



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

VILLAGE BOARD  
VILLAGE OF SUSSEX  
6:00 PM - TUESDAY, MAY 25, 2021  
SUSSEX CIVIC CAMPUS – BOARD ROOM 2<sup>nd</sup> FLOOR  
N64W23760 MAIN STREET

1. Roll call.
2. Pledge of Allegiance.
3. Consideration and possible action on minutes from the Village Board meetings held on May 11, 2021.
4. Communications and Public Hearing(s)
  - A. Village President Report. Report on meetings attended/up-coming, communications, and recognitions.
  - B. Public Hearing
    1. On an Ordinance to Amend the Land Use Plan (Industrial and Medium Density Single Family Residential) and an Ordinance to Rezone the Brown Farm with PDO Overlay (Agriculture and BP-1 Business Park with PDO) (North side of CTH K, West of the Highlands Business Park).
5. Committee Reports
  - A. Board of Fire Commissioners Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
  - B. Community Development Authority Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
  - C. Park & Recreation Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
  - D. Pauline Haass Library Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
  - E. Plan Commission Report on discussion and action taken at the previous meeting, future agenda items and upcoming scheduled meetings.
    1. Recommendation and possible action on Ordinance #878 to amend the Land Use Plan for the Brown Farm (North side of CTH K, West of the Highlands Business Park) to Industrial and Medium Density Single Family-Residential

2. Recommendation and possible action on Ordinance #876 to Rezone with a PDO the Brown Farm (North side of CTH K west of the Highlands Buisness Park) from A-1 Agriculture to BP-1 Business Park with PDO Overlay and Agriculture.
- F. Public Safety and Welfare Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
6. Staff Reports on upcoming events, projects in process, future agenda items and meetings.
7. Comments from citizens present.
8. Old Business.
9. New Business.
  - A. Consideration and possible action on temporary class B fermented malt beverage license for Jr. Chargers June 5<sup>th</sup> Tournament at Armory and Village Park Concession buildings and ball diamonds, Agent Patrick Buchanan.
10. Consideration and possible action on resignations and appointments.
11. Adjournment

Anthony LeDonne  
Village President

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Jeremy Smith  
Village Administrator

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may attend the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Clerk at 262-246-5200.

DISCLAIMER- THE FOLLOWING ARE DRAFT MINUTES FROM  
THE SUSSEX VILLAGE BOARD  
AND ARE SUBJECT TO CHANGE UPON APPROVAL OF THE VILLAGE BOARD

**VILLAGE OF SUSSEX  
SUSSEX, WISCONSIN**

**Minutes of the Village Board Meeting of  
May 11, 2021**

**1. Roll Call**

The meeting was called to order by President LeDonne at 6:00 pm.

Members present: Greg Zoellick, Lee Uecker, President Anthony LeDonne, Ron Wells, Benjamin Jarvis, Scott Adkins and Stacy Riedel.

Members excused: None.

Also present: Administrator Jeremy Smith, Attorney John Macy, Assistant Village Administrator Kelsey McElroy-Anderson, Administrative Services Director Samuel Liebert, and members of the Public.

**2. Pledge of Allegiance**

President LeDonne led the pledge of allegiance.

**3. Meeting Minutes**

Motion by Uecker, seconded by Zoellick to approve the April 21, 2021 and April 27, 2021 Village Board meeting minutes. Motion carried 7-0

**4. Communications and Public Hearings**

**A. Village President Report**

President LeDonne reported that on Monday, May 17, Associated Appraisal, the Village assessor, will hold in-person office hours at the Civic Center. This is an opportunity for residents to get answers to any questions they may have about their assessment or the assessment process prior to Board of Review, which takes place on Wednesday, May 26. Tuesday, May 18, the Senior Citizen Advisory Committee meets at 4:00 pm in the Civic Center Committee Room. Joint Review Board meets at 5:30 pm in the Civic Center Board Room. Parks & Recreation Board meets at 5:30 pm at Prides Park. Community Development Authority meets at 5:45 pm in the Civic Center Board Room and Plan Commission meets at 6:30 p.m. in the Civic Center Board Room. Wednesday, May 19, the Pauline Haass Public Library Board meets at 6:30 pm in the Quad Graphics Room at the Library. Thursday, May 20, the Board of Fire Commissioners meets at 12:30 pm in the Civic Center Committee Room. Tuesday, May 25, Rock-a-Thon takes place on the Civic Center Plaza from 11 am to 1 pm. This event features cookout concessions and live music. All proceeds from this event support senior programming in the Village.

**5. Committee Reports**

**A. Finance and Personnel Committee**

1. Motion by Jarvis, seconded by Zoellick to approve of the April Check Register and P-card Statement in the amount of \$2,403,004.02. Motion carried 7-0

2. Motion by Jarvis, seconded by Wells to approve of the April Ace Hardware purchases in the amount of \$521.00. Motion carried 6-0  
LeDonne abstained.

3. Motion by Jarvis, seconded by Zoellick to approve of a of a temporary Class "B" Retail License for The Lion's Club for Lions Daze, in Sussex Village Park, N63W24459 Main Street (July 9-11, 2021), Agent Richard Vodicka AND approve of a temporary Class "B" Retail License for Sussex Area Service (S.A.S.) Club for The Big Engine Show, in Sussex Village Park, N63W24459 Main Street (August 27-29, 2021), Agent Richard Vodicka. Motion carried 5-0

LeDonne and Wells  
Abstained

4. Motion by Jarvis, seconded by Uecker to approve of a Class "B" Retail License for the SBA Operations, LLC. for the concession stand in Sussex Village Park from May 12, 2021 through October 31, 2021, Agent: Samantha May.  
Motion carried 7-0

5. Motion by Jarvis, seconded by Wells to approve of the of the 2021 1st Quarter Investment Report.  
Motion carried 7-0

6. Motion by Jarvis, seconded by Wells to approve of an Operator License for Stephanie Whipple, subject to the standard conditions for operator license approval.  
Motion carried 7-0

