

VILLAGE OF SUSSEX
SUSSEX, WISCONSIN

Minutes of the Plan Commission meeting held on February 16, 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, Village Attorney John Macy, Administrative Assistant Anne Pulvermacher, and applicants.

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

Consideration and possible action on the minutes on the Plan Commission meeting of January 19, 2021.

A motion by LeDonne, seconded by Anderson to approve the minutes of the Plan Commission meeting of January 19, 2021 as presented. Motion carried 6-0

Consideration and possible action on a Plan of Operation and site plan for Sparklers Dance Studio (N64W22644 Main Street)

Applicant Mary Deeken, N64W22644 Main Street, Sussex, was present and provided a brief plan of operation including excitement about the parking situation for her clients.

Mr. Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-3 and the use is permitted within the district and there is sufficient parking.

A motion by LeDonne, seconded by Anderson to approve the Plan of Operation and site plan for Sparklers Dance Studio N64W22644 Main Street, a finding that the use and structures meet the principals of 17.1002(A-H), and subject to the Standard Conditions of Exhibit A.

Motion carried 6-0

Reconvene 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 and stated that the use was for storage of his vintage cars and that he had read, accepted, and would comply with all the conditions of the Conditional Use Permit.

Mr. Smith reviewed the Plan Staff Memo (copy attached); stating this site is zoned M-1.

There was no one from the public wishing to comment.

A motion by LeDonne, seconded by Anderson to close the public hearing. Motion carried 6-0

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. 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 Paul and Jana McBride, N60W22951 Silver Spring 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.

Motion carried 6-0

Consideration and possible action on a request for an accessory building exceeding 250 square feet for Jonathan and Courtney Myhre (N76W23784 Majestic Heights Trail).

Applicant Courtney Myhre presented their building plans for the pool house.

Commissioner Knapp asked if there was an additional pool house or pool. Mrs. Myhre stated this was the pool house and that the pool would be going in as part of this project.

Commissioner Muckerheide asked if there was power to the building. Mrs. Myhre stated there would be.

Commissioner Johnson asked if the Homeowners Association had approved of the plans. Mrs. Myhre stated they had.

Mr. Smith reviewed the Plan Staff Memo (copy attached); and stated that pool didn't need review by the Plan Commission only this accessory building because it was over 250 square feet. Mr. Smith further commented that the Plan Commission had approved many of these over the past several years in Majestic Heights and that the Plan Commission would have to find the size of the lot and the design and location of the accessory building were appropriate for the efficient development of the property and wouldn't cause any public safety concerns.

A motion by LeDonne, seconded by Johnson to recommend approval of the 416 square foot accessory building for the property at N76W23784 Majestic Heights Trail as necessary for the efficient development of the property with sufficient open space still available and subject to the a building permit being issued by the building inspector and the conditions of Exhibit A. Motion carried 6-0

Consideration and possible action on an amendment to the Declaration for Venturespace Condominium Association.

Attorney Conor Leedan, N202961 Watertown Rd., Waukesha on behalf of the Applicant updated the Plan Commission on the name change driving the amendment to the Declaration.

Mr. Smith reviewed the Plan Staff memo (Copy attached) and stated the Staff had no concerns with the change subject to final Village Attorney review.

A motion by LeDonne, seconded by Knapp to approve the amendment to the Declaration for Venturespace Condominium Association subject to legal review from the Village Attorney. Motion carried 6-0

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

Mark Lake, Wangard Partners 1200 Mayfair Rd. Suite 310 Wauwatosa on behalf of the applicant gave an update on the project including the intentions to pursue a business park on the southern portion and some type of residential on the northern portion of the property. The Applicant is looking for the property to come into the Village with A-1 temporary zoning and then go through a plan approval process for the development of the property.

Mr. Smith reviewed the Plan Staff Memo (copy attached); outlining that this property is coming to the Village through the recently updated boundary agreement with Lisbon and as such is not yet planned for in the land use plan, hence the A-1 zoning.

A motion by LeDonne, seconded by Anderson to recommend the Village Board approve Ordinance #874 to annex and initially zone the property. Motion carried 6-0

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

Mr. Smith stated that this was the final plat for the subdivision and would allow for building on lots 61-74. Mr. Smith also indicated per the memo (Copy attached) that the Developer had agreed in writing to follow the approved Developer's Agreement.

Commissioner Knapp asked if this was next to the Quarry. Mr. Smith responded that these lots were next to Armory Park and Maple Avenue and not next to the Quarry. Commissioner Johnson stated that these lots were quite a ways from the quarry and even those near the quarry had a very nice buffer.

A motion by LeDonne, seconded by Johnson to recommend to the Village Board approval of the Final Plat for Phase 3 of the Johanssen Farm subdivision subject to the standard conditions of Plat approvals, meeting the obligations of the Developer's Agreement and review by the Village Engineer. Motion carried 6-0

Consideration and possible action on Ordinance #875 to repeal and recreate Subsection 17.0704A.2. regarding Accessory Use and Structures Regulations.

Mr. Smith stated that Commissioner Knapp had asked to look into the issue of shed size within the RS-4 district last year and a workgroup including Commissioner Knapp, Commissioner Muckerheide, Assistant Development Director Kasey Fluet, and Building Inspector Joel Jasper did so and produced the following changes: To allow sheds to be up to 400 square feet in the RS-4 if the design is consistent with the principal structure and if the shed is over 250 feet for it to be on a concrete pad.

Commissioner Johnson asked what the reason for the change was.

Commissioner Knapp stated that in the RS-4 there are a lot of one car garages and more space is needed for folks.

A motion by LeDonne, seconded by Muckerheide to recommend the Village Board approve Ordinance #875 to repeal and recreate subsection 17.0704A.2. regarding accessory Use and Structure regulations.

Motion carried 6-0

Other items for future discussion - None

Adjournment:

A motion by LeDonne, seconded by Muckerheide to adjourn the meeting at 7:01 pm. Motion carried 6-0

Respectfully Submitted,

Jeremy Smith
Village Administrator



MEMORANDUM

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

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 30th of the final year of the term of the CU. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the conditional use and may serve as a basis for termination of the conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.
 - 1. Where the changing character of the surrounding area causes the original conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.
 - 2. Where this permitted conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or

changes, the conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.

3. This conditional use may be reviewed annually. Additionally, this conditional use may be reviewed by the Plan Commission for the Village of Sussex at any time upon complaint or upon Plan Commission initiative.

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

Comments from the public if any.

Additional Plan Commission conditions:

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

Policy Questions:

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

Action:

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

B. Consideration and possible action on a 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 3rd and January 25th. 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.