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AGENDA
VILLAGE OF SUSSEX
PLAN COMMISSION MEETING
6:30 PM TUESDAY, AUGUST 17, 2021
SUSSEX CIVIC CENTER – BOARD ROOM 2nd FLOOR
N64W23760 MAIN STREET

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

1. Roll call.
2. Consideration and possible action on the Plan Commission minutes of July 20, 2021.
3. Consideration and possible action on Permitted Uses and Plans:
 - A. Consideration and possible action on a Plan of Operation for Allora International, LLC N60W22951 Silver Spring Dr. Unit 15.
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
 - A. Reconvene the public hearing for a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring.
 - B. Consideration and possible action on a Legal Non-Conforming Conditional Use, Plan of Operation 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:
6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne
Chairperson

Jeremy J. Smith
Village Administrator

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

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

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

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

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

Members excused: Commissioner Mike Knapp

Others present: Attorney John Macy, Assistant Development Director Kasey Fluet, Village Engineer Judy Neu, Administrative Assistant Anne Pulvermacher, IT Coordinator Diane Bruns, 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 June 15, 2021.

A motion by Schulist, seconded by Johnson to approve the minutes of the Plan Commission meeting of June 15, 2021 as presented. Motion carried 6-0

Consideration and possible action on a Plan of Operation and site plan for Visu-Sewer, Inc. N61W23195 Silver Spring Drive.

Keith Alexander, President of Visu-Sewer, W230N4855 Betker Dr. Pewaukee, WI was present to provide a brief plan of operation.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-3. The general Construction services contractor is a permitted use in accordance with Section 17.0418 (A)(5)(j) in the B-3 Highway Business District. Visu-Sewer will purchase the 12,500 square foot building previously owned by Zell Machine. Hours of operation will be Monday through Friday 7:00 a.m. to 5:00 p.m. This site is not allowed any outside storage. This site has 6 parking spaces with and per code they should have 6 stalls. Visu-Sewer plans to put a new roof on the building, reside the building, replace the garage doors, new outdoor lighting, fix up the landscaping, and clean the property up as needed. Any signage for this site will need to be approved by the building inspector.

Plan Commission Comments: None

Public Comments: None

A motion by Johnson, seconded by Anderson approve the Plan of Operation and site plan for Visu-Sewer, Inc. N61W23195 Silver Spring Drive; 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 covered parking structure at The Courtyard South parking lot W235N6350 Hickory Drive.

Kelly Schlife, Project Manager of Ganther Construction, 4825 County Rd. A, Oshkosh, WI was present and provided a brief description of the covered parking structure (design included in meeting packet).

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned B-4. The Courtyard plans and design have previously been approved. A request from the owner has been presented for a covered accessory structure over eleven stalls on the south side of the building for the tenants to park their cars under. This type of structure can be allowed in the B-4, and it is up to the Plan Commission to determine if the structure as designed meets the standards of consistent with the building architecture and meets the intent of the design standards.

Plan Commission Comments: Commissioner Muckerheide had concerns about ice/snow falling off the structure's roof and also inquired if additional lighting would be added. Commissioner Johnson hopes this structure will match the design of the buildings. Most Commissioners agreed with the open concept for the structure, however, Commissioner Johnson wished the structure be enclosed. Additionally, trees around the structure were requested.

Public Comments: None

A motion by Anderson, seconded by Johnson to table the possible action on a covered structure at The Courtyard south parking lot until the designer is able to present an updated structure based on the feedback received.

Motion carried 6-0

Reconvene the public hearing for a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring.

The Petitioner was not present.

A motion by LeDonne, seconded by Muckerheide to table this item until next month's meeting held August 17th when the Petitioner is present and can review their updated site plan.

Motion carried 6-0

Consideration and possible action on a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Sussex Convenience, gas station and car wash

The Petitioner was not present.

A motion by LeDonne, seconded by Muckerheide to table this item until next month's meeting held August 17th when the Petitioner is present and can review their updated site plan.

Motion carried 6-0

Consideration and possible action on Final Plat Addition No. 4 for Sussex Preserve Subdivision.

Mrs. Fluet reviewed the Plan Staff Memo (copy attached); stating this site is zoned RS-3 with a PDO. This Final Plat Addition No.4 is part of the next phase for platting 14 single family lots in the Sussex Preserve subdivision. The approval of this Plat is for 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 44 single family lots remaining to be platted.

Plan Commission Comments: None

A motion by Johnson, seconded by Schulist to recommend to the Village Board approval of Final Plat Addition No. 4 for Sussex Preserve 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.

Motion carried 6-0

Discussion of the B-4 District, Map, Code and Downtown Development Plan.

Village Engineer Judy Neu led the Plan Commission into discussion by reviewing the B-4 district map (see meeting packet) and its boundaries. Mrs. Neu added the intent of this district is the orderly design and appropriate development of the central mixed use district as designated by the CDA, in conformance with and to implement the Downtown Design and Development Plan. The zoning district allows a mix of retail, residential and office uses. Mrs. Neu continued the discussion by providing an outline of the Development Plan, noting the final draft was completed in 2004, and a supplementary document (Main Street Vision and Action Strategy) was adopted in 2011. Major concepts of the plan are included in the meeting packet.

Trustee Zoellick noted there is not necessarily a need for more apartment buildings downtown, but perhaps condominiums. Commissioner Johnson suggested a study group be formed to review the current Downtown Development Plan or have the CDA review the plan. President LeDonne also suggested the Commission receive input from the Historical Society and agreed to have the CDA review and potentially update the Downtown Development Plan.

No action was taken on this item.

Other items for future discussion

None

Adjournment:

A motion by Muckerheide, seconded by Schulist to adjourn the meeting at 7:34 pm.

Motion carried 6-0

Respectfully Submitted,

Caren Brustmann
Deputy Clerk

DRAFT

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 July 20, 2021
DATE: July 13, 2021

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of June 15, 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 Visu-Sewer, Inc. N61W23195 Silver Spring Drive.**

This site is zoned B-3. The general construction services contractor is a permitted use in accordance with Section 17.0418 (A)(5)(j) in the B-3 Highway Business District. Visu-Sewer will purchase the 12,500 square foot building previously owned by Zell Machine. Hours of operation will be Monday through Friday 7:00 a.m. to 5:00 p.m. This site is not allowed any outside storage. This site has 6 parking spaces with and per code they should have 6 stalls.

Visu-Sewer plans to put a new roof on the building, reside the building, replace the garage doors, new outdoor lighting, fix up the landscaping, and clean the property up as needed

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 Visu-Sewer, Inc. N61W23195 Silver Spring Drive; 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 covered parking structure at The Courtyard south parking lot W235N6350 Hickory Drive.

This site is zoned B-4. The Courtyard plans and design have previously been approved. A request from the owner has been presented for a covered accessory structure over eleven stalls on the south side of the building for the tenants to park their cars under. This type of structure can be allowed in the B-4, it is up to the Plan Commission to determine if the structure as designed meets the standards of consistent with the building architecture and meets the intent of the design standards.

Policy Question:

1. Are there any concerns with the accessory structure?

Action Items:

1. Act on the plan for the accessory structure.

Staff Recommendation: Staff does not have a recommendation on this matter.

The Plan Commission could approve the plan for a covered accessory structure at the south parking lot for The Courtyard at W235N6350 Hickory Drive; a finding that the use and structures meet the principals of 17.1002(A-H), subject to the standard conditions of Exhibit A, or

The Plan Commission could send the plan to the ARB for their review and comment, or

The Plan Commission could deny the request to add the accessory structure as presented for failure to be consistent with the architectural design of the main building and for not meeting the design standards of the Village.

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 Plan of Operation 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.

The Conditional Use Permit Standards to be met:

A. This legal non-conforming conditional use is granted for Sussex Convenience Inc. for the above enumerated uses, subject to the following conditions:

1. Presentation Compliance. The vehicle washing and 24-hour gas station is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity

with the presentation at the Public Hearings before the Plan Commission held on June 15, 2021 and July 20, 2021.

2. Subject Property. This legal non-conforming conditional use permit issued to the Petitioner, shall be limited to the property described in Exhibit "A" attached hereto and incorporated herein as presented at the public hearing.

3. Plans. The Petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Plan Commission for the Village of Sussex in order for this LNCU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.

A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as Exhibit B.

B. Plan of Operation. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as Exhibit C.

1. The hours of operation for the gas pumps will be 24 hours. While it is anticipated there will be no issues with the 24-hour operation this provision is specifically highlighted for reconsideration by the Plan Commission should concerns or problems arise related to the extended hours of operation.

2. The Gas station may apply for a license to sell beer, wine, and or liquor and may sell said products, if approval by the Village is granted only within strict compliance of said license and the conditions of approval of the same, and with compliance to any amendments to said license(s) made over time.

C. Traffic, Access and Loading Plans. The petitioner shall comply with the specific traffic, access, loading, and egress plan on file with the Village Clerk.

D. Lighting Plan. The petitioner shall adhere to the lighting plan on file for the subject property. No light rays shall be directed onto neighboring properties.