#### **B. Public Works Committee**

1. Motion by Adkins, seconded by Uecker to approve of bills for payment in the amount of \$142,154.91.  
Motion carried 7-0

2. Motion by Adkins, seconded by Wells to award the design contract for the Main Street water main extension to The Sigma Group for a total cost of \$36,597 which includes a 10% contingency.  
Motion carried 7-0

#### **6. Staff Reports**

Mrs. McElroy-Anderson stated that The Railroad is tentatively planning repairs on the track crossing on Main Street. This would be June 14 through June 21 and they would need to close down the road during this time. The Village will also need to close part of Good Hope Road to a little past Waukesha Avenue by the railroad tracks as part of the 2021 Road Program. This closing would take place after the repairs on Main Street by The Railroad. The Village is continuing to look for summer help, specifically grass mowing.

Mr. Smith stated that the Strategic Planning meetings this summer will start June 1. There will not be July meeting for Finance or Public Works, and instead hold Strategic Planning meetings. The audit will be done in June and will present their findings at the Village Board meeting in June. A reminder that there is a ribbon cutting ceremony for the Vista Run subdivision, and if board members would like to attend they should RSVP.

Mr. Macy stated that there was a new bill passed into law by the legislature and governor concerning PTSD for Fire and Police personnel of municipalities. The League of Wisconsin Municipalities, yesterday, released a memo on how American Recovery funds can be spent at the local level. The Town of Lisbon has named his firm, Municipal Law, as their town attorney.

Mr. Liebert wanted to thank everyone for their help in making the Village's first Arbor Day event a success. Over 200 trees were given out to residents and there was a lot of energy and enthusiasm for future events. A reminder that the Park Board meeting next Tuesday will take place in Pride's Park at 5:30pm to review the review the community survey and future development at that park. The public in the neighborhood are encouraged to attend.

#### **7. Comments from Citizens Present**

No one was present who wished to be heard.

#### **8. Old Business**

There was no old business to discuss.

#### **9. New Business**

Motion by LeDonne, seconded by Uecker to approve the first amendment for the Developer's Agreement for Vista Run.  
Motion carried 7-0

#### **10. Consideration on resignation and appointments**

No action was taken.

**11. Consideration to convene into Closed Executive Session**

President LeDonne read aloud that the Village Board would now consider possible action on a motion to convene into executive session under 19.85(1)(e) when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session with respect to an offer and agreement about water service between the Village of Sussex and Town of Lisbon.

Motion by LeDonne, seconded by Uecker to convene into executive session under 19.85(1)(e) when deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session with respect to an offer and agreement about water service between the Village of Sussex and Town of Lisbon.

Rollcall Vote was taken  
Motion carried 7-0

The Village Board entered Closed Executive Session at 6:28 pm.

The Village Board went back into Open Session at 7:42 pm.

**12. Consideration and possible action on items requiring action arising from Executive Session**

Motion by LeDonne, seconded by Uecker to accept the memo from the Town of Lisbon as presented.

Motion carried 7-0

**13. Adjournment**

Motion by LeDonne, seconded by Zoellick to adjourn at 7:43 pm.

Motion carried 7-0

Respectfully submitted,

Samuel E. Liebert  
Administrative Services Director, Village Clerk/Treasurer

NOTICE OF PUBLIC HEARING  
VILLAGE OF SUSSEX

TAKE NOTICE that the Village Board of the Village of Sussex, Waukesha County, Wisconsin, will hold a public hearing on Tuesday, May 25, 2021 at 6:00 p.m. at the Sussex Civic Center N64W23760 Main Street, Sussex to hear comments from citizens on an Ordinance to amend to the Village's 2040 Land Use Map a component of the 2040 Comprehensive Plan.

The proposed Ordinance amendment would designate on the Land Use Map for the property located north of CTH K and west of Highlands Business Park more specifically SUXV0273998001 N55W25299 Richmond Road

