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**AGENDA**  
**VILLAGE OF SUSSEX**  
**PLAN COMMISSION MEETING**  
**6:30 PM TUESDAY, MAY 17, 2022**  
**SUSSEX CIVIC CENTER – BOARD ROOM 2<sup>nd</sup> FLOOR**  
**N64W23760 MAIN STREET**

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Sussex Plan Commission, at which a quorum of the Village Board may attend. If a Quorum is present the Chairperson shall state, "Please let the minutes reflect that a quorum of the Village Board is present and may be making comments during public comment or if the rules are suspended to allow so.)

1. Roll call.
2. Consideration and possible action on the minutes of the Plan Commission meeting of April 19, 2022.
3. Consideration and possible action on Permitted Uses and Plans:
  - A. Consideration and possible action on plan of operation for Peak Care Clinic (N63W23524 Silver Spring Drive Suite #4).
  - B. Consideration and possible action on plan of operation for Electric Ink, LLC (N53W24880 S. Corporate Circle, Unit #3)
  - C. Consideration and possible action on plan of operation for Slo' Motion BBQ (N64W22622 Main).
4. Conditional Use Public Hearing(s) and consideration and possible action on Conditional Use Permits and Plans on the following items:
  - A. Public Hearing and consideration on the Plan of Operation and Conditional Use for a new owner at MK Business Inc. (Sussex Mobile) (W232N6116 Waukesha Avenue).
  - B. Public Hearing and consideration on the Plan of Operation and Conditional Use for Private Car Hobby (N63W23991 Main Street).
5. Consideration and possible action on CSM's, Plats, Zoning and Planning Items:
  - A. Consideration and possible action on auxiliary use request for Momentum to have a one-day carnival for families of the day care on September 10, 2022 (W248N5250 Executive Drive).
  - B. Consideration and possible action on enlarged pool house (W245 N7486 Stonefield Drive).
  - C. Consideration and possible action on CSM and Rezoning Ordinance 881 for (N63W24190 Oak Drive)
  - D. Consideration and possible action on possible action on Ordinance 882 Recreating Section 17.0704.A.13 Entitled Relaxation/Floating Pools in the Code of the Village of Sussex.
6. Other items for future discussion.
7. Adjournment.

Anthony LeDonne  
Chairperson

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Jeremy J. Smith  
Village Administrator

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

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

Minutes of the Plan Commission meeting held on April 19, 2022

Village President LeDonne called the meeting to order at 6:32p.m.

Members present: Village President Anthony LeDonne, Commissioners Jim Muckerheide via zoom, Mike Knapp and Trustee Greg Zoellick, Roger Johnson, and Deb Anderson.

Members excused: Commissioner Mike Schulist.

Others present: Attorney John Macy, Administrator Jeremy Smith, Assistant Administrator Kelsey McElroy-Anderson, Village Engineer Judy Neu, IT Coordinator Diane Bruns, Interim Village Clerk Jennifer Moore and applicants.

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

**Consideration and possible action on the minutes on the Plan Commission meeting of March 15, 2022.**

A motion by Johnson, seconded by Anderson to approve the minutes of the Plan Commission meeting of March 15, 2022 as presented. Motion carried 6-0

**Consideration and possible action on plan of operation for El Jimador Mexican Grill and Bar LLC. (N65W24838 Main Street Suite 300-400)**

A representative from the owner was present to answer questions. The board had no concerns with the plan of operations or property maintenance concerns.

A motion by Zoellick, seconded by Knapp to approve the plan of operation for El Jimador Mexican Grill and Bar, LLC Cortez (N65W24838 Main Street Suite 300-400) subject to the standard conditions of Exhibit A. Motion carried 6-0

**Consideration and possible action on site plan, landscape plan, architecture plan, and lighting plan for Sussex Highlands Site II (W250N5350 Business Drive).**

Mark Lake with Wangard Partners was present to explain the plans and answer questions for construction to begin in May.

A motion by Anderson, seconded by Zoellick to approve the site plan, landscape plan, architecture plan, and lighting plan for Sussex Highlands Site II (W250N5350 Business Drive) subject to the conditions of approval from the ARB, recording of the CSM, and standard conditions of Exhibit A Motion carried 6-0

**Introduction of Plan of Operation and Conditional Use application for a new owner at MK Business Inc. (Sussex Mobil) (W232N6116 Waukesha Avenue).**

Representatives of the new owners were present to answer questions.

A motion by Zoellick , seconded by Anderson to schedule the public hearing for the Plan of Operation and Conditional Use application for the May Plan Commission meeting.

Motion carried 6-0

**Introduction of Plan of Operation and Conditional Use Application for Private Car Hobby (N63W23991 Main Street).**

President LaDonne recused himself from this agenda item.

A representative was in attendance to answer questions.

A motion by Johnson, seconded by Anderson to schedule the public hearing for the Plan of Operation and Conditional Use application for the May Plan Commission meeting.

Motion carried 6-0

**Consideration and possible action on Resolution No 22-07 A Resolution of the Village Board of the Village of Sussex to Vacate and Discontinue a portion of Business Drive**

A motion by Zoellick, seconded by Muckerheide to recommend to the Village Board approval of Resolution No. 22-07, A Resolution of the Village Board of the Village of Sussex to Vacate and Discontinue a portion of Business Drive.

Motion carried 6-0

**Consideration and possible action on resident concern about pool restrictions on triple frontage lots.**

Petitioner is present – Chris W238N6526 Elmwood Avenue – Wants to put in a temporary seasonal pool 15' wide circular by 48" high. No permanent structure.

Policy issue for this specific type of yard. The Plan Commission would have to initiate a change in Village Code.

Plan Commission directed staff to write a draft code change and bring forth to the Plan Commission at the May meeting.

**Other items for future discussion**

None

**Adjournment**

A motion by LaDonne seconded by Zoellick to adjourn the meeting at 7:22p.m. Motion carried 6-0

Respectfully submitted,

Jennifer A. Moore  
Interim Village Clerk



MEMORANDUM

TO: Plan Commission  
FROM: Jeremy Smith, Village Administrator  
RE: Plan Commission meeting of May 17, 2022  
DATE: May 11, 2022

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

**02. Minutes of the Plan Commission meeting of April 19, 2022.**

**03. Consideration and possible action on Permitted Uses and Site Plans:**

**A. Consideration and possible action on plan of operation for Peak Care Clinic (N63W23524 Silver Spring Drive Suite #4).**

This site is zoned B-4. A Chiropractor is a permitted use in the District under 17.0419C.3.d. The Chiropractor is looking to sublet about 300 sq. feet from Dr. Dan Loftus Chiropractor offices. They have 1 employees and plan to be open M-F with various hours each day with the earliest being 7:30 am and the latest being 8:30 pm. The multi-tenant building has 35 parking spaces with 25 spaces occupied including the 6 required for this use. Whenever a business opens the Plan Commission utilizes that opportunity to consider if there are any property issues that need to be addressed. Village staff has no particular concerns at this time.

**Policy Question:**

1. Are there any concerns with the plan of operation
2. Are there any property maintenance concerns that need to be addressed at this time?

**Action Items:**

1. Act on the Plan of operation

**Staff Recommendation:** Staff recommends approval of the plan of operation for Peak Care Clinic (N63W23524 Silver Spring Drive Suite #4) subject to the standard conditions of Exhibit A.

**B. Consideration and possible action on plan of operation for Electric Ink, LLC. (N53W24880 S. Corporate Circle, Unit #3)**

The site is zoned BP-1. The manufacturing of laser engraved wood products is a permitted use under 17.0420A.6.(b)(1). The 4,500 sq. foot suite will house 4 employees. The site has 39 parking spaces with 15 spaces occupied. This use requires 4 spaces. Whenever a business opens the Plan Commission utilizes that opportunity to consider if there are any property issues that need to be addressed. Village staff has no particular concerns at this time.

**Policy Question:**

1. Are there any concerns with the plan of operation
2. Are there any property maintenance concerns that need to be addressed at this time?

**Action Items:**

1. Act on the Plan of operation

**Staff Recommendation:** Staff recommends approval of the plan of operation for Electric Ink, LLC (N53W24880 S. Corporate Circle, Unit #3) subject to the standard conditions of Exhibit A.

**C. Consideration and possible action on plan of operation for Slo' Motion BBQ (N6W22622 Main Street).**

This site is zoned B-3. A Caterer is a permitted use in the District under 17.0418A1.(e). The Operation would use 1,000 square foot space for a commercial kitchen with 5 employees working around the clock some days to smoke and package meats and other rubs and sauces for catering jobs and limited retail sales. The multi-tenant building has 215 parking spaces required by code. This use will require 7 spaces. The Plan Commission utilizes this opportunity to consider any property issues that need to be addressed. Village staff has no particular concerns at this time.

**Policy Question:**

1. Are there any concerns with the plan of operation
2. Are there any property maintenance concerns that need to be addressed at this time?

**Action Items:**

1. Act on the Plan of operation

**Staff Recommendation:** Staff recommends approval of the plan of operation for Slo' Motion BBQ (N64W22622 Main Street) subject to the standard conditions of Exhibit A.

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

**A. Public Hearing and Consideration of Plan of Operation and Conditional Use application for a new owner at MK Business Inc. (Sussex Mobile) (W232N6116 Waukesha Avenue).**

The site is zoned B-3 and Gas Stations are a conditional use under 17.0506A.9.b. New owners are taking over the Sussex Mobile Gas Station, which has a Conditional Use permit. Its operations will largely remain the same with the exception of alcohol sales, which has been approved by the Village Board. The ownership change currently requires a new CU public hearing.

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

**The Conditional Use Standards:**

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

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

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

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

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

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

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

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

#### 17.0503 REVIEW AND APPROVAL.

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

A. Conditional Use permits shall have the following process:

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

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

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

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

1) Refer to Section 17.1401.

2) Any person may appear in person, by agent, or attorney.

3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.

4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

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

a) The remaining questions/standards that need to be proved/responded to.

b) Additional conditions to include in the CU Order that the Plan Commission deems appropriate. The Petitioner will need to prove they can meet those at the adjourned public hearing date.

c) Direction to staff to prepare the Conditional Use Order or a finding the Petitioner does not meet the standards for approval for consideration at the next meeting. The Plan Commission may also delay either of these directions to hear more evidence at the next meeting, although such delay will result in another adjourned public hearing date for due process purposes.

d) Adjourn the public hearing to a date certain.