E. Signage Plan. All signage on the subject property shall conform to the requirements set forth in Section 17.0800 of the Village Zoning Ordinance and the Design Standards of the Village of Sussex, except the two existing pole signs which may exist with what rights they may have as legal nonconforming signs. No change in signage shall be permitted until approved by the Architectural Review Board and Building Inspector for the Village of Sussex.

1. The site has two existing pole signs that may have legal nonconforming rights. The sign face may be changed on these pole signs without a public hearing. If either or both of these pole sign structures need to be replaced or modified the signage plan for the entire site must come into compliance with the then current sign code as a condition of granting this legal non-conforming conditional use. Compliance with this standard if modification or replacement is sought may and is likely to require the removal of the pole signs in their entirety.

F. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the sewer, water, stormwater and erosion control plans on file with the Village Clerk.

G. Outdoor Storage Plan. No outdoor storage shall be permitted on the subject property with the following specific exceptions:

1. Trash dumpsters limited to the minimum number needed to meet the recycling law requirements. The trash dumpsters shall be screened from view and shall be maintained in a safe and sanitary condition at all times.
2. The storage and sale of propane tank in the style, manner and location of the outdoor storage plan on file with the Village Clerk.
3. No other outside storage or sales of merchandise from the above listed materials (excluding gasoline for vehicle usage) are permitted outside of the building.
4. A limit of ten parking stalls for the storage/rental of Uhaul trucks and trailers.

4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.

5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this legal non-conforming conditional use permit.

6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.

7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.

8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Chapter 9 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.

9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.

10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained.

11. Fees and Expenses. The Petitioner, upon issuance of this legal non-conforming conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this legal non-conforming conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.

12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this legal non-conforming conditional use permit must be paid by the Petitioner.

13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this legal non-conforming conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.

14. No Nuisance. The Village reserves the right to rescind its approval of this legal non-conforming conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances, as applicable, regarding the use of the Subject Property as though no legal non-conforming conditional use permit was granted.

15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this legal non-conforming conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.

16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the legal non-conforming conditional use permit as the Plan Commission for the Village of Sussex deems appropriate

B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.

C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects

described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

D. This legal non-conforming conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.

E. Should the permitted legal non-conforming conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the legal non-conforming conditional use may be terminated by action of the Plan Commission for the Village of Sussex.

F. Any change, addition, modification, alteration and/or amendment of any aspect of this legal non-conforming conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.

G. Unless this legal non-conforming conditional use permit expressly states otherwise, plans that are specifically required by this legal non-conforming conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the legal non-conforming conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.

H. Should any paragraph or phrase of this legal non-conforming conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the legal non-conforming conditional use and the remainder shall continue in full force and effect.

I. This legal non-conforming conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the legal non-conforming conditional use is approved. During the fifth year of the LNCU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the LNCU. If based upon that review the use of the property is compatible with the surrounding areas and the petitioner is in substantial compliance with all terms of this legal non-conforming conditional use agreement, then, in that event, the legal non-conforming conditional use can be automatically renewed for another 5-year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the legal non-conforming conditional use, the petitioner shall be brought back before the

Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the fifth (5) year of the term. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the legal non-conforming conditional use and may serve as a basis for termination of the legal non-conforming conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original legal non-conforming conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the legal non-conforming conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.

2. Where this permitted legal non-conforming conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the legal non-conforming conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.

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

J. Upon acceptance by petitioner of this legal non-conforming conditional use permit, all prior legal non-conforming conditional use permits granted to the subject property are hereby revoked and terminated.

K. If any aspect of this legal non-conforming conditional use permit or any aspect of any plan contemplated and approved under this legal non-conforming conditional use is in conflict with any other aspect of the legal non-conforming conditional use or any aspect of any plan of the legal non-conforming conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.

L. If any paragraph or phrase of this legal non-conforming conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.
Comments from the public if any.

Additional Plan Commission conditions:

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

Policy Questions:

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

Action:

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

B. Consideration and possible action on a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring Drive.

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Legal Non-Conforming Conditional Use and site plan for Sussex Convenience, gas station and car wash.

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

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

The Application is complete and consistent with 17.0502 Yes or No

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

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

The uses(s) and plans are compliant with 17.0419 B-4 Central Mixed Use Yes or No

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

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

Has the Petitioner provided substantial evidence with regards to the Conditional Use Permit as follows:

B.3.A. Site Plan Standards compliance Yes or No

A.3.B. Plan of Operation compliance Yes or No

A.3.C.-G. Various Plan(s) compliance Yes or No

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

B-L. Administrative CU Condition compliance Yes or No

Action Items:

1. Act on the CU and site plan.

Staff Recommendation: Staff recommends approval of the Legal Non-Conforming Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring; a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

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

A. Consideration and possible action on Final Plat Addition No. 4 for Sussex Preserve Subdivision.

This site is zoned RS-3 with a PDO. This Final Plat Addition No.4 is part of the next phase for platting 14 single family lots in the Sussex Preserve subdivision. The approval of this Plat is for 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 44 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. 4 for Sussex Preserve 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. Discuss the B-4 District, Map, Code, and Downtown Design Plan

Staff will walk through the existing Code, uses, and plan for the Downtown.

No action is required with this topic.

06. Other Items for future discussion.

07. Adjournment.



MEMORANDUM

TO: Plan Commission
FROM: Jeremy Smith, Village Administrator
RE: Plan Commission meeting of August 17, 2021
DATE: August 9, 2021

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

01. **Roll call.**
02. **Consideration and possible action on the minutes of the Plan Commission meeting of June 15, 2021.**
03. **Consideration and possible action on Permitted Uses and Site Plans:**
 - A. **Consideration and possible action on a Plan of Operation for Allora International, LLC N60W22951 Silver Spring Dr. Unit 15.**

This site is zoned M-1. General manufacturing is a permitted use in accordance with Section 17.04224.(f)(2) in the M-1 Highway Business District. Allora assembles small electrical components and sells them. Hours of operation will be Monday through Friday 8:00 a.m. to 5:00 p.m. This site is not allowed any outside storage. This site has 2 spaces with the building and 12 general spaces. This use requires 4 spaces leaving 10 general spaces available.

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?

Action Items:

1. Act on the plan of operation.

Staff Recommendation: Staff recommends the Plan Commission approve the Plan of Operation for Allora International, LLC N60W22951 Silver Spring Dr. Unit 15, a finding the use and structures meet the principals of 17.1002(A-H), and subject to the standard conditions of Exhibit A.

04. **Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:**
 - A. **Reconvene the public hearing for a Legal Non-Conforming Conditional Use Plan of Operation 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.

The Conditional Use Permit Standards to be met:

A. This legal non-conforming conditional use is granted for Sussex Convenience Inc. for the above enumerated uses, subject to the following conditions:

1. Presentation Compliance. The vehicle washing and 24-hour gas station is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearings before the Plan Commission held on June 15, 2021 and July 20, 2021.

2. Subject Property. This legal non-conforming conditional use permit issued to the Petitioner, shall be limited to the property described in Exhibit “A” attached hereto and incorporated herein as presented at the public hearing.

3. Plans. The Petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Plan Commission for the Village of Sussex in order for this LNCU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated herein that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.

A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as Exhibit B.

B. Plan of Operation. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as Exhibit C.

1. The hours of operation for the gas pumps will be 24 hours. While it is anticipated there will be no issues with the 24-hour operation this provision is specifically highlighted for reconsideration by the Plan Commission should concerns or problems arise related to the extended hours of operation.

2. The Gas station may apply for a license to sell beer, wine, and or liquor and may sell said products, if approval by the Village is granted only within strict compliance of said

license and the conditions of approval of the same, and with compliance to any amendments to said license(s) made over time.

C. Traffic, Access and Loading Plans. The petitioner shall comply with the specific traffic, access, loading, and egress plan on file with the Village Clerk.

D. Lighting Plan. The petitioner shall adhere to the lighting plan on file for the subject property. No light rays shall be directed onto neighboring properties.

E. Signage Plan. All signage on the subject property shall conform to the requirements set forth in Section 17.0800 of the Village Zoning Ordinance and the Design Standards of the Village of Sussex, except the two existing pole signs which may exist with what rights they may have as legal nonconforming signs. No change in signage shall be permitted until approved by the Architectural Review Board and Building Inspector for the Village of Sussex.

1. The site has two existing pole signs that may have legal nonconforming rights. The sign face may be changed on these pole signs without a public hearing. If either or both of these pole sign structures need to be replaced or modified the signage plan for the entire site must come into compliance with the then current sign code as a condition of granting this legal non-conforming conditional use. Compliance with this standard if modification or replacement is sought may and is likely to require the removal of the pole signs in their entirety.

F. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the sewer, water, stormwater and erosion control plans on file with the Village Clerk.

G. Outdoor Storage Plan. No outdoor storage shall be permitted on the subject property with the following specific exceptions:

1. Trash dumpsters limited to the minimum number needed to meet the recycling law requirements. The trash dumpsters shall be screened from view and shall be maintained in a safe and sanitary condition at all times.

