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AGENDA
VILLAGE OF SUSSEX
PLAN COMMISSION MEETING
6:30 PM TUESDAY, MAY 18, 2021
SUSSEX CIVIC CENTER – BOARD ROOM 2nd FLOOR
N64W23760 MAIN STREET

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Sussex Plan Commission, at which a quorum of the Village Board may attend. Notice of Village Board Quorum, (Chairperson to announce the following if a Village Board quorum is in attendance: 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 the same.)

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of April 20, 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 Family Strong Sussex Taekwondo N64W24678 Main Street Suite 8.
 - B. Consideration and possible action on a Plan of Operation, building plan, and site plan for Vaportek, Inc. W226N6323 Village Drive.
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
 - A. Introduction of a Legal Non-Conforming Conditional Use and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring.
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
 - A. Consideration and possible action on a request to amend Chapter 17 Section 17.0417 of the B-2 Business Regional Business District to specify a permitted status for homes.
 - B. Consideration of Petition by the Administrator to amend the B-2 District to allow certain limited entertainment uses and address the existing home within the District and possible action on Ordinance #877 to Repeal and Recreate SubSection 17.0417A.2. regarding Permitted uses under the Arts, Entertainment, and Recreation section and Create Subsection 17.0417A.11. regarding Permitted Uses under the Housing Section of the Village of Sussex Municipal Code.
6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne
Chairperson

Jeremy J. Smith
Village Administrator

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

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

Minutes of the Plan Commission meeting held on April 20, 2021

President LeDonne called the meeting to order at 6:33 p.m.

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

Members excused: Roger Johnson

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 March 16, 2021.

A motion by Anderson, seconded by Muckerheide to approve the minutes of the Plan Commission meeting of March 16, 2021 as presented. Motion carried 5-0

Consideration and possible action on a Plan of Operation, site plan, architectural plan, lighting plan, landscape plan for Adron Tool Corporation, Highlands Business Park.

Paul Grzeszczak, Director of Architecture for Briohn Design Group, was present and provided a brief plan of operation.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned BP-1. The machining of wire is a permitted use in accordance with Section 17.0420 A. 6. (d) (1) in the BP-1 Business Park District. Adron specializes in both wire and conventional EDM (Electrical Discharge Machining and has been in business for 52 years. Adron will relocate their business from Menomonee Falls to the new business park at the corner of Hwy 164 and Lisbon Road. They intend to construct a 100,241 square foot building, phase 1 will be 82,461 square feet and phase 2 will be 17,780 square feet. Hours of operation will be Monday – Sunday 24 hours a day operating three shifts, initially they will employ 50 people but intend to grow up to 100.

The proposed plans indicate a little over 25,000 square feet of the building will be left for a future tenant. Any user of this space will need to come before the Plan Commission for approval.

The following are comments of the submitted plans:

Site

- Add a walkway from the entrance to Business Drive
- Width of driveway opening needs to be adjusted to meet the code requirements
- Curb and gutter needs to be add to the edge of all pavements
- Hydrant easement will be needed
- Site to have 73 parking stalls
- CSM to be recorded

Architecture

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

Lighting

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

Landscape

- Site to have 43 trees/evergreens and 749 shrubs/flowers. Should add more evergreen trees at west elevation.

Plan Commission Comments: Commissioner Muckerheide inquired about machine noise being heard outside of the building.

Public Comments (in person or zoom): None

A motion by LeDonne, seconded by Knapp to approve the Plan of Operation, site plan, architectural plan, lighting plan, landscape plan for the full building size of 100,000 square feet for Adron Tool Corporation, Highlands Business Park, a finding that the use and structures meet the principals of 17.1002(A-H), subject to review by the Village Engineer, any conditions by the ARB, approval of a CSM as presented to allow for the construction of the building, and Exhibit A, and if in the alternative Adron Tool Corporation decides not to build the entire building, they are authorized to build as proposed without bringing the subject back to Plan Commission.

Motion carried 4-0 with Trustee Adkins abstaining

Consideration and possible action on a CSM for Highlands Business Park to divide Tax Key #SUXV0273999007 to create two lots.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned BP-1 with a PDO. The creation of the 7 acre lot 2 on the CSM will be the site location for Adron Tool. A CSM is very typical for a business park, once the Developer finds a user the next step is to create the site location for the number of acres needed for the user's development.

A motion by LeDonne, seconded by Muckerheide to recommend approval of the CSM to the Village Board for Highlands Business Park to divide Tax Key #SUXV0273999007 subject to review by the Village Engineer, the standard conditions of CSM approval and Exhibit A.

Motion carried 5-0

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

There were no public hearings.

Consideration and possible action on a Resolution #21-07 to designate Land Use for the property north of Lisbon Road west of Highlands Business Park.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating on March 9, 2021 the Village Board approved the Direct Annexation of this property from the Town of Lisbon to the Village of Sussex. This land was not part of the boundary agreement to be annexed to the Village therefore no Land Use designation had been placed on this land. As part of the Comprehensive Plan the land designation should match the zoning. The Land Use designation for this property shall be:

±33 acres Medium Density Single Family

±44 acres Industrial

The residential is based upon the residential districts around it already in the land use plan and the industrial based upon the plan for a business park.

