



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

**AGENDA**  
**VILLAGE OF SUSSEX**  
**PLAN COMMISSION MEETING**  
**6:30 PM TUESDAY, FEBRUARY 16, 2021**  
**SUSSEX CIVIC CENTER – BOARD ROOM 2<sup>nd</sup> FLOOR**  
**N64W23760 MAIN STREET**

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

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of January 19, 2021.
3. Consideration and possible action on Permitted Uses and Plans:
  - A. Consideration and possible action on a Plan of Operation and site plan for Sparklers Dance studio (N64W22644 Main Street).
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 for a Conditional Use, Plan of Operation and site plan for Paul and Jana McBride building 7 unit 13.
  - B. Consideration and possible action on a Conditional Use, Plan of Operation and site plan for Paul and Jana McBride building 7 unit 13.
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
  - A. Consideration and possible action on a request for an accessory building exceeding 250 square feet for Jonathan and Courtney Myhre (N76W23784 Majestic Heights Trail).
  - B. Consideration and possible action on an amendment to the Declarations for Venturespace Condominium Association.
  - C. Consideration and possible action on a Petition for Direct Annexation and initial zoning determination Ordinance 874 for property located at N55W25299 Richmond Road petitioner is Bette Brown Slayton.
  - D. Consideration and possible action on a Final Plat Phase 3 for Johanssen Farms located south of Clover Drive and east of Maple Avenue.
  - E. Consideration and possible action on an Ordinance 875 to repeal and recreate Sub Section 17.0704 A.2. regarding Accessory Use and Structures Regulations.

6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne  
Chairperson



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Jeremy J. Smith  
Village Administrator

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

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

Minutes of the Plan Commission meeting held on January 19, 2021

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

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

Others present: Village Administrator Jeremy Smith, Assistant Village Administrator Kelsey McElroy-Anderson, Village Attorney John Macy, Assistant Development Director Kasey Fluet, Administrative Assistant Anne Pulvermacher, Deputy Clerk Caren Brustmann and applicants.

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

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

A motion by Anderson, seconded by Muckerheide to approve the minutes of the Plan Commission meeting of December 15, 2020 as presented. Motion carried 6-0 (Knapp abstained)

**Consideration and possible action on a Plan of Operation and site plan for Albright Gun Works LLC N60W22951 Silver Spring building 9 unit 17.**

Applicant Scott Albright, N60W22951 Silver Spring Dr. Unit 17, Sussex, was present and provided a brief plan of operation.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The assembly of sporting goods is a permitted use in accordance with Section 17.0422 (A)(4)(f)(4) in the M-1 Industrial District. The owner of Albright Gun Works LLC will use the 1,500 square foot building to assemble custom firearms for completion and sportsman use, store components and distribute of components. The owners must also follow the declarations and By-Laws established for this Condominium Association for items such as payment of bills and no outside storage.

Plan Commission Comments: Commissioner Muckerheide confirmed with Mr. Albright there will be no sale of firearms from this location, strictly assembly.

A motion by LeDonne, seconded by Johnson to approve the Plan of Operation and site plan for Albright Gun Works LLC N60W22951 Silver Spring building 9 unit 17 a finding that the use and structures meet the principals of 17.1002(A-H), subject to ATF license permit approval, payment of any water RCA fees, prior to receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A, and subject to the Applicant reviewing operation with the Sheriff's Department and providing information deemed necessary. Motion carried 7-0

**Convene the public hearing for a Conditional Use, Plan of Operation and site plan for Paul and Jana McBride building 7 unit 13.**

Applicant Paul McBride, W201N5292 Sand Piper Lane, Menomonee Falls, was present.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1. The use of indoor storage is a conditional use in the M-1 Industrial District in accordance with Section 17.0506 (A)(5)(a). The owner is purchasing a condominium unit at the Venture Space site. The 1,500 square foot unit will be used to store personal items. The owners must follow the Declarations and 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.

Plan Commission Comments: None

Plan Commission stated the Petitioner had met the standards and directed staff to prepare a Conditional Use Order for review at the meeting held February 16, 2021 at 6:30pm.

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Muckerheide to adjourn the public hearing until February 16, 2021 at 6:30pm. Motion carried 7-0

**Reconvene the public hearing for a Conditional Use, Plan of Operation and site plan for Mike Kaerek N60W22951 Silver Spring building 7 unit 14.**

Jordan Kaerek, representative for Mike Kaerek, N30W28875 West Lakeside Drive was present.

Plan Commission comments: None

Public Comments: None (In person or via Zoom)

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

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

**Consideration and possible action on a Conditional Use, Plan of Operation and site plan for Mike Kaerek N60W22951 Silver Spring building 7 unit 14.**

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and site plan for Mike Kaerek.

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

- The Application is complete and consistent with 17.0502
- The use(s) and plans are compliant with 17.0503 & 17.0507 (Review of CU's).
- The use(s) and plans are compliant with 17.0200 (General Conditions)
- The uses(s) and plans are compliant with 17. 1000 (Site Plan Review)
- The Petitioner has provided substantial evidence and adequately addressed the findings of the impact report per 17.0506.A.

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

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

A motion by LeDonne, seconded by Muckerheide to approve the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Mike Kaerek, N60W22951 Silver Spring building 7 unit 14; a finding the use and structures meet the principals of 17.1002(A-H); subject to payment of any water RCA fees, receiving final occupancy from the Building Inspector and the standard conditions of Exhibit A. Motion carried 7-0

**Consideration and possible action on a CSM to vacate the pedestrian way and the land for well house #3 W233N6048 Lilac Drive.**

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating the CSM would be the final step in the process to relinquish the 20 foot pedestrian way to the abutting neighbors, each will receive half of the land. The other purpose of this CSM is to combine the land of the well house with Bradley and Katherine Heid property. The CSM will not be recorded until the public hearing for the vacation of the pedestrian way is completed at the January 26, 2021 Village Board meeting and payment of \$2,800 is received from the Heids' to purchase the well house land.

Plan Commission comments: None

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Anderson to recommend the Village Board approval of the CSM to vacate the pedestrian way and the land for well house #3 W233N608 Lilac Drive subject to review by the Village Engineer, the Pedestrian Way being vacated, the payment of \$2,800 is received from the Heid's and the standard conditions of CSM approval and Exhibit A. Motion carried 7-0

**Consideration and possible action on an Ordinance #872 to repeal and recreate Section 14.905(2)(b) regarding Official Maps of Chapter 14 Stormwater Management.**

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating Chapter 14 regulates the conditions and requirements of Floodplain areas designated by FEMA. Section 14.905 is the Official Maps & Revisions of the code, these maps are approved by the DNR and FEMA. The code section 14.905(2)(a) specifically list all the panel numbers related to areas with floodplain in the Village of Sussex. Section(2)(b)

was added based on a study dated November 5, 2014. Since this date another study was completed pertaining to the Clover Drive bridge improvements because of the improvements to the bridge this caused a decrease in areas designated with floodplain and therefore changes the maps for the Village within that area. Due to these changes we must also list the Letter of Map Revision associated with the Clover Drive Bridge replacement in the section of the code.

Plan Commission comments: None

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Muckerheide to recommend to the Village Board to approve the Ordinance #872 to repeal and recreate Section 14.905(2)(b) regarding Official Maps of Chapter 14 Stormwater Management. Motion carried 7-0

**Consideration and possible action on a Petition to create Sub Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District Permitted Uses.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating a petition has been submitted for consideration to a code change to allow Animal Boarding services in the B-3 district by the owners of Central Bark a business operating in the Sussex Industrial park an M-1 district since 2007. Instead of renting the owners want to purchase the empty building formerly the location of Lake Country Detailing which is in the B-3 district. In order for the business use to be allowed the Plan Commission must consider if this use is appropriate for this district.

Under the current codes the use is allowed as a conditional use in the M-1 Industrial. The request for the use in the B-3 district would have the same language as the code for the M-1 conditional use requirements.

A motion by LeDonne, seconded by Anderson to support the Petition to amend Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District as a permitted use. Motion carried 7-0

**Consideration and possible action on an Ordinance #873 to create Sub Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District Permitted Uses and repeal and recreate Sub Section 17.0506 A. 6. (a) regarding Animal Board in Section 17.0500 Conditional Use Permits.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating staff has prepared an amendment to Chapter 17 to create a Sub Section in Section 17.0418 A.5. (k) regarding Animal Boarding in the B-3 Highway Business District as a permitted use. Because we are adding the Animal Boarding Services as a permitted use in the B-3 we are also recommending a code change to the Conditional Use section which could allow the use under certain limits. The changes are included in the attached memo.

Public Comments: None (In person or via Zoom)

A motion by LeDonne, seconded by Anderson to recommend the Village Board approve the Ordinance #873 to create Sub Section 17.0418 A. 5. (k) regarding Animal Boarding in the B-3 Highway Business District Permitted Uses and repeal and recreate Sub Section 17.0506 A. 6. (a) regarding Animal Board in Section 17.0500 Conditional Use Permits. Motion carried 7-0

**Update on subdivision progress and status on development projects.**

Mrs. Fluet provided a chart showing the activity of the subdivisions under construction. An update on the

following development project status was also provided; Dunkin Donuts (began digging foundation), Stirling Building (project complete), Prestwick addition (project complete; landscaping to resume in spring 2021), Mammoth Lofts (construction 80% complete with 12 of 20 units occupied), Sussex IM addition (project complete).

**Other items for future discussion** - None

**Adjournment:**

A motion by LeDonne, seconded by Muckerheide to adjourn the meeting at 7:16 pm. Motion carried 7-0

Respectfully Submitted,

Caren Brustmann  
Deputy Clerk







MEMORANDUM

TO: Plan Commission  
FROM: Kasey Fluet, Assistant Development Director  
RE: Plan Commission meeting of February 16, 2021  
DATE: February 11, 2021

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of January 19, 2021.**
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 Sparklers Dance studio (N64W22644 Main Street).**

This site is zoned B-3. The dance studio is a permitted use in accordance with Section 17.0418 A. 2. (b) in the B-3 Highway Business District. The dance studio will occupy 3,000 square feet in the multi-tenant building. The studio will offer dance classes to girls for team events. The hours of operation will be Monday through Friday 2:00 p.m. to 7:00 p.m, The site has 158 marked and 50 unmarked parking stalls with 131 stalls allocated to other users. This user per code requires 19 stalls leaving 77 stalls available for other tenants.

