible action on a CSM for Sussex Town Center to adjust Lot 1 and Lot 2 property lines.

The developer of Sussex Town Center is presenting a CSM to adjust the lot line for Lot 1 and Lot 2 at the southwest corner along the frontage road, Prospect Circle. Originally the lot lines were determined based on a particular user for Lot 1. In order for Dunkin'/Baskin Robbins to develop their building on Lot 2 they need for the lot line to be adjusted. The change is quite small.

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 Sussex Town Center subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

B. Consider and possible action on an Ordinance to repeal and recreate sideyard setbacks for Single Family Residential District RS-3 Section 17.0410 (F)(2) and RS-4 Section 17.0411 (F)(2).

Staff has prepared an ordinance change for two of the residential single-family districts. The areas zoned with these designations prior to 1980 in many cases do not conform to the side yard setbacks making expansions to principal structures impossible. This has the unintended consequence of prohibiting natural growth and upkeep that would be beneficial to these neighborhoods and the Community. The following in red is the proposed language:

SECTION 1. To repeal and recreate RS-3 Section 17.0410 F. 2. Setback and Yards to read as follows:

2. Side Yard
 - (a). There shall be a side yard on each side of the principal structure of not less than 15 feet in width; or
 - (b). The Plan Commission may make a finding to allow the expansion/reconstruction of a principal structure such that one side yard is reduced in width if it finds the following:
 - (1) The principal structure was constructed prior to 1980.
 - (2) One side yard width remains at least 15 feet in width.
 - (3) The reduced side yard is the greater of at least 1 foot in width or the narrowest current side yard setback of the existing principal structure or detached garage.
 - (4) The expansion of the principal structure within the reduced side yard setback does not encroach into the street yard closer than the existing principal structure.
 - (5) The expansion does not impact the welfare and safety of the area.

SECTION 2. To repeal and recreate RS-4 Section 17.0411 F. 2. Setback and Yards to read as follows:

2. Side Yard
 - (a). There shall be a side yard on each side of the principal structure of not less than 10 feet in width; or
 - (b). The Plan Commission may make a finding to allow the expansion/reconstruction of a principal structure such that one side yard is reduced in width if it finds the following:
 - (1) The principal structure was constructed prior to 1980.
 - (2) One side yard width remains at least 10 feet in width.
 - (3) The reduced side yard is the greater of at least 1 foot in width or the narrowest current side yard setback of the existing principal

- structure or detached garage.
- (4) The expansion of the principal structure within the reduced side yard setback does not encroach into the street yard closer than the existing principal structure.
 - (5) The expansion does not impact the welfare and safety of the area.

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 for the Single Family Residential District RS-3 Section 17.0410 (F)(2) and RS-4 Section 17.0411 (F)(2).

C. Consideration and possible action on a second amendment of the Developers Agreement for Highland Business Park by owners Sussex Corporate Park LLC.

The Developer of the Highland Business Park, which is under construction, is under negotiations with potential users that would adjust the road pattern internal to the site. This adjusted plan would still need approval from the Village, but it is advantageous to the Village and the Developer to see these negotiations through prior to completing the improvements on the site. The amendment reflects this potential new site layout and extends the deadline to October of 2021 to complete the improvements.

Amendments to the Developers Agreement are first reviewed by the Plan Commission prior to going to the Village Board.

Policy Questions:

- 1. Are there any concerns with the amendment to the Developers Agreement?

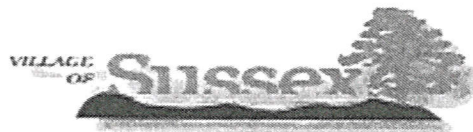
Action Items:

- 1. Act on the Developers Agreement.

Plan Commission - Staff Recommendation: Staff recommends the Plan Commission recommend to the Village Board approval of the second amendment to the Developers Agreement for Highland Business Park by owners Sussex Corporate Park LLC to extend the date for the completion of the improvements.

06. Other Items for future discussion.

07. Adjournment.



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # 231.999.002

Zoning: B-1

Address of Tenant Space: N64 W24678 Main St. Sussex, WI 53089

N64W24678 Main Street

1. Name of Business: EXIT Realty Results

Business	Sussex, WI 53089		262-235-0355
N64W24678 Main St.	City, State, Zip	Phone #	
Address	Gayle@EXITResultsWI.com		
Fax #	Email address		

2. Business owner contact information: Gayle Matt

Contact	West Bend, WI 53095		414-839-0285
1715 Highlandview Dr.	City, State, Zip	Phone #	
Address	Gayle@EXITResultsWI.com		
Fax #	Email address		

3. Building/Land owner contact information: Steve Young/ Wisconsin Trident LLC

Contact	Delafield, WI 53018		
440 Wells St. #203	City, State, Zip	Phone #	
Address			
Fax #	Email address		

4. Number of Employees/Shifts:

4-5
Employees

By APPOINTMENT
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
9-3 APT AFTER	9-5 APT AFTER	9-3 APT AFTER	9-3 APT AFTER	9-3 APT AFTER	By APT.	By APT.

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? No
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____
11. Dimension of area to be occupied _____ Total square footage 1637
If applicable list square footage according to 1st floor 1637 2nd floor _____

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

12. Parking:
Total Number of Parking Spaces 6-5 HAND Number of spaces needed per code _____
Number of spaces allocated for employee parking 3
Dimensions of parking lot MAIL PARKING Is parking lot paved? yes

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

Channel Letters on a raceway

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.

Gayle Matt _____
Name _____
Broker/Owner _____
Title or Position _____

Date 6.24.20

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

See lease agreement.
Name _____

Date _____

Title or Position _____

Mike and Gayle Matt of EXIT Realty Results would like to open in the Wessex Center in Sussex Wi. We will operate a residential real estate franchise employing 4-5 agents the first year.

Our hours of operation will generally be 9am to 3pm Monday through Friday and open by appointment only on Sat. and Sundays.

We will not have any items for sale and will not be producing or storing any items.

WESSEX CENTRE



SITE PLAN







PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: M-1

Address of Tenant Space: N60 W229S1 SILVER SPRING DR SUSSEX UNIT 19

1. Name of Business:

SHANNON REAL ESTATE LLC

Business

N60 W229S1 SILVER SPRING DR SUSSEX #19 262-622-3150

Address

City, State, Zip

Phone #

K. SHANNON2210@GMAIL.COM

Fax #

Email address

2. Business owner contact information:

Contact

KOVID SHANNON

Address

City, State, Zip

Phone #

2831 N. GRANDVIEW ST 110 PEWAUKEE 53072

SAME

Fax #

N/A

Email address

SAME

3. Building/Land owner contact information:

SAME

Contact

Address

City, State, Zip

Phone #

Fax #

Email address

4. Number of Employees/Shifts:

1
Employees

8/5PM

Shifts

5. Days of Operation:

M-F

Put an X in box that applies:

Hours

Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

6. Is this an extension of an existing operation? No
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? N/A
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied 60' x 25' Total square footage 1500
If applicable list square footage according to 1st floor 2nd floor

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

12. Parking:
Total Number of Parking Spaces 2 Number of spaces needed per code
Number of spaces allocated for employee parking 2
Dimensions of parking lot UNK Is parking lot paved? YES

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

NONE

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

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

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

[Signature]
Name
OWNER
Title or Position

6/16/20
Date

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

Name

Title or Position

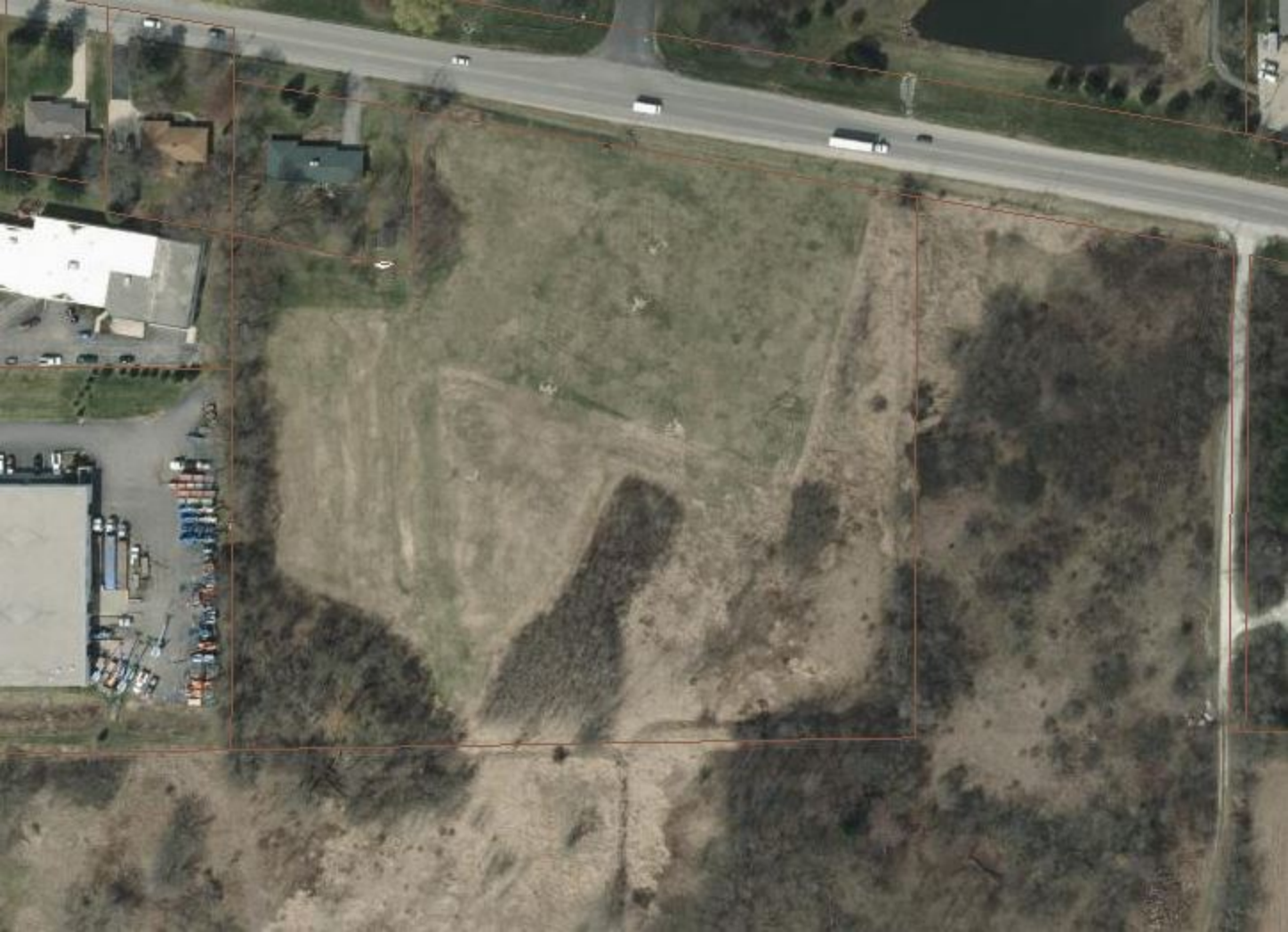
Date

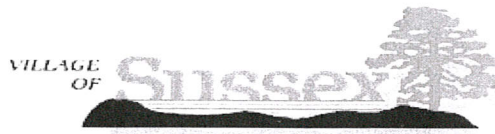
SHANNON REAL ESTATE IS A RESIDENTIAL REAL ESTATE PROPERTY OWNER AND MANAGER. WE ACTIVELY ACQUIRE, LEASE, AND FLIP CONDOMINIUMS, SINGLE FAMILY RESIDENCES, AND MULTI-FAMILY UNITS.

LIST OF ITEMS STOCKED:

- (1) LAWN EQUIPMENT - VARIOUS
- (2) Bob CAT
- (3) WASHERS
- (4) DRYERS
- (5) DISHWASHERS
- (6) TRUCK
- (7) WELDER

Lot 1
CSM 11279





PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: M-1

Address of Tenant Space: Venture Space Condos, N60W22951 Silver Spring Dr. Sussex, WI Unit #23

1. Name of Business:
KLM Machining, Inc.

Business		
W227N6165 Sussex Road	Sussex, WI, 53089	262-246-9999
Address	City, State, Zip	Phone #
262-246-9989	erik.zabel@klmmachining.com	
Fax #	Email address	

2. Business owner contact information:
Erik Zabel

Contact		
W227N6165 Sussex Road	Sussex, WI, 53089	262-246-9999
Address	City, State, Zip	Phone #
262-246-9989	erik.zabel@klmmachining.com	
Fax #	Email address	

3. Building/Land owner contact information:
MEZ Properties LLC

Contact		
Erik Zabel	Pewaukee, WI 53072	262-309-0462
Address	City, State, Zip	Phone #
N32W22198 Shady Lane	ezabel@wi.rr.com	
Fax #	Email address	

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

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6:00 am	6:00 am	6:00 am	6:00 am	6:00 am		
5:00 pm	5:00 pm	5:00 pm	5:00 pm	5:00 pm		

6. Is this an extension of an existing operation? Yes, KLM Machining storage
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? NA
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied 50' x 60' Total square footage 3,000
If applicable list square footage according to 1st floor Yes 2nd floor NA