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

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

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

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

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

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

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

#### **17.0506           CONDITIONAL USES**

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a "Impact Report" detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition, additional standards shall apply for specific types of uses as follows:

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

## **The General Provisions of Chapter 17.0200**

### **The Zoning District Standards 17.0400 and in particular the standards of the B-3 Highway Business District (17.0418).**

#### **Site Plan Review Standards 17.1000**

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

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

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or 17.1000 drabness, in order to realize architectural uniqueness between lots.
3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

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

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

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

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

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

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



**Any other standards from Chapter 17 that may be relevant.**

Comments from the public if any.

**Policy Question:**

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
  - i. A Conditional Use Order; or
  - ii. An Order finding the Petitioner does not meet the standards.

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

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

Adjourn hearing to June 21, 2021 at 6:30 p.m.

**B. Public Hearing and possible consideration on plan of operation and Conditional Use Application for Private Car Hobby (N63W23991 Main Street)**

The Site is zoned B-4 and vehicle repair and restoration is a conditional use under 17.0506A.9.a. The site was previously a commercial garage (approximately 4,000 sq. feet with 6 parking spaces. This use will be for private collector(s) and their hobby car restoration.

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

**The Conditional Use Standards:**

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

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

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

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

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

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

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

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

#### 17.0503 REVIEW AND APPROVAL.

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

A. Conditional Use permits shall have the following process:

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

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

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

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

1) Refer to Section 17.1401.

2) Any person may appear in person, by agent, or attorney.

3) The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.

4) The Plan Commission shall take minutes of the proceedings and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant or a petitioner objecting to the action, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant or the petitioner objecting making the request pays any and all costs for the stenographer or recording device and any copies of the proceedings. If requested by both the applicant and the petitioner, the costs shall be split evenly unless otherwise agreed to by the parties.

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

a) The remaining questions/standards that need to be proved/responded to.

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

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

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

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

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

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

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

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

## **17.0506            CONDITIONAL USES**

A.       The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified, but all Conditional Use applicants must produce a “Impact Report” detailing the impacts of said use to neighboring properties and to Village services from traffic, parking, and overflow parking, noise, odor, safety, crime, hours of operation, health and sanitation, and property maintenance issues. The Village Administrator shall analyze said report along with any supplemental reports from the Village, and its agents, to create an impact report for the application utilizing the Professional and Technical Trade standards for traffic, noise, dust, light, crime and fire prevention, etc. as a guide for the same. The Petitioner shall then prove by substantial evidence how their use will mitigate and address the findings of the impact report. In addition additional standards shall apply for specific types of uses as follows:

*9. Retail Trade a) Vehicle sales, vehicle service, service of vehicle parts, vehicle parts sales including vehicle washing, vehicle repair stations, service of vehicle parts and vehicle parts sales in the B-2, B-3 and B-4 Districts No outside storage shall be permitted for vehicle parts sales even by issuance of a conditional use permit as set forth in 17.0506(A)(15)(e) of this Ordinance. All other outside storage that may be granted by CU shall be on a hard paved surface and shall be screened from view, or in the case of vehicle sales the landscaping shall be aesthetically pleasing to minimize the visual impact of a parking lot of vehicles.*

## **The General Provisions of Chapter 17.0200**

### **The Zoning District Standards 17.0400 and in particular the standards of the B-4 Central Mixed Use District (17.0419).**

#### **Site Plan Review Standards 17.1000**

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

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

B. No structure shall be permitted:

1. The design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. The design or exterior appearance of which is so identical to a building on lots within 500 feet of each other that it creates excessive monotony or 17.1000 drabness, in order to realize architectural uniqueness between lots.
3. Where any exposed facade is not constructed or faced with a finished material or color which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

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

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

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

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

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

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

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

2. If the Plan Commission finds (1) (a) or (1) (b), above, then the Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration: 17.1000 (a) Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door; (b) Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact; (c) Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and (d) Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.

**Any other standards from Chapter 17 that may be relevant.**

**There were comments raised about property condition and plans to clean up the site. There are also questions about the number of vehicles that may be outside if any and the limitation therein.**

Comments from the public if any.

**Policy Question:**

The Plan Commission continues the public hearing and:

1. Requests the Petitioner to provide additional information next month based upon the testimony at the Public Hearing in order to make a determination on the standards of the Code; or
2. Directs staff to prepare for consideration next month:
  - i. A Conditional Use Order; or
  - ii. An Order finding the Petitioner does not meet the standards.

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

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

Adjourn hearing to June 21, 2021 at 6:30 p.m.

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

**A. Consideration and possible action on auxiliary use request for Momentum to have a one-day carnival for families of the day care on September 10, 2022 (W248N5250 Executive Drive).**

Momentum is planning on having a family carnival day Saturday September 10, 2022 for their current customers. Because they will have several carnival rides for the event in the back-parking lot an auxiliary use permit is necessary under 17.0710. The Plan Commission can allow such a special use if there is a nexus to the event and the approved operation on the site, the use is compatible with the permitted uses on the site, the event is 10 days or less per year, parking is not impacted in such a way as to create safety hazards, the event won't interfere with Public Safety or the safety and welfare of the neighborhood.

Staff and public safety have reviewed this event and have no concerns with its operation. Since the event is not open to the larger public there are no traffic concerns and the other tenants in the building have already been communicated with about this Saturday event.

**Policy Question:**

1. Are there any concerns with this auxiliary use?

**Action Items:**

1. Act on the request.

**Staff Recommendation:** Staff recommends approval of the auxiliary use of the carnival rides for the Momentum family carnival.

**B. Consideration and possible action on poolhouse (W245 N7486 Stonefield Drive)**

This property is currently TS-1. The pool house is 388 square feet and the Plan Commission can allow an accessory building over 250 square feet on larger lots when it determines such use is necessary to the efficient development of the property and sufficient open space areas remain on the lot. The Plan Commission has approved several of these pool houses in the past. The lot is just under ¾ of an acre.

**Policy Question:**

1. Are there any concerns with the 388 square foot pool house?

**Action Items:**

1. Act on the request for the accessory structure.

**Staff Recommendation:** Staff recommends the Plan Commission approve the 388 sq. foot accessory pool house as the lot still has significant open space and the pool house serves the efficient development of the property.

**C. Consideration and possible action on Consideration and possible action on CSM and Rezoning Ordinance 881 for (N63W24190 Oak Drive)**

This property is currently cut in two by the Bugline trail. When the Village acquired right of way from the Kallio's for the cul-de-sac on Oak Drive, the Village agreed to allow for a buildable lot for the southern piece. The owner of the property has now proposed a CSM to split that southern piece of land off from the Main Street portion and to rezone the property. Adjacent lands are RS-3, but the lot (13,000 sq. feet) will be zoned RS-4 to meet the lot requirements since the land the Village acquired from the parcel took it below the RS-3 threshold (15,000 sf. feet). There are some technical corrections on the CSM that need to be made.

**Policy Question:**

1. Are there any concerns with the CSM and Rezoning Ordinance

**Action Items:**

1. Act on the CSM and Rezoning Ordinance

**Staff Recommendation:** Staff recommends the Plan Commission recommend approval to the Village Board of the CSM subject to the technical corrections of the Village Engineer and standard conditions of CSM approval and standard conditions of Exhibit A and the Rezoning Ordinance

**D. Consideration and possible action on possible action on Ordinance 882 Recreating Section 17.0704.A.13 Entitled Relaxation/Floating Pools in the Code of the Village of Sussex.**

The Plan Commission directed staff to prepare an Ordinance to amend the code to allow seasonal pools in street yards under certain circumstances.

**Policy Question:**

1. Does the Ordinance address the policy concerns of the Plan Commission.

**Action Items:**

1. Act on the Ordinance

**Staff Recommendation:** Staff recommends the Plan Commission recommend to the Village Board approval of the Ordinance.

**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? \_\_\_\_\_ If yes, is this a new CU? \_\_\_\_\_

(Conditional Use Permits require a Public Hearing)

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

Tax Key # 246.962.005

Zoning: \_\_\_\_\_

Address of Tenant Space: \_\_\_\_\_

1. Name of Business: Peak Care Clinic

Business N63W23524 Silver Springs Jr #4 Sussex WI 53089 262-957-6715  
 Address 262 246-8894 City, State, Zip Chris Jones 6715 @ Gmail.com Phone #  
 Fax # \_\_\_\_\_ Email address

2. Business owner contact information:

Chris Jones  
 Contact N82W22398 Mag Ann CT Sussex WI 53089 262-957-6715  
 Address Chris Jones 6715 @ Gmail.com City, State, Zip Phone #  
 Fax # \_\_\_\_\_ Email address

3. Building/Land owner contact information:

Mike Millikin  
 Contact N573 W30333 PWA CT HOIST LAUD WI 262-391-4002  
 Address \_\_\_\_\_ City, State, Zip Phone #  
 Fax # NONE Email address

4. Number of Employees/Shifts: 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		
1:30-5:30PM	7:30-12:00PM	8-12 2-6	1:30-5:30	8-12PM		



6. Is this an extension of an existing operation? NO
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises. See Back of Sheet
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? NA Do you need an Outdoor Establishment Permit? NA  
 If yes, explain: \_\_\_\_\_  
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? NA
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? NA If yes, explain: \_\_\_\_\_
11. Dimension of area to be occupied (10x18)(10x12) Total square footage 300  
 If applicable list square footage according to 1<sup>st</sup> floor 300 2<sup>nd</sup> floor \_\_\_\_\_

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

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?  
Sticker on window add info to existing outdoor sign  
 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.

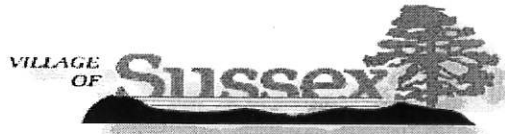
I do swear to or affirm that all statements contained herein are true and correct to the best of our knowledge.

Chris Jones 4/26/22  
 Name Date  
President  
 Title or Position

I am aware and approve of the business to be operating in the building owned by Michael E. Minton  
Michael E. Minton 4/28/22  
 Name Date  
President  
 Title or Position

Provide Quality Chiropractic treatments and  
Supplements at affordable prices.





PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

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

Tax Key # SUXV 0278 999 035

Zoning: \_\_\_\_\_

Address of Tenant Space: N53W24880 S. Corporate Circle, Unit #3 Sussex, WI 53089

1. Name of Business:

Electric Ink, LLC

Business	N53W24880 S. Corporate Circle, Unit #3		Sussex, WI 53089	414-698-9589
Address	none		City, State, Zip	Phone #
Fax #	none		Email address	ElectricInkWisconsin@gmail.com

2. Business owner contact information:

Mike Foust

Contact	W278N5437 Hanover Hill road		Sussex, WI 53089	414-698-9589
Address	none		City, State, Zip	Phone #
Fax #	none		Email address	ElectricInkWisconsin@gmail.com

3. Building/Land owner contact information:

Nick Wrbanatz

Contact	200 Wilmont Drive		Waukesha, WI 53189	262-549-3010
Address	none		City, State, Zip	Phone #
Fax #	none		Email address	lanah@nhmachining.com

4. Number of Employees/Shifts: 2 FT / 2PT Employees 1 Shifts

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
X	X	X	X	X	X	X
7-7pm	7-7pm	7-7pm	7-7pm	7-7pm	7-7pm	7-7pm

6. Is this an extension of an existing operation? no
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises. ✓
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No  
 If yes, explain: \_\_\_\_\_  
 If yes, please obtain and complete permit application.
9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? \_\_\_\_\_
10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? No If yes, explain: \_\_\_\_\_
11. Dimension of area to be occupied 55x80 Total square footage 4,500  
 If applicable list square footage according to 1<sup>st</sup> floor 4,500 2<sup>nd</sup> floor 0

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 6  
 Dimensions of parking lot shared Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?  
No outside sign will be proposed on building front  
 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.

Michael G. Foust 4/6/2022  
 Name Date  
 Owner  
 Title or Position

I am aware and approve of the business to be operating in the building owned by US3wa4880 S CORPORATE CIRCLE, LLC

Mich [Signature] 4-20-2022  
 Name Date  
OWNER  
 Title or Position



I will be occupying Unit#3

N53W24880 S. Corporate Circle, Unit #3  
Sussex, WI

Just north of Meijer store



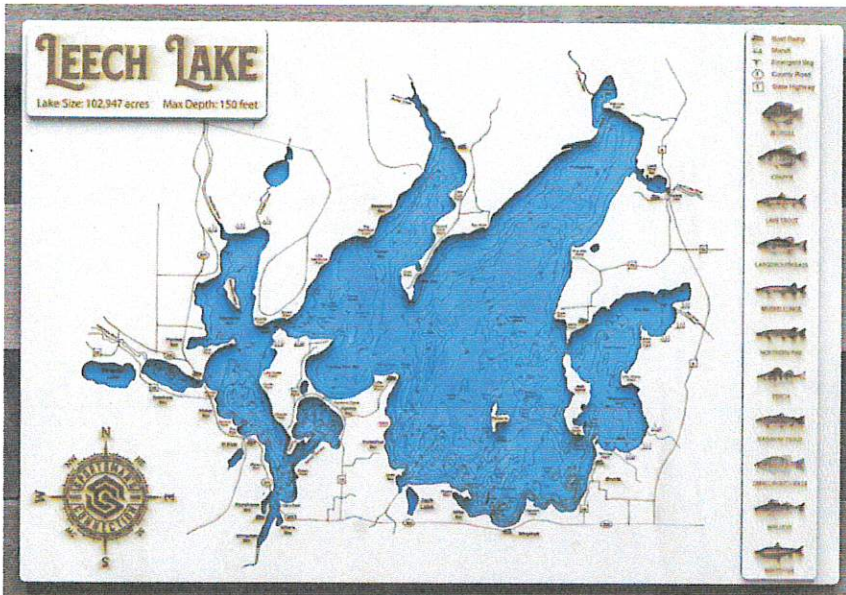
# Electric Ink, LLC

Electric Ink, LLC started in November 2019 building laser engraved 3D wooden lake maps, cribbage boards, and lake products. I have now partnered with another company, Sportsmans Connection, to supply them with Lake maps as they expand beyond printed Fishing maps publications into wood products and apparel. This partnership has required me to expand and lease space in Sussex, Wi.

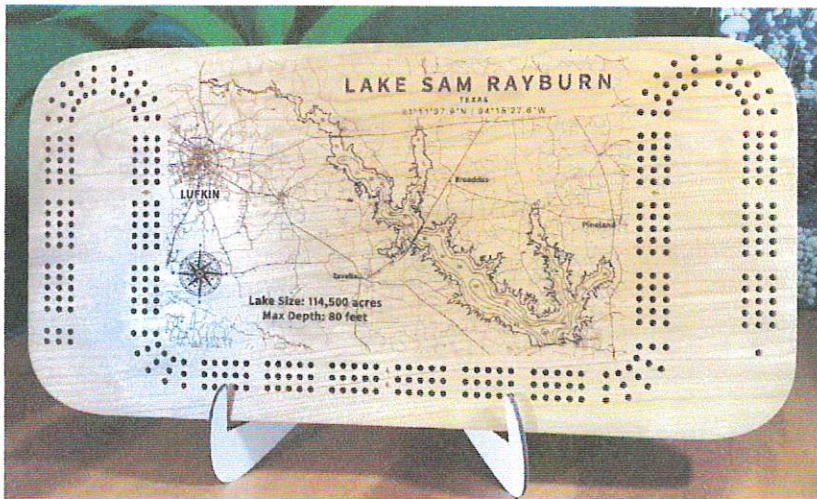
I will be creating 3D wooden lake maps in sizes from 15x22" and larger using commercial grade laser tools and woodworking equipment. In the fall of this year, I expect to be creating laser engraved cribbage boards from this facility as well.

There will be no retail selling from this location.

Sample products > Lake Maps:



Sample products > Cribbage boards:





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 # SUXV0239994004

Zoning: \_\_\_\_\_

Address of Tenant Space: N64 W22622 - 22694 Main St.

1. Name of Business:

Slō Motion BBQ

Business

W173 N4845 Crabapple Ct. Menomonee Falls, WI 53051

Address

City, State, Zip

Phone #

262-822-1402

Fax #

Email address

slomotionbbq@gmail.com

2. Business owner contact information:

Contact ADAM GEBAR

Contact

Same ↑

Address \_\_\_\_\_

City, State, Zip

Phone #

Fax #

Email address

3. Building/Land owner contact information:

Contact Adam McCarthy

Contact

200 W. main St Waukesha WI 53186

Address

City, State, Zip

Phone #

262-232-8738

Fax #

Email address

adam@smartassetrealty.com

4. Number of Employees/Shifts: 2-5

Employees

1-3

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

I'm checking 7 days, but I'll start with limited days to get going.

6. Is this an extension of an existing operation? Yes No

7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.

8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? No Do you need an Outdoor Establishment Permit? No  
If yes, explain: \_\_\_\_\_

If yes, please obtain and complete permit application.

9. If your proposed operation will utilize a liquor license, what types of entertainment are you proposing? \_\_\_\_\_

10. Do you feel there will be any problems such as odor, smoke or noise resulting from this operation? Yes If yes, explain: The pleasant smoke from burning wood to smoke meat.

11. Dimension of area to be occupied \_\_\_\_\_ Total square footage 1000 sq ft  
If applicable list square footage according to 1<sup>st</sup> floor \_\_\_\_\_ 2<sup>nd</sup> floor \_\_\_\_\_

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

12. Parking:  
Total Number of Parking Spaces 215 Number of spaces needed per code \_\_\_\_\_  
Number of spaces allocated for employee parking N/A  
Dimensions of parking lot \_\_\_\_\_ Is parking lot paved? Yes

13. Signage: What type of signage are you proposing for your business? Not at this plan

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.

Adam GEARB  
Name

4/27/2022  
Date

owner  
Title or Position

I am aware and approve of the business to be operating in the building owned by 5/2 motion BBQ.

Adam McCarthy  
Name

04/27/2022  
Date

owner/member  
Title or Position



Dear Village of Sussex,

My name is Adam Gegare, Owner and Operator of Slo' Motion BBQ, LLC.

I established myself in early 2019 doing pop up events and festivals. In June of 2020 I picked up a custom-built food trailer in Georgia and brought it home. I currently operate a food trailer and conduct traditional catering.

It's important for me to tell you this.

In 2019 I quit my 21 year career with the WI Department of Corrections, I took a leap of faith to do something that I believe is God's path for me, my company motto is God, Family, Barbecue. My wife and I are a blended family of 8 kids ranging from 2-16. I believe in using the best products I can find and pride myself on using 100% Hardwood to smoke my meats. I make my own rubs and sauces and am hopeful that I will have a retail ready product soon from a manufacture I have been working with.

In the space I plan to lease I want to build out a 700-800 sq. ft. kitchen so I can have space to grow the catering sector, as well as continue to build my line of rubs and sauces. I would do a small amount of retail (out of building only), I would not have any seating inside. Along with that I could sell meal plan kits, ready to eat meals for bust families and other consumer goods. I am also planning to wholesale distribute my sauces to area restaurant and taverns.

I live right down the road, so this place is 7 minutes from home. My oldest son will be a freshman at Hamilton this coming school year and we are a company that seeks to be involved in community.

Thank you so much for your time

Adam Gegare



N64W23760 Main Street  
Sussex, Wisconsin 53089  
Phone (262) 246-5200  
FAX (262) 246-5222

Email: [info@villagesussex.org](mailto:info@villagesussex.org)  
Website: [www.villagesussex.org](http://www.villagesussex.org)

## MEMORANDUM

TO: Plan Commission  
FROM: Jeremy Smith, Village Administrator  
RE: Impact Report on Conditional Use Permit for MK Business, Inc.  
DATE: May 12, 2022

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This impact report for the Conditional Use request for new ownership of the existing Gas Station detailing the impacts of said use to neighboring properties and to Village Services.

**SITE LOCATION:** W232N6116 Waukesha Avenue                      **ZONING:** B-3

### **TRAFFIC AND PARKING IMPACTS:**

The anticipated impact to the area is not changing from the ownership change. Roadway challenges at the nearby intersection relate to school traffic and train delays. The Gas Station traffic has minimal impact on the County Highways (VV and F). The site has parking and assigned parking for all operations.

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

Noise generated from the operation has not been an issue and this change in ownership is unlikely to impact that status. All direct neighbors are commercial in nature.

The change in ownership will not cause an odor or dust problem and would not likely impact adjacent property owners.

The lighting will remain the same and therefore no additional lighting concerns are present.

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

The Director of Police Services has instructed the owners to follow general safety practices, but otherwise anticipates no significant impacts from the operation.

The Sussex Fire Department has no specific concerns about fire impacts from the operation.

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

### **HEALTH AND SANITATION IMPACTS:**

All trash, debris and recycle materials are disposed of within the dumpster area.

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

### **PROPERTY MAINTENANCE IMPACTS:**

The property has a shed that is in some disrepair. The property is generally clean and in keeping with property maintenance standards.