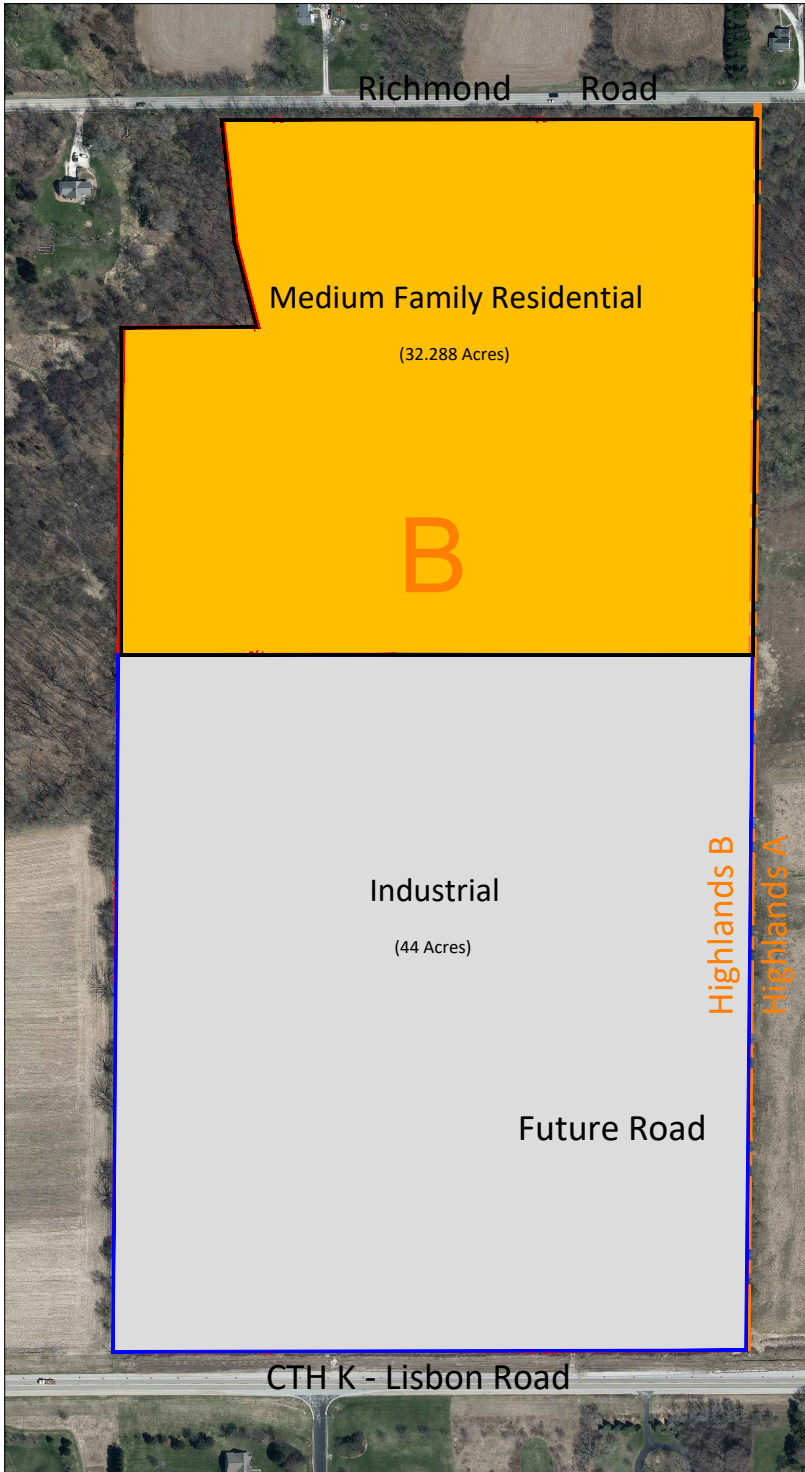
TO: ±33 Medium Density Single Family Residential  
±44 Industrial

A map showing map showing the proposed land use classification for the property is available for inspection at the Sussex Civic Center, N64W23760 Main Street, from 8:00 a.m. until 5:00 p.m., Monday through Friday and on the Village website [www.villagesussex.org](http://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

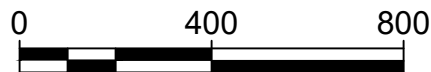
# PROPOSED LAND USE

Sussex, WI



### Legend

-  Single-Family Attached and Two-Family Residential
  -  Low Density Single-Family Residential
  -  Medium Density Single-Family Residential
  -  Multi-Family Residential
  -  Commercial
  -  Commerce Center
  -  Industrial
  -  Quarry
  -  Government and Institutional
  -  Recreational
  -  Publicly Owned Open Space
  -  Streets and Highways
  -  Railway, Communications and Utilities
  -  Surface Water
- ### Environmental Overlay
-  Flood Storage Area
  -  Woodlands Outside of Environmental Corridor
  -  Wetlands Outside of Environmental Corridor
  -  Primary Environmental Corridor
  -  Secondary Environmental Corridor
  -  Isolated Natural Resource Area
  -  Civil Division



SCALE IN FEET





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Website: [www.villagesussex.org](http://www.villagesussex.org)

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## MEMORANDUM

To: Village Board  
From: Sam Liebert, Administrative Services Director, Clerk/Treasurer  
Re: Village Board Meeting- May 25, 2021  
Date: May 20, 2021

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4.A. Village President Report- report on meetings attending and upcoming communications, and recognitions including Successfully Sussex Awards.

4.B. Hold Public Hearing on an Ordinance to Amend the Land Use Plan (Industrial and Medium Density Single Family Residential) and an Ordinance to Rezone the Brown Farm with PDO Overlay (Agriculture and BP-1 Business Park with PDO) (North side of CTH K, West of the Highlands Business Park).

5.A. Board of Fire Commissioners Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

5.B. Community Development Authority Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

5.C. Park & Recreation Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

5.D. Pauline Haass Library Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

5.E.1. The Plan Commission recommends the adoption of Ordinance #878 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. The land use map would be updated to have approximately 44 acres of industrial land use and 33 acres of medium density single family land use. The single family land use matches the single family land use category around it. The site has a large grade change that makes the whole site not feasible for industrial use. Please see The Ordinance for more information.

5.E.2. The Plan Commission recommends the approval of Ordinance #876 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. The industrial portion would be zoned BP-1 with an overlay district to match the existing business park zoning. The PDO calls for higher design standards. The remaining lands would remain agriculture until a development is



proposed for that area as exactly what type of residential zoning would be appropriate is not yet known. Please see the Ordinance for more information.

5.F. Public Safety and Welfare Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

9.A. Staff recommends approval of a temporary class B fermented malt beverage license for Jr. Chargers June 5<sup>th</sup> Tournament at Armory and Village Park Concession buildings and ball diamonds, Agent Patrick Buchanan. This year, the Jr. Chargers were late in getting in their application, thus the Finance Committee was unable to review their application in time for their June 5<sup>th</sup> Tournament.

11. Adjournment.

STATE OF WISCONSIN

VILLAGE OF SUSSEX

WAUKESHA COUNTY

ORDINANCE NO. 878

AMENDMENT #3 of the 2040 COMPREHENSIVE PLAN  
OF THE VILLAGE OF SUSSEX, WISCONSIN  
AND SPECIFICALLY THE LAND COMPONENT OF THE SAME

WHEREAS: the Village Board is authorized by state law to adopt and amend a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS: The Village Board adopted a comprehensive plan on March 25, 2003 and updated to the 2040 Comprehensive Plan on May 22, 2018 and on occasion amendments will be made; and

WHEREAS: The Sussex Plan Commission has received a petition to amend the Land Use Map and finds it to be acceptable; and

WHEREAS: The Village desires to amend the adopted 2040 Comprehensive plan, specifically the Land Use Plan Map component of the same, based on a request by the petitioner, Stewart Wangard, Owner, of SUXV0273998001 N55W25299 Richmond Road; and

WHEREAS: The 77.5 acres of the subject property are currently not classified on the Land Use; and

WHEREAS: The 77.5 acres of the subject property as shown on the exhibit, upon adoption of an ordinance amendment would be classified as:

- ±33 Medium Density Single Family Residential
- ±44 Industrial

WHEREAS: the Plan Commission made a finding the proposed amendment is consistent with the spirit and intent of the comprehensive plan.