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

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

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

None

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

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

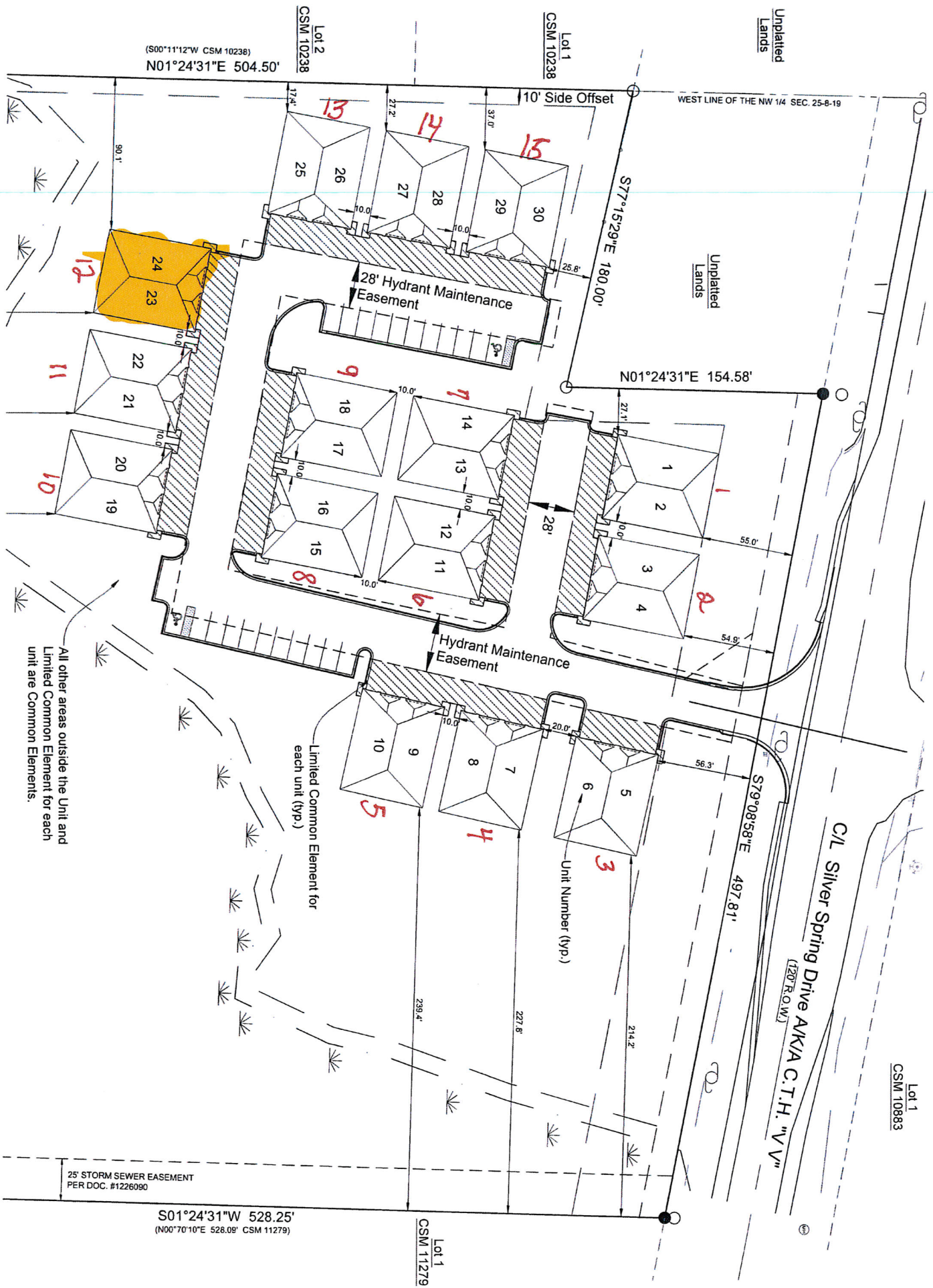
I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Erik Zabel Erik Zabel 6-25-2020
Name Date
Owner
Title or Position

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

Erik Zabel Erik Zabel 6-25-2020
Name Date
Owner
Title or Position

Building will be used by KLM Machining as overflow storage of packaging, shipping supplies, machine parts and fixtures.



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

Limited Common Element for each unit (typ.)

Unit Number (typ.)

25' STORM SEWER EASEMENT
PER DOC. #1226090

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

Lot 1
CSM 11279

Lot 1
CSM 10883

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



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # 0227999003

Zoning: _____

Address of Tenant Space: N67 W25727 Silver Spring Rd.

1. Name of Business:

Harvest View Farms Inc.
Business
N67 W25913 Silver Spring Dr. Sussex, WI 53089
Address
City, State, Zip Phone #
PMeissner85@gmail.com 414-349-3738
Fax # Email address

2. Business owner contact information:

Peter W Meissner
Contact
same as above
Address City, State, Zip Phone #
Fax # Email address

3. Building/Land owner contact information:

same as above
Contact
Address City, State, Zip Phone #
Fax # Email address

4. Number of Employees/Shifts: 1 full time
Employees

Mon-Sat 7:00am - 5:00pm
Shifts Sun 7:00am - 8:00am

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
7am-5pm					→	7am-8am

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

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

12. Parking:

Total Number of Parking Spaces _____ Number of spaces needed per code _____
Number of spaces allocated for employee parking _____
Dimensions of parking lot _____ Is parking lot paved? No

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

None

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

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

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

Peter W. Meissner 4-17-20
Name Date
President - Harvest View Farms Inc.
Title or Position

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

Peter W Meissner 4-17-20
Name Date
President
Title or Position



April 21, 2020

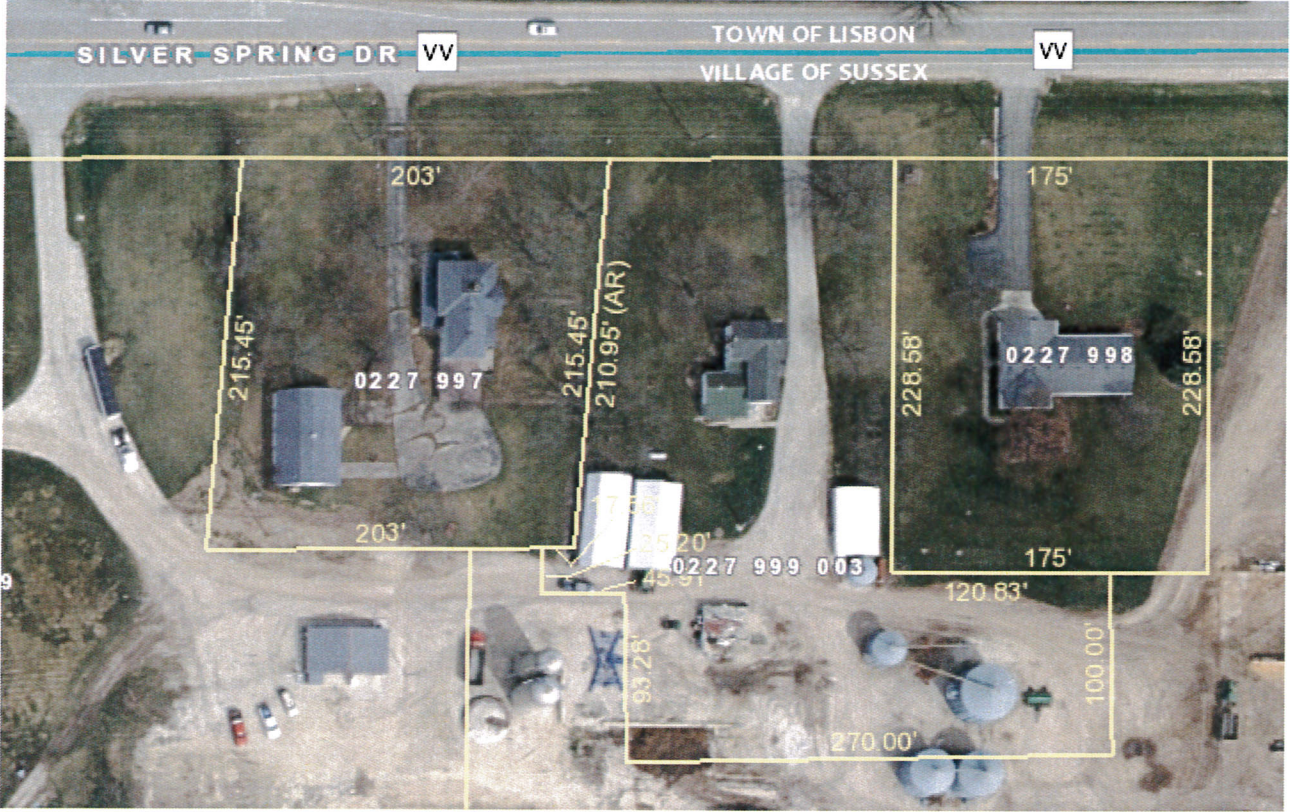
Village of Sussex
Attn: Kasey Fluet
N64 W23760 Main Street
Sussex, WI 53089

Dear Ms. Fluet,

As a supplement to the Plan of Operation application for Harvest View Farms, we are attaching this letter describing the nature of the ongoing business on the property. Harvest View Farms Inc. is an existing farming operation that plants, harvests, and stores various agricultural crops on the property, primarily wheat, corn, and soybeans. No processing of livestock or crops occurs on the property. The various buildings on the property are associated with the management of operations, storage of farm implements and materials, and storage of materials generated and associated with the ongoing farming operations.

Sincerely,

Bryan Lindgren
Neumann Developments Inc.





2020
VILLAGE OF SUSSEX ORDER
GRANTING A LEGAL NON-CONFORMING CONDITIONAL USE AND PRESCRIBING
CONDITIONS FOR
HARVEST VIEW FARMS INC
TO CONTINUE FARM OPERATIONS
IN THE VILLAGE OF SUSSEX

WHEREAS, an application has been filed by Peter W. Meissner, President of Harvest View Farms Inc. on the subject property (hereinafter collectively “Petitioners”); and

WHEREAS, the Petitioner is requesting that a legal non-conforming conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for property N67W25727 Silver Spring in the Village of Sussex, Wisconsin, all as described on **Exhibit A** attached hereto and incorporated herein (hereinafter “Subject Property”); and

WHEREAS, upon referral of the application by the Village Clerk, the Plan Commission for the Village of Sussex determined that the application met all requirements as set forth in Section 17.0502 and scheduled a public hearing thereon as soon as practical; and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission held a public hearing on June 16, 2020 and July 21, 2020 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Plan Commission has followed the review procedures of Section 17.0503 by reviewing 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; and

WHEREAS, the Petitioner has been operating a farm which has been deemed to be a legal non-conforming use;

WHEREAS, the Petitioner would like to continue to operate the farm on 2.4 acres and sell off approximately 176 acres; and

WHEREAS, legal nonconforming uses may be granted legal non-conforming conditional use status under section 17.0507 (A) when upon petition of the owner where such use is determined to not be any of the following:

1. Adverse to any of the following:

- (a) public health
- (b) safety, or
- (c) welfare;

2. In conflict of the spirit or intent of this chapter; or

3. Otherwise detrimental to the community and particularly the surrounding neighborhood, and

WHEREAS, the Plan Commission finds the application is consistent with the intended to preserve, protect, enhance, and restore significant woodlands, areas of rough topography, and related scenic areas; and

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

THEREFORE, IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a conditional use permit for the Subject Property is hereby granted. The conditional use permit granted herein shall apply only to the specific use of the Subject Property by the Petitioners for farm operations as well as permitted and accessory uses set forth in Section 17.0404 CR-1 Conservancy Residential District and auxiliary uses as set forth in Section 17.0710 if approved as part of a Plan of Operation and site plan; and the conditional use permit shall continue in existence only so long as the conditional use is operated in compliance with this permit. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

A. This conditional use is granted for 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 operating farm 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 June 16, 2020 and July 21, 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 which is shown in **Exhibit A-2.**
- D. Lighting Plan. The Petitioner shall maintain the existing lighting plan for the Subject Property on file with the Village Clerk
- E. Signage Plan. There is no current signage plan.
- 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. Once approved the plan 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.

1. This property has 13 structures: 6 silos, 3 garages, 2 sheds, 1 two story house and 1 office. Several of these structures do not meet the setbacks required in the zoning district, but through this Legal-Non Conforming CU said structures as established on the property at the time of adoption of this

ordinance are considered legal non-conforming. Any additional buildings to the site will require Plan Commission review.

J. Outdoor Storage and Uses Plan. Outside Storage shall be limited to the site plan in **Exhibit A-1**. Only items related to the business operation are allowed to be stored. This plan may be amended by approval of the Village Administrator from time to time and the Village Administrator shall look to the impacts caused from the changed storage onto adjoining properties.

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.

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

Approved this _____ day of _____, 2020 BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Anthony LeDonne
Village President

Samuel E. Liebert
Village Clerk

PETITIONER ACCEPTANCE

I hereby accept the terms of this Conditional Use in its entirety.

Dated this _____ day of _____, 2020

Harvest View Farm Inc.

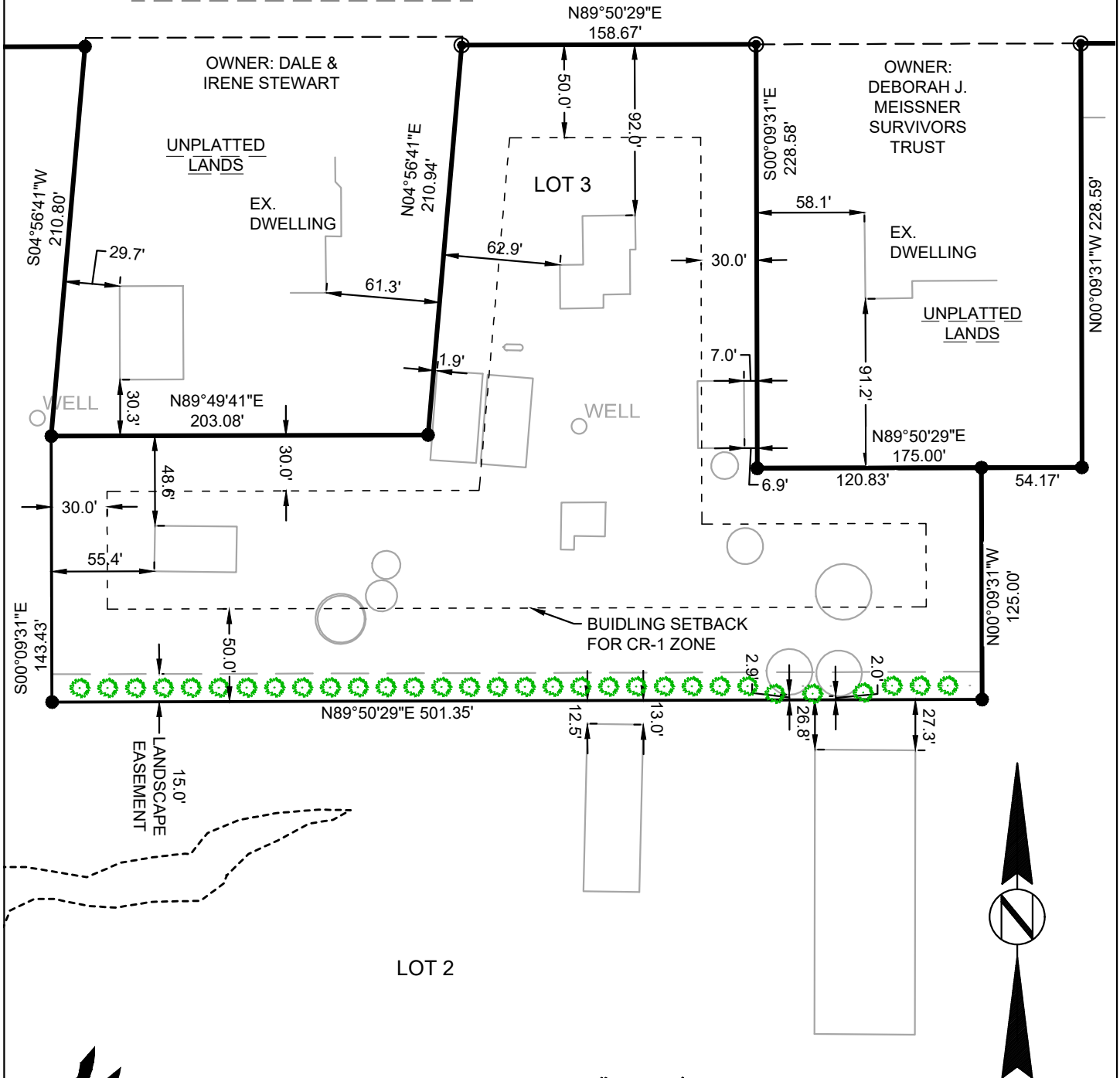
By: _____
_____, Member

This conditional use was drafted by Jeremy Smith, Village Administrator off of a model by Attorney John P. Macy ARENZ, MOLTER, MACY & RIFFLE, S.C., Village Attorneys for the Village of Sussex.