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.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for a finding that the use and structures meet the principals of 17.1002(A-H), Sparklers Dance studio (N64W22644 Main Street) subject to the standard conditions of Exhibit A.

04. **Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:**
  - A. **Reconvene the public hearing for a Conditional Use, Plan of Operation and site plan for Paul and Jana McBride building 7 unit 13.**

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

**The 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 indoor storage facility 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 January 19, 2021 and February 16, 2021.
  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-1.
    - D. Lighting Plan. The Petitioner shall maintain the existing lighting plan for the Subject Property on file with the Village Clerk

- E. Signage Plan. The Petitioner must submit a signage plan for approval for the Subject Property. Once approved said signage plan shall be attached hereto and incorporated herein as **Exhibit C**.
  - 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 on file with the Village Clerk.
  - I. Architectural and Building Plan. The Petitioner shall comply with the specific Architectural and Building Plan for the Subject Property on file with the Village Clerk.
  - J. Outdoor Storage and Uses Plan. No outdoor storage is permitted.
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 30<sup>th</sup> 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 Conditional Use, Plan of Operation and site plan for Paul and Jana McBride building 7 unit 13.**

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Conditional Use and site plan for Paul and Jana McBride.

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

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

**The Application is complete and consistent with 17.0502** Yes or No

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

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

**The uses(s) and plans are compliant with 17.0422 (M-1 Industrial District)** Yes or No

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

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

Has the Petitioner provided substantial evidence with regards to the 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.-J. Various Plan(s) compliance** Yes or No

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

**B-L. Administrative CU Condition compliance** Yes or No

**Action Items:**

1. Act on the CU and site plan.

**Staff Recommendation:** Staff recommends approval of the Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Paul and Jana McBride building 7 unit 13; a finding 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.

**05. Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:  
A. Consideration and possible action on a request for an accessory building exceeding 250 square feet for Jonathan and Courtney Myhre (N76W23784 Majestic Heights Trail).**

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, 324 square feet will be an enclosed structure, 92 square feet will be an open bar space and with an attached 125 square foot porch with pergola.

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, 47,492 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 N76W23784 Majestic Heights Trial subject to a building permit issued by the Building Inspector and to the conditions of Exhibit A.

**B. Consideration and possible action on an amendment to the Declarations for Venturespace Condominium Association.**

The owner of the condominium project is requesting to change the name of the association for the Declarations as stated in Section 13 of the Declaration from Association of Unit Owners to Commercial Condo Owners Association Sussex, Inc. In order for the changes to be made they must be approved by the Plan Commission and Village Board. The Village Board has already conditionally approved of the change.

**Policy Question:**

1. Are there any concerns with the amendment to the Declarations?

**Action Items:**

1. Act on the request.

**Staff Recommendation:** Staff recommends the Plan Commission approve of the amendment to the Declarations for Venturespace Condominium Association subject to legal review and the standard conditions of Exhibit A.

**C. Consideration and possible action on a Petition for Direct Annexation and initial zoning determination Ordinance #874 for property located at N55W25299 Richmond Road petitioner is Bette Brown Slayton.**

The owner of this property which is in the Town of Lisbon has applied for direct annexation by unanimous approval. This property came in because of the new boundary agreement. Because this property was not previously scheduled to come into the Village it was not assigned a Land Use designation. The role of the Plan Commission for the annexation process is to recommend an Ordinance with a zoning classification. The recommended appropriate zoning for this land at this time is to zone the property A-1 agricultural which is what the land is mostly used as today and for the Plan Commission to then in the near future consider a permanent zoning in consultation with the land owners plans and testimony heard during the planning/zoning process for the same.

**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 approval of Ordinance #874 for initial zoning determination for property located at N55W25299 Richmond Road.

**D. Consideration and possible action on a Final Plat Phase 3 for Johanssen Farms located south of Clover Drive and east of Maple Avenue.**

This site is zoned RS-3 with a Planned Development Overlay. The approval of this Plat is for final 13 single family lots, lots 61-74. 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 December 8, 2015, the requirements of Chapter 18 are met and once the Plat is recorded with the Registry of Deeds.

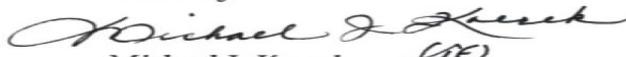
The Developer of the Johanssen Farms has acknowledged the terms to the Developers Agreement.

*Village of Sussex  
Attn: Kasey Fluet  
N63 W23760 Main Street  
Sussex, WI 53089*

*Dear Kasey,*

*MK/S-EP, LLC accepts to all terms and obligations of the Developers Agreement for Johanssen Farms dated April 26, 2016.*

*Sincerely,*

  
*Michael J. Kaerek (JK)*  
President,  
Kaerek Homes, Inc.

**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 Final Plat Phase 3 for Johanssen Farms subject, the standard conditions of Plat approvals, meeting the obligations of the Developers Agreement and review by the Village Engineer.

**E. Consideration and possible action on an Ordinance #875 to repeal and recreate Sub Section 17.0704 A. 2. regarding Accessory Use and Structures Regulations.**

At the September Plan Commission meeting a request was made by Commissioner Knapp to discuss shed sizes in the RS-4 district. At the October Plan Commission meeting staff provided information about shed sizes in other communities. It was decided at this meeting to form a work group to discuss a larger shed size for the RS-4 because most of the homes in this district with smaller lots have one car garages and not much storage. The work group of Jim Mukerheide, Mike Knapp, Building Inspector Joel Jaster and Assistant Development Director Kasey Fluet met twice, December 3<sup>rd</sup> and January 25<sup>th</sup>. The recommendation for the code change is as follows:

An amendment to Chapter 17 to repeal and recreate Sub Section 17.0704 A. 2. Regarding Accessory Use and Structures Regulations

To repeal and create Sub Section 17.0704 A. 2.

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. **Any structure greater than 250 square feet must be on a concrete pad.**

**In the RS-4 district an accessory building shall not exceed 400 square feet, only one accessory building is allowed and the design of the building must be consistent with the principle structure.**

In the B-4 district, subject to Plan Commission and Architectural Review Board approval, gazebos may be permitted in the side or front yard subject to a finding by both the Plan commission and Architectural Review Board that the proposed gazebo is consistent with the décor of the property and an integral part of the property.

In the M-1 district, subject to Plan Commission approval, gazebos may be permitted in the side or front yard subject to a finding by the Plan Commission the proposed gazebo is consistent with the décor of the property and an integral part of the property.

All other requirements, restrictions and regulations contained in this section, this Chapter, and the Code must be complied with.

**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 #875 to repeal and recreate Sub Section 17.0704 A. 2. regarding Accessory Use and Structures Regulations.

**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 # 27-5347832

Zoning: \_\_\_\_\_

Address of Tenant Space: N64 W22644 Main Street, Sussex

1. Name of Business:  
Sparklers Dance

Business		
<u>N64 W22644 Main Street, Sussex, WI</u>	<u>53089</u>	<u>4144037279</u>
Address	City, State, Zip	Phone #
<u>--</u>	<u>Marydeeken@gmail.com</u>	
Fax #	Email address	

2. Business owner contact information:  
Mary Deeken

Contact		
<u>W173 N5392 Ravenwood Drive,</u>	<u>Menomonee Falls, WI 53051</u>	<u>4144036279</u>
Address	City, State, Zip	Phone #
<u>--</u>	<u>Marydeeken@gmail.com</u>	
Fax #	Email address	

3. Building/Land owner contact information:  
Adam MCarthy

Contact		
<u>200 W Main Street, Waukesha, WI</u>	<u>53186</u>	<u>262-232-8738</u>
Address	City, State, Zip	Phone #
<u>--</u>	<u>Adam@smartassetrealty.com</u>	
Fax #	Email address	

4. Number of Employees/Shifts: 1 Employees 0 Shifts

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X		
2-7	2-7	2-7	2-7	2-7		

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 60x50 Total square footage 3000  
 If applicable list square footage according to 1<sup>st</sup> floor 3000 2<sup>nd</sup> 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 90 Number of spaces needed per code \_\_\_\_\_  
 Number of spaces allocated for employee parking 1  
 Dimensions of parking lot \_\_\_\_\_ Is parking lot paved? Yes

13. Signage: What type of signage are you proposing for your business?  
Over the door sign and at the large sign at the street  
 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] 2/5/2021  
 Name Date  
owner  
 Title or Position

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

\_\_\_\_\_  
 Name Date  
 \_\_\_\_\_  
 Title or Position

**Print Form**

**Clear Form**

Sparklers Dance is a team-based dance studio with an emphasis on pom and hip hop dancing, conditioning, technique classes and team building dynamics. We have four teams and they practice two hours a week. Eventually we will supplement that with technique classes during the day in the summer. Because of this model, the building is not full of people all day. The largest team only has 27 girls on the team. In the studio, we store our uniforms, trophies, some conditioning equipment and a wide open space to dance.



**Village of Sussex**

**DISCLAIMER:**

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

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



SCALE: 1 = 83'



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

Print Date: 2/9/2021



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? NO

Tax Key # \_\_\_\_\_

Zoning: M1

Address of Tenant Space: N60W22951 SILVER SPRING DR, UNIT 13  
SUSSEX, WI 53089

1. Name of Business: NONE

Business \_\_\_\_\_

Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_ Phone # \_\_\_\_\_

Fax # \_\_\_\_\_ Email address \_\_\_\_\_

2. Business owner contact information:

PAUL MCBRIDE + JANA MCBRIDE

Contact N43W23225 BEAVER CRT, PEWAUKEE, WI, 53072 2628937567

Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_ Phone # \_\_\_\_\_  
PANDJMCB@GMAIL.COM

Fax # \_\_\_\_\_ Email address \_\_\_\_\_

3. Building/Land owner contact information:

PAUL MCBRIDE + JANA MCBRIDE

Contact N43W23225 BEAVER CRT, PEWAUKEE, WI, 53072 2628937567

Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_ Phone # \_\_\_\_\_  
PANDJMCB@GMAIL.COM

Fax # \_\_\_\_\_ Email address \_\_\_\_\_

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

5. Days of Operation:

Put an X in box that applies:

Hours NA

Open for business

Preparation/cleaning

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday

6. Is this an extension of an existing operation? NO  
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.

8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NO Do you need an Outdoor Establishment Permit? NO  
If yes, explain: \_\_\_\_\_  
If yes, please obtain and complete permit application.