2. The storage and sale of propane tank in the style, manner and location of the outdoor storage plan on file with the Village Clerk.

3. No other outside storage or sales of merchandise from the above listed materials (excluding gasoline for vehicle usage) are permitted outside of the building.

4. A limit of ten parking stalls for the storage/rental of Uhaul trucks and trailers.

4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.

5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this legal non-conforming conditional use permit.

6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.

7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.

8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Chapter 9 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.

9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.

10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained.

11. Fees and Expenses. The Petitioner, upon issuance of this legal non-conforming conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this legal non-conforming conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.

12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this legal non-conforming conditional use permit must be paid by the Petitioner.

13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this legal non-conforming conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.

14. No Nuisance. The Village reserves the right to rescind its approval of this legal non-conforming conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances , as applicable, regarding the use of the Subject Property as though no legal non-conforming conditional use permit was granted.

15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this legal non-conforming conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.

16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the legal non-conforming conditional use permit as the Plan Commission for the Village of Sussex deems appropriate

B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.

C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

D. This legal non-conforming conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.

E. Should the permitted legal non-conforming conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the legal non-conforming conditional use may be terminated by action of the Plan Commission for the Village of Sussex.

F. Any change, addition, modification, alteration and/or amendment of any aspect of this legal non-conforming conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.

G. Unless this legal non-conforming conditional use permit expressly states otherwise, plans that are specifically required by this legal non-conforming conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the legal non-conforming conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.

H. Should any paragraph or phrase of this legal non-conforming conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as

to the particular phrase or paragraph shall not void the rest of the legal non-conforming conditional use and the remainder shall continue in full force and effect.

I. This legal non-conforming conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the legal non-conforming conditional use is approved. During the fifth year of the LNCU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the LNCU. If based upon that review the use of the property is compatible with the surrounding areas and the petitioner is in substantial compliance with all terms of this legal non-conforming conditional use agreement, then, in that event, the legal non-conforming conditional use can be automatically renewed for another 5-year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the legal non-conforming conditional use, the petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the fifth (5) year of the term. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the legal non-conforming conditional use and may serve as a basis for termination of the legal non-conforming conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.

1. Where the changing character of the surrounding area causes the original legal non-conforming conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the legal non-conforming conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.

2. Where this permitted legal non-conforming conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the legal non-conforming conditional use grant and any subsequent approved amendments thereto may be amended or terminated by action of the Plan Commission for the Village of Sussex. The Plan Commission for the Village of Sussex may require complete termination of such use.

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

J. Upon acceptance by petitioner of this legal non-conforming conditional use permit, all prior legal non-conforming conditional use permits granted to the subject property are hereby revoked and terminated.

K. If any aspect of this legal non-conforming conditional use permit or any aspect of any plan contemplated and approved under this legal non-conforming conditional use is in conflict with any other aspect of the legal non-conforming conditional use or any aspect of any plan of the legal non-conforming conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission for the Village of Sussex.

L. If any paragraph or phrase of this legal non-conforming conditional use order is declared by a Court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific paragraph or phrase thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of this order. The remainder of the order shall remain in full force and effect.
Comments from the public if any.

Additional Plan Commission conditions:

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

Policy Questions:

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

Action:

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

B. Consideration and possible action on a Legal Non-Conforming Conditional Use, Plan of Operation and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring Drive.

Staff has prepared a conditional use document for consideration at this meeting. The Plan Commission has heard testimony on the application for the Legal Non-Conforming Conditional Use and site plan for Sussex Convenience, gas station and car wash.

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

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

The Application is complete and consistent with 17.0502 Yes or No

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

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

The uses(s) and plans are compliant with 17.0419 B-4 Central Mixed Use Yes or No

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

Has the Petitioner provided substantial evidence and adequately

addressed the findings of the impact report per 17.0506.A. Yes or No

Has the Petitioner provided substantial evidence with regards to the Conditional Use Permit as follows:

B.3.A. Site Plan Standards compliance Yes or No

A.3.B. Plan of Operation compliance Yes or No

A.3.C.-G. Various Plan(s) compliance Yes or No

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

B-L. Administrative CU Condition compliance Yes or No

Action Items:

1. Act on the CU and site plan.

Staff Recommendation: Staff recommends approval of the Legal Non-Conforming Conditional Use based upon the evidence presented at the Public Hearings, Plan of Operation and site plan for Sussex Convenience, gas station and car wash N62W23456 Silver Spring; a finding the use and structures meet the principals of 17.1002(A-H); subject to the standard conditions of Exhibit A.

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

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 # SUXV0242997033 Unit 15, SUXV0242997034 Unit 16 Zoning: M 1

Address of Tenant Space: N60W22951 Silver Spring Dr. Unit 15, Sussex, WI 53089

1. Name of Business:
Allora International, LLC

Business
N60W22951 Silver Spring Dr. Unit 15, Sussex, WI 53089 262 227-9378
Address City, State, Zip Phone #
Guido@Alloraintl.com
Fax # Email address

2. Business owner contact information:

Guido Brusa
Contact
18225 Coopers Ln, Brookfield, WI 53045 262 227-9378
Address City, State, Zip Phone #
Guido@Alloraintl.com
Fax # Email address

3. Building/Land owner contact information:

Giuseppe Militello
Contact
19115 Chapel Hill Dr, Brookfield, WI 53045 262 744-2025
Address City, State, Zip Phone #
pino@tds.net
Fax # Email address

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

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X		
8:00 to 5:00	8:00 to 5:00	8:00 to 5:00	8:00 to 5:00	8:00 to 5:00		

6. Is this an extension of an existing operation? Relocation From Waukesha to Sussex
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? _____
 If yes, explain: _____
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? No
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: _____
11. Dimension of area to be occupied 60' X 50' Total square footage 3,000

If applicable list square footage according to 1st floor N/A 2nd floor _____

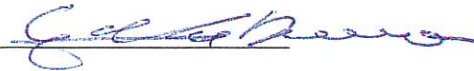
Please provide a copy of the site plan showing parking and layout of the building and if a multi tenant building, label the space which will be occupied by your business.

12. Parking:
 Total Number of Parking Spaces 12 Number of spaces needed per code _____
 Number of spaces allocated for employee parking 4
 Dimensions of parking lot See Site Plan Is parking lot paved? Yes

13. Signage: What type of signage are you proposing for your business?
Window Decal or Door Plaque with Business Name
 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.

Guido Brusa  August. 03, 2021
 Name _____ Date _____
 Managing Member _____
 Title or Position _____

I am aware and approve of the business to be operating in the building owned by Yes

Giuseppe Militello  August, 03, 2021
 Name _____ Date _____
 Owner _____
 Title or Position _____



VILLAGE OF SUSSEX
PLAN OF OPERATION
PROCEDURE LIST

Project Name

SUXV0242997033 & SUXV0242997034

Tax Key #

Pre-application conference must be arranged with Kasey Fluet, Assistant Development Director. Please contact her at 262-246-5215.

Complete the following: Plan of Operation, Service Reimbursement Agreement, Emergency Contact and Wastewater Discharge Permit.

Submit the above completed forms and the required fee by the last business day of the month for consideration for the next Plan Commission Agenda. Please note that submitting by the deadline does not guarantee placement on the Plan Commission Agenda.

The following fees are required at the time of submittal:

<input checked="" type="checkbox"/>	Plan of Operation fee	\$175.00
<input type="checkbox"/>	Conditional Use fee	\$210.00
<input checked="" type="checkbox"/>	Pre Occupancy inspection fee	\$100.00

Please make check payable to: Village of Sussex (fees are non refundable)

Notes: _____

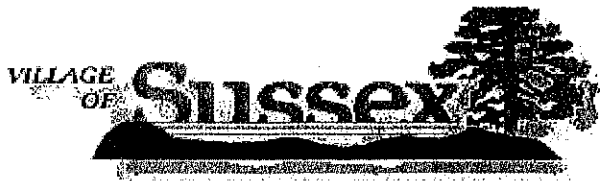
Additional fees are required for building permits, review fees, or other items depending upon the nature of your request.

Contact Name for meetings: Guido Brusa Phone # 262 227-9378

E-mail: Guido@Alloraintl.com

For office use only:

Met with staff on: _____
Paid fees on: _____
To be on the Plan Commission Agenda for: _____
Original forms to the following:
Plan of Operation to Kasey F. _____
Service reimbursement _____
Emergency Contact to Sheriff Dept _____
Wastewater Permit to WWTP _____
Any outstanding fees owed on the property? _____



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

**VILLAGE OF SUSSEX
 PROFESSIONAL SERVICES REIMBURSEMENT NOTICE**

Pursuant to the Village of Sussex Ordinance No. 3.11, the Village of Sussex Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner, or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Clerk shall charge that service for the fees incurred by the Village to the property owner incurring those fees even if the request is not approved. Also, be advised that pursuant to said Village of Sussex Ordinances, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs or charges, however, is subjected to the property owner's appeal rights as described in said Village of Sussex Ordinances.