EXHIBIT

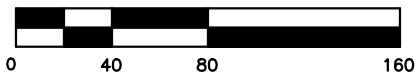
N. LINE OF SW 1/4 OF SECTION 21-8-19

SILVER SPRING DRIVE CTH "VV"



LOT 2

SCALE: 1" = 80'



PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9351
www.sehinc.com



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: M-1

Address of Tenant Space: N60W22951 Silver Spring Bldg 2 unit 3

1. Name of Business:

Timothy J Carberry

Business

N60W22951 Silver Spring Dr, Bldg. #2, Unit #3 Sussex, WI 53089

262-415-5726

Address

City, State, Zip

Phone #

tim.carberry@outlook.com

Fax #

Email address

2. Business owner contact information:

Timothy J Carberry

Contact

W195N5748 Alder Court

Menomonee Falls, WI 53051

262-415-5726

Address

City, State, Zip

Phone #

tim.carberry@outlook.com

Fax #

Email address

3. Building/Land owner contact information:

Venturespace Condos - Building #2, Unit #3

Contact

N60W22951 Silver Spring Drive

Sussex, WI 53089

1-920-253-6165

Address

City, State, Zip

Phone #

daniel.marks5579@gmail.com

Fax #

Email address

4. Number of Employees/Shifts: n/a

Employees

Shifts

5. Days of Operation:

Put an X in box that applies:

Hours

Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

6. Is this an extension of an existing operation? _____
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? _____ Do you need an Outdoor Establishment Permit? _____
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? _____
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? _____ If yes, explain: _____
11. Dimension of area to be occupied _____ Total square footage 1500
If applicable list square footage according to 1st floor _____ 2nd floor _____

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

12. Parking:
Total Number of Parking Spaces _____ Number of spaces needed per code _____
Number of spaces allocated for employee parking _____
Dimensions of parking lot _____ Is parking lot paved? _____
13. Signage: What type of signage are you proposing for your business?

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.

Anthony J. Carling
Name

6/4/20
Date

~~Title or Position~~

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

Name

Date

Title or Position

Print Form

Clear Form

June 4, 2020

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

Dear Kasey:

Per your request, here is my explanation on our plan for a conditional use permit for the Venture Space Condominium we purchased.

I retired from our family business after 45 years of service to them. I retired on June 1st, 2019 and am age 65 at this point.

I purchased building #2, unit #3, with the intent of putting my winter things in the unit for the summer and my summer things in for the winter. Being the fussy person, I am, I insist on keeping my things indoors and maintaining each piece in as much of a like new condition as I can. Including my cars.

I like to putz, as they call it, so much of my time will be working on my things and keeping them repaired and clean.

Being in business most of my life I have no interest in starting a new business. Everything will be strictly personal.

I have filled out the applicable forms to the best of my ability and have included the check as you requested.

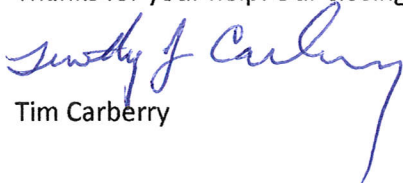
Kasey, if there is anything else you need please let me know.

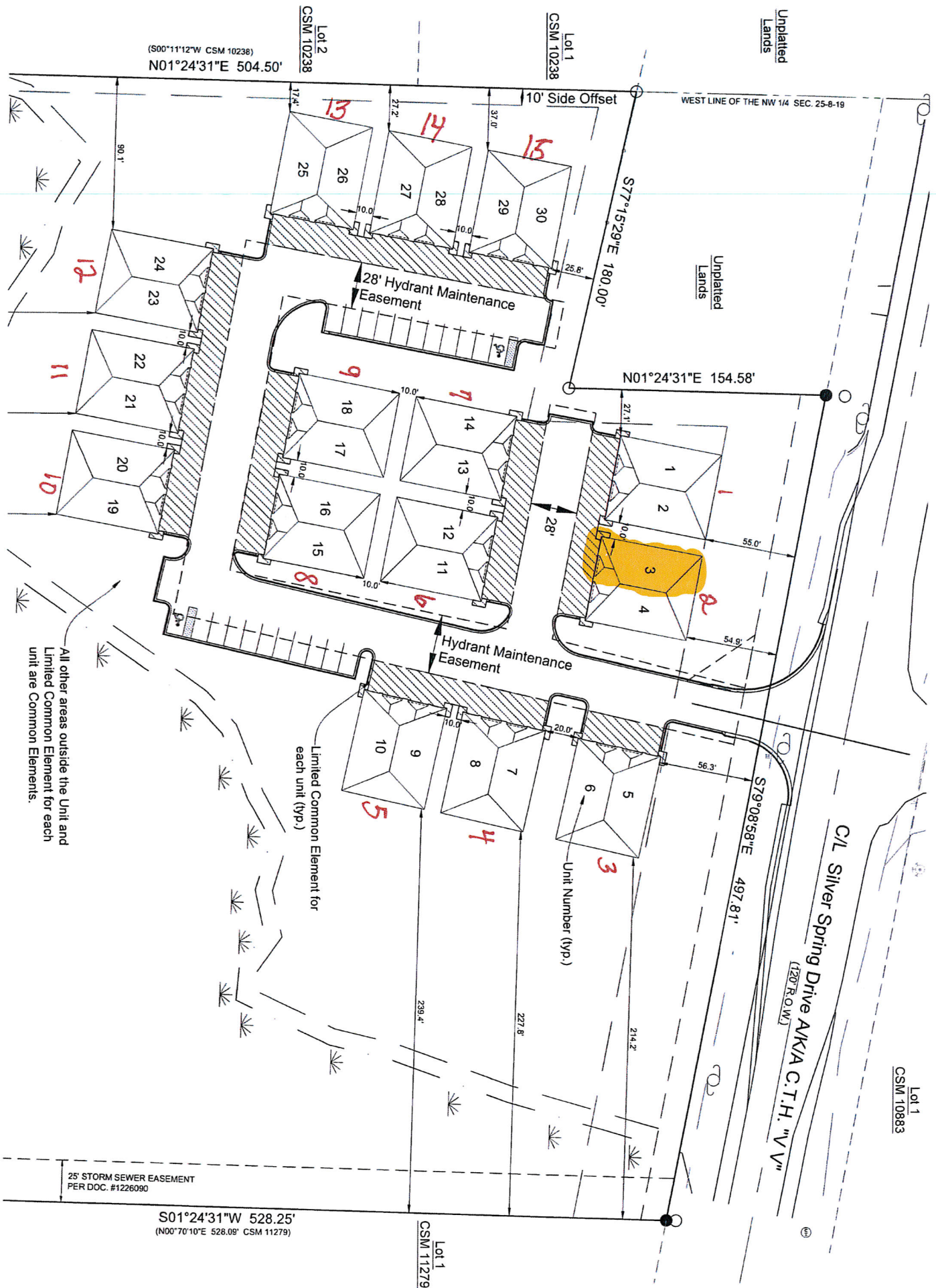
E-Mail tim.carberry@outlook.com

Phone 262-415-5726

Cell 262-613-4088

Thanks for your help. Our closing on the project is expected to be on or about July 30th, 2020.


Tim Carberry





PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: M-1

Address of Tenant Space: N60W22951 Silver Spring Dr. Sussex, WI 53089 Bldg. 2 unit 4

1. Name of Business:

James B. Carberry

Business

N60W22951 Silver Spring Drive

Sussex, WI 53089

262-252-4599

Address

City, State, Zip

Phone #

carberry.jim11@gmail.com

Fax #

Email address

2. Business owner contact information:

James B. Carberry

Contact

N63W15656 Claremore Circle

Menomonee Falls, WI 53051

262-252-4599

Address

City, State, Zip

Phone #

carberry.jim11@gmail.com

Fax #

Email address

3. Building/Land owner contact information:

Same as 2.

Contact

Address

City, State, Zip

Phone #

Fax #

Email address

4. Number of Employees/Shifts: 0 0

Employees

Shifts

5. Days of Operation:

Put an X in box that applies:

Hours

Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

6. Is this an extension of an existing operation? No
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
If yes, explain: _____
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? No
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____
11. Dimension of area to be occupied 25' x 60' Total square footage 1500
If applicable list square footage according to 1st floor _____ 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 Unknown Number of spaces needed per code _____
Number of spaces allocated for employee parking 0
Dimensions of parking lot _____ Is parking lot paved? _____

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

None

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

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

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

James B. Carberry

6/15/2020

Name

Date


Title or Position

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

Name

Date

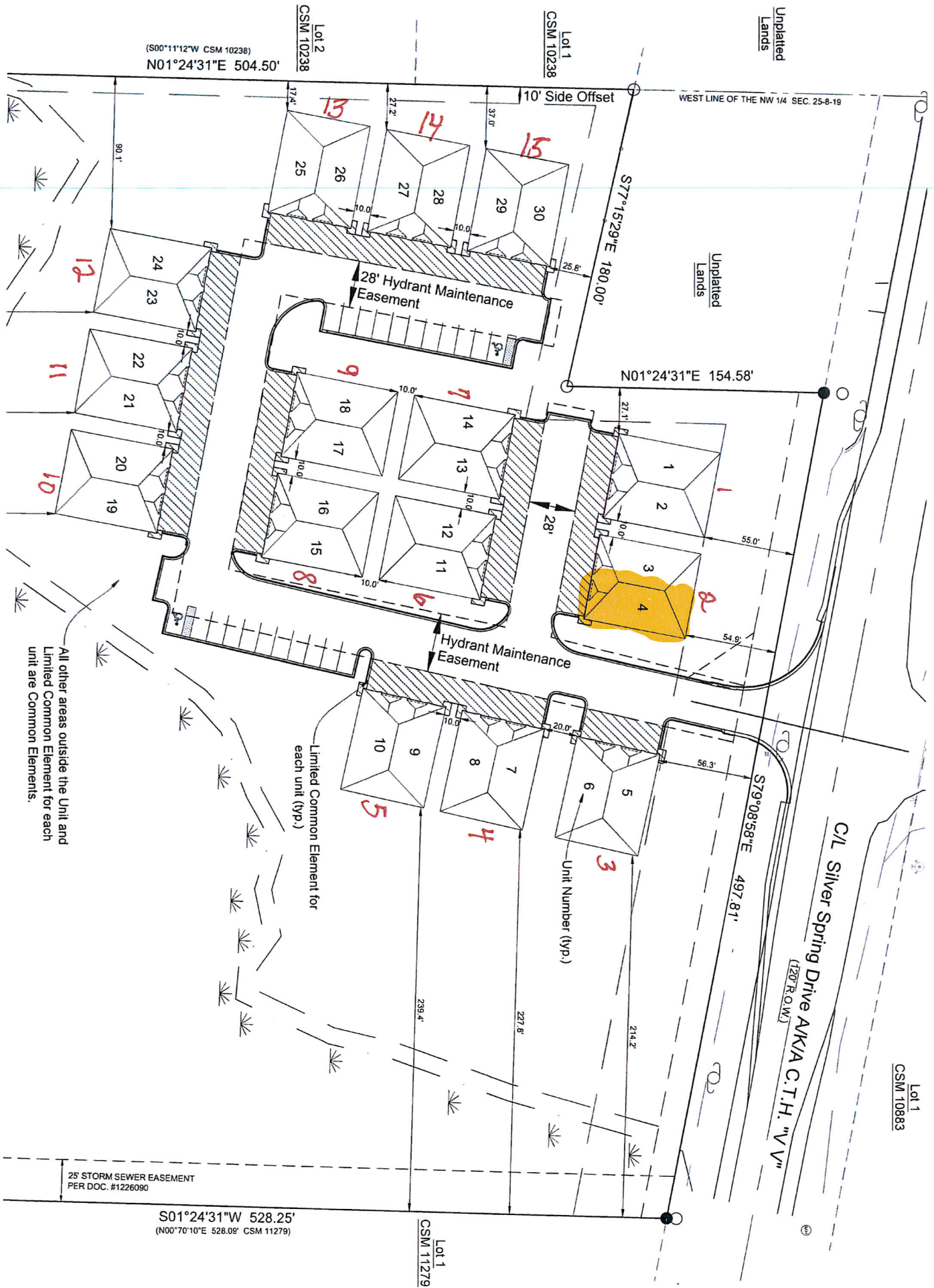
Title or Position

To: Village of Sussex
N64W23760 Main St.
Sussex, WI 53089

Re: Plan of Operation, VentureSpace

Per request, line 7 asked to explain the business. This will not be a business. The use will be for storage and maintenance of personal items such as motorhome, boats, tractors , snow blowers etc.