Plan Commission Comments: None

A motion by LeDonne, seconded by Anderson, to recommend approval of the Resolution and for the Plan Commission to recommend to the Village Board for the May 25th public hearing, the adoption of an Ordinance to amend the Land Use Plan Map, a component of the Comprehensive Plan for the property north of Lisbon Road west of Highlands Business Park. Motion carried 5-0

Consideration and possible action on an Ordinance #876 to rezone 44 acres of the property north of Lisbon Road west of Highlands Business Park, from A-1 to BP-1 with a Planned Development Overlay.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating on March 9, 2021 the Village Board approved the Direct Annexation of this property from the Town of Lisbon to the Village of Sussex, the adoption of the Ordinance designated the zoning for this property to be A-1 Agriculture. The owner of the property has petitioned to rezone 44 acres to BP-1 (Business Park) with a Planned Development Overlay and leaving the remainder acres as A-1 until a plan can be presented to the Plan Commission to consider the appropriate zoning classification. The Zoning PDO is to match the higher architectural standards from the first phase of the business park.

Plan Commission Comments: None

A motion by LeDonne, seconded by Muckerheide to recommend to the Village Board to hold a public hearing May 25th for the consideration to approve an Ordinance to rezone the 44 acres north of Lisbon Road west of Highlands Business Park, from A-1 to BP-1 with a Planned Development Overlay. Motion carried 5-0

Discussion of a Petition for a code amendment to allow Commercial Recreation Facilities in the B-2 Business District as a Conditional Use to Section 17.0506 A.2.c.

President LeDonne stated this item was withdrawn from the agenda.

Other items for future discussion - None

Adjournment:

A motion by LeDonne, seconded by Knapp to adjourn the meeting at 7:03 pm. Motion carried 5-0

Respectfully Submitted,

Caren Brustmann
Deputy Clerk

Exhibit "A"

**Village of Sussex
Plan Commission**

**Standard Conditions of Approval
Plan of Operation and Site Plan**

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

1. Presentation compliance. Subject to Petitioner operating the premises at all times in substantial conformity with the presentation made to the Village Plan Commission, as modified or further restricted by the comments or concerns of the Village Plan Commission.
2. Inspection compliance. Subject to the Petitioner submitting to and receiving the approval from the Village Administrator, written proof that the Village Building Inspector and Fire Chief have inspected the subject property and have found that the subject property is in substantial compliance with applicable federal, State, and local laws, statutes, codes, ordinances, policies, guidelines and best management practices, prior to this approval being effective.
3. Regulatory compliance. Subject to the Petitioner and Owner fully complying with all Village, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises, including but not limited to compliance with Section 17.1000 of the Village of Sussex Zoning Code entitled "Site Plan Review and Architectural Control," as determined by Village Staff.
4. Satisfaction of Engineer. Subject to the Developer satisfying all comments, conditions, and concerns of the Village Engineer regarding the Petitioner's application prior to this approval being effective.
5. Required plans. Subject to the Developer submitting to and receiving written approval from the Village Administrator of all of the following plans as deemed necessary by the Village Administrator:
 - A. Landscaping plan
 - B. Parking plan
 - C. Lighting plan
 - D. Signage plan
 - E. Traffic plan
 - F. Grading plan

Amendment approved at the Plan Commission meeting on July 17, 2014

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

N. _____
O. _____

P.

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

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

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

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

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



MEMORANDUM

TO: Plan Commission
FROM: Kasey Fluet, Assistant Development Director
RE: Plan Commission meeting of May 18, 2021
DATE: May 13, 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 April 20, 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 Family Strong Sussex Taekwondo N64W24678 Main Street Suite 8.**

This site is zoned B-1. The martial arts studio is a permitted use in accordance with Section 17.0416 (A)(3)(a) in the B-1 Neighborhood Business District. This business use was approved in September 2018. The owners are requesting to add a summer and after school day camp. In accordance with Section 17.0416 (A)(3)(d) this would be a permitted use. The program will be available to members of the studio for children age 5 to 14 years old. In order to have this program the owners must receive approval from the State. Hours of operations will be Monday through Friday 7:30 a.m. to 8:00 p.m. and Saturday 7:50 a.m. to 1:00 p.m. This site has 87 marked parking stalls, with 71 allocated to other users, by code this user requires 14 stalls.

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 Family Strong Sussex Taekwondo N64W24678 Main Street Suite 8; a finding the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A.

B. Consideration and possible action on a Plan of Operation, building plan, and site plan for Vaportek, Inc. W226N6323 Village Drive.