I, the undersigned, have been advised that, pursuant to said Village of Sussex Ordinances, if the Village Attorney, Village Engineer, Village Planner or any other Village professional provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village even if the request is not approved. In addition, I have been advised that pursuant to said Village of Sussex Ordinances, certain other fees, costs, and charges are my responsibility even if the request is not approved. By signing this document however, I am not waiving my appeal rights that are described in said Village of Sussex Ordinances.

PLEASE PRINT LEGIBLY

Name and Mailing Address of the Property Owner and /or Authorized Agent for Invoices:

Guido Brusa

Allora International, LLC

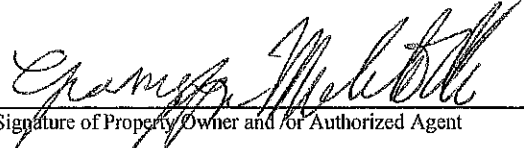
Business Name: Allora International, LLC

Name of Owner and Address of the Property involved in the Request (if different from above):

Giuseppe Militello

Guido Brusa

Tax Key No. of the Property involved in the Request: SUXV SUXV0242997033 & SUXV0242997034


 Signature of Property Owner and /or Authorized Agent

August, 03, 2021
 Date

Signature of Village Official Accepting Form

August, 03, 2021
 Date

A copy of this completed form shall be provided to the Village Clerk for billing purposes.



WASTEWATER DISCHARGE PERMIT APPLICATION

Business Name: Allora International, LLC

Address: N60W22951 Silver Spring Dr. Unit 15, Sussex, WI 53089

Owner/Operator: Guido Brusa

Standard Industrial Classification #: 335900

How many people do you employ? 4

What are your businesses hours of work? 8:00am to 5:00pm

Who is responsible for water quality? (List job titles)
Guido Brusa

Time and Duration of Discharge: N/A

Average and Peak Wastewater Flow Rates(Include any daily, monthly or seasonal variations):

Please describe the activities, facilities, and plant processes on the premises including all materials and types of materials which are or could be discharged:
Regular bathroom activity, occasional dish washing from the kitchen sink

Please list each product your business produces. (Include type, amount and rate of production):
Assembled PCS-100 (Broken Tool Sensor)
Assembled PCS-250 (Broken Tool Sensor)
Total Units 2,000 units/year

What are the constituents and characteristics of your wastewater?
Bathroom and sink use discharge

New construction: attach site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.

Print Form

Clear Form



Village of Sussex Fire Department
N63 W24335 Main Street
Sussex, Wisconsin 53089

Dave Johnsen
Fire Chief
262-246-5197
Inspector Greg Zoellick
262-246-5220
Fire Station - Business
262-246-5197
Fire Station - FAX
262-246-5196

Waukesha County Sheriff – Sussex Office

Emergency Contact Form to be completed with Plan of Operation form.

Business Name: Allora International, LLC _____

Business Address: _____

Business Phone #: _____

Business Email#: _____

Business Emergency Contacts

Name and Phone #: _____

Name and Phone #: _____

Name and Phone #: _____

Building Owner Name: _____

Building Owner Email: _____

Building Owner Emergency Contacts

Name and Phone #: _____

Name and Phone #: _____

Knox Box (if applies) Have locks been changed and new key provided to Fire Department? Yes No

Allora International, LLC
1825 Dolphin Drive
Unit B
Waukesha, WI 53186

August 3, 2021

Kasey Fluet
Village of Sussex
N64W23760 Main Street, Sussex, WI 53089

Dear Kasey:

As requested on the Plan of Operation form line 7 please find below a brief description of Allora International LLC's operation:

1. We primarily perform manual assembly and sale of small electrical components
2. A large portion of our business being office related work with only 4 employees for marketing, sale and sale support
3. We received, on monthly basis small UPS shipments of components that we use in our assembly, to make up our finish product.
4. We ship small packages out a few times a week via UPS and at times FedEx based on Customer specific requests.
5. Our products consists in a small sensor and a control box to monitor tool breakage on machine tool.