James B. Carberry



INSTRUMENT DRAFTED BY JOHN R. STIGLER

CERTIFIED SURVEY MAP NO. _____

Sheet 1 of 8

Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 and
redivision of Lot 2 of Certified Survey Map No. 11349 Being part of the
SW 1/4 of the SW 1/4 of Section 22, Town 8 North, Range 19 East
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

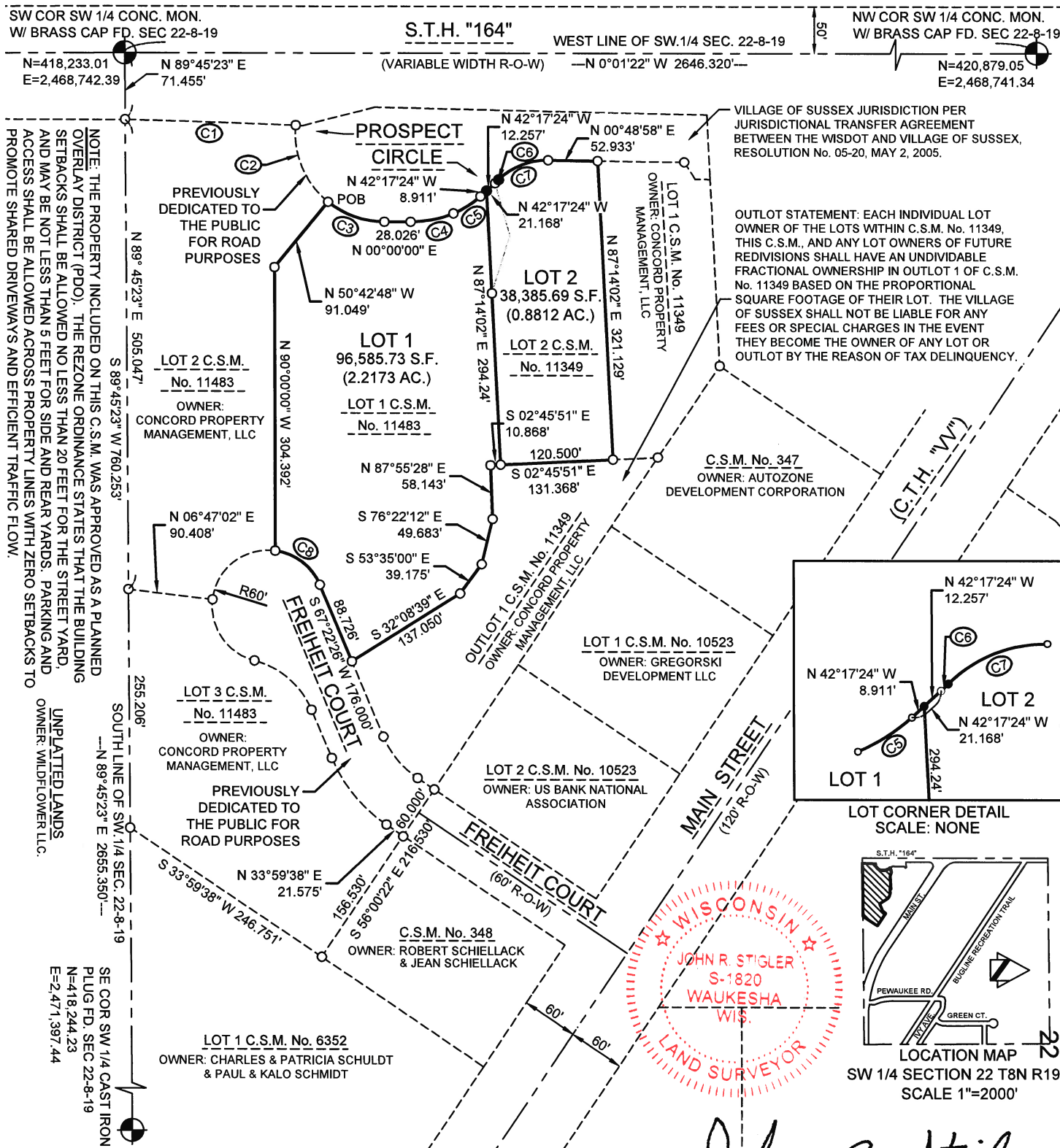
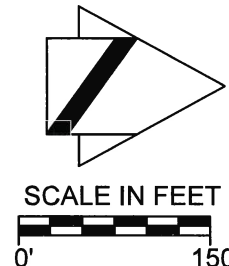
OWNER/SUBDIVIDER:
CONCORD PROPERTY MANAGEMENT, LLC
C/O ROGER B. DUCHOW
N30 W28799 LAKESIDE DRIVE
PEWAUKEE, WI 53072

REFERENCE BEARING: THE WEST LINE OF THE SW 1/4 OF SECTION
22-8-19 WAS USED AS A REFERENCE BEARING, AND HAS A BEARING
OF N 00°01'22" W BASED ON THE WISCONSIN STATE PLANE
COORDINATE SYSTEM GRID, SOUTH ZONE (NAD-27).

NOTES:

1. SEE CURVE AND LINE TABLE ON SHEET 2.
2. SEE EXISTING WETLAND, FLOODPLAIN, CELL TOWER, UTILITY
EASEMENT, WEPKO EASEMENT AND INGRESS/EGRESS
EASEMENT DETAILS ON SHEET 3.
3. SEE PROPOSED EASEMENT AND ACCESS RESTRICTION
DETAILS ON SHEETS 4 AND 5.

SURVEYOR:
JOHN R. STIGLER, PLS
JAHNKE & JAHNKE ASSOC., INC.
711 WEST MORELAND BLVD.
WAUKESHA, WI. 53188-2479



LEGEND: ● -IRON PIPE 18" x 1" NOMINAL DIA. (PLACED)
1.13+ LBS. PER LIN. FT.
○ -1" DIA. IRON PIPE (FOUND)

FILE NAME: 20-9175 CSM.DWG
P.S. LISBON 1068

INSTRUMENT DRAFTED BY JOHN R. STIGLER

CERTIFIED SURVEY MAP NO. _____

Sheet 2 of 8

Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 and
redivision of Lot 2 of Certified Survey Map No. 11349 Being part of the
SW 1/4 of the SW 1/4 of Section 22, Town 8 North, Range 19 East
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

CURVE AND LINE TABLES

BOUNDARY CURVE TABLE								
CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE	TAN BEARING	TAN BEARING
C1	182.545'	11371.560'	182.544'	N 01°50'46.5" E	0°55'11"	0°27'35.5"	S 01°23'11" W	S 02°18'22" W
C2	93.133'	95.000'	89.449'	N 67°22'18.5" E	56°10'13"	28°05'06.5"	N 39°17'12" E	S 84°32'35" E
C3	65.140'	95.000'	63.871'	N 19°38'36" E	39°17'12"	19°38'36"	N 00°00'00" E	N 39°17'12" E
C4	47.101'	120.000'	46.799'	N 11°14'40" W	22°29'20"	11°14'40"	N 22°29'20" W	N 00°00'00" E
C5	34.559'	100.000'	34.388'	N 32°23'22" W	19°48'04"	9°54'02"	N 42°17'24" W	N 22°29'20" W
C6	5.420'	126.000'	5.420'	N 43°31'20.5" W	2°27'53"	1°13'56.5"	N 44°45'17" W	N 42°17'24" W
C7	58.839'	74.000'	57.301'	N 21°58'37" W	45°33'26"	22°46'43"	S 44°45'20" E	S 00°48'06" W
C8	62.823'	60.000'	59.992'	S 37°22'41.5" W	59°59'29"	29°59'44.5"	S 07°22'57" W	S 67°22'26" W

CROSS ACCESS EASEMENT CURVE TABLE								
CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE	TAN BEARING	TAN BEARING
C11	32.68'	100.00'	32.53'	N 32°55'43.5" W	18°43'21"	9°21'40.5"	N 42°17'24" W	N 23°34'03" W
C12	2.23'	60.00'	2.23'	S 66°18'36.5" W	2°07'39"	1°03'49.5"	S 65°14'47" W	S 67°22'26" W
C13	24.26'	95.00'	24.20'	N 46°36'12" E	14°38'00"	7°19'00"	N 39°17'12" E	N 53°55'12" E
C14	31.42'	60.00'	31.06'	S 68°12'58" E	30°00'00"	15°00'00"	S 83°12'58" E	S 53°12'58" E

DRAINAGE EASEMENT CURVE TABLE								
CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE	TAN BEARING	TAN BEARING
C15	12.01'	160.00'	12.01'	N 36°08'40" E	4°18'04"	2°09'02"	N 33°59'38" E	N 38°17'42" E
C16	81.61'	60.00'	75.46'	N 57°49'12" E	77°55'40"	38°57'50"	N 18°51'22" E	S 83°12'58" E
C17	9.80'	100.00'	9.80'	N 64°34'00" E	05°36'52"	2°48'26"	N 61°45'34" E	N 67°22'26" E
C18	20.37'	100.00'	20.34'	N 55°55'25" E	11°40'18"	5°50'09"	N 50°05'16" E	N 61°45'34" E

WATER MAIN EASEMENT CURVE TABLE								
CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE	TAN BEARING	TAN BEARING
C19	20.11'	60.00'	20.02'	S 02°13'08" E	19°12'10"	9°36'05"	S 11°49'13" E	S 07°22'57" W
C20	20.01'	11371.56'	20.01'	N 02°08'18.5" E	0°06'03"	0°03'01.5"	S 02°05'17" W	S 02°11'20" W

CROSS ACCESS EASEMENT		
LINE	LENGTH	BEARING
L1	55.62'	S 50°42'48" E
L2	172.55'	N 00°00'00" E
L3	31.47'	S 87°14'02" W
L4	6.48'	N 42°17'24" W
L5	251.44'	N 87°14'02" E
L6	5.00'	N 03°00'35" W
L7	32.00'	N 87°14'02" E
L8	18.02'	S 03°00'35" E
L9	90.76'	S 64°42'49" E
L10	148.76'	S 32°08'39" E
L11	28.18'	S 67°22'26" W
L12	135.01'	N 32°08'39" W
L13	102.19'	N 64°42'49" W
L14	178.17'	S 87°14'02" W
L15	193.34'	S 00°00'00" W
L16	24.00'	S 39°17'12" W
L17	89.70'	N 50°42'48" W
L18	90.41'	S 06°47'02" W
L19	30.23'	S 89°45'23" W
L20	102.14'	N 06°47'02" E

DRAINAGE EASEMENT		
LINE	LENGTH	BEARING
L21	80.68'	N 67°22'26" E
L22	47.79'	N 10°08'30" E
L23	20.00'	S 79°51'30" E
L24	34.92'	S 10°08'30" W
L25	23.78'	S 67°22'26" W
L26	13.58'	S 33°59'38" W
L27	15.00'	S 56°00'22" E
L28	20.00'	S 33°59'38" W
L29	15.45'	N 56°00'22" W
L30	8.00'	N 33°59'38" E
L31	12.23'	N 67°02'45" E
L32	20.00'	S 22°57'15" E
L33	91.23'	S 67°02'45" W
L34	9.10'	N 06°47'02" E
L35	75.39'	S 44°29'51" E
L36	20.00'	S 45°30'09" W
L37	79.07'	N 44°29'51" W
L38	73.36'	S 56°00'22" E
L39	20.00'	S 33°59'38" W
L40	73.36'	N 56°00'22" W
L41	20.00'	N 33°59'38" E

WATER MAIN EASEMENT		
LINE	LENGTH	BEARING
L42	459.86'	DUE WEST
L43	115.01'	DUE EAST
L44	34.36'	DUE NORTH
L45	20.00'	DUE EAST
L46	34.36'	DUE SOUTH
L47	323.33'	DUE EAST



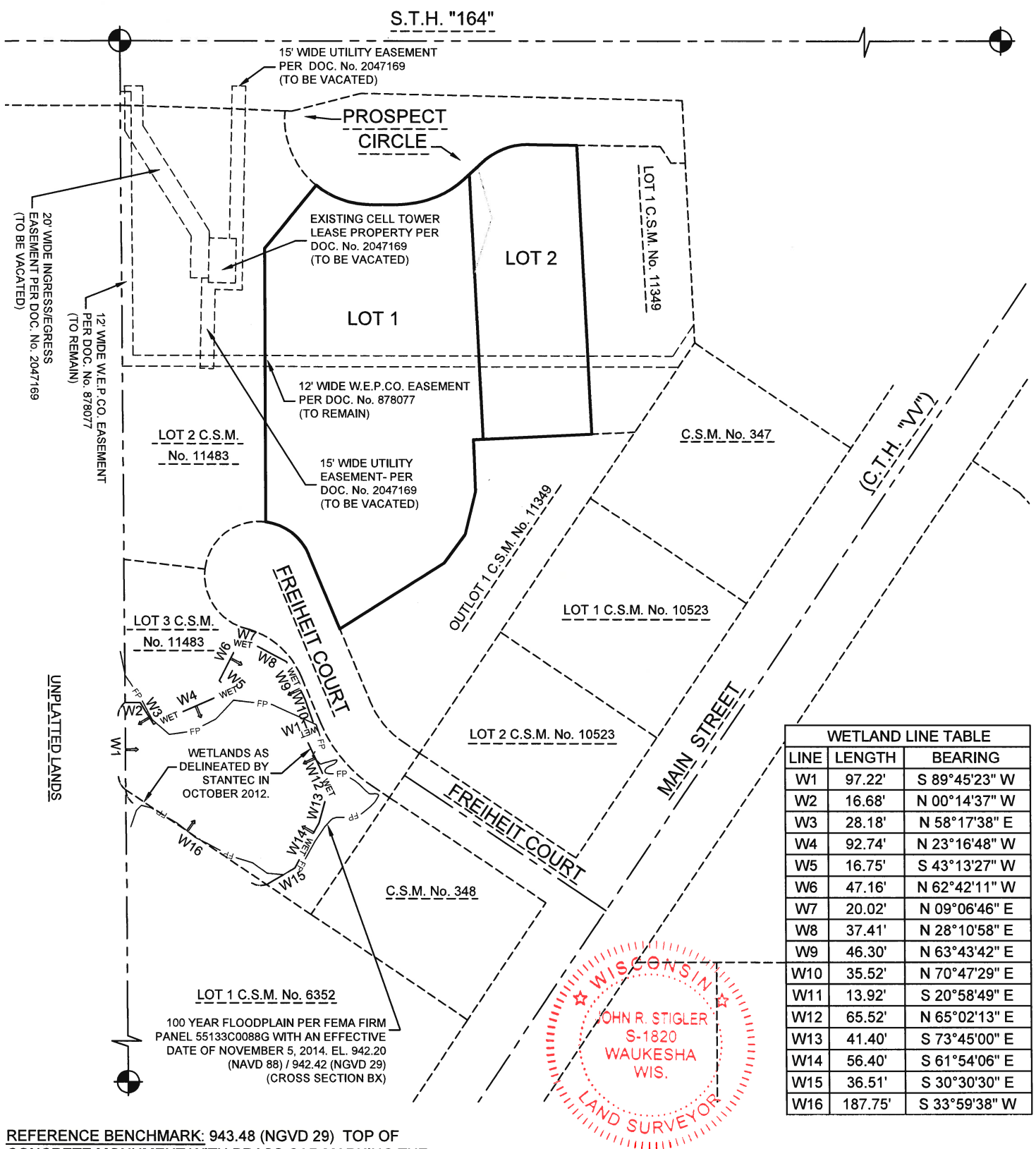
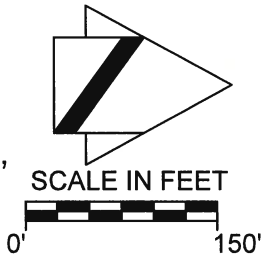
John R Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 29th DAY OF July, 2016
REVISED THIS 25th DAY OF June, 2020

CERTIFIED SURVEY MAP NO. _____

Sheet 3 of 8

Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 and
redivision of Lot 2 of Certified Survey Map No. 11349 Being part of the
SW 1/4 of the SW 1/4 of Section 22, Town 8 North, Range 19 East
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

**EXISTING WETLAND, FLOODPLAIN, CELL TOWER, UTILITY EASEMENT,
WEPCO EASEMENT AND INGRESS/EGRESS EASEMENT DETAILS**



WETLAND LINE TABLE		
LINE	LENGTH	BEARING
W1	97.22'	S 89°45'23" W
W2	16.68'	N 00°14'37" W
W3	28.18'	N 58°17'38" E
W4	92.74'	N 23°16'48" W
W5	16.75'	S 43°13'27" W
W6	47.16'	N 62°42'11" W
W7	20.02'	N 09°06'46" E
W8	37.41'	N 28°10'58" E
W9	46.30'	N 63°43'42" E
W10	35.52'	N 70°47'29" E
W11	13.92'	S 20°58'49" E
W12	65.52'	N 65°02'13" E
W13	41.40'	S 73°45'00" E
W14	56.40'	S 61°54'06" E
W15	36.51'	S 30°30'30" E
W16	187.75'	S 33°59'38" W

REFERENCE BENCHMARK: 943.48 (NGVD 29) TOP OF
CONCRETE MONUMENT WITH BRASS CAP MARKING THE
SOUTHWEST CORNER OF THE SOUTHWEST QUARTER
(SW 1/4) OF SECTION 22, TOWN 8 NORTH, RANGE 19 EAST.

