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**AGENDA  
VILLAGE OF SUSSEX  
PLAN COMMISSION MEETING  
6:30 PM TUESDAY, JUNE 15, 2021  
SUSSEX CIVIC CENTER – BOARD ROOM 2<sup>nd</sup> FLOOR  
N64W23760 MAIN STREET**

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Sussex Plan Commission, at which a quorum of the Village Board may attend. 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 May 18, 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 Milwaukee Sign Company N63W22625 Main Street.
  - B. Consideration and possible action on a Plan of Operation and site plan for Tap In N65W24838 Main Street.
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
  - A. Convene the public hearing for 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 Final Plat Addition No. 1 for Woodland Trails Subdivision.
  - B. Consideration and possible action on a CSM for purchase transfer of well house #3 W233N6048 Lilac Drive and vacate the pedestrian walkway to abutting property owners.
6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne  
Chairperson

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Jeremy J. Smith  
Village Administrator

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids/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 May 18, 2021

President LeDonne called the meeting to order at 6:31 p.m.

Members present: President Anthony LeDonne, Commissioners Jim Muckerheide, Roger Johnson, Mike Knapp, Mike Schulist, and Trustee Greg Zoellick

Members excused: Commissioner Deb Anderson

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 April 20, 2021.**

A motion by Johnson, seconded by Muckerheide to approve the minutes of the Plan Commission meeting of April 20, 2021 as presented.

Motion carried 6-0

**Consideration and possible action on a Plan of Operation and site plan for Family Strong Sussex Taekwondo N64W24678 Main Street Suite 8.**

The applicant was not present to provide a brief plan of operation.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating 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.

Plan Commission Comments: Commissioner Johnson inquired about staff being certified to work in a daycare setting. Administrator Smith clarified the facility would be used as a day camp, rather than a day care.

Public Comments: None

A motion by LeDonne, seconded by Johnson to 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.

Motion carried 6-0

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

Applicant Paul Giersch, W226N6339 Village Dr Sussex, provided a brief plan of operation.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating 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.

Plan Commission Comments: None

Public Comments: None

A motion by LeDonne, seconded by Knapp to 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. Motion carried 6-0

**Introduction of a Legal Non-Conforming Conditional Use and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring.**

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating 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 standards/conditions in the attached memo during the Public Hearing process. The Plan Commission may add additional conditions for the Petitioner to meet in the Conditional Use. The shaded areas (if any) in the attached memo reflect items in the code that are unlikely to be meritorious to the application or are administrative in nature.

Mrs. Fluet stated that staff has found the application complete and recommends scheduling the Public Hearing.

Plan Commission Comments: None

Public Comments: None

A motion by LeDonne, seconded by Muckerheide to direct staff to schedule a public hearing for 6:30 pm on June 15, 2021. Motion carried 6-0

**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.**

Julie Fullerton of Menomonee Falls was present on behalf of the petitioner.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating 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.

A motion by LeDonne, seconded by Johnson, to deny the request to adjust the code.

Motion carried 6-0

**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 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.**

Administrator Smith reviewed the Plan Staff Memo (copy attached); stating on 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.

Plan Commission Comments: None

A motion by LeDonne, seconded by Schulist to recommend approval of Ordinance #877 to the Village Board subject to standard conditions of Exhibit A.

Motion carried 6-0

**Other items for future discussion**

President LeDonne would like the Plan Commission to review the zoning requirements along Main Street and consider forming a Committee if need be.

**Adjournment:**

A motion by LeDonne, seconded by Muckerheide to adjourn the meeting at 7:04 pm.

Motion carried 6-0

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: Jeremy Smith, Village Administrator  
RE: Plan Commission meeting of June 15, 2021  
DATE: June 10, 2021

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of May 18, 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 Milwaukee Sign Company N63W22625 Main Street.**

This site is zoned M-1. The general manufacturing and assembling of signs is a permitted use in accordance with Section 17.0422 (A)(4)(f) in the M-1 Industrial District. Milwaukee Sign Company will occupy 3,200 square feet in the 36,200 square foot building. Hours of operation will be Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to noon. This site is not allowed any outside storage. This site has 72 parking spaces with 38 allocated to other users. This user requires 4 per code.

Any signage for this site will need to be approved by the building inspector.

**Policy Question:**

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

**Action Items:**

1. Act on the plan of operation.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation and site plan for Milwaukee Sign Company N63W22625 Main Street; 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 and site plan for Tap In N65W24838 Main Street.**

This site is zoned B-2. The entertainment facility with a bar is a permitted use in accordance with Section 17.0417 (A)(1)(c) and (2)(b). At the May Plan Commission a code change was approved to allow entertainment facilities in spaces under 30,000 square



feet which will now allow this user. Tap In will have golf simulators and serve alcohol and simple food options. The owner still will need to obtain approval for a liquor license with the Village. Hours of operation will be Monday through Thursday 12:00 p.m. to 10:00 p.m., Friday 12:00 p.m. to 11:00 p.m., Saturday 10:00 a.m. to 11:00 p.m. and Sunday 10:00 a.m. to 10:00 p.m. This site meets the parking requirements according to Section 17.0603 (2)(r). If there is any outdoor patio an outdoor establishment permit needs to be applied for.

Any signage for this site will need to be approved by the building inspector.

**Policy Question:**

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

**Action Items:**

1. Act on the plan of operation.

**Staff Recommendation:** Staff recommends the Plan Commission approve the Plan of Operation site plan for Tap In N65W24838 Main Street; 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. Convene the public hearing for 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.. Gas pumps are available 24 hours 7 days a week. Please see the impact report for more information.

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.**

Comments from the public if any.

**Policy Question:**

1. Should there be limited amount of Uhaul vehicles/trailers allowed at the site and what about hours of operations?

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or

2. Directs staff to prepare for consideration next month:

- i. A Conditional Use Order; or
- ii. An Order finding the Petitioner does not meet the standards.

If the Plan Commission directs a Conditional Use Order be drafted any Plan Commission member may ask for a specific condition to be drafted for consideration in the CU Order. The continued Public Hearing will allow the Plan Commission to hear testimony on the CU Order from the Petitioner and the Public and in the case of a specific condition requested by a Plan Commission member for the Village to provide evidence for the same.

If the Plan Commission directs an Order finding the Petitioner does not meet the standards the continued public hearing will allow the Plan Commission to hear testimony on the Denial Order.

Adjourn hearing to July 20, 2021 at 6:30 p.m.

**05. Consideration and possible action on CSM's, Plats, Zoning, and Planning Items:  
A. Consideration and possible action on Final Plat Addition No. 1 for Woodland Trails Subdivision.**

This site is zoned RS-3 with a PDO. This Final Plat is part of the next phase for the 91 single family subdivision. The approval of this Plat is for next single family lots with road and utility improvements. Building permits may be issued once staff is satisfied all the conditions of the Developers Agreement and Chapter 18 are met and once the Plat is recorded with the Registry of Deeds.

The subdivision still has 28 single family lots remaining to be platted.

**Policy Question:**

1. Are there any concerns with the Plat?

**Action Items:**

1. Act on the Plat.

**Staff Recommendation:** Staff recommends the Plan Commission recommend to the Village Board approval of Final Plat Addition No. 1 for Woodland Trails Subdivision conditioned upon the obligations of the Developers Agreement being met, final review by the Village Engineer and subject to the standard conditions of Plat approvals and Exhibit A.