Thank you

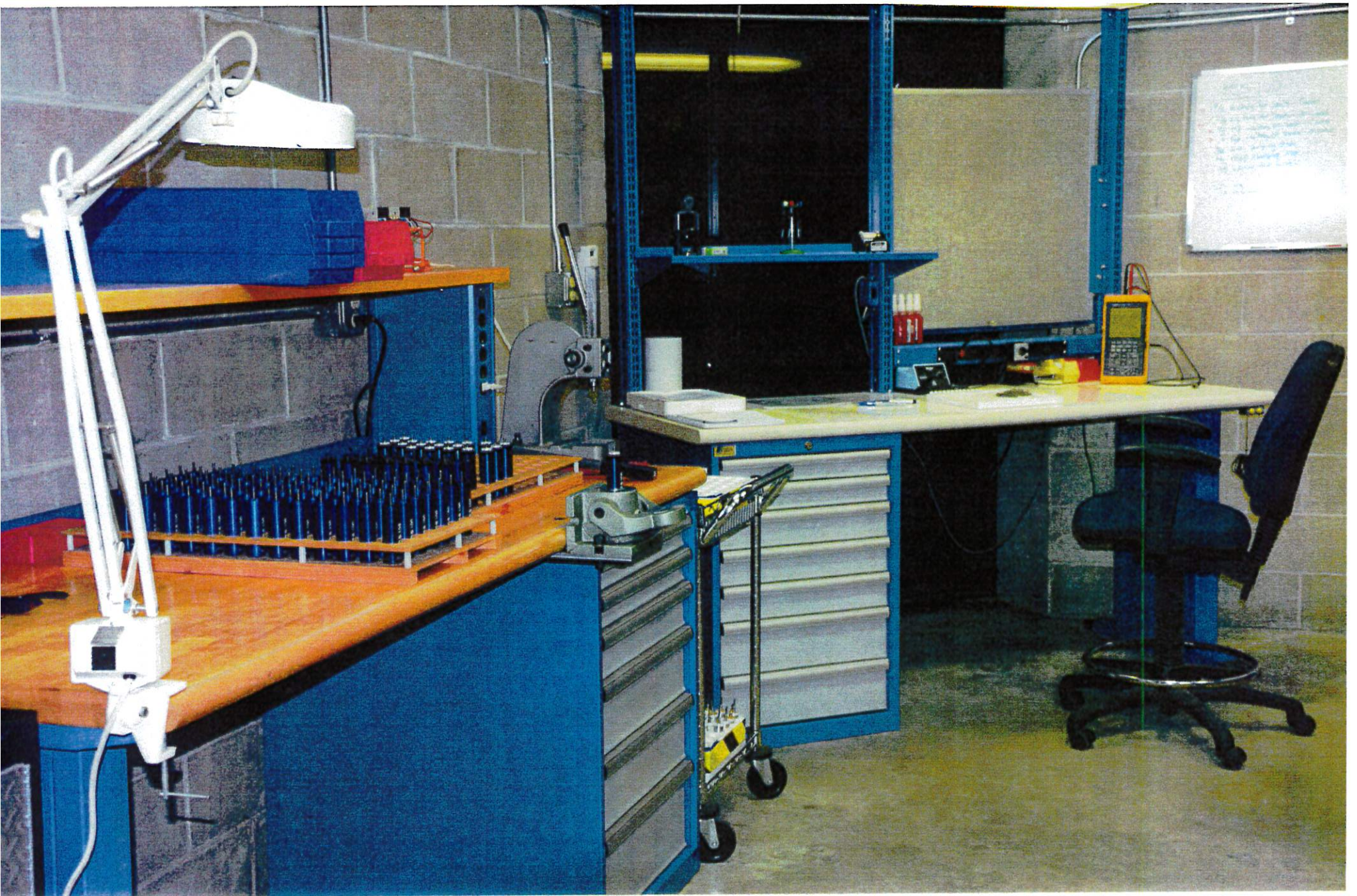
Best Regards,

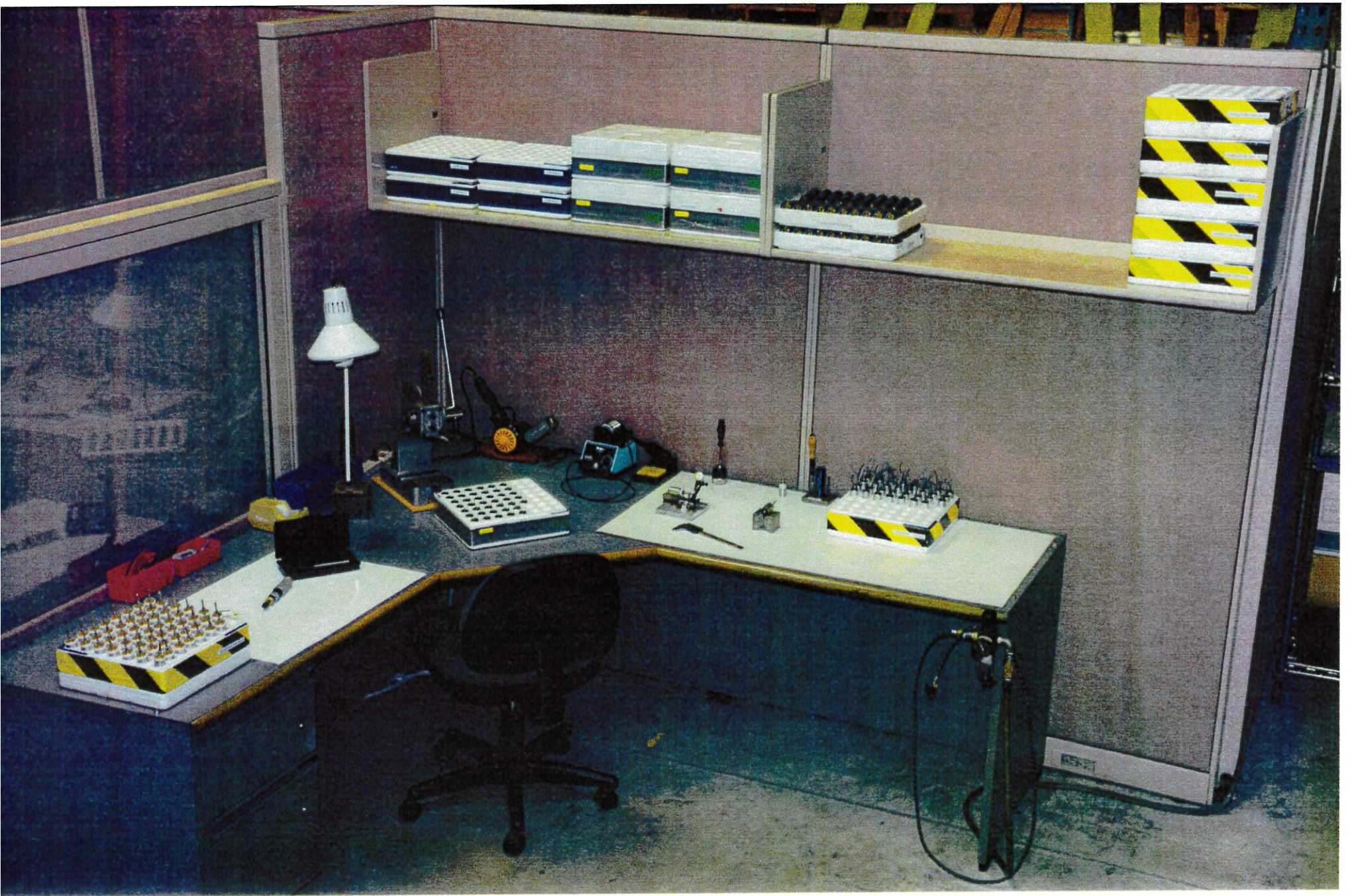


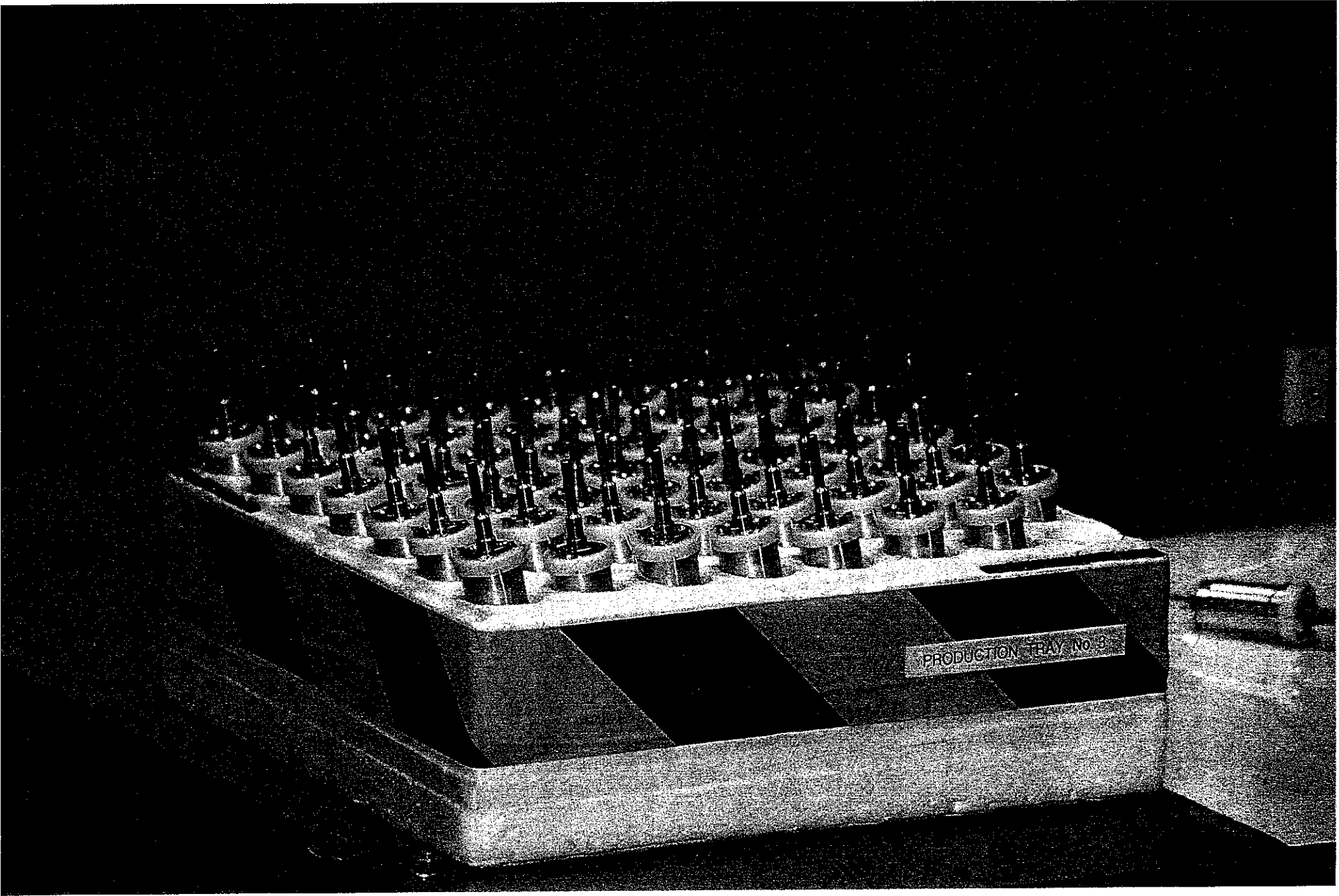
Guido Brusa
Managing Member
Allora International, LLC
1825 Dolphin Dr. Unit B
Waukesha, WI 53186
Guido@alloraintl.com
Office: (262) 246-6800 x112
Cell: (262) 227-9378
Fax (262) 246-6866
www.alloraintl.com

Allora International, LLC • 1825 Dolphin Drive • Unit B • Waukesha, WI 53186

Phone +1.262.246.6800 • Fax +1.262.246.6866 • Website www.alloraintl.com • E-Mail info@alloraintl.com