This site is zoned M-1. The assembling and processing of dry vapor products is a permitted use in accordance with Section 17.0422 (A)(3)(d)(2) in the M-1 Industrial District. Vaportek purchased the 10,000 Square foot building next to their main building operations at W226N6339 Village Drive. The two sites share the same access point off of Village Drive and have coordinated parking lots. The hours of operation are Monday through Friday, 6:00 a.m. to 2:00 p.m. Vaportek, Inc. will be adding a 1,400 square foot addition on the new building for a side facing shipping area. They receive product the western end of the building, process the items and will ship out from the east side of the building. This setup accommodates the existing driveway access and prevents trucks from maneuvering on the roadway. They will also be adding some landscaping to the site, which will add to the appeal of the site from current conditions. The building addition will match the material design of the building and will go to the ARB.

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.
2. Send the building addition to the ARB for review.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation, building plan subject to ARB, and site plan for Vaportek, Inc. W226N6323 Village Drive a finding that the use and structures meet the principals of 17.1002(A-H), 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. Introduction of a Legal Non-Conforming Conditional Use and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring.

This site is zoned B-4. The gas station with car wash is a legal non-conforming use in accordance with Section 17.0507. The business and operations are being purchased by a new owner. Mostly the operation will remain the same; however, the buyer is requesting to add the sale of beer and liquor and use the location for Uhaul rental and moving boxes. Hours of operation will be Monday – Friday, 5:00 a.m. to 9:00 p.m., Saturday 6:00 a.m. to 9:00 p.m. and Sunday 7:00 a.m. to 9 p.m.

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

The Conditional Use Standards:

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

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

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

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

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

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

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

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

17.0503 REVIEW AND APPROVAL.

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

A. Conditional Use permits shall have the following process:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.0507 LEGAL NONCONFORMING USES

- A. Legal nonconforming uses may be granted conditional use status upon petition of the owner where such use is determined to not be any of the following:
1. Adverse to any of the following:
 - a) public health,
 - b) safety, or
 - c) welfare;
 2. In conflict of the spirit or intent of this chapter; or
 3. Otherwise detrimental to the community and particularly the surrounding neighborhood.

The General Provisions of Chapter 17.0200

The zoning section 17.0419

17.0419 B-4 CENTRAL MIXED USE DISTRICT

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

- A. It is the specific intent of the B-4 District to:
1. Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.

2. Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
3. Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
4. Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.
5. Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
6. Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
7. Encourage the creation of connection driveways parallel to Main Street, to the rear of existing and new development, where appropriate, in order to reduce conflicts between downtown commercial traffic and through traffic.
8. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.

B. Lot Area and Width

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

C. Permitted Uses in the B-4 District

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

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

caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, for a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (e) Office equipment rental and leasing
5. General Services
 - (a) Repair and Maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and laundry services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
 - (j) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes
 - (b) Telecommunications services
 - (c) Motion picture and video production
 - (d) Motion picture theaters excluding drive-ins
 - (e) Libraries and archives
 - (f) Newspaper, printers, paper and software publishers, recording studio record production, telecommunications services and data processing.
7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Research and development facilities (non industrial)
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services

- (j) Janitorial services
 - (g) Pest control services
 - (h) Veterinary services
 - (i) Offices of holding companies and regional managing offices
8. Public Administration and Government Services
- (a) Public utility, offices of Federal, State, and Local Governments
 - (b) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
9. Retail Trade
- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/package beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
10. Manufacturing/Assembly
- (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
11. Transportation and Warehousing
- (a) Courier, delivery, postal service businesses and U.S. postal Service
12. Housing and Mixed Uses
- (a) Business or professional home offices such as residences of clergymen, architects, landscape architects, professional engineers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
 - (b) Single-family residential detached home and two-family residential dwelling, but only if the use is constructed prior to January 1, 2010. In the event of a disaster these dwellings may be reconstructed.
 - (c) Conversions. A conversion of an existing single family residential detached building into a combination of non-residential and residential uses or all non-residential uses in a single existing building meeting the following requirements:
 - (1) The front facade and front porch of the existing building, if any, shall be preserved and any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials unless the Plan Commission with review and recommendation by the architectural review board

determines that the particular façade or front porch is not architecturally significant or if the new proposed façade, front porch, or building addition more appropriately meets the design standards of the Village than the existing structures. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.

- (2) A single-family detached dwelling may be converted to:
 - (a) A maximum of three non-residential uses with no residential uses, or
 - (b) One apartment with up to two non-residential uses.
- (3) Residential units must meet the minimum size and facility requirements found in Section 17.0506(A)(15)(g).
- (4) To encourage a business environment that is compatible with the residential character of the Village, conversions to permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission and Architectural Review Board. Said review and approval shall be concerned with general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the “Downtown Design and Development Plan.”
- (d) A permitted or conditional non-residential use is allowed in accessory buildings located to the rear or side of principal buildings, provided that adequate parking is provided and the non-residential use is owned or operated by a person or entity legally occupying a portion of the principal building.
- (e) Mixed Use Development. Mixed-use development if it meets the following conditions:
 - (1) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:
 - (a) Residential and non-residential uses may be combined on a single parcel in new buildings or a combination of new and existing non-residential building(s).
 - (b) Residential uses on the ground floor of buildings in a mixed use development are allowed if the Plan Commission finds that the overall mixed-use development has sufficient retail/office presence to meet the intent of the Downtown Development and Design Plan.
 - (c) When the mixed use involves a conversion of an existing non-residential building the development must establish and or maintain non-residential uses on the ground level of the building(s) such that the Plan Commission finds that the overall mixed-use development will maintain sufficient non-residential presence to meet the intent of the Downtown Development and Design Plan.