WHEREAS: the Village Plan Commission, by a majority vote, adopted resolution #21-07 a copy of which is on file with the Village Clerk's office, recommending to the Village Board an amendment to the land use map which is a component of the comprehensive plan; and

WHEREAS: the Village Board conducted a public hearing on May 25, 2021 regarding the proposed amendment in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes; and

WHEREAS: the Village Board of the Village of Sussex, having carefully reviewed the recommendation of the Village Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration of the plan components, as may be herein amended, relating to issues and opportunities, housing transportation, utilities and community facilities, agricultural, natural and cultural resources, economic development, inter governmental cooperation, land-use, and implementation has determined that the comprehensive plan dated March 25, 2003, as herein amended, will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village of Sussex which will, in accordance with existing and future need, best promote public health, safety, morals, order convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

NOW THEREFORE, the Village Board of the Village of Sussex, do ordain as follows:

**SECTION 1. FINDINGS**

The Village Board makes the following finding relating to the plan amendment:

1. The subject property to be reclassified on the land use map is appropriate to be reclassified to the proposed land use classification due to the size and location of the property
2. The proposed amendment is consistent with the spirit and intent of the comprehensive plan.

**SECTION 2. AMENDMENT**

The Village of Sussex's comprehensive plan is hereby amended to change the land use classification of property located at SUXV0273998001 N55W25299 Richmond Road approximately 77.5 acres on the Land Use Map as shown on the exhibit to the following:

- ±33 Medium Density Single Family Residential
- ±44 Industrial

**SECTION 3. DISTRIBUTION OF RECOMMENDED AMENDMENT**

The Village Administrator is directed to send a copy of this ordinance to the following along with an explanatory cover letter:

1. Clerk of each adjoining municipality;
2. County Clerk of the Waukesha County Administration Center, 1320 Pewaukee Road, Room 120; Waukesha, WI 53188;
3. Executive Director of the Southeast Wisconsin Regional Planning Commission; P.O. Box 1607 Waukesha, WI 53188;
4. Director; Waukesha County Department of Parks and Land Use; 515 W. Moreland Blvd Waukesha, WI 53188;
5. Wisconsin Department of Administration, Comprehensive Planning Program, 101 E. Wilson Street, 9<sup>th</sup> Floor Madison, WI 53703;
6. Pauline Haass Public Library N64W23820 Main Street, Sussex, WI 53089

**SECTION 4. 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 5. EFFECTIVE DATE**

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

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021

By: \_\_\_\_\_  
Anthony LeDonne, Chairman

Attest: \_\_\_\_\_  
Samuel Liebert, Village Clerk

STATE OF WISCONSIN

VILLAGE OF SUSSEX

WAUKESHA COUNTY

ORDINANCE NO.876

AN ORDINANCE TO CONDITIONALLY REZONE  
CERTAIN LANDS IN THE VILLAGE OF SUSSEX FROM  
A-1 AGRICULTURAL  
TO  
A-1 AGRICULTURAL AND BP-1 BUSINESS PARK DISTRICT  
WITH A PLANNED DEVELOPMENT OVERLAY DISTRICT

WHEREAS: A petition has been filed by Stewart Wangard (“Petitioner”) owner of lands in the Village of Sussex to rezone said property as described in Exhibit A attached hereto and incorporated herein (“Subject Property”); and

WHEREAS: Said rezoning petition was submitted to rezone 44 acres of the subject property to BP-1 Business Park District with a Planned Development Overlay District, as shown on Exhibit B; and

WHEREAS: The Petitioner has supplied all required data pursuant to the Village of Sussex Zoning Code, and a public hearing was held by the Village Board of the Village of Sussex on \_\_\_\_\_, 2021; and

WHEREAS: The Village Plan Commission of the Village of Sussex has recommended to the Village Board of the Village of Sussex that said zoning change be made upon certain conditions; and

WHEREAS: The Village Board of the Village of Sussex having carefully reviewed the recommendation of the Plan Commission of the Village of Sussex, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the Village of Sussex, will not be contrary to the public health, safety or general welfare of the Village of Sussex, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same and is consistent with the recommendation found in the Village of Sussex master plan.

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1: The subject properties are hereby rezoned to BP-1 Business Park District, with a Planned Development Overlay District as described on Exhibit A and the Zoning Map of the Village of Sussex is hereby amended.

SECTION 2: The above rezoning and zoning map amendment is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