**B. Consideration and possible action on a CSM for purchase transfer of well house #3 W233N6048 Lilac Drive and vacate pedestrian walk way to abutting property owners.**

This CSM will be the final step in the transfer of the well house #3 and the pedestrian walkway to the abutting property owners. Payment for the well house has been received.

**Policy Question:**

1. Are there any concerns with the CSM?

**Action Items:**

1. Act on the CSM.

**Staff Recommendation:** Staff recommends the Plan Commission recommend approval of the CSM to the Village Board for transfer of well house #3 W233N6048 Lilac Drive and to vacate the pedestrian walkway subject to review by the Village Engineer, the standard conditions of CSM approval and 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 # 85-4072806

Zoning: Industrial/Flex

Address of Tenant Space: N63W22625 Main Street

1. Name of Business:  
Milwaukee Sign Company

Business		
<u>N63W22625 Main Street</u>	<u>Sussex, WI , 53089</u>	<u>262 501 9255</u>
Address	City, State, Zip	Phone #
<u>na</u>	<u>kelly@milwaukeeesigncompany.net</u>	
Fax #	Email address	

2. Business owner contact information:  
Kelly Hanaway

Contact		
<u>N73W27020 Kettle Cove Ln</u>	<u>Sussex, WI 53089</u>	<u>262 501 9255</u>
Address	City, State, Zip	Phone #
<u>na</u>	<u>kelly@milwaukeeesigncompany.net</u>	
Fax #	Email address	

3. Building/Land owner contact information:  
Mark D. Heinert - Sussex Crossings, LLC

Contact		
<u>S40W22690 Sommers Hills Dr</u>	<u>Waukesha, WI 53189</u>	<u>414 841 5378</u>
Address	City, State, Zip	Phone #
<u>n</u>	<u>markheinert@yahoo.com</u>	
Fax #	Email address	

4. Number of Employees/Shifts: 2-4 Employees 1 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	
8-5	8-5	8-5	8-5	8-5	8-12	

6. Is this an extension of an existing operation? no
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? no Do you need an Outdoor Establishment Permit? no  
 If yes, explain: \_\_\_\_\_  
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? \_\_\_\_\_
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 40.6 x 77.8 Total square footage 3180  
 If applicable list square footage according to 1<sup>st</sup> floor \_\_\_\_\_ 2<sup>nd</sup> floor \_\_\_\_\_

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

12. Parking:  
 Total Number of Parking Spaces \_\_\_\_\_ 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?  
Panel in existing lightbox, window graphics  
 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.

Kelly Hanaway 5/12/2021  
 Name Date  
Owner - Milwaukee Sign Company  
 Title or Position

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

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



My name is Kelly Hanaway. I am the owner of a new Company named The Milwaukee Sign Company. Being born and raised in the Milwaukee area and residing in Sussex for the past 30 years, I want to tie my new business to the Greater Milwaukee Area and am thrilled to have Sussex as home of our headquarters and manufacturing center. I wanted to take this opportunity to introduce myself and tell you a little bit about our company. We are a full-service sign company, able to produce a large variety of signs that have high visibility and create a positive impact for the product or service they advertise.

At the Milwaukee Sign Company, we create a broad range of custom-made signs for all kinds of businesses. These signs are in and on buildings, in parking lots and at trade shows. They are on counters, vehicles, walls and windows. They range from simple lettering to high-end digital graphics.

Wherever you are, signs guide you to what you need. That's why The Milwaukee Sign Company produces the highest quality signs available. If these signs are going to decorate our community, they should be made by people who care about how they look.

While few companies anywhere have the state-of-the-art equipment that the Milwaukee Sign Company has, even fewer offer as high a level of customer service. Quite frankly, the customer service systems employed by our company is what sets us apart.

Our highly trained, and qualified staff can help you with all of your signage needs, from beginning to end. No matter what the project is, there is one place you can count on to make it happen. Taking care of your business, is what takes care of ours!

I would look forward to the opportunity of becoming your vendor for signs. Not only do we make great signs, but we can also accommodate your purchasing system regarding design, proofs, delivery, installation, and billing. If you would like to explore the possibilities, please do not hesitate to call. We would love to have you stop by our showroom (N63W22625 Main Street) or visit us on the web at <https://www.milwaukeeesigncompany.net> I would also be more than happy, with your invitation, to come out and survey your location and make recommendations for cost-effective, high impact solutions your business.





PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? \_\_\_\_\_

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

Zoning: B-2

Address of Tenant Space: N65W24838 Main St, Suite E

1. Name of Business:

Tap In

Business

<u>N65W24838 Main St, Suite E</u>	<u>Sussex, WI 53089</u>	<u>262-391-6691</u>
Address	City, State, Zip	Phone #
NA	<u>lori.flora@fisglobal.com &amp; jill.kennicker@yahoo.com</u>	
Fax #	Email address	

2. Business owner contact information:

Lori Flora

Contact

<u>W159N10730 Captains Dr</u>	<u>Germantown, WI 53022</u>	<u>262-391-6691</u>
Address	City, State, Zip	Phone #
NA	<u>lflora@wi.rr.com or lori.flora@fisglobal.com</u>	
Fax #	Email address	

3. Building/Land owner contact information:

Anderson Commercial Group / Rachel Olson

Contact

<u>8575 W Forest Home Ave, Suite 40</u>	<u>Greenfield, WI 53228</u>	<u>414-858-5211</u>
Address	City, State, Zip	Phone #
NA	<u>rolson@andersoncommercialgroup.com</u>	
Fax #	Email address	

4. Number of Employees/Shifts: 8 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	X
12:00 PM -10:00 PM	12:00 PM -10:00 PM	12:00 PM -10:00 PM	12:00 PM -10:00 PM	12:00 PM -11:00 PM	10:00 PM -11:00 PM	10:00 PM -10:00 PM

6. Is this an extension of an existing operation? No
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? Yes Do you need an Outdoor Establishment Permit? Yes  
 If yes, explain: We would like consideration for an outdoor patio for summer of 2022 or 2023.  
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? Golf entertainment
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 5065  
 If applicable list square footage according to 1<sup>st</sup> floor \_\_\_\_\_ 2<sup>nd</sup> floor \_\_\_\_\_

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

12. Parking:  
 Total Number of Parking Spaces 72 minimum Number of spaces needed per code TBD by zoning approval  
 Number of spaces allocated for employee parking 4 behind bldg  
 Dimensions of parking lot \_\_\_\_\_ Is parking lot paved? Yes

13. Signage: What type of signage are you proposing for your business?  
Lighted sign over the doorway on the brick, over the archway. Additional sign on the street with other tenants' 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.

Lori Flora 4/29/2021  
 Name Date  
Co-owner  
 Title or Position

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

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

# Tap In

## Plan of Operation

Tap In will be a golf simulator entertainment business that will also have a bar to server alcohol and simple food to our patrons.

The golf simulators typically will allow up to 4 people to golf at a time. We will have a variety of tables / chairs / couches behind the simulators for the golfers and spectators to be able to sit comfortably.

There is room for 6 – 8 simulators. Upon opening, we will have 6 golf simulators, with room to expand in the future.

There will also a bar for golfers to check in at as well as for golfers and spectators to relax before and / or after their tee time.