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

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

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

- F. Dimensional Standards.

The following standards shall apply to all uses:

 - 1. Build-to Line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used. The build-to line may be adjusted by the Plan Commission if it finds that a change in the build-to line would be consistent with the Downtown Design and Development Plan, and the Design Standards. The build-to line shall not be less than five (5) feet.
 - 2. Side yard: 10 feet on each side, except one or both sideyards may be reduced if the Plan Commission finds that:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards and the Downtown Design and Development Plan of the Village.
 - 3. Rear yard: 15 feet.
 - 4. Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
 - 5. Setback from the Bugline Recreation Trail right-of-way: 15 feet.
 - 6. Accessory buildings shall be set back from all property lines at least five (5) feet, except that accessory buildings used for principal uses shall meet all the setback requirements for principal buildings.
 - 7. Maximum height: 45 feet.
 - 8. Minimum shoreyard: No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
 - 9. Parking lot setbacks:
 - (a) From street right-of-way: The setback of the principal or 25 feet, whichever is less. No parking shall be permitted between the front of the principal building and the street line with the following exception: The Plan Commission may allow up to ten (10) percent of the parking to be in the street yard if it finds that the no street yard parking requirement is unfeasible for the site.
 - (b) From rear property lines: ten (10) feet; except that the Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Architectural Review Board's recommendation of

- a landscape plan that meets the design standards and intent of the Downtown Design and Development Plan.
- (c) From side property lines: five (5) feet, however no setback is required if shared parking is used and cross-easements are established.
 - (d) From buildings: five (5) feet.
 - (e) Any parking structure that was constructed prior to the date of the original adoption of the parking lot setback requirements for the B-4 Central Mixed Use District in 1990, that does not meet the current requirements of subsection 17.0419 (F)(9)(a-d), is considered legal non-conforming and does not have to be removed upon performing parking lot restoration work. Extension, expansion, enlargement, reconstruction, substitution, or moving of the parking lot, however, may be subject to said requirements of subsection 17.0419(F)(9)(a-d), as described in Section 17.0900 of this Zoning Ordinance.
10. Property line buffer: A buffer area landscaped with trees and shrubs meeting the intent of the "Downtown Design and Development Plan" and the Village Design Standards, shall be required along all side and rear property lines. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.
- G. Erosion Control
- 1. See Chapter 14 of the Village Municipal Code.
- H. Development Design Standards
- 1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2040 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.
- I. Plans and Specifications to be Submitted to Plan Commission
- 1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, architectural and facade treatment, ingress and egress, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."

Site Plan Review Standards 17.1000

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

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

B. No structure shall be permitted:

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

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

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

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

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

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

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

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

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

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

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are

proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

Any other standards from Chapter 17 that may be relevant.

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

Policy Question:

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

Action Items:

1. Direct staff to schedule the public hearing.

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

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

- A. Consideration and possible action on a request to amend Chapter 17 Section 17.0417 of the B-2 Business Regional Business District to specify a permitted status for homes.

There is currently only 1 remaining home within the B-2 district. The owner of that home is having some challenges with their bank about the legal status of their home because they are not a permitted use in the district. The concern revolves around the ability to rebuild if there was a fire or a natural disaster. The petitioner is requesting specific language about the right to rebuild, but said language is not consistent with the code language that has been used in the other business districts. The Village Attorney has indicated that it would be unwise to provide alternative language to what has already been adopted in other code sections as it would give the presumption that rebuilding would not be allowed in those other districts, when that is what the language is specifically intended to accomplish.

Policy Question:

1. Should the Village consider adding single family residential to the B-2 District?
 - A. What impacts would there be to add this use to the district?
2. Should the Village add language to the B-2 District to allow re-construction of a legal nonconforming use in the event of a natural disaster or fire?

Action Item:

1. Direct staff to prepare a code change or to deny the request to adjust the code.

Staff Recommendation: The Village Attorney has advised that this request be denied, but that if the Plan Commission is of a mind to address the concern of the house to add language to the B-2 in the same manner as been done in the other business districts.

- B. Consideration of a petition to amend the B-2 code for entertainment users and the existing single-family home, and possible action on an Ordinance to Repeal and Recreate SubSection 17.0417A.2. regarding Permitted uses under the Arts, Entertainment, and Recreation section and Create Subsection 17.0417A.11. regarding Permitted Uses under the Housing Section of the Village of Sussex Municipal Code.