1. Presentation Compliance. The subject property must be developed in substantial conformity with the plans presented to the Plan Commission on \_\_\_\_\_.
2. Permitted Uses
  - A. Compliance with Zoning. The uses classified as permitted uses and conditional uses for the B-2 Regional Highway Business District (Section 17.0417, Ordinances) shall be allowed in the BP-1 district of the subject property as if and in the same manner as if the district was zoned B-2 along with the permitted uses and conditional uses for the BP-1 Business Park District (Section 17.0420, Ordinances),
  - B. Nuisances. No noxious or offensive trade or activity, whether or not permitted by applicable zoning, shall be carried on within the Park, nor shall anything be done which is or may become an annoyance or nuisance to adjacent owners or other Park users, or which is inconsistent with the Declaration of Development Standards and Protective Covenants applicable to the Site or other governmental or private restrictions applicable to the Site. All Buildings and Building Sites in the Park shall comply with Chapter 9, Ordinances (Orderly Conduct, Public Nuisance, Health and Sanitation) with respect to control of noise, vibration, dirt, dust, smoke, odor, glare, and waste within the Park.
  - C. Hazardous Waste. No storage of hazardous or toxic waste, or discharge of such waste into the sanitary system or surface drainage system, shall be permitted within the Park.
3. Site Specifications, Requirements and Site Plan
  - A. Site Plan. No new improvements, or modifications of any kind or degree to existing improvements, shall be made or constructed upon a Building Site or other parcel until a detailed Site Plan of the entire Building Site or parcel is approved, if required by Section 17.0420.J.1, Ordinances, by the Village.
  - B. Limit on Development. No more than seventy-five percent (75%) of any Building Site may be covered with buildings or other improvements impervious to surface water absorption, (i.e., drives, parking lots concrete loading areas) and not less that twenty-five percent (25%) of any Building Site shall be landscaped open space.
  - C. Utilities. All utilities serving a Building Site shall be installed underground. Associated above-ground apparatus shall be screened with landscaping or an approved enclosure.
4. Architectural Building Plan Review
  - A. Building Plan. No building or other structure shall be constructed or placed on any Building Site or other parcel nor shall any building or structure be remodeled or altered, until detailed plans and specifications for such building, structure, or remodeling, alteration or addition thereto, have been reviewed and approved, if required by the Village.
  - B. Building Standards. Buildings and Structures shall comply with the Village of Sussex Design Standards (rev. March 25, 2014) or as amended from time to time as required by

Section 17.0420.I, Ordinances. Buildings and Structures shall adhere to the following minimum standards:

- i. They shall be designed by an Architect or Engineer. All sides, elevations, or facades of all Buildings and Structures visible from the right-of-way of all public highways, streets or roads shall be visually pleasing and architecturally and aesthetically compatible with the surrounding environment.
- ii. The exterior and externally visible surfaces shall be constructed of the following types of materials (provided, however, that such list shall not be deemed to exclude the use of other accent or exterior trim materials, glass and glazing, and earth berms):
  - a. Brick;
  - b. Architectural precast concrete panels;
  - c. Decorative concrete block for no more than 90% of the exterior building wall area, except for office buildings where it shall not exceed 50% of the exterior wall area);
  - d. Cut stone;
  - e. Exterior insulation and finish systems such as Dryvit or Sunalar (not to exceed 30% of the exterior wall area for office buildings);
  - f. Wood (as an accent/trim material but in not to exceed 30% of the building's exterior);
  - g. Other building materials being developed, and to be developed, by the construction industry which shall be reviewed on a case-by-case basis.

Building materials will be selected for their ability to present a visual statement of a building or structure's strength, attractiveness and permanence. The building materials used shall be harmonious with the natural environment and with the general character of other buildings and structures in the Park.

(iii) Metal trim materials may be used when in keeping with the architectural and aesthetic character of the building or structure.

(iv) All mechanical, electrical, pollution control or waste handling equipment, utility enclosures, whether roof, pedestal or ground mounted, and any outside solid waste, raw material, inventory, finished product, equipment, fuel storage facility or other storage of any kind, shall either be architecturally screened from view using materials identical to, or structurally and visibly compatible with, the main buildings or structures on the Building Site, or shall be landscape screened. All storage areas shall be screened as provided above and shall be hard surfaced with either concrete or asphalt materials within ninety (90) days from the date of occupancy, or as soon thereafter as weather will permit if such period occurs during winter months.

(v) All buildings to be constructed on a Building Site which are to be heated or cooled shall be designed and constructed in an energy efficient manner consistent with sound and prudent design and construction techniques.

C. Accessory or Ancillary Structures. Accessory or ancillary structures shall be permitted only if such structures are necessary to the principal use of the Building Site, are in architectural and aesthetic conformance with other building(s) or structure(s) on the Site, are properly screened, and meet all other applicable requirements. No building or structure of a temporary nature may be constructed on any Building Site except construction sheds in use during construction. Such sheds shall be promptly removed upon completion of construction.

5. Landscaping

A. Landscaping Plan. The landscaping for a Building Site or parcel shall be carried out in accordance with a detailed landscaping plan which has been reviewed and approved, if required by the Village.

B. Plant Material. Selected plant material should provide for a variety of shade trees, evergreen trees and shrubs, ornamental trees and shrubs and ground covers. Plant material selection shall take into consideration the following:

- (a) Disease and insect resistance.
- (b) Hardiness to the area.
- (c) The ability to provide seasonal interest.
- (d) Future maintenance considerations.
- (e) Ice melt and salt tolerance when plant material is near parking and storage areas.

C. Time for Completion. All landscaping shall be completed within ninety (90) days following occupancy, or as soon thereafter as weather will allow if such period occurs within winter months.

6. Off-Street Parking, Loading and Storage

A. Parking and Loading Areas. Off-street parking and loading areas shall comply with the Section 17.0600, Ordinances, and the following minimum standards. Loading areas shall be separate from parking areas on any site where possible, and truck and truck-trailer loading, receiving and parking areas shall be located away from the street side(s) of any building wherever possible, and shall be designed and located so as to confine all truck maneuvering to the Building Site. In addition, front or street yard parking shall only be allowed provided the same is adequately screened as provided for in the Village of Sussex zoning ordinance.

B. No On-Street Parking. No motor vehicle or trailer may park on any street.

C. Storage of Trailers and Vehicles. There shall be no long-term storage of trailers or vehicles on any Building Site unless a conditional use for such storage is approved by the Village. The parking of licensed on the road vehicles/trailers that frequently come and go and are on a paved surface does not require a conditional use. The determination for what types of storage require a conditional use is made by the Village per Village Ordinance.

D. Hard-Surfacing. All parking, loading and driveway areas shall be hard-surfaced with either concrete or asphalt materials at the date of occupancy, or as soon thereafter as weather will allow if such period occurs during winter months.