### **Hours of operation**

Monday – Thursday: 12:00 PM – 10:00 PM

Friday: 12:00 PM – 11:00 PM

Saturday: 10:00 AM – 11:00 PM

Sunday: 10:00 AM – 10:00 PM

### **Personnel**

Weekdays before 3:00: 1 bartender / 1 manager

Weekdays after 3:00 1 bartender / 1 manager / 1 floater

Weekends before 3:00 1 bartender / 1 manager / 1 floater

Weekends after 3:00 2 bartenders / 1 manager / 1 floater



## Village of Sussex



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

### 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 = 167'

Print Date: 5/10/2021



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)

MEMORANDUM

TO: Plan Commission

FROM: Jeremy Smith, Village Administrator

RE: Impact Report on Legal Non-Conforming Conditional Use Permit for Sussex Convenience, gas station and car wash

DATE: June 15, 2021

This impact report for the Legal Non-Conforming Conditional Use request for a gas station, car wash and outdoor storage from Sussex Convenience detailing the impacts of said use to neighboring properties and to Village Services.

**SITE LOCATION:** N62W23456 Silver Spring      **ZONING:** B-4

b) Gasoline service stations in the B-2 and B-3 districts provided that the use shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.

**TRAFFIC AND PARKING IMPACTS:**

The anticipated impact to the area will have no new changes

**NOISE, ODOR, DUST AND LIGHT IMPACTS:**

Noise generated from the operation is likely to be minimal. Depending upon the volume of rental trucks allowed and the hours of return there may be additional noise from backing up trucks. It is unlikely that this location would have a volume challenge, but the more likely concern would be late night beeping.

The storage of the type of items listed by the owners is not likely to cause and odor or dust problem and would not likely impact adjacent property owners.

The lighting is only that which was approved for the site/building and therefore no additional lighting concerns are present.

**SAFETY, CRIME, FIRE PREVENTION IMPACTS:**

The Director of Police Services does anticipate additional calls to this site for gas skips, alarms and retail thefts. Calls for service for businesses of this nature are highest between 1500 and 2100. The volume of increased calls is not expected to put pressure on police resources beyond normal growth parameters. The Director also anticipates this as another place for community policing as police officers often frequent this establishment in other communities as a place to stop for breaks and interact with the public

The Sussex Fire Department needs information about the Knox Box to the building, but has no specific concerns about fire impacts from the operation.

There is not likely to be any additional nuisance from said operations and no specific concerns with respect to crime or fire.

**HEALTH AND SANITATION IMPACTS:**

All trash, debris and recycle materials are disposed of by the owner. A use as proposed by the owner is not likely to produce significant waste streams. There is not likely to be any health concerns from the operation as proposed.

There is not likely to be any health concerns from the operation as proposed.

**PROPERTY MAINTENANCE IMPACTS:**

The property is subject to and must adhere to Village Ordinances. There are no concerns at this time.

**MISCELLANEOUS IMPACTS:**

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. It's operation will not result in the need for the Village to fund/hire additional Fire, Police, Public Works, Parks, Library, or Garbage resources. This site in general does require additional Zoning Administration and storage type operations can lead to property maintenance issues over time.





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 1<sup>st</sup> floor \_\_\_\_\_ 2<sup>nd</sup> floor \_\_\_\_\_

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

12. Parking:  
 Total Number of Parking Spaces \_\_\_\_\_ 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

### DISCLAIMER:

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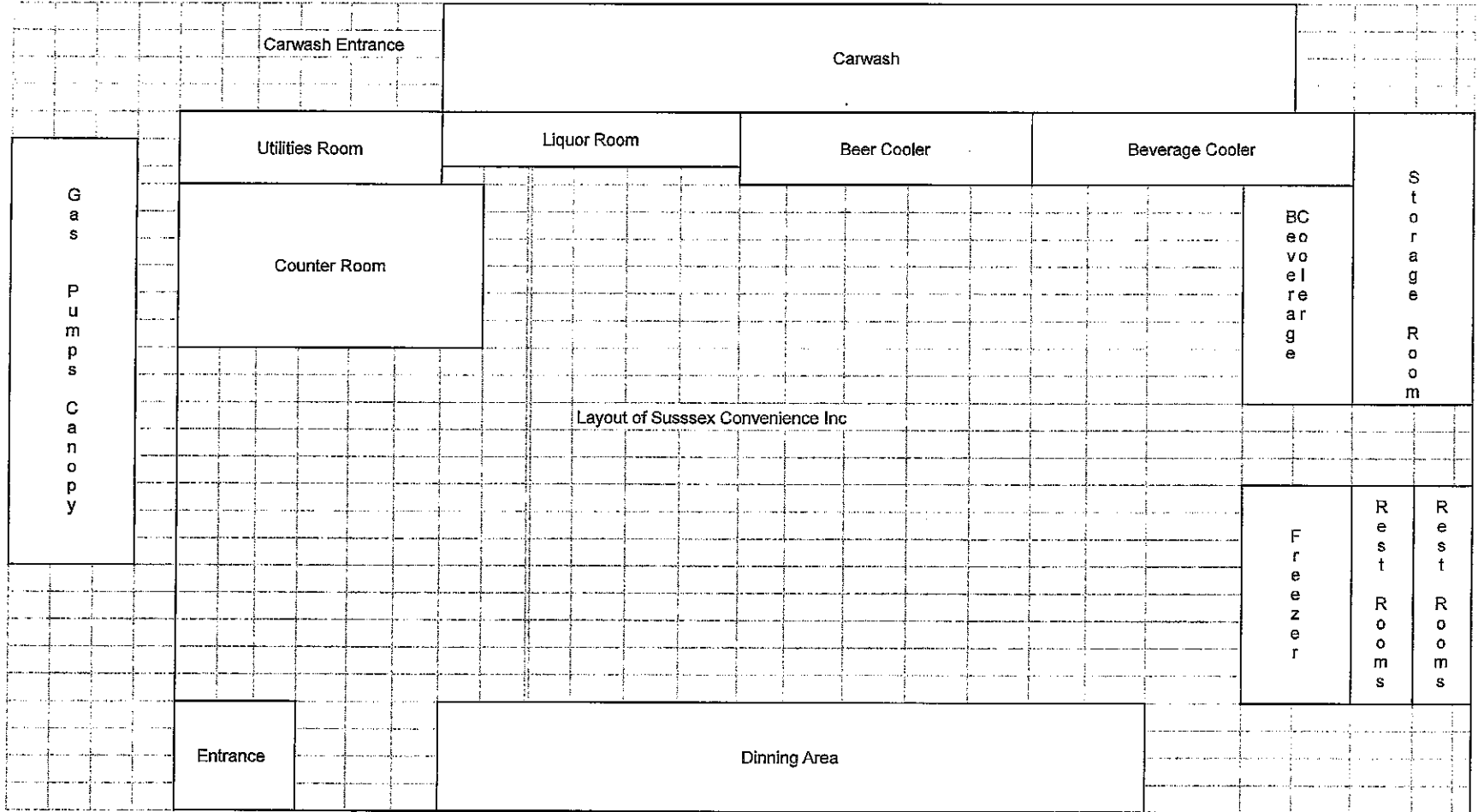


SCALE: 1 = 83'



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

Print Date: 5/11/2021



NW COR. OF THE NW 1/4 CORNER, SEC. 13-8-19  
 WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE  
 FOUND CONC. MON. W/ BRASS CAP  
 N 428,916.44 E 2,479,369.15