The Village Administrator has petitioned the Plan Commission to consider a code change to allow entertainment users in the B-2 District and to address a concern raised by the only homeowner in the B-2 District.

The Code as currently drafted does not allow for entertainment type venues except in very limited situations within the B-2 District. This oversight does not appear to be in keeping with the intent of the district. Potential users have approached the Village about spaces within existing strip centers where entertainment uses would seem to be a fit to support the adjacent retail and the community needs, but as currently constituted are not allowed by the code. It is important because there is limited B-2 areas that there be a scale to the entertainment uses such that they support/compliment retail and do not crowd out retail users. Staff has proposed language for consideration to help keep the community moving forward, which will enable some of these entertainment uses to come into the B-2 district. If approved there will be at least one applicant at the June meeting looking to open up a Golf simulator business with food and beverage service as well. Staff will be happy to discuss this issue in detail at the meeting.

In addition, with the previous agenda item, staff has proposed adding a section to allow houses built prior to January 1, 2010 to the B-2 district in the same manner as the other business districts. This language would allow the home to be rebuilt if there was a fire or natural disaster.

Policy Question:

1. Should the Village consider adding entertainment uses to the B-2 district?
 - A.** What impacts would there be to add this use to the district?
2. Would you like to address the home situation in the B-2 as you have in the other business districts, like B-3?

Action Item:

1. Act on the Ordinance.

Staff Recommendation: Staff recommends the Plan Commission recommend approval of the Ordinance to the Village Board subject to standard conditions of Exhibit A.

06. Other Items for future discussion.

07. Adjournment.



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # SUXV-0231-999-002

Zoning: Commercial

Address of Tenant Space: N64W24678 Main St. Suite 8, Sussex, WI. 53089

1. Name of Business:
MACKE Ventures LLC DBA Family Strong Sussex

Business		
N64W24678 Main St. Suite 8	Sussex, WI. 53089	262-533-9055
Address	City, State, Zip	Phone #
N/A	mrs.klettke.skillz@gmail.com	
Fax #	Email address	

2. Business owner contact information:
Meghan and Alex Klettke

Contact		
N64W24678 Main St. Suite 8	Sussex, WI. 53089	262-533-9055
Address	City, State, Zip	Phone #
N/A	mrs.klettke.skillz@gmail.com	
Fax #	Email address	

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

Contact		
440 Wells St. PO Box 180673	Delafield, WI. 53018	888-539-4440
Address	City, State, Zip	Phone #
N/A	syong@pcm-funding.com	
Fax #	Email address	

4. Number of Employees/Shifts: 2 Employees - Shifts

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X	X	
730am-8pm	730am-8pm	730am-8pm	730am-8pm	730am-8pm	750am-1pm	

6. Is this an extension of an existing operation? Yes
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? Yes Do you need an Outdoor Establishment Permit? No
 If yes, explain: Application to the State of Wisconsin, seeking Day Camp License for Children required under ch. DCF 252. has been submitted.
If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? 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 Irregular: 50'x20' & 30'x20' Total square footage 3,300 sq ft
 If applicable list square footage according to 1st floor 3,000 sq ft 2nd floor N/A

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 85 Number of spaces needed per code 80
 Number of spaces allocated for employee parking 15
 Dimensions of parking lot 122' x 400' Is parking lot paved? Yes

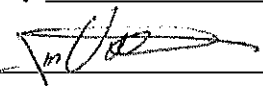
13. Signage: What type of signage are you proposing for your business?
N/A
 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

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

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

Meghan D. Klettke 04/14/2021
 Name Date
Owner and SKILLZ Instructor
 Title or Position

I am aware and approve of the business to be operating in the building owned by Wisconsin Trident, LLC.

 4/26/21
 Name Date
Director of Asset Management, as agent for owner
 Title or Position

Dear Kasey,

The application for licensing currently under review by The Wisconsin Department of Children and Families is for becoming a licensed, seasonal Summer Day Camp; not a day care program.

Before the State, we have submitted serving children ages 5-14 years of age that are current members of our studio. The maximum number of students we will be taking in our Summer Day Camp Programming is 20 children.

The same age range (5-14 years of age) as well as maximum number of current students (20 children) would also apply to our proposed After School Programming.

Our After School Programming, just as our proposed Summer Day Camp, is at the request of our current members. As many of our Proud Ninja Parents will be returning to the office setting come Fall 2021, they have requested:

1. Transportation for their child to our studio after school where
2. They will enjoy an after school snack provided by their parents/guardians and
3. Enjoyment of their SKILLZ level classes earlier in the evening. For a breakdown of our SKILLZ level classes, please visit: <https://sussexskillzninjas.com/program/skillz/>

Thus, parents when finished with their work day are simply able to come and pick up their child from our studio instead of going back and forth from work to home to studio to have their child enjoy regularly scheduled classes.

If you have any further questions regarding our proposed Seasonal Summer Day Camp and/or After School Programming, please let me know.