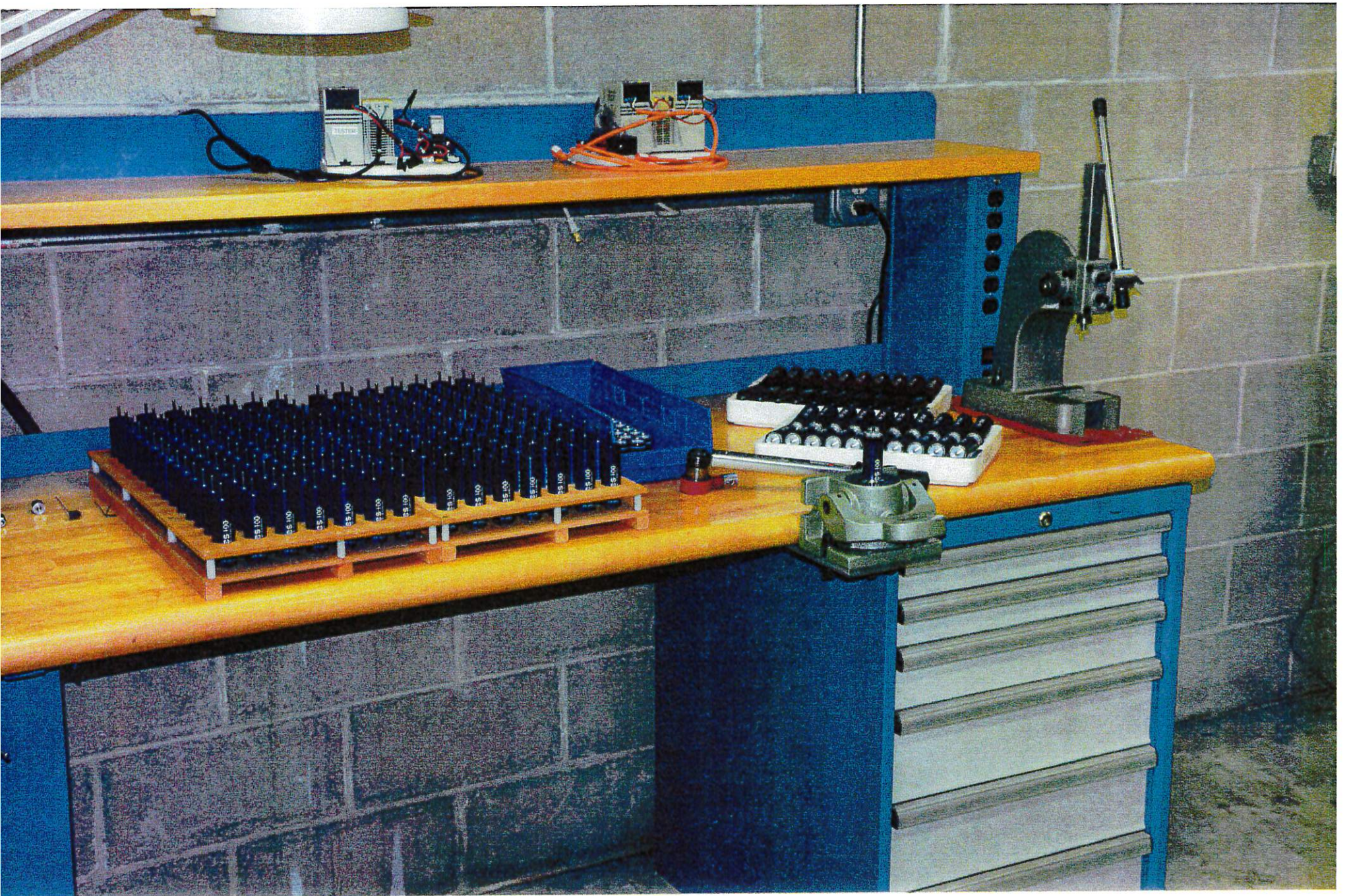






PRODUCTION TRAY No. 8







LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC

JENDUSA
DESIGN &
ENGINEERING

ARCHITECTS & ENGINEERS
4615 Vettelson Road
Suite 200
Hartland, WI 53029
P 262-264-6340
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REVISIONS

**VENTURE SPACE
CONDOS**

Silver Spring Drive
Sussex, WI

SHEET TITLE
SITE PLAN

PROJECT NO. 16-4758

DATE 10-27-16

SCALE As Noted

CHECKED BY

DRAWN BY .IRW

SITE SUMMARY:

Total Area	= 8.43 AC. / 367,019 S.F.	100%
(Less R/W)	= 8.26 AC. / 359,551 S.F.	
Impervious Area	= 1.96 AC. / 85,302 S.F.	24%
Pvt/Walks	= 40,182 S.F.	
Buildings	= 45,120 S.F.	
Green Space	= 6.30 AC. / 274,249 S.F.	76%

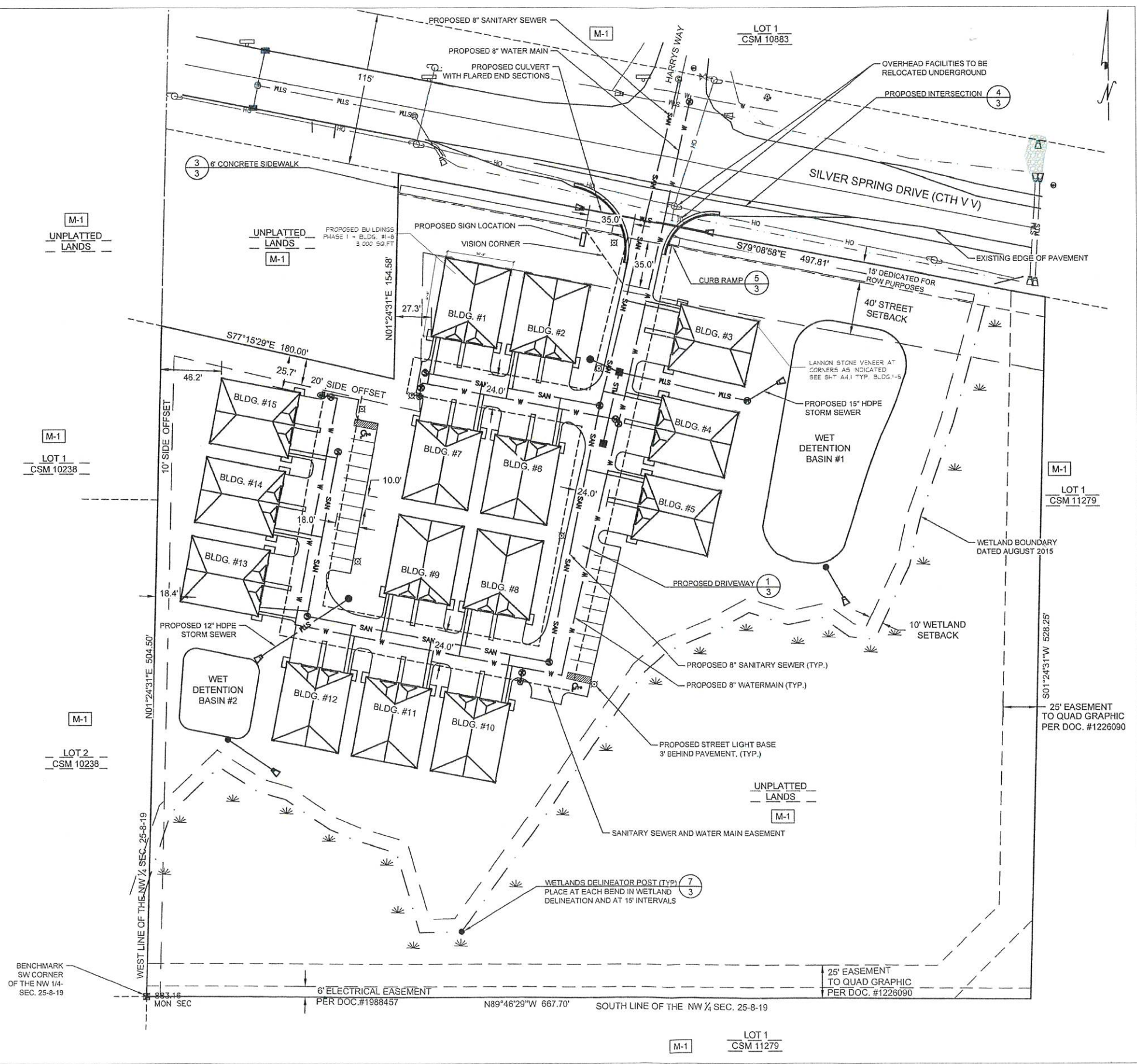
NOTES:

- EXISTING PROPERTY CONTAINS 8.43 ACRES GROSS.(LESS R/W = 8.26 ACRES NET)
- SEE GRADING PLAN FOR EXISTING AND PROPOSED CONTOURS, SPOT GRADES AND STORM WATER MANAGEMENT SPECIFICS.
- SEE ARCHITECTURAL PLANS FOR BUILDING ELEVATIONS AND MATERIALS.
- BENCHMARKS ARE AS SHOWN.
- THERE ARE NO EXISTING STRUCTURES ON THE PROPERTY.
- SILVER SPRING DRIVE RIGHT-OF-WAY WIDTH ESTABLISHED AT 130' PER VILLAGE ORDINANCE FILED APRIL 18, 1957.
- THIS PROPERTY IS NOT IN A FLOOD HAZARD ZONE PER FLOOD INSURANCE RATE MAP 55133C PANEL 0089G, MAP REVISED NOV. 5, 2014.
- M-1 ZONING REQUIREMENTS:
STREET SETBACK = 40'
SIDE OFFSET = 40' TOTAL (10' MIN.)
REAR OFFSET = 25'
- PROPERTY TO HAVE A USE OF BUSINESS CONDOMINIUMS, ALLOWED BY CONDITIONAL USE.