9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? 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'x60' Total square footage 1500  
If applicable list square footage according to 1<sup>st</sup> floor 1500 2<sup>nd</sup> floor NO

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 NA Number of spaces needed per code NA  
Number of spaces allocated for employee parking \_\_\_\_\_  
Dimensions of parking lot \_\_\_\_\_ Is parking lot paved? \_\_\_\_\_

13. Signage: What type of signage are you proposing for your business?  
NONE  
If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

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

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

  
Name Jana McBride Date NOV 6, 2020  
OWNERS  
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

Hello Village of Sussex Development Board

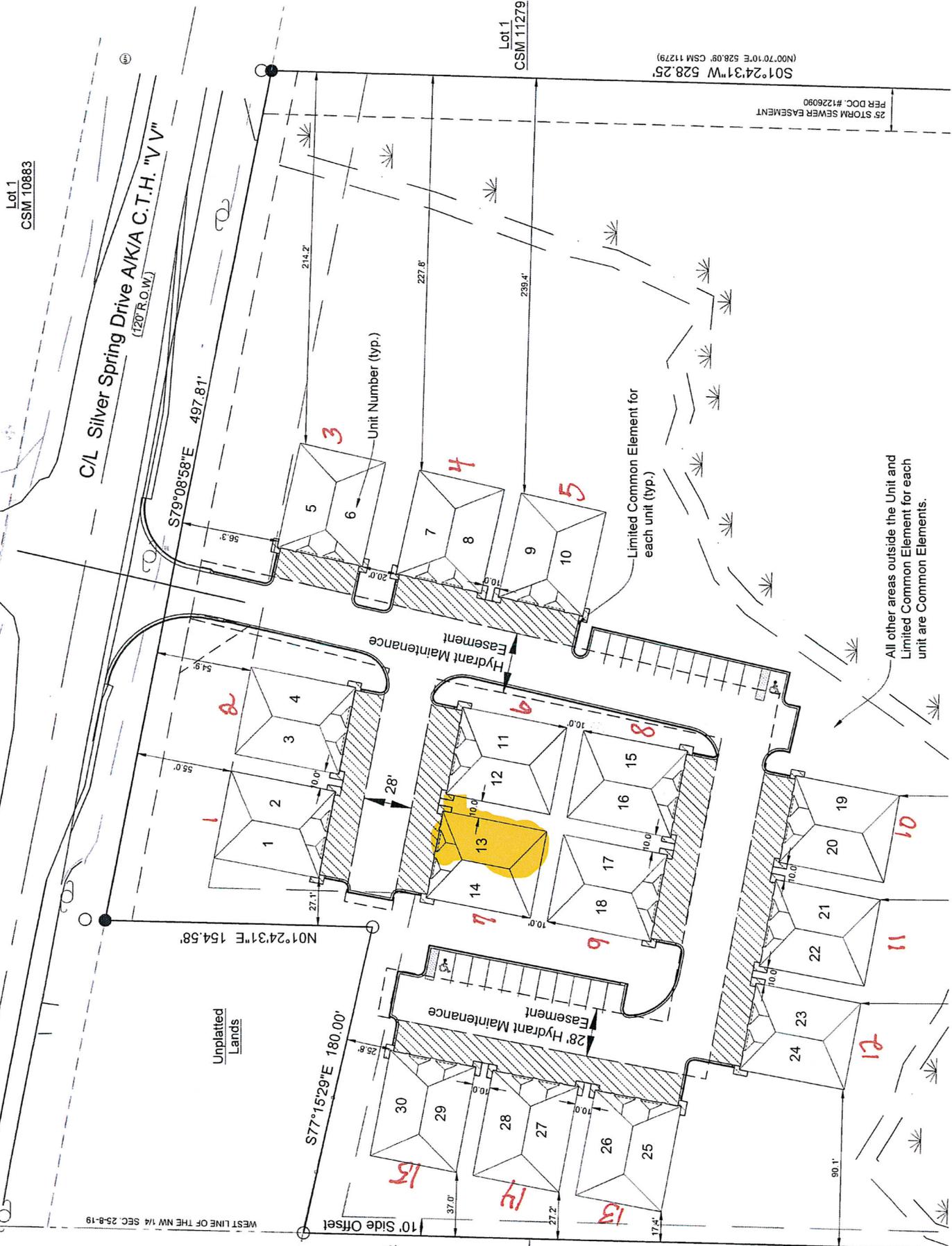
We are Paul and Jana McBride. We are purchasing a commercial condo from Venture Space to store, work on and maintain our cars. We are car enthusiasts currently restoring 1932 Fords and are also helping our son restore a 1990 Chevy truck. We also plan to store a 1970 Chevy truck once owned by Jana's father.

Our hobby has grown, I will be 63 years old in January and looking forward to retirement having the opportunity and space to pursue these interests. We are very happy the building is only miles from our home of 27 years.

Thank you  
Paul & Jana McBride  
Pandjmcb@gmail.com

Lot 1  
CSM 10883

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



Unplatted  
Lands

Lot 1  
CSM 10238

Lot 2  
CSM 10238

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

N01°24'31"E 154.58'

S77°15'29"E 180.00'

S79°08'58"E 497.81'

Lot 1  
CSM 11279

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

28' STORM SEWER EASEMENT  
PER DDC #1226090

Limited Common Element for  
each unit (typ.)

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

2021  
VILLAGE OF SUSSEX ORDER  
GRANTING A CONDITIONAL USE AND PRESCRIBING CONDITIONS FOR  
MICHAEL KAEREK  
USE OF INDOOR STORAGE FACILITY  
IN THE VILLAGE OF SUSSEX

WHEREAS, an application has been filed by Paul and Jana McBride to be owner of the subject property (hereinafter collectively “Petitioner”); and

WHEREAS, the Petitioner is requesting a conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for property at N60W22951 Silver Spring building 7 unit 13 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 January 19, 2021 and February 16, 2021 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 Subject Property is zoned M-1 Industrial District; and

WHEREAS, the Petitioner will have indoor storage facility for personal use or rental which may be permitted as a conditional use pursuant to Section 17.0506 (A)(5)(a) of the Village of Sussex Zoning Ordinance; and

WHEREAS, the Plan Commission finds the application is consistent with the M-1 Industrial District which 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 district; 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 indoor storage facility for personal use or rental as well as permitted and accessory uses set forth in Section 17.0422 M-1 Industrial 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 indoor storage facility 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 January 19, 2021 and February 16, 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-1.
  - D. Lighting Plan. The Petitioner shall maintain the existing lighting plan for the Subject Property on file with the Village Clerk
  - E. Signage Plan. The Petitioner must submit a signage plan for approval for the Subject Property. Once approved said signage plan shall be attached hereto and incorporated herein as **Exhibit C**.
  - 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 on file with the Village Clerk.
  - I. Architectural and Building Plan. The Petitioner shall comply with the specific Architectural and Building Plan for the Subject Property on file with the Village Clerk.
  - J. Outdoor Storage and Uses Plan. No outdoor storage is permitted.
- 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 30<sup>th</sup> 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 \_\_\_\_\_, 2021 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 \_\_\_\_\_, 2021

\_\_\_\_\_  
Paul McBride

\_\_\_\_\_  
Jana McBride

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.

Courtney Myhre  
N76W23784 Majestic Heights Trl  
Sussex, WI 53089

January 25, 2021

Village of Sussex  
Plan Commission  
N64W23760 Main Street  
Sussex, WI 53089

Good Day Kasey,

I am writing to request your consideration and approval of the pool house included in our pool and landscaping plan previously submitted by our pool builder, Bob's Pools. The pool house plans have already been reviewed and approved by the Majestic Heights Architectural Control Committee. I have emailed an electronic copy for your convenience.

The structure we plan to build is nearly identical in size to the one approved last year at W238N7651 Hidden Oaks Dr, Sussex. Our plan totals 416 sq ft and includes the following spaces:

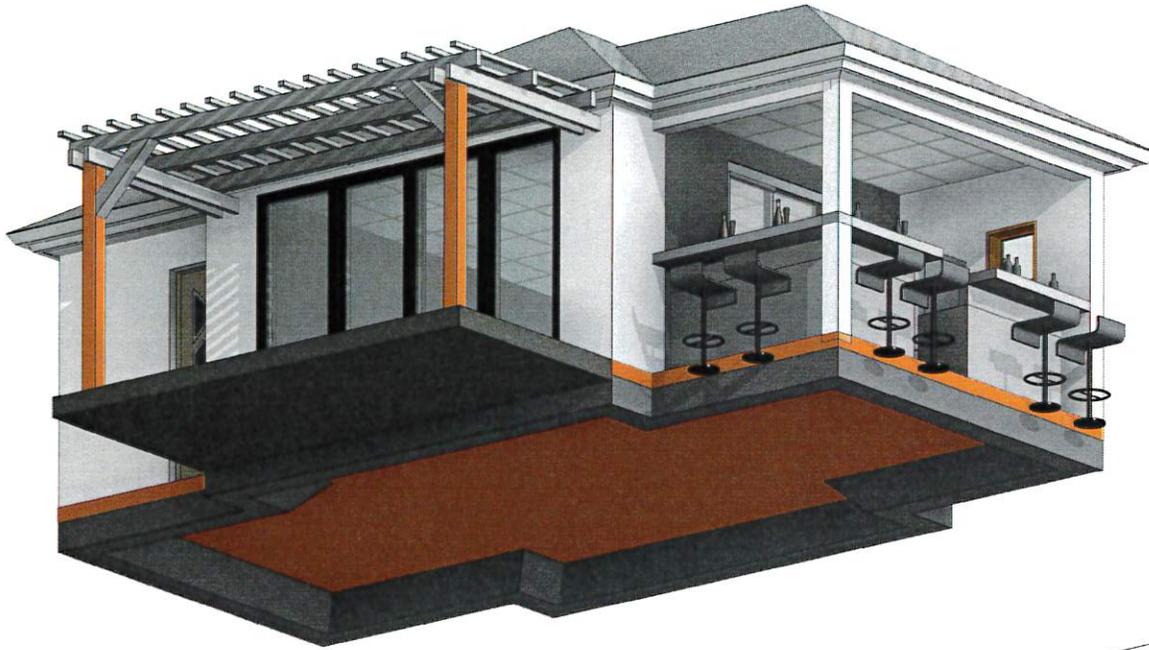
- Storage Space: 84 sq ft
- Enclosed Living Space: 240 sq ft
- Open Bar Space: 92 sq ft

The materials used would match those of our existing home (siding, stone, etc) per our ACC regulations. The pool house does not include sewer or water. As outlined above, a portion of the space will be used for storage of pool and lawn equipment, while the remaining space will be used for entertaining. Please note, we have decided to eliminate the attached pergola from the pool house plan. Due to the changes required to our pool plan by the village, we felt this would no longer compliment the overall plan. This does not impact any other aspect of the pool house plan (foundation or otherwise).