OWNER: CONCORD PROPERTY MANAGEMENT, LLC
FILE NAME: 20-9175 CSM.DWG
P.S. LISBON 1068

John R Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 29th DAY OF July, 2016
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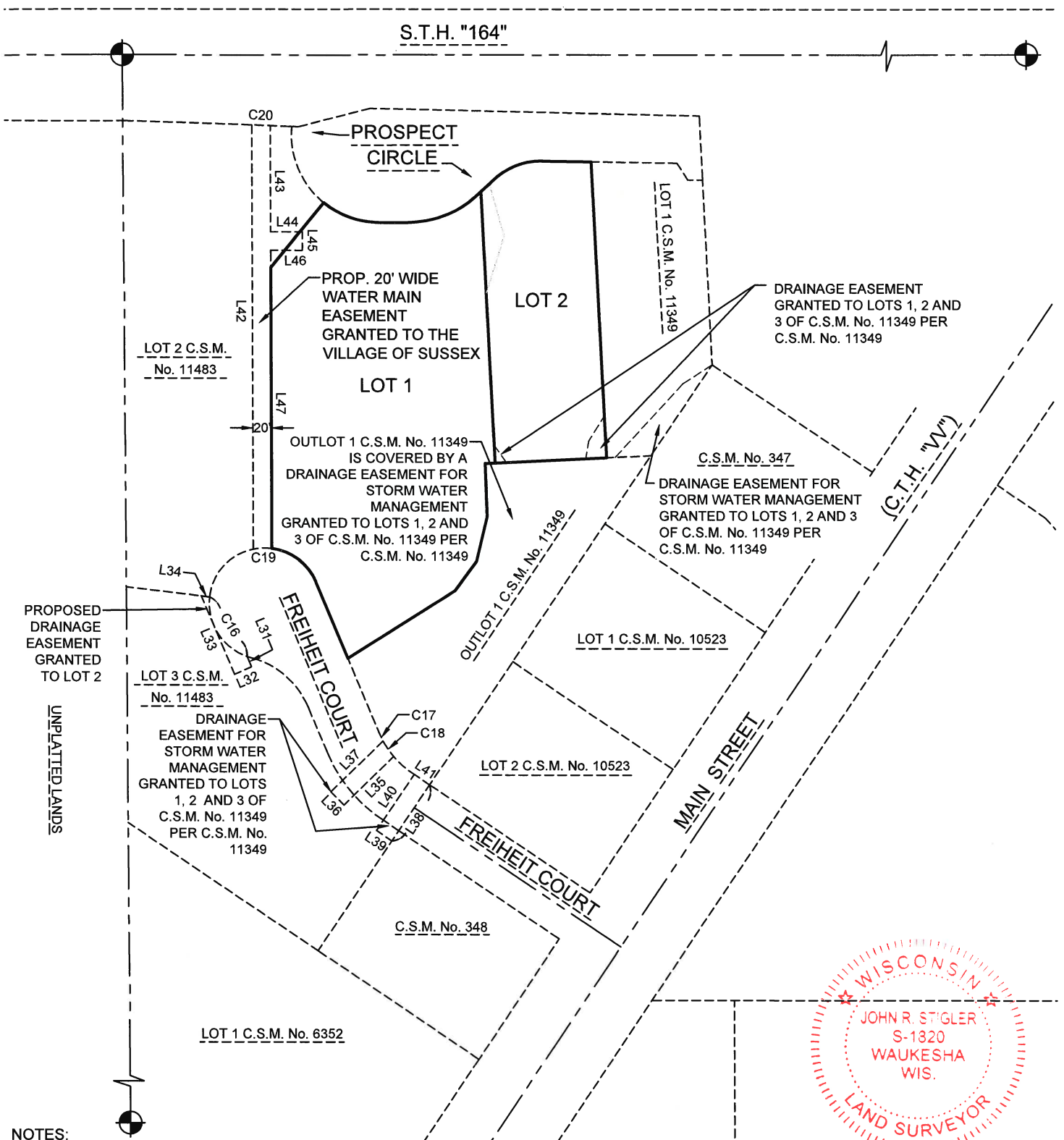
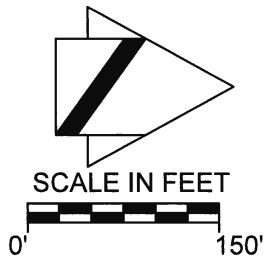
INSTRUMENT DRAFTED BY JOHN R. STIGLER



- INSTRUMENT DRAFTED BY JOHN R. STIGLER

CERTIFIED SURVEY MAP NO. _____
Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 and
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SW 1/4 of the SW 1/4 of Section 22, Town 8 North, Range 19 East
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

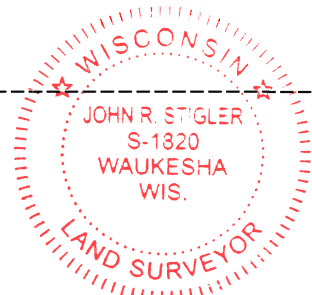
PROPOSED EASEMENT DETAILS



NOTES:

1. ACCESS TO THE PARCEL TO THE SOUTH WILL BE REQUIRED ACROSS THE CROSS ACCESS EASEMENT ON LOT 2 WHEN THE PARCEL TO THE SOUTH IS DEVELOPED. CONSTRUCTION OF THE ACCESS IS TO BE BY THE DEVELOPER TO THE SOUTH OR BY THE DEVELOPER OF LOT 2 OF THIS C.S.M., WHICHEVER DEVELOPS FIRST.
2. THE LOTS SHOWN ON THIS C.S.M. ARE SUBJECT TO ADDITIONAL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED PER DOC. No. 4165091.
3. SEE CURVE AND LINE TABLE ON SHEET 2 OF 8.

OWNER: CONCORD PROPERTY MANAGEMENT, LLC
FILE NAME: 20-9175 CSM.DWG
P.S. LISBON 1068



John R Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 29th DAY OF July, 2016
REVISED THIS 25th DAY OF June, 2020

CERTIFIED SURVEY MAP NO. _____

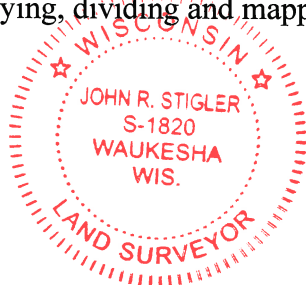
Sheet 6 of 8

Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 and
redivision of Lot 2 of Certified Survey Map No. 11349 Being part of the
SW 1/4 of the SW 1/4 of Section 22, Town 8 North, Range 19 East
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, John R. Stigler, registered land surveyor, being duly sworn on oath, hereby depose and say that I have surveyed, divided and mapped the following land bounded and described as follows:

Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 as recorded on August 30, 2016, in Book 114 of Certified Survey Maps on Pages 172-179, as Document No. 4228086 and redivision of Lot 2 of Certified Survey Map No. 11349 as recorded on September 9, 2015, in Book 112 of Certified Survey Maps on Pages 201-208, as Document No. 4165011, Waukesha County Register of Deeds and being part of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 22, Township 8 North, Range 19 East, Village of Sussex, Waukesha County, bounded and described as follows: Commencing at the southwest corner of said Southwest Quarter (SW 1/4); thence North 89°45'23" East along the south line of said Southwest Quarter (SW 1/4) 71.455 feet to a point on the east right-of-way line of STH 164; thence northerly 182.545 feet along said east right-of-way line and the arc of a curve, radius of 11,371.560 feet, center lies to the west, chord bears North 01°50'46.5" East 182.544 feet; thence northeasterly 93.133 feet along said east right-of-way line and the arc of a curve, radius of 95.000 feet, center lies to the northwest, chord bears North 67°22'18.5" East 89.449 feet to the southwest corner of Lot 1 of said C.S.M. 11483 and the place of beginning of the land hereinafter to be described; thence northeasterly 65.140 feet along said east right-of-way line and the arc of a curve, radius of 95.000 feet, center lies to the northwest, chord bears North 19°38'36" East 63.871 feet; thence North 00°00'00" East along said east right-of-way line 28.026 feet; thence northwesterly 47.101 feet along said east right-of-way line and the arc of a curve, radius of 120.000 feet, center lies to the southwest, chord bears North 11°14'40" West 46.799 feet; thence northwesterly 34.559 feet along said east right-of-way line and the arc of a curve, radius of 100.000 feet, center lies to the southwest, chord bears North 32°23'22" West 34.388 feet; thence North 42°17'24" West 21.168 feet; thence northwesterly 5.420 feet along said east right-of-way line and the arc of a curve, radius of 126.000 feet, center lies to the northeast, chord bears North 43°31'20.5" West 5.420 feet; thence northwesterly 58.839 feet along said east right-of-way line and the arc of a curve, radius of 74.000 feet, center lies to the northeast, chord bears North 21°58'37" West 57.301 feet; thence North 00°48'58" East 52.933 feet; thence North 87°14'02" East 321.129 feet; thence South 02°45'51" East 131.368 feet; thence North 87°55'28" East 58.143 feet; thence South 76°22'12" East 49.683 feet; thence South 53°35'00" East 39.175 feet; thence South 32°08'39" East 137.050 feet to the north right-of-way line of FREIHEIT COURT; thence South 67°22'26" West along said north right-of-way line 87.726 feet; thence southwesterly 62.823 feet along said north right-of-way line and the arc of a curve, radius of 60.000 feet, center lies to the southeast, chord bears South 37°22'41.5" West 59.992 feet; thence North 90°00'00" West 304.392 feet; thence North 50°42'48" West 91.049 feet to the east right-of-way line of STH 164 and the place of beginning. Containing 134,971.42 square feet (3.0985 acres) of land. I further certify that I have made such survey, land division and map by the direction of the owners of said land; that such map is a correct representation of the exterior boundaries of the land surveyed and map thereof made; and that I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes pertaining to Certified Survey Maps (Section 236.34) and the regulations of the Village of Sussex in surveying, dividing and mapping the same.

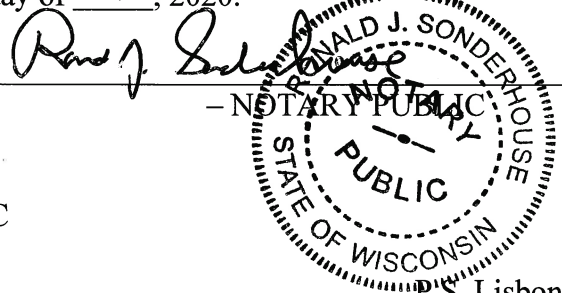


John R. Stigler
JOHN R. STIGLER – Wis. Reg. No. S-1820
Dated this 29th day of July, 2016
Revised this 25th day of June, 2020

STATE OF WISCONSIN)ss
WAUKESHA COUNTY)

The above certificate subscribed and sworn to me this 25 day of June, 2020.

My commission ~~expires~~ is permanent



OWNER: CONCORD PROPERTY MANAGEMENT, LLC

Instrument drafted by John R. Stigler

P.S. Lisbon 1068

CERTIFIED SURVEY MAP NO. _____

Sheet 7 of 8

Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 and
redivision of Lot 2 of Certified Survey Map No. 11349 Being part of the
SW 1/4 of the SW 1/4 of Section 22, Town 8 North, Range 19 East
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

OWNER'S CERTIFICATE:

As owner, I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map. I also certify that this Certified Survey Map is required to be submitted to the following for approval: Village of Sussex

CONCORD PROPERTY MANAGEMENT, LLC,
A Wisconsin Limited Liability Company

ROGER DUCHOW – SOLE MEMBER

STATE OF WISCONSIN)ss
WAUKESHA COUNTY)

Personally came before me this _____ day of _____, 2016, the above named ROGER DUCHOW, SOLE MEMBER to me known to be the person who executed the foregoing instrument and acknowledged the same.

My commission expires _____

NOTARY PUBLIC -

CONSENT OF MORTGAGEE:

TOWN BANK, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedicating of the land described on this map and does hereby consent to the above certificate of CONCORD PROPERTY MANAGEMENT, LLC.

TOWN BANK

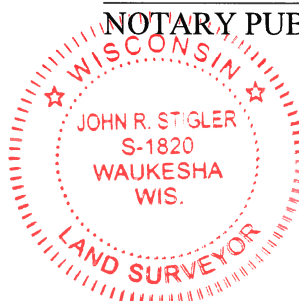
STATE OF WISCONSIN)ss
WAUKESHA COUNTY)

Personally came before me this _____ day of _____, 2016, _____, _____ of the above named national banking association and to me known to be the person who executed the foregoing instrument as such officer as the deed of said association, by its authority and to me known to be such officer of said association.

My commission expires _____

NOTARY PUBLIC –

John R. Stigler
JOHN R. STIGLER – Wis. Reg. No. S-1820
Dated this 29th day of July, 2016
Revised this 25th day of May, 2020



OWNERS: CONCORD PROPERTY MANAGEMENT, LLC

CERTIFIED SURVEY MAP NO. _____

Sheet 8 of 8

Being a redivision of part of Lot 1 of Certified Survey Map No. 11483 and
redivision of Lot 2 of Certified Survey Map No. 11349 Being part of the
SW 1/4 of the SW 1/4 of Section 22, Town 8 North, Range 19 East
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

VILLAGE PLAN COMMISSION:

Approved by the Plan Commission, Village of Sussex, this _____ day of _____, 2016.

GREGORY GOETZ – VILLAGE PRESIDENT

CASEN J. GRIFFITHS – VILLAGE CLERK-TREASURER

VILLAGE BOARD APPROVAL:

Approved by the Village Board, Village of Sussex, this _____ day of _____, 2016.