### **MISCELLANEOUS IMPACTS:**

The Operation as proposed is unlikely to lead to any measurable impact to most Village services beyond normal business operations. Its operation will not result in the need for the Village to fund/hire additional Fire, Police, Public Works, Parks, Library, or Garbage resources.



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? yes If yes, is this a new CU? \_\_\_\_\_

(Conditional Use Permits require a Public Hearing)

OR an amendment to a CU? yes

Tax Key # 245-914

Zoning: B.B

Address of Tenant Space: W232 N6116 Waukesha Ave Sussex WI 53089

1. Name of Business:

MK Business Inc

Business

W232 N6116 Waukesha Ave Sussex WI 53089

Address

City, State, Zip

Phone #

MKSussexinc@gmail.com

209-595-8514

Fax #

Email address

2. Business owner contact information:

Manpreet Kaur Talbert

Contact

W239 N5996 Maple Ave #131 Sussex WI 53089

Address

City, State, Zip

Phone #

Fax #

Email address

3. Building/Land owner contact information:

Talbert Real Estate LLC

Contact

Address

City, State, Zip

Phone #

Same

Fax #

Email address

4. Number of Employees/Shifts:

3

Employees

3

Shifts

5. Days of Operation:

Put an X in box that applies:

Hours  
Open for business

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>5-10</u> <u>AM PM</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>5-10</u>	<u>6-9</u> <u>AM-PM</u>

6. Is this an extension of an existing operation? yes
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? yes Do you need an Outdoor Establishment Permit? NO  
 If yes, explain: Beer - LIQUOR  
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? Beer LIQUOR
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 2500 Total square footage 4300  
 If applicable list square footage according to 1<sup>st</sup> floor ✓ 2<sup>nd</sup> floor NA

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 31 Number of spaces needed per code 31  
 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?  
N/A this time  
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.

Manpreet Kaur - talbot 3/22/22  
 Name Date  
owner  
 Title or Position

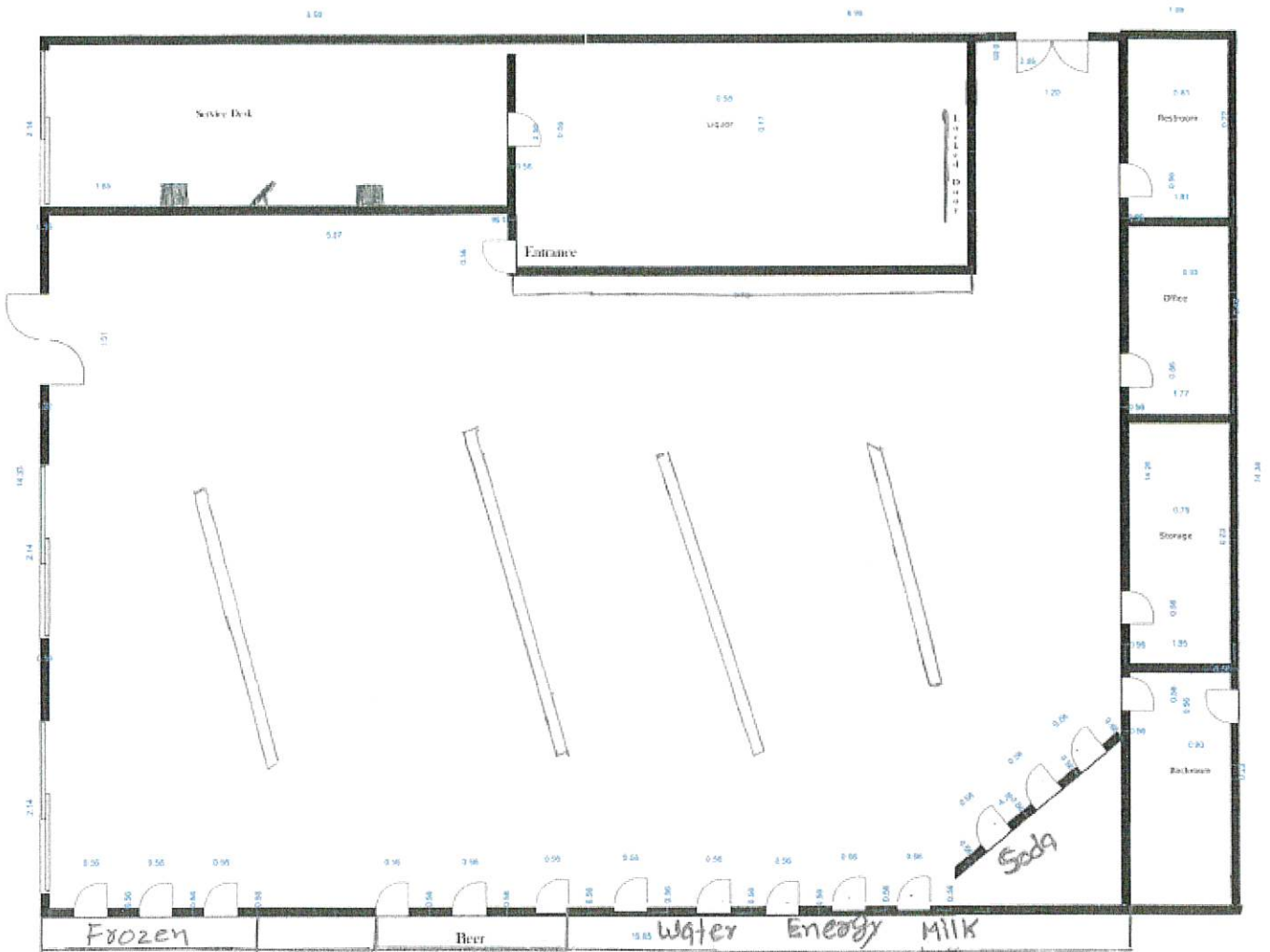
I am aware and approve of the business to be operating in the building owned by \_\_\_\_\_.

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

⑦ It is a convenient store attached to the gas station. We already sell gas, grocery including frozen food, tobacco and cigarettes.

Addition to all this, we wish to add beer and liquor.

Cousins Subs is already there attached to the convenient store and will remain there.



AM Sussex Inc

We will be installing cameras on the beer doors for more visibility.



N64W23760 Main Street  
Sussex, Wisconsin 53089  
Phone (262) 246-5200  
FAX (262) 246-5222

Email: [info@villagesussex.org](mailto:info@villagesussex.org)  
Website: [www.villagesussex.org](http://www.villagesussex.org)

## MEMORANDUM

TO: Plan Commission  
FROM: Jeremy Smith, Village Administrator  
RE: Impact Report on Conditional Use Permit for Hobby Cars  
DATE: May 12, 2022

---

This impact report for the Conditional Use request for Collector Car rebuilding detailing the impacts of said use to neighboring properties and to Village Services.

**SITE LOCATION:** N63W23991 Main Street **ZONING:** B-4

### TRAFFIC AND PARKING IMPACTS:

The anticipated impact to the area will be less than five vehicle trips per day to the site location. This will have a negligible impact on Main Street. The site has parking stalls and it is recommended that vehicle parking be maintained in the parking stalls in the front and rear of the building only.

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

Noise generated from the operation is likely to be less significant than when the facility was a general retail service garage, but there could still be loud noise if metal is being grinded or other car work is being performed. It is recommended that the service doors remain down while work is occurring to minimize noise impact to neighbors.

No outside storage is allowed except the parking of functioning vehicles. All parts and materials will be stored inside the building.

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

### SAFETY, CRIME, FIRE PREVENTION IMPACTS:

The Director of Police Services has instructed the owners keep the building locked, but otherwise anticipates no significant impacts from the operation.

The Sussex Fire Department has no specific concerns about fire impacts from the operation.

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

### HEALTH AND SANITATION IMPACTS:

All trash and waste products will need to remain inside until garbage pick up time or a dumpster enclosure will need to be built. No items are to remain outside.

There is not likely to be any health concerns from the operation as proposed. There is not a paint booth so if painting of parts is to be done, proper building upgrades will likely be necessary.

### PROPERTY MAINTENANCE IMPACTS:

The property and building is in need of some maintenance (paint, rusted signage, landscaping, etc.)

### MISCELLANEOUS IMPACTS:

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



PLAN OF OPERATION

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

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

(Conditional Use Permits require a Public Hearing)

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

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

Zoning: \_\_\_\_\_

Address of Tenant Space: N63W23991 Main Stret Sussex WI 53089

1. Name of Business:  
Private Car Hobby

Business  
N63W23991 Main Stret Sussex WI 53089 262-894-0383  
Address City, State, Zip Phone #  
dvmarmydad@hotmail.com  
Fax # Email address

2. Business owner contact information:  
Dean Myers

Contact  
403 Sheffield rd Waukesha WI 53186  
Address City, State, Zip Phone #  
dvmarmydad@hotmail.com  
Fax # Email address

3. Building/Land owner contact information:  
Jason Lemke

Contact  
414-750-0422  
Address City, State, Zip Phone #  
Fax # Email address

4. Number of Employees/Shifts: 0 Employees 0 Shifts

5. Days of Operation:

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

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
7am	7am	7am	7am	7am	7am	7am
9pm	9pm	9pm	9pm	9pm	9pm	9pm



6. Is this an extension of an existing operation? no
7. On a separate sheet of paper explain your business use and/or the change to your business. Attach a list of all items to be sold, produced or stored on the premises.
8. Is a liquor license or any other special license to be obtained from the Village Board or State Licensing Agencies? no Do you need an Outdoor Establishment Permit? \_\_\_\_\_  
 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? none
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 Whole Building Total square footage 4,000sq ft  
 If applicable list square footage according to 1<sup>st</sup> floor \_\_\_\_\_ 2<sup>nd</sup> floor \_\_\_\_\_

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

12. Parking:  
 Total Number of Parking Spaces 6 Number of spaces needed per code \_\_\_\_\_  
 Number of spaces allocated for employee parking \_\_\_\_\_  
 Dimensions of parking lot \_\_\_\_\_ Is parking lot paved? yes

13. Signage: What type of signage are you proposing for your business?  
none  
 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.

DEAN MYERS 3-24-02  
 Name Date  
owner  
 Title or Position

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

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

Momentum Early Learning  
W248N5250 Executive Dr  
Suite 300 & 400  
Sussex, WI 53089

April 21, 2022

Jeremy Smith  
Village Administrator  
N64W23760 Main Street  
Sussex, WI 53089

Hi Jeremy,

I am writing to request an Auxiliary Permit. I would like to include two small carnival rides at my 2022 Family Picnic that will be held in September at Momentum Early Learning – Sussex.