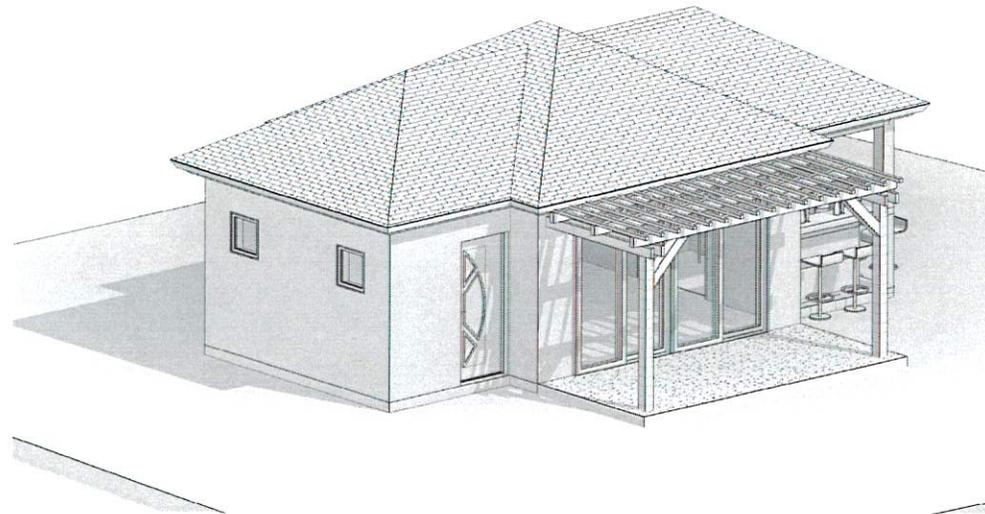
Per the instructions on the provided form, I will be dropping off the \$250 fee. Please feel to reach out with any questions or concerns. I can be reached at (414) 248-0162. We appreciate your consideration.

Thank you,

Courtney & Jonathan Myhre



1 {3D} Copy 4



2 {3D} Copy 2



Consultant  
Address  
Address  
Phone  
Fax  
e-mail

Consultant  
Address  
Address  
Phone  
Fax  
e-mail

Project Address  
## Street  
City, State Zip

No.	Description	Date

Owner

Project Name

**3D VIEW**

Project number	Project Number
Date	AUGUST 2020
Drawn by	Author
Checked by	Checker
<b>A107</b>	
Scale	

# Bernklau Surveying, Inc.

N60 W25864 Walnut Road

Sussex, WI 53089

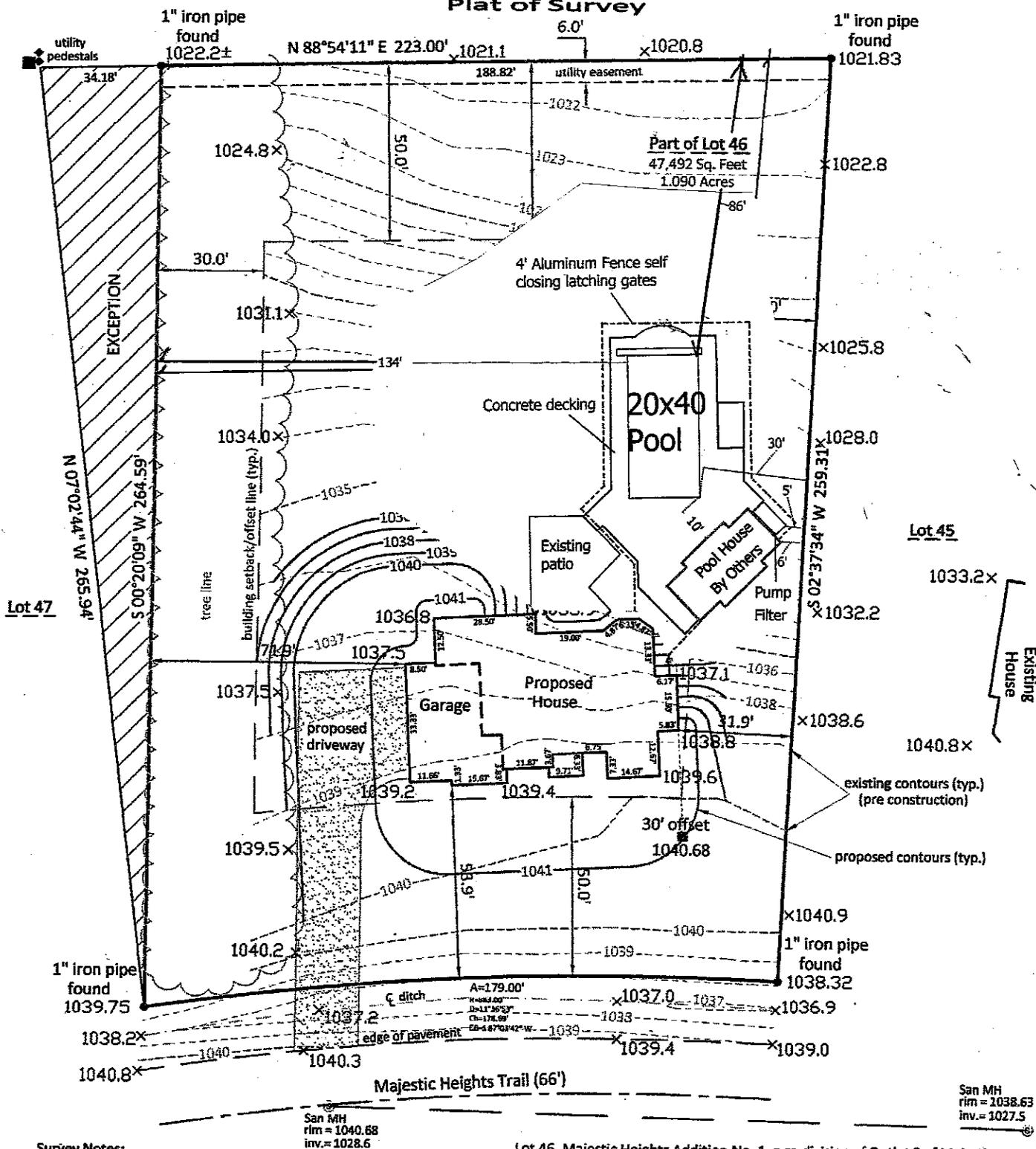
(262) 538-0708

www.bernklausurveying.com



SCALE 1" = 40'

## Plat of Survey



### Survey Notes:

Offsets shown to the proposed house foundation.

Any easements shown hereon are derived from the recorded Subdivision Plat or Certified Survey Map. This survey does not guarantee location or existence of any other easements that may be part of this property. A Title Policy was not provided to Bernklau Surveying, Inc.

Suggested yard grade = 1041.5/1032.5

Suggested top of foundation elevation = 1042.17

Suggested garage floor elevation = 1041.83

Suggested top of footing elevation = 1032.17 (9' wall)

Prepared for:  
Jeff Horwath Family Builders, Inc.  
1801 State Road 83  
Hartland, WI 53029

Owner: Myhre

KEVIN KRZ

Lot 46, Majestic Heights Addition No. 1, a re-division of Outlot 2 of Majestic Heights in the SE ¼ and the SW ¼ of the NW ¼ of Section 14, Town 8 North, Range 19 East, Village of Sussex, Waukesha County, Wisconsin.

### Excepting therefrom:

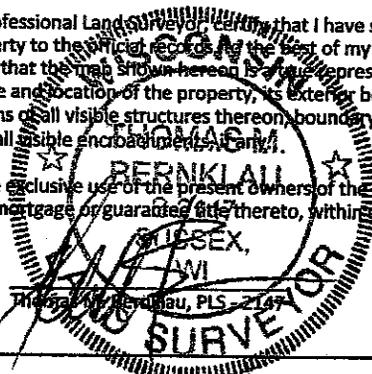
Commencing at the Southeast corner of Lot 47 of Majestic Heights Addition No. 1, also being the point of beginning of the lands hereinafter described:

Thence North 07° 02' 44" West along the original Easterly line of said Lot 47, 265.94 feet to the original Northeasterly corner of said Lot 47; thence North 88° 54' 11" East along the original Northerly line of Lot 46 of Majestic Heights Addition No. 1, 34.18 feet to a point being the new Northeast corner of said Lot 47; thence South 00° 20' 09" West, 264.59 feet to the point of beginning.

I, Thomas M. Bernklau, Professional Land Surveyor, certify that I have surveyed the above described property to the best of my knowledge and belief, and that the map shown hereon is a true representation thereof, and shows the size and location of the property, its external boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, and all visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property; also those who purchase, mortgage or guarantee title thereto, within one year hereof.