LEGEND

- EXISTING ZONING
- EXISTING WETLANDS
- EXISTING OVERHEAD POWER AND POLE
- EXISTING TELEPHONE PEDESTAL
- EX. SANITARY SEWER / MANHOLE
- EX. WATER MAIN / HYDRANT
- EX. STORM SEWER, CATCH BASIN AND FLARED END SECTION
- EXISTING SIGN
- PROPOSED WATER MAIN, GATE VALVE AND HYDRANT
- PROPOSED STORM SEWER, FLARED END SECTION, INLETS
- PROPOSED SANITARY SEWER AND MANHOLE
- LIGHT POLE

PARKING SPACES PROVIDED: 22
SPACES TO BE ACCESSIBLE: 1



BENCHMARK
SW CORNER
OF THE NW 1/4-
SEC. 25-8-19

LOT 1
CSM 11279



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? _____

Tax Key # _____

Zoning: _____

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

1. Name of Business:

Sussex Convenience INC

Business

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

Address

City, State, Zip

Phone #

Fax #

Email address

Duconvenience@gmail.com

2. Business owner contact information:

Contact

Bishnu P. Adhikari

Address

N62 W 23456 Silver Spring

City, State, Zip

Phone #

920-809-2600

Fax #

Email address

3. Building/Land owner contact information:

Contact

BISON ESTATE LLC, Bishnu Adhikari

Address

N62 W 23456 Silver Spring

City, State, Zip

Phone #

920-809-2600

Fax #

Email address

4. Number of Employees/Shifts:

2

Employees

2

Shifts

5. Days of Operation:

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

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

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

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

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

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

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

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

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

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

Bishnu Adhikari 4.30.2021
 Name Date
owner / member
 Title or Position

Sussex Convenience

Use:

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

Products

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



Village of Sussex

DISCLAIMER:

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

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

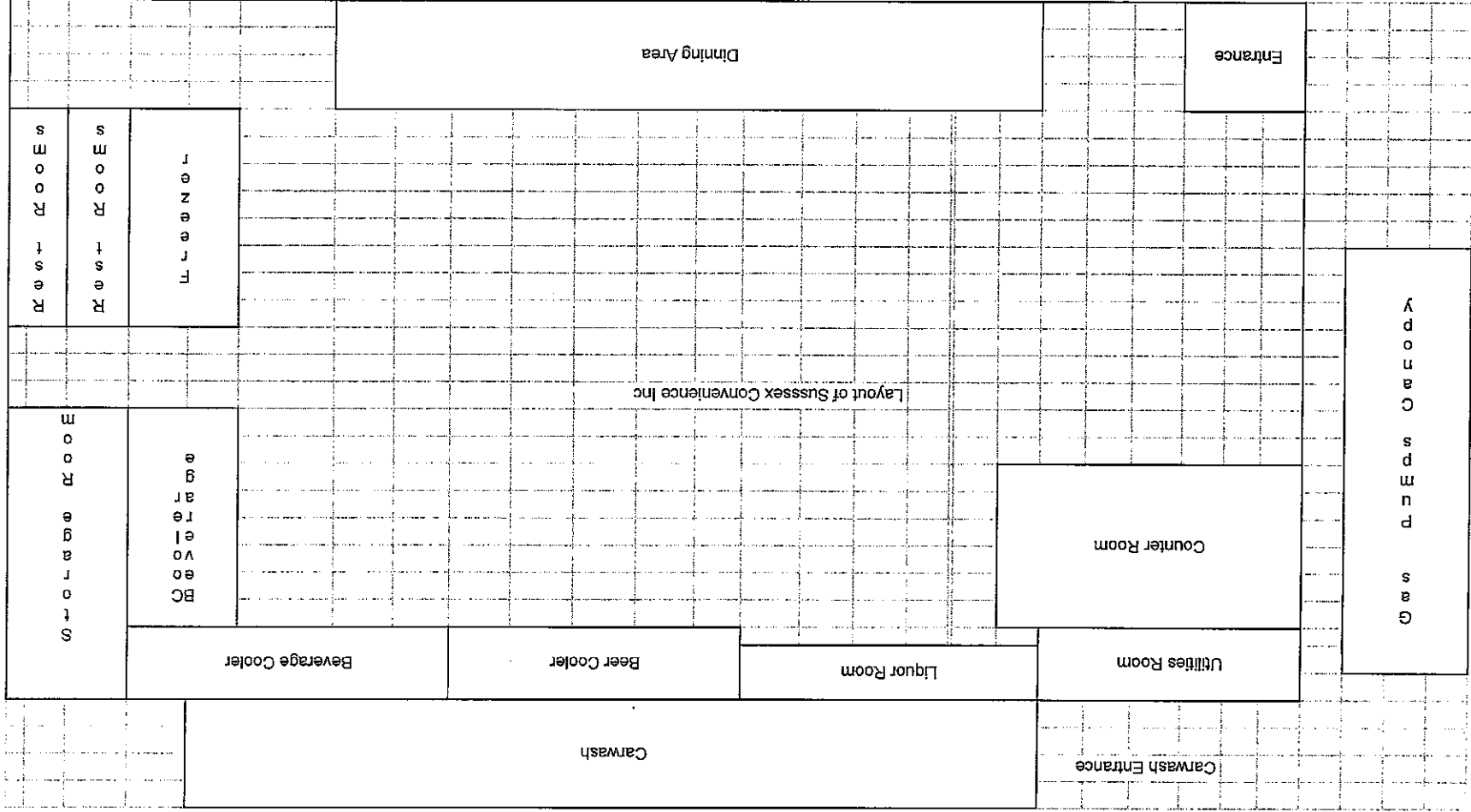


SCALE: 1 = 83'



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

Print Date: 5/11/2021



UHAUL Parking (Up to 8 Vehicle)

UHAUL Parking(Up 5 Vehicle)

Island

Customer Parking

Uhaul Items Store

Main Business Building

Car Wash

Entertainment

pump

pump

pump

pump

Entertainment



2021
VILLAGE OF SUSSEX ORDER
GRANTING A LEGAL NON-CONFORMING CONDITIONAL USE AND
PRESCRIBING CONDITIONS FOR
SUSSEX CONVENIENCE INC.
IN THE VILLAGE OF SUSSEX

WHEREAS, a petition has been filed by Bishnu Adhikari member of Sussex Convenience INC. (hereinafter “PETITIONER”); and

WHEREAS, the petitioner is requesting that a legal non-conditional use permit be granted pursuant to the Zoning Ordinance for the Village of Sussex for property commonly referred to as parcel number SUXV0245938, N62W23456 Silver Spring Sussex, Wisconsin, all as described on Exhibit A attached hereto and incorporated herein (hereinafter “SUBJECT PROPERTY”); and

WHEREAS, the subject property is zoned B-4 Central Mixed Use District; and

WHEREAS, a vehicle washing and gasoline service station in the B-4 Central Mixed Use District is a legal non-conforming use in accordance with Section 17.0507 (A) of the Village of Sussex Zoning Ordinance; and

WHEREAS, pursuant to Section 17.0507 (A) of the Village of Sussex Zoning Ordinance Legal Non-Conforming 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.

WHEREAS, pursuant of the Village of Sussex Zoning Ordinance the Plan Commission finds that the gasoline service station shall not cause traffic congestion, as adequate traffic control measures have been taken to ameliorate the traffic concerns; that lighting and glare shall not extend into adjacent residential neighborhoods; that service islands shall comply with the minimum setback requirements of the B-4 Central Mixed Use District; and that canopies over the gasoline service islands encroach no more than six feet into any required yard, and do not encroach into a street right-of-way; and

WHEREAS, pursuant to Section 17.0506(A)(11)(a) all outside storage is a conditional use and location of items and screening will remain the same.

WHEREAS, upon receipt of the application for a legal non-conforming conditional use permit filed by the petitioner, the Village Clerk properly referred such petition to the Plan Commission for the Village of Sussex for determination; and

WHEREAS, upon referral of the petition by the Village Clerk, the Plan Commission for the Village of Sussex scheduled a public hearing thereon as soon as practical, and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all parties-in-interest as required by Section 17.1401 of the Zoning Ordinance, the Plan Commission held a public hearing on June 15, 2021 and July 20, 2021 as required by Section 17.0505 of the Zoning Ordinance for the Village of Sussex; and

WHEREAS, the Plan Commission for the Village of Sussex, following the public hearings and necessary study and investigation, having given the matter due consideration, and having based its determination on the effect of granting such legal non-conforming conditional use permit on the health, general welfare, safety, and economic prosperity of the Village and specifically of the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties as to noise, dust, smoke, odor, or other similar factors, hereby determines that the use will not violate the spirit or intent of the Zoning Ordinance for the Village of Sussex, will not be contrary to the public health, safety or general welfare of the Village of Sussex, will not be a hazardous, harmful, noxious, offensive, or nuisance by reason of smoke, dust, odor, or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the legal non-conforming conditional use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a legal non-conforming conditional use permit for the subject property is hereby granted. The legal non-conforming conditional use permit granted herein shall apply only to the specific use of the Subject Property by Sussex Convenience Inc. for the following specific uses: vehicle washing, outside storage and 24 hour gas station, as well as permitted and accessory uses set forth in Section 17.0419 B-4 Central Mixed Used District and auxiliary uses as set forth in 17.0710 if approved as part of a Plan of Operation and site plan; and the legal non-conforming conditional use permit shall continue in existence only so long as the legal non-conforming conditional use is operated in compliance with this permit. This legal non-conforming conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

- A. This legal non-conforming conditional use is granted for Sussex Convenience Inc. for the above enumerated uses, subject to the following conditions:
 1. Presentation Compliance. The vehicle washing and 24-hour gas station is approved herein on the Subject Property, and the use thereof, shall be used in substantial conformity with the presentation at the Public Hearings before the Plan Commission held on June 15, 2021 and July 20, 2021.
 2. Subject Property. This legal non-conforming conditional use permit issued to the Petitioner, shall be limited to the property described in Exhibit “A” attached hereto and incorporated herein as presented at the public hearing.
 3. Plans. The Petitioner is required and must have all plans current, approved by the Plan Commission for the Village of Sussex, and on file with the Plan Commission for the Village of Sussex in order for this LNCU to be in effect. The Petitioner shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the Plan Commission for the Village of Sussex approval and without a public hearing, if such amendments and/or change is not a substantial amendment or change in any plan contemplated

herein that the Plan Commission for the Village of Sussex feels, in its sole discretion, to be substantial will require a new permit and all Village procedures in place at the time must be followed.