Thank you,

Meghan Klettke

Owner & SKILLZ Instructor

Family Strong Sussex

262-533-9055

www.sussexskillzninjas.com



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: 5/10/2021



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? No If yes, is this a new CU? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # R42.014.001

Zoning: M-1

Address of Tenant Space: W226 N6323 VILLAGE DRIVE

1. Name of Business:

VAPORTEK, INC.

Business

W226 N6339 VILLAGE DRIVE SUSSEX, NJ 08089 262-246-5060
 Address City, State, Zip Phone #
262-246-5065 INFO@VAPORTEK.COM
 Fax # Email address

2. Business owner contact information:

BETH SCHNEIDER OR PAUL GIERSCH

Contact

W226 N6339 VILLAGE DR SUSSEX, NJ 08089 262-246-5060
 Address City, State, Zip Phone #
262-246-5065 INFO@VAPORTEK.COM
 Fax # Email address

3. Building/Land owner contact information:

JOHN BRYSON

Contact

3410 MUIRWOOD DRIVE BROOKFIELD, NJ 08045 262-246-5060
 Address City, State, Zip Phone #
INFO@VAPORTEK.COM
 Fax # Email address

4. Number of Employees/Shifts: 2-5 1
 Employees Shifts

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X		
6AM-2pm	6AM-2pm	6AM-2pm	6AM-2pm	6AM-2pm		

6. Is this an extension of an existing operation? YES
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No
 If yes, explain: _____
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? NA
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____
11. Dimension of area to be occupied 80' x 125' Total square footage 10,000
 If applicable list square footage according to 1st floor _____ 2nd floor _____

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

12. Parking:
 Total Number of Parking Spaces 17 Number of spaces needed per code _____
 Number of spaces allocated for employee parking 14
 Dimensions of parking lot 49' x 166' Is parking lot paved? YES

13. Signage: What type of signage are you proposing for your business?
LIGHTED SIGN FACING VILLAGE DRIVE MOUNTED TO BLDG. & ABOVE MAIN ENTRANCE
 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.

PAUL GIERSCH 4/9/21
 Name Date
DIRECTOR OF MANUFACTURING
 Title or Position

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

PAUL GIERSCH 4/9/21
 Name Date
DIRECTOR OF MANUFACTURING
 Title or Position

Kasey Fluet

From: Paul Giersch <paul@vaportek.com>
Sent: Friday, May 7, 2021 6:11 AM
To: Kasey Fluet; Civic Center
Cc: Misty Hintz; Kevin King; Lori Brown; Beth Schneider
Subject: RE: Plan of operation for W226N6323 Village Drive.

Hi Kasey,

We will be doing packaging of small fiber products that are saturated in essential oils, light assembly of small electrical appliances, and packaging and light assembly of plastic membranes filled with essential oils. Not anything high tech or dirty. There is a slight odor but nothing greater than our current operation. We will utilize compressed air for packaging machine and for air operated hand tools.

Please let me know if this suffices or if you need anything more.

Thank you,

Paul

From: Kasey Fluet <KFluet@villagesussex.org>
Sent: Thursday, May 6, 2021 3:38 PM
To: Paul Giersch <paul@vaportek.com>; Civic Center <info@villagesussex.org>
Cc: Misty Hintz <MHintz@vjscs.com>; Kevin King <KKing@vjscs.com>; Lori Brown <lori@vaportek.com>; Beth Schneider <beth@vaportek.com>
Subject: RE: Plan of operation for W226N6323 Village Drive.

Paul,

Can you write a brief description on the daily operations that will take place in the 10,000 square foot building?

Regards,

Kasey Fluet

Assistant Development Director
Village of Sussex
Monday-Thursday 8am – 5pm
262-246-5215

kfluet@villagesussex.org

www.villagesussex.org

CONFIDENTIALITY NOTICE:

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EXISTING BUILDING

NEW ADDITION

12'W x 12'H
OVERHEAD DOOR

8'W x 10'H
DOCK DOOR

NEW PAVED AREA FOR
LOADING DOCK ACCESS

34'-0"

8'-5"

2'-3"

2'-7"

2'-7"

16'-0"

15'-6"