**PLANVIEW ROAD**

**WOODLAND TRAILS ADDITION NO. 1**

BEING A REDIVISION OF OUTLOT 2 OF "WOODLAND TRAILS", LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

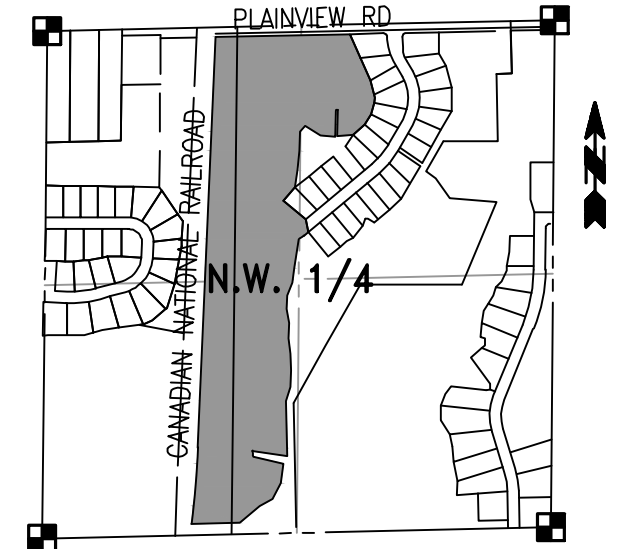
P.O.C. NE COR. OF THE NW 1/4 CORNER, SEC. 13-8-19  
 WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE  
 FOUND CONC. MON. W/ BRASS CAP  
 N 428,972.54 E 2,482,011.60

**OWNER:**  
 WOODLAND TRAILS PRESERVE, LLC  
 N27W24025 PAUL COURT, STE. 100  
 PEWAUKEE, WI 53072  
 PHONE: (262) 542-9200  
 FAX: (262) 349-9324

<b>RS-3 PDO Zoning:</b>	
Front Setback:	30 ft
Rear Setback:	25 ft
Side Setback:	10 ft
Minimum Lot Width:	75 ft (at front setback)
Average Lot Width:	80 ft (minimum)
Minimum Lot Area:	13,000 s.f.
Average Lot Size:	16,299 s.f. (0.37 ac.)



**4100 N. Calhoun Rd. Suite 300 Brookfield, WI 53005**  
 Phone: (262) 799-1480 Fax: (262) 799-1481



**LOCALITY MAP:**  
 NW 1/4, SEC. 13, T. 8 N., R. 19 E.  
 SCALE: 1"=1000'

**GENERAL NOTES:**

- — Indicates Set 1.270" outside diameter x 18" long Reinforcing Bar weighing 4.303 lbs. per lineal foot. All other Lot and Outlot corners are staked with 0.750" outside diameter x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- — Indicates Found 0.75" outside diameter Reinforcing Bar unless otherwise noted.
- All linear measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to nearest second and computed to the nearest half-second.
- All bearings are referenced to the grid north of the Wisconsin State Plane Coordinate System (NAD 1927 datum) - South Zone, in which the North line of the N.W. 1/4 of Section 13, T. 8 N., R. 19 E., is taken to bear North 88°47'02" East.
- Outlot 5 to be retained by the developer.
- Waukesha County shall not be liable for any fees or special charges in the event they become the owner of any lot or outlot in the subdivision by reason of tax delinquency.
- Outlot 4 is to be granted to each individual Lot Owner within this Subdivision. The Owners of the residential Lots within this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore the landscaping. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision.
- The landscape easement to be granted to each individual lot owner within this subdivision. The owners of the residential lots within this subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore the landscaping within said landscape easement. Said repairs, maintenance and restoration shall be performed by the owners of all lots within this subdivision.

**PUBLIC EASEMENT PROVISIONS:**

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

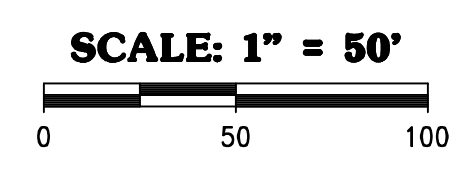
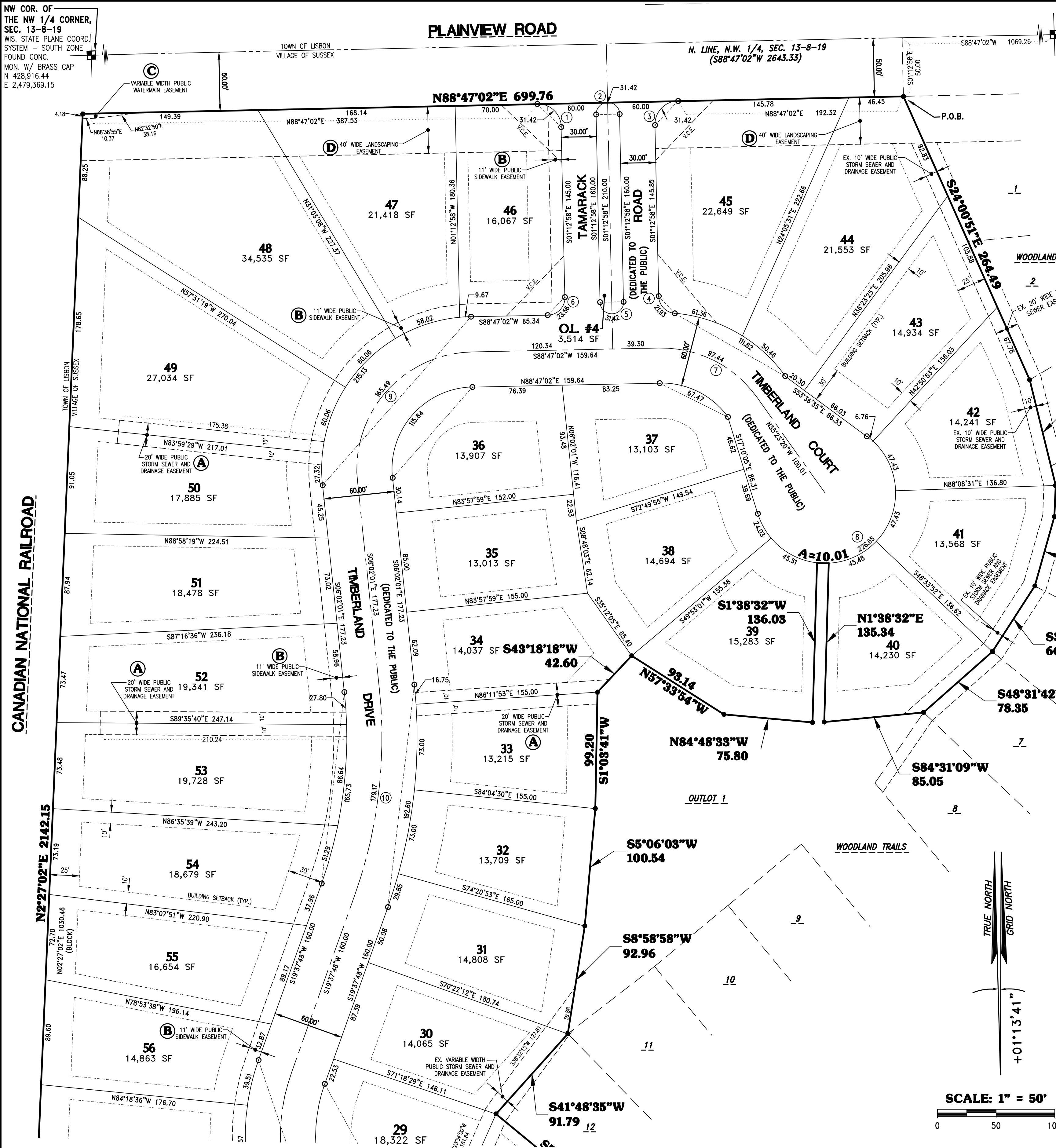
- (A) - "20' Wide Public Storm Sewer Easement"
- (B) - "11' Wide Public Sidewalk Easement"
- (C) - "Variable width Public Watermain Easement"

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

CANADIAN NATIONAL RAILROAD

N2°27'02"E 2142.15

H:\CADD\9531\8032-01\SURVEY\PLATS\166FPL02\_WOODLAND TRAILS\_ADD\_NO1.DWG



# WOODLAND TRAILS ADDITION NO. 1

BEING A REDIVISION OF OUTLOT 2 OF "WOODLAND TRAILS",  
LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4,  
AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13,  
TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX,  
WAUKESHA COUNTY, WISCONSIN.