#### Details

**Date:** September, 10th 2022

**Time:** 1pm-5pm

**Location:** W248N5250 Executive Dr, Sussex, WI 53089 – Back Parking Lot

**Diagram:**



30' diameter to scale

30' diameter to scale

Earls Rides, Inc.

Contact information:

<https://earlsrides.com/>

Weyauwega, WI 54983

Jake Fink: 920-740-9662

#### Ride #1



#### Umbrella Combo Ride:

"The Umbrella Combo is a tame ride for children. It features a combination of dune buggies, and 4x4 trucks. It is a simple ride that spins in a continuous circle. The children love this ride because they can honk the horns on any of the vehicles."\*

Manufacturer: Hampton Umbrella Rides

<https://earlsrides.com/rides/byid/13>

- Requires 30' diameter
- Height Requirements
  - 32" minimum
  - 54" maximum

#### Ride #2

#### Berry Go Round Ride:

"Each oversized strawberry seats a family of four comfortably. As the center of the ride slowly rotates, riders can control the spin speed of their berry using the giant turntable inside."\*

Manufacturer: Sellner Mfg.

<https://earlsrides.com/rides/byid/9>

- Requires 30' diameter
- Height Requirements

- 36" with adult
- 42" alone



\*This information was pulled form the Earl's Rides website.

Please let me know if you have any additional questions.

Thank you,

*Jennifer Miller*  
Jennifer Miller  
Momentum Early Learning  
Owner  
jmiller@momentumearlylearning.com

\*\*\* PLAT OF SURVEY \*\*\*

FOR: KINGS WAY HOMES  
LUEBKE RESIDENCE

203.025

LOT 20 STONEWOOD ESTATES OF SUSSEX II (30,024 S.F.)  
Part of the SW 1/4 of Section 15, T 8 N, R 19 E  
Village of Sussex, Waukesha County, Wisconsin

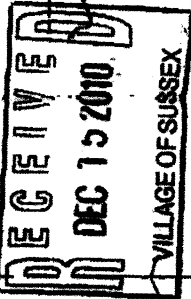
by: R. B. Casper Co., Inc.  
New Berlin, Wis. (262) 679-1900

CERTIFICATION  
STATE OF WISCONSIN  
WAUKESHA COUNTY

I, Richard B. Casper, registered land surveyor, hereby certify that I have made a survey of the above described property, and that the plat herewith drawn is a correct representation thereof, showing the size and location of the property, its exterior boundaries, the location and dimensions of the residence and garage to be located thereon, fences, apparent easements, roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage or guarantee the title thereto, within one year from date hereof.  
Dated this 1st day of December, 2010  
REV. 12-13-2010

*Richard B. Casper*  
Richard B. Casper, S-863  
RECOMMENDED FINISH YARD GRADE: 986.0  
(from development grading plan)  
GARAGE FLOOR: 986.33  
TOP OF FOUNDATION: 986.67  
TOP OF FOOTING: 977.67



RECOMMENDED FINISH YARD GRADE: 986.0  
(from development grading plan)  
GARAGE FLOOR: 986.33  
TOP OF FOUNDATION: 986.67  
TOP OF FOOTING: 977.67

● Denotes iron pipes found

✕ Denotes recommended sill fence location

STONEFIELD DRIVE

BM - SAN MH - RIM EL. 982.36

N 00°10'00"E 120.00'

SIDEWALK

10' SIDEWALK & UTILITY ESMT.

SIDEWALK

980

981.4  
GAR. FLOOR

EXISTING RESIDENCE

34.8'

981.0

N 89°50'00"W 250.18'

PROPOSED RESIDENCE

GARAGE

51.0'

PROPOSED 4.3' x DRIVEWAY  
DRIVEWAY 5' FROM LOT LINE

EXISTING RESIDENCE

984.2

985.8

S-89°50'10"W 250.21'

Pump filter

Concrete patio

Pool house by others

20x42 pool

decking concrete

4' ALUMINUM FENCE  
SELF CLOSING/LATCHING  
GATES

12' UTILITY ESMT

50' TREE PRESERVATION & DRAINAGE ESMT.  
(ALL TREES TO BE LEFT UNDISTURBED)

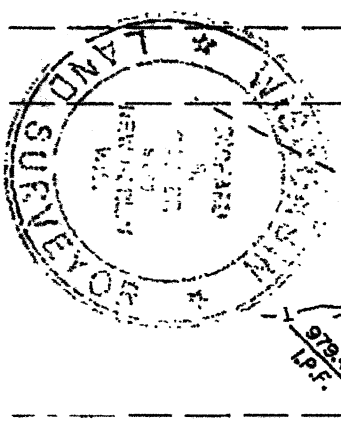
120.00'

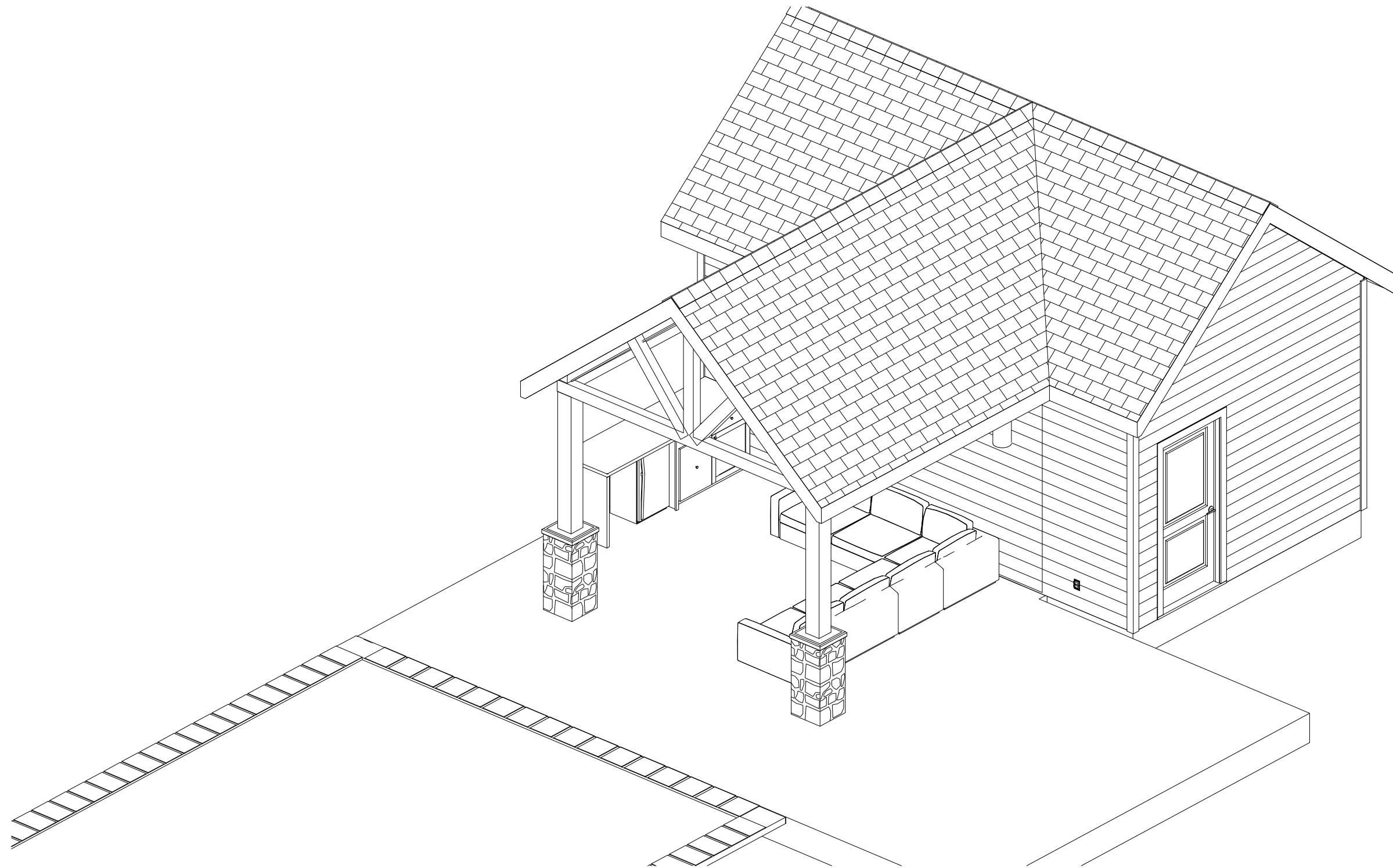
S 00°10'45"W

APPROX. TREE  
BRUSH LINE



SCALE: 1" = 30'





NUMBER	DATE	REVISION TABLE	REVISED BY	DESCRIPTION

PAGE TITLE

DRAWINGS PROVIDED BY:

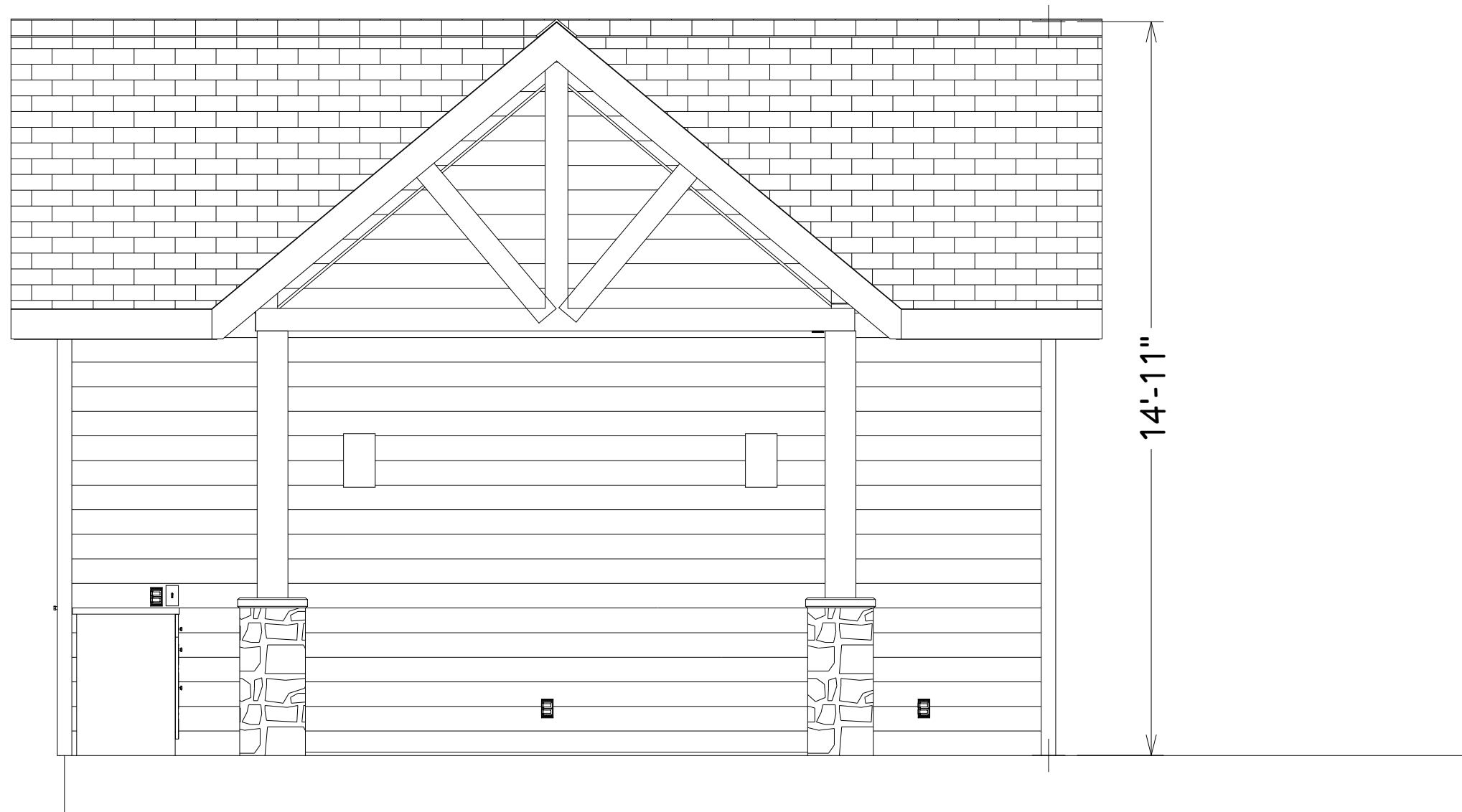
DATE:

2/6/2022

SCALE:

SHEET:

P-1



Exterior Elevation Back

REVISION TABLE

NUMBER	DATE	REVISION	DESCRIPTION

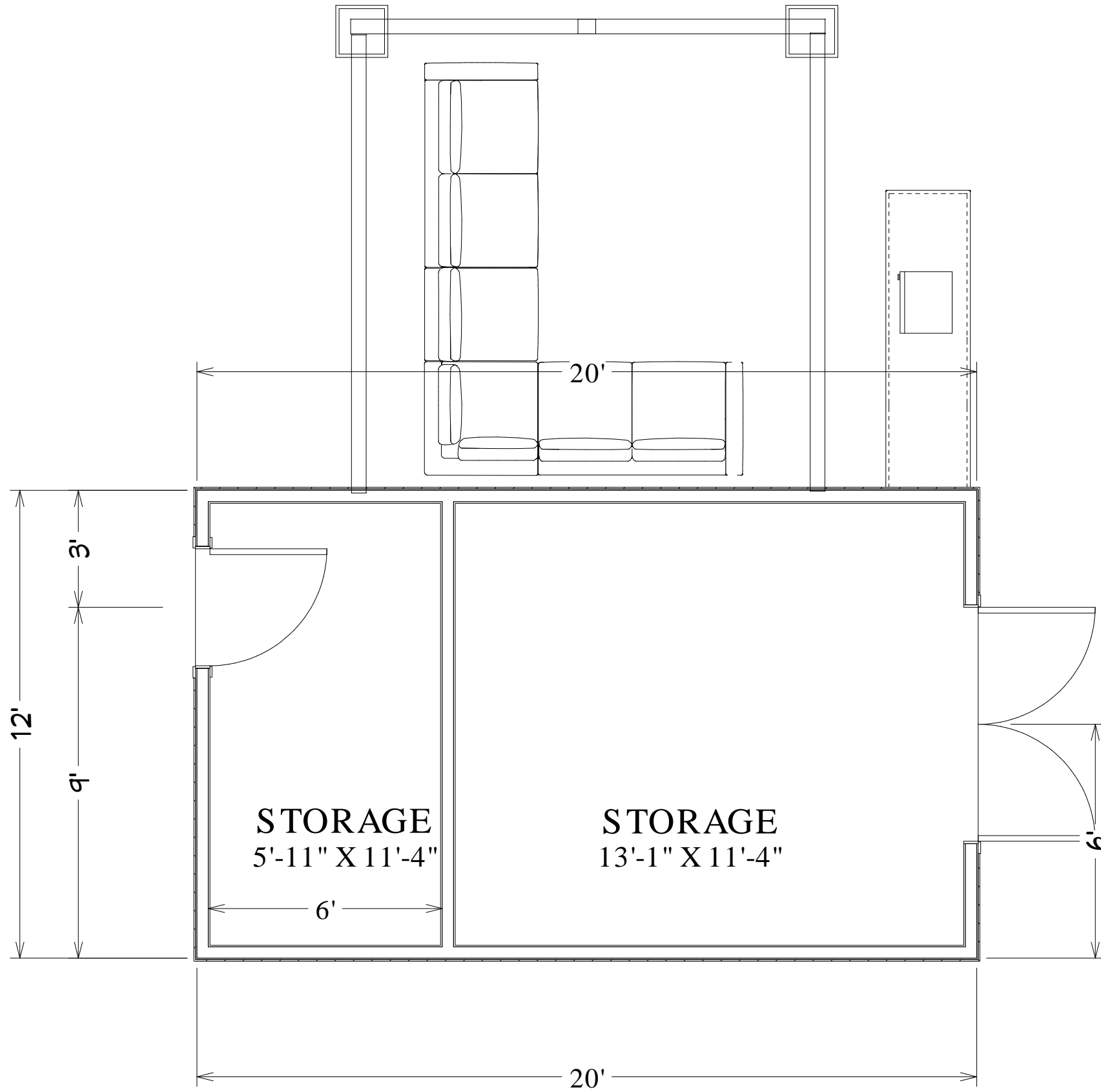
DRAWINGS PROVIDED BY:

DATE:

2/6/2022

SCALE:

SHEET:



**LIVING AREA**  
1st Floor

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NUMBER	DATE	REVISION TABLE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:

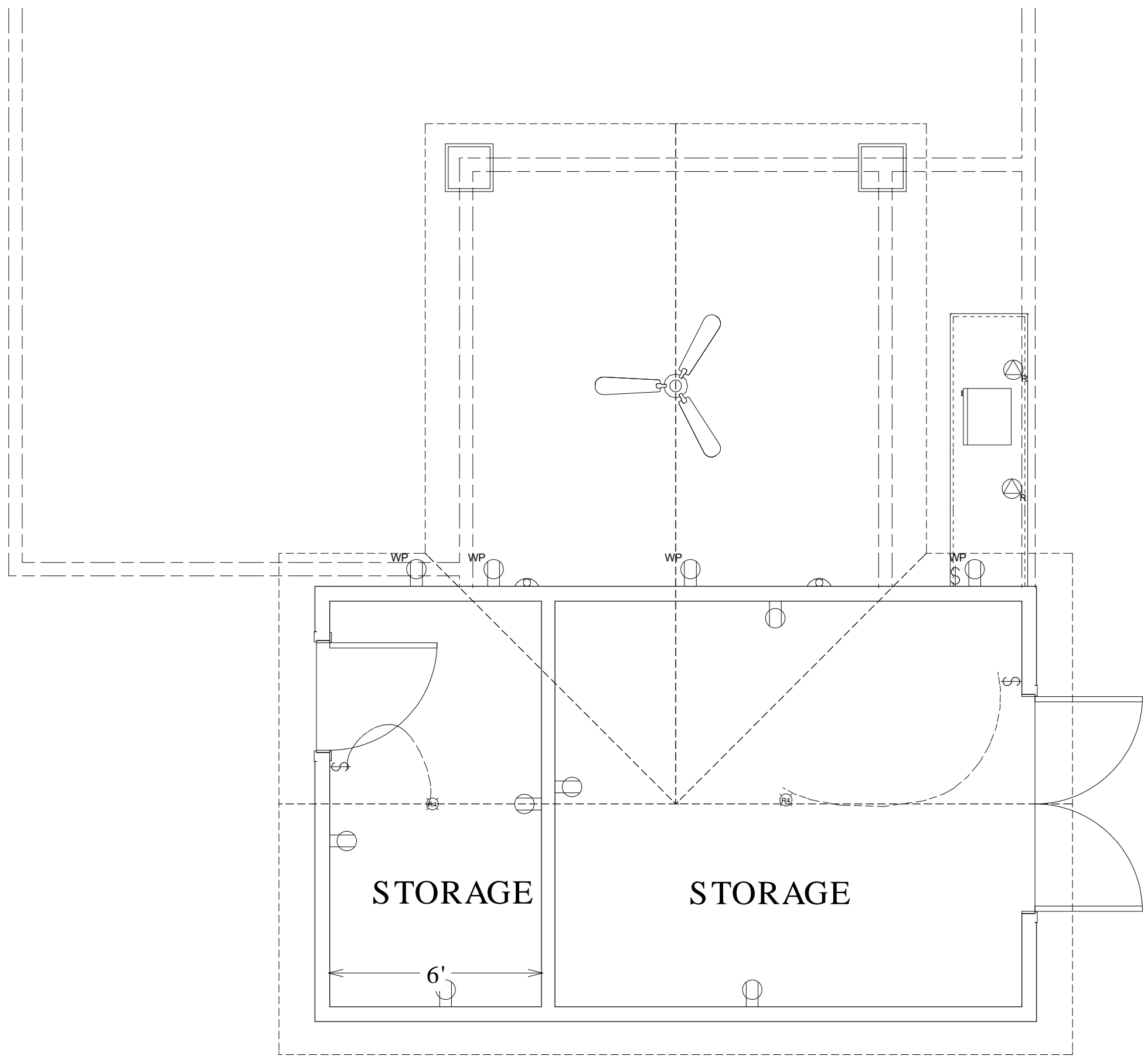
DATE:

2/6/2022

SCALE:

SHEET:





REVISION TABLE

NUMBER	DATE	REVISION BY	DESCRIPTION

DRAWINGS PROVIDED BY:

DATE:

2/6/2022

SCALE:

SHEET:



DOUBLE GATE

**LUEBKE  
RESIDENCE**  
This design is the property of  
Quadscapes Landscaping Services, LLC  
and cannot be used without  
written permission.