RETAINING WALL
FOR LOADING DOCK

40' SETBACK

25' SETBACK

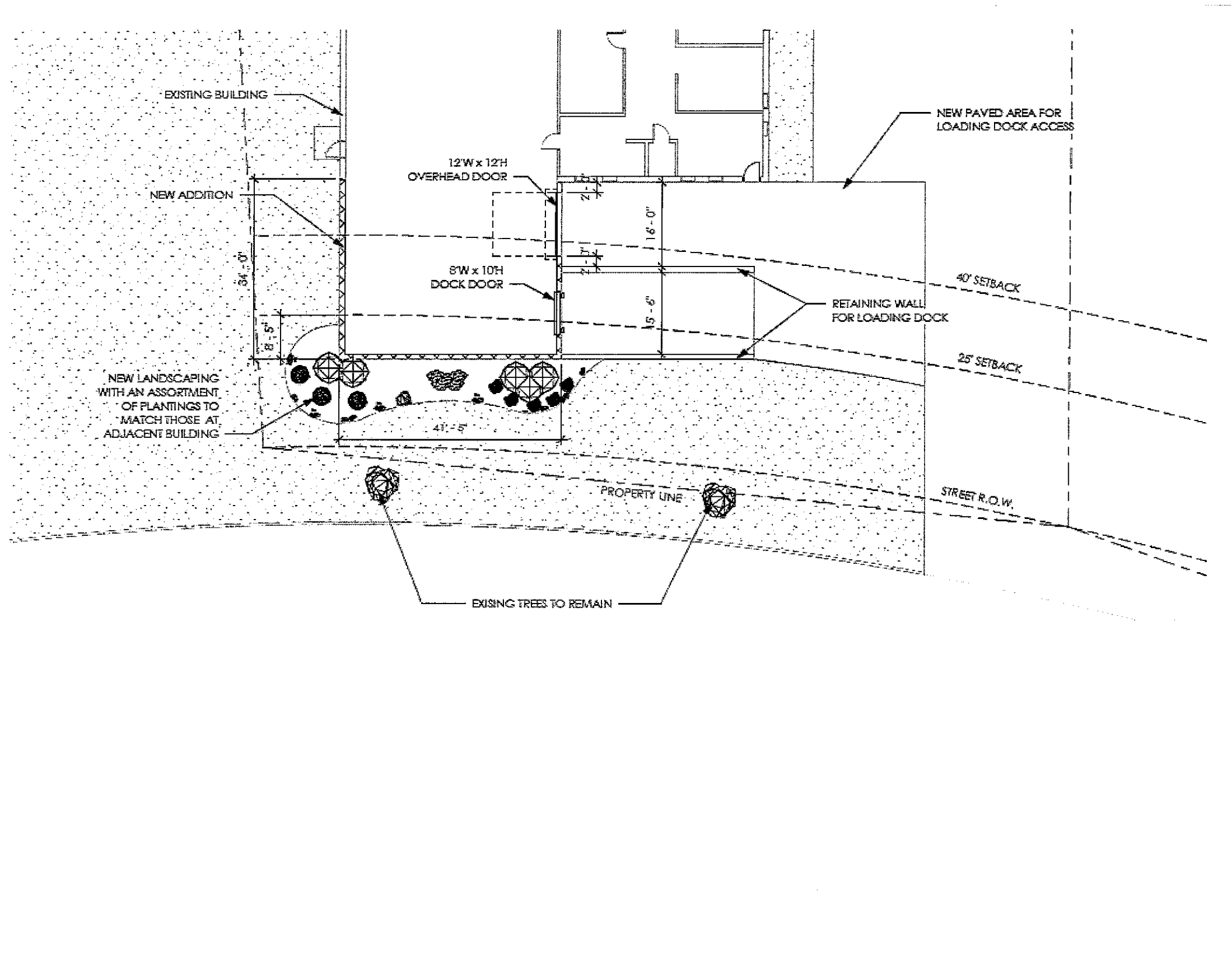
NEW LANDSCAPING
WITH AN ASSORTMENT
OF PLANTINGS TO
MATCH THOSE AT
ADJACENT BUILDING

41'-5"

PROPERTY LINE

STREET R.O.W.

EXISTING TREES TO REMAIN





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 = 42'

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

Print Date: 5/10/2021



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? _____ If yes, is this a new CU? _____

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: _____

Address of Tenant Space: N62 W 23456 Silver Spring Dr.

1. Name of Business:

Sussex Convenience INC

Business

N62 W 23456 Silver Spring Dr. 920-809-2600

Address

City, State, Zip

Phone #

Fax #

Email address

Duconvenience@gmail.com

2. Business owner contact information:

Contact

Bishnu P. Adhikari

Address

N62 W 23456 Silver Spring

City, State, Zip

Phone #

920-809-2600

Fax #

Email address

3. Building/Land owner contact information:

Contact

BISON ESTATE LLC, Bishnu Adhikari

Address

N62 W 23456 Silver Spring

City, State, Zip

Phone #

920-809-2600

Fax #

Email address

4. Number of Employees/Shifts:

2

Employees

2

Shifts

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X	X	X
5:00-9pm	5am-9pm	5am-9pm	5am-9pm	5am-9pm	6am-9pm	7am-9pm

6. Is this an extension of an existing operation? _____
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? yes Do you need an Outdoor Establishment Permit? No
 If yes, explain: from the village of Sussex.
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? Convenience Store.
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NO If yes, explain: _____
11. Dimension of area to be occupied _____ Total square footage _____
 If applicable list square footage according to 1st floor _____ 2nd floor _____

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

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

13. Signage: What type of signage are you proposing for your business?
Re-using existing signage.
 If applicable, complete a Sign Permit application and submit to the Building Inspection Dept. Please refer to Chapter 17.0800.