A. Site Plan. The Petitioner shall maintain the existing site plan, which shall be attached hereto and incorporated herein as Exhibit B.

B. Plan of Operation. The Petitioner shall submit to and receive approval from the Village Plan Commission a specific plan of operation for the Subject Property, the same to be in substantial conformance with the preliminary plans on file and with the presentation at the meeting. Once approved the plan of operation shall be attached hereto and incorporated herein as Exhibit C.

1. The hours of operation for the gas pumps will be 24 hours. While it is anticipated there will be no issues with the 24-hour operation this provision is specifically highlighted for reconsideration by the Plan Commission should concerns or problems arise related to the extended hours of operation.
2. The Gas station may apply for a license to sell beer, wine, and or liquor and may sell said products, if approval by the Village is granted only within strict compliance of said license and the conditions of approval of the same, and with compliance to any amendments to said license(s) made over time.

C. Traffic, Access and Loading Plans. The petitioner shall comply with the specific traffic, access, loading, and egress plan on file with the Village Clerk.

D. Lighting Plan. The petitioner shall adhere to the lighting plan on file for the subject property. No light rays shall be directed onto neighboring properties.

E. Signage Plan. All signage on the subject property shall conform to the requirements set forth in Section 17.0800 of the Village Zoning Ordinance and the Design Standards of the Village of Sussex, except the two existing pole signs which may exist with what rights they may have as legal nonconforming signs. No change in signage shall be permitted until approved by the Architectural Review Board and Building Inspector for the Village of Sussex.

1. The site has two existing pole signs that may have legal nonconforming rights. The sign face may be changed on these pole signs without a public hearing. If either or both of these pole sign structures need to be replaced or modified the signage plan for the entire site must come into compliance with the then current sign code as a condition of granting this legal non-conforming conditional use. Compliance with this standard if modification or replacement is sought may and is likely to require the removal of the pole signs in their entirety.

F. Sewer, Water, Stormwater and Erosion Control Plans. The Petitioner shall comply with the sewer, water, stormwater and erosion control plans on file with the Village Clerk.

G. Outdoor Storage Plan. No outdoor storage shall be permitted on the subject property with the following specific exceptions:

1. Trash dumpsters limited to the minimum number needed to meet the recycling law requirements. The trash dumpsters shall be screened from view and shall be maintained in a safe and sanitary condition at all times.
 2. The storage and sale of propane tank in the style, manner and location of the outdoor storage plan on file with the Village Clerk.
 3. No other outside storage or sales of merchandise from the above listed materials (excluding gasoline for vehicle usage) are permitted outside of the building.
 4. A limit of ten parking stalls for the storage/rental of Uhaul trucks and trailers.
4. Adult-Oriented Materials. No adult-oriented materials or pornographic videotapes, magazines, or gift items will be sold or rented from the subject facility.
 5. Licenses. The Petitioner shall be required to obtain any and all required licenses and permits from the Village, County, State, and Federal Government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this legal non-conforming conditional use permit.
 6. Laws. The Petitioner shall comply with all Federal, State, County, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the Subject Property.
 7. Building and Fire Inspection. The Petitioner is required to keep the Subject Property in compliance with all federal, State, and local laws, statutes, codes, ordinances, policies, and guidelines as determined by the Building and Fire Inspectors of the Village of Sussex.
 8. Aesthetics. The Petitioner is required to properly maintain the Subject Property at all times and in full compliance with the Village Property Maintenance Code, Chapter 9 of the Village of Sussex Code all to the satisfaction of the Plan Commission for the Village of Sussex.
 9. Junk. No junk shall be accumulated or stored on the Subject Property. No burying or burning of junk is permitted on the Subject Property.
 10. Temporary Use or Activity. No temporary use or special activity or event shall be permitted without prior approval of the Plan Commission of the Village of Sussex and the same must be in compliance with all ordinance, rules, and regulations of the Village of Sussex and all necessary permits must be obtained.
 11. Fees and Expenses. The Petitioner, upon issuance of this legal non-conforming conditional use permit, shall reimburse the Village of Sussex for all expenses incurred by the Village, including, but not limited to, expenses for the Village Administrator, Village Engineer, Village Attorney, and all other professionals and technical assistance realized by the Village in approving and granting this legal non-conforming conditional use permit. The Village Clerk shall provide the Petitioner with copies of all itemized invoices.
 12. Enforcement. Any attorney fees incurred by the Village of Sussex to enforce any of the conditions or requirements of this legal non-conforming conditional use permit must be paid by the Petitioner.

13. Complaints. In the event the Petitioner receives any complaints with regard to the operation authorized by this legal non-conforming conditional use, the Petitioner shall respond to such complaints in writing within a reasonable time not to exceed two weeks from the date of the complaint and shall provide a copy of the written response to the Sussex Village Administrator within the same period of time. If the complaint was made in writing, the copy provided to the Village Administrator shall include a copy of the complaint.
 14. No Nuisance. The Village reserves the right to rescind its approval of this legal non-conforming conditional use permit based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the Petitioner is given an opportunity to be heard on the matter and, if so rescinded the Petitioner and Subject Property shall thereupon be immediately subject to the Village of Sussex Zoning Ordinances , as applicable, regarding the use of the Subject Property as though no legal non-conforming conditional use permit was granted.
 15. Subject to Acceptance. Subject to the Owner approving in writing the issuance of the same and Petitioner acknowledging in writing that they have received a copy of this legal non-conforming conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
 16. Review. The Plan Commission for the Village of Sussex reserves its right to review the operation and amend the legal non-conforming conditional use permit as the Plan Commission for the Village of Sussex deems appropriate
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for the Village of Sussex for determination.
 - C. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Village of Sussex, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
 - D. This legal non-conforming conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Village of Sussex as being in compliance with all pertinent ordinances.
 - E. Should the permitted legal non-conforming conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to the municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area

or for similar cause based upon consideration of public health, safety or welfare, the legal non-conforming conditional use may be terminated by action of the Plan Commission for the Village of Sussex.

- F. Any change, addition, modification, alteration and/or amendment of any aspect of this legal non-conforming conditional use, including but not limited to a change in the use, premises, lands or owners, other than as specifically authorized herein, shall require a new permit and all Village procedures in place at the time must be followed.
- G. Unless this legal non-conforming conditional use permit expressly states otherwise, plans that are specifically required by this legal non-conforming conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the legal non-conforming conditional use permit. Any change in any plan that the Plan Commission, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- H. Should any paragraph or phrase of this legal non-conforming conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the legal non-conforming conditional use and the remainder shall continue in full force and effect.
- I. This legal non-conforming conditional use permit shall be effective for an initial term that ends five years from the date of January 1 of the year the legal non-conforming conditional use is approved. During the fifth year of the LNCU the Village Administrator or designee shall examine the record to determine if concerns about the operation have been raised in writing by the public, a governmental body or official, or anyone else, and shall also review the site and the adjoining area for compliance with the conditions of the LNCU. If based upon that review the use of the property is compatible with the surrounding areas and the petitioner is in substantial compliance with all terms of this legal non-conforming conditional use agreement, then, in that event, the legal non-conforming conditional use can be automatically renewed for another 5-year term. If based upon that review the Village Administrator finds concerns about compliance with the conditions of the legal non-conforming conditional use, the petitioner shall be brought back before the Plan Commission for consideration of the renewal. The Petitioner shall have the responsibility to apply for the renewal by January 30th of the fifth (5) year of the term. Failure of Petitioner to apply for the renewal as provided herein shall be deemed a violation of the conditions of the legal non-conforming conditional use and may serve as a basis for termination of the legal non-conforming conditional use permit. The Plan Commission for the Village of Sussex may add additional conditions at any time.
 - 1. Where the changing character of the surrounding area causes the original legal non-conforming conditional use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the legal non-conforming conditional use order and any subsequent approved amendments or changes may be terminated by action of the Plan Commission of the Village of Sussex. Such use shall thereafter be classified as a legal nonconforming use as it was permitted to exist on the day it was terminated.
 - 2. Where this permitted legal non-conforming conditional use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the legal non-conforming conditional use grant and any

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

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

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

Let copies of this order be filed in the permanent records of the Plan Commission for the Village of Sussex, and let copies be sent to the proper Village authorities and the petitioner.

Approved this _____ day of _____, 2021
BY THE PLAN COMMISSION FOR THE VILLAGE OF SUSSEX

Anthony LeDonne
Village President

Samuel Liebert
Village Clerk

ACCEPTANCE

I hereby accept the terms of this legal non-conforming conditional use in its entirety.

Dated this _____ day of _____, 2021

By: _____

This legal non-conforming conditional use was drafted by Village Administrator Jeremy Smith based off of a model from previous legal non-conforming conditional uses for the subject property that were drafted by Attorney John P. Macy ARENZ, MOLTER, MACY & RIFFLE, S.C.
Village Attorneys for the Village of Sussex