P.O. Box 509 Oconomowoc, WI  
262 720 2078  
info@quadscapes.com



FENCE

GATE

EASEMENT

POOL HOUSE

SEATWALL

STEPS

STEPS

STATE OF WISCONSIN

VILLAGE OF SUSSEX

WAUKESHA COUNTY

ORDINANCE NO. 881

AN ORDINANCE TO CONDITIONALLY REZONE  
CERTAIN LANDS IN THE VILLAGE OF SUSSEX FROM  
B-4 CENTRAL MIXED-USE DISTRICT  
TO  
RS-4 SINGLE FAMILY RESIDENTIAL DISTRICT,

WHEREAS: A petition has been filed by Scott Kallio and Jerome Welter, the property owners of certain lands in the Village of Sussex collectively hereinafter (“Petitioner”) to rezone said property as described in Exhibit A attached hereto and incorporated herein (“Subject Property”); and

WHEREAS: Said rezoning petition was submitted to rezone the subject property to RS -4 Single Family Residential District as shown on Exhibit A; and

WHEREAS: The Petitioner has supplied all required data pursuant to the Village of Sussex Zoning Code; and

WHEREAS: Upon due notice as required by Section 17.1300 and 17.1400 of the Village Code, the Village Board held a public hearing on June 28, 2022, as required by Section 17.1305 of the Village Code; and

WHEREAS: The Plan Commission has reviewed the basis for approval described in Section 17.1300 of the Village Code and has found that the proposed rezoning is in keeping with the general welfare and good zoning practice of the Village of Sussex, subject to all terms and conditions of this zoning ordinance being satisfied; and

WHEREAS: The property is developed with a single-family house, but the subject property is created by splitting off the portion of the lot south of the Bugline trail, which was contemplated for many years; and

WHEREAS: The subject property was impacted by the Village acquiring a portion of the land for the cul-de-sac construction; and

WHEREAS: The Village agreed with the land owner at the time of the land acquisition that the Village’s land acquisition would not impede the ability of the subject property to be built on for a single-family residential use, and

WHEREAS: Adjacent developments are single family residences; and

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

WHEREAS: The Village of Sussex has reviewed the basis for approval of the petition described in Section 17.1300, and concurs with the Village Plan Commission, and makes the same findings, subject to all terms and conditions of this zoning ordinance being duly satisfied as required herein; and

WHEREAS: The Village Board of the Village of Sussex having carefully reviewed the recommendation of the Plan Commission of the Village of Sussex, having determined that all procedural

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

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

SECTION 1: The subject property as described on **Exhibit A** is hereby rezoned to Rs-4 Single Family Residential District and the Zoning Map of the Village of Sussex is hereby amended, subject to the terms and conditions described herein.

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

1. Presentation Compliance. The subject property must be developed as a single-family use in substantial conformity as presented to the Plan Commission on May 17, 2022 and with the presentation at the public hearing at the Village Board on June 28, 2022.
2. CSM Conditions. The Petitioner shall submit and receive all necessary approvals for a CSM, and shall satisfy all conditions of the same.
3. Special Assessment. The payment of outstanding special assessments owed on this property must be paid in full prior to starting any site work.
4. Professional Fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this rezoning petition, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional rezoning ordinance due to a violation of these conditions.
5. Payment of Charges. Any unpaid bills owed to the Village by the owner of subject lands or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village: shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627. Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional rezoning ordinance that is subject to all remedies available to the Village, including possible cause for termination of the conditional rezoning ordinance.

6. Acceptance. Subject to the petitioner approving in writing the issuance of the conditional rezoning ordinance, and that the petitioner understands and accepts the same, and that upon failure to satisfy these conditions, this conditional rezoning ordinance is void, and the same is deemed not to have been approved, and the Petitioner will therefore need to re-commence the application process for rezoning of the property.
  
7. One Year to Satisfy Conditions. Subject to the petitioner satisfying all of the aforementioned conditions within one year of the Village Board adopting this conditional rezoning ordinance. The Village Board may grant additional time solely at the discretion of the Village Board upon request for an extension by the Lot owner.

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

SECTION 4. SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF SUSSEX

\_\_\_\_\_  
Anthony LeDonne  
Village President

ATTEST: \_\_\_\_\_  
Jennifer Moore  
Interim Village Clerk-Treasurer

Published and/or posted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

# Certified Survey Map

Unplatted Lands being a part of the Northeast ¼ of Section 27, Township 8 North, Range 19 East, located in the Village of Sussex, Waukesha County County, Wisconsin

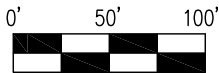
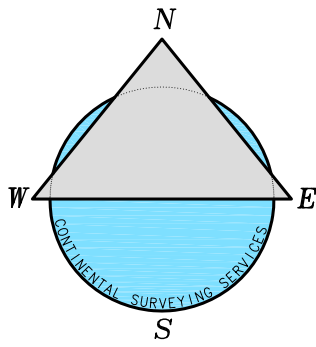
Shaded Area are Lands to be Dedicated to the Public for Road Way Purposes (6,964 S.F.)

**MAIN STREET**

North Line of the Northeast ¼ of Section 27-8-19

North ¼ Corner of Section 27-8-19 (Found Conc. Mon.)

Northeast Corner of Section 27-8-19 (Found Conc. Mon.)



SCALE:  
1"=100'

**LOT 1**  
78,029 S.F.  
1.79129 Acres

**LEGEND**  
● 1" Iron Pipe Found Unless Noted

RAD. = 1880.08' **①**  
ARC = 169.97'  
CHD. = 169.91'  
BRG. = N 73°39'32" W

Ⓐ S 00°15'47" E 61.78'  
Ⓑ N 00°16'04" E 63.22'

Lot 2 Certified Survey Map No.: 6849

RAD. = 1940.08' **②**  
ARC = 170.13'  
CHD. = 170.07'  
BRG. = S 74°10'43" E

Southwest Corner of Lot 2 of CSM No. 6849

Hatched Area is a Gap in Property Descriptions. It is the Surveyor's Opinion that a Title Search should be completed to understand Ownership in this Area

**OAK DRIVE**

**LOT 2**  
12,994 S.F.  
0.29831 Acres

**BUGLINE RECREATIONAL TRAIL**

See Detail Sheet 2

**OAK DRIVE**

**CONTINENTAL SURVEYING SERVICES LLC**



Main Office:  
3070 Helsan Drive, Suite "J"  
Richfield WI. 53076

Phone: (262) 389-9200  
Website: [www.cssturveys.com](http://www.cssturveys.com)  
Email: [survey@cssturveys.com](mailto:survey@cssturveys.com)

**OWNER**

William and Faith Kallio  
N63 W24169 Main Street  
Sussex, Wisconsin 53089  
Phone: (262) 229-0809  
TKN.: SUXV0249989



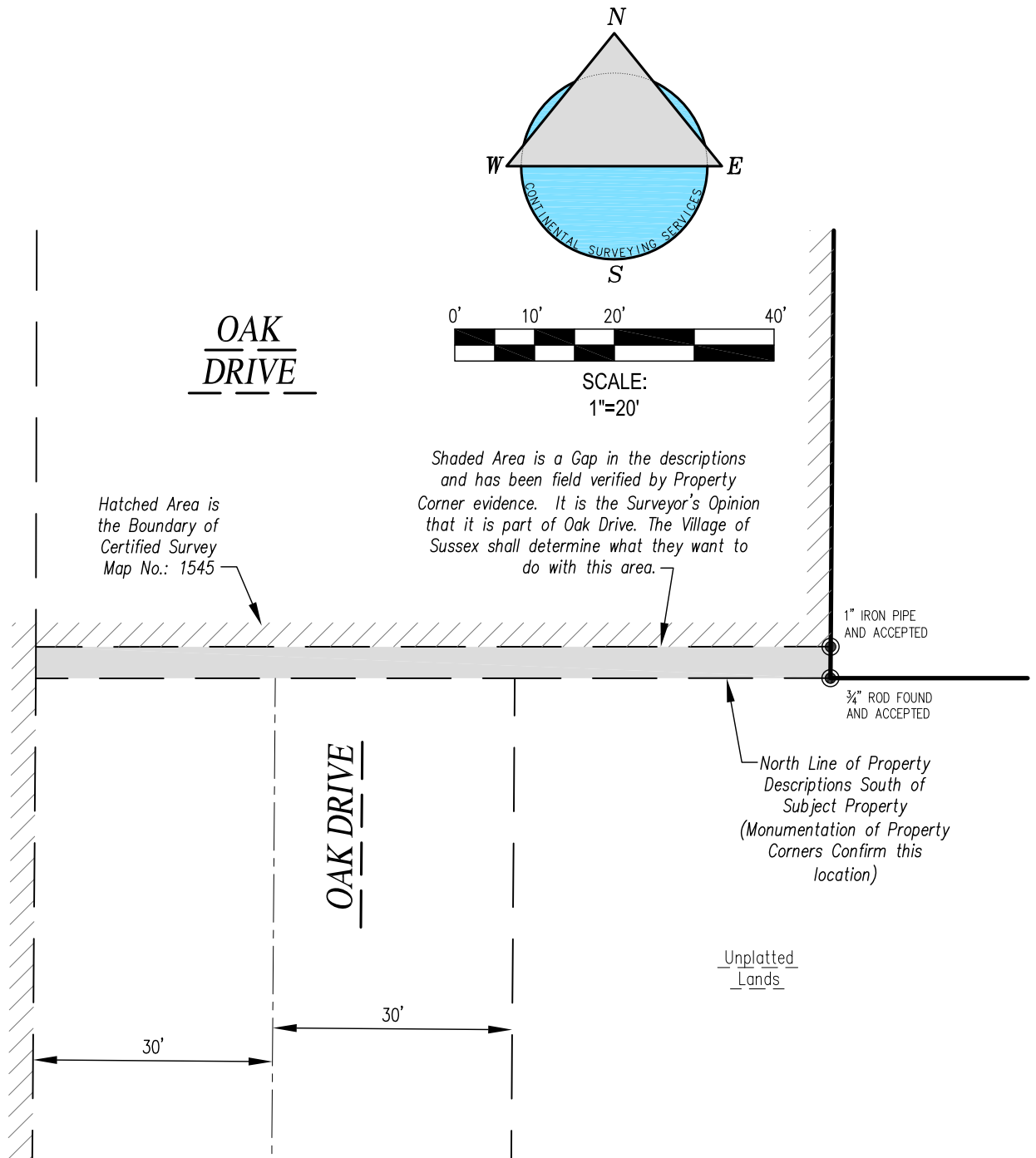
NOTE: All bearings are referenced to the North Line of the Northeast ¼ of Section 27, Township 8 North, Range 19 East which bears West.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 22nd day of April, 2022  
Sheet 1 of 5