**OL #5**  
617,928 SF  
RETAINED BY THE  
DEVELOPER FOR FUTURE  
DEVELOPMENT

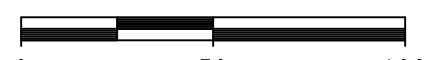
**OL #5**  
617,928 SF  
RETAINED BY THE  
DEVELOPER FOR FUTURE  
DEVELOPMENT



4100 N. Calhoun Rd.  
Suite 300  
Brookfield, WI 53005  
Phone: (262) 790-1490  
Fax: (262) 790-1481

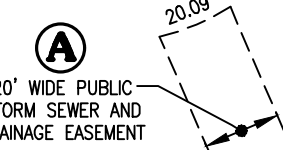


SCALE: 1" = 50'



DETAIL SOUTHERN PART OF OUTLOT 5

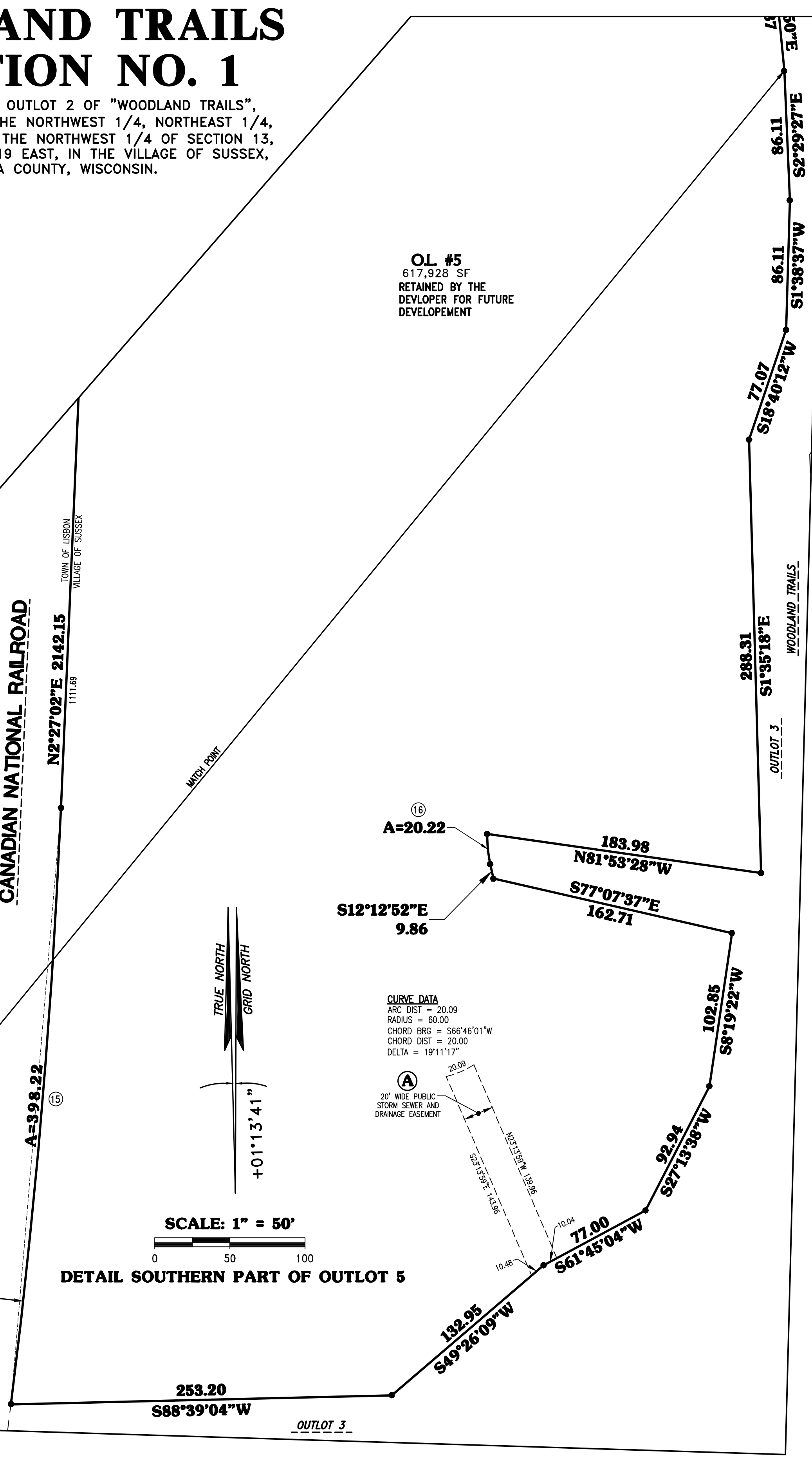
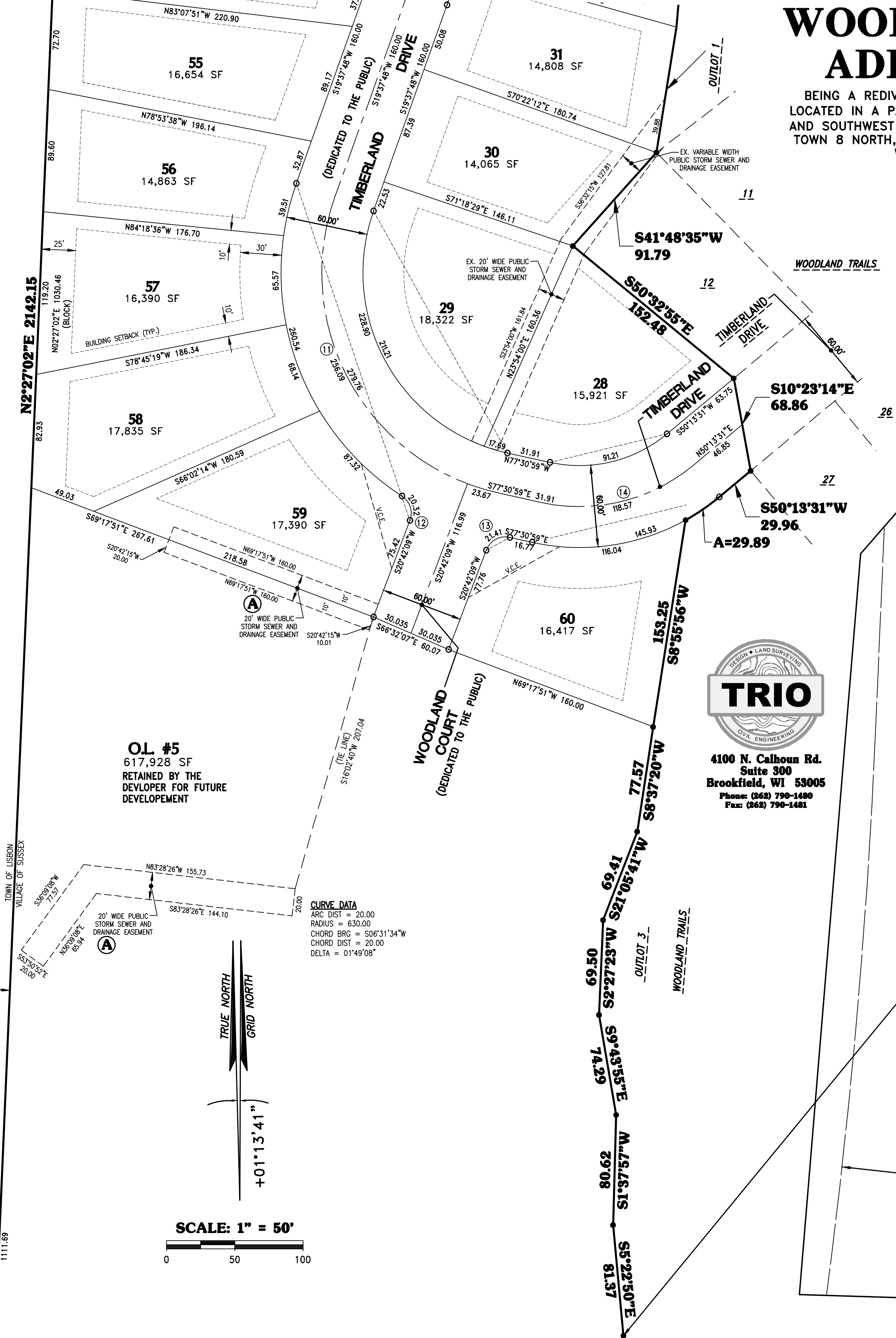
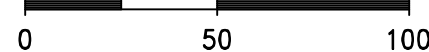
**CURVE DATA**  
ARC DIST = 20.09  
RADIUS = 60.00  
CHORD BRG = S66°46'01"W  
CHORD DIST = 20.00  
DELTA = 19°11'17"