GREGORY GOETZ – VILLAGE PRESIDENT

CASEN J. GRIFFITHS – VILLAGE CLERK-TREASURER

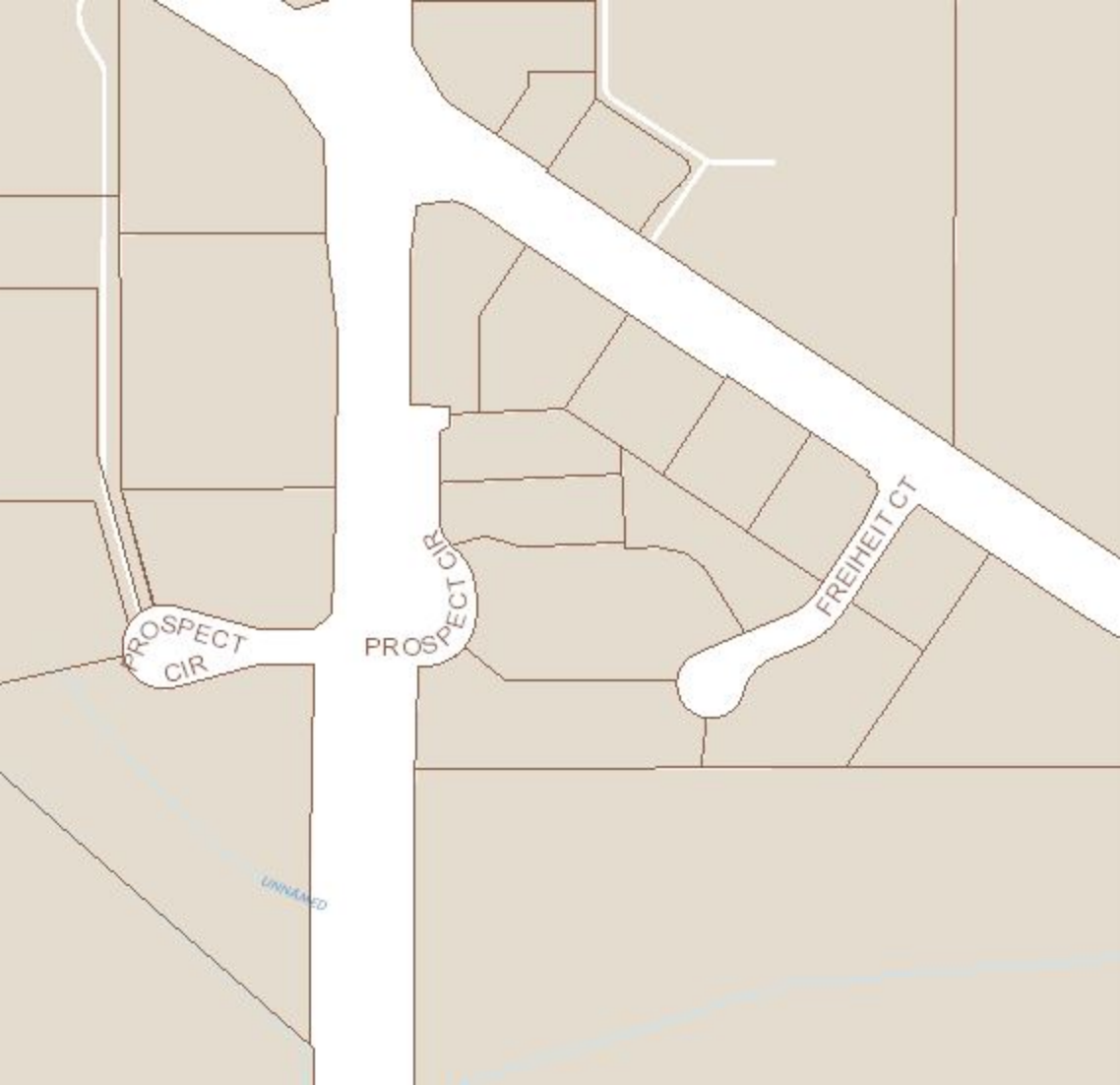


John R. Stigler
JOHN R. STIGLER – Wis. Reg. No. S-1820
Dated this 29th day of July, 2016
Revised this 25th day of June, 2020

OWNERS: CONCORD PROPERTY MANAGEMENT, LLC

Instrument drafted by John R. Stigler

P.S. Lisbon 1068



PROSPECT
CIR

PROSPECT
RD

FREIHEIT CT

UNNAMED

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE
SECTION 17.0410 F. 2. OF THE RS-3 SINGLE-FAMILY RESIDENTIAL DISTRICT
REGARDING SETBACK AND YARDS
SECTION 17.0411 F. 2. OF THE RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICT
REGARDING SETBACK AND YARDS
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 side yard setbacks within the RS-3 and RS-4 Single-Family Residential District; 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 RS-3 Section 17.0410 F. 2. Setback and Yards to read as follows:

2. Side Yard
 - (a). There shall be a side yard on each side of the principal structure of not less than 15 feet in width; or
 - (b). The Plan Commission may make a finding to allow the expansion/reconstruction of a principal structure such that one side yard is reduced in width if it finds the following:
 - (1) The principal structure was constructed prior to 1980.
 - (2) One side yard width remains at least 15 feet in width.
 - (3) The reduced side yard is the greater of at least 1 foot in width or the narrowest current side yard setback of the existing principal structure or detached garage.
 - (4) The expansion of the principal structure within the reduced side yard setback does not encroach into the street yard closer than the existing principal structure.
 - (5) The expansion does not impact the welfare and safety of the area.

SECTION 2. To repeal and recreate RS-4 Section 17.0411 F. 2. Setback and Yards to read as follows:

2. Side Yard
 - (a). There shall be a side yard on each side of the principal structure of not less than 10 feet in width; or

- (b). The Plan Commission may make a finding to allow the expansion/reconstruction of a principal structure such that one side yard is reduced in width if it finds the following:
 - (1) The principal structure was constructed prior to 1980.
 - (2) One side yard width remains at least 10 feet in width.
 - (3) The reduced side yard is the greater of at least 1 foot in width or the narrowest current side yard setback of the existing principal structure or detached garage.
 - (4) The expansion of the principal structure within the reduced side yard setback does not encroach into the street yard closer than the existing principal structure.
 - (5) The expansion does not impact the welfare and safety of the area.

SECTION 3. 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 4. 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

Anthony LeDonne, Village President

ATTEST:

Sam Liebert, Village Clerk

Published and/or posted this _____ day of _____, 2020

**SECOND AMENDMENT TO
DEVELOPER'S AGREEMENT FOR
SUSSEX CORPORATE PARK
VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN**

This Second Amendment to Developer's Agreement ("Amendment") made this _____ day of July, 2020, between **Sussex Corporate Park LLC**, a Wisconsin limited liability company, with offices at 1200 N. Mayfair Road, Suite 310, Milwaukee, WI 53226, hereinafter called "DEVELOPER", and the **VILLAGE of Sussex** in the County of Waukesha and the State of Wisconsin, hereinafter called the "VILLAGE".

WHEREAS, the DEVELOPER owns land for development in the VILLAGE, said land being described on Exhibit A attached to the Agreement, which lands are referenced in the Agreement and in this Amendment as the "SUBJECT LANDS"; and

WHEREAS, the DEVELOPER and the VILLAGE entered into a Developer's Agreement for Sussex Corporate Park made May 8th, 2019, as amended by First Amendment to the Developer's Agreement made November 26th, 2019, (collectively, the "Agreement") to ensure that the DEVELOPER would make, install and dedicate all public improvements reasonably necessary to develop the SUBJECT LANDS and otherwise to facilitate the development of the SUBJECT LANDS consistent with applicable VILLAGE zoning and land division ordinances; and

WHEREAS, the Certified Survey Map attached as Exhibit D to the Agreement (which CSM was approved by the VILLAGE Board on August 28, 2018) was recorded on May 20, 2019 as Certified Survey Map No. 11854 at Document No. 4397415 (the "CSM"), and the recorded version of such CSM also is attached hereto as Exhibit A, and such CSM depicts the southerly 49.215 acres of the SUBJECT LANDS as then divided as well as Business Drive as currently dedicated for right of way purposes;

WHEREAS, Lot 2 of the CSM was subsequently divided by a Certified Survey Map approved by the Village Board on May 12, 2020 and recorded on May 22, 2020 as Certified Survey Map No. 12010 at Document No. 4477203, and the recorded version of such Certified Survey Map also is attached hereto at Exhibit A-1, and such Certified Survey Map further divides Lot 2 of the CSM into three buildable parcels;

WHEREAS, the Village has approved the plans for DEVELOPER's installation and dedication of the public improvements contemplated in the Agreement as prepared by Graef-USA, Inc. as Project No. 2018-0084 and dated August 3, 2018, which plans are attached hereto as Exhibit B (the "Approved Plans");

WHEREAS, the DEVELOPER and the VILLAGE desire to further amend the Agreement to accommodate delays and potential changes in DEVELOPER's development plans, as further described below;

NOW, THEREFORE, in consideration of the terms of the Agreement and of this Second Amendment, DEVELOPER and VILLAGE agree to further amend the Agreement as follows:

1. CAPITALIZED TERMS:

Capitalized terms not otherwise defined in this Amendment shall have the meanings set forth in the Agreement.

2. Section I.J. ALTERNATIVE TO ROADWAY AND SIDEWALK IMPROVEMENTS, SANITARY SEWER AND WATER:

Under Sections I.A., B. and C. of the Agreement, DEVELOPER is obligated to grade, construct, surface and install those improvements for roadway and sidewalks, sanitary sewer and water as necessitated by State, County and/or VILLAGE approvals, which improvements are now specified in the Approved Plans. Notwithstanding such provisions and the VILLAGE approval of the Approved Plans, a new Section I.J. is hereby added to the Agreement.

“SECTION J. ALTERNATE PLANS. As an alternative to constructing roadways, sidewalks, sewer and water improvements consistent with the Approved Plans, DEVELOPER may elect, by submission to and receiving approval from the VILLAGE of detailed alternate plans to install roadway, sidewalk, sewer and/or water improvements to accommodate a large-scale user consistent with the alternate site plan attached hereto as Exhibit I (the “Alternate Plan”). Detailed plans and specifications for the Alternate Plan also remain subject to review and approval by the VILLAGE Engineer.

By way of example but not limitation, in the event that DEVELOPER enters into a contract to sell or lease to a single user portions of the SUBJECT LANDS in Lots 2 and 3 of the CSM which straddle Business Drive, DEVELOPER may complete its obligations with respect to roadway and sidewalk improvements under Section I.A. of the Agreement by relocating and converting portions of Business Drive to a private access easement traversing through the end user’s site and re-configuring such private access easement (and if deemed necessary by the VILLAGE, DEVELOPER and/or the end user to relocate sanitary sewer and water improvements) to accommodate the end user’s development, provided that shared vehicular and pedestrian access remains available for the benefit of all owners, occupants and invitees of the SUBJECT LANDS and subject to VILLAGE Engineer approval of detailed plans and specifications for the Alternate Plan.

3. Section I.A.3 TIMING OF ROADWAY AND SIDEWALK IMPROVEMENTS:

Section I.A.3. of the Agreement is amended such that DEVELOPER shall have through October 31, 2021 to complete any roadway and sidewalk improvements pursuant to the Approved Plans or the Alternate Plans, provided that the parties may, by a subsequent amendment to the Agreement, agree to extend such completion dates.

4. Section I.A.9 VILLAGE ROAD COST SHARE:

The VILLAGE has paid the Village Road Cost Share consistent with Section I.A.9. of the Agreement.

5. Section I.D. SURFACE AND STORMWATER DRAINAGE:

The DEVELOPER's implementation of the grading plans included in the Approved Plans and construction of the storm sewer plans pursuant to the Approved Plans shall satisfy DEVELOPER's obligations to construct, install and provide adequate facilities for storm and surface water drainage under Section I.D. of the Agreement, subject to the DEVELOPER's Additional Improvements obligations under Section I.I and related provisions of the Agreement. Notwithstanding the foregoing, DEVELOPER or any other owner of any portion of the SUBJECT LANDS, or their respective heirs, successors or assigns may increase the capacity of the detention and retention facilities located or to be located in Outlot 1 of the CSM with the approval of the VILLAGE Engineer, provided that the VILLAGE Engineer shall approve any increase in capacity that may be achieved by changes to or additions in appurtenant equipment.

6. Section I.D.4. STORMWATER MANAGEMENT PRACTICES
MAINTENANCE AGREEMENT:

The Stormwater Management Practices Maintenance Agreement attached hereto as Exhibit C and recorded on May 21, 2019 as Document No. 4397941 (the "SMPMA") shall be deemed to set forth all of the DEVELOPER's responsibilities for the maintenance, operation and replacement of all storm/surface water facilities (including detention and retention facilities and appurtenant equipment) as required under Section I.D. of the Agreement. The SMPMA shall supersede and replace the stormwater maintenance agreement required under Section I.D.4 of the Agreement and attached as Exhibit E to the Agreement, and DEVELOPER's recording of the SMPMA shall be deemed full performance of the last sentence of Section I.D.4 of the Agreement. As contemplated in Section I.D.4 of the Agreement, the VILLAGE consents to DEVELOPER's transfer of ownership of the stormwater facilities and the land underlying such facilities at Outlot 1 of the CSM to either an association or to another owner of any portion of the SUBJECT LANDS, provided that the terms and conditions of the SMPMA shall run with the land. Outlot 1 of the CSM shall, at all times, be reserved for the primary purpose of storm/surface water facilities as depicted on the Approved Plans, provided however that the owner of such Outlot 1 of the CSM may install signage, fencing and landscaping which does not adversely impact storm and surface water drainage for the SUBJECT LANDS. The SMPMA shall be modified as deemed necessary due to VILLAGE Engineer's review and approval of detailed plans and specifications for the Alternate Plan.

7. Sections I.D.5. & VII.D.3. SURFACE AND STORMWATER DRAINAGE
REMEDIAL AND/OR CORRECTION MEASURES:

The VILLAGE agrees that DEVELOPER's transfer of ownership of Outlot 1 of the CSM also shall, following expiration of the Guarantee Period defined in Subsection VII.A., transfer liability to implement any remedial and/or correction measures under either Section

I.D.5. or Section VII.D.3. of the Agreement, and the VILLAGE agrees to provide any written notice to the DEVELOPER contemplated in Section I.D.5 and/or Section VII.D.3. to both the DEVELOPER and to the then-owner of Outlot 1 of the CSM.

8. Section I.D.7. STORMWATER INSPECTION AND ACCESS RIGHTS:

The inspection and access rights set forth in the SMPMA on Section 4 and on Exhibit D shall be deemed to constitute the permanent easement required under Section I.D.7 of the Agreement and attached as Exhibit E-1 to the Agreement.

9. Section II. TIME OF COMPLETION OF IMPROVEMENTS:

Section II of the Agreement is hereby amended and restated such that the time for completion of the public improvements which are the DEVELOPER's responsibility under Section I of the Agreement and which will be constructed pursuant to the Approved Plans or the Alternate Plans shall be October 31, 2021, provided that the parties may, by a subsequent amendment to the Agreement, agree to extend such completion dates.

10. Section XIII.P. ESTABLISHMENT OF AN ASSOCIATION; COVENANTS AND DEED RESTRICTIONS:

The VILLAGE acknowledges and agrees that the Sussex Corporate Park Declaration of Development Standards and Protective Covenants made by the DEVELOPER as of May 7, 2019 and recorded against the SUBJECT LANDS on June 19, 2019 as Document No. 4403122, as well as the amendment, restating and superseding of such declaration by recording of the Highlands Business Park Amended and Restated Declaration of Development Standards and Protective Covenants attached hereto as Exhibit D, together with the formation of the Highland Business Park Owners' Association, Inc. thereunder, constitute DEVELOPER's full performance of its obligations under Section XIII.P. of the Agreement.

11. PARAGRAPH HEADINGS:

The paragraph headings in this Amendment are inserted for convenience only and are not intended to be part of, or to affect, the meaning or interpretation of this Amendment.

12. INCORPORATION OF RECITALS:

The recitals to this Amendment are hereby incorporated by reference and made a part of Amendment, and are intended to affect the meaning and/or interpretation of this Amendment.