# Certified Survey Map

Unplatted Lands being a part of the Northeast  $\frac{1}{4}$  of Section 27, Township 8 North, Range 19 East, located in the Village of Sussex, Waukesha County, Wisconsin

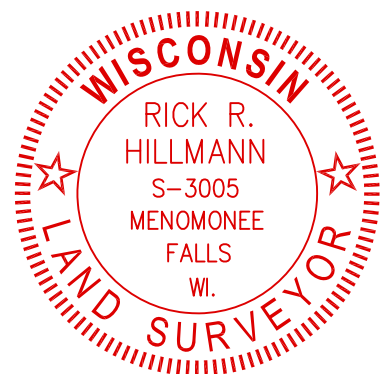


**CONTINENTAL  
SURVEYING  
SERVICES LLC**



Main Office:  
3070 Helsan Drive, Suite "J"  
Richfield WI. 53076

Phone: (262) 389-9200  
Website: [www.csssurveys.com](http://www.csssurveys.com)  
Email: [survey@csssurveys.com](mailto:survey@csssurveys.com)



NOTE: All bearings are referenced to the North Line of the Northeast  $\frac{1}{4}$  of Section 27, Township 8 North, Range 19 East which bears West.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 22nd day of April, 2022 Sheet 2 of 5



Project No.: 20210504\_PLS0002

# Certified Survey Map

Unplatted Lands being a part of the Northeast  $\frac{1}{4}$  of Section 27, Township 8 North, Range 19 East, located in the Village of Sussex, Waukesha County, Wisconsin

## SURVEYOR'S CERTIFICATE:

I Rick R. Hillmann, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a parcel of land located in a part of the Northeast  $\frac{1}{4}$  of Section 27, Township 8 North, Range 19 East, located in the Village of Sussex, Waukesha County, Wisconsin, now being more bound and described and follows:

Commencing at the Northeast corner of said Section, thence West on and along the North line of said  $\frac{1}{4}$  Section, 817.51 feet to the Point of Beginning of lands hereinafter described;

Thence South  $00^{\circ}05'51''$  West on and along the Northerly Extension of the West Line of Certified Survey Map No.: 6849, 288.90 feet to an angle point in said Certified Survey Map; thence West 50.16 feet on and along said Certified Survey Map, thence South  $00^{\circ}15'47''$  East on and along said Certified Survey Map, 169.85 feet to the Southwest Corner of Lot 2 of said Certified Survey Map, said point is on the North line of Bug Line Recreational Trail; thence Northwesterly on and along the Arc of a curve 169.97 feet, whose Center lies Northeasterly, Whose Radius is 1880.08 feet, whose Chord Bears North  $73^{\circ}39'32''$  West, 169.91 feet to the Northerly Extension of the East Line of Certified Survey Map No.: 1545; thence North  $00^{\circ}16'04''$  East, 474.16 feet to the North Line of said  $\frac{1}{4}$  Section; thence East on and along said North line, 211.00 feet to the place of beginning of this description.

Lands South of the Bugline Recreational Trail are inclusive to the above described property and are bound and described as follows; Commencing at the Southwest Corner of Lot 2 of Certified Survey Map No.: 6849; thence South  $00^{\circ}15'47''$  East, 61.78 feet to the South Line of said Bugline, said point is the point of beginning of lands hereinafter described;

thence South  $00^{\circ}15'47''$  East 57.21 feet to a point; thence South  $89^{\circ}59'04''$  West, 164.65 feet to the Southerly Extension of the East line of Certified Survey Map No.: 1545; thence North  $00^{\circ}25'11''$  East on and along said Southerly Extension and then on and along said East Line and then on and along the Northerly Extension of said East line, 103.63 feet to the South Line of said Bugline; thence Southeasterly on and along the Arc of a curve 170.13 feet, Whose Center lies Northeasterly, Whose Radius is 1940.08 feet, Whose Chord Bears South  $74^{\circ}10'43''$  East, 170.07 feet to the place of beginning of this description.

The gross area of said described parcels contains 97,987 Square feet or 2.24947 Acres of land more or less.

That I have made such survey, land division and map by the direction of William Kallio and Faith Kallio, owners of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of chapter 236 of the Wisconsin Statutes and the Platting ordinance of the Village of Sussex in surveying, dividing and mapping same.

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

\_\_\_\_\_  
Rick R. Hillmann PLS  
Professional Land Surveyor S-3005

**CONTINENTAL  
SURVEYING  
SERVICES LLC**



Main Office:  
3070 Helsan Drive, Suite "J"  
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This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 22nd day of April, 2022 Sheet 3 of 5



Project No.: 20210504\_PLS0002



# Certified Survey Map \_\_\_\_\_

Unplatted Lands being a part of the Northeast ¼ of Section 27, Township 8 North, Range 19 East,  
located in the Village of Sussex, Waukesha County County, Wisconsin

### OWNER'S CERTIFICATE:

As owner, I hereby certify that I have caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin State Statutes and ordinances of the Village of Sussex, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
William Kallio

\_\_\_\_\_  
Faith Kallio

STATE OF WISCONSIN                    )  
  ) SS  
County of \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the above named William Kallio and Faith Kallio, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

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

Notary Public, \_\_\_\_\_ County, WI.

My Commission Expires: \_\_\_\_\_

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**Email: [survey@csssurveys.com](mailto:survey@csssurveys.com)**



This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor,  
S-3005 on this 22nd day of April, 2022    Sheet 4 of 5



# Certified Survey Map\_\_\_\_\_

Unplatted Lands being a part of the Northeast  $\frac{1}{4}$  of Section 27, Township 8 North, Range 19 East, located in the Village of Sussex, Waukesha County County, Wisconsin

## VILLAGE OF SUSSEX PLAN COMMISSION APPROVAL:

Approved by the Plan Commission of the Village of Sussex on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

\_\_\_\_\_  
Jennifer Moore, Interim Village Clerk

## VILLAGE OF SUSSEX BOARD APPROVAL:

This map, being unplatted Lands being a part of the Northeast  $\frac{1}{4}$  of Section 27, Township 8 North, Range 19 East, located in the Village of Sussex, Waukesha County County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and accepted by the Town Board of Trustees of the Village of Sussex on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

\_\_\_\_\_  
Jennifer Moore, Interim Village Clerk

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This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 22nd day of April, 2022 Sheet 5 of 5



AN ORDINANCE TO RECREATE SECTION 17.0704.A.13 ENTITLED  
RELAXATION/FLOATING POOLS IN THE CODE OF THE VILLAGE OF SUSSEX

WHEREAS, the Village of Sussex Plan Commission recommended updating the Pool Code section related to temporary pools that fit within the Relaxation/Floating Pool definition of the code; and

WHEREAS, the Village Board Members are committed to aligning the Village of Sussex Code with opportunities to support individual's enjoyment and freedom of their property use that meet current needs without jeopardizing public safety or welfare; and

NOW, THEREFORE BE IT ORDINAED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, that:

**SECTION 1.** Section 17.0704.A.13 of the Village of Sussex Municipal Code entitled "Relaxation/Floating Pools," is hereby repealed and recreated to read as follows:

13. Relaxation/floating pools, as defined herein, are permitted in the A-1 district if accessory to a residential use, CR-1, CR-2, TS-1, TS-2, Rs-1, Rs-2, Rs-3, Rs-4, Rd-1, Rd-2, SF-RD-3, and Rm-1 districts without the issuance of a building permit, subject to issuance of an electrical permit, subject to the following:
  - (a) Access to relaxation/floating pools shall be controlled to prevent unguarded entry to the relaxation/floating pool. This shall be done by completely covering the relaxation/floating pool in a manner that is secure and prevents unauthorized access, or by any manner that would be required by this ordinance if this were a swimming pool.
  - (b) No water drained from relaxation/ floating pools shall be discharged onto adjacent properties, without written consent of the adjacent property owner, or into a municipal sewerage system, or directly into a navigable body of water.
  - (c) The relaxation/floating pool shall be located not closer than 25 feet to a rear yard lot line in residential districts and 15 feet in the business districts, sideyard setbacks shall comply with the requirements of a building within each district.
  - (d) Relaxation/floating pools are accessory structures, subject to all provisions of this Ordinance that regulate accessory structures. In the event of a conflict between the requirements of this Section 17.0704(A) and any other requirements of this Ordinance, the more restrictive shall apply.
  - (e) Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance.
  - (f) Relaxation/floating pools, together with other accessory structures regulated by Section 17.0704(A) of this ordinance, shall not occupy more than 50 percent of the rear yard area.
  - (g) The relaxation/floating pool must be intended to be used solely by the occupants of the principal use of the property on which the relaxation/floating pool is intended to be located and their guests. Operation of a business, including but not limited to swimming lessons, is prohibited unless allowed by the district regulations for the district in which the relaxation/floating pool is located and all approvals required by this ordinance and other applicable laws are granted.

(h) Seasonal relaxation/floating pools are a subset of relaxation/floating pools, as defined herein, and are permitted in rear yards and must follow the other rules of Section 13. Seasonal means the pool is in operation only between Memorial Day and October 1 and stored inside a structure for the rest of the year. Additionally, 100 square feet or less seasonal relaxation/floating pools may be permitted in the side or street yard upon determination of the Village Administrator under specific unique circumstances as follows:

1. Where a lot is determined due to steep grades, protected natural areas, or easements for it to be impracticable to place a seasonal relaxation/floating pool in the rear yard than it may be allowed in a side yard, or
2. Where a triple frontage lot exists in the RS-4 Zoning District, which due to small lot sizes and increased density already have limited flexibility due to setback provisions a seasonal relaxation/floating pool may be in the side or street yard.

Placement of a seasonal relaxation/floating pool in a side or street yard shall be placed as far away from the street/side yard lot line as possible, but no less than 5 feet from a side yard and no less than the building setback line for the street yard.

(i) All applicable Village, County of Waukesha and State of Wisconsin codes, ordinances, regulations and rules must be strictly followed at all times, including but not limited to any setback requirements and sanitary and environmental regulations.

**SECTION 2.** The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

**SECTION 3.** This ordinance shall take effect immediately upon passage and posting or publication as provided by the law.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Village President

ATTEST: \_\_\_\_\_  
Clerk-Treasurer