**CURVE DATA**  
ARC DIST = 20.00  
RADIUS = 630.00  
CHORD BRG = S06°31'34"W  
CHORD DIST = 20.00  
DELTA = 01°49'08"



SCALE: 1" = 50'



**SURVEYOR'S CERTIFICATE:**

STATE OF WISCONSIN )
COUNTY OF WAUKESHA ) SS

I, Ted R. Indermuehle, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a redivision Outlot 2, of "Woodland Trails", recorded in the office of the Register of Deeds for Waukesha County on September 11, 2020 in Book 55 Pages 77 through 80 inclusive, as Document No. 4510019, being a of the Northwest 1/4, Northeast 1/4, and Southwest 1/4 of the Northwest 1/4 of Section 13, Town 8 North, Range 19 East, Village of Sussex, County of Waukesha, State of Wisconsin.

Said Parcel contains 1,305,806 Square Feet (or 29.9772 Acres) of land, more or less.

That I have made such survey, land division, and map by the direction of WOODLAND TRAILS PRESERVE, LLC., owner of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Sussex, Waukesha County, Wisconsin in surveying, dividing and mapping the same.

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

Ted R. Indermuehle, P.L.S.
Professional Land Surveyor, S-3119
TRIO ENGINEERING, LLC
4100 N. Calhoun Rd. Suite 300
Brookfield, WI 53005
Phone: (262)790-1480
Fax: (262)790-1481

**UTILITY EASEMENT PROVISIONS: (E)**

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

WOODLAND TRAILS PRESERVE, LLC, Grantor, to

WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantee,

WISCONSIN BELL, INC., d/b/a AT&T Wisconsin, a Wisconsin Corporation, Grantee, and

SPECTRUM Mid-America, LLC, Grantee

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

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

**CORPORATE OWNERS CERTIFICATE OF DEDICATION:**

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

**APPROVING AGENCIES:**

**AGENCIES WHO MAY OBJECT:**

1. Village of Sussex

1. State of Wisconsin, Department of Administration
2. Waukesha County, Department of Parks and Land Use

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

WOODLAND TRAILS, LLC.

Steve Declene, President of Neumann
Developments it's sole Member

STATE OF WISCONSIN )
COUNTY OF WAUKESHA ) SS

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

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

**WOODLAND TRAILS ADDITION NO. 1**

BEING A REDIVISION OF OUTLOT 2 OF "WOODLAND TRAILS", LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

**CONSENT OF CORPORATE MORTGAGEE:**

MIDLAND STATES BANK, a corporation duly organized and existing by virtue of the laws of the State of Illinois, Mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedicating of the land described on this Plat, and does hereby consent to the above certificate of WOODLAND TRAILS PRESERVE, LLC, owner, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

MIDLAND STATES BANK

STATE OF ILLINOIS )
COUNTY OF WAUKESHA ) SS

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

Print Name: \_\_\_\_\_

Public \_\_\_\_\_ County, IL
My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF VILLAGE TREASURER:**

STATE OF WISCONSIN )
COUNTY OF WAUKESHA ) SS

I, Sam Liebert, being duly appointed, qualified and acting Treasurer of the Village of Sussex, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of this \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ on any of the land included in the Plat of "WOODLAND TRAILS ADDITION NO. 1".

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

Sam Liebert, Clerk/Treasurer

**VILLAGE BOARD APPROVAL CERTIFICATE:**

Resolved that the Plat of "WOODLAND TRAILS ADDITION NO. 1", in the Village of Sussex, WOODLAND TRAILS PRESERVE LLC, owner, is hereby approved by the Village Board.

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

Anthony J. LeDonne, Village President

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

Sam Liebert, Clerk/Treasurer

**CERTIFICATE OF COUNTY TREASURER:**

STATE OF WISCONSIN )
COUNTY OF WAUKESHA ) SS

I, Pamela F. Reeves, being duly elected, qualified and acting Treasurer of the County of Waukesha, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of this \_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_ on any of the land included in the Plat of "WOODLAND TRAILS ADDITION NO. 1".

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

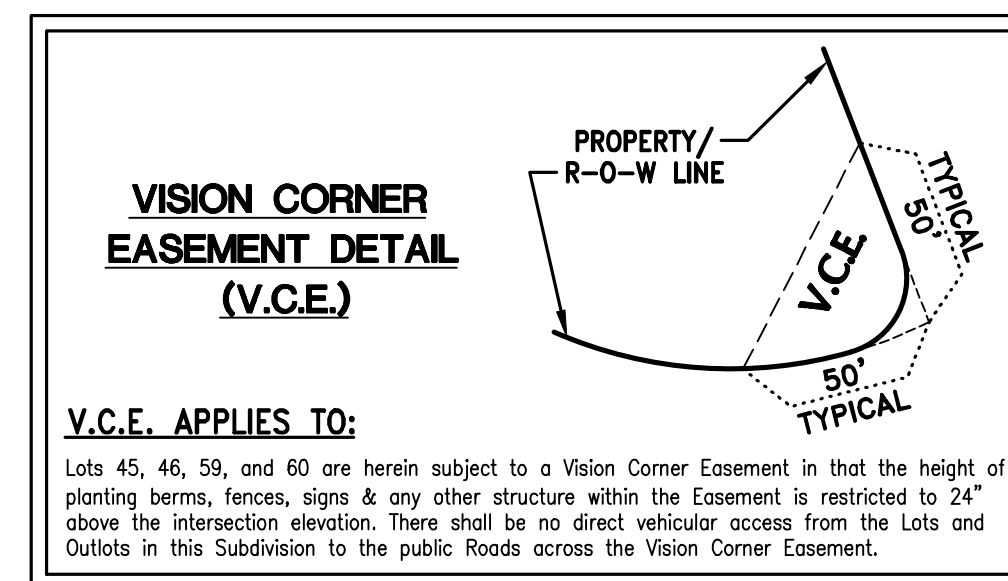
Pamela F. Reeves, County Treasurer

**CURVE TABLE:**

Table with columns: NO., LOT(S), RADIUS, CENTRAL ANGLE, ARC, CHORD, CHORD BEARING, TANGENT IN, TANGENT OUT. Contains 15 rows of curve data.