E. No Outdoor Storage. There shall be no outdoor storage outside of an adopted conditional use for the same on the Subject Lands.

7. Signage and Lighting

A. Sign Standards. All signs must be architecturally compatible to other improvements. Signs may only advertise the name(s) of the building occupants, the owners of the Building Site, and the product manufactured or sold on the Building Site. Each Building Site shall contain only one major "monument" type of sign at the entry of each site. Additional major signage may be mounted on the building subject to approval by the Village. Additional smaller signs may be mounted adjacent to individual tenant entrances and identifying individual tenants, or smaller signs may be erected directing traffic, subject to approval by the Village. Any such signs shall be permanently affixed to the face of the building (but shall not extend above the higher of the ceiling line of the top floor or the top of a parapet wall) or to the ground, and shall not flash, pulsate, rotate or be affixed with moving appurtenances.

- B. Lighting Standards. Lighting on individual Building Sites shall adhere to applicable governmental lighting codes and ordinances, as well as the following requirements:
- i. All exterior lighting shall be energy efficient and shall be located, oriented, and of an intensity to illuminate only the Building Site or parcel where located without detrimentally affecting activity on adjacent Sites or parcels or traffic on streets and highways.
  - ii. Lighting shall not be located on the roofs of buildings. Any lights affixed to a building shall be oriented downward at no more than a 45-degree angle from the vertical so as to light only areas of the Site.
  - iii. Lights may neither flash, pulsate, nor be so bright as to impair or hinder vision on public streets or adjacent Building Sites, or otherwise constitute a nuisance.
  - iv. Only light emitting diode (LED) or a modern equivalent lighting types shall be allowed and sodium vapor, incandescent, mercury vapor, and metal halide lighting types shall be prohibited.

8. CSM Conditions. The Petitioner shall submit and receive all necessary approvals for a CSM or CSM's, and shall satisfy all conditions of the same for development of individual parcels.
9. Lot Sizes. Shall follow the underlying district standards (BP-1) as appropriate.
10. Setbacks.  
Setbacks for buildings in the BP-1 district shall be as follows:
- (i) Front or street yard – not less than 40 feet from the right-of-way of all highways, streets or roads.
  - (ii) Shoreland setbacks – the setbacks set forth in the Village's shoreland regulations shall apply.
  - (iii) Side yard – not less than 25 feet from any other lot line. This is regardless of building height.
  - (iv) Rear yard – not less than 25 feet from any other lot line.
11. Special Assessment. The payment of any outstanding special assessments owed on this property must be paid in full prior to starting any site work.
12. Construction Sequencing Plan. Subject to the Developer submitting to and receiving approval from the Village Engineer a construction sequencing plan to ensure safe and adequate construction development of the site for public safety access, utility development, and customer access at all times.
13. Design Standards. As required in the Village Design Standards
14. Required Plans and Engineer Satisfaction. Subject to the Petitioner submitting to and receiving written approval from the Village Plan Commission of all of the following plans for the entire subject property. Said plans shall satisfy all comments, conditions, and concerns of the Village Engineer.
- A. Roadway Plans including signage for the entire site and roadway/signal improvements required by Waukesha County and Wisconsin Department of Transportation. The roadway widths for Village roads for this Development shall be determined by the



Village Engineer.

- B. Utility Plans for the entire site including any necessary utility extensions or oversizing necessary to properly connect the development site's utilities with the Village system. Including, but not limited to:
    - i. Sewer System Plans
    - ii. Water System Plans
    - iii. Storm water Management Plans with the appropriate maintenance requirements and outlots.
    - iv. Existing Above Ground Utility (Private) burial plans.
  - C. Master Street Lighting Plan for the entire site including.
  - D. A Sidewalk plan for the entire site shown on the plans including location, and width, with the necessary easement(s) if any on the CSM.
  - E. Street Tree Plan and landscape plan for common areas and along/and or in rights of way areas with the necessary easements if any on the CSM.
15. Developer's Agreement. Prior to development of the Subject Property or any portion thereof, the Developer of the Subject Lands or portion thereof is required to enter into a Developer's Agreement as approved by the Village prior to the approval of permits for grading and start of construction.
16. Professional Fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this rezoning petition, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional rezoning ordinance due to a violation of these conditions.
17. Payment of Charges. Any unpaid bills owed to the Village by the owner of subject lands or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village: shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627. Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional rezoning ordinance that is subject to all remedies available to the Village, including possible cause for termination of the conditional rezoning ordinance.
18. Acceptance. Subject to the petitioner approving in writing the issuance of the conditional rezoning ordinance, and that the petitioner understands and accepts the same, and that upon failure to satisfy these conditions, this conditional rezoning ordinance is void, and the same is deemed not to have been approved, and the Petitioner will therefore need to re-commence the application process for rezoning of the property.
19. One Year to Satisfy Conditions. Subject to the petitioner satisfying all of the aforementioned conditions within one year of the Village Board adopting this conditional rezoning ordinance. The Village Board may grant additional time solely at the discretion of the Village Board upon request for an extension by the Developer.

SECTION 3: The Village Engineer is hereby authorized and directed to note this rezoning on the Official Zoning Map of the Village of Sussex upon successful development of the property and satisfaction of all conditions in Section 2 of this Ordinance.