13. COUNTERPARTS:

This Amendment may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

14. INTERPRETATION:

This Amendment has been subject to significant drafting by both VILLAGE and DEVELOPER and this Amendment and its wording shall not be construed against the VILLAGE as the drafter of the language should a disagreement arise as to interpretation.

15. ENTIRE AGREEMENT:

This Amendment constitutes the entire understanding and agreement between the parties with respect to the matters described herein. In the event of a conflict between this Amendment and the Agreement, the terms of this Amendment shall control. Except as specifically modified by this Amendment, however, the Agreement remains in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the DEVELOPER and the VILLAGE have caused this Amendment to be signed by their appropriate officers and their corporate seals (if any) to be hereunto affixed on the day and year first above written.

SUSSEX CORPORATE PARK, LLC

By: _____
Stewart M. Wangard, Authorized Signatory

STATE OF WISCONSIN
COUNTY OF _____

Personally came before me this _____ day of _____, 2020, the above named Stewart M. Wangard, Authorized Signatory of Sussex Corporate Park, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
My commission expires: _____

VILLAGE OF SUSSEX
WAUKESHA COUNTY, WISCONSIN

VILLAGE President

VILLAGE Clerk-Treasurer

STATE OF WISCONSIN
COUNTY OF WAUKESHA

Personally came before me this _____ day of _____, 2020, the above-named Anthony J. LeDonne, VILLAGE President, and Samuel E. Liebert VILLAGE Clerk-Treasurer, of the above-named municipal corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such VILLAGE President and VILLAGE Clerk-Treasurer of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of said municipal corporation by its authority and pursuant to the authorization by the VILLAGE Board from their meeting in the _____ day of _____, 2020.

NOTARY PUBLIC, STATE OF WI
My commission expires: _____

EXHIBIT A

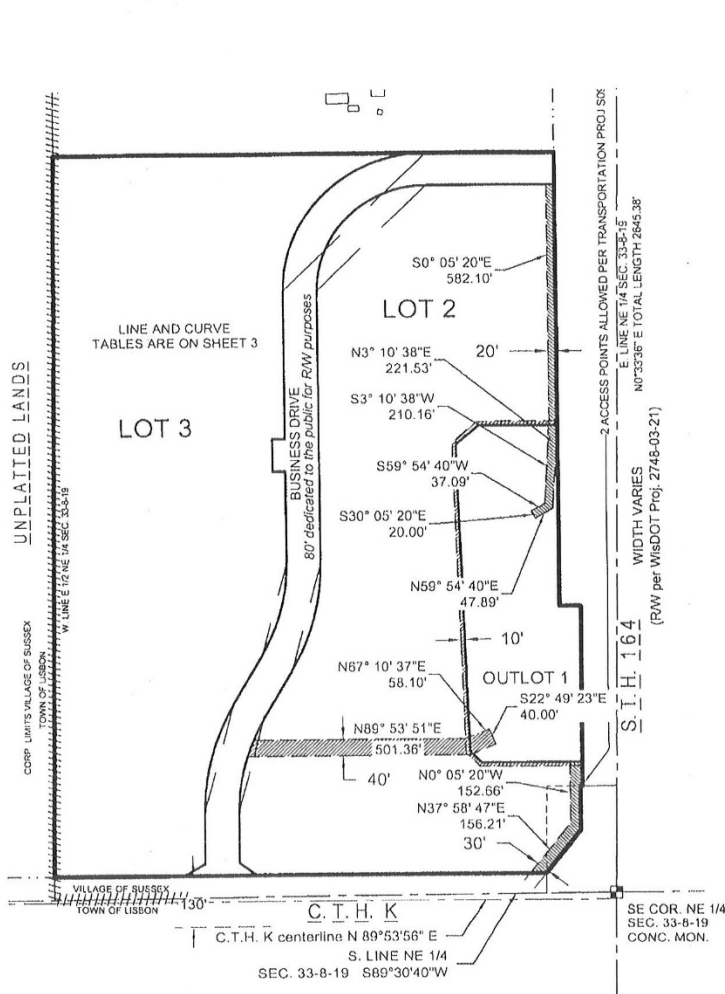
Page 2 of 6

ARCTM
(262) 542-8200

FORM ARC-101

CERTIFIED SURVEY MAP NO. 11854

LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO. 11793, RECORDED AS DOCUMENT NO. 4374771, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN



PERMANENT UTILITY, ACCESS, INGRESS & EGRESS EASEMENTS FOR THE BENEFIT OF THE VILLAGE OF SUSSEX AND LOT & OUTLOT OWNERS, TO BE RECORDED BY SEPARATE DOCUMENT(S).

EASEMENTS DETAIL

SIGMA GROUP
Single Source, Smart Solutions
www.landsigma.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210



PROJECT NUMBER 15426 DRAFTED BY B. ROZITE 8/23/2018 rev. 4/30/2019



Sheet 2 of 6

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EXHIBIT A

Page 3 of 6

ARC™
(262) 542-8200

FORM ARC-101

CERTIFIED SURVEY MAP NO. 11854

LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO. 11793, RECORDED AS DOCUMENT NO. 4374771, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

SURVEYOR'S CERTIFICATE

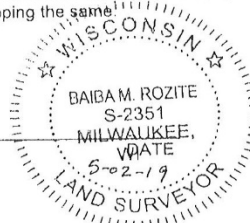
STATE OF WISCONSIN)
SS
MILWAUKEE COUNTY)

I, Baiba M. Rozite, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped Lots 2 and 3 of Certified Survey Map No. 11793 recorded as Document No. 4374771, being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 33, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, State of Wisconsin.

Said parcel contains 2,143,787 square feet or 49.215 acres of land, more or less.

That I have made the survey, land division, and map by the direction of the owner of said land. 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 s. 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Sussex Code of Ordinances in surveying, dividing and mapping the same.


BAIBA M. ROZITE S-2351



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C3	178.77	340.00	30°07'33"	S74° 52' 12"W	176.72
C4	239.24	460.00	29°47'56"	S14° 36' 17"W	236.55
C5	280.57	540.00	29°46'11"	S14° 37' 10"W	277.43
C6	408.41	260.00	90°00'03"	S44° 55' 57"W	367.70
C7	534.09	340.00	90°00'11"	S44° 55' 52"W	480.85
C8	239.22	460.00	29°47'48"	S14° 36' 21"W	236.54
C9	280.84	540.00	29°47'54"	S14° 36' 18"W	277.69

Line Table		
Line #	Length	Direction
L5	4.81	S89° 29' 00"W
L6	51.23	S0° 05' 20"E
L7	108.89	S0° 05' 23"E
L8	134.82	S37° 42' 26"W
L9	50.00	N89° 54' 40"E
L11	80.00	N0° 05' 20"W
L12	83.15	N89° 30' 01"E
L13	49.12	S0° 33' 36"W


Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

PROJECT NUMBER 15426 DRAFTED BY B. ROZITE 8/23/2018 rev. 4/30/2019

Sheet 3 of 6

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EXHIBIT A

Page 4 of 6

ARC[™]
(262) 542-8200

FORM ARC-101

CERTIFIED SURVEY MAP NO. 11854

LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO. 11793, RECORDED AS DOCUMENT NO. 4374771, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

OWNER'S CERTIFICATE

SUSSEX CORPORATE PARK, LLC, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFIES THAT SAID SUSSEX CORPORATE PARK, LLC CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE REQUIREMENTS OF S. 236.34, WIS. STATUTES. SUSSEX CORPORATE PARK, LLC ALSO CERTIFIES THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: THE VILLAGE OF SUSSEX.

IN WITNESS WHEREOF, SUSSEX CORPORATE PARK, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY AN AUTHORIZED REPRESENTATIVE,

THIS 10th DAY OF MAY, 2019

SUSSEX CORPORATE PARK, LLC
BY: STEWART M. WANGARD

BY: [Signature]

PRINTED NAME: STEWART M. WANGARD

STATE OF WISCONSIN
JSS
COUNTY OF MILWAUKEE

PERSONALLY CAME BEFORE ME THIS 10th DAY OF MAY, 2019, STEWART M. WANGARD, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE THE AUTHORIZED REPRESENTATIVE, AND ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT AS OFFICER OF SAID SUSSEX CORPORATE PARK, LLC

[Signature]
ANNE M. WHITE
NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES ON 6/26/2020

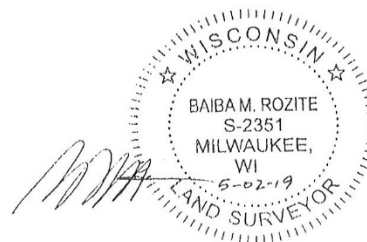


EXHIBIT A

Page 5 of 6

ARC™
(262) 542-8200

FORM ARC-101

CERTIFIED SURVEY MAP NO. 11854

LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO. 11793, RECORDED AS DOCUMENT NO. 4374771, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

CONSENT OF CORPORATE MORTGAGEE

NATIONAL EXCHANGE BANK & TRUST, 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 map, and does hereby consent to the above certificate of SUSSEX CORPORATE PARK, LLC, owner.

IN WITNESS WHEREOF, the said NATIONAL EXCHANGE BANK & TRUST, has caused these presents to be signed by

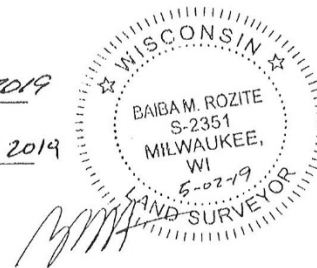
RICHARD S. HENSLEY, its President, and countersigned by DAVID C. MOHORICH, its Vice President of
W 234 N 1700 BUSSSE RD
Commercial Lending, at WAUKESHA, Wisconsin, and its corporate seal to be hereunto affixed this
8th day of MAY, 2019.

In the presence of:

NATIONAL EXCHANGE BANK & TRUST

[Signature]
RICHARD S. HENSLEY, President
[Signature]
DAVID C. MOHORICH, Vice President
Commercial Lending

May 9, 2019
Date
May 8, 2019
Date



STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

Personally came before me this 8th day of MAY, 2019, RICHARD S. HENSLEY, 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 they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

[Signature]
(SEAL) NOTARY PUBLIC signature, STATE OF WISCONSIN

ANNE M. WHITE
notary printed name

MY COMMISSION EXPIRES 6/26/2020



STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

Personally came before me this 8th day of MAY, 2019, DAVID C. MOHORICH, Vice President of Commercial Lending, of the above-named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Vice President of Commercial Lending of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

[Signature]
(SEAL) NOTARY PUBLIC signature, STATE OF WISCONSIN

ANNE M. WHITE
notary printed name

MY COMMISSION EXPIRES 6/26/2020



EXHIBIT A

Page 6 of 6

ARC™
(262) 542-8200


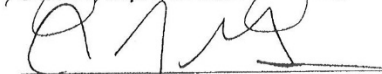
FORM ARC-101

CERTIFIED SURVEY MAP NO. 11854

LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NO. 11793, RECORDED AS DOCUMENT NO. 4374771, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

PLAN COMMISSION APPROVAL

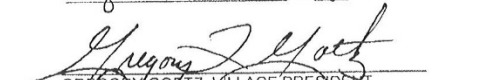
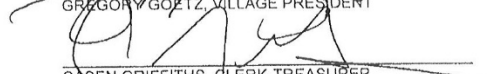
APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF SUSSEX ON THIS 21st DAY OF August, 2018


GREGORY GOETZ, CHAIRMAN

CASN GRIFFITHS, SECRETARY



VILLAGE BOARD APPROVAL

APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF SUSSEX ON THIS 21st DAY OF August, 2018


GREGORY GOETZ, VILLAGE PRESIDENT

CASN GRIFFITHS, CLERK-TREASURER



4397415

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

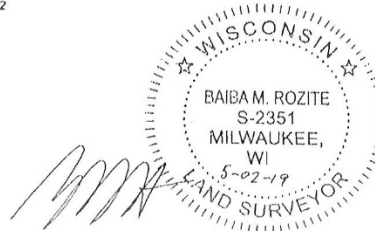
May 20, 2019 10:28 AM
James R. Behrend
Register of Deeds

6 PGS
TOTAL FEE: \$30.00
TRANS FEE: \$0.00

Book 119 Page 277-282


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Milwaukee, WI 53233
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PROJECT NUMBER 15426 DRAFTED BY B. ROZITE 8/23/2018 rev. 4/30/2019



Sheet 6 of 6

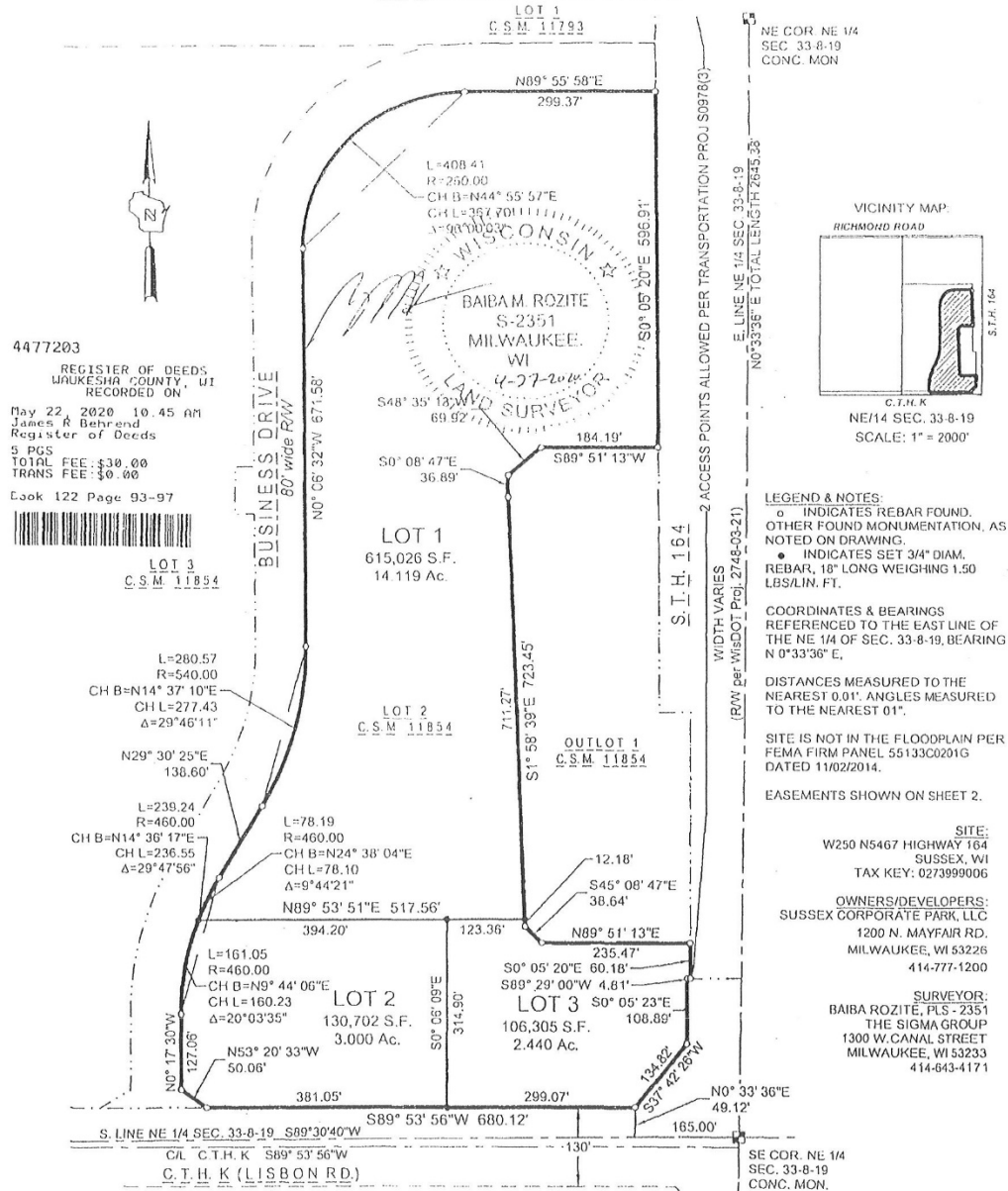
282

EXHIBIT A-1

Page 1 of 5

CERTIFIED SURVEY MAP NO. 12010

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854 RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN



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PROJECT NUMBER 15426 DRAFTED BY B. ROZITE 10/10/2020

Sheet 1 of 5

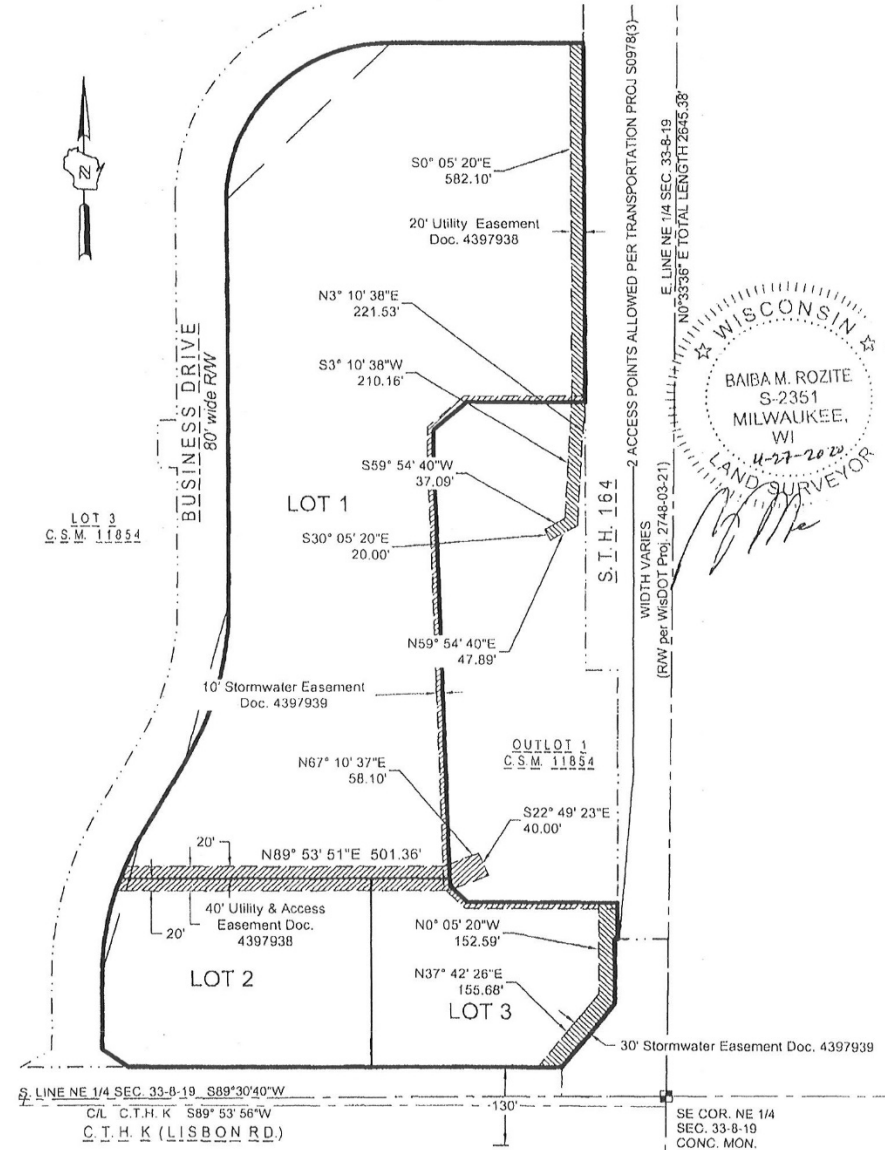
93

EXHIBIT A-1

Page 2 of 5

CERTIFIED SURVEY MAP NO. 12010

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854, RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

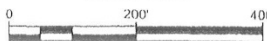


EXISTING EASEMENTS

THE SIGMA GROUP
Single Source, Smart Solutions
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

PERMANENT UTILITY, ACCESS, INGRESS & EGRESS EASEMENTS AS SHOWN ON CSM 11854 AND RECORDED BY SEPARATE DOCUMENT(S).

GRAPHIC SCALE



PROJECT NUMBER 15426 DRAFTED BY B. ROZITE 1/10/2020, REV. 2/08/2020

Sheet 2 of 5

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EXHIBIT A-1

Page 3 of 5

CERTIFIED SURVEY MAP NO. 12010

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854, RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE
NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19
EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN


SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
SS
MILWAUKEE COUNTY)

I, Baiba M. Rozite, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped Lot 2 of
Certified Survey Map No. 11854, recorded as Document No. 4397415, being part of the Northeast 1/4 and Southeast 1/4
of the Northeast 1/4 of Section 33, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, State of
Wisconsin.

Said parcel contains 852,033 square feet or 19.560 acres of land, more or less.

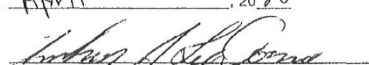
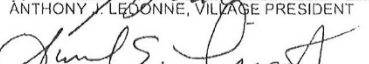
That I have made the survey, land division, and map by the direction of the owner of said land. That the map is a
correct representation of all the exterior boundaries of the land surveyed and the land division thereof made. That I have
fully complied with s. 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Sussex Code of Ordinances in
surveying, dividing and mapping the same.


BAIBA M. ROZITE S-2351
4-27-2020
DATE



PLAN COMMISSION APPROVAL


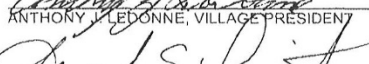
APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF SUSSEX ON THIS 15th DAY OF

April, 2020

ANTHONY J. LEDONNE, VILLAGE PRESIDENT

SAM LIEBERT, VILLAGE CLERK



VILLAGE BOARD APPROVAL

APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF SUSSEX ON THIS 12th DAY OF

May, 2020

ANTHONY J. LEDONNE, VILLAGE PRESIDENT

SAM LIEBERT, VILLAGE CLERK



THE SIGMA GROUP
Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-543-4200
Fax: 414-543-4210

PROJECT NUMBER 15426 DRAFTED BY B. ROZITE 1/10/2020, REV. 2/08/2020

Sheet 3 of 5

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EXHIBIT A-1

Page 4 of 5

CERTIFIED SURVEY MAP NO. 12010

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854, RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE
NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19
EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

OWNER'S CERTIFICATE

SUSSEX CORPORATE PARK, LLC, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFIES THAT SAID SUSSEX CORPORATE PARK, LLC CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE REQUIREMENTS OF S. 236.34, WIS. STATUTES. SUSSEX CORPORATE PARK, LLC ALSO CERTIFIES THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: THE VILLAGE OF SUSSEX.

IN WITNESS WHEREOF, SUSSEX CORPORATE PARK, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY AN AUTHORIZED REPRESENTATIVE,

THIS 13th DAY OF MAY, 2020

SUSSEX CORPORATE PARK, LLC
BY: STEWART M. WANGARD

BY: [Signature]

PRINTED NAME: STEWART M. WANGARD

STATE OF WISCONSIN
COUNTY OF MILWAUKEE

PERSONALLY CAME BEFORE ME THIS 13 DAY OF MAY, 2020, STEWART M. WANGARD, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE THE AUTHORIZED REPRESENTATIVE, AND ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT AS OFFICER OF SAID SUSSEX CORPORATE PARK, LLC

Anne M. White
ANNE M. WHITE
NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES ON 6/26/2020



EXHIBIT A-1

Page 5 of 5

CERTIFIED SURVEY MAP NO. 12010

LOT 2 OF CERTIFIED SURVEY MAP NO. 11854, RECORDED AS DOCUMENT NO. 4397415, BEING PART OF THE
NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 8 NORTH, RANGE 19
EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, STATE OF WISCONSIN

CONSENT OF CORPORATE MORTGAGEE

NATIONAL EXCHANGE BANK & TRUST, 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 map, and does hereby consent to the above certificate of SUSSEX CORPORATE PARK, LLC, owner.

IN WITNESS WHEREOF, the said NATIONAL EXCHANGE BANK & TRUST, has caused these presents to be signed by

RICHARD S. HENSLEY, its President, and countersigned by DAVID C. MOHORICH, its Vice President of

Commercial Lending, at Waukesha, Wisconsin, and its corporate seal to be hereunto affixed this

13th day of May, 2020.

In the presence of:

NATIONAL EXCHANGE BANK & TRUST

[Signature]
RICHARD S. HENSLEY, President

[Signature]
DAVID C. MOHORICH, Vice President
Commercial Lending

5/13/2020
Date

5-13-20
Date



STATE OF WISCONSIN)
Waukesha COUNTY) SS

Personally came before me this 13th day of May, 2020, RICHARD S. HENSLEY, 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 they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(SEAL) [Signature] NOTARY PUBLIC signature, STATE OF WISCONSIN

Sarah A. Frantz
notary printed name

MY COMMISSION EXPIRES 2/8/2021

STATE OF WISCONSIN)
Waukesha COUNTY) SS

Personally came before me this 13th day of May, 2020, DAVID C. MOHORICH, Vice President of Commercial Lending, of the above-named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Vice President of Commercial Lending of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(SEAL) [Signature] NOTARY PUBLIC signature, STATE OF WISCONSIN

Sarah A. Frantz
notary printed name

MY COMMISSION EXPIRES 2/8/2021



EXHIBIT B

GRAEF
One Howe Creek Corporate Center
175 South Main Street, Suite 401
Mankato, MN 56001-1405
414 / 259-1500
414 / 259-0027 fax
www.graef-usa.com

PROJECT TITLE
SUSSEX COMMONS

ISSUE
NO DATE REVISIONS BY

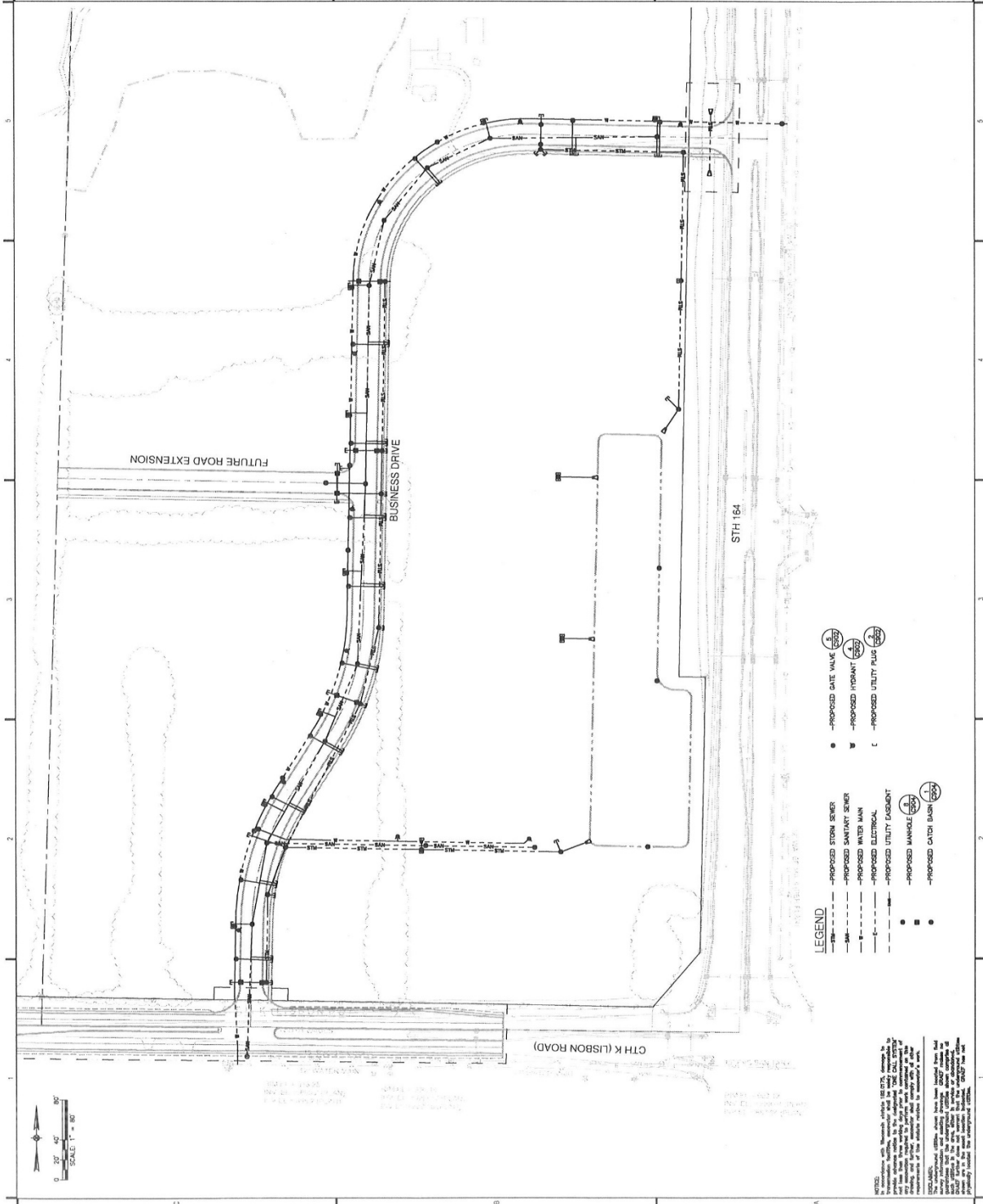
PROJECT INFORMATION
PROJECT NUMBER: 2018-0084
DATE: 8-15-2018
DRAWN BY:
CHECKED BY:
APPROVED BY:
SCALE: AS SHOWN

SHEET TITLE
OVERALL SITE UTILITY PLAN

SHEET NUMBER

C500

CONSTRUCTION DOCUMENTS



X:\PL\2018\0084\CH\CH\Site\Utility\00_C500_UTILITY.dwg, 00_C500_UTILITY.dwg, 8/15/2018 9:58 AM

EXHIBIT I