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

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

Bishnu P. Adhikari 4.30.21
 Name Date
owner / president
 Title or Position

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

Bishnu Adhikari 4.30.2021
 Name Date
owner / member
 Title or Position

Sussex Convenience

Use:

- Continue existing Gas-Station Convenience store operation
- Add Beer and Liquor into the product mix

Products

- Gasoline
- Cigarette, Tobacco & Vape
- Soda, water, juice & Energy drinks
- Frozen food
- General Snacks, candy
- Beer and Liquor
- Coffee, Cappuccino
- Ice Cream, Milk, Butter & yogurt
- Uhaul rental and moving boxes
- DOT license plate renewal Center



Village of Sussex

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SCALE: 1 = 83'



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

Print Date: 5/11/2021



Ordinance Amendment Petition

TO: The Honorable President and Members of the Village Board for the Village of Sussex

I (we), the undersigned, being the owner(s) of all the area herein described, hereby petitions the Village Board of the Village of Sussex, Wisconsin, to amend the Zoning Ordinance of the following Section:

Section: 17.0417 B-2 Regional Business District

Amendment: To allow single family residential detached homes constructed prior to January 1, 2010 and such would be allow to rebuild if damaged or destroyed.

Purpose of Ordinance amendment: To allow single family residential detached homes.

Needed at time of submittal:

Application fee of \$500.00

Owner, Agent or Attorney

Owner, Agent or Attorney

Address City, St and Zip

Address City, St and Zip

Contact Name : _____ Address: _____

Phone #: _____ E-mail: _____

For office use only:

Payment received: _____

Plan Commission recommendation: _____

Date filed with Village Clerk _____

Publish dates: _____

Public Hearing date: _____

Village Board date: _____

XXX LEGAL

Camera Ready

Village of Sussex

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

TAKE NOTICE that the Village Board of the Village of Sussex Waukesha County, Wisconsin, will hold a public hearing on Tuesday June 8, 2021 at 6:00 PM at the Sussex Civic Center, N64W23760 Main Street, Sussex to hear comments from citizens on the following: An Ordinance to Repeal and Recreate Subsection 17.0417A.2. regarding Permitted uses under the Arts, Entertainment, and Recreation Section and to Create Subsection 17.0417A.11. regarding Permitted Uses under the Housing Section. A copy of the proposed Ordinance is available for review at the Sussex Civic Center, N64W23760 Main Street from 8:00 a.m. until 5:00 p.m., Monday through Friday or on our website at www.villagesussex.org. This hearing shall be public and citizens and persons of interest shall then be heard. BY ORDER OF THE VILLAGE BOARD
Sam Liebert Clerk-Treasurer
Wed May 19 and May 26 WNAXLP

ORDINANCE NO. 877

AN ORDINANCE TO
REPEAL AND RECREATE SUB SECTION 17.0417 A. 2. REGARDING
PERMITTED USES UNDER THE ARTS, ENTERTAINMENT, AND RECREATION
SECTION AND CREATE SUBSECTION 17.0417A.11. REGARDING PERMITTED
USES UNDER THE HOUSING SECTION OF THE VILLAGE OF SUSSEX
MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission wants a thriving B-2 Regional Business District with entertainment venues that support the commercial area; and

WHEREAS, the Public continues to ask for additional entertainment options; and

WHEREAS, the Plan Commission wants to ensure the B-2 district allows for certain entertainment options that fit within a scale so as to be supportive of the existing retail, while still being proportional to the ratio of retail and entertainment within the limited lands of the B-2 Regional Business District; and

WHEREAS, in response to these desires the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.0417A.2; and

WHEREAS, there is another matter with respect to the B-2 Regional Business District that the Plan Commission would like to address while they are updating the code for the entertainment uses; and

WHEREAS, this matter involves the one remaining house within the B-2 Regional Business District and concerns from the property owner about their status should a fire or natural disaster occur; and

WHEREAS, the Plan Commission has addressed this issue with homes in other business districts by adding language permitting home build prior to January 1, 2010; and

WHEREAS, the Plan Commission would look to provide protection to the homeowner about the ability to rebuild by providing matching language in the B-2 Regional Business District; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on June 8, 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 17.0417 A. Permitted Uses 2. Arts, Entertainment, and Recreation is hereby repealed and recreated to read as follows:

- 2. Arts, Entertainment and Recreation Services
 - (a) Artists offices/studios
 - b) Entertainment Facilities, such as arcades, bowling alleys, golf facilities, miniature golf facilities, pool and billiard halls, where the space of the use is under 30,000 square feet.

SECTION 2. Sub Section 17.0417 A. Permitted Uses 11. Housing is hereby created to read as follows:

- 11. Housing. Single-Family residential detached homes only if the use is constructed prior to January 1, 2010.

SECTION 3. SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 4. EFFECTIVE DATE

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

Dated this _____ day of _____, 2021

VILLAGE OF SUSSEX

Anthony LeDonne, Village President

ATTEST:

Sam Liebert, Village Clerk-Treasurer

Published and/or posted this _____ day of _____, 2021