SECTION 4. 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 5. 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: \_\_\_\_\_  
Samuel Liebert  
Village Clerk-Treasurer

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

# Exhibit A

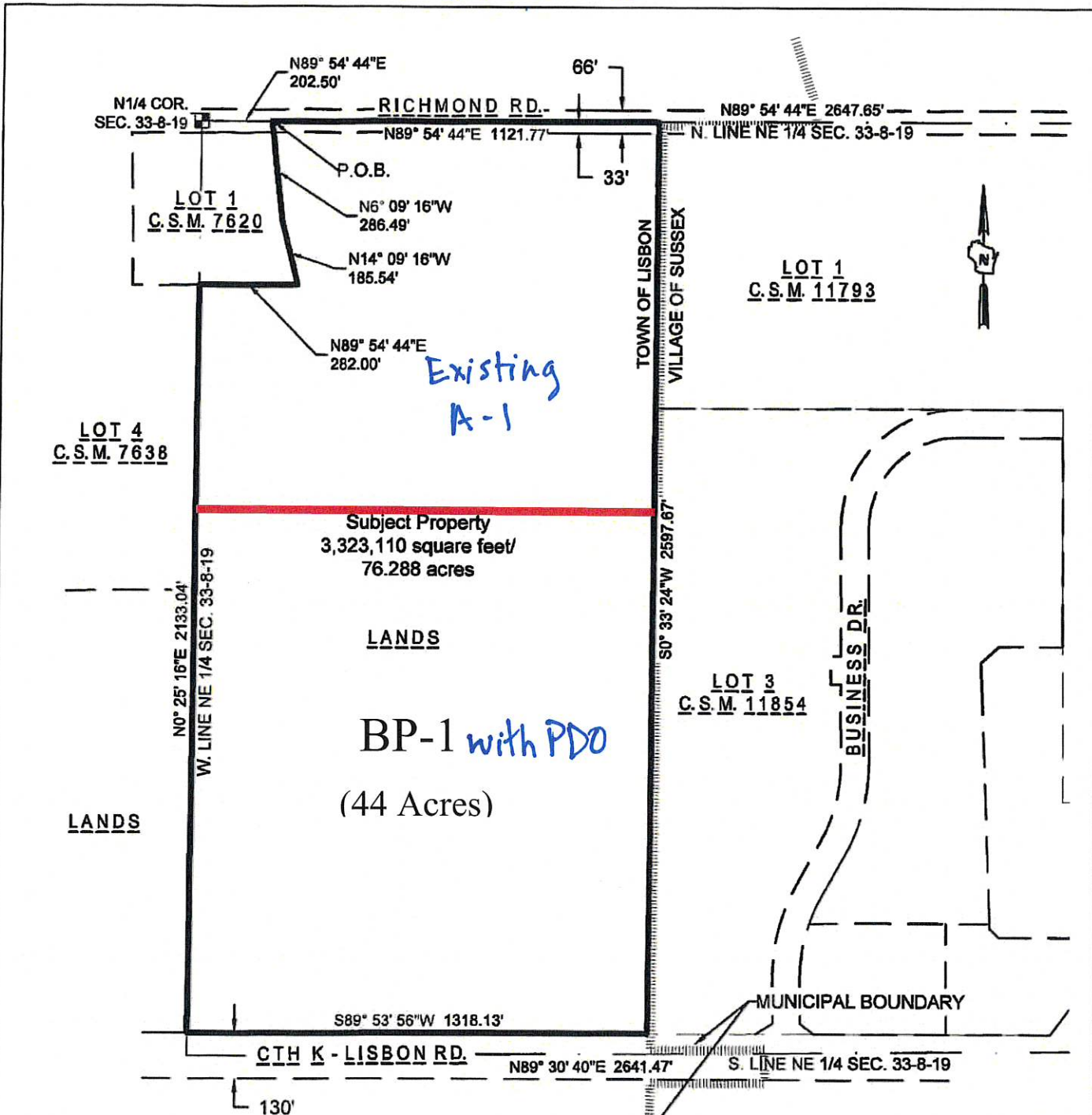
## PETITION FOR REZONING of LAND TO BP-1 with Planed Development Overlay

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

Commencing at the North 1/4 corner of said Section 33; thence North  $89^{\circ}54'44''$  East, 202.50 feet along the north line of the Northeast 1/4 of said Section; continuing thence North  $89^{\circ}54'44''$  East, 1121.77 feet along said north line to the northerly extension of the west line of Lot 1 of Certified Survey Map No. 11793; thence South  $0^{\circ}33'24''$  West, 1145.79 feet along the west line of said Lot 1 of Certified Survey Map No. 11793 and the west line of Lot 3 of Certified Survey Map No. 11854 to the point of beginning; continuing thence South  $0^{\circ}33'24''$  West, 1451.90 feet along the west line of said Lot 1 of Certified Survey Map No. 11793 and the west line of Lot 3 of Certified Survey Map No. 11854 to the north line of C.T.H. "K" (Lisbon Road); thence South  $89^{\circ}53'56''$  West, 1318.13 feet along said north line to the west line of said Northeast 1/4 of Section 33; thence North  $0^{\circ}25'16''$  East, 1451.86 feet along said west line; to a line parallel to the north line of C.T.H. "K" (Lisbon Road); thence North  $89^{\circ}53'56''$  East, 1321.57 feet along said north line parallel to CTH K to the point of beginning.

Containing 1,916,190.8 square feet (43.99 acres), more or less.