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



V.C.E. APPLIES TO: Lots 45, 46, 59, and 60 are herein subject to a Vision Corner Easement in that the height of planting berms, fences, signs & any other structure within the Easement is restricted to 24" above the intersection elevation. There shall be no direct vehicular access from the Lots and Outlots in this Subdivision to the public Roads across the Vision Corner Easement.

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

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

Department of Administration





# CERTIFIED SURVEY MAP NO.

ALL OF LOTS 6 AND 7, AND PEDESTRIAN WAY, BLOCK 3, OF SPRING GREEN HEIGHTS SUBDIVISION, BEING A PART OF THE SW. 1/4 OF THE NE. 1/4 OF SECTION 26, T.8N., R.19E., VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN



*Keith A. Kindred*

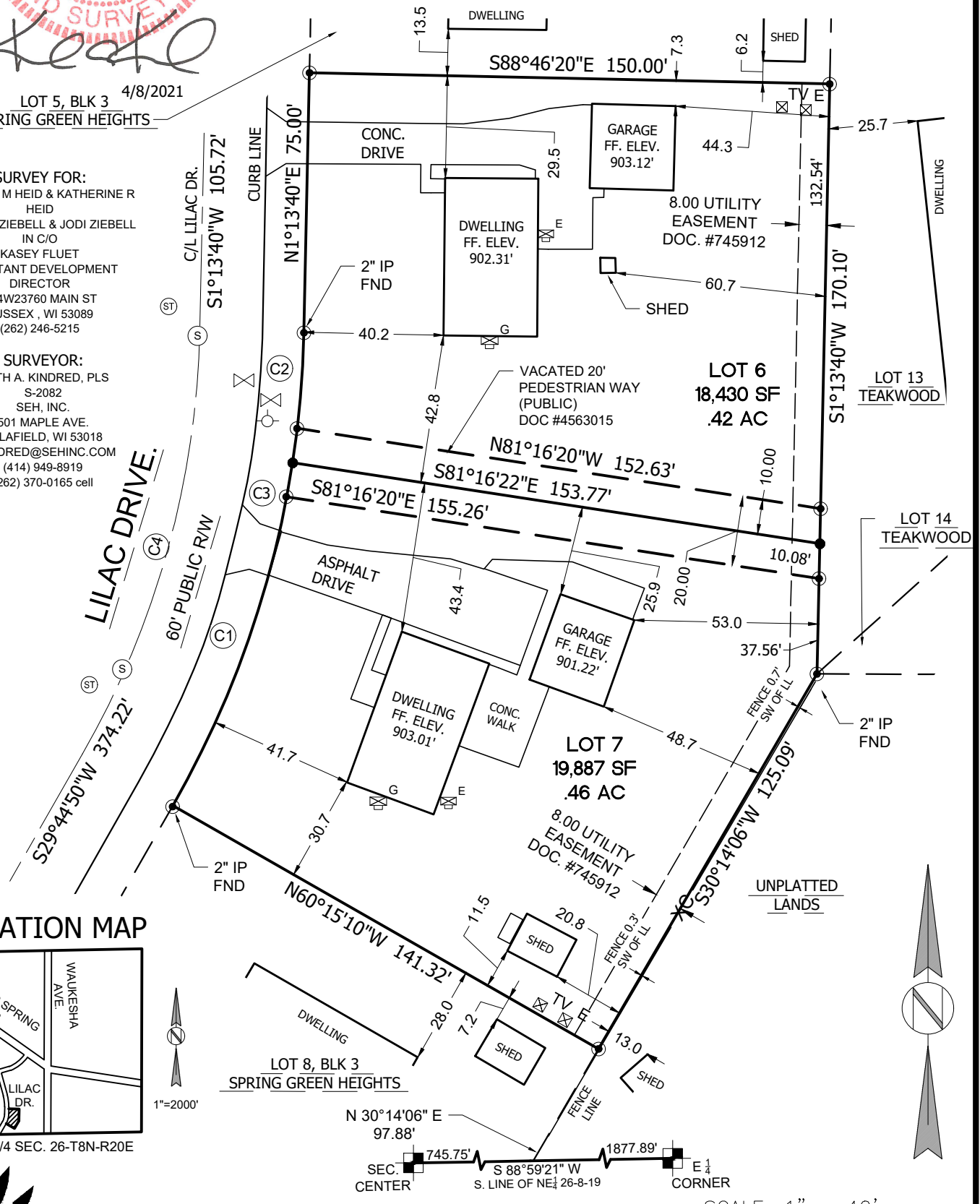
LOT 5, BLK 3 4/8/2021  
SPRING GREEN HEIGHTS

**SURVEY FOR:**  
BRADLEY M HEID & KATHERINE R HEID  
JEFFERY ZIEBELL & JODI ZIEBELL  
IN C/O  
KASEY FLUET  
ASSISTANT DEVELOPMENT DIRECTOR  
N64W23760 MAIN ST  
SUSSEX, WI 53089  
(262) 246-5215

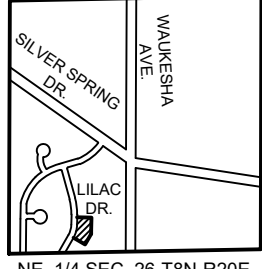
**SURVEYOR:**  
KEITH A. KINDRED, PLS  
S-2082  
SEH, INC.  
501 MAPLE AVE.  
DELAFIELD, WI 53018  
KKINDRED@SEHINC.COM  
(414) 949-8919  
(262) 370-0165 cell

### LEGEND

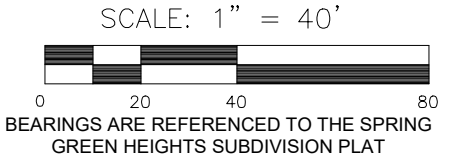
- - HYDRANT
- ⊗<sup>E</sup> - ELECTRIC METER
- ⊗<sup>G</sup> - GAS METER
- ⊗ - GATE VALVE
- ⊗<sup>ST</sup> - STORM MANHOLE
- <sup>S</sup> - SANITARY MANHOLE
- ⊗<sup>E</sup> - ELECTRIC PEDESTAL
- ⊗<sup>TV</sup> - TV PEDESTAL
- - CONC. MON. W BRASS CAP
- xc— - FENCE LINE
- - 1-1/8" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- - 11/16" REBAR SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.