Date July 31, 2017  
Revised August 15, 2017



**FIRST AMENDMENT TO THE VENTURESPACE  
CONDOMINIUM ASSOCIATION – SUSSEX  
DECLARATION**

This First Amendment to the VentureSpace Condominium Association – Sussex Declaration (this “**First Amendment**”) is made this \_\_\_ day of \_\_\_\_\_, 2021.

**RECITALS:**

**WHEREAS**, the VentureSpace Condominium Association – Sussex Declaration was recorded by VentureSpace Condominium Association - Sussex, LLC, a Wisconsin limited liability company (“**Declarant**”), in the office of the Waukesha County, Wisconsin Register of Deeds on October 2, 2017 as Document Number 4302990 (the “**Declaration**”), which Declaration affects the real property described on Exhibit A, attached hereto and incorporated herein.

**WHEREAS**, capitalized terms used but not defined herein shall have their respective meanings assigned to them in the Declaration.

**WHEREAS**, the Unit Owners of the VentureSpace Condominium Association – Sussex, a condominium located in the Village of Sussex, Waukesha County, Wisconsin (the “**Condominium**”), and the Declarant wish to amend the Declaration to reflect the actual name of the Association as set forth in the Declaration.

**WHEREAS**, a requisite number of Unit Owners have consented to this First Amendment, the mortgagees of those consenting Unit Owners (as shown on the table attached as Exhibit B, which is incorporated herein by this reference) have consented to this First Amendment, and the Village of Sussex has consented to this First Amendment, all as required under the Declaration and applicable law.

**NOW, THEREFORE**, the Declaration shall be, and the same hereby is, amended in the following manner:

1. Recitals. The above Recitals are hereby incorporated herein.
2. Name of Association.

(a) The second sentence of Section 13 of the Declaration (Association of Unit Owners) is hereby amended and restated as follows:

Tax Parcel Identification  
Numbers: See Exhibit A

**RETURN TO:**

Michelle E. Martin, Esq.  
Axley Brynelson, LLP  
N20 W22961 Watertown Road  
Waukesha, WI 53186

“This Association shall be known as COMMERCIAL CONDO OWNERS ASSOCIATION SUSSEX, INC., a Wisconsin non-stock corporation (the “Association”).”

(b) All references to the “Association” throughout the Declaration shall be deemed to refer to the entity identified as the Association in this Section 2 of this First Amendment, and such entity shall be the Association of the Condominium.

3. Association. The President of the Association has been authorized to execute this First Amendment on behalf of the Unit Owners who have consented to the adoption of this First Amendment.

4. Counterparts. This First Amendment may be executed in any number of counterparts with all counterparts together forming but a single instrument. Copies of signatures on this First Amendment will have the same force and effect as original signatures.

This Instrument Drafted By:  
Attorney S. Conor Leedom  
Axley Brynson, LLP  
N20 W22961 Watertown Road  
Waukesha, WI 53186  
(262) 409-2286

[Signature Pages Follow Next]

**ASSOCIATION:**

COMMERCIAL CONDO OWNERS  
ASSOCIATION SUSSEX, INC.,  
a Wisconsin non-stock corporation

By: *Daniel Marks*  
Name: Daniel Marks  
Title: President



**ACKNOWLEDGMENT**

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF WAUKESHA    )

Personally came before me this 27<sup>th</sup> day of January, 2021, Daniel Marks, to me known to be the President of Commercial Condo Owners Association Sussex, Inc., a Wisconsin non-stock corporation, and to be the person who executed this instrument and acknowledged the same.

*S. Conor Leedom*  
Print Name: S. Conor Leedom  
Notary Public, State of Wisconsin  
My commission: is permanent

IN WITNESS WHEREOF, this First Amendment has been made and executed as of the date first written above.

DECLARANT:

VENTURESPACE CONDOMINIUM  
ASSOCIATION - SUSSEX, LLC,  
a Wisconsin limited liability company

By: Daniel Marks  
Name: Daniel Marks  
Title: Managing Member



ACKNOWLEDGMENT

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF WAUKESHA    )

Personally came before me this 27<sup>th</sup> day of January, 2021, Daniel Marks, to me known to be the Managing Member of VentureSpace Condominium Association - Sussex, LLC, a Wisconsin limited liability company, and to be the person who executed this instrument and acknowledged the same.

Sean Conor Leedom  
Print Name: S. Conor Leedom  
Notary Public, State of Wisconsin  
My commission: is permanent

**CONSENT OF MORTGAGEE**

Bank First, N.A., mortgagee under the Real Estate Mortgage dated October 26, 2018 and granted by VentureSpace Condominium Association - Sussex, LLC, which mortgage was recorded in the Office of the Register of Deeds for Waukesha County, Wisconsin as Document Number 4368597 ("Mortgage"), does hereby consent to and approve the foregoing First Amendment to the VentureSpace Condominium Association – Sussex Declaration.

Dated: Jan. 25, 2021

BANK FIRST, N.A.

By: [Signature]  
Name: THOMAS A. EVENSEN  
Title: VP Commercial Banking

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF Jefferson )

Personally came before me this 25<sup>th</sup> day of January, 2021, the above-named Thomas Evensen (name), the Market President (title), for Bank First, N.A., to me known to be the person who executed the foregoing instrument by its authority and acknowledged the same.

Kathleen L. Schleicher  
Print Name: Kathleen L. Schleicher  
Notary Public, State of Wisconsin  
My commission: 12-01-2023



**EXHIBIT A**

**Legal Description:**

Units 1-30, together with an undivided interest in and to the common elements and facilities set forth in the declaration of condominium for VentureSpace Condominium Association - Sussex, a condominium declared and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin, according to the declaration of condominium recorded in the Office of the Register of Deeds on October 2, 2017 as Document No. 4302990 and as amended. Located in the Village of Sussex, Waukesha County, Wisconsin.

**Parcel #s:**

Unit 3: SUXV0242997021

Unit 4: SUXV0242997022

Unit 5: SUXV0242997019

Unit 6: SUXV0242997020

Unit 7: SUXV0242997007

Unit 8: SUXV0242997008

Unit 9: SUXV0242997009

Unit 10: SUXV0242997010

Unit 19: SUXV0242997023

Unit 20: SUXV0242997024

Unit 23: SUXV0242997011

Unit 24: SUXV0242997012

Unit 25: SUXV0242997013

Unit 26: SUXV0242997014

Unit 27: SUXV0242997015

Unit 28: SUXV0242997016

Unit 29: SUXV0242997017

Unit 30: SUXV0242997018

Units 1, 2, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22 are all still under parent parcel  
SUXV0242997006

**EXHIBIT B**  
**Consenting Units and Their First Mortgagees**

<b><u>Unit Number</u></b>	<b><u>Consent to First Amendment</u></b>	<b><u>Consent of Mortgagee</u></b>
1	Yes	Yes (Bank First, N.A.)
2	Yes	Yes (Bank First, N.A.)
3	Yes	Unit Not Mortgaged
7	Yes	Unit Not Mortgaged
8	Yes	Unit Not Mortgaged
10	Yes	Unit Not Mortgaged
11	Yes	Yes (Bank First, N.A.)
12	Yes	Yes (Bank First, N.A.)
13	Yes	Yes (Bank First, N.A.)
14	Yes	Yes (Bank First, N.A.)
15	Yes	Yes (Bank First, N.A.)
16	Yes	Yes (Bank First, N.A.)
17	Yes	Yes (Bank First, N.A.)
18	Yes	Yes (Bank First, N.A.)
19	Yes	Yes (Bank First, N.A.)
20	Yes	Unit Not Mortgaged
21	Yes	Yes (Bank First, N.A.)
22	Yes	Yes (Bank First, N.A.)
23	Yes	Unit Not Mortgaged
24	Yes	Unit Not Mortgaged
25	Yes	Unit Not Mortgaged
26	Yes	Unit Not Mortgaged
30	Yes	Unit Not Mortgaged

PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL

The undersigned, constituting 100 percent of owners of the following described territory located in the Town of Lisbon, Waukesha County, Wisconsin, lying contiguous to the Village of Sussex, petition the Honorable Village President and Village Board of said Village to annex the territory described below and shown on the attached map, as permitted by Chapter 66, Wis. Stats., to the Village of Sussex, Waukesha County, Wisconsin.

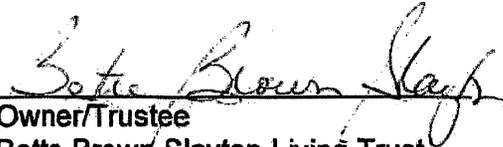
A parcel of land located in the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 33, Township 8 North, Range 19 East, in the Town of Lisbon, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the North 1/4 corner of said Section 33; thence North 89°54'44" East, 202.50 feet along the north line of the Northeast 1/4 of said Section to the point of beginning; continuing thence North 89°54'44" East, 1121.77 feet along said north line to the northerly extension of the west line of Lot 1 of Certified Survey Map No. 11793; thence South 0°33'24" West, 2597.67 feet along the west line of said Lot 1 of Certified Survey Map No. 11793 and the west line of Lot 3 of Certified Survey Map No. 11854 to the north line of C.T.H. "K" (Lisbon Road); thence South 89°53'56" West, 1318.13 feet along said north line to the west line of said Northeast 1/4 of Section 33; thence North 0°25'16" East, 2133.04 feet along said west line to the south line of Lot 1 of Certified Survey Map No. 7620; thence North 89°54'44" East, 282.00 feet along said south line to the easterly line of said Lot 1; thence North 14°09'16" West, 185.54 feet along said easterly line; continuing thence North 6°09'16" West, 286.49 feet along said easterly line to the point of beginning.

Containing 3,323,110 square feet (76.288 acres), more or less.