# Exhibit B



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



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

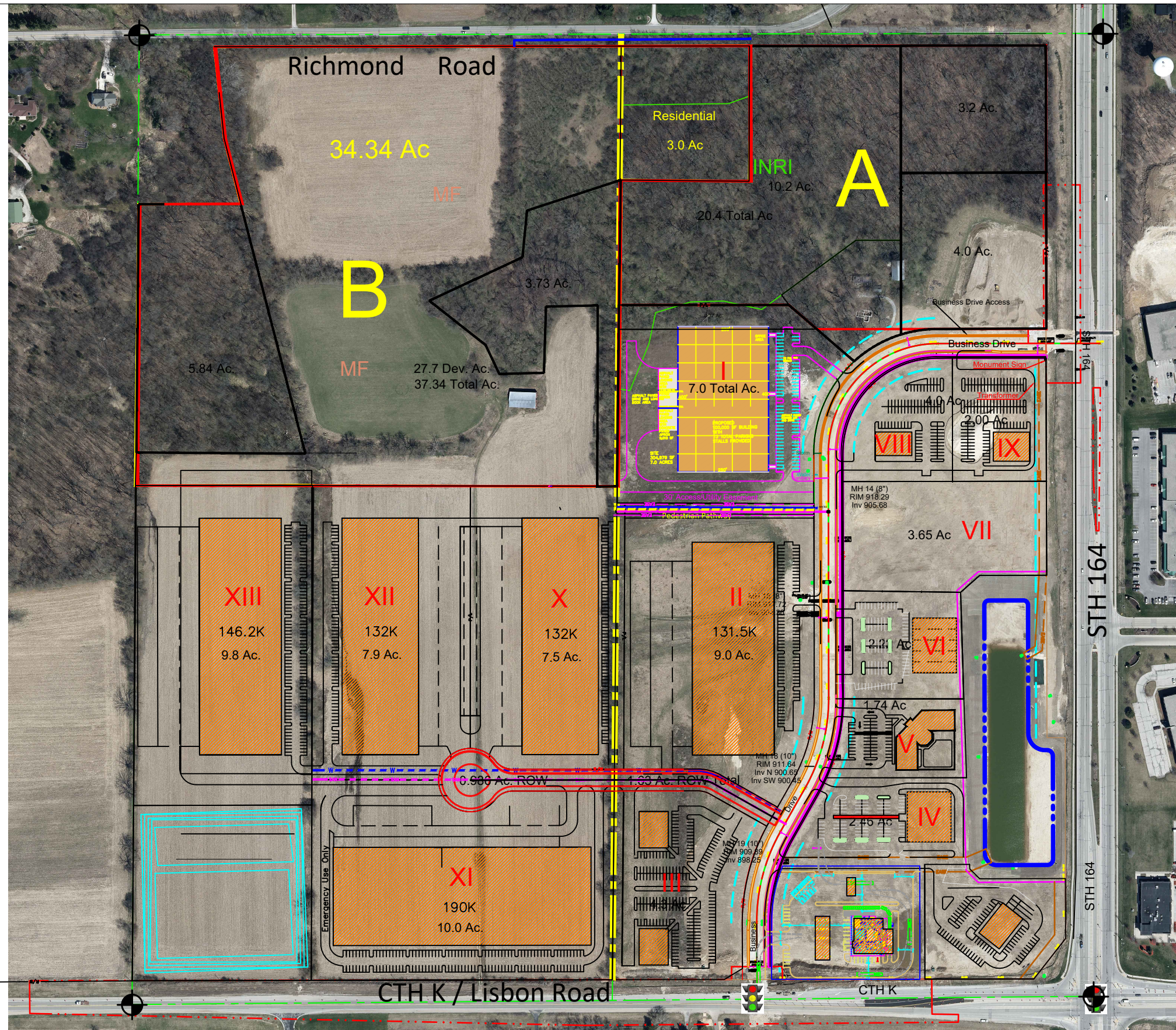
DATE: 11-02-2020

19757 ANNEXATION.DWG

B.M.R.

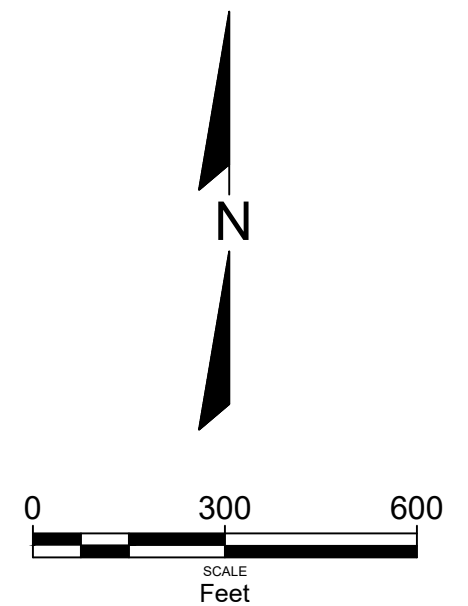
# HIGHLANDS BUSINESS PARK I/II

Sussex, WI



## LEGEND

-  Water Line
-  Sanitary Line
-  Storm Sewer Line
-  Easement
-  Pedestrian Path



**Application for Temporary Class "B" / "Class B" Retailer's License**

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ \_\_\_\_\_  
 Town  Village  City of Sussex

Application Date: 5/13/2021  
 County of Waukesha

The named organization applies for: (check appropriate box(es).)

A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 6/5/21 and ending 6/5/21 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) →  Bona fide Club  Church  Lodge/Society  
 Veteran's Organization  Fair Association or Agricultural Society  
 Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Hamilton Jr Chargers baseball, LLC.  
 (b) Address PO BOX 288 SUSSEX, WI  
(Street)  Town  Village  City

(c) Date organized 1-1-2001

(d) If corporation, give date of incorporation \_\_\_\_\_

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:  
 President Patrick Buchanan. W224 N4995 Westview Dr. Sussex  
 Vice President Danny Fromstein N72 W23736 Butter Ct. Sussex  
 Secretary \_\_\_\_\_  
 Treasurer Eric Loferski W218 N5387 Taylor's Woods Dr. Men Falls.

(g) Name and address of manager or person in charge of affair: Carrie Buchanan  
W224 N4995 Westview Dr. Sussex WI. 53089

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number Armory Park + Village Park

(b) Lot \_\_\_\_\_ Block \_\_\_\_\_

(c) Do premises occupy all or part of building? YES.

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: Concession stand & all baseball Diamonds

3. Name of Event

(a) List name of the event C tournament

(b) Dates of event June 5th, 2021

**DECLARATION**

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer [Signature] Hamilton Jr. Chargers baseball  
(Signature / Date) (Name of Organization)

Date Filed with Clerk 5/14/21 Date Reported to Council or Board 5/25/21

Date Granted by Council \_\_\_\_\_ License No. \_\_\_\_\_