### LOCATION MAP



PHONE: 414.949.8919  
501 MAPLE AVENUE  
DELAFIELD, WI 53018-9351  
www.sehinc.com



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

ALL OF LOTS 6 AND 7, AND PEDESTRIAN WAY, BLOCK 3, OF SPRING GREEN HEIGHTS SUBDIVISION,  
BEING A PART OF THE SW. 1/4 OF THE NE. 1/4 OF SECTION 26, T.8N., R.19E., VILLAGE OF SUSSEX,  
WAUKESHA COUNTY, WISCONSIN

Curve Table							
CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TAN BEARING 1	TAN BEARING 2
C1	287.00'	21°01'04"	105.28'	104.69'	N19°14'24"E	N29°44'56"E	N08°43'53"E
C2	287.00'	7°30'03"	37.57'	37.55'	N04°58'51"E	N08°43'53"E	N01°13'50"E
C3	287.00'	28°31'07"	142.85'	141.38'	N15°29'23"E	N29°44'56"E	N01°13'50"E
C4	257.00'	28°31'07"	127.92'	126.60'	N15°29'23"E	N29°44'56"E	N01°13'50"E

**NOTE:**

C3 - CHORD AND DISTANCE RECORDED AS: S15°29'15"W 141.39'

**NOTE:**

1. THESE LANDS ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE VILLAGE OF SUSSEX PRIVATE WATER TRUSTS, RECORDED AS DOC #967244 & #959561, NOT GRAPHICALLY DEPICTED ON THIS MAP
2. THE 20' PEDESTRIAN WAY OF SPRING GREEN HEIGHTS SUBDIVISION HAS BEEN VACATED PER RECORDED DOCUMENT #4563015
3. THE WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN TELEPHONE COMPANY EASEMENT SHOWN AND RECORDED AS DOC #745912.
4. THESE LANDS ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE RESTRICTIVE COVENANTS FOR SPRING GREEN HEIGHTS, RECORDED AS DOCUMENT #745911



4/8/2021

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

ALL OF LOTS 6 AND 7, AND PEDESTRIAN WAY, BLOCK 3, OF SPRING GREEN HEIGHTS SUBDIVISION,  
BEING A PART OF THE SW. 1/4 OF THE NE. 1/4 OF SECTION 26, T.8N., R.19E., VILLAGE OF SUSSEX,  
WAUKESHA COUNTY, WISCONSIN

## SURVEYOR'S CERTIFICATE:

I, Keith A. Kindred, Professional Land Surveyor hereby certify;

That I have surveyed, divided and mapped all of Lot 6, Lot 7, and Pedestrian Way, Block 3, of Spring Green Heights located in that part of the SW 1/4 of the NE 1/4 of Section 26, all located in the T.8N., R19E., Village of Sussex, Waukesha County, Wisconsin, more fully described as follows:

Commencing at the East Quarter Corner of Section 26, thence S 88°59'21" W along the South line of the Northeast Quarter Corner for a distance of 1877.89', thence N 30°14'06" E, for a distance of 97.88' to the Southeast corner of Lot 7, Block 3 of Spring Green Heights and the point of beginning of the herein after described lands; thence N 60°15'10" W, for a distance of 141.32' to a point on the East Right of Way of Lilac Drive; thence along said Right of Way and a curve to the left with a radius is 287.00' and who's chord bears N 15°29'23" E, for a distance of 141.38'; thence N 01°13'40" E, for a distance of 75.00' to the Northwest corner of Lot 6, Block 3 Spring Green Heights; thence S 88°46'20" E, for a distance of 150.00' to the Northeast corner of Lot 6, Block 3 Spring Green Heights; thence S 01°13'40" W, along the East line of Lot 6 and Lot 7, Block 3 Spring Green Heights, for a distance of 170.10'; thence S 30°14'06" W, for a distance of 125.09' along the Southeast line of Lot 7, Block 3 Spring Green Heights to the Point of Beginning.

Said lands contain 38,317 Square Feet, 0.88 acres.

That I have made such survey, land division and Certified Survey Map by the direction of Bradley M Heid, Katherine R Heid, Jeffery Ziebell, and Jodi Ziebell, owners of said lands.

That such survey is a correct representation of all the exterior boundaries of the lands surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the Village of Sussex in surveying, dividing and mapping the same.

Dated this 8TH day of APRIL, 2021



A handwritten signature in black ink that reads "Keith A. Kindred".

Keith A. Kindred, PLS S-2082



PHONE: 414.949.8919  
501 MAPLE AVENUE  
DELAFIELD, WI 53018-9351  
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# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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BEING A PART OF THE SW. 1/4 OF THE NE. 1/4 OF SECTION 26, T.8N., R.19E., VILLAGE OF SUSSEX,  
WAUKESHA COUNTY, WISCONSIN

## OWNER'S CERTIFICATE:

Bradley M Heid and Katherine R Heid, as owners, does hereby certify that Bradley M Heid and Katherine R Heid caused the land described on this map to be surveyed, mapped, divided, and dedicated as represented on this map, in accordance with the requirements of S.236.34, WIS. Statutes. Bradley M Heid and Katherine R Heid also certifies that this map is required to be submitted to the following for approval or objection: the Village of Sussex

In witness whereof, Bradley M Heid and Katherine R Heid, has caused these presents to be signed by an authorized representative,

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_

Printed Name: Bradley M Heid

By: \_\_\_\_\_

Printed Name: Katherine R Heid

State of Wisconsin)

Waukesha County) ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, Bradley M Heid and Katherine R Heid, to me known to be the persons who executed the foregoing instrument, and to me known to be the authorized representative, and acknowledged that they executed foregoing instrument as officer.

\_\_\_\_\_ Notary Public, State of \_\_\_\_\_

My Commission expires \_\_\_\_\_



4/8/2021



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DELAFIELD, WI 53018-9351  
www.sehinc.com

PROJECT NO. SUSSE 158024

THIS INSTRUMENT DRAFTED BY ELLIS R. O'CONNELL

SHEET 4 OF 6

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

ALL OF LOTS 6 AND 7, AND PEDESTRIAN WAY, BLOCK 3, OF SPRING GREEN HEIGHTS SUBDIVISION,  
BEING A PART OF THE SW. 1/4 OF THE NE. 1/4 OF SECTION 26, T.8N., R.19E., VILLAGE OF SUSSEX,  
WAUKESHA COUNTY, WISCONSIN

## OWNER'S CERTIFICATE:

Jeffery Ziebell and Jodi Ziebell, as owners, does hereby certify that Jeffery Ziebell and Jodi Ziebel caused the land described on this map to be surveyed, mapped, divided, and dedicated as represented on this map, in accordance with the requirements of S.236.34, WIS. Statutes. Jeffery Ziebell and Jodi Ziebel also certifies that this map is required to be submitted to the following for approval or objection: the Village of Sussex

In witness whereof, Jeffery Ziebell and Jodi Ziebel, has caused these presents to be signed by an authorized representative,

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_

Printed Name: Jeffery Ziebell

By: \_\_\_\_\_

Printed Name: Jodi Ziebell

State of Wisconsin)

Waukesha County) ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, Jeffery Ziebell and Jodi Ziebel, to me known to be the persons who executed the foregoing instrument, and to me known to be the authorized representative, and acknowledged that they executed foregoing instrument as officer.

\_\_\_\_\_ Notary Public, State of \_\_\_\_\_

My Commission expires \_\_\_\_\_



4/8/2021



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# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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WAUKESHA COUNTY, WISCONSIN

## PLAN COMMISSION APPROVAL:

Approved by the plan commission of the Village of Sussex on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Anthony J. LeDonne – Chariman

\_\_\_\_\_  
Sam Liebert – Director, Clerk/Treasurer

## VILLAGE BOARD APPROVAL:

Approved by the Village Board of the Village of Sussex on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Anthony J. LeDonne – Village President

\_\_\_\_\_  
Sam Liebert – Director, Clerk/Treasurer



WISCONSIN  
★ KEITH A. KINDRED ★  
S-2082  
WAUKESHA,  
WI  
LAND SURVEYOR

*Keith*

4/8/2021