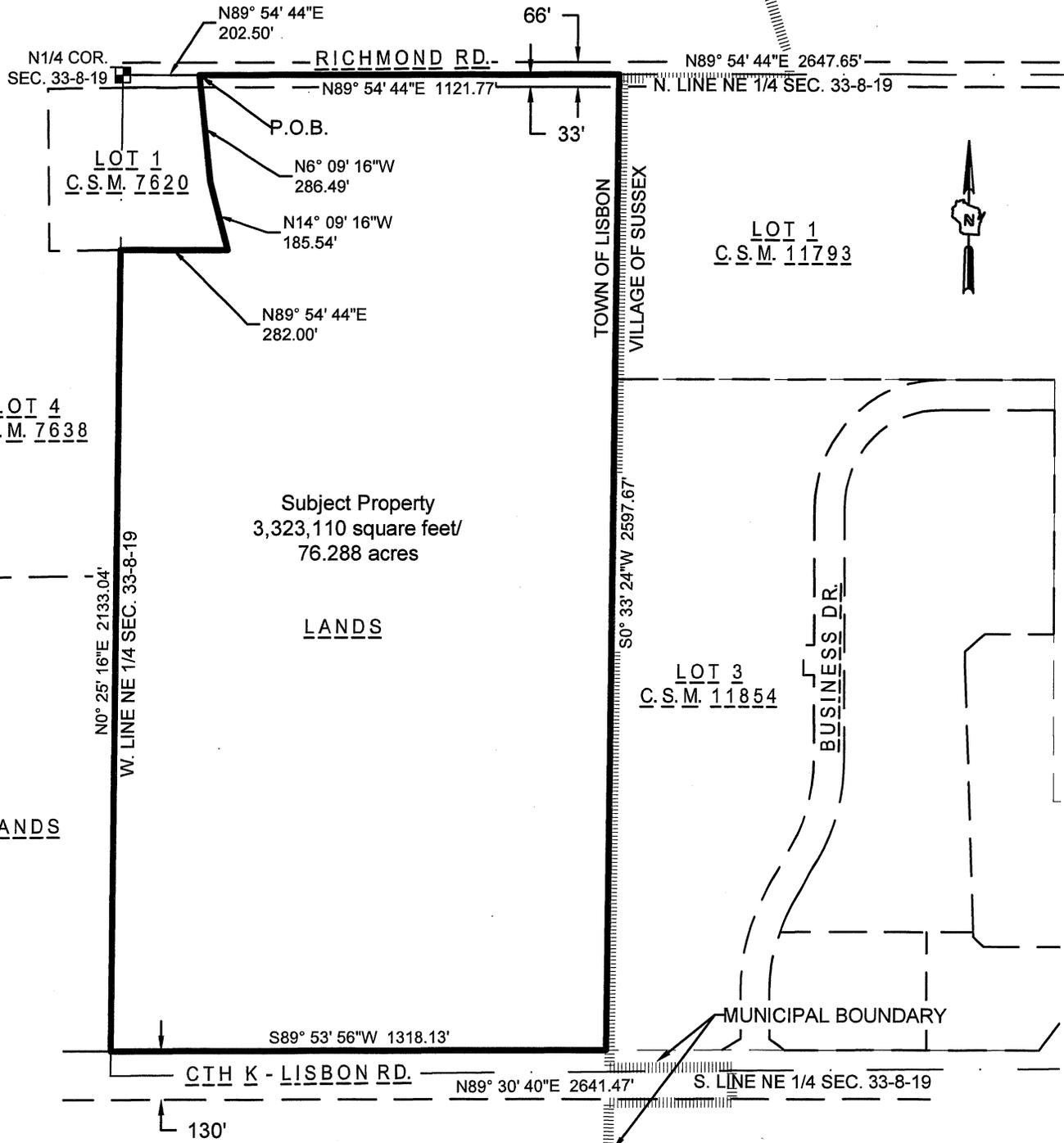
There are no persons residing in the territory.

Dated this 23 day of ~~November, 2020~~ <sup>JANUARY, 2021</sup>

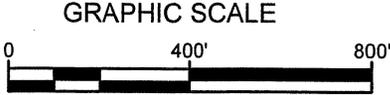
  
Owner/Trustee  
Bette Brown Slayton Living Trust  
2272 Dibert Rd.  
Bedford, PA 15522-8221

Tax ID No.: LSBT0273998

Property Address per Tax Roll: N55W25299 Richmond Road, Lisbon, WI



Bearings are referenced to the West line of the Northeast 1/4 of Section 33 T.8N., R.19E. which bears N.00°25'16"E. and is referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone, NAD27.



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

### Proposed Annexation to the Village of Sussex

A parcel of land located in the NW 1/4 and SW 14 of the NE 1/4 of Section 33, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin

DATE: 11-02-2020	19757 ANNEXATION.DWG	B.M.R.
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# Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration  
Municipal Boundary Review  
PO Box 1645, Madison WI 53701  
608-264-6102 Fax: 608-264-6104  
[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
<http://doa.wi.gov/municipalboundaryreview>

## Petitioner Information

Name: **BETTE BROWN SLAYTON LIVING TRUST**

Address: **N55W25299 RICHMOND ROAD**

**LISBON, WI 53089**

Email: **BSLAYTON@BCDA.ORG**

## Office use only:

Petitioners phone:

**814-977-2435**

Town clerk's phone:

**262-246-6100 X 1001**

City/Village clerk's phone:

**262-246-5200**

1. Town where property is located: **LISBON**

2. Petitioned City or Village: **SUSSEX**

3. County where property is located: **WAUKESHA**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **76.288**

6. Tax parcel number(s) of territory to be annexed  
(if the territory is part or all of an existing parcel): **LSBT0273998**

## Contact Information if different than petitioner:

Representative's Name and Address:

**MATT MORONEY, JD**

**WANGARD PARTNERS, INC.**

**1200 N MAYFAIR ROAD, SUITE 310**

**MILWAUKEE, WI 53226**

Phone: **1-414-510-1560**

E-mail: **MMORONEY@WANGARD.COM**

Surveyor or Engineering Firm's Name & Address:

**THE SIGMA GROUP**

**1300 W CANAL STREET**

**MILWAUKEE, WI 53233**

**ATTN: BAIBA ROZITE**

Phone: **1-414-643-4171**

E-mail: **BROZITE@THESIGMAGROUP.COM**

## Required Items to be provided with submission (to be completed by petitioner):

- Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- Signed Petition or Notice of Intent to Circulate is included
- Indicate Statutory annexation method used:
  - Unanimous per s. 66.0217 (2), or,  
OR
  - Direct by one-half approval per s. 66.0217 (3)
- Check or money order covering review fee [see next page for fee calculation]

# Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

## Required Fees

There is an initial filing fee and a variable review fee

**\$350 Initial Filing Fee** (required with the first submittal of all petitions)  
\$200 – 2 acres or less  
\$350 – 2.01 acres or more

**\$1000 Review Fee** (required with all annexation submittals except those that consist ONLY of road right-of-way)  
\$200 – 2 acres or less  
\$600 – 2.01 to 10 acres  
\$800 – 10.01 to 50 acres  
\$1,000 – 50.01 to 100 acres  
\$1,400 – 100.01 to 200 acres  
\$2,000 – 200.01 to 500 acres  
\$4,000 – Over 500 acres

**\$1350 TOTAL FEE DUE** (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: Department of Administration

THE DEPARTMENT WILL NOT PROCESS  
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED  
BY THE REQUIRED FEE.

THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD  
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE

Shaded Area for Office Use Only

Date fee received: \_\_\_\_\_

Payee: \_\_\_\_\_ Check Number: \_\_\_\_\_

Check Date: \_\_\_\_\_

Amount: \_\_\_\_\_

## ANNEXATION SUBMITTAL GUIDE

### s. 66.0217 (5) THE PETITION

- State the purpose of the petition:
  - Direct annexation by unanimous approval; OR
  - Direct annexation by one-half approval; OR
  - Annexation by referendum.
  
- Petition must be signed by:
  - All owners and electors, if by unanimous approval.
  - See 66.0217 (3) (a), if by one-half approval.
  - See 66.0217 (3) (b), if by referendum.
  
- State the population of the land to be annexed.

*[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]*

### s. 66.0217 (1) (c) THE DESCRIPTION

The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR

If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.

The land may NOT be described only by:

- Aliquot part;
- Reference to any other document (plat of survey, deed, etc.);
- Exception or Inclusion;
- Parcel ID or tax number.

### s. 66.0217 (1) (g) THE MAP

The map shall be an *accurate reflection* of the legal description of the parcel being annexed. As such, it must show:

- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
- Bearings and distances along all parcel boundaries as described.
- All adjoining as referenced in the description.

The map must include a **graphic scale**.

The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

*[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]*

### s. 66.0217 FILING

The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.

If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).

If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

*[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]*



**Mark C. Lake, AICP, CRRP, CDP**  
Vice President of Planning &  
Development

(414) 935-4014 direct  
(262) 366-3627 cell  
mlake@wangard.com

Wangard  
1200 North Mayfair Road  
Suite 310  
Milwaukee, WI 53226

(414) 777-1200 main  
[www.wangard.com](http://www.wangard.com)



**Matt Moroney, JD**  
Chief Operating Officer &  
General Counsel

(414) 231-8632 direct  
(414) 510-1560 cell  
mmoroney@wangard.com

Wangard  
1200 North Mayfair Road  
Suite 310  
Milwaukee, WI 53226

(414) 777-1200 main  
[www.wangard.com](http://www.wangard.com)

**ORDINANCE 874****APPROVING THE DIRECT ANNEXATION OF PROPERTY  
WITHIN THE TOWN OF LISBON TO THE VILLAGE OF SUSSEX**

WHEREAS, the Village of Sussex has received a petition for direct annexation by unanimous approval in accordance with §66.0217 (2), from property owner Bette Brown Slayton Living Trust, hereinafter collectively referred as “Petitioner”, owner of the property located at N55W25299 Richmond Road Tax Key No. LSBT0273998, as shown on the attached petition, legal description and map, and;

WHEREAS, the Village Clerk reviewed the petition and the property description and verified that the application has meet all the requirements of submission and has been submitted to the Wisconsin Department of Administration Municipal Boundary review and;

WHEREAS, the petition was received and reviewed by the Wisconsin Department of Administration, hereinafter “Department” and the Village Board after waiting at least 20 days to receive commentary from said Department, reviewed and considered the comments from the Department and enacted this Ordinance by a two thirds vote, and;

WHEREAS, it is anticipated that the property is or will be acquired by WP Property Acquisitions, LLC and any development to the property will require extending public utilities which shall be done in accordance with Village practices, policies and procedures, and

WHEREAS, being that this land does not have a Land Use designation and the current use of this property in the Town of Lisbon is agricultural the Village of Sussex Plan Commission has recommended to the Village Board a temporary zoning of the property as Agricultural District A-1, and;

THEREFORE BE IT ORDAINED that the Village Board of the Village of Sussex finds that the subject land meets the applicable requirements for a direct annexation by unanimous approval and directs the Village Clerk to forward a certified copy of this Ordinance to the Town of Lisbon Clerk and Department of Administration.

BE IT FURTHER ORDAINED that this property is placed in Ward 8.

BE IT FURTHER ORDAINED that this property is temporarily zoned A-1 Agricultural District all hereto and incorporated herein.

BE IT FINALLY ORDAINED, as part of this annexation to the Village said property owner is now placed on notice that there may be advanced utility work, the costs and obligations of the same, the public purpose for said work and acknowledges the same.

Dated this \_\_\_ day of \_\_\_\_\_, 2021.

---

Anthony LeDonne  
Village of Sussex President

Attest: \_\_\_\_\_

Sam E. Liebert  
Village Clerk

**GENERAL NOTES:**

- - Indicates found 1.27" outside diameter Reinforcing Bar (unless otherwise noted). All other Lot and Outlot corners are staked with 0.750" outside diameter x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- - Indicates found 0.75" outside diameter Reinforcing Bar
- All linear measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to nearest second and computed to the nearest half-second.
- All bearings are referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the N.W. 1/4 of Section 35, Town 8 North, Range 19 East, bears North 89°05'02" East.
- The 40' wide Landscape Easements per "Johanssen Farms" Subdivision along Maple Avenue is granted to each individual Lot Owner within this Subdivision, "Johanssen Farms" Subdivision and "Johanssen Farms Addition No. 1" Subdivision. The Owners of the residential Lots within this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore the landscaping within said Landscape Easement. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision.
- The Landscape Island Easement per "Johanssen Farms Subdivision" is granted to each individual Lot Owner within this Subdivision, "Johanssen Farms" Subdivision and "Johanssen Farms Addition No. 1" Subdivision. The Owners of the residential Lots within this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore the landscaping within said Landscape Island Easement. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision.
- Private Drainage Easements granted to Owners of the Lots within this Subdivision are established to provide for the unobstructed flow of Stormwater runoff from adjacent and upstream properties. Owners of Lots on which these Private Drainage Easements exist shall be responsible for keeping these areas free of any obstructions or grade alterations that may restrict or divert this flow.
- The public storm sewer, sidewalk, watermain, access, and stormwater easements are hereon granted to the Village of Sussex per the Public Easement Provisions stated on this final plat.

**PUBLIC EASEMENT PROVISIONS:**

Permanent non-exclusive easements granted to the Village of Sussex ("Village") upon, within, and beneath the land identified on this final plat as:

- (A) - "Existing 20' Wide Public Storm Sewer Easement"
  - (B) - "Existing 11' Wide Public Sidewalk Easement"
  - (D) - "Existing 30' Wide Public Access and Watermain Easement"
- Purpose:** The purpose of these Easements is to:
    - Existing 20' Wide Public Storm Sewer Easement:**
      - Install, operate, maintain, and replace underground storm sewer utility facilities, together with all necessary and appurtenant equipment under and above the ground as deemed necessary by the Village, all to transmit storm water.
      - Surface storm water conveyance.
    - Existing 11' Wide Public Sidewalk Easement:**
      - Construct, maintain, repair, and replace pedestrian sidewalks depicted in the final plat.
    - Existing 30' Wide Public Access and Watermain Easement:**
      - Install, operate, maintain, and replace underground water utility facilities, together with all necessary and appurtenant equipment under and above the ground as deemed necessary by the Village, all to transmit municipal water.
      - Construct, maintain, repair, and replace pedestrian sidewalks depicted in the final plat. Trees, bushes, branches, and roots may be trimmed or removed so as not to interfere with the Village's use of the easement areas.
  - Access:** The Village, and its employees, agents, and independent contractors shall have the right to enter upon the easement area for the purpose of exercising its rights in the easement area.
    - The general public shall have the right to traverse the "11' Wide Public Sidewalk Easement" and "30' Wide Public Access and Watermain Easement" areas for use as a public sidewalk.
  - Buildings and Other Structures:** The land owner agrees that no structures will be erected in the easement area, or in such close proximity to the facilities, such as to prevent the Village from exercising its rights under this easement.
  - Elevation:** The land owner agrees that the elevation of the existing ground surface within the easement area will not be altered by more than four (4) inches without the written consent of the Village.
  - Restoration:** The Village agrees to restore or cause to have restored the land owner's land to grade and replace sod or grass disturbed. This restoration, however, does not apply to the initial installation or to any trees, bushes, branches, or roots which may interfere with the Village's use of the easement area.
  - Exercise of Rights:** It is agreed that the complete exercise of rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
  - These Easement shall run with the land and shall be binding upon and inure to the benefit of and be enforceable by the land owner and the Village and their respective heirs, personal representatives, successors and assigns.

**BASEMENT RESTRICTION - GROUNDWATER NOTE:**

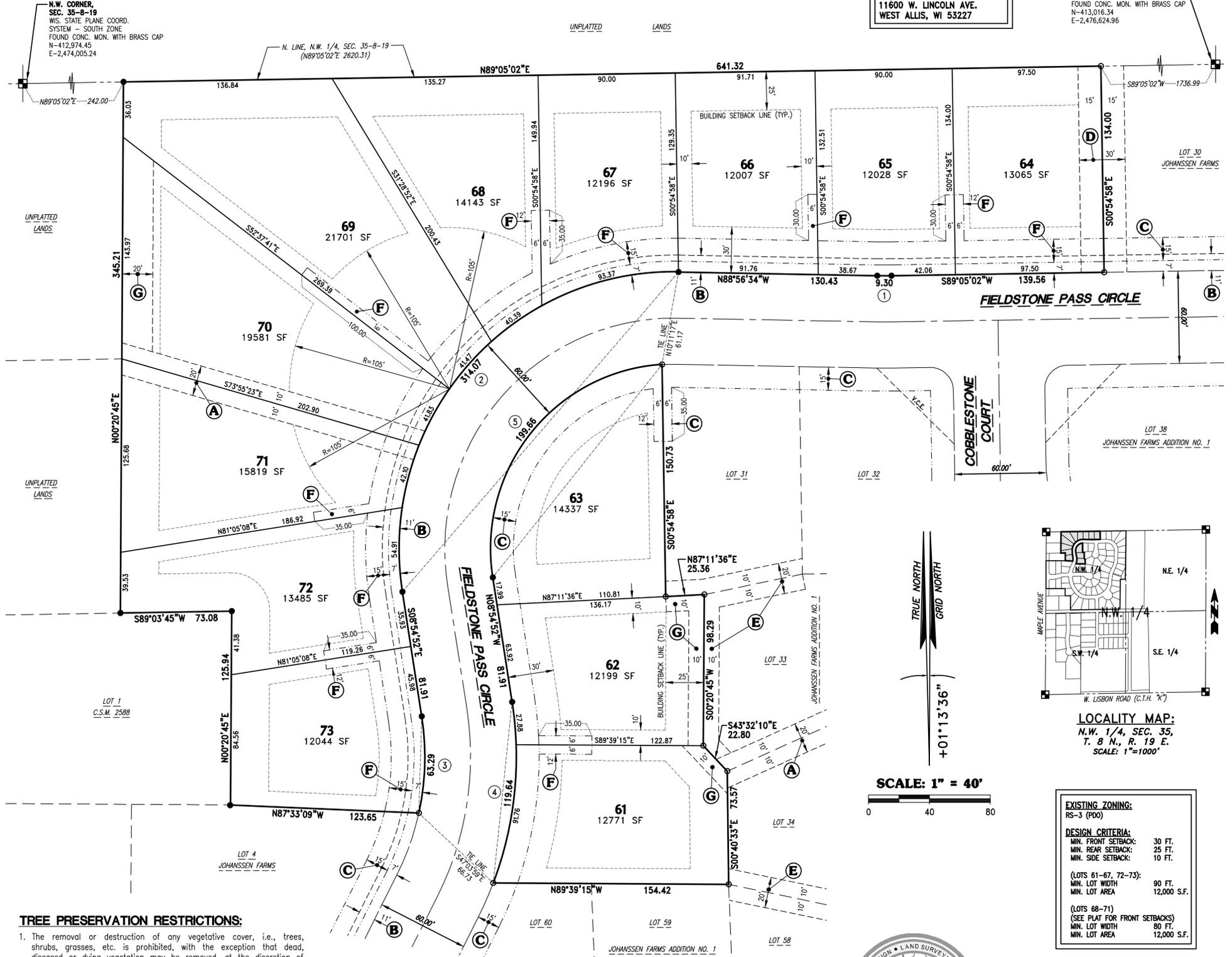
Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions that, due to the possible presence of groundwater near the surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that a licensed professional engineer design a basement and foundation that will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that other special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

**BASEMENT RESTRICTION - BEDROCK NOTE:**

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions which, due to the possible presence of bedrock near the ground surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert be consulted regarding the construction of basements in these areas where bedrock may be present near the ground surface. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

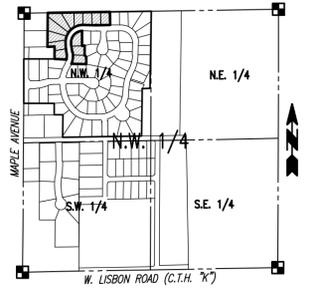
# JOHANSSSEN FARMS ADDITION NO. 2

BEING A REDIVISION OF ALL OF OUTLOT 2 OF "JOHANSSSEN FARMS" AND OUTLOT 4 OF "JOHANSSSEN FARMS ADDITION NO. 1", BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

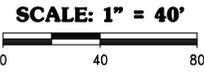


**OWNER:**  
 MK/S-EP  
 11600 W. LINCOLN AVE.  
 WEST ALLIS, WI 53227

N. 1/4 CORNER,  
 SEC. 35-8-19  
 WIS. STATE PLANE COORD.  
 SYSTEM - SOUTH ZONE  
 FOUND CONC. MON. WITH BRASS CAP  
 N=413,016.34  
 E=2,476,624.96



**LOCALITY MAP:**  
 N.W. 1/4, SEC. 35,  
 T. 8 N., R. 19 E.  
 SCALE: 1"=1000'



4100 N. Calhoun Road  
 Suite 300  
 Brookfield, WI 53005  
 Phone: (262) 790-1480  
 Fax: (262) 790-1481

**EASEMENT LEGEND:**

- (A) - EXISTING 20' WIDE PUBLIC STORM SEWER EASEMENT
- (B) - EXISTING 11' WIDE PUBLIC SIDEWALK EASEMENT
- (C) - EXISTING UTILITY EASEMENT AREA
- (D) - EXISTING 30' WIDE PUBLIC ACCESS AND WATERMAIN EASEMENT
- (E) - EXISTING PRIVATE DRAINAGE EASEMENT
- (F) - UTILITY EASEMENT AREA
- (G) - PRIVATE DRAINAGE EASEMENT

**TREE PRESERVATION RESTRICTIONS:**

- The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc. is prohibited, with the exception that dead, diseased or dying vegetation may be removed, at the discretion of the landowner and with approval from the municipality in which this land is located. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the municipality in which this land is located, shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved residence or accessory building, shall be permitted only when the access or service cannot be located outside of the Tree Preservation Easement and with the approval of the municipality in which this land is located.
- Grading, filling and removal of topsoil or other earthen material are prohibited unless specifically authorized by the municipality in which this is located.
- The introduction of plant material not indigenous to the existing environment is prohibited unless specifically authorized by the municipality.

**EXISTING ZONING:**  
 RS-3 (PDO)

**DESIGN CRITERIA:**

MIN. FRONT SETBACK:	30 FT.
MIN. REAR SETBACK:	25 FT.
MIN. SIDE SETBACK:	10 FT.

(LOTS 61-67, 72-73):  
 MIN. LOT WIDTH 80 FT.  
 MIN. LOT AREA 12,000 S.F.

(LOTS 68-71)  
 (SEE PLAT FOR FRONT SETBACKS)  
 MIN. LOT WIDTH 80 FT.  
 MIN. LOT AREA 12,000 S.F.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration

# JOHANSSON FARMS ADDITION NO. 2

BEING A REDIVISION OF ALL OF OUTLOT 2 OF "JOHANSSON FARMS" AND OUTLOT 4 OF "JOHANSSON FARMS ADDITION NO. 1", BEING LOCATED IN A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

## CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

MK/S-EP, a Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said Company has caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. I also certify that this plat is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection.

APPROVING AGENCIES: AGENCIES WHO MAY OBJECT:  
 1. Village of Sussex 1. State of Wisconsin, Department of Administration  
 2. Waukesha County, Department of Parks and Land Use

Witness the hand and seal of said Owner this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MK/S-EP

Michael Kaerek, President

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named Michael Kaerek, President of the above named Company, to me known to be the person who executed the foregoing instrument, and to me known to be such President of said Company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Company, by its authority.

Print Name: \_\_\_\_\_  
 Public, \_\_\_\_\_ County, WI  
 My Commission Expires: \_\_\_\_\_

## CONSENT OF CORPORATE MORTGAGEE:

TRI CITY NATIONAL BANK, a corporation duly organized and existing by virtue of the laws of the State of Wisconsin, Mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this Plat, and does hereby consent to the above certificate of MK/S-EP, owner, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

TRI-CITY NATIONAL BANK

Luke Baryenbruch, Business Development Officer II

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named Luke Baryenbruch, Business Development Officer II, of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Business Development Officer II of said corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Print Name: \_\_\_\_\_  
 Public, \_\_\_\_\_ County, WI  
 My Commission Expires: \_\_\_\_\_

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration




**TRIO**  
 4100 N. Calhoun Road  
 Suite 300  
 Brookfield, WI 53005  
 Phone: (262) 790-1480  
 Fax: (262) 790-1481

## CERTIFICATE OF VILLAGE TREASURER:

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF WAUKESHA)

I, Sam Liebert, being duly appointed, qualified and acting Treasurer of the Village of Sussex, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ on any of the land included in the Plat of "JOHANSSON FARMS ADDITION NO. 2".

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

Sam Liebert, Village Treasurer

## VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved that the Plat of "JOHANSSON FARMS ADDITION NO. 2", in the Village of Sussex, MK/S-EP, owner, is hereby approved by the Village Board.

All conditions have been met as of this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

Anthony J. LeDonne, Village President

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

Sam Liebert, Village Clerk

## CERTIFICATE OF COUNTY TREASURER:

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF WAUKESHA)

I, Pamela F. Reeves, being duly elected, qualified and acting Treasurer of the County of Waukesha, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ on any of the land included in the Plat of "JOHANSSON FARMS ADDITION NO. 2".

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

Pamela F. Reeves, County Treasurer

## CURVE TABLE:

NO.	LOT(S)	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
1	65	270.00	1°58'24"	9.30	9.30	S89°55'46"E	S88°56'34"E	N89°05'02"E
2	TOTAL	180.00	99°58'18"	314.07	275.72	S41°04'17"W	N88°56'34"W	S08°54'52"E
	67	180.00	29°43'13"	93.37	92.33	S76°11'49.5"W	N88°56'34"W	S61°20'13"W
	68	180.00	12°51'29"	40.39	40.31	S54°54'28.5"W	S61°20'13"W	S48°28'44"W
	69	180.00	13°11'59"	41.47	41.38	S41°52'44.5"W	S48°28'44"W	S35°16'45"W
	70	180.00	13°18'52"	41.83	41.73	S28°37'19"W	S35°16'45"W	S21°57'53"W
	71	180.00	13°23'58"	42.10	42.00	S15°15'54"W	S21°57'53"W	S08°33'55"W
	72	180.00	17°28'47"	54.91	54.70	S00°10'28.5"E	S08°33'55"W	S08°54'52"E
3	73	170.00	21°19'51"	63.29	62.93	N01°45'03.5"E	N12°24'59"E	N08°54'52"W
4	TOTAL	230.00	29°48'13"	119.64	118.30	N05°26'30"W	N20°53'21"E	N08°54'52"W
	61	230.00	22°51'29"	91.76	91.15	N09°27'36.5"E	N20°53'21"E	N01°58'08"W
	62	230.00	6°56'44"	27.88	27.86	N05°26'30"W	N01°58'08"W	N08°54'52"W
5	63	120.00	95°19'55"	199.66	177.42	S38°45'05.5"W	S86°25'03"W	S08°54'52"E

## SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN )  
 ) SS  
 COUNTY OF WAUKESHA)

I, Grady L. Gosser, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided, and mapped a redivision of all of Outlot 2 of "Johanssen Farms", recorded in the Office of the Register of Deeds for Waukesha County on December 20, 2017, in Book 54 of Subdivision Plats, at Pages 309 through 312 inclusive, as Document No. 4316661, and all of Outlot 4 of "Johanssen Farms Addition No. 1", recorded in the Office of the Register of Deeds for Waukesha County on January 29, 2018, in Book 54 of Subdivision Plats, at Pages 339 through 340 inclusive, as Document No. 4322639, being located in a part of the Northwest 1/4 of the Northwest 1/4 of Section 35, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin.

Said Parcels contain 185,375 Square Feet (or 4.2556 Acres) of land, more or less.

That I have made such survey, land division and map by the direction of MK/S-EP, owner of said lands.

That such 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 the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Sussex, Waukesha County, Wisconsin in surveying, dividing and mapping the same.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

Grady L. Gosser, P.L.S.  
 Professional Land Surveyor, S-2972  
 TRIO ENGINEERING, LLC  
 4100 N. Calhoun Road, Suite 300  
 Brookfield, WI 53005  
 Phone: (262) 790-1480  
 Fax: (262) 790-1481

## UTILITY EASEMENT PROVISIONS:

An easement for electric, natural gas, and communications service is hereby granted by

MK/S-EP, Grantor, to

WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies and WISCONSIN BELL, INC. doing business as AT&T Wisconsin, a Wisconsin corporation, and CHARTER COMMUNICATIONS OPERATING, LLC, a Delaware limited liability company, Grantee, AND

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as Utility Easement Areas and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked Utility Easement Areas without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

## ORDINANCE NO. 875

AN ORDINANCE TO  
REPEAL AND RECREATE SUB SECTION 17.0704 A. 2. REGARDING  
ACCESSORY USE AND STRUCTURES REGULATIONS  
OF THE VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission appointed a work group to review shed sizes in the RS-4 Residential District and to make a recommendation; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.0700 Modifications to repeal and recreate Sub Section 17.0704 A. 2. regarding Accessory Use and Structures Regulations; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on \_\_\_\_\_, 2021, 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.** Sub Section 17.0704 A. 2. regarding Accessory Use and Structures Regulations is hereby repealed and recreated to read as follows:

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. Any structure greater than 250 square feet must be on a concrete pad.

In the RS-4 district an accessory building shall not exceed 400 square feet, only one accessory building is allowed and the design of the building must be consistent with the principle structure.

In the B-4 district, subject to Plan Commission and Architectural Review Board approval, gazebos may be permitted in the side or front yard subject to a finding by both the Plan commission and Architectural Review Board that the proposed gazebo is consistent with the décor of the property and an integral part of the property.

In the M-1 district, subject to Plan Commission approval, gazebos may be permitted in the side or front yard subject to a finding by the Plan Commission the proposed gazebo is consistent with the décor of the property and an integral part of the property.

All other requirements, restrictions and regulations contained in this section, this Chapter, and the Code must be complied with.

**SECTION 2. 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 of the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

**SECTION 3. EFFECTIVE DATE**

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021

VILLAGE OF SUSSEX

\_\_\_\_\_  
Anthony LeDonne, Village President

ATTEST:

\_\_\_\_\_  
Sam Liebert, Village Clerk-Treasurer

Published and/or posted this \_\_\_\_\_ day of \_\_\_\_\